CONGRESSIONAL RECORD:

95946

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-SIXTH CONGRESS, FIRST SESSION.

VOLUME XXXIII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1900.

VOLUME XXXIII, PART IV.

CONGRESSIONAL RECORD,

FIFTY-SIXTH CONGRESS, FIRST SESSION.

Falls, N. Y., praying that the Government Printer be authorized to print the label of The Allied Printing Trades on all publications of the Government; which were referred to the Committee on Printing.

He also presented a petition of Branch No. 8, National Association of Letter Carriers, of Buffalo, N. Y., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Times, of Lansingburg; the Business College, of Troy; the Omega Publishing Company, of New York City; the Casket, of Rochester; the Democrat, of Ithaca, and the George W. Willis Publishing Company, of New York City, all in the State of New York, and a memorial of the Georgia Baptist, of Augusta, Ga., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FAIRBANKS presented a memorial of the Jefferson County Medical Society, of Madison, Ind., and a memorial of the Elkhart County Medical Association, of Goshen, Ind., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District or Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Indiana Mutual Telephone Association, of Indianapolis, and a petition of the Montezuma Mill Company, of Montezuma, Ind., praying for the enactment of legislation to permit the Washington Telephone and Telegraph Company to install, maintain, and operate a telephone and telegraph plant and exchanges in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. RAWLINS presented the petition of Emeline B. Wells, president, and Margaret A. Caine, secretary, on behalf of the Equal Suffrage Association of Utah, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. ALLEN presented a petition of the Lincoln Cooperage Company, of Lincoln, Nebr., praying for the adoption of an amendment to the bill to abolish the use of beer eighths and beer sixths; which was referred to the Committee on Finance.

He also presented a memorial of the Journal of the Switchmen's Union of North America, of Omaha, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry cattle raisers of Overton, Nebr., praying for a continuance of the distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Crittenden Post, No. 274, Grand Army of the Republic, praying for the enactment of legislation to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn.; which was referred to the Committee on Military Affairs.

He also presented a petition of Company G, Second Regiment, National State Guard of Omaha, Nebr., praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a petition of the village board of Niobrara, Nebr., praying that an appropriation of $10,000 be made to improve the Missouri River at and below the mouth of the Niobrara River; which was referred to the Committee on Commerce.

He also presented a memorial of the American Society for the Prevention of Cruelty to Animals of New York, remonstrating against the passage of Senate bill No. 560, relative to the transportation of animals from one State to another; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM. I present a petition prepared by the trustees of the sanitary district of Chicago, favoring the construction by the Government of the United States of a deep waterway from Lake Michigan via the Chicago sanitary and ship canal and the Desplaines and Illinois rivers to the Mississippi River. The petition, as stated, was prepared by the trustees of the sanitary district of Chicago, who have had charge of that work, and I commend the paper so prepared to the Senate. I believe it is understood that a copy will be laid upon the desk of every Senator, and I hope Senators will look at it. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CULLOM presented the memorial of George A. and William B. King, of Washington, D. C., relative to a judgment rendered by the Court of Claims in favor of 585 letter carriers of Chicago, Ill.; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented a petition of the Woman's Christian Temperance Union of the Thirty-second Ward of Pittsburg, Pa., praying for the enactment of legislation to prohibit the importation, manufacture, and sale or intoxicating liquors and opium in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented memorials of the Mystic Chain Knight, of York, Pa.; the Times, of Terre Hill; the Pigeon Flyer, of Philadelphia, and the News, of East Stroudsburg, all in the State of Pennsylvania, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a memorial of the Christian Endeavor Society of Lapeer, Mich., remonstrating against the practice of gambling and the sale of intoxicating liquors and opium in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of the congregation of the Methodist Episcopal Church of Lyons, Mich., remonstrating against the sale of intoxicating liquors in the islands acquired by the United States, or by the Government to soldiers or other persons; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented memorials of the American Horticulturist, of Monroe; the Sun, of Midland; the Daily and Weekly American, of Owosso; the Bay View Magazine, of Flint; the Clipper, of Morrice; the Herald, of Lyons; the Commercial, of Monroe; the Observer and the Ideal, of Lapeer; the Banner, of Hastings; the Artisan; the Observer, of Rondo; Justice, of Detroit; the Herald, of Casnovia; the News, of Coral; the Phono-Meter, of Detroit; the State Republican, of Lansing; the Banner, of Brown City; the Patriot, of Bay City; the Sentinel, of Utica; the Clarion, of Lapeer; the Volksblatte; the Herald, of Battle Creek; the Amerikan Untiset, of Calumet; the Times, of Lawrence; the Messenger, of South Haven; the Leader, of Grand Marias; the Monitor, of Fife Lake; the Signal, of Springport, and the Three Rivers Business College and Normal School, all in the State of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BEVERIDGE presented petitions of the Studebaker Bros. Wagon Works, of South Bend; the Nordyke & Mormon Company, of Indianapolis; the Indiana Manufacturing Company, of Indianapolis; the E. C. Atkins Company, of Indianapolis, and the Flint Walling Manufacturing Company, of Kendallville, all in the State of Indiana, praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Westville, Ind., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors and the importation and sale of opium in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of the Political Equality Association of Indianapolis, Ind., praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented memorials of the Turner Company, of Fort Wayne; the Independent, of Huntingburg; the Junior Builders, of Indianapolis; the Debs Publishing Company, of Terre Haute; the Bulletin, of Laporte, and of sundry citizens of Indianapolis, La Grange, Lynn, Pittsboro, Logansport, and Nappanee, all in the State of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CLARK of Montana presented a memorial of the Progress, of Basin, Mont., and a memorial of the Reveille, of Butte, Mont., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Trades and Labor Council, the Mill and Smelterman Local Union, the Butchers' Local Union, the Cigar Makers' Local Union, the Traders' Local Union, the Team Owners' Local Union, the Painters' Local Union, the Printers' Local Union, the Retail Clerks' Local Union, the Western Labor Union, the Musicians' Local Union, the Carpenters and Painters' Local Union, the Bricklayers and Masons' Local Union, the Laundry Workers' Local Union, the Tailors' Local Union, and the Building Laborers' Local Union, all of Cascade County, in the State of Montana, remonstrating against the leasing of the public grazing lands in the arid States and Territories of the United States; which were referred to the Committee on Agriculture and Forestry.

He also presented the memorial of Maria M. Dean, president, Mrs. H. D. Moore, secretary, and Mary B. Atwater, treasurer, on behalf of the Woman Suffrage Association of Montana, remonstrating against the insertion of the word "male" in the suffrage clause of the forms of government recommended for Hawaii,

Cuba, Puerto Rico, or any other newly acquired territories; which was referred to the Select Committee on Woman Suffrage.

Mr. FRYE presented the petition of Capt. Frank A. Peabody, Company L, Second Regiment Infantry, National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry Army nurses of Orange, N. J., praying for the employment of women nurses in the military hospitals of the Army; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 4961) granting a increase of pension to Margaret Gangloff, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2382) granting an increase of pension to Eli Overhultz, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Commerce, submitted a report to accompany the bill (S. 2882) to authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts, heretofore reported by him.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4) for enlarging the public building at Hartford, Conn., reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3211) to authorize the construction of an addition to the public building at Hartford, Conn., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3024) for the erection of a new public building at Burlington, Vt., reported it with amendments, and submitted a report thereon.

Mr. FAIRBANKS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3309) to provide for the purchase of a site and the erection of a public building thereon, at Carthage, in the State of Missouri, to report it with amendments, and to submit a report thereon. It is a unique report. The committee has been obliged to increase the amount asked for in the bill introduced by the Senator from Missouri [Mr. COCKRELL].

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2388) to increase the limit of cost for the purchase of a site and the erection of a public building at Boise City, Idaho, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1064) to provide for the purchase of a site and the erection of a building thereon at Bluefield, in the State of West Virginia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3149) for the erection of a public building at Atlanta, Ga., reported it without amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. 906) to provide an American register for the steamer *Esther*, of New Orleans, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1435) to correct the military record of Gideon Howell, alias Judson Howell, reported it with an amendment, and submitted a report thereon.

REPORT OF COMMISSIONER OF PENSIONS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. GALLINGER January 11, 1900, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 additional copies of the last annual report of the Commissioner of Pensions for the use of the Bureau of Pensions.

SURPLUS BOOKS IN SENATE LIBRARY.

Mr. WETMORE. I am directed by the Committee on the Library to report back favorably the resolution submitted by the Senator from New York [Mr. PLATT] on the 13th instant, and to ask that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

There being no objection, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to make an arrangement with the Librarian of Congress for suitable space in the Library of Congress in which to place in proper order the surplus Government publications belonging to the Senate library, not required for the current use of the Senate, the said documents to remain under the control of the Secretary of the Senate; and

That the expense of carrying out the foregoing resolution be paid out of the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GALLINGER subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably the foregoing resolution without amendment, and it was considered by unanimous consent.

Mr. HOAR. Has the resolution been seen by the chairman of the Committee on Rules? The Senator from Wisconsin [Mr. SPOONER] is examining into some matters about the use of the vacant space in the Capitol. Will this interfere at all with that subject, so far as the Senator from New Hampshire knows?

Mr. GALLINGER. This resolution was reported from the Committee on the Library. The Senator from Rhode Island [Mr. WETMORE] reported it.

Mr. HOAR. It is all right. I presume the attention of the Senator from Wisconsin has been called to it.

Mr. GALLINGER. It came to our committee, and we reported it back favorably.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3629) for the relief of the heirs of Dixon Dameron; which was read twice by its title.

Mr. CULLOM. I present a large number of affidavits and other papers in support of the bill. I move that the bill and the accompanying papers be referred to the Committee on Claims.

The motion was agreed to.

Mr. KYLE introduced a bill (S. 3630) granting an increase of pension to J. N. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN introduced a bill (S. 3631) granting an increase of pension to Nathaniel W. Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURLEY introduced a bill (S. 3632) for the relief of the estate of William G. Harwood, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 3633) for the relief of the heirs of William Wesley Turner, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. KENNEY introduced a bill (S. 3634) granting a pension to Mary P. Hunter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR (by request) introduced a bill (S. 3635) for the relief of Mrs. Libbie Arnold; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3636) granting a pension to Marie Wiersang;

A bill (S. 3637) granting an increase of pension to John M. Box; and

A bill (S. 3638) granting a pension to Hannah Stotser.

Mr. PENROSE introduced a bill (S. 3639) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3640) granting a pension to Louisa S. Hoepfner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3641) granting a pension to Christina Knapper; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 3642) to restore to the pension roll the name of Rhenault A. Rollins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 3643) to prevent robbing the mail, to provide a safer and easier method of sending money by mail, and to increase the postal revenues; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WELLINGTON introduced a bill (S. 3644) for the relief of Jennie E. Haller, widow and administratrix of Samuel M. Haller, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of New York introduced a bill (S. 3645) for the relief of James E. Kelsey and others; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3646) granting an increase of pension to William Herriott;

A bill (S. 3647) granting an increase of pension to Frank S. Winters;
A bill (S. 3648) granting an increase of pension to Peter Shelt;
A bill (S. 3649) granting an increase of pension to Charles John;
A bill (S. 3650) granting a pension to Marsden H. Sammis;
A bill (S. 3651) granting an increase of pension to John B. Hanna;
A bill (S. 3652) granting a pension to John F. Kline;
A bill (S. 3653) granting an increase of pension to Henry Smith;
A bill (S. 3654) granting a pension to Thomas L. Sims;
A bill (S. 3655) granting an increase of pension to Ann M. Leonard;
A bill (S. 3656) granting a pension to James S. Bush; and
A bill (S. 3657) granting an increase of pension to John H. Burrowes.

Mr. BARD introduced a bill (S. 3658) granting equal privileges to per diem employees in the United States Navy outside of Washington, D. C., with those employed at the Executive Department in Washington, D. C.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PERKINS introduced a bill (S. 3659) to recover to the United States the title to private holdings within forest reservations and certain national parks; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. COCKRELL introduced a bill (S. 3660) to increase the limit of cost for the purchase of site and the erection of a public building at Joplin, Mo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MORGAN introduced a bill (S. 3661) for the relief of the estate of D. M. Sparks, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 3662) granting an increase of pension to Louise D. Smith; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO CLAIMS BILL.

Mr. PLATT of New York submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENT TO ALASKAN BILL.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes; which was ordered to lie on the table, and to be printed.

MISPILLION RIVER (DELAWARE) IMPROVEMENT.

Mr. KENNEY submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to have a survey made and submit a report and an estimate for deepening and properly improving the Mispillion River, Delaware, in accordance with recommendations heretofore made by the War Department.

LETTER OF EMILIO AGUINALDO.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate a letter of Emilio Aguinaldo, dated at Bacoor, July 15, 1898, addressed to the American commander and forwarded to General Merritt July 27, 1898, as an inclosure to L. S. No. 45, being the same of which a brief is given in Senate Document, Fifty-sixth Congress, first session, No. 208, page 6.

CORRESPONDENCE RELATIVE TO THE PHILIPPINES.

Mr. HOAR. I submit a resolution for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That 7,000 copies of Senate Document No. 208, Fifty-sixth Congress, first session, be printed for the use of the Senate.

Mr. PETTUS. I should like to know what the document is.

Mr. HOAR. It is the information sent in by the President of the United States in response to a resolution offered by myself some weeks ago in regard to the communications with the various commanders in chief in the Philippine Islands, and so on.

Mr. COCKRELL. It is simply a reprint?

Mr. HOAR. It is simply a reprint. I have an estimate from the Public Printer, and this number can be printed without going beyond the statute limit.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

AGES OF EMPLOYEES IN EXECUTIVE DEPARTMENTS.

Mr. GALLINGER. I submit a resolution for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture are hereby directed to communicate to the Senate at the earliest practicable day statements showing the number of persons employed in their respective departments and bureaus as clerks, messengers, etc., of the following ages: Number between 14 and 19, inclusive; between 20 and 29, inclusive; between 30 and 39, inclusive; between 40 and 49, inclusive; between 50 and 59, inclusive; between 60 and 64, inclusive; between 65 and 69, inclusive; between 70 and 74, inclusive; between 75 and 79, inclusive, and above 80; also the number now on the rolls in the respective departments and bureaus who are permanently incapacitated, either physically or mentally, for the performance of manual labor, in whole or in part.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALLISON. I do not object to the consideration of the resolution, but it certainly will take a great deal of time to prepare a schedule of that character.

Mr. GALLINGER. I have information——

Mr. ALLISON. Unless the Senator from New Hampshire has information to the contrary.

Mr. GALLINGER. I have information to the effect that it will take very little time.

Mr. ALLISON. Very well; I shall not object.

Mr. GALLINGER. It will take a very brief time to prepare it.

The resolution was considered by unanimous consent, and agreed to.

ADDITIONAL MESSENGERS.

Mr. SULLIVAN. I submit a resolution, and ask that it be read, printed, and lie on the table.

The resolution was read, and ordered to lie on the table, and to be printed, as follows:

Resolved, That each Senator, other than the chairmen of standing and select committees of the Senate and having, as such, a messenger, be, and he is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

HOUSE BILLS REFERRED.

The joint resolution (H. J. Res. 159) to amend joint resolution to furnish the daily CONGRESSIONAL RECORD to members of the press, etc., approved February 17, 1897, was read twice by its title, and referred to the Committee on Printing.

RURAL FREE-DELIVERY SERVICE.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 25,000 copies of so much of the report of the First Assistant Postmaster-General for the fiscal year ended June 30, 1899, as relates to the rural free-delivery service, of which 10,000 shall be for the use of the House of Representatives, 5,000 for the use of the Senate, and 10,000 for the use of the Post-Office Department.

SENATOR FROM PENNSYLVANIA.

Mr. HOAR. Mr. President, I desire to renew the request which I made yesterday, which is that "a week from next Friday, after the conclusion of the routine morning business of the Senate, the Senate will take up the Quay case for consideration, and during the same period each day from day to day will continue the consideration of that case until it is disposed of, excepting the unfinished business"—the present unfinished business—I mean, of course—and also appropriation bills and conference reports.

The PRESIDENT pro tempore. Can the Senator forward that request to the Chair?

Mr. HOAR. It will be found at the bottom of page 2929 of yesterday's proceedings. I sent it to the Chair.

Mr. ALLISON. This being Friday, the date proposed is two weeks from to-day.

Mr. HOAR. One week from to-day.

The PRESIDENT pro tempore. The Secretary will read to the Senate the request of the Senator from Massachusetts.

The Secretary read as follows:

I ask unanimous consent that a week from next Friday, immediately after the routine morning business, the Quay case may be taken up for consideration and continued until disposed of, reserving the right of appropriation bills and conference reports.

Mr. HOAR. My request, of course, is for a week from to-day. The phrase "next Friday" was used yesterday.

The PRESIDENT pro tempore. The Senator added one other phrase, "appropriation bills and the present unfinished business."

Mr. HOAR. The present unfinished business.

The PRESIDENT pro tempore. The Secretary will add to the request "the present unfinished business."

Mr. BURROWS. Mr. President, there is no disposition, so far as I know, to delay the consideration of this matter, but I will suggest to the Senator from Massachusetts, who has been very

courteous in the affair, that his suggestion yesterday, in view of the fact that the Senator from New Hampshire [Mr. GALLINGER] suggested that he might be back next Thursday or Friday, was that he would fix the time a week from Monday. But it will be remembered by the Senator from Massachusetts that a week from next Monday or Tuesday the Committee on Privileges and Elections, with its entire membership, will be engaged in the consideration of a very important matter before that committee involving the right of a sitting member of this body; and it has already agreed that two days, Tuesday and Wednesday, of that week shall be taken up by counsel in the discussion of the question, after which I suppose the committee will proceed with closed doors to consider the matter.

I therefore would suggest to the Senator from Massachusetts to fix the time at two weeks from next Monday or Tuesday, so that the Senator will be here, and to that arrangement I shall not have the slightest objection.

Mr. HOAR. I will accept that modification.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that on two weeks from Monday next——

Mr. HOAR. From Tuesday next.

The PRESIDENT pro tempore. From Tuesday next the election case involving the appointment of Senator Quay shall be taken up for consideration and continued to completion, not, however, to interfere with appropriation bills or with the present unfinished business or with conference reports.

Mr. LODGE. Mr. President, I do not rise to object, but simply to make an inquiry. If the Puerto Rican bill, which is the present unfinished business, should be disposed of before that time, do I understand that this agreement would debar me from making a motion to take up the bill reported from the Committee on the Philippines?

The PRESIDENT pro tempore. The Chair is of opinion that it would.

Mr. WOLCOTT. No, Mr. President.

Mr. LODGE. I can not consent to that.

Mr. HOAR. My colleague can get it up before that time.

Mr. WOLCOTT. I understand that the junior Senator from Massachusetts would not be in the least debarred from calling up the Philippine measure, but that in two weeks from Tuesday it would give way until the Quay case was disposed of.

The PRESIDENT pro tempore. The Chair means of course that it would have that effect after the lapse of two weeks from Tuesday.

Mr. GALLINGER. Mr. President, I certainly shall not object to this arrangement, and yet I wish to make a simple statement.

I was astounded yesterday to have it suggested that those of us who are opposed to seating Mr. Quay were by parliamentary devices preventing consideration of the resolution.

Mr. HOAR. I did not make any such suggestion.

Mr. GALLINGER. It will be recalled——

Mr. HOAR. I should like to ask the Senator if he understood me to make any such suggestion?

Mr. GALLINGER. I will say to the Senator from Massachusetts that I did not understand him to make any suggestion of the kind.

It will be recalled, Mr. President, that the last two or three weeks of the time of the Senate have been devoted to the consideration, first, of the Hawaiian bill, which was in charge of the Senator from Illinois [Mr. CULLOM], who I understand proposes to vote for Mr. Quay, and that next we have been considering the Puerto Rican bill, in charge of the Senator from Ohio [Mr. FORAKER], who I understand likewise proposes to vote to seat Mr. Quay. In the next place, we have given consent to the reading of a bill at hours other than those that are usually occupied in the transaction of the ordinary business of this body, and the reading of that bill would have consumed two days of the time of the Senate. In the next place, we have been considering an appropriation bill for Puerto Rico in charge of the Senator from Iowa [Mr. ALLISON], who is likewise, I understand, committed to the view that Mr. Quay is entitled to a seat in this body. There has been no matter, so far as I can recall, during the past two or three weeks before the Senate that a Senator opposed to the seating of Mr. Quay has insisted should be considered.

I have placed no obstacle in the way of this resolution. I propose to place none. It is immaterial to me when it is taken up, and it is immaterial to me when it is concluded. I will say that the Senate need not postpone the consideration or the vote upon this measure one single minute on my account, because it is not of any consequence to me or to the Senate or the country whether I submit a single observation in opposition to the seating of Mr. Quay or not. If I am present I shall vote against, if I am absent I shall be paired in opposition to this proposition, it being one that I am totally opposed to.

Mr. LODGE. As I understand it, then, after April 3, which is the date when this unanimous-consent agreement is to take effect, I should have no right under this unanimous agreement to move to take up the bill reported from the Committee on the Philippines.

The PRESIDENT pro tempore. The Senator would not.

Mr. LODGE. Mr. President, it is impossible to say how long the debate on the Quay case may continue, and I can not resign that right.

Mr. HOAR. I will except my colleague's bill.

Mr. LODGE. Very well.

Mr. HOAR. We shall undoubtedly be able to arrange about the date.

Mr. LODGE. I merely did not want to bind myself, that was all.

The PRESIDENT pro tempore. Then the Chair will repeat the request of the Senator from Massachusetts so that there may be no misunderstanding.

The Senator from Massachusetts asks unanimous consent that on two weeks from Tuesday next the Quay election case shall be taken up for consideration, and that the consideration shall be had to the conclusion of the case; interfering not, however, with appropriation bills, or the present unfinished business, or the measure touching the Philippine question reported by the Committee on the Philippines.

Mr. JONES of Arkansas. Or conference reports.

The PRESIDENT pro tempore. Or conference reports.

Mr. HALE. Does the Chair hold that under this agreement, if entered into, a motion to postpone or to table or to recommit would not be in order?

Mr. HOAR. I should not claim any such ruling myself. I suppose it will be subject to an ordinary motion that is a disposition of the case.

Mr. HALE. It is simply that the résolution, the privileged question, shall have the right of way, but it is subject to all of the obstacles and all of the resistance that ordinary parliamentary law gives in such a case.

Mr. HOAR. Undoubtedly.

The PRESIDENT pro tempore. That will be the opinion of the Chair.

Mr. HALE. I wanted that to be understood, because I remember, and some other Senators will remember, that without any jugglery on the part of anyone we got caught once and found that only the main question could be put. I want to have that understood by the Senate.

The PRESIDENT pro tempore. As at present advised, the Chair would hold that any subsidiary motion touching the case would be in order.

Mr. HALE. I so believe.

The PRESIDENT pro tempore. Immediately after the routine morning business is finished. Is that the Senator's request?

Mr. HOAR. Yes, sir.

The PRESIDENT pro tempore. Immediately after the conclusion of the routine morning business in two weeks from Tuesday next. Is there objection?

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator rise to this question?

Mr. RAWLINS. No, sir.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

PUERTO RICAN REVENUES.

Mr. ALLISON. I now ask that the Senate proceed to the consideration of House bill 9080, the appropriation bill which was under consideration yesterday.

Mr. RAWLINS. Will the Senator from Iowa yield?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. ALLISON. Let the bill be first taken up.

Mr. RAWLINS. Certainly.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

Mr. RAWLINS. I wish to ask unanimous consent for the present consideration of a short bill reported by the Committee on the Judiciary.

Mr. ALLISON. I will yield for that purpose, if it leads to no debate.

ACCOUNTS OF DISTRICT COURT OFFICERS IN UTAH.

Mr. RAWLINS. I ask for the present consideration of the bill (S. 3106) relating to the accounts of United States marshals and the clerks of the district courts for the Territory of Utah.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the United States marshals and the clerks of the district courts for the Territory of Utah, prior to its admission to the Union as a State, shall be

held accountable only for fees earned in United States cases in accordance with the decision of the Attorney-General dated December 2, 1901, and they are hereby relieved from making further reports of emoluments and are released from further liability on their bond, and the accounting officers are hereby directed to settle all unadjusted accounts of said officers accordingly, and to readjust and restate all settled accounts of said officers in the same manner and credit them with whatever balances may have been or may hereafter be found due the United States on such readjustment and restatement.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIA E. MAILLEY.

Mr. SEWELL. Will the Senator from Iowa allow me just a moment to call up a House pension bill? I may be absent when it is reached on the Pension Calendar.

Mr. ALLISON. I yield to the Senator from New Jersey.

Mr. SEWELL. I ask for the present consideration of the bill (H. R. 5390) granting an increase of pension to Maria E. Mailley. The title is proposed to be amended so as to read: "A bill granting a pension to Maria E. Mailley."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill indicated by the Senator from New Jersey?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria E. Mailley, widow of Frank E. Mailley, late of Company D, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Maria E. Mailley."

PUERTO RICAN REVENUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Nebraska [Mr. ALLEN]. The amendment will be read.

The SECRETARY. After line 10, page 2, insert the following proviso:

Provided, That the Constitution was by force of the treaty concluded between the United States of America and the Kingdom of Spain at the city of Paris, France, April 11, 1899, extended over the island of Puerto Rico and its inhabitants.

Mr. ALLISON. I understood the Senator from Nebraska yesterday to say that he would propose this amendment to the bill which the Senator from Ohio [Mr. FORAKER] has in charge, and that he did not expect it to be acted on upon this bill.

Mr. ALLEN. The Senator misunderstood me. I expect to move to put this amendment on every measure that pertains to Puerto Rico until it is passed. This is the first opportunity, and I think it is the most proper place to put it. I should like to have a vote on my amendment.

Mr. ALLISON. Very well.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The question before the Senate is on the amendment to the bill offered by the Senator from Nebraska [Mr. ALLEN].

Mr. BACON. Mr. President, I listened as well as I could, but it was impossible to hear the exact import of the amendment, and being so important I ask that it be read.

The PRESIDING OFFICER. The proposed amendment will be again read.

The Secretary again read Mr. ALLEN's amendment.

Mr. ALLISON. I move to lay the amendment on the table.

Mr. ALLEN. On that I should like a yea-and-nay vote.

Mr. CHILTON. Will the Senator withhold his motion for a few moments?

Mr. ALLISON. Certainly. I withdraw the motion.

The PRESIDING OFFICER. The Senator from Iowa withdraws his motion temporarily for the purpose of giving an opportunity to the Senator from Texas to address the Senate.

Mr. CHILTON. Mr. President, I will take advantage of this opportunity to make a few remarks. Let the amendment be read again.

The SECRETARY. After line 10, page 2 of the bill, insert the following proviso:

Provided, That the Constitution was by force of the treaty concluded between the United States of America and the Kingdom of Spain at the city of Paris, France, April 11, 1899, extended over the island of Puerto Rico and its inhabitants.

Mr. CHILTON. Mr. President, the course of events since the beginning of our war with Spain shows how impossible it is to see ahead whenever an armed conflict between modern nations is set in motion. Some of the results of the war can be anticipated, but others are beyond the vision of the most far-reaching statesmanship.

In looking back over the course of my service in the Senate I am gratified to feel that neither my votes nor my words contributed to make the war with Spain inevitable. I favored it as a last resort, but I felt then a grave sense of responsibility.

I would not have entered upon the Spanish war for the purpose of procuring any territory, no matter how valuable. Policies of conquest, such as have animated European nations, do not befit the high mission of our Republic; and no matter what our technical rights may be under the treaty with Spain, we should settle all the problems growing out of the war on the broad principles which have built up our nation to become the greatest and freest on earth.

The war with Spain has thrust forward some new questions for our settlement and brought into greater prominence certain old ones which we have tried for years in vain to settle.

One of these questions is connected with the island of Cuba. The Cubans labored for their independence for generations, and finally through our aid they won it. We pledged them independence, and they trusted us. While it is too early to charge the Republican Administration with bad faith, it seems to me that it is time to take steps to release our hold upon the island, so that the people there may make their own experiment of self-government, and that we may not by long and constant association with their affairs fall under temptation to forget our pledges or fail in duty to those who fought for a separate government with their arms in their hands.

According to my own view, there is no part of the earth which would form so valuable and important an addition to the United States as the island of Cuba. Its fertility and future capacity for development baffles description. It could support 6,000,000 more inhabitants than its present population. It is hard to find a great American statesman, from Thomas Jefferson down to Stephen A. Douglas and Jefferson Davis, who has not at some time expressed himself in terms of enthusiasm on this subject.

Indeed, the reasons for a union between that island and the mainland of our country are so obvious that it is hard for argument to make them plainer.

It may be that the State which I represent would be the beneficiary of such a union in higher degree than any other part of the United States. First, because Texas and Cuba are so close to each other that they will be natural mutual customers. Not only so, but it happens that the chief productions of Texas, such as wheat, cotton, cattle, and lumber, are the very things which Cuba needs constantly, but does not produce, and, on the other hand, the chief products of Cuba are the very things which Texas needs constantly and does not produce in sufficient quantities to supply home consumption. Thus, if the tariff walls were beaten down between the Texas ports and the Cuban ports, as would follow in case of Cuban annexation, the people of Cuba and the people of Texas would build up a magnificent trade to the advantage and happiness of both.

But I would not confine the scope of these advantages to any local situation. Every part of the United States would find a quickening trade in the development of this rich island, and every branch of labor in our country would feel the impulse which comes from widening markets.

Again, sir, if Cuba belonged to this country, the yellow-fever scourge, which has cost so many useful lives and which every year interferes with the trade of the Southern States, would be eradicated. I believe every great expert attributes the spread of this disease in the United States to the nearness of Habana and other Cuban cities, where it is constantly bred, and if American methods could take permanent hold of the situation there, this yellow plague would be stamped out of existence. The reports of the officers show that a great deal has been done in this direction since our military occupation began.

Cuba is nature's fortification of the Gulf of Mexico. It stretches across the Gulf, coming near to the coast of Yucatan on one side and the coast of Florida on the other, so that if the island belonged to the United States, our great Gulf of Mexico, with all its present and future immensity of trade, could be safely defended at a minimum of expense. No wonder that American statesmen and thinkers of every generation have looked on Cuba as so natural an addition to our country.

But these questions, while interesting, are largely abstract at this time, because such a plan depends upon the initiative of the Cubans themselves. The independence which they fought for, and which we pledged them, is their independence. We have no mortgage on it. We should speedily remove every check upon it by the presence of our authority in the island, and as long as they desire an independent nationality, bid them Godspeed in their course.

A still greater problem which comes from the war with Spain is that relating to the much-vexed question of the Philippines. I have from the beginning regarded the retention of the Philippine Islands as involving more danger to our future than anything which has ever arisen in our history. I opposed it in the first flush of victory over Spain, when a great hue and cry was heard in the land to take everything we could get and hold everything we took. I feel some pride in the fact that the first Democratic State platform which spoke on this subject contained a declaration blocked out by me, as follows:

That we reaffirm our faith in the Monroe doctrine and oppose the annexation or continued retention of the Philippine Islands or any territory upon the Eastern Hemisphere.

Well-defined hostilities on the part of the Filipinos had not then taken shape, but I was controlled by a broader principle of objection inspired by that Monroe message of American democracy that we should not concern ourselves with the entanglement of Old World politics.

The struggle against our power in the Philippines brings to the front another great principle of American institutions which was immortalized in our Declaration of Independence, and though sometimes misapplied, touches with its sacred virtue the cause of every people who stand, as our forefathers stood, with arms in their hands to maintain their liberties. We have no right to bend to American government peoples who offer their lives as a protest against our dominion. We should hold fast to that jewel of our national achievement, that governments derive their just powers from the consent of the governed. When it was found that the natives of the Philippines were determined upon an independent government the President should have declared his desire to treat them as allies and friends. We ought never to have claimed for a moment that we could buy their liberties from their tyrant, Spain.

When the treaty of peace was ratified, Congress should have declared a national purpose toward them in terms of justice, such as we used toward the Cubans. If we had done this, Luzon would have been as peaceful to-day as Cuba. If, at the time the treaty was ratified, we had thought of our principles rather than our power, all the treasure and the lives which have been poured into this Philippine sacrifice would have been saved by the adoption of a clear resolution defining our purpose to be peaceful and protecting. Such a resolution was offered and was lost by a tie vote in the Senate. Our power has been vindicated in the Philippines, but our principles still cry out for vindication.

God grant that we may turn from this bloody vision of far-reaching empire. If we will but turn, we can turn from all danger of a large standing army and get back to the establishment which we had before the Spanish war. If we will but turn, we can turn from all danger of alliances with England or any other power of Europe. If we will but confine ourselves to the American hemisphere—to such annexations as Louisiana, Florida, Texas, Alaska, or Puerto Rico—we will need no increase of soldiers and no treaties of alliance. Since I have been a member of the Senate I have never seen the occasion yet to vote for an addition to the standing army or for any treaty which led up to an alliance with the powers of Europe. I have antagonized these propositions in every shape in which they have been presented.

How the hearts of freemen thrill with interest when we witness the efforts of the British Empire to wipe out of existence the Boer Republic of South Africa—to take from these goodly Dutch laborers the government of their native land, which they have ruled so long and wisely. Yet who can tell, when the intoxication of empire fastens itself upon the American people and the poison takes possession of our system of government, that American rulers may not deal as wickedly with civilized people who stand in our way as Great Britain deals with the Dutch patriots of South Africa, who stand within the circle of her covetous eye. No, Mr. President, let the Chief Executive and Congress give assurance of freedom to the distant dwellers in the Philippines and stop the taxes and the bloodshed and the scandal of our adventure in Asiatic politics, or if this President and this Congress will not do so, let the people choose a President and a Congress which will.

Another great question not growing out of the Spanish war, but which has been brought to the forefront by that conflict, is that of the Nicaragua Canal. When our great battle ship, the *Oregon*, was forced to make its trip thousands of miles down the Pacific, around Cape Horn, and up the Atlantic to form a junction with our Santiago fleet, the dullest man in the United States could see that we needed a canal across the Isthmus of Darien to serve us in time of trouble and to save the tremendous expenditure which would be necessary if we must keep up gigantic navies in both oceans.

I have for a long time believed the Nicaragua Canal the most important definite improvement needed in our national progress. Unfortunately, the territory through which this canal must be constructed does not belong to the United States, and it has been necessary for us to deal with the subject upon conditions imposed by the Republics of Nicaragua and Costa Rica. These Republics have for many years hampered themselves by granting concessions to outside companies rather than to a great government which was able to do the work.

One of the most important of these concessions was that to the Maritime Canal Company. While this concession was outstanding it was impracticable for the United States to do anything toward constructing a canal unless the concession to this company was used. An effort was made in the Fifty-fourth Congress to utilize this concession, but, strongly as I desired the canal, I could not vote to take up the bill proposed, because it provided for the guaranty of bonds by the United States Government.

The concession being still in existence, at the next Congress a new bill was proposed which, using the charter of the canal company—because there was nothing else to use—provided for the elimination of all private stockholders by paying them the actual value of the work already done and vested 92½ per cent of the stock in the United States Government. The other 7½ per cent we could not reach, because it was reserved to Nicaragua and Costa Rica in the concessions which those Governments had granted. This was practically an ownership of the canal by the United States Government and was the best thing that could be done under the circumstances.

But that was not all. The bill was careful to give every opportunity for direct Government ownership by sections 12 and 13. I quote section 13, which is as follows:

SEC. 13. That if the President shall be unable to secure from the Governments of Nicaragua and Costa Rica such concessions as will enable the United States to build and perpetually own and control said canal, the President is authorized to negotiate for a control of or a right to construct, maintain, and perpetually control some other canal connecting the Atlantic and Pacific oceans, and the President is requested to negotiate for the abrogation or modification of any and all treaty obligations, if any such exist, as shall in any wise interfere with the construction, ownership, and perpetual control of any such canal: *Provided*, That no payments shall be made under the provisions of this act to or for the benefit of the stockholders of the Maritime Canal Company or for any of its property unless the President shall decide to construct a canal under the concessions granted to said company.

Since that time the Maritime Canal Company has fallen into litigation with the Governments of Nicaragua and Costa Rica, and their rights under the concession are now under arbitration.

The distinguished Senator from Alabama [Mr. MORGAN], who has so long followed this great project with his hopes and fears, has reported a bill at this session of Congress which provides for direct government ownership if it can be secured. It will be a happy day for this country when all the difficulties attending this enterprise are dispelled and this great canal is constructed to speed the commerce and aid the safety of our country.

But, Mr. President, it is to that branch of our national responsibility growing out of our relations to Puerto Rico and involved in the amendment which is now pending that occupies a chief place in the public attention of this country. The organization of American government in Puerto Rico, the attempt to provide a taxing system for that island, is made the pivot around which turns one of the gravest questions brought into American politics in forty years, and it is to that to which I arose to devote my special attention. It is proposed by the tax bill brought over from the House to levy customs duties upon articles landed in Puerto Rico from our ports and upon articles brought from Puerto Rico to our home ports.

This proposition marks a step in American history which every patriot should seek to turn back. The friends of the measure cover it with gloss in order to conceal its full significance. They make the tariffs very small. They dedicate the revenues derived from these tariffs to the local needs of Puerto Rico. They declare that it shall be temporary only. Notwithstanding these expedients, it is just as much the assertion of a wrong and dangerous principle as the tax on tea which fired the resistance of our forefathers and culminated in the creation of this Republic.

The progress of the American Union has been glorious with annexations. The Democratic party has been from its infancy the party of territorial acquisition; but in all our history there has never been a proposition made to tax productions of our new territories when transported into the boundaries of the old. When the Louisiana territory was added to our domain by the foresight of Jefferson no tariff wall was raised against its productions. When Monroe brought Florida into our borders no tariff line was raised against her. New Mexico, California, and all the vast West purchased from Mexico came in under the same principles of equality.

Nothing could more sharply and strongly illustrate the difference

between the Democratic policy of reasonable expansion and the Republican policy of imperialism than the bill which passed the House and is now pending in the Senate.

I may be pardoned, Mr. President, for saying that I foresaw its importance and investigated this subject carefully at the time the Spanish treaty was submitted to the Senate. I made a speech at that time which briefly embodied the entire contention and gave warning of what the Republican policy of acquisition might lead to. In that speech I discussed authorities at some length, and I quote briefly from it simply to show the principle there outlined and its clear application to the present conditions.

But suppose that danger could be safeguarded by legislation. Where under our Constitution would you find the authority to keep the productions of the Filipinos, manufactured in their own homes, from coming unimpeded to the ports of the United States? In Loughborough *vs.* Blake (5 Wheat., 317), Chief Justice Marshall, speaking for the court, said:

"The eighth section of the first article [of the Constitution] gives to Congress the 'power to lay and collect taxes, duties, imposts, and excises,' for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends."

That is strong enough.

"The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire?"

He then goes on to answer the question:

"It [the United States] is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other."

The idea was advanced here a few days ago that Congress possessed a higher power over unorganized territory than that which it had over organized Territories; but when this decision was rendered the greater part of the territory west of the Missouri River, to which Chief Justice Marshall referred, was unorganized territory. This language applies to all the territory, as he says, which belongs to the United States.

The same principle is practically outlined in the case of Cross *vs.* Harrison (16 Howard). From a consideration of these opinions and the nature of our Government and institutions, it would seem clear that whenever any territory is brought within this American "empire," so called, it becomes subject to the same constitutional principles which limit Congress in regard to that which we now possess.

I can not believe that it will be within the power of Congress to prescribe a rate of duty on foreign goods brought into the Philippine Islands differing from the duty on same goods when brought into Texas, Maine, or California, nor can national legislation fix a tariff on importations which pass from the Philippine Islands to other parts of this country higher than the tax on importations which pass from the Territory of Arizona or the District of Columbia into any existing State or Territory.

* * * * * * * *

We are now speaking of the powers of Congress. Is it within the power of the Congress of the United States to declare that goods which come from Arizona to the District of Columbia shall pay a certain rate of duty or a certain rate of tax—I do not care what you call it—and that goods which come from Texas to the District of Columbia shall pay another rate? Certainly not.

I will quote part of section 8, Article I of the Constitution:

* * * "but all duties, imposts and excises shall be uniform throughout the United States."

Now, if a tax should be laid on goods brought from Manila to San Francisco or New York, even if not a duty or impost, it would fall within the definition of the word "excise," and would be invalid if higher than like excises on goods from other ports of our country to New York or San Francisco.

* * * * * * * *

Mr. CAFFERY. I would, then, ask the Senator whether, if that be true in regard to the Philippines, it is not true with regard to the inhabitants of New Mexico or any other Territory of the United States?

Mr. PLATT of Connecticut. I do not wish to interfere with the Senator from Texas [Mr. CHILTON], but I will say with regard to the inhabitants of the Territories of New Mexico and Arizona, we have by public statute made the Constitution and laws of the United States applicable there. That makes the distinction.

Mr. CHILTON. Mr. President, I have looked into that question carefully. According to that theory, all we have to do to withdraw the protection of the Constitution from the people of Arizona and New Mexico is to repeal that statute; and I do not believe for one moment that the personal rights of the people who inhabit the Territories of this country depend upon any such slender foundation.

The tax bill is loudly heralded as a mark of generosity to the Puerto Rican people; but what people in these days of civilization would care for rights which depend on the generosity of masters?

It must be remembered that the people of Puerto Rico were not so much the abject victims of Spanish tyranny as their neighbors of Cuba. Puerto Rico had a representation of four senators and twelve representatives in the Spanish Cortes, and her people were content with their condition. But when the soldiers and flag of this Union appeared upon the island they were welcomed as the bearers of a new creed which meant more freedom, more commerce, and more enlightenment than they had been able to enjoy under the decaying and far-distant power of the Spanish monarchy.

Puerto Rico came freely into this Government. Not a soldier was raised, not a gun was fired, not a voice of protest was heard in opposition to the power of the United States. The acquisition was as complete, peaceful, and hearty as that of Louisiana or Florida. What Puerto Rican would have dreamed that in coming under our sovereignty he did not also come under our Constitution? The people of the United States want Puerto Rico. We want it not alone because of its fertility or its size, but because it occupies a vantage ground in the Gulf of Mexico, possesses incalculable value as an outpost of defense for our country, as a protection to the Nicaragua Canal, and as a base for naval and military supplies in the West Indies.

No American citizen who has a mature conception of the future needs of his country would be willing to part with a possession of such extraordinary strategic value as the island of Puerto Rico, and no American citizen who has a mature conception of the sacredness of our free institutions would be willing to hold Puerto Rico as a victim of unequal privilege in a country which has boasted that it is all free. The words may be honeyed as they will, but any law which puts barriers against the trade of our American territory known as Puerto Rico that are not put upon the industries of other parts of the American territory is nothing but the tyranny and the spoliation of the strong in dealing with the weak.

Our Constitution does go to Puerto Rico. It goes everywhere that the American power goes. It is bound up in the American name, and it is shame to our pretensions that the first act of an American Congress in dealing with our new territories should be an effort to deny to these people that highest right of freemen, the protection of a written Constitution. It seems like a travesty, sir, to hold that Congress, which is the creature of the Constitution, which has no existence outside of that instrument, can legislate for anybody or anywhere in disregard of the terms of that Constitution.

I am glad to note from the debate in this Chamber and the statements of the public prints that some of the Republican members of the Senate will contest this bill to the uttermost. If so, it will manifest a noble lifting of country above party, which is too rarely seen in these rushing times.

The attempt to lay a tariff against the island of Puerto Rico will make a new issue, and unless all signs fail the American people will decide in November that as the territory and the power of the United States expand the light of our Constitution shall also expand to guide their progress.

Wherever the American sovereignty rests its foot let the American Constitution rear its head. If we buy a strip of land in Nicaragua, if we hold Guam or Samoa in the Pacific, if we should unfortunately retain the Philippines, let the humblest individual who is bound to give allegiance to this Government feel that his allegiance is given to a constitutional republic and not a Congressional despotism. Let us govern them according to the Constitution and tax them according to the Constitution.

Let us impose no discriminations on them that we would not permit others to impose on us. Even if there can be found expressions in some of the judicial opinions which look like a narrowing of the constitutional guaranties, let our statesmen in this year, which records so many great events in American history, broaden out, if necessary, to the proposition that our Constitution is as wide as our country and as vital as our power. Let us make no exceptions against loyal little Puerto Rico, but let us receive her with a spirit as unselfish as her coming was cordial. It is enough of the worship of the gospel of protection to keep out of our markets those who live under foreign flags without undertaking to introduce new problems of complication by calculating tariffs against those whose lives we could demand to uphold that Constitution which it is now claimed guarantees nothing to them.

The study of our Constitution is a part of the course in many of our common schools. Puerto Rico is to have common schools, and the advocates of this bill say that a large sum of money to be realized from the tariff is to be applied to their support. Nothing could better fit the children there for their duties as Americans than a training in the knowledge of our Constitution; but shall it be said that they are to be taught such knowledge by money realized from a violation of one of the simplest clauses of that instrument? Let us teach those youths by example, as well as precept, a lesson of free institutions, under a written Constitution and by methods of peace, conquering the world.

Let our flag go to Puerto Rico not simply as a tarpaulin for sugar hogsheads and coffee bags, but as a sacred thing to them and to ourselves—as a banner which means the same thing wherever it floats—as the symbol of a representative constitutional Republic whose triumphs in arms are but baubles compared to its triumphs in the peace and justice which God has marked for our true national destiny.

The PRESIDING OFFICER. The question before the Senate is upon the adoption of the proposed amendment offered by the Senator from Nebraska [Mr. ALLEN].

Mr. ALLISON. I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa [Mr. ALLISON] to lay the amendment of the Senator from Nebraska [Mr. ALLEN] on the table.

Mr. ALLEN. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. As he is not present, I shall withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. MCBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. As he is not present, I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. PETTUS (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "nay."

Mr. SCOTT (when his name was called). I am paired with the junior Senator from Florida [Mr. TALIAFERRO]. I do not see him in the Chamber, and therefore withhold my vote. If he were present, I should vote "yea."

Mr. STEWART (when his name was called). I am paired with the junior Senator from Idaho [Mr. HEITFELD]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I beg to inquire if the senior Senator from Washington [Mr. TURNER] has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator from Washington has not voted.

Mr. WARREN. I am paired with that Senator; but it has been suggested to me that I transfer the pair to the Senator from New Hampshire [Mr. GALLINGER], so that the Senator from New Hampshire and the Senator from Washington will stand paired.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. GALLINGER], the Chair is informed, has already voted.

Mr. WARREN. It is further suggested that I may transfer my pair to the Senator from Rhode Island [Mr. ALDRICH].

The PRESIDING OFFICER. A pair has been announced with that Senator.

Mr. WARREN. Then I inquire if the Senator from Connecticut [Mr. PLATT] has voted or if a pair has been announced with him?

The PRESIDING OFFICER. The Senator from Connecticut has not voted, and no pair has been announced with him.

Mr. SPOONER. Mr. President, before the Senator from Connecticut [Mr. PLATT] left the city, he being charged by a general order of the Senate with a duty requiring his absence, notified me that he was paired generally with the Senator from Arkansas [Mr. JONES]. There is some misunderstanding in regard to the pairs. The Senator from Arkansas [Mr. JONES] has announced a pair with the Senator from Rhode Island [Mr. ALDRICH].

Mr. JONES of Arkansas. If the Senator will permit me a moment, there is no misunderstanding. Before the Senator from Rhode Island went away he asked me to look after a pair for him, and I agreed to do so. The Senator from Washington [Mr. TURNER] is absent without a pair, and it is proposed that the Senator from Connecticut [Mr. PLATT] and the Senator from Washington [Mr. TURNER] shall be paired. I paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. SPOONER. Very well.

Mr. WARREN. The arrangement suggested will be entirely agreeable to me, and I transfer my pair with the Senator from Washington [Mr. TURNER] to the Senator from Connecticut [Mr. PLATT] on this and other votes of a similar character on this measure, and I vote "yea."

Mr. SPOONER. I wish to say that if the Senator from Connecticut [Mr. PLATT] were present he would vote "yea" on this proposition.

Mr. WETMORE (when his name was called). The Senator from Arkansas [Mr. JONES] has already stated what the arrangement is in regard to the pair of my colleague [Mr. ALDRICH] on this particular vote, and the Senator from Arkansas has announced his pair with my colleague. I wish to say that if my colleague were present he would vote "yea" on this question. I vote "yea."

The roll call was concluded.

Mr. BERRY (after having voted in the negative). I wish to announce that I was paired with the Senator from Maine [Mr. FRYE], but I have transferred that pair to the Senator from South Dakota [Mr. PETTIGREW]. I, having voted, will let my vote stand, and the Senator from Maine will stand paired with the Senator from South Dakota.

Mr. JONES of Arkansas (after having voted in the negative). On the call of the roll I inadvertently voted. I am paired with the Senator from Rhode Island [Mr. ALDRICH], who is absent. If he were present, I should vote "nay."

Mr. SULLIVAN. I have a general pair with the junior Senator from Illinois [Mr. MASON]. I observe he has not voted, and I therefore withhold my vote.

Mr. HARRIS (after having voted in the negative). I have a general pair with the Senator from Wyoming [Mr. CLARK], and the Senator from Oregon [Mr. MCBRIDE] has a general pair with the Senator from Mississippi [Mr. MONEY]. We desire to transfer our pairs, so as to permit us both to vote. Under this arrangement I will let my vote stand.

Mr. KENNEY. I desire to state that the senior Senator from Washington [Mr. TURNER] is detained from the Senate by business. He has a general pair with the Senator from Wyoming [Mr. WARREN].

Mr. PROCTOR. I am paired with the senior Senator from Florida [Mr. MALLORY]. If he were present, I should vote "yea."

The result was announced—yeas 36, nays 17; as follows:

YEAS—36.

Allison,	Foraker,	Lodge,	Ross,
Baker,	Foster,	McBride,	Sewell,
Bard,	Gallinger,	McComas,	Shoup,
Beveridge,	Gear,	McCumber,	Simon,
Carter,	Hale,	McMillan,	Spooner,
Davis,	Hanna,	Penrose,	Thurston,
Deboe,	Hawley,	Perkins,	Warren,
Elkins,	Kean,	Pritchard,	Wellington,
Fairbanks,	Lindsay,	Quarles,	Wetmore.

NAYS—17.

Allen,	Chilton,	Harris,	Tillman,
Bacon,	Clark, Mont.	Kenney,	Turley.
Bate,	Clay,	McLaurin,	
Berry,	Cockrell,	Morgan,	
Butler,	Culberson,	Rawlins,	

NOT VOTING—34.

Aldrich,	Hansbrough,	Mason,	Stewart,
Burrows,	Heitfeld,	Money,	Sullivan,
Caffery,	Hoar,	Nelson,	Taliaferro,
Chandler,	Jones, Ark.	Pettigrew,	Teller,
Clark, Wyo.	Jones, Nev.	Pettus,	Turner,
Cullom,	Kyle,	Platt, Conn	Vest,
Daniel,	McEnery,	Platt, N. Y.	Wolcott.
Depew,	Mallory,	Proctor,	
Frye,	Martin,	Scott,	

So Mr. ALLEN's amendment was laid on the table.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. JONES], which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That all duties collected to this date upon articles imported into the United States from Puerto Rico since the 11th day of April, 1899, the date of the exchange of ratifications of the treaty of peace between Spain and the United States, be returned to the persons from whom they were collected, and from and after the passage of this act no duties shall be collected on articles coming from Puerto Rico.

Mr. JONES of Arkansas. Mr. President, this bill came up yesterday somewhat unexpectedly, and I offered the amendment as expressive of my own personal feelings to some extent. Quite a number of Senators have expressed the view that there should be no further collection of customs duties on goods coming from Puerto Rico to the United States. If we have been in error in collecting duties in that way, it seemed to me but fair that those duties should be returned to the men who paid them. If we had no right to collect them, then the men who paid them ought to have the money returned. Those who have paid these duties and protested and are now having a hearing before the courts will, of course, get their money back if, under the law, they are entitled to this refund.

I am not particularly interested in that question, because I am willing that they should stand by the law. If we have the right to levy these taxes and propose not to levy them hereafter from any feeling of justice and fairness we may have, that same feeling, it seems to me, would apply to the duties which have been heretofore collected. I am aware that where this money has been paid into the Treasury of the United States and a claim is made for restitution, the parties who get the money back will make that almost as clear profit, because when they sold the goods, after bringing them here, they of course put the tariff duty on the price they got, and they have been reimbursed already by the consumer, and it would be little less than a bonus to them of the amount they had paid. I will not insist on this amendment, as a number of gentlemen on this side of the Chamber, as well as on the other, have expressed a dislike of this provision, and I care nothing for it except a desire to return to what I believe to be a correct course on the part of the Government. I am very much opposed to this bill, because it seems to me to be utterly pernicious and wrong in itself from every standpoint.

The Senator from Wisconsin [Mr. SPOONER] yesterday appealed to the Senate to pass this bill on the ground of the suffering that exists among the people of Puerto Rico, to relieve those people from the distress under which they now suffer. That of course appeals to the sympathy of every Senator, and if the conditions existing were such as they were left to be understood by members of the Senate there might be some reason for passing this bill.

But I do not think there is any ground to believe that such condition exists. The President of the United States in his annual message in December last made some statements with regard to Puerto Rico which seem to me to be wonderfully significant and as having great bearing in this discussion. He called attention in that message to the fact that there had been a storm in Puerto Rico in August last and that a hundred thousand people were rendered homeless. He stated that the Army was rendering assistance everywhere where suffering prevailed.

This message came in on the 5th of December. September, October, November, three whole months, had passed after the storm, after the devastation, after the destitution, and, as he stated, $392,342.63 had been expended by the military authorities in relieving the suffering existing in Puerto Rico. There was not one word of a suggestion on his part that any additional appropriation was needed to enable the military authorities to relieve the distress. There was not a suggestion that any step of this kind should be taken, or that there was any such condition of suffering in that island as to make it necessary to have an appropriation from this Government.

In the House of Representatives, when a bill was proposed, about which we all know, to levy a tax of 25 per cent on goods going into and coming out of Puerto Rico, there was a storm raised in the United States which in its destructive influence seems to be about as bad as the storm in Puerto Rico in August. It made a wonderful impression among the Republican members of both branches of Congress. It made a great impression all over the country. There was an immediate effort to get out of the storm. One proposition was to reduce the tax from 25 to 15 per cent, and because it was a little one they were in hopes the people would condone the outrage.

The President of the United States seemed also to be moved by some such motive, and he sent in a message which I propose to read to the Senate in a few minutes. But I want to read the exact language of the message of December:

> Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.
>
> As a result of the hurricane which swept over Puerto Rico on the 8th of August, 1899, over 100,000 people were reduced to absolute destitution, without homes, and deprived of the necessaries of life. To the appeal of the War Department the people of the United States made prompt and generous response. In addition to the private charity of our people, the War Department has expended for the relief of the distressed $392,342.63, which does not include the cost of transportation.
>
> It is desirable that the government of the island under the law of belligerent right, now maintained through the executive department, should be superseded by an administration entirely civil in its nature.

Then he proceeds to discuss the sort of government that ought to be provided for the island of Puerto Rico. There is not one syllable recommending a special appropriation to be made to relieve the individual distress and suffering that existed in that island. Why should all these months elapse before there should be any suggestion made by the President or anybody else that there ought to be an appropriation by Congress to relieve the sufferings in Puerto Rico.

On March 2, after the storm in this country, the President sent this message to the Senate and House:

> *To the Senate and House of Representatives:*
>
> Since the evacuation of Puerto Rico by the Spanish forces on the 18th day of October, 1898, the United States has collected on products coming from that island to the ports of the United States the duties fixed by the Dingley Act, and amounting to $2,095,455.88, and will continue to collect under said law until Congress shall otherwise direct. Although I had the power, and having in mind the best interests of the people of the island used it, to modify duties on goods and products entering into Puerto Rico, I did not have the power to remit or modify duties on Puerto Rican products coming into the ports of the United States.
>
> In view of the pressing necessity for immediate revenues in Puerto Rico for conducting the government there and for the extension of public education, and in view also of the provisional legislation just inaugurated by the House of Representatives, and for the purpose of making the principle embodied in that legislation applicable to the immediate past as well as to the immediate future, I recommend that the above sum so collected and the sums hereafter collected under existing law shall, without waiting for the enactment of the general legislation now pending, be appropriated for the use and benefit of the island.
>
> WILLIAM McKINLEY.
>
> EXECUTIVE MANSION, *March 2, 1900.*

I have read the whole of the message. It was sent in on the 2d of March, and in obedience to it this appropriation bill was offered. There is not one syllable in that message of its being intended to relieve individual suffering, of its being intended to relieve the condition of destitution that existed in that island. On the contrary, he states the reasons for it, and I will read them again:

> In view of the pressing necessity for immediate revenues in Puerto Rico for conducting the government there—

That was the first cause—

> and for the extension of public education—

That was the second—

> and in view also of the provisional legislation just inaugurated by the House of Representatives, and for the purpose of making the principle embodied in that legislation applicable to the immediate past as well as to the immediate future—

He asked that this appropriation be made, not to relieve the sufferings, not to relieve the starving, but to carry out the purposes enumerated in the message.

Mr. President, our course toward this island since the ratification of the treaty of peace has been such as to paralyze business. We have subjected its people to tariff taxes which have prostrated every business in the island. The business prostration, the suffering from this action of the United States, has rendered it impossible for the government of Puerto Rico to go on and pay its ordinary expenses, proving conclusively that our course is unjustifiable, indefensible, wrong in every way. The way to remedy that is to reverse our action, and instead of levying taxes on the people of the island we should follow the recommendation of the President and give them absolute free access to the markets of this country and let them buy and sell here without let or hindrance. When that is done, the people of Puerto Rico will be in sufficiently prosperous condition to take care of themselves. Yesterday there was read in the Senate the resolutions of a meeting of the chamber of commerce or board of trade of Puerto Rico wherein it was distinctly said that all they want is to be allowed themselves to raise such money as they need and pay it themselves. They are not asking for charity. All they want is justice.

We have pursued a course toward them that is indefensible. It is wrong, and if the Congress of the United States are willing to stand up like men and say, we have been doing wrong in this business and propose to correct it, I am willing to go as far as anybody. I am willing, if you desire to do so, to return to the island of Puerto Rico this money, which I believe to have been unjustly collected from certain individuals; but if we do it, I think it ought to go in a different way from what is proposed here. This bill is a short one. It reads:

> That the sum of $2,095,455.88, being the amount of customs revenue received on importations by the United States from Puerto Rico since the evacuation of Puerto Rico by the Spanish forces on the 18th of October, 1898, to the 1st of January, 1900—

As it stood originally it read—

> together with any further customs revenue collected on importations from Puerto Rico since the 1st of January, 1900, or that shall hereafter be collected under existing law—

Those words, I am glad to say, are stricken out; so that it will read—

> shall be placed at the disposal of the President, to be used for the government now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein.

Now, if we want to refund to the people of that country for public purposes the duties we have collected, let us not pretend that we are doing it for the purpose of relieving the suffering amongst individuals. The suffering that exists among individuals, so far as it come from our action, has come from the prostration of business which has resulted from our levying these high taxes against the people of that country. That is all.

While I propose to withdraw the substitute for this bill which I proposed, I will offer at the end of the bill an amendment which I am sure the Senator from Iowa will accept, because he proposes to strike out all provisions relating to future taxes.

After the word "appropriated," in line 10, on page 2, I shall move to insert:

> And that from and after the passage of this act no duties shall be collected on articles coming from Puerto Rico.

I am sure the Senator will agree to that.

Mr. SPOONER. Read it again.

Mr. ALLEN. I should like to ask the Senator a question right here.

Mr. JONES of Arkansas. I will read it again:

> And that from and after the passage of this act no duties shall be collected on articles coming from Puerto Rico.

Mr. ALLEN. I should like to bring into the discussion right here what I regard as germane, a very important question; that is, What duties are being levied upon American goods shipped into Puerto Rico now, and what duties are being levied upon imports into this country from Puerto Rico? What does the rate amount to as compared with the Dingley rates?

Mr. JONES of Arkansas. It is just the same.

Mr. ALLEN. And are these rates to be continued indefinitely, until the passage of the bill which is in the charge of the Senator from Ohio [Mr. FORAKER], whenever that may be?

Mr. ALLISON. The duties levied upon articles imported into Puerto Rico are those arranged under the military authority, and are not the duties imposed under the Dingley Act.

Mr. ALLEN. Are they purely arbitrary duties?

Mr. ALLISON. They are arbitrary in the sense that they are imposed under military authority. They have no statutory force.

Mr. ALLEN. They simply grow out of the military occupancy?

Mr. ALLISON. They grow out of the military occupation of the island. Now, with respect to articles going into Puerto Rico (I thought I had a memorandum, but I left it at my house this morning, I fear), from time to time the President of the United States has issued orders admitting into Puerto Rico various articles free of duty, not only from the United States, but from all countries. All food products, I think I may say without exception, are now admitted into Puerto Rico free of duty.

Mr. MORGAN. From all countries?

Mr. ALLISON. From all countries, because the military tariff law applying to Puerto Rico is a tariff applicable to all countries, including the United States. All farm implements are also free of duty, and, as I recollect now, without having the document before me (the Senator from Nebraska stated that he would be glad to know that), there are a large number of articles of that nature which are admitted free of duty or at a nominal duty. These orders have been changed from time to time; that is to say, additions have been made from time to time to the free list, so that I think practically the military tariff of Puerto Rico on articles imported into that island is a liberal one.

Mr. ALLEN. With the consent of the Senator from Arkansas, I should like to ask one more question. Do we put up the same bars to the importation into Puerto Rico of American products that are put up as to articles imported from elsewhere?

Mr. ALLISON. What would be called the Puerto Rican tariff applies to all articles imported into Puerto Rico from the United States and from elsewhere.

Mr. CHILTON. On articles imported into Puerto Rico from France do they not collect the Dingley rates?

Mr. ALLISON. No; they do not. There is what might be called an arbitrary military tariff that extends to Puerto Rico, applying to all countries alike, including the United States.

Mr. ALLEN. That is what I wanted to know—whether the United States is put upon an exact equality with other countries.

Mr. ALLISON. With every other country as respects importations into the island.

Mr. ALLEN. Now, one question more, with the consent of the Senator from Arkansas. What rate of duties are the Puerto Ricans paying upon their imports into this country?

Mr. ALLISON. They are paying the rates of duty imposed by the Dingley law.

Mr. ALLEN. They are paying under the terms of the Dingley law?

Mr. ALLISON. They are paying under the terms of the Dingley law.

Mr. ALLEN. Now, is it proposed to continue this arrangement, the Puerto Ricans paying under the Dingley law on their imports into this country, and the inhabitants of the United States paying under the military schedule in Puerto Rico, until the passage of a bill establishing a government in Puerto Rico?

Mr. ALLISON. Well, Mr. President, we have now under consideration such a measure, and it has been laid aside temporarily for the purpose of passing this bill, regarded by many, I think by the President of the United States, as somewhat urgent. I know it is so regarded by General Davis, who is the military governor there. When this bill is disposed of, as I hope it will be in a few moments, then we will enter upon the very question which the Senator from Nebraska suggests.

Mr. ALLEN. Now, does the Senator expect—I do not say hope, but does the Senator expect—that a bill will pass and become a law at this Congress establishing a territorial or district form of government or some form of government different from what we have now in Puerto Rico?

Mr. ALLISON. I not only hope it, but I expect it; and if we do not split too many hairs and draw too many fine constitutional points all these questions will be settled at a very early day. Just what we will do after arguing questions by and large as to the details of the bill, I do not know, but I have no doubt that at a very early day a bill will be passed here that will be entirely liberal and just to the Puerto Rican people as respects their government and as respects our trade relations with them.

Mr. ALLEN. Will that take into consideration a tariff?

Mr. ALLISON. Undoubtedly. I take it that there is no one here on any side of this Chamber who proposes to continue the commercial situation as between ourselves and Puerto Rico for any considerable period. I shall be glad to hasten the consideration of that question; but it is manifest that we can not now deal with the whole Puerto Rican question on this bill as respects present relief to them when they are seeking to plant their crop, their coffee, and their sugar, and so on, where present relief is required. Immediate relief of the situation there is required, and it can not very well wait until we deal with this whole question. The Senator from Arkansas seems to have the idea, if he will pardon me one moment, that because this bill is brought in now and was not brought in at an earlier day it can not be emergent. What the commanding officer in Puerto Rico wants to do is to furnish an opportunity for those people to begin the planting of their crops, the clearing of their land, and the establishment of their roads. There is not a schoolhouse in Puerto Rico, and a portion of this fund is to be used for that purpose. It is worth while, it seems to me, for us to begin to erect at least a schoolhouse or two in the territory of Puerto Rico, with its eight or nine hundred thousand inhabitants. I can assure the Senators—they do not need that assurance; they know how that government is being administered by the present commanding officer there—I can assure them that every dollar of this appropriation will be used for beneficial purposes in that island and for the lawful purposes directly mentioned here, or implied in the language we propose.

So my appeal, if it is of any value, is that we shall deal with this question now, and then deal with the question which we know is controverted. Without saying which side we are on, either on our side of the Chamber or on the other side of the Chamber, let us have a debate upon that question which will properly belong to the very bill that is now before the Senate and which has been laid aside informally only for the purpose of treating this question of an appropriation of money. Every question suggested by the Senator from Arkansas and by the Senator from Nebraska they can consider and offer as an amendment to the bill that is now under the charge and control of the Senator from Ohio. So there is no disposition to meet all these questions now as they will come properly before the Senate on that bill.

Mr. JONES of Arkansas. Mr. President, it may be entirely true that we could inquire while the bill of which the Senator speaks is before the Senate what the purpose of this appropriation is, but it does seem to me that it would not be out of order to ask what is to be done with this money when we are asked to appropriate it.

Mr. ALLISON. Mr. President——

Mr. JONES of Arkansas. The Senator has just stated that General Davis is very anxious to have this appropriation. As I have seen no estimate made from any department—no statement made as to what is to be done with this money—I shall be glad to know what particular thing it is that General Davis proposes to do with this money.

Mr. ALLISON. He proposes to do a great many things with it, I have no doubt.

Mr. JONES of Arkansas. The Senator from Iowa stated a while ago——

Mr. ALLISON. In the first place, he is carrying on there now a civil government. Because of this agitation——

Mr. JONES of Arkansas. Let me ask the Senator right there if there is sufficient money in the military chest to defray the expenses that he is carrying on there as military commander of the army. Is there any deficiency?

Mr. ALLISON. There is no deficiency as yet, but there are no revenues practically being collected there now.

Mr. JONES of Arkansas. The Army of the United States is not supported by the revenues of Puerto Rico.

Mr. ALLISON. I understand that perfectly well.

Mr. ALLEN. Where did he manage to get the tremendous sum of money that he has expended?

Mr. ALLISON. It was largely received, of course, from the imposition of tariff duties on articles imported into Puerto Rico.

Mr. ALLEN. How does it come into his hands?

Mr. ALLISON. In the military arm of the Government.

Mr. ALLEN. Does not that go to the Treasury of the United States?

Mr. ALLISON. Not a dollar of it. Not a dollar of money that has been collected under the tariff has gone there.

Mr. JONES of Arkansas. What amount has been collected?

Mr. ALLISON. No Puerto Rican tariff duties have been paid into the Treasury of the United States. It all goes into the Puerto Rican treasury and it is all expended there.

Mr. ALLEN. Is he levying any military exactions, any local taxes, upon the people?

Mr. ALLISON. There are some local taxes there.

Mr. ALLEN. Will the Senator be kind enough to state what they are?

Mr. ALLISON. They are communal taxes chiefly, and I think there are some license taxes, so called, levied there upon the occupations of people, such as brokers and merchants. I have not these details, because they belong more particularly to the committee having in charge the bill proposing to provide a form of civil government for Puerto Rico.

Mr. ALLEN. What is the amount of the expenditure?

Mr. ALLISON. At the present time?

Mr. ALLEN. Yes, sir.

Mr. FAIRBANKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. ALLISON. I do.

Mr. FAIRBANKS. If the Senator will permit me, I will read some of the items for which this appropriation may very properly be expended.

Mr. ALLISON. I am very much obliged to the Senator.

Mr. ALLEN. I merely ask the Senator what this money is being expended for, in what channel—not what it might be expended for, but what it is expended for.

Mr. ALLISON. In Puerto Rico now?

Mr. ALLEN. In Puerto Rico, locally.

Mr. ALLISON. It is being expended to sustain schools, to sustain the judiciary, to sustain the local administration, to sustain the quasi-civil administration they have there. It is expended in the maintenance of the courts, the municipal governments, and so on.

Mr. FAIRBANKS. If the Senator will permit me, I have the testimony of General Davis, the governor of Puerto Rico, before me.

Mr. ALLISON. That will give the items.

Mr. FAIRBANKS. Replying to a question propounded by the senior Senator from Missouri [Mr. COCKRELL], he said:

> What is needed is $2,000,000 for municipal expenditures, for the support of municipalities, paving, waterworks, sanitation, police, orphanages, almshouses, and the same objects to which municipal taxes are applied in the United States.
>
> The CHAIRMAN. You have now a system of municipal taxation under your orders?
>
> General DAVIS. Yes, sir.
>
> The CHAIRMAN. Will that yield a sufficient revenue?
>
> General DAVIS. It must. I do not expect that there would need to be more than a temporary assistance given to municipalities.
>
> The CHAIRMAN. By continuing the present system of municipal taxation by the legislation that we may enact, we will meet that point?
>
> General DAVIS. Yes, sir. The island ought not to attempt to carry on its functions with less than $3,000,000 revenue, divided in this manner: A million dollars for schools; and in explaination of that I will say that there is but one modern schoolhouse in Puerto Rico to-day, and that has been built in the last four months.

Mr. JONES of Arkansas. Will the Senator please repeat the statement about the schoolhouses?

Mr. FAIRBANKS. Yes, sir; with pleasure.

> A million dollars for schools; and in explanation of that I will say that there is but one modern schoolhouse in Puerto Rico to-day, and that has been built in the last four months.

Mr. ALLISON. Allow me to say that the Senator from Arkansas evidently interrupted the Senator from Indiana so that he might repeat that there is a schoolhouse there, when only a moment ago I said there was not a schoolhouse. It seems there is one schoolhouse for the million people in Puerto Rico.

Mr. JONES of Arkansas. "The wicked flee when no man pursueth."

Mr. FAIRBANKS. The Senator from Iowa was right as to the situation four months ago. There was not one modern schoolhouse there then. General Davis proceeds as follows:

> Every town needs schoolhouses, every barrio, every ward. On a very economical basis, it will cost $1,500,000 to establish schoolhouses adequate to the teaching of the children of Puerto Rico. For educational purposes, $1,000,000 a year is indispensable. I think this year we are spending about $340,000 on schools. The next is public works. The condition of the roads of Puerto Rico is as bad as can be, except about 150 miles of road, which is as good as any in the world.

The bill expressly provides that this money shall be used, among other things, for public works.

Mr. WOLCOTT. The coffee plantations suffer for seed, etc.

Mr. ALLISON. It will be used for that purpose also.

Mr. FAIRBANKS. I read further from the testimony of General Davis:

> The condition of the roads of Puerto Rico is as bad as can be, except about 150 miles of road, which is as good as any in the world.
>
> Mr. COCKRELL. Where is that good road?
>
> General DAVIS. From San Juan to Ponce and some branches. There are about 80 miles to Ponce, and there are branches aggregating some 70 miles more. Roads ought to receive an expenditure of $1,000,000 a year for ten years at least.
>
> The CHAIRMAN. That is for highways?
>
> General DAVIS. That is for highways; I am not speaking of railways or anything of that kind.

There is much additional testimony to similar effect, but I shall not stop to read it; it is in the committee's report to the Senate.

Money spent in putting poor, idle men to work building schoolhouses and upon other needed public improvements is wisely spent; it is the most helpful form of charity.

These are some of the necessities for the appropriation.

Mr. JONES of Arkansas. Does the Senator from Iowa accept the suggestion of the Senator from Indiana as to the purposes for which this appropriation is made?

Mr. ALLISON. I certainly do not know in detail to what purpose or purposes this amount will be applied. I do not know that. I only know that we have specified in this bill so far as we can possibly specify the purposes to which it may be applied.

Mr. JONES of Arkansas. Then it is not a charity.

Mr. ALLISON. It is impossible for us, I submit to the Senator, to specify more in detail than we have specified. We tried it in the Committee on Appropriations, and all were agreed, so far as I know, that we had specified as fully as we could fairly do the purposes for which this money should be used.

Mr. JONES of Arkansas. Mr. President, it seems to me that the limitations put by the Senate committee on this expenditure cut off the arguments that were used in favor of the passage of the bill yesterday and which appealed most strongly to me. The statement made that there were a great many people who were ruined by the storm last winter, who were without the means of support, appeals very strongly to anybody's sympathies. If there is not money enough in the hands of the military authorities in Puerto Rico to relieve such conditions, I am ready to vote for all the money that is needed for that purpose. But this bill specifically and in terms cuts off the use of a single cent of this money for any such purpose. It distinctly says it must be used for public purposes, for building roads, and for school purposes, and other conditions of that kind.

Mr. FORAKER. Mr. President, will the Senator from Arkansas allow me to ask him what kind of an amendment he would propose to accomplish the purpose he has just expressed?—for I am in full sympathy with the Senator.

Mr. ALLEN. Public charity.

Mr. JONES of Arkansas. I would rather vote for the bill as it came from the House than to vote for it as amended.

Mr. FORAKER. I suggest that the Senator move an amendment.

Mr. GALLINGER. Will the Senator kindly read the provision in the bill as passed by the House? I am not familiar with it.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. I ask that the unfinished business may be temporarily laid aside until this matter may be disposed of.

The PRESIDING OFFICER. If there be no objection, that will be taken as the sense of the Senate. The Chair hears no objection.

Mr. SEWELL. Mr. President, I would ask the attention of the Senator from Arkansas in relation to the statement made by him that this question was not brought before the country by the President. I find on page 50 of the President's message the following:

> As a result of the hurricane which swept over Puerto Rico on the 8th of August, 1899, over 100,000 people were reduced to absolute destitution, without homes, and deprived of the necessaries of life. To the appeal of the War Department the people of the United States made prompt and generous response. In addition to the private charity of our people, the War Department has expended for the relief of the distressed $392,342.63, which does not include the cost of transportation.

I will state my own information is that that has very largely increased up to this time; that there has been an absolute necessity for the issue of rations to those people, who are in a condition very much like the reconcentrados under Weyler, a condition that the United States ought not to allow to continue at the present time. This appropriation is practically for the relief of those people; it may be through the employment on the Government works, so as not to continue a state of pauperization. That is the intention, and this bill should stand on its own merits as a measure of relief to Puerto Rico, the general question as to the government and trade relations in the future coming up under the bill which the Senator from Ohio has in charge.

Mr. JONES of Arkansas. If the Senator from New Jersey had done me the honor to listen to me in the beginning of what I had to say he would have observed that I read at the beginning exactly what he has read from the President's message, and that I called attention to the fact that there was not one solitary syllable of suggestion in the President's message asking for any special appropriation for this purpose; that he advised Congress and he advised the people of the United States that there had been expended by the War Department for the purpose of relieving the suffering resulting from the storm the sum of $392,342.63 in addition to the sums that had been contributed by private individuals; but that there was not one word in the message asking for an additional appropriation for this purpose.

Now, if the storm occurred in August, and the months of September, October, and November had passed and there was no necessity for a special appropriation for the relief of those people in December, I can not understand where the necessity comes

now, especially when there is no official information to advise us of that fact. We are left to conjecture. We are assured that there are conditions there equal to the condition of the reconcentrados in Cuba, but the official information does not come to this body; and as far as I am concerned I am not willing to make appropriations on mere rumors of that sort.

Mr. FORAKER. I did not hear all of the Senator's remark, but——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. SEWELL. I will say to the Senator from Arkansas that that expenditure by the War Department is going on to-day, to the exhaustion of the fund at the disposal of that Department, and that this money is to take its place practically.

Mr. FORAKER. The Senator from New Jersey has adverted to what I intended to say for the benefit of the Senator from Arkansas. As I understand it, the War Department has been making large expenditures for the relief of those who were made to suffer by the hurricane. I understand that those expenditures amount to a very large sum.

Mr. JONES of Arkansas. Do they need a larger sum?

Mr. FORAKER. The reason why this legislation was not sooner proposed, as I understand it, is because it was hoped that out of the war emergency fund, by the exercise of the power belonging to the President and the War Department, they might be able to relieve the necessities of the island until Congress should legislate and give some relief.

Mr. JONES of Arkansas. Now, as I understand the Senator from Ohio, his idea is that this appropriation is to assist in the work of relieving suffering that is carried on by the War Department.

Mr. FORAKER. What I undertook to say was that my information is that the War Department has been expending large sums of money out of what is called the war emergency fund to relieve distress and suffering occasioned by the hurricane and occasioned by other——

Mr. JONES of Arkansas. I think that has been the case, and that has been properly done.

Mr. FORAKER. Yes; and they hoped that they might be able to carry the matter along until Congress would legislate; but there was so much delay about it that finally this proposition was made.

Mr. GALLINGER. Will the Senator——

Mr. JONES of Arkansas. But this bill distinctly provides that not a dollar of this money shall be used for any such purpose as that.

Mr. FORAKER. That is what I wanted to see this bill cover if you amend it, and that is why I interrupted the Senator a moment ago. I desired to ask him to suggest the form of an amendment that would be acceptable.

Mr. GALLINGER. Mr. President, if the Senator from Arkansas will permit me, I beg to say that I sat very patiently three or four weeks listening to testimony on this Puerto Rican question, and I want simply to make a suggestion to the Senator. It is very likely he has thought of it, and yet he finds objections to this bill. Inasmuch as there are only two roads in the entire island of Puerto Rico—one from San Juan to Ponce, and I think an extension of that road to some other point covering a few miles—does not the Senator think that if our authorities there were given money to construct roads it would give employment to those poor people who have been thrown out of employment because of the destruction of the coffee plantations on the island, and could there be a more charitable and beneficent use of our money than to give employment to those poor men who are now destitute and in want?

Mr. JONES of Arkansas. Mr. President, if I could understand what is the purpose of this bill, I could make up my mind whether or not I am for it. The Senator from Ohio thinks it ought to supplement the fund that is being used for charity to help those people out. The Senator from Iowa thinks that it ought to be used to help the people who are planting coffee and sugar; how, he does not say. That is the nearest he comes to making an explanation about what the money might be used for. The Senator from New Hampshire wants it appropriated to build roads, so that the contractors who propose to build the roads may perhaps hire some of the poor fellows who are living along the line of the road and may give them something to pay for the work they do.

Mr. ALLISON. That is the suggestion of General Davis. He proposes to pay some of those poor people wages in extending and enlarging the roads, and to give an opportunity to those who plant coffee to recuperate the wastage and damage of the storm last year, in order that the coffee may grow again. I do not suppose that it is possible, as I said to the Senator, for us in detail to be more specific than we have been.

The Senator from Ohio yesterday suggested an amendment which I did not think was objectionable, although I think the money can be used now in the manner I state as respects these plantations. He suggested the insertion of certain words in line 4, on the last page, the words "including agricultural relief," which I understood him to expect would more readily provide for the kind of relief proposed in the way of paying wages, and enabling the farmers to recuperate their lands wasted by the storm of last year. Of course I can not satisfy the Senator from Arkansas, I am sorry to say, by any more definite and detailed statement. If he has any doubts about the President of the United States giving proper and judicious orders, or about their execution by General Davis, whom he knows, then I fail to inform him.

Mr. JONES of Arkansas. It seems to me to be impossible to find what the purpose of this appropriation is, and I shall content myself by moving as an amendment at the end of the bill, after the word "appropriated," line 10, page 2, the following:

And that from and after the passage of this act no duty shall be collected on articles coming into Puerto Rico from other ports of the United States or on goods coming from the island of Puerto Rico into other ports of the United States.

The PRESIDING OFFICER. The Senator from Arkansas withdraws the pending amendment and offers an amendment which the Secretary will read.

Mr. PETTUS. Mr. President, I desire, in the first place, to call the attention of the Senate to what I consider a dangerous departure from the practice of the Government from its foundation as shown in this bill. I do not mean to say that you have not possibly the power to act in this regard, though it is absolutely certain that it has not been the practice of the Government at all until the Senate voted what is called the war emergency fund.

Mr. President, that ought not to be taken as a precedent for any bill of this kind. The Constitution provides that no money shall be taken out of the Treasury of the United States except on an appropriation made by law. What is an appropriation made by law has been interpreted by Congress to mean an appropriation for a particular purpose. That has been the custom of the Government from its foundation. We do not say that a million or two million dollars shall be appropriated for the use of the Army. That has not been the habit. There have been no bills that I remember, prior to the present Administration, which carried a gross sum for general purposes. Appropriation bills have always specified, not minutely, but in a degree, the object of the appropriation. All appropriation bills have specified as well as might be what the money was to be used for, how it was to be expended, the particular purpose as well as the bill could define, for which the appropriation was made.

It is true that when we found ourselves on the very verge of a war and utterly unprepared for it, as we ought never to be in the future, an appropriation of $50,000,000 was made here for the purpose of enabling the President to prepare for the defenses of the country. I am not here to criticise that bill, because, as you all know, every Senator felt then that we were going to war and that we were unprepared for it, and we had no time to assemble our committees and have them parcel out the different expenses into different directions. If that bill was right, it was right because of the emergency, the necessity for acting and acting quickly; but I see no reason why we should abandon the uniform custom of Congress in making expenditures and especially in making an appropriation of large amounts like this. I want this bill to get in such a shape that I can vote for it. I can not vote for it in its present shape.

Mr. SEWELL. I will state, if the Senator from Alabama will allow me to make a suggestion to him, that subsequent to the $50,000,000 appropriation there was an additional appropriation of $3,000,000 given to the President for such purposes as he should deem best in connection with the pacification of the island of Cuba. This appropriation is intended for general purposes.

Mr. PETTUS. I understand that since that $50,000,000 appropriation was made there have been other appropriations. I am only calling the attention of Senators to what is a dangerous departure from the practice of Congress in making appropriations.

Mr. President, it will not do; it is a dangerous practice. We had to do it when war with Spain commenced, and I voted for it, and I do not at all regret it. I do not know that that was an unconstitutional appropriation; I do not know that this is, and I am not declaring that it is; but I am declaring that it is a dangerous practice and that it ought to be abandoned.

Mr. WOLCOTT. Will the Senator from Alabama permit me to ask him a question?

Mr. PETTUS. Certainly.

Mr. WOLCOTT. Is it not true that long before the present Congress large sums of money have been appropriated by Congress for the relief of sufferers in the Mississippi Valley, and that those sums were included in a general appropriation, to be expended under the direction of the Secretary of War, in terms even more general than those proposed by the pending bill?

Mr. PETTUS. Not in the least, Mr. President. I remember those appropriations. This Government has acted liberally

toward sufferers at home and abroad, and I think we ought to continue that practice. I am in favor of it. I always have been in favor of such action when a great calamity came upon a people. We relieved the Mississippi Valley sufferers; we relieved the Chicago sufferers; we relieved the sufferers in Ireland, in India, and in many other places. I am proud of the fact that we did it; but we did not do it in the form the Senator suggests. We appropriated a specific sum of money for a specific purpose, and that was to relieve the suffering caused by a particular calamity.

Mr. ALLISON. Now, will the Senator from Alabama yield to me for a moment?

Mr. PETTUS. I will.

Mr. ALLISON. There are many appropriations that must be, in the nature of things, of a general character. We appropriated $1,400,000——

Mr. PETTUS. I yielded to the Senator only for a question.

Mr. ALLISON. Very well; I will sit down.

Mr. PETTUS. We do appropriate sometimes for things that we ought not to appropriate for. I mean by that that we spread our appropriations out in a manner which is not authorized by the practice of the Government, and that is very dangerous in itself.

Mr. SULLIVAN. Will the Senator from Alabama permit me to ask him a question?

Mr. PETTUS. Yes, sir.

Mr. SULLIVAN. Has there ever been a case where an appropriation has been made for the purpose of upbuilding the schools by the General Government and for the purpose of building roads in the manner indicated by this bill?

Mr. PETTUS. I do not remember any such case; but I am not prepared to say that there never was such a case. I am prepared to say that it ought not to be done; that it would be contrary to the practice of the Government, to the almost uniform practice, which may have been violated at times, but only in what was thought to be an emergency.

Mr. WOLCOTT. May I ask the Senator a question?

Mr. PETTUS. Certainly.

Mr. WOLCOTT. I will refer the Senator to the phraseology of the resolutions which have been heretofore passed, long before this Congress. Here is one for the Mississippi River in 1882, which I shall read:

That the sum of $100,000 is hereby appropriated, of which sum so much as is necessary shall be used by the Secretary of War in the purchase and distribution of subsistence stores to aid in the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries.

There was no specific designation of what stores the Secretary of War was to buy, but it was generally for the "purchase of subsistence stores." In 1897, when there was another destructive flood in the Mississippi River, there was an appropriation——

Mr. PETTUS. I did not yield to the Senator to make a speech.

Mr. WOLCOTT. This is part of the question.

Mr. PETTUS. Oh, yes; it is a part of the question.

Mr. WOLCOTT. I am coming to the interrogation point in a minute.

Mr. PETTUS. After you make your speech.

Mr. WOLCOTT. No; I assure the Senator that this is all a part of a somewhat long, but really a very simple question—

to be expended under the direction of the Secretary of War in the purchase and distribution of subsistence stores for such destitute persons as may require assistance in the district overflowed by the Mississippi River and its tributaries and by the Red River of the North by recent floods.

Now I come to my question: I ask the Senator from Alabama if that is not far more general than the provision in the pending bill?

Mr. PETTUS. It is not. It is a specific appropriation for a specific purpose. Could one dollar of the money appropriated in the instances which have been called to my attention have been lawfully used for the purpose of relieving a man who was not injured or in distress by reason of the two calamities there mentioned? Not at all. You had to intrust it to an officer to ascertain who the people were whom you intended to benefit; but those you intended to benefit were specifically described in each case. Oh, Mr. President, it will not do. It is a bad policy, and it is a dangerous policy.

I propose as an amendment—I intend to propose several amendments, but there are two of them to which I shall call attention.

The PRESIDING OFFICER. Does the Senator offer his amendment as an amendment to the pending amendment? There is an amendment now pending, which was offered by the Senator from Arkansas [Mr. JONES].

Mr. PETTUS. No, sir. I supposed that as many amendments as Senators chose to submit might be offered.

The PRESIDING OFFICER. Certainly.

Mr. GALLINGER. Let the amendments be read for information, and lie upon the table.

Mr. PETTUS. I am going to offer an amendment, and the amendment can lie upon the table until such time as the Senate wishes to consider it.

The PRESIDING OFFICER. The Chair simply made the inquiry whether the Senator desired to offer his amendment as a separate amendment or as an amendment to the amendment now pending.

Mr. PETTUS. I do not intend to offer it as an amendment to the pending amendment, but I desire to offer it as an independent amendment. The first is to strike out of the bill, on page 1, line 4, the word "being" and all that follows it down to line 9, including the date "1900" in that line; so as to eliminate entirely the statement as to where this money came from. I want to vote for this bill. As I tell you, I am perfectly willing to vote for any proper appropriation to be expended in any proper way. If my amendment be adopted, it will simply leave the bill that you appropriate the amount of money here named out of the Treasury; that is, I mean that that sum shall be appropriated.

Then I propose a separate amendment, on page 2, not connected with the other, by striking out, in line 1, on page 2, the words "the President" and inserting in lieu of those words the word "and;" then striking out the word "for," in the same line, and inserting "by;" in line 3 by striking out the word "and;" and in line 4 by striking out the words "governmental and public." I propose that as one amendment. I intend to propose a third amendment by striking out of lines 7 and 8 the words "or so much thereof as may be necessary."

That would leave the money mentioned in the bill to be expended by the government of Puerto Rico. What for? "For public education, public works, and other purposes therein."

It is true that the President of the United States, who, I am glad to say, I believe to be a very generous man, has used a very large amount of money which was appropriated for a different purpose. There is wherein I am calling your attention to the nature of this departure. I am not censuring the President; I suppose if I had been in his place and had all that money at my disposal, I would have done the same thing; I believe I would, but the fact is that the President, according to the statement in his message and according to the report of the Attorney-General, had, up to the 1st day of January of this year—I believe it was this year—expended nearly $400,000 of the money appropriated by Congress as an emergency fund. That was, I suppose, to relieve the sufferings of the people of that island. That is what the Secretary of War states about it. The sufferings were great; the people there were in need of immediate relief; it was our country, and as we had been assisting distresses caused by these dreadful calamities in different parts of our country and also the sufferings of people abroad, when they were very great and the relief was urgent, the President devoted a sum to protect the people there from starving, as I understand it.

Mr. President, if you will put this bill in the shape I have suggested, it will then say nothing about tariff, nothing about duties, but it will appropriate a certain sum of money for the relief of those people generally, to be at the disposal and to be used by the government of Puerto Rico not "and for," but "for"—"for public education, public works, and other purposes therein;" that is, in the island of Puerto Rico. That is a broad discretion, and, if it is given, the money will be appropriated by a quasi civil government for the present, and by a real civil government, if we establish one over that island.

I am in favor of giving this money for that purpose. I think it would be an honorable, a just, and a wise thing to do; but I am not willing to vote for the bill in its present shape. It commits this Senate to what I do not believe they can be committed to lawfully, and that is the use of money unlawfully collected.

If we strike out the provision as to where the money comes from, it will not make a row of pins' difference as to the validity of this bill; it will not make a particle of difference to the United States. The United States has collected this money, it is true. If it belongs to them, they will hold it; and if it does not belong to them, they will have to deliver up a large part of it. Whether we appropriate this sum out of that money, or out of the Treasury generally, does not at all affect the people of the United States; it does not at all affect the people of Puerto Rico; it is of no value under the sun in this bill. So it ought to be stricken out. It can not affect the United States, because every Senator knows that if this money was unlawfully collected and proper steps have been taken to reclaim it, it will be reclaimed; if it has been lawfully collected, it belongs to the United States, and there is no distinction between that and any other money in the Treasury. Why, then, encumber the bill with a statement of the use of the money which very many of us believe was unlawfully collected?

It has been said that this money is not to be used for the purpose of relieving distress. To be sure, as the bill was framed, it could not have been used for that purpose, because the purposes were specifically enumerated—that is to say, it was for education generally, for public education and for public works generally, and for

other governmental and public purposes. That included the whole field. That is to say, we appropriate this much money to be used in Puerto Rico without being limited to any purpose, unless it be a public or governmental purpose. It is a broad appropriation; it covers the whole field of legislation; it includes every single public expense that could be thought of; and it includes it without any distribution at all; it puts it all into the hands of the President, to be used by him. I want it put in the hands of a government that can appropriate it and appropriate it now.

Mr. President, I do not want it understood that I am charging that the President of the United States would use this money improperly. I am not making any such charge, and I would not believe another man if he made it, unless it might be that some of the President's agents deceived him. I think that might readily be. I do not want his agents to deceive him. If you put it into the hands of the government of Puerto Rico, then they can appropriate it as they please, and that government ought to appropriate it to the best advantage to secure good government and prosperity in the island.

Mr. TILLMAN. Mr. President, yesterday, when this matter was up, I obtained the floor and was proceeding to give my views on some of the phases of the subject, with which I acknowledge I was not then as well acquainted as I am now. There was some difficulty in adjusting the parliamentary status and the wishes of the Senate as to what should be discussed, and as to how long it should be discussed, and as the Senator from South Dakota [Mr. PETTIGREW] expressed a desire to speak, as he had to leave the city I gave way.

I am in a much better condition this morning to present my thoughts and some facts than I was yesterday, because, in the meantime, I have investigated somewhat; and if there ever was another subject which appears to need investigation, and about which so many Senators know so little, I have not struck it in my association with this body. Even the Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, who is a walking encyclopedia, who seems to know something about everything, and everything about nearly all governmental affairs, has been floundering around here unable to answer questions, and the Senator from Ohio [Mr. FORAKER], who is on the Puerto Rican Committee, has been unwilling or unable to give light.

Mr. FORAKER. Mr. President——

Mr. TILLMAN. I hope the Senator will not suppose I am casting any reflections on him, because I acknowledge my ignorance; and every other Senator here has been in the same degree of ignorance that I have been.

Mr. FORAKER. I want to say for the benefit of the Senator from South Carolina, who I know will correct his statement, that I have necessarily been out of the Chamber during most of the discussion this morning, and I was not here when any question was asked to which he can refer. If there is any information he wants, I shall be glad to furnish it, if I have it; and if I have not the information, as may be the case, I shall be glad to say that. But I have not been asked any question yet, so far as I am aware, in regard to this matter which I have not been able to answer. The Senator knows that I have not been unwilling to answer.

Mr. TILLMAN. I intended nothing more than a little pleasantry, though not at the Senator's expense.

Mr. FORAKER. Very well, then; I will not interfere with the amusement of the Senator from South Carolina.

Mr. TILLMAN. I am very sorry that I made any reference to the Senator, who says he was absent, because I certainly intended no reflection upon him.

But this is absolutely the first time in my knowledge of the Senator from Iowa [Mr. ALLISON] that he has brought in a bill here when he could not answer almost any question anybody asked about it.

I will say for the benefit of the Senate that but for the fact that I went to the Library this morning to see what I could find, and obtained there a copy of General Davis's official report to the War Department—and it was the only copy they had, and they had borrowed it from the War Department, and therefore it does not appear to have been accessible to Senators unless they had gone there and got this report—I would be as ignorant as anybody else. If the Senator from Ohio had had that report, then he could have answered the questions which the Senator from Arkansas [Mr. JONES] has been propounding to the Senator from Iowa, which he did not answer.

Mr. FORAKER. I was not in the Chamber when any question was asked by the Senator from Arkansas that was not answered.

Mr. TILLMAN. Senators have had access to the testimony of General Davis before the committee; but I have here a full outline of everything that has been done in the island of Puerto Rico since the United States Government took charge of it, very clearly set forth; and it contains so much that is new and startling to me, and which I think will startle the Senate, that I will, in as clear a way as I can, considering how little time I have had to examine it, give some facts from it which will bear very materially on this subject.

Before I go into that question, however, I wish to discuss a little the motive behind this bill, which has been adverted to here by several Senators. The Republicans have been charged with "being in a hole" and presenting reasons for this legislation which, at least, are susceptible of doubt as to their loyalty to the truth. I do not want to have anybody say that I am at all malicious; but there is evidently so much division of opinion and feeling and purpose among our friends who are in the majority here that I may be allowed to discuss the matter a little in a good-natured way.

Mr. FORAKER. Just for amusement, I suppose.

Mr. TILLMAN. The Senator from Ohio declared very eloquently that behind Puerto Rico were the Philippines, and the Senator from Indiana [Mr. BEVERIDGE], with equal frankness, has declared that behind the Philippines is China; and if I can understand or interpret the purpose that is sought to be attained by this legislation, it is that the Republican party feel that they are clinging to it as almost their last sheet anchor of hope; that they must preserve the principle for which they contend; that the United States Congress has no limitation upon its power of legislating for Territories; and they, therefore, seek to ingraft into this Puerto Rican legislation such provisions as will hold on to that idea, it does not matter what else goes or how the thing may be adjusted, it does not matter whether we have any Puerto Rican legislation at all.

In fact, I doubt very seriously whether we shall have any bill changing the present military status; and it will be sought to gloss over, or it will be sought to rub out the impression which has been created in the minds of the people of this country as to the injustice and inconsistency and unconstitutionality of the so-called Puerto Rican legislation, which has already passed the House of Representatives and is pending here, and about which our Republican friends are so much disturbed.

Mr. President, we occupied the island of Puerto Rico in the summer of 1898. The Spaniards withdrew from there on the 18th of October, 1898. The islanders received the United States troops as liberators. They welcomed our flag as an emblem of freedom, liberty, and equality, and there was no reason why Congress at its session a year ago should not have taken some action looking to placing that island upon some basis of self-government, if we ever intend to give self-government to those people.

But pending the settlement of affairs in Cuba and the determination of the Republican party as to whether or not it intended to carry out our pledges in regard to Cuba and give those people autonomy and independence, it was very natural that we should let things drift along and let the whole situation remain in statu quo. There is an idea here that will intrude itself, however, and that is that in dealing with our insular possessions, including Hawaii, there has been a marked difference of policy.

Hawaii was annexed in June, 1898. We had possession of Puerto Rico shortly afterwards, in August, and yet while we have not hesitated to give Hawaii the most liberal government that is possible—some Senators have characterized it as the most liberal Territorial government ever given to any possession of this country—here is another island almost similarly situated; and if we are not treating it like a stepdaughter or like an outcast, then I know nothing about the meaning of those words.

Senators can not blame me if, following the thought, I ask, Why this difference between these islands? It is true that the Hawaiian Islands came to us by cession of its own government and by joint resolution of annexation, which gave certain pledges, while the Puerto Rican Island came to us by cession from Spain as the fruits of war. But considering the fact that the Puerto Ricans were not in rebellion, and that we had not gone to war with Spain for the purposes of the liberation of that island or its people; considering the fact that its people had welcomed our soldiers and that General Miles in his proclamation had given certain pledges as to the policy to be pursued, I contend that Senators here are under some obligations of honor and decency to cease this discriminating treatment and not to show so much favoritism on the one hand and so much infamous outrage on the other.

Senators, is it because the Hawaiian sugar planters are Americans and that the stock of their companies is held in the United States and that the inferior races there are subservient and under control, while the sugar-planters of Puerto Rico are Spaniards or alien owners in large measure, that there is such a difference in policy? Is it the purpose of this adverse legislation to wait until the carpetbaggers have gone to Puerto Rico and by misgovernment and some kind of devilish combination have seized all the valuable property in that island, and then we will have a change of policy? That is not a far-fetched thought, although I see some of my friends on the other side are smiling.

Mr. GALLINGER. It is a little visionary.

Mr. TILLMAN. I said yesterday that I was going to vote for this bill. I assisted in the Committee on Appropriations, of which

I am an humble member, in the changes which have been made in it which struck out a great many of the offensive features of the House bill. I will vote for it simply as an act of justice in restoring to the people of Puerto Rico in the only way in which it can be restored money from taxes that has been taken from them unconstitutionally and in contradiction, as I understand it, of sound public policy.

If the flag and freedom do not go together, as our President proclaimed and has proclaimed a half a dozen or more times that they do; if his pledge that Puerto Rico and the Philippines should have the same advantages under the flag that the Americans have, had no meaning to it—was a mere sugarplum to be thrown at some audience who were applauding him—I ask you why it is that this island, which is peculiar, where there has never been any resistance to American arms, and where there is no opposition to our Government, which welcomed our Army gladly as liberators, is placed outside, a tariff wall raised between that people and this, and why it is that the United States takes the place of Spain as taskmistress?

It can not be denied that the government in Puerto Rico is not one whit better than that which the Spaniards gave them, so far as its fiscal affairs are concerned. It is not so good, because the island had Spain as a market, where she could send her products without any tariff being levied.

Mr. GALLINGER. I beg the Senator's pardon. Spain did levy tariff duties even on coffee, which we in this country never have done.

Mr. TILLMAN. To such a slight degree that it did not amount to a row of pins.

Mr. GALLINGER. It amounted to a great deal.

Mr. TILLMAN. It might, as preserving the principle which the Senator from New Hampshire and his brethren are so desirous of preserving here, but it did not amount to a row of pins so far as the prosperity of the island was concerned.

Mr. GALLINGER. The Senator will permit me. If he will examine the record, he will find that the tariff duties on coffee were very considerable, exacted by Spain from the inhabitants of Puerto Rico, and that coffee constitutes about four-fifths of her exports; and we have never levied duties, and do not propose to, on coffee.

Mr. TILLMAN. It does not matter whether the statement of the Senator or my statement is the correct one. I have not had time to examine that phase of the question sufficiently to be familiar with it. I am glad to find one man on the other side who knows something about Puerto Rico, because hitherto I have not been able to find anyone who knew anything about the fiscal affairs of the island.

I said a moment ago that I should vote to restore this money because it has been unjustly, and, as I believe, unconstitutionally taken from those people. A proposition was made yesterday to restore it to the men who had paid it. That would have been unjust; it would have been unreasonable; and while we may have to return it to the importers, if the courts shall decide that it was illegally collected, that is a question apart from this. This amount, as I understand it, being the Dingley rates collected at the ports of the United States on imports from Puerto Rico, is the sum of taxes levied by the United States Government on the productive energies of the people of Puerto Rico.

While the Senator from Wisconsin [Mr. SPOONER] yesterday declared that only a few men had paid these taxes, everyone familiar with agriculture knows that the labor which enters into the production of agricultural products is largely the predominant factor in the cost, and the only reason why this can not justly be restored to the men who paid it is because the producer, the laborer, has received a less wage—the sugar grower and the producer of other agricultural products that have been exported have received a less price.

I will illustrate that by pointing out that the sugar which has come into this country (and $1,800,000 or thereabouts of this $2,000,000 came from sugar) has entered the American market with the tariff taken off, so far as the producer is concerned, and the American consumer has paid that duty, as he would pay it on sugar coming from any other source except Hawaii, and it has been added to the cost of the sugar here to the consumer.

The consumer has paid this tax to the Government, and the producer has lost the difference that he would have received if he could have had his goods come in here free of duty. So if we want to get back to the man who originally paid it or who lost it, we have got to restore it to the taxpayers of Puerto Rico, and the only way we can do that is to give it back to the government of Puerto Rico and thereby reduce the burden of taxation upon those people to that extent. Therefore I shall vote for it, and I do not want any amendments tacked onto it.

As has been said here, it is not worth while for us to hope that in this bill we will be able to agree as to the future policy of government for this island. A bill is already pending here for that purpose, and the Senator from Iowa informed us that he hoped that will pass, and we know how pertinacious and pugnacious is our friend the Senator from Ohio when he sets his head on anything, and we know that if he is going to press his measure we will come to a vote on it sooner or later, although the Senate debating society may run for a month. I say I am in favor of passing this bill now as a modicum of justice to the taxpayers of Puerto Rico, as an abatement of their taxes in the future, by restoring to the taxpayers, in the only way possible, this amount of money unjustly wrung from them at our custom-houses.

Now, we have had our sympathies appealed to here very strongly as to the exigency of the situation, the devastation of the cyclone or hurricane, the destruction of property, and crops and houses. The Senator from Alabama [Mr. PETTUS] stated that the United States Government, or rather the general in charge, has used $397,000 of money appropriated by this Government to relieve that distress. I do not find in General Davis's report anything which corroborates that statement. I find that that money has come out of the general budget of the amount received in Puerto Rico from internal taxes or insular income, as they term it, and from the import taxes at their custom-houses on goods imported into Puerto Rico upon which duties have been levied.

The United States Government has not given these people a cent, and it is high time, after we have collected this money at our custom-house, that we returned some of it back. I only hope that this Congress will come to some conclusion which will be just to those people and will knock down this tariff barrier between one part of the United States and another, and allow this island at least, which is in America, to stand on its own bottom and on its own merits and upon the merits of its people, and let our sympathies and our sense of justice and decency have some leeway in acting toward them, rather than to legislate with some ulterior motive and bring in here a subterfuge bill which has no purpose other than to preserve a principle about which we all differ.

If it is true, as some Senators contend, that Congress is omnipotent and can legislate as we please for our territorial possessions or our insular possessions that have been brought to us by the fortunes of war, then there is no reason why we can not differentiate.

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. TILLMAN. With pleasure.

Mr. PETTUS. The Senator spoke of my saying that money was used, aggregating nearly $400,000, out of money appropriated for the relief of the suffering. I did not say that.

Mr. TILLMAN. I understood the Senator to say that $400,000 had been appropriated to relieve the starving people.

Mr. PETTUS. Yes; I did say——

Mr. TILLMAN. Not appropriated, but used out of the war chest, so to speak.

Mr. PETTUS. It was the President's statement and the statement of the Secretary of War—both of them.

Mr. TILLMAN. I knew the Senator said he got it from the Secretary of War and the President, but he misunderstood their allusion. They simply fixed the amount, without saying whence it came.

Mr. PETTUS. They say expressly that it came out of the emergency fund.

Mr. TILLMAN. Which emergency fund—the fund in the War Department?

Mr. PETTUS. By the "emergency fund," as I understand, is meant the $50,000,000 that was appropriated.

Mr. TILLMAN. General Davis does not say anything of the kind, but charges that expenditure to the general fund collected from taxes and imposts. There is a great deal of this financial stuff in the Davis report in reference to receipts and expenditures in Puerto Rico, and the amount of the current expenditures and the estimates for future expenses, and all that kind of thing. I may not be able to present it consecutively in my speech, but I will try to straighten it out so that it will appear in the RECORD in the morning, and Senators who wish to get at the facts will be able, unless they send to the War Department and get this volume and examine it themselves, to arrive at some intelligent understanding of the situation.

General Davis himself presents in a condensed table, on pages 50 and 51 of his report, the estimated receipts of the island itself for the current fiscal year, 1899–1900, and in round numbers the import duties are $332,000; miscellaneous, $139,349.14; customs, estimated upon the collections of twelve weeks, $1,357,841; postal service, $80,000; rent of post-office boxes, $1,000, making a total of estimated receipts upon current sources of income of $1,910,390 for the fiscal year 1899–1900. His estimate of proposed expenditures is a long one, with thirty items or more, and the aggregate is $1,943,678. Including a balance of $450,000 last year, the total estimated income is $2,360,000, and this would leave a surplus at the end of the fiscal year on the current year's expenditures, if they are carried out in accordance with these estimates, of $417,000.

Here is the table in full:

Statements of estimated receipts and expenditures in the Puerto Rican budget of 1899-1900.

ESTIMATED RECEIPTS.

Imposts:		
Land	$100,000.00	
City	50,000.00	
Industrial	10,000.00	
Commercial	90,000.00	
Mining	8,000.00	
Property transfer	20,000.00	
Trade-marks and patents	2,000.00	
Diplomas	200.00	
Licenses to carry arms	2,000.00	
Stamp tax (proposed)	50,000.00	
		$332,200.00
Miscellaneous:		
Rents, etc., public property, etc	13,149.14	
Judicial and other fines	5,000.00	
Profit and loss	1,200.00	
Back taxes	100,000.00	
Donation for normal school building at Fajardo	20,000.00	
		139,349.14
Customs:		
Actual collections, twelve weeks	357,841.00	
Estimated, forty weeks	1,000,000.00	
		1,357,841.00
Postal service:		
Sale of stamps, etc	80,000.00	
Rent of post-office boxes	1,000.00	
		81,000.00
Total		1,910,390.14
Balance from 1898-99		450,452.83
Total available		2,360,842.97

ESTIMATE OF PROPOSED EXPENDITURES.

Commanding general's office	$32,700.00	
Insular police	165,838.00	
Director-general of posts	22,376.00	
Post-offices	88,510.25	
Star route, service and rent	34,001.32	
Culebra Island	1,000.00	
Marine-Hospital Service	23,690.00	
Superior board of health	11,925.00	
Vaccination	2,300.00	
Leper hospital	3,336.80	
Board of charities	3,725.00	
Orphan and insane asylums	49,882.00	
Repairs and improvements to same	13,238.00	
Aid to civil hospitals	8,000.00	
Judicial board	12,216.00	
Supreme court	32,040.00	
Provisional court	20,700.00	
District courts	97,440.00	
Municipal courts	22,680.00	
Board of prison control	13,280.00	
Prison expenses	212,864.00	
Advisory board	2,200.00	
Civil secretary's office	19,680.00	
State and municipal bureau	11,740.00	
Internal-revenue bureau	14,740.00	
Agricultural bureau	6,140.00	
Collection of internal revenue	26,900.00	
Collection of customs	91,729.90	
Board of public works	33,470.00	
Repair of buildings	26,000.00	
Repair of military roads	150,000.00	
Repair of country roads	40,000.00	
Construction of new roads	200,000.00	
Harbor works	20,772.94	
Light-houses (engineering)	23,211.84	
Light-house inspection, buoys, etc	21,173.68	
The treasurer's office	3,000.00	
The auditor's office	31,980.00	
Board of education	27,300.00	
Secondary education	60,000.00	
Common schools (salaries)	209,880.00	
School books	31,380.00	
Library and museum	1,520.00	
Pensions	1,956.00	
Outstanding liabilities	17,181.98	
Total		1,943,678.71

RÉSUMÉ.

Estimated available resources	$2,360,842.97	
Estimated expenditures	1,943,678.71	
Surplus		417,164.26

Now, there is further on in this volume a report from Lieut. Col. C. H. Heyl, United States Volunteers, who has been made comptroller-general or auditor-general, so to speak, of the island of Puerto Rico and who has had charge of the fiscal affairs of that government and has given all the data necessary to an understanding as to the amount of money that has been collected and passed through the hands of United States Army officers from the time of the occupation up to a given date fixed therein.

I shall not go into these details, but I will say, for the benefit of my friend the Senator from Iowa, who is chairman of the Appropriations Committee, that his broad, sweeping statement a moment ago that there was not a schoolhouse in the island of Puerto Rico, and later on an amended statement that there was one, are not borne out by the facts presented in this report. General Davis, on page 25 in his report, states that there were attending school and registered as such in Puerto Rico last year, 19,804 boys; girls, 9,368; total, 29,172 registered; while the attendance was, boys, 14,720; girls, 7,153; total, 21,873.

Mr. GALLINGER. Will the Senator permit me?

Mr. TILLMAN. With pleasure.

Mr. GALLINGER. I did not hear the statement made by the Senator from Iowa. If he made the statement attributed to him, he was not as accurate as he usually is. The testimony taken before our committee disclosed the fact that under Spanish rule there is not a building on the island that was constructed for school purposes. I think since we took possession of the island one building has been constructed as a school and others are contemplated, but that some portion of the children had been taught under the Spanish régime is beyond question. However, they were not taught in buildings constructed for school purposes.

Mr. ALLISON. I simply stated that there was not a schoolhouse proper in the island, as I understand it.

Mr. GALLINGER. That is absolutely correct.

Mr. TILLMAN. I trust the Senator from Iowa will not consider that I am trying to convict him of any misstatement or of any undue ignorance on this subject.

Mr. ALLISON. I would not suppose the Senator would do that.

Mr. TILLMAN. I have too much respect for him, and I have paid him so many compliments in his absence, which he will read in the RECORD to-morrow, that if he will wait to see them, I think he will not feel hurt by any criticism I am putting on him.

Mr. ALLISON. I am not objecting to that, but I understood from the observation of the Senator from New Hampshire that he had misapprehended my statement. Therefore I meant now to correct that. Of course there have been schools there, but a very small fraction of the children go to school.

Mr. TILLMAN. The general trend of the remarks of the Senator from Iowa was that we needed money to put this island on its feet and start it on a course of civilization which would be upward and in accordance with American ideas, and the first principle of that was a schoolhouse. I sympathize absolutely with that purpose. I am very axious to cooperate with the Senator, as I said, in restoring this money to the taxpayers, who have been made unjustly to pay it; and we will not have any dispute about that. I am merely bringing out these facts in regard to the status there, so that we will not have our sympathies appealed to and our hearts wrung with all these pictures of ignorance and poverty and starvation which have been advanced here as a reason why this bill should be rushed through.

Let us pass this bill like honest white men and American Senators desirous of doing justice to these people, and do not let us have any hypocrisy and namby-pamby philanthrophy about it. That is all I want the Senate to agree to. Whether they agree with my ideas or my purpose is unimportant; just so we pass the bill as it is we will be satisfied, I hope, and the question what shall be done with Puerto Rico hereafter and whether a tariff wall shall be established between Puerto Rico and the rest of the United States will be adjusted by this Congress, or it will be adjusted by the people of the United States next November, beyond any doubt.

Now, as I said a moment ago, there were 21,873 children who attended school somewhere. I presume they were in some sort of schoolhouses, as those children could not be taught in the open air. We will pass on, then, to the amount spent for education out of the budget last year. For public instruction, $293,404. I read from page 24 of General Davis's report. He proposes to appropriate in the coming year $330,000 out of the insular budget and then by taxation, local in the municipalities, $83,063, making $413,000 which will be expended for public education in the current year.

Here is one of the startling things I should like to have our friends on the other side to explain. I find on the same page 24 of General Davis's report that the total appropriation for all purposes of government for the last fiscal year was $4,487,921—that is, the general budget of the island was $2,674,896. The language here is unusual, and I do not know what it means, but I give it as it is written: Provincial deputation (insular), $194,755; municipal budget $1,618,769. The current year's appropriations for all purposes are: General budget of the island, $1,943,678; municipal budgets, $1,429,981, making a total expenditure of $3,373,659.

Now, in another portion of General Davis's report he speaks about the hurricane and the devastation, but he does not lay such stress on it as would create the impression that he felt that unless he got this money anybody would starve to death. Let me call the attention of Senators to the actual situation. I have had some little experience in noting how rapidly things upon which men can keep alive can be raised. In the Tropics the usual and the accustomed articles of food are bananas, fruits, vegetables—very little meat. This hurricane occurred last August.

In that island you can plant vegetables any month in the year, and there is no doubt about it that any Puerto Rican who was not too lazy to get a hoe and scratch the ground a little somewhere

and plant something has had his wants relieved long before now, or else he has gone to join his fathers because he was too lazy to tickle the earth that a harvest might follow his labor. Their huts are mere ramshackle affairs, that cost little but labor, and not much of that. If they were blown down or were blown away, anyone who was industrious could have gone into the bamboo thickets and got enough material to build another hut, and got some straw or palmetto or something to thatch it with to protect himself against the rain.

The coffee plantations, they say, are gone and ruined on the southern half of the island. I presume they are badly devastated and damaged, but I have noticed that in the Tropics vegetation grows very rapidly. Take the Florida orange groves, which were cut down level with the ground in 1895 by the freeze, and since have been frostbitten twice in the middle and northern part of the State and down below the frost line, or rather down below the ordinary frost line, because the frost line in 1895 went down mighty near to the tail of the Peninsula. Those orange groves are to-day producing nearly a full crop where the people went to work and cultivated them, cut the dead trees down, and went to plowing and hoeing and did not sit down and wait for God Almighty to do something for them.

You want to educate these poor devils down there, you say. That is a good thing. Restore this money of which we have robbed them by unjust and unlawful taxation, as I contend. Then say to these landowners, "We will remit your taxes for a year." Let General Davis have the discretion as a military officer or let the President issue orders, for he has been issuing a good many of which I will speak directly, and give those people free trade with the United States, and give them a market, and they will get on their feet.

The trouble now is that there is a blighting frost on all enterprise and all capital and all investments in that island by reason of the fact that they are not sure, the people do not know, whether or not the market which Spain once afforded will be given back by this country allowing their products to come into our markets without this discrimination. They ask for free trade. They ask to become a part and parcel of the United States. They ask for the privilege of collecting duties at their ports under the Dingley tariff like any other port of entry of the United States, and then let the trade between the various parts of the United States, including Puerto Rico, be the same as between Massachusetts and Florida.

You talk about giving them schools and roads. What do they want with so many roads? Let me tell you what happened in my State just after the war, and I do not bring this up as in any manner reopening old sores or to bring unpleasant memories back here, because it does me no good to revive them and it does you no good to think about them. After a certain army had gone from Savannah, sweeping 70 miles wide through South Carolina, it left behind it a much more devastated region than any part of Puerto Rico is to-day. What followed? The starvation threatening the blacks was cared for by the Freedmen's Bureau.

Every military post became a commissary to distribute rations to keep the poor devils from starving. Some whites had to have relief, too. What happened so far as labor was concerned? As soon as you started the public soup house, so to speak, every fellow who might have got a hoe or an ax and gone to hunt a job sat down and waited until the rations gave out. If you start another freedmen's bureau on a small scale in Puerto Rico with this money, as will be possible under this general provision, "other governmental and public purposes," I warn you that your efforts to rehabilitate that island and put it on its feet will be unsuccessful.

If you go to building roads there at a great rate, expending hundreds of thousands of dollars—a million, as some man proposed here—I warn you that you will take from the farmer the very labor which he needs to cut the trees off his coffee plantation. You will take from him the very labor which he needs to rehabilitate his farm.

Mr. GALLINGER. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. TILLMAN. With pleasure, always.

Mr. GALLINGER. One of the chief troubles in Puerto Rico to-day is that the hurricane blew down trees, and that the coffee plantations are being desolated because of the fact that they have no shade. The people are not engaged in cutting down trees on coffee plantations in Puerto Rico.

Mr. TILLMAN. The Senator is not a farmer, and I am. He does not know that when a tree has been blown down you have got to grub out the old root and cut away the log. The Senator had better talk about medicine, because there I yield to him, but when it comes to agriculture he is off his ground. [Laughter.]

I know possibly you have got to plant new shade trees to shade the coffee berries from blistering, but they will grow very rapidly if somebody will look after them and not let the tangled grass and undergrowth and weeds choke them out. They must have agricultural labor to rehabilitate that island, and if you start your public works, you will to a large extent compete with capital that owns the land, and you will raise the price of wages so that the farmer will be unable to get his coffee plantation rehabilitated.

That is the situation from a practical standpoint, and I know whereof I speak, because I saw it go on in my State. I saw it no longer than six years ago, when a great hurricane came along about Beaufort and drowned about a thousand of those sea-island colored people and devastated an area there in which there were 20,000 people involved. Every living thing that could be swept off the face of the earth was carried away either by the waves or by the winds, and if it had not been that God Almighty had been kind in providing shellfish and oysters and crabs and other things in the estuaries around there, and any darkey who could obtain four planks and make a little boat could go out and get a breakfast in an hour and a half, they would have starved to death.

But what happened? I was governor at the time. A great many contributions came pouring in—one, I recollect, of $5,000 from Philadelphia. I had a notice from Clara Barton that if I wanted the Red Cross Society to come there she would be glad to bring a corps of assistants to take charge of the relief work. I thanked God that there was an angel of mercy somewhere to come in and help a poor, perplexed governor out of a scrape. So she came. She went to Beaufort and established her headquarters there.

I turned over all the funds sent to me, and the other funds that came from elsewhere I knew nothing about. She stayed there for six or eight months. There was some criticism, as there always is. Nobody ever is satisfied with any distribution of a relief fund. There are some greedy people who want more than their share of it. But I believe that lady and her philanthropic helpers saved a good many lives. However, as long as the rations lasted, so help me God, you could not get anybody to pick cotton around Beaufort.

I mentioned this briefly in the Appropriations Committee room the other day, and the Senator from Iowa, with his wise head, said they ought to be very careful how this money is expended, and we tried to hedge it about with such restrictions as suggested themselves to us. If that be the course pursued, the purpose for which this bill ought to be passed of restoring the money wrung by unjust taxation will be accomplished and in the best possible way; otherwise the expenditure of money will be made in a way which will do more harm than good.

And as for this question of assistance, the best way you can help those people is to help them to help themselves, as all philanthrophy has taught you that the best way to give charity is to help somebody to help himself rather than simply pour it down his throat without any effort on his part. That consists, as I said, in restoring their markets, in removing the barriers between this and that country, putting them on practically the same basis that they held with Spain, and not have to take the place of Spain in exercising governmental control over a dependency, as the phrase now is—it is a new word in our history—a dependency outside of the Constitution, in the power of Congress, without any limitation.

You can not help it; you may do your best; as long as you keep the Army officers in Puerto Rico, there will be some regard for decency; but if you undertake to set up a carpetbag government there, then you will renew the orgies that made the South the laughingstock and hissing and byword during the reconstruction period. I hope Senators will examine in the morning very carefully the figures given by General Otis, on pages 50 and 51.

Mr. GALLINGER. General Davis.

Mr. TILLMAN. "All roads lead to Rome," and every idea here goes to the Philippines. You can not get it out of our bones, gentlemen. It is in them.

Mr. GALLINGER. "And more is the pity."

Mr. TILLMAN. "And more is the pity." If our soldiers were off those islands and on our fleet, and a hurricane and earthquake should come along and sink the islands out of sight, I would say, "Praise God, from whom all blessings flow," because it would relieve you gentlemen of a very unpleasant dilemma and it would relieve us who are patriotic and believe in the Constitution of a great sorrow and dread. I do not say that you have not got some patriotism on your side, but you are awfully blind, to my mind. If you will read General Davis's proposed expenditures, you will see what a great blessing it is to have a composite government on the Spanish model, as improved slightly by military despotism under the Stars and Stripes.

I do not intend any reflection upon General Davis, because what little I have been able to read here shows me that he is a broad-minded, liberal, high-toned officer, anxious only to do his entire duty as he understands it. But he advises a certain form of autonomy here. He begs for free trade. He points out the basis of a greater economy in this very list of expenditures. Here are proposed expenditures to the amount of $1,943,000, of which only $328,000 would be for education. There would be $185,000, in round numbers, for the judiciary alone.

Just think of it! My State has a million and a quarter of population. Our entire expenditures for the judiciary are less than $40,000, and the pitiful sum, as I said, of $313,000 only, out of about $4,000,000, for education. That was what these people last year spent on their government—this composite Spanish-military. I will not say American, for God knows I do not see much American in it from our standpoint, unless you say Spanish-American.

The entire taxation in South Carolina for everything—State, county, and municipal schools—was less than three millions. There is no sense, no justice, no honesty in having these poor wretches, because they have come under our flag, robbed in that way. They need civil government, not a despotism like that which the Senator from Indiana [Mr. BEVERIDGE] wishes us to give the Philippines when we pacify them. I do not believe they are capable of setting up a representative government along the lines which have been followed in the South on manhood suffrage. If you do not have educational and property government, you will have a pandemonium of robbery and misrule.

Whether we shall give these people a Territorial government and a Delegate here or not will depend, of course, upon the wisdom of the majority here. There may be some men on the other side who will vote with us on this side; I do not know. You are the best disciplined party I ever ran up against. No matter how some of you talk, you generally round up when the roll call comes. Whether you are in a dilemma or not, as some Senators think, I dare say you will get out of it some way.

But, Senators, there is one aspect, and only one more, that I will present, and I will make some more inquiries. It may be somebody can answer them. We have had one Philippine Commission, which went out shortly after the war began. They tried to lay down some scheme of compromise by which the Filipinos could be induced to come under the American control and Government on terms that would be acceptable to us and acceptable to them. It was a lamentable failure, but it cost a heap of money. It was paid under the war power, I suppose, out of the general budget under the control of the President of the United States, without any specific appropriation. What salaries were paid we do not know.

Now, we have organized or are preparing to organize another Philippine commission composed of four gentlemen. A distinguished judge, who was on the circuit bench or the United States, resigned his seat to accept the presidency or the chairmanship of this new commission. The average man is selfish and is always looking out for the main chance. What induced a man with a life tenure at $6,000 a year, with the great power and honor attaching to the circuit judgeship, to surrender that office and embark on this doubtful venture of setting up an acceptable government in the Philippines, of organizing a new government in our Asiatic dependencies? It may have been the highest patriotism. There are a few men left who are patriotic, even among Democrats, and a few among Republicans, men who for high public purposes will surrender their own self-aggrandizement and their personal ambition to subserve a great public purpose.

Mr. GALLINGER. Mr. President, will the Senator from South Carolina permit me?

Mr. TILLMAN. With pleasure.

Mr. GALLINGER. Of course I know the Senator does not mean to impute even the possibility of any low or selfish purpose on the part of Judge Taft in resigning.

Mr. TILLMAN. I tried to make myself very plain that I did not.

Mr. GALLINGER. Judge Taft, as we all know, is one of the most honorable and high-minded men in the country. I simply want to ask the Senator if he does not believe there is a judge in his State, who has a life tenure, who would be willing to resign it to take a place in this body, which is only for a short time?

Mr. TILLMAN. In South Carolina?

Mr. GALLINGER. There is one, I think. I can see some——

Mr. TILLMAN. You are bringing the argumentum ad hominem to me as to whether there is anybody in my State who would do this thing?

Mr. GALLINGER. I made the suggestion to the Senator if he does not think there may be a judge in his State who would be willing to surrender that office, high as it is, honorable as it is, and for life, to accept a temporary service in the United States Senate. I have heard it suggested that there is.

Mr. TILLMAN. You mean in the Senate?

Mr. GALLINGER. In the Senate of the United States.

Mr. TILLMAN. Oh, the Senate of the United States is a very different thing from a mission to the Philippines. I hope the Senator does not undertake to put a scat in this august assemblage down to the level of a district judgeship!

Mr. GALLINGER. Mr. President, what I meant to say was simply that Judge Taft yielded the high office he held, an office for life, to accept the chairmanship of the Philippine Commission. I have no doubt he was actuated by high motives of patriotism and love of country. I have no doubt that there are judges in every State of the American Union who would be willing to resign in order to accept a similar service, whether it was in the Philippines or in Cuba or Puerto Rico or in the Senate of the United States. The fact that a judge holds a place for life under the Constitution does not argue that he would not yield it for temporary service which might be of a more congenial nature or dictated by motives of high patriotism and a desire to serve his country.

Mr. TILLMAN. I would feel that the American Republic was already doomed, that we were on our last legs, so to speak, if there were not men anywhere in this country, in any State in this Union, who, if their whole hearts and souls were interested in a patriotic purpose, would not be willing to ignore and throw aside their own sordid, selfish ambition and emoluments to serve the public.

But what I was trying to get at was this: Without casting any reflection on the gentlemen who have been appointed from various positions of honor and trust, I want to know what you are going to pay them? I saw in the papers that the associate commissioners were to receive $22,500 per year and that the head of the commission would receive $25,000. Now, if anybody can throw any light on that it will illuminate this question very much. Nobody is authorized to speak. If we are left to guess and to conjecture as to how much this new departure in government is to cost, if we are to have our new possessions governed by men appointed from Washington, to reintroduce into our politics the old-time stench of carpetbaggery, then I, for one, am more than ever opposed to the villainies that are proposed to be carried out here.

Who will pay these enormous salaries and of all the subordinates that will run on down pari passu? A man would have to offer me more than that to get me to agree to go to the Philippine Islands to live, because I would expect to get a bolo in my back the first time I was out of sight of the United States Army post and got out where the Filipinos could have a chance at me, besides the climate, the enervation, the destruction to health and vitality. I have got but little left anyway, only twelve or fifteen years, according to the tables of probabilities, and I want to stay where I can have as few aches as possible the little balance of time I am in this world. But as nobody seems to be willing to tell us what this commission is to receive for compensation——

Mr. FORAKER. I am not authorized to speak on that subject, but I can state what I have heard in answer to the Senator's interrogatory. I have been informed that the President did say to one of the commissioners appointed to serve on this commission, and who has accepted, that the salary to be allowed would not in any event exceed $10,000.

Mr. TILLMAN. Well, that is a little better than I had hoped for.

Mr. FORAKER. You are disappointed?

Mr. TILLMAN. No; I am not disappointed; I am gratified. I am always willing to trust William McKinley. It is his bad and wicked partners that I am against. [Laughter.] It is the influences which dominate and control and seem to drive him that I am criticising. Left to himself I believe his aspirations and his purposes are patriotic and noble. He is carried off his feet right now, I expect, by the dream of history putting him up as the man who added so much territory, alongside of Jefferson and other great men of the past, to our domain, and all that kind of thing. I do not know whether he has any such dreams or not.

But aside from the salaries which are being paid to these commissioners we will have another commission after this one goes out, if it fails. The point that I am trying to make right now, in this part of the speech—for I have had rather a rambling and longer talk than I intended when I got up—is that imperialism, or the government of dependencies, whichever way you have a mind to put it—the government of dependencies, if you do not like the other word—comes high.

The American taxpayer in the long run has got to settle the bills. We can never hope to get enough trade from Puerto Rico, even if we keep it outside of our tariff wall, to make it profitable. We can never hope to get enough trade from the Philippines to make profitable the expenditures which they will entail and which we will continue to incur. The American taxpayer will get tired of paying all these expenses some of these days, and he will ask, What is all this thing about?

He will inquire whether trade has followed the flag. You will not let trade follow the flag to Puerto Rico. You have got hurdle fences to be jumped between here and there, and your purpose in holding Puerto Rico down is to preserve the principle that you have a right to treat the Philippines the same way, and after you have got the Philippines have gone on and participated in the Chinese partition and get a thigh or a big piece of breast of that Empire.

Then you will have another dependency over there, which will furnish big salaries of $10,000 in the great company of so-called civil governors, or commissioners, or governor-generals, or some other title that is un-American, and you will always have to have a soldier—yes, a hundred or five hundred soldiers—around each

one of those men to keep his life from being taken by the men you are to hold down by the bayonet in that way. That is what I am trying to direct your attention to.

I hope when the bill in charge of the Senator from Ohio comes back before the Senate, those who on the other side have announced that they are for America for Americans, not including Puerto Ricans, will help us on this side who are for America for the Americans, including Puerto Ricans, to have that modicum of self-government given them that will knock down and obliterate all lines of demarcation between that island and the United States, and let the President's words mean absolutely what he said when he proclaimed the glorious doctrine that liberty follows the flag.

Let us take away our hands from the throats of those poor people who have been taken from under Spain's degrading and liberty-destroying despotism. Let us let the American eagle fly around there on terms of equality; let us run up the Stars and Stripes; let those people have the best government they are capable of maintaining, and, if they can not maintain law and order, then we will have enough troops there to keep them straight, like we do in the Indian reservations, and civilize them and educate them in self-government as Mexico is being taught.

APPENDIX.

OCTOBER 21, 1899.

THE ADJUTANT-GENERAL, DEPARTMENT OF PUERTO RICO,
San Juan, P. R.

SIR: In obedience to instructions contained in communication from your office, dated August 21, 1899 (L. S., 2292, D. P. R.), directing me to prepare and submit a "financial statement of general receipts, showing sources and amounts of revenue and statement of expenditures for all purposes, itemized under the proper heads and subdivisions, showing objects and amounts," this in view of having been previously designated by the department commander, verbally, to examine and audit the money accounts of military officers and others, having reference to the receipt and disbursement of "insular" funds, I have the honor to submit the accompanying statements, showing amounts received, disbursed, and remaining on hand June 30, 1899, on account of "customs collections" and of the "central treasury," embracing "internal revenues," showing sources from whence received of all insular revenues of the island of Puerto Rico since date of American occupation.

At the time of first invasion of Puerto Rico and occupation by our troops of Ponce (July 28), Arroyo (August 1), and Guanica the custom-houses at the two first-named ports (no custom-house being at Guanica) were placed under charge of military officers, who assumed control and continued—in a semi-civil capacity as collectors of the port—to administer and exercise the functions pertaining to that office. As inland invasion progressed the port of Mayaguez was next similarly taken charge of (August 12), and so continued under military authority. Upon the final surrender and entry of American troops into San Juan (October 18) the custom-house at that port and the custom-houses at the several remaining ports of Humacao, Fajardo, Arecibo, Naguabo, Vieques, and Aguadilla were also soon after placed under charge of military officers, who have since continued in their official capacity to act as collectors of the port, rendering account of receipt of collections and expenditures and performing all the duties required in the administration of their office.

That such assignments were wise, and that the duties have been ably, intelligently, economically, and honestly performed, is attested by the figures shown in the result as compared with those of the "internal revenue," which latter department was wholly under charge of civil (native) functionaries.

It will be observed by reference to the statement of "customs" that there are items enumerated in the expenditures under, viz, "Department of public works," "Department of public instruction," "Judicial department," "Post-office department," "Maintenance of insular police," "Representation of the island of Puerto Rico at Philadelphia Exposition," "Vaccination expenses," and "Pay of prison guards, inspectors," etc., aggregating $481,757.28, which properly belong to and should be chargeable to departments coming under the control of the "central treasury," and which, if deducted, would greatly decrease the expenses proper of customs and correspondingly increase its balance shown on hand, as also increase the expenditures of the central treasury.

In addition to these amounts, charged as expenditures against customs, there appear the sums advanced to the municipalities of San Juan, Mayaguez, and Aguadilla for certain city improvements, aggregating $29,079.75, which amount is treated as a loan, and is to be returned by said municipalities. This amount, also, if deducted from the expenses of customs, would still further decrease the expenditure shown.

Of the amount of customs funds drawn on the orders of Generals Miles and Brooke during the early part of the invasion and used by the several staff departments of the army for military purposes, the records show the following sums distributed to staff departments: Quartermaster's department, $18,308; subsistence department, $8,455.42; medical department, $371.59; judge-advocate's department, $16.54; total, $27,211.55. The greater portion of this sum, and especially that received and disbursed by regular officers, has been accounted for by proper accounts current with vouchers, while in a few instances, mostly in the cases of volunteer officers, there yet remains unsatisfied accountability.

When the conditions of actual war are considered, the very limited facilities had for clerical work by troops campaigning, and the absolute lack of all papers, blanks for vouchers, etc., together with the inexperience of many, and entire ignorance of others among the volunteer officers as to the accountability of public funds, added to the general impression that was had by many officers that they would not be required to account for these funds, "only expend it for the general benefit of the troops and best interests of the service," it is not surprising that there remains a portion of the amount unaccounted for.

No one unacquainted with the early conditions here following American occupation can form an idea of the difficulties and obstacles encountered in the efforts to obtain replies and information in connection with the task of auditing the customs account, and properly accounting for expenditures of that fund. Much time and labor have been spent in the preparation of this statement, and the amount of indefinite and unsatisfactory information received in answer to inquiries in this connection would fill a large volume. Only constant and persistent delving into the various ramifications of irregularly kept accounts, and research, groping in the dark as it were, through the abyss of successive mysterious intricacies and labyrinths of Spanish archives, has brought about the result.

In the accompanying statement all expenditures shown can be verified by actual reference to records in this office, excepting the sum of $139.78, which is charged as "amount unaccounted for." The total collections received on account of customs and balance in hands of customs collectors agree with the amounts shown by the auditor of the island. The balance in bank to the credit of the treasurer of Puerto Rico has been verified, and the balance shown in hands of military officers has since been all transferred to the credit of the treasurer of Puerto Rico.

The statement of the central treasury is submitted as rendered by the civil secretary, excepting that the receipts and expenditures under the various heads have been arranged and classified with a view of making it more clear of understanding for higher authority; the figures, however, remain the same and are unchanged. This account has not been audited, and the monthly accounts, to be rendered in detail from February 1 to June 30, of internal revenues have not as yet been received.

During the months of June and July Mr. William T. Kent, expert accountant, of the inspector-general's department, assisted me very materially in my duties in this direction, to whom my grateful acknowledgment and thanks for the valuable services rendered are due.

Following is general summary and recapitulation of all insular funds received, disbursed, and remaining on hand June 30, 1899:

Received:		
On account customs collections	$1,238,535.93	
On account internal revenues	1,089,021.94	
		$2,327,557.87
Disbursed:		
On account customs collections	727,096.40	
On account internal revenues	1,033,424.45	
		1,760,520.85
Balance		567,037.02
Balance, customs collections	511,439.53	
Balance, internal revenues	55,597.49	
Balance, grand total, June 30, 1899, United States currency		567,037.02

Respectfully submitted.

C. H. HEYL,
Lieutenant-Colonel, Inspector-General, U. S. V.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF PUERTO RICO,
San Juan, October 25, 1899.

Respectfully forwarded to the Adjutant-General of the Army for file with other appendixes to my report on civil affairs of Puerto Rico, dated September 30, 1899.

The work of audit of civil expenditures is in progress, but can not be completed until all the voluminous records in Spanish are collected and arranged.

Under Spanish domination there never was made an audit of accounts that would respond to the requirements of United States standards.

The culling out of the dates is very laborious, and as the civil force is small, it takes much time. It will hardly be possible to complete this work before the close of the present calendar year.

I think that the result of the audit of customs receipts and expenditures, which has been thorough, is eminently satisfactory. When it was taken up, shortly after my arrival, I despaired of ever having an intelligent exposition of all the financial transactions, but by dint of most laborious effort every cent has been properly accounted for save about $37 of a total income of over a million and a quarter dollars.

GEO. W. DAVIS,
Brigadier-General, Commanding.

INSULAR FUND OF PUERTO RICO.

HEADQUARTERS DEPARTMENT OF PUERTO RICO,
INSPECTOR-GENERAL'S OFFICE,
San Juan, Puerto Rico, October 17, 1899.

Total amount received, disbursed, and remaining on hand on account of customs collections from August, 1898, to June 30, 1899, and from what source received.

Port.	Date of American occupation.	Import duties.	Export duties.	Tonnage.	Passenger head money.
San Juan	Oct. 18, 1898	$457,037.49	$4,829.63	$18,932.97	$845.00
Ponce	July 28, 1898	424,762.13	13,777.76	10,213.87	429.63
Mayagues	Aug. 13, 1898	130,462.26	7,344.69	3,800.96	71.00
Arecibo	Oct. 14, 1898	53,103.80	3,649.48	1,608.24	
Aguadilla	Sept. 19, 1898	33,250.17	2,007.40	851.52	20.15
Arroyo	Aug. 1, 1898	18,882.60		275.44	5.00
Humacao	Sept. 22, 1898	6,488.85		428.35	25.00
Fajardo	Oct. 1, 1898	3,599.61		335.30	
Naguabo	Sept. 22, 1898			91.10	
Vieques	Oct. 1, 1898	1,299.00		136.96	75.00
Total		1,128,885.81	31,608.96	36,724.71	1,470.77

Port.	Miscellaneous.	Special 10 per cent tax.	Consumption tax.	Found in vaults.	Total United States currency.
San Juan	$202.51	$735.95	$21,387.37		$503,970.92
Ponce	41.50	195.78	12,527.72	$2,618.43	464,566.81
Mayagues	38.44	9.85		969.33	142,696.52
Arecibo	160.00	1.40	574.19		59,097.11
Aguadilla	.83	.03	139.54		36,269.64
Arroyo			140.33		19,303.37
Humacao	1.39	.99	38.69		6,983.21
Fajardo			15.40		3,950.31
Naguabo					91.10
Vieques	30.49		6.59		1,608.94
Total	484.16	943.94	34,829.83	3,587.75	1,238,535.93

FOR WHAT PURPOSE EXPENDED.

Custom-house expenses of Puerto Rico	$74,695.61	
Quarantine expenses of Puerto Rico ($3,675.60)*	6,457.82	
Light-house expenses of Puerto Rico ($815.52)*	14,286.97	
Auditor's office expenses ($135.89)*	1,888.62	
Post-office expenses, Mayaguez	*103.84	
Duties refunded	*2,180.18	
Sanitary expenses, San Juan	15,360.85	
Harbor work, San Juan	3,901.34	
Vaccination expenses of island inhabitants	28,413.21	
Feeding poor and indigent Puerto Ricans	8,539.35	
Department of public works, construction and repair of roads, bridges, etc.	397,243.31	
Department of public instruction and public schools	2,727.18	
Expense of maintenance of insular police	50,372.74	
Drawn for United States Army on orders of Generals Miles and Brooke for military purposes ($3,186.55)*	27,211.55	
Clerks' salaries, department and district headquarters of Puerto Rico	12,319.09	
Witness fees, etc., in connection with military commissions	678.35	
Advanced for repairs to district jail, Aguadilla (loan)	1,413.08	
Judicial department, service, etc	120.30	
Consumption tax money paid "Diputacion provincial"	43,434.82	
Advanced for city water system, San Juan (loan)	27,069.60	
For representation of island of Puerto Rico at Philadelphia Exposition, 1899	$1,100.00	
Advanced for sewerage system, Mayaguez (loan)	597.07	
Entertainment expenses, palace, authority of Secretary of War	300.00	
Printing, binding, stationery, etc	2,905.89	
Pay of prison inspector, guards, and prison clothing	1,676.70	
Expenses of commission and official investigations	454.97	
Incidental expenses of insular and municipal police	435.44	
Pay of captain of port at Fajardo	107.35	
Miscellaneous incidental expenses	1,000.51	
Amount unaccounted for, no vouchers	139.74	
		$727,133.68
April 24, less amount refunded on account of clerks' salaries, department headquarters, by Maj.-Gen. G. V. Henry	15.28	
March 27, less amount refunded on account of clerks' salaries, district of Ponce, by Capt. E. B. Cassatt	22.00	
		37.28
		727,096.40
June 30, balance in hands military officers	30,508.66	
June 30, balance in hands customs collectors	30,473.04	
June 30, balance, treasurer of Puerto Rico:		
On deposit with De Ford & Co., San Juan	$271,401.66	
On deposit with De Ford & Co., Ponce	179,051.17	
	450,452.83	
		511,439.53
Total United States currency		1,238,535.93

*These amounts are reported as, and included in, "Custom-house expenses" proper by the auditor for Puerto Rico, and were paid by customs collectors. Total custom-house expenses, as shown by auditor's figures, $84,793.19.

Respectfully submitted.

C. H. HEYL,
Lieutenant-Colonel, Inspector-General, U. S. V.

RECEIPTS.

Statement of the central treasury, showing total amounts received on account of insular collections, distributed under the heads of the various departments, from the time of American occupation, October 18, 1898, to June 30, 1899.

	Oct. 18, 1898, to Mar. 11, 1899.			Mar. 12 to June 30, 1899.		
	Amount.	Total.	Grand total.	Amount (U. S. currency).	Total.	Grand total.
Department of state.	*Pesos.*	*Pesos.*	*Pesos.*			
From reimbursements			9,845.98			$3,612.99
Department of finance.						
Taxes and imposts:						
Rural, urban, and cattle taxes	128,298.80			$89,114.24		
Industrial and commercial taxes	84,093.65			31,989.99		
Fees on property transfer	27,534.79			4,931.88½		
Impost on mines	153.60			85.80		
Certificates of personal taxes	1,028.59			88.83		
		242,309.43			$126,210.74½	
From stamp duties:						
Pope's bull stamps	163.95			29.07		
Stamped paper	5,606.95			.60		
Stamped paper for fines and other payments to the state	396.85					
Postage stamps	1,926.61			18.37		
Receipts and accounts stamps	123.10					
Bill of exchange stamps	41.45					
Drafts for the press	281.11					
Stamps for custom-house documents	93.15					
		8,633.17			48.04	
From insular properties:						
Rent on insular property	24.08			307.80		
Rent on unclaimed property				307.90		
"Canons" rent on building grounds	500.94			198.13		
Proceeds on insular forests	14.25					
Rent on buildings, census	14.25			128.53		
		559.52			1,032.36	
Sales of insular property previous to the law July 7, 1882	379.59					
Sales of insular property following aforesaid law	1,585.25			834.08		
Sales of unclaimed property	342.92					
		2,307.76			834.08	
From taxes in arrears:						
Taxes and imposts	13,534.98			2,119.19		
Stamp duties	452.64			21.50		
Insular properties	123.53			89.86		
		14,111.15			2,230.55	
From reimbursements		62.49			81.72	
			267,986.32			190,437.49½
Department of interior.						
From reimbursements			593.62			8,057.45
Department of justice.						
From reimbursements					5.40	
From taxes in arrears					22.37	
						27.77
Treasury transactions.						
Deposits:						
Gubernative deposits consigned	216,284.19			391,897.56		
Judicial deposits consigned	7,344.63			464.62		
		223,628.82			392,362.18	
Sureties:						
Employees' sureties consigned	37,604.33			37,597.57		
Private sureties consigned	1,000.00			36.00		
		38,604.33			37,633.57	
Transfer of funds:						
From internal-revenue collectors		99,560.23			74,166.82	
Refunded:						
Advances refunded		1,957.34			3,310.90	
Consumption imposts:						
Consumption impost on liquors					46,746.93	
			363,840.72			554,220.40
General engagements.						
From reimbursements			13.02			12.89

Statement of the central treasury, showing total amounts received on account of insular collections, distributed under the heads of the various departments, from the time of American occupation, October 18, 1898, to June 30, 1899—Continued.

	Oct. 18, 1898, to Mar. 11, 1899.			Mar. 12 to June 30, 1899.		
	Amount.	Total.	Grand total.	Amount (U. S. currency).	Total.	Grand total.
Miscellaneous.	*Pesos.*	*Pesos.*	*Pesos.*			
From taxes in arrears		4.71			$6.78	
From outstanding debts account		147.18			210.34	
From 6 per cent interest on delayed payments		700.87			721.50	
From sale of unclaimed animals		26.00			45.50	
From proceeds from miscellaneous receipts		4,889.73			2,805.68	
			5,878.49			$3,789.80
Total			648,105.35			700,158.73

Receipts embraced in period October 18, 1898, to March 11, 1899, converted into United States currency at official rate, $0.60 ..... $388,863.21

DISBURSEMENTS.

Statement of the central treasury, showing total amounts disbursed on account of insular collections, distributed under the heads of the various departments, from the time of American occupation, October 18, 1898, to June 30, 1899.

	From Oct. 18, 1898, to Mar. 11, 1899.			From Mar. 12, 1899, to June 30, 1899.		
	Amount.	Total.	Grand total.	Amount (U. S. currency).	Total.	Grand total.
Department of state.	*Pesos.*	*Pesos.*	*Pesos.*			
Salaries and office expenses of the cabinet council's presidency	1,669.67					
Salaries and office expenses of the secretary of state	8,736.69			$8,566.35		
		10,406.36			$8,566.35	
Salaries and office expenses of the local court of common pleas	166.66					
Salaries and office expenses of post and telegraph offices	876.37					
		1,043.03				
San German's hospital subvention		172.60				
Salaries of medicine and pharmacy's subdelegation	125.62					
Salaries of board of health	466.03			86.64		
		591.65			86.64	
Material expenses of board of health		33.20			9.60	
Salaries at lazaret, island of Culebra		211.64				
Salaries and expenses of the police force		5,604.91				
Rent of buildings		1,350.90			43.20	
Purchase of a disinfecting apparatus for the lazaret, island of Culebra	200.00					
Expenses on the increasing of the police force	1,073.14					
Salaries of the commission intrusted to clear accounts of the diputación provincial	1,261.30					
Vaccination service	400.00			$120.00		
Expenses on daily supplies of food to those protected at beneficencia and lunatic asylum	22,466.18			11,157.66		
		25,400.62	44,814.91		11,277.66	$19,983.43
Department of finance.						
Salaries of office of secretary of finance	2,828.79			2,000.00		
Salaries of office of supervisor	4,232.66			2,333.24		
Salaries of office of central treasury	2,103.67			1,169.99		
Salaries of office of subsecretary of finance	5,666.15			6,106.90		
		14,831.27			11,610.13	
Office expenses, conveyance of money, printing works, and allowances		1,299.95			1,280.42	
Salaries of collectors	1,326.29			7,495.18		
Salaries of custom-house officers	55.40					
		1,381.69			7,495.18	
Rent of building, stationery for collectors, and expenses on stamped paper and stamps		85.33			326.72	
Typewriting machines	2,538.99					
Postage stamps for official correspondence	465.20			1,484.93		
		3,004.19			1,484.93	
			20,602.43		2,105.16	
Loss on conversion of money						24,322.54
Salaries and expenses of office of secretary of interior		9,746.49			7,121.95	
Schools, inspectors and personnel				1,770.81		
Salaries of the secondary institute	9,632.42			6,601.59		
Salaries of normal schools	2,701.48			1,433.28		
		12,333.90			9,805.68	
Material expenses of the secondary institute	275.00			112.50		
Material expenses of normal schools	2,426.22			243.00		
Puerto Rican Athenæum's subvention	1,166.66			210.00		
		3,867.88			565.50	
Salaries in connection with public works		14,986.07			15,422.80	
Expenses of secretaries, public works				200.00		
Traveling expenses, public works	49.66					
Sundry expenses of public works	2,389.90					
		2,439.56			200.00	
Salaries of post and telegraph offices		226.25				
Expenses of post and telegraph offices		523.93				
Highroads, public works		5,082.80				
Salaries in connection with light-houses		4,902.63				
Acquisitions, rent, and rewards for light-houses		109.90				
Personnel of colonization (salaries)	640.90			83.32		
Material expenses of same	54.00			92.12		
		694.90			175.44	
Subvention to the economical society named Amigos del Pais				630.00		
Board of agreement and sale of unclaimed property				180.00		
					810.00	
Subvention to a student at the conservatory				126.00		
To salaries and material expenses of the mechanical arts and works school				726.49		
To salaries and material expenses of the insular council of education, secretary's office				514.90		
					1,367.39	
			54,914.31			$35,468.76

Statement of the central treasury, showing total amounts disbursed on account of insular collections, distributed under the heads of the various departments, from the time of American occupation, October 18, 1898, to June 30, 1899—Continued.

	From Oct. 18, 1898, to Mar. 11, 1899.			From Mar. 12, 1899, to June 30, 1899.		
	Amount.	Total.	Grand total.	Amount (U. S. currency).	Total.	Grand total.
Department of justice.						
	Pesos.	*Pesos.*	*Pesos.*			
To salaries of the office of the secretary of justice	5,206.03			$4,699.96		
Office expenses, secretary of justice	203.32			114.99		
		5,409.35			$4,814.95	
Salaries of the court of San Juan, audience	19,205.66			16,620.14		
Salaries of the court of Ponce, audience	8,896.76			6,272.06		
Salaries of the court of Mayaguez, audience	5,976.32			7,458.77		
		34,078.74			30,351.57	
Material expenses of the court of San Juan, audience	1,120.45			664.52		
Material expenses of the courts of Ponce and Mayaguez, audience	787.41			475.43		
Indemnifications	1,037.46			830.10		
		2,945.32			1,970.05	
Salaries of the courts of the first instance		10,617.80			11,277.84	
Material expenses of the courts of the first instance		281.37			199.14	
Judicial visits and allowances to judges	302.00			460.03		
Subvention to Vieques, notary	216.66			150.00		
Rent of buildings	640.00			1,248.00		
		1,058.66			1,858.03	
Salaries of cathedral clergy				19.79		
Salaries of parochial clergy	1,453.61			61.75		
		1,453.61			81.54	
Worship and clergy, for material expenses		154.16				
Salaries of departmental penitentiary		10,104.55			8,236.05	
Allowances to prisoners at penitentiary		6,535.87			750.71	
Vaccination service		186.33				
			72,825.85			$59,548.88
Treasury transactions.						
Deposits:						
Judicial deposits returned	319.53			3,652.50		
Gubernative deposits returned	157,472.01			414,881.78		
		157,791.54			418,534.28	
Salaries:						
Salaries paid to civil employees, at major-general's orders	3,200.72					
Salaries paid on account of expenses to be included in the budget	415.62					
		3,616.34				
Salary paid to a civil messenger, at major-general's orders				140.00		
Salary paid to inspector of Society for the Prevention of Cruelty to Animals				81.00		
					221.00	
Sureties:						
Employees' sureties returned	51,200.00			14,373.60		
Private sureties returned	3,800.00			600.00		
		55,000.00			14,973.60	
Transfer of funds:						
Collectors' payments		76,566.20			72,994.94	
Advances to refund:						
Refunded		1,957.34			20,963.91	
Consumption imposts:						
Proceeds of consumption impost on liquors returned					60,013.52	
			294,931.42			577,701.25
General engagements.						
Interest and discount on promissory notes returned		103.00			3,892.80	
Civil pensioners	1,486.02			178.51		
Military pensioners	1,856.35			158.24		
Pensions conferred by special grants	1,093.07					
War and navy half-pay officers	1,652.82			90.03		
Emerited officers and employees	176.32					
Dismissed officers and employees	120.62			14.44		
Immigrants from South America	6.27					
		6,341.47			441.22	
			6,504.47			4,274.03
Commission and condonation.						
Commission to subcollectors and condonation of various imposts			11,335.18			7,389.40
Returning of notes.						
State promissory notes returned			1,965.01			
Total			507,893.58			723,088.30
Disbursements embraced in period Oct. 18, 1898, to Mar. 11, 1899, converted into United States currency at official rate ($0.60)						304,736.15
Total disbursements						1,033,424.45

SUMMARY.

Receipts:		
Total amount of receipts from Oct. 18, 1898, to Mar. 11, 1899, 648,105.35 pesos, converted into United States currency at official rate ($0.60)	$388,863.21	
Total amount of receipts from Mar. 12, 1899, to June 30, 1899, in United States currency	700,158.73	
		$1,089,021.94
Disbursements:		
Total amount of disbursements from Oct. 18, 1898, to Mar. 11, 1899, 507,893.58 pesos, converted into United States currency at official rate ($0.60)	304,736.15	
Total amount of disbursements from Mar. 12, 1899, to June 30, 1899, in United States currency	728,688.30	
		1,033,424.45
Balance		55,597.49

Of the balance above shown $36,036.01 is in United States currency and $19,561.48 is represented by debentures, bonds, and securities in the hands of the civil secretary.

RECAPITULATION OF ALL INSULAR FUNDS RECEIVED, DISBURSED, AND REMAINING ON HAND JUNE 30, 1899.

Received:		
On account customs collections	$1,238,535.93	
On account internal revenues	1,089,021.94	
		$2,327,557.87
Disbursed:		
On account customs collections	727,096.40	
On account internal revenues	1,033,424.45	
		1,760,520.85
		567,037.02
Balance, customs collections		511,439.53
Balance, internal revenues		55,597.49
Balance, grand total, June 30, 1899, United States currency		567,037.02

Respectfully submitted.

C. H. HEYL,
Major, Inspector-General, U. S. A.

HEADQUARTERS DEPARTMENT OF PUERTO RICO, INSPECTOR-GENERAL'S OFFICE,
San Juan, Puerto Rico, October 1, 1899.

Mr. GALLINGER. Mr. President, as is my custom, I will not occupy many minutes of the valuable time of the Senate in discussing this bill. Indeed, I will not occupy a single moment if the Senator from Iowa can get consent to have a vote at the present time. I trust the Senator will ask consent.

Mr. ALLISON. I shall be very glad to have a vote now if the Senator from New Hampshire will forego.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas [Mr. JONES].

Mr. ALLISON. I will extend the request for a vote to the amendments that may be offered to the bill. I am very anxious to get a vote to-night.

Mr. TILLMAN. I ask the Senator from Arkansas, if he can get his own consent, to withdraw his amendment, and I ask the Senator from Alabama to withdraw his, and let us pass the bill right straight just as it came from the committee, and then fight the proposition out on the bill to provide a government for Puerto Rico. This is a restitution of taxes to those people to help them, to reduce the burdens of their government, and put the money back where we stole it from.

Mr. ALLISON. I accept the suggestion of the Senator from South Carolina.

Mr. FORAKER. I rise only to express my gratification that the Senator from South Carolina should have made that suggestion, and I sincerely hope that it may be accepted by all Senators.

Mr. JONES of Arkansas. I am delighted with the proposition that we are proposing to make restitution for what we have taken from those people without their consent.

Mr. FORAKER. All these questions arise under the bill to which the Senator has alluded, and we can discuss them then as much as Senators may desire.

The PRESIDING OFFICER. The Chair understands that the Senator from Arkansas withdraws his amendment.

Mr. JONES of Arkansas. Yes, sir.

Mr. GALLINGER. Mr. President, I desire simply to say that, in view of the fact that the Senate seems disposed to take the vote, I make a great sacrifice by not making the speech which I had intended to make. [Laughter.]

Mr. TILLMAN. The Senator can keep his speech for future delivery.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. PETTUS].

Mr. ALLEN. Let the amendment be stated.

The PRESIDING OFFICER. There are several amendments submitted by the Senator from Alabama. The first amendment will be stated.

The SECRETARY. In line 4, on page 1, after the word "cents," it is proposed to strike out "being the amount of customs revenue received on importations by the United States from Puerto Rico since the evacuation of Puerto Rico by the Spanish forces on the 18th of October, 1898, to the 1st of January, 1900."

The PRESIDING OFFICER. The question is on the adoption of the amendment which has just been read.

The amendment was rejected.

The PRESIDING OFFICER. The next amendment submitted by the Senator from Alabama [Mr. PETTUS] will be stated.

The SECRETARY. In line 1, on page 2, after the words "disposal of," it is proposed to strike out "the President" and insert "and;" in the same line, after the word "used," to strike out "for" and insert "by;" in line 3, after the name "Puerto Rico," it is proposed to strike out "and" where it first occurs; after the word "other," at the end of line 3, to strike out "governmental and public;" and in line 7, after the word "sum," to strike out "or so much thereof as may be necessary;" so that if amended it will read:

Shall be placed at the disposal of and to be used by the government now existing and which may hereafter be established in Puerto Rico for public education, public works, and other purposes therein; and the said sum is hereby appropriated for the purposes herein specified out of any moneys in the Treasury not otherwise appropriated.

The PRESIDING OFFICER. Unless the Senator from Alabama desires to divide the amendment, it will be considered as one amendment. The question is on the adoption of the amendment.

The amendment was rejected.

The PRESIDING OFFICER. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate as amended.

Mr. PETTUS. I desire to know what became of the committee amendments.

The PRESIDING OFFICER. They were adopted, the Chair is informed, on yesterday.

Mr. PETTUS. Is there now no proposition to change them pending?

The PRESIDING OFFICER. The Chair understands that there is no proposition for any further change, except as to the title of the bill.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act appropriating, for the benefit and government of Puerto Rico, customs revenues collected on importations therefrom since its evacuation by Spain to the 1st day of January, 1900."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes; in which it requested the concurrence of the Senate.

Mr. FAIRBANKS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Will the Senator withhold the motion for a moment while the Chair lays before the Senate bills from the House of Representatives?

Mr. FAIRBANKS. I withdraw the motion for that purpose.

HOUSE BILL REFERRED.

The bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

REMOVAL OF SNOW AND ICE, DISTRICT OF COLUMBIA.

The PRESIDING OFFICER laid before the Senate the joint resolution (H. J. Res. 204) to provide for the removal of snow and ice in the city of Washington, in the District of Columbia; which was read the first time by its title.

Mr. MCMILLAN. I ask unanimous consent that the Senate proceed to the consideration of the joint resolution at this time. It is important that it should be passed immediately.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the following sums are hereby appropriated out of any money in the Treasury not otherwise appropriated, namely:

For cleaning snow and ice from the streets and avenues of the District of Columbia, $1,000, one half of said sum to be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

For the removal of snow and ice, to be disbursed under the direction of the officer in charge of public buildings and grounds in and around Washington, D. C., $1,000.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS PAUL.

The bill (H. R. 2000) for the relief of Thomas Paul was read twice by its title.

The PRESIDING OFFICER. What disposition shall be made of this bill?

Mr. McBRIDE. I ask that this House bill, which is identical with Senate bill 1393, which has been favorably reported by the Committee on Public Lands, may be immediately considered.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent that the bill received from the House of Representatives be now considered. The bill will be read for information, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to sell the following-described tract of land, to wit: Lot 6, section 24; lot 7, section 34; the northeast quarter of the southeast quarter of section 34; lot 6, section 35; lot 7, section 35; all in township 8 north, of range 35 east of the Willamette meridian, aggregating 132.15 acres, to Thomas Paul for the sum of $1.25 per acre.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PETTUS. I should like to know of the Senator in charge of the bill why this is proposed to be done. I am not objecting to the consideration of the bill.

Mr. McBRIDE. I will state, Mr. President, that this House bill is identical with Senate bill 1393, which has been favorably reported from the Committee on Public Lands and is now on the Calendar. The report of the committee, which has been printed with the bill, shows that the claimant in this case has been in actual possession and occupation of the lands for about thirty years; that he has cultivated and improved the lands, and has sought to obtain title to them under the public-land laws of the United States; but, owing to the fact that the lands had, sometime prior to his settlement, been declared to be included within the boundaries of a military reservation in the State of Washington, the claimant was unable to obtain lawful entry upon the lands under the public-land laws.

Mr. PETTUS. Are those lands now within a reservation?

Mr. McBRIDE. I understand the lands have been appraised and ordered to be sold.

Mr. PETTUS. I asked if the lands were within a reservation.

Mr. McBRIDE. They were within a reservation.

Mr. PETTUS. Are they now?

Mr. McBRIDE. They are not now, a law having been passed authorizing the sale of these lands at public auction. This bill seeks to give to the actual settler upon the lands, who has resided upon and cultivated them for about thirty years, the right to purchase the lands at the minimum price for public lands. The Senate bill, which is the same as the House bill, has been unanimously approved by the Senate Committee on Public Lands.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McBRIDE. I now move that the Senate bill on the same subject, being the bill (S. 1393) for the relief of Thomas Paul, be indefinitely postponed.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

SIGNING OF BILLS OF EXCEPTIONS.

Mr. FAIRBANKS. I renew my motion that the Senate proceed to the consideration of executive business.

Mr. HOAR. Will the Senator from Indiana kindly withdraw his motion for one moment?

Mr. FAIRBANKS. For what purpose?

Mr. HOAR. I want to ask the Senate to take up and pass a bill to which I am sure there will be no objection. The bill simply provides that when a judge dies or becomes insane, after a trial, and he is unable to sign a bill of exceptions, the judge who succeeds the trial judge may inquire into the facts and the law. There is some special reason for having that done. The bill comes from the Attorney-General's Office, and I ask consent for its present consideration.

Mr. FAIRBANKS. I withdraw the motion for an executive session temporarily.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3254) to amend section 953 of the Revised Statutes of the United States, relating to the signing of a bill of exceptions.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 3393) granting an increase of pension to Agatha O'Brien, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1661) for the relief of George W. Graham, reported it without amendment, and submitted a report thereon.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (S. 3545) for the relief of Mrs. Lavinia M. Payne, reported it with an amendment, and submitted a report thereon.

CHANGE OF NAME OF STEAMSHIP PARIS.

Mr. PENROSE. I desire by unanimous consent, and with the consent of the Senator from Indiana [Mr. FAIRBANKS], to submit a report.

Mr. FAIRBANKS. I yield for that purpose.

Mr. PENROSE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 3537) to grant authority to change the name of the steamship *Paris*, to report it favorably without amendment. As it is merely a nominal matter, I ask consent of the Senate for the consideration and passage of the bill at this time.

Mr. FAIRBANKS. I must object. I yielded only for the presentation of morning business.

The PRESIDING OFFICER. Objection being made, the bill will go to the Calendar.

SOUTH AFRICAN REPUBLICS.

Mr. MASON. With the consent of the Senator from Indiana, I desire to enter a motion, which I shall call up for action on Monday after the routine morning business. The motion I enter is that the Committee on Foreign Relations be discharged from the further consideration of Senate resolution No. 8, and that the same be placed on the Calendar.

The PRESIDING OFFICER. The motion will be entered.

EXECUTIVE SESSION.

Mr. FAIRBANKS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session, the doors were reopened.

SOUTH AFRICAN REPUBLICS.

Mr. MASON. I have an article, taken from the Chicago Tribune, relating to a meeting held at the Auditorium in that city by American citizens of German birth or descent, at which they expressed their collective opinion of England's attempt to crush the white republics of South Africa. I send it to the desk, and ask that it may be read.

The Secretary read as follows:

THE BOER AUDITORIUM MEETING.

On Thursday evening at the Auditorium, American citizens of German birth or descent met to express their collective opinion of England's attempt to crush the white republics of South Africa. The building was thronged from doors to roof.

Organized primarily by the Turner societies, the speakers were chosen with a view to showing the unanimity of our citizens of the Teutonic race in an issue of political and civil liberty. They included Lutherans, Catholics, Free Thinkers, Democrats, Republicans, expansionists, anti-expansionists, every shade of prevalent American opinion. It was exclusively an American meeting. Its predominating spirit was against monarchy in every form, for free representative government by the people for the people. The German tongue was employed; the choruses, superbly rendered by nearly a thousand male voices, were written in that tongue, which has embodied so much of the music the world has universally adopted. The speaking was in the tongue which has given to its younger kinswoman, English, the larger proportion of its vigor, purity, and perpetuity. The most acceptable quotations in English—none of them in favor of monarchy—were from Goldsmith, Walter Scott, and Thomas Jefferson. The Stars and Stripes were sympathetically placed beside the flag of the Transvaal Republic.

Of the thousands who participated in the meeting many were veterans of a war in which native and foreign born risked life side by side for preservation of the Union of our free commonwealths. A still greater contingent were the sons of American veterans. The sympathy of the meeting was with the Boers on strictly American grounds; they were fighting for the freedom and independence of their own country. Whatever contentions may exist between Germany and England had no voice at the meeting. Its voice was the voice of Americans, uttered in behalf of the rights of the citizens of other democracies.

Its voice was for American rights on this continent also. The meeting was as solid for the Monroe doctrine as for the freedom of the Transvaal. No cheer of the occasion was more significant than that for Grover Cleveland when his name was mentioned as having been signed to a notice to England in the Venezuela episode to keep "hands off" this continent. A large share of the men at the meeting were necessarily Republicans, detesting much that

Grover Cleveland stood for when an active figure in American politics. They cheered his name, not for party or personal, but for national reasons. It would be well for the present leaders of the Republican party to note this fact and extract from it its obvious lesson. There is no considerable body of American citizens of any ethnic category, of any creed, of any cult, who are prepared to follow in partisanship leaders who subordinate the interests or the honor of the United States to any foreign power.

The German-American Auditorium meeting was an American meeting. Its voice was the voice of freedom and humanity. It will not fail to be heard throughout the country.

GENERAL DAVIS'S REPORT ON PUERTO RICO.

On motion of Mr. GALLINGER, it was

Ordered, That 2,000 copies of report of General Davis on Puerto Rico be printed for the use of the Senate.

Mr. PETTUS. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 4 o'clock and 40 minutes p. m.) adjourned until Monday, March 19, 1900, at 12 o'clock, meridian.

NOMINATIONS.

Executive nominations received by the Senate March 16, 1900.

POSTMASTERS.

Franklin L. Glass, to be postmaster at Martinez, in the county of Contra Costa and State of California, in the place of J. P. Briare, whose commission expired February 1, 1900. Mr. Glass, through error, was nominated to the Senate and confirmed as Frank L. Glass.

Charles B. Chrysler, to be postmaster at Delta, in the county of Delta and State of Colorado, in the place of W. O. Stephens, resigned.

James E. Elliott, to be postmaster at Duncan, in the Chickasaw Nation, Ind. T., the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Jesse K. Freeman, to be postmaster at Central City, in the county of Muhlenberg and State of Kentucky, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900. (Reappointed.)

Eugene A. Fairfield, to be postmaster at Kennebunk, in the county of York and State of Maine, in the place of G. R. Smith, whose commission expired February 11, 1900.

Asa B. Fay, to be postmaster at Northboro, in the county of Worcester and State of Massachusetts, in the place of J. Q. Hatch, whose commission expires March 25, 1900.

W. H. White, to be postmaster at Decatur, in the county of Van Buren and State of Michigan, in the place of Theodore Trowbridge, whose commission expires April 25, 1900.

Eva Kaiser, to be postmaster at Bemidji, in the county of Beltrami and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Charles H. Pierce, to be postmaster at Northfield, in the county of Rice and State of Minnesota, in the place of T. J. Dougherty, whose commission expired February 11, 1900.

Thomas J. Taylor, to be postmaster at Wilber, in the county of Saline and State of Nebraska, in the place of J. F. Early, resigned. Mr. Taylor is now serving under a temporary commission issued during the recess of the Senate.

Henry H. Whitfield, to be postmaster at Peru, in the county of Nemaha and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Louis D. Gallison, to be postmaster at Orange, in the county of Essex and State of New Jersey, in the place of M. A. Hanchett, whose commission expired January 30, 1900.

Rutsen S. Snyder, to be postmaster at Atlantic Highlands, in the county of Monmouth and State of New Jersey, in the place of D. L. Conover, whose commission expired December 19, 1899.

Ebenezer Evans, to be postmaster at Waterville, in the county of Oneida and State of New York, in the place of Mary K. Cleveland, whose commission expired March 3, 1900.

Mr. James Fox, to be postmaster at St. Johnsville, in the county of Montgomery and State of New York, in the place of Frank Pickard, whose commission expired February 11, 1900.

Alexander L. McCaskill, to be postmaster at Fayetteville, in the county of Cumberland and State of North Carolina, in the place of W. D. Gaster, whose commission expired March 3, 1900.

Ellef K. Myhre, to be postmaster at Valley City, in the county of Barnes and State of North Dakota, in the place of D. O. Malley, whose commission expired February 11, 1900.

William A. Coble, to be postmaster at Delphos, in the county of Allen and State of Ohio, in the place of T. A. Weger, whose commission expires April 2, 1900.

John Grierson, to be postmaster at Morrison, in the county of Whiteside and State of Illinois, in the place of M. V. B. Smith, whose commission expired March 10, 1900.

ASSOCIATE JUSTICE, SUPREME COURT OF OKLAHOMA.

John L. McAtee, of Oklahoma Territory, to be associate justice of the supreme court of the Territory of Oklahoma, his present term having expired February 18, 1898.

PROMOTIONS IN THE ARMY.

Ordnance Department.

Capt. James Rockwell, jr., Ordnance Department, to be major, March 5, 1900, vice Kress, promoted.

First Lieut. George Montgomery, Ordnance Department, to be captain, March 5, 1900, vice Rockwell, promoted.

Artillery arm.

Second Lieut. Thomas Q. Ashburn, Seventh Artillery, to be first lieutenant, March 1, 1900, vice Palmer, Sixth Artillery, appointed captain and assistant quartermaster, who resigns his line commission only.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be second lieutenant, Twenty-seventh Infantry.

Sergt. Charles E. Carpenter, Company D, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, March 12, 1900, vice Brewer, promoted.

To be assistant commissary of subsistence with the rank of captain.

First Lieut. Frank H. Lawton, Twenty-first Infantry, United States Army, March 12, 1900, vice Krauthoff, honorably discharged.

PROMOTION IN THE ARMY.

Cavalry arm.

Second Lieut. Elvin R. Heiberg, Sixth Cavalry, to be first lieutenant, March 13, 1900, vice Wallace, Second Cavalry (colonel of volunteers), deceased.

APPOINTMENTS IN THE VOLUNTEER ARMY.

PUERTO RICO REGIMENT OF INFANTRY.

To be first lieutenants, with rank from March 1, 1900.

Second Lieut. William W. Bessell, Puerto Rico Battalion, to fill an original vacancy.

Louis E. Bennett, late major, Fourth Illinois Volunteers, to fill an original vacancy.

A. Owen Seaman, late first lieutenant, Fourth Illinois Volunteers, to fill an original vacancy.

Morris E. Locke, of Ohio, to fill an original vacancy.

John O. Steger, of Virginia, to fill an original vacancy.

W. W. Ballard, jr., of Virginia, to fill an original vacancy.

To be second lieutenants, with rank from March 1, 1900.

First Sergt. Terence Hamill, Troop L, Fifth Cavalry, United States Army, vice Bessell, appointed first lieutenant.

Jean S. Oakes, of Ohio, late sergeant, Company F, Two hundred and first New York Volunteers, to fill an original vacancy.

PROMOTIONS IN THE VOLUNTEER ARMY.

THIRTY-SEVENTH INFANTRY.

Lieut. Col. Thomas R. Hamer, Thirty-seventh Infantry, to be colonel, March 13, 1900, vice Wallace, deceased.

Maj. Charles T. Boyd, Thirty-seventh Infantry, to be lieutenant-colonel, March 13, 1900, vice Hamer, promoted.

Capt. Benjamin M. Koehler, Thirty-seventh Infantry, to be major, March 13, 1900, vice Boyd, promoted.

First Lieut. Charles H. Sleeper, Thirty-seventh Infantry, to be captain, March 13, 1900, vice Koehler, promoted.

Second Lieut. Alvin K. Baskette, Thirty-seventh Infantry, to be first lieutenant, March 13, 1900, vice Sleeper, promoted.

FORTIETH INFANTRY.

Second Lieut. William E. Utterback, Fortieth Infantry, United States Volunteers, to be first lieutenant, February 23, 1900, vice Galleher, died of wounds received in action.

TO BE SURGEON WITH THE RANK OF MAJOR.

Capt. Alexander D. Ghiselin, assistant surgeon, Eleventh Cavalry, United States Volunteers, March 14, 1900, vice De Shon, resigned.

TO BE ASSISTANT SURGEON WITH THE RANK OF CAPTAIN.

First Lieut. Shadworth O. Beasley, assistant surgeon, Eleventh Cavalry, United States Volunteers, March 14, 1900, vice Ghiselin, promoted.

SECOND LIEUTENANT IN MARINE CORPS.

Frank C. Lander, a citizen of Indiana, to be a second lieutenant in the United States Marine Corps, from the 15th day of March, 1900, to fill a vacancy existing in that Corps.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 16, 1900.

APPOINTMENT IN MARINE-HOSPITAL SERVICE.

Baylis H. Earle, of South Carolina, to be an assistant surgeon in the Marine-Hospital Service of the United States.

APPOINTMENT IN THE ARMY.

PAY DEPARTMENT.

Capt. Francis L. Payson, assistant quartermaster, United States Volunteers, to be paymaster with the rank of major, March 5, 1900.

PROMOTION IN THE ARMY.

CAVALRY ARM.

Second Lieut. John P. Wade, Fifth Cavalry, to be first lieutenant, March 1, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

PUERTO RICO REGIMENT OF INFANTRY.

To be captains.

First Lieut. Jesse McI. Carter, Fifth United States Cavalry.
First Lieut. Christian Briand, adjutant, Puerto Rico Battalion.
First Lieut. James T. Ord, Puerto Rico Battalion.
William P. Butler, late major, First Illinois Volunteer Cavalry.

To be first lieutenants.

Orval P. Townshend, late captain, Ninth Illinois Volunteers.
Second Lieut. Harry L. Cooper, Puerto Rico Battalion.
Second Lieut. Jacob E. Wyke, Puerto Rico Battalion.

To be second lieutenants.

Walter F. Martin, late first lieutenant, Sixth Missouri Volunteers.
Eben Swift, jr., late second lieutenant, Seventh Illinois Volunteers.
First Sergt. Paul Wuttke, Company A, Puerto Rico Battalion.
Charles B. Kerney, late sergeant, Light Battery A, Missouri Volunteers.
Frederick W. Hawes, late private, Company M, First United States Volunteer Cavalry.

INDIAN AGENTS.

James H. Monteath, of Butte City, Mont., to be agent for the Indians of the Blackfeet Agency, in Montana.
George W. Hayzlett, of Arizona, to be agent for the Indians of the Navajo Agency, in New Mexico.
William R. Honnell, of Horton, Kans., to be agent for the Indians of the Pottawatomie and Great Nemaha Agency, in Kansas.

POSTMASTERS.

Sealy B. Moody, to be postmaster at La Grange, in the county of Cook and State of Illinois.
Charles Q. Whallon, to be postmaster at Newman, in the county of Douglas and State of Illinois.

RECIPROCITY CONVENTION WITH FRANCE.

Mr. DAVIS, from the Committee on Foreign Relations, presented certain documents relating to the reciprocity convention with France.

Resolved, That the injunction of secrecy be removed therefrom, and that they be printed.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 16, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

EULOGIES ON THE LATE REPRESENTATIVE EPES.

Mr. HAY. Mr. Speaker, I ask unanimous consent that Saturday, March 24, beginning at 1 o'clock, be set apart for eulogies on the character of the late SYDNEY P. EPES, Representative from Virginia.

The SPEAKER. The gentleman from Virginia asks unanimous consent that Saturday, March 24, not later than 1 o'clock, be set apart for eulogies upon the life and character of the late Representative EPES, of Virginia. Is there objection? [After a pause.] The Chair hears none, and that order is made.

REPRINT OF A BILL.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the reprint of 2,000 copies of House bill 4618, the pure-food bill. I will say that the bill has been called for by various associations and wholesale grocers throughout the country, so that two reprints have already been exhausted.

Mr. CLARK of Missouri. Mr. Speaker, I want to know where the bills are to go for distribution. If they are to go out here in the document room, I object. If you send them to the folding room, I will not object. But somebody goes out to the document room and takes them out by the cartload, and the first man that gets there gets them all.

The SPEAKER. The Chair will state to the gentleman from Wisconsin that a reprint carries 625 copies, and unanimous consent is in order; but if the gentleman's request goes beyond a reprint, the proper form is a resolution.

Mr. BABCOCK. I will confine it, Mr. Speaker, for the present, to a reprint, the usual number at this time, and later I will bring in a resolution.

The SPEAKER. To go to the folding room or the document room?

Mr. BABCOCK. For this amount I think they had better go in the usual way. I will introduce a resolution for a large number to go to the folding room later.

Mr. CLARK of Missouri. I would like to know what is the reason these can not go to the folding room.

Mr. BABCOCK. There is no objection, only——

The SPEAKER. The Chair will state to the gentleman that the law expressly provides where bills must go under a reprint.

Mr. CLARK of Missouri. Where is that?

The SPEAKER. Bills under an order for reprint go to the document room.

Mr. CLARK of Missouri. Then I object.

The SPEAKER. Objection is made.

REMOVAL OF SNOW AND ICE IN DISTRICT OF COLUMBIA.

Mr. CANNON. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, asks unanimous consent for the present consideration of the joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 204) to provide for the removal of snow and ice in the city of Washington, in the District of Columbia.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated out of any money in the Treasury not otherwise appropriated, namely:

For cleaning snow and ice from the streets and avenues of the District of Columbia, $1,000; one half of said sum to be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

For the removal of snow and ice, to be disbursed under the direction of the officer in charge of public buildings and grounds in and around Washington, D. C., $1,000.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. RICHARDSON. Mr. Speaker, I would like to ask if it is not usual for money appropriated for this purpose to be expended under the authority of the District Commissioners, and not under the authority of the superintendent of public buildings and grounds?

Mr. CANNON. They are both included in the resolution. The removal of snow and ice on all public reservations is under the direction of the superintendent of public buildings and grounds, and the other under the direction of the District Commissioners. There is $1,000 to each.

Mr. RICHARDSON. I did not understand that there was any money to be expended under the supervision of the District Commissioners.

Mr. CANNON. Yes; $1,000.

Mr. TALBERT. Mr. Speaker, I would like to ask the gentleman a question. It is getting along in the spring, and the sun is very warm, and I want to know if he does not think the sun would remove the snow soon enough? If it was in the middle of the winter there might be some necessity for it.

Mr. CANNON. I will say to the gentleman from South Carolina that in February last these estimates came, and I said to myself and to some others, springtime is almost here; but with the appropriations exhausted and the prophets of the Weather Bureau having failed in their prediction, the amount of snow which fell yesterday is with us.

Mr. TALBERT. The gentleman is hardly ever mistaken a second time. He is generally right in his prophecies. He is a good prophet, and it does seem to me that it is unnecessary to make this appropriation. I want to suggest that to the gentleman.

Mr. CANNON. We have the snow with us now, and it seems to me that this appropriation is necessary.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and it was accordingly read the third time and passed.

ANDREW J. DAVIS.

The SPEAKER laid before the House the bill (H. R. 524) granting an increase of pension to Andrew J. Davis, with Senate amendments thereto.

Mr. SULLOWAY. Mr. Speaker, I will say to the House that the Senate amendments to this bill and to several other bills which I understand are to follow immediately are all formal. The purpose is to produce uniformity so far as possible in all of these bills, so that the only variation shall be in the name of the beneficiary, the amount of the pension, and the statement of the service performed.

I move that the House concur in the Senate amendments.

The Senate amendments were concurred in.

HOUSE BILLS WITH SENATE AMENDMENTS.

The SPEAKER severally laid before the House the following House bills with Senate amendments. The Senate amendments were severally read, and, on motion of Mr. SULLOWAY, were severally concurred in:

H. R. 2749. An act granting a pension to Susan Garrison;

H. R. 5156. An act granting an increase of pension to Frances C. Kirby;

H. R. 6575. An act granting a pension to Matilda G. Higbee;

H. R. 2477. An act granting an increase of pension to George H. Pennington;

H. R. 854. An act granting an increase of pension to John J. McCormick;

H. R. 4416. An act to increase the pension of Henry Geesen;

H. R. 3072. An act to increase the pension of William W. Wharton;

H. R. 3071. An act granting an increase of pension to John F. Nelson;

H. R. 309. An act granting a pension to James M. Kercheval;

H. R. 5509. An act granting a pension to Malinda Jones; and

H. R. 3067. An act granting an increase of pension to Melvina Bottles.

PURE-FOOD BILL.

Mr. BABCOCK. I now renew my request for a reprint of the bill H. R. 4618.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] renews his request for a reprint of the pure-food bill (H. R. 4618). Is there objection?

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RIDGELY, indefinitely, on account of serious illness.

ORDER OF BUSINESS.

Mr. GRAFF. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, subject to the resolution passed on Wednesday of this week.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House to consider bills on the Private Calendar, controlled by the order recently adopted by the House.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the Private Calendar, under the rule, with Mr. HEMENWAY in the chair.

The CHAIRMAN. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 5196) for the relief of CLAUDE A. SWANSON.

Mr. PAYNE. Mr. Chairman, what becomes of the bill that was before the committee at the last session on private bill day?

The CHAIRMAN. That was a war-claim bill. The Chair understands that business reported from the Committee on Claims is in order to-day under this rule.

Mr. RAY of New York. Mr. Chairman, a parliamentary inquiry. On the last private bill day the bill (H. R. 6909) to pay $4,500 to the Eastern Extension, Australasia and China Telegraph Company was under consideration. I desire to inquire whether that is to be in order at any time to-day?

Mr. GRAFF. From what committee was that bill reported?

Mr. RAY of New York. From the committee of which the gentleman from Pennsylvania [Mr. MAHON] is chairman.

Mr. GRAFF. That is the Committee on War Claims, and in my judgment the bill would not be in order to-day under the rule.

Mr. RAY of New York. I merely desired to know the fact.

Mr. GRAFF. As I understand it, Mr. Chairman, that is a bill reported from the Committee on War Claims.

The CHAIRMAN. It was.

Mr. GRAFF. My interpretation of the rule which we passed on Wednesday morning of this week would exclude consideration of bills reported from the Committee on War Claims to-day.

The CHAIRMAN. The Clerk will report the rule under which we are proceeding to-day.

The Clerk read as follows:

Resolved, That on all Fridays for the remainder of this Congress, except the second and fourth of each month, it shall be the order, the House having proceeded to the consideration of private business according to the provisions of section 6 of Rule XXIV and section 1 of Rule XXVI, to take up, in the Committee of the Whole House, bills on the Private Calendar under the following conditions: On the next Friday which the House may devote to private business, and on every alternate Friday thereafter which may be devoted to private business, bills reported from the Committee on Claims shall have priority over those reported from the Committee on War Claims; and on the remaining alternate Fridays devoted to private bills, those reported from the Committee on War Claims shall have priority over those from the Committee on Claims. (Order made March 14.)

Mr. GRAFF. Mr. Chairman, I understand that in conformity to that rule war claims would not be in order unless we exhaust the business reported from the Committee on Claims, and there should then remain sufficient time for the consideration of bills reported from the Committee on War Claims.

The CHAIRMAN. Has the gentleman from New York [Mr. RAY] anything to say on this question?

Mr. RAY of New York. I wanted to call the attention of the Chair to the fact that House bill 6909, which, I am informed, is reported from the Committee on War Claims——

The CHAIRMAN. It does come from the Committee on War Claims.

Mr. RAY of New York (continuing). Is unfinished business. Now, it being the unfinished business and regularly in order to-day under the rules of the House, I wish to inquire, in order to ascertain in any proper way, whether the special order adopted the other day displaces the unfinished business already pending on that Calendar?

The CHAIRMAN. The Chair thinks that the general rule of the House is that it goes over to the particular day on which business of its class is in order. On the Friday set apart for the consideration of bills reported from the Committee on War Claims this would be the unfinished business and would be in order, and in the opinion of the Chair it is not in order to-day.

Mr. RAY of New York. It will not be in order at all to-day?

The CHAIRMAN. It will not be in order to-day.

Mr. RAY of New York. That is satisfactory. I only desired to know when it would be in order.

CLAUDE A. SWANSON.

The first business was the bill (H. R. 5196) for the relief of CLAUDE A. SWANSON.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to CLAUDE A. SWANSON the sum of $1,769.59, out of any money in the Treasury not otherwise appropriated, for expenses incurred in his contested-election case in the Fifty-fifth Congress.

Mr. GRAFF. Mr. Chairman, I ask that the report on this bill may be read for the information of members.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. BOUTELL of Illinois) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5196) for the relief of CLAUDE A. SWANSON, have had the same under consideration, and, after investigation and examination of the accounts and vouchers submitted by him, report the bill back with the recommendation that it do pass.

Mr. SWANSON was elected to the Fifty-fifth Congress from the Fifth district of Virginia. His seat was contested by Mr. Brown, and the case was investigated by the Committee on Elections No. 3. A majority of this committee decided that Mr. SWANSON was entitled to his seat, and so reported to the House. By a yea-and-nay vote the House twice decided not to consider the case, thus leaving Mr. SWANSON in possession of his seat.

The record in this contested-election case was extremely voluminous, the evidence extending to the examination of several hundred witnesses. Mr. SWANSON submitted to the Committee on Elections a sworn statement showing that the expenses incurred by him in defending the contest amounted to the sum of $3,769.59, of which the sum of $2,533 was for counsel fees, and the sum of $1,236.59 for fees of witnesses, court costs, and printing.

The Committee on Elections unanimously reported to the Committee on Appropriations, recommending that Mr. SWANSON should be paid the full amount of his claim. In accordance with the existing law Mr. SWANSON received from the Government $2,000, leaving a balance of $1,769.59, the payment of which is provided for by this bill. Your committee has carefully examined the accounts submitted by Mr. SWANSON and believes that the charges therein contained are just and reasonable, and that he should be reimbursed for the above balance of $1,769.59.

There are numerous precedents for the payment to the parties to contested-election cases of the expenses incurred by them over and above the $2,000 authorized by the act of March 3, 1879. Since the passage of that act the following payments in excess of $2,000 have been allowed:

By act of July 7, 1884:	
To John S. Wise	$1,500.00
To John E. Massie	1,500.00
By act of March 3, 1891: To Philip S. Post	5,668.40
By act of March 2, 1895:	
To Robert A. Childs	2,500.00
To Thomas Settle	2,500.00
To A. H. A. Williams	2,500.00
By act of March 3, 1881:	
To A. G. Curtin	6,000.00
To S. H. Yokum	6,000.00
To N. A. Hull	1,500.00
To Ignatius Donnelly	1,500.00
To W. B. Washburn	1,500.00
To Joseph Mason	2,000.00
To Jesse J. Yeatts	250.00
To J. J. Martin	250.00

Mr. GRAFF. Mr. Chairman, I am disagreeing with the majority of the committee in the favorable report on this bill, and I deem it courteous to yield to the gentleman from Illinois [Mr. BOUTELL], my colleague on the committee who made the report, to present the reasons in support of it; and I should like to be recognized by the Chair when the gentleman from Illinois has concluded. I reserve my time.

Mr. BOUTELL of Illinois. Mr. Chairman, this bill was introduced by the gentleman from Virginia [Mr. OTEY], who, I think, is present in the House, and I yield to him for an explanation of the bill.

Mr. RICHARDSON. No one is objecting to the bill, and we may just as well vote on it.

Mr. BOUTELL of Illinois. The gentleman stated that he objected to the bill.

Mr. RICHARDSON. I did not understand that.

Mr. OTEY. Mr. Chairman, I understood objection was made by some gentleman to the bill; I do not know what his objection is. He did not state it, and the report here is as full an explanation as I can give of the bill, unless there is some special point on which the gentleman from Illinois desires light.

Mr. GRAFF. I am afraid no explanation would be satisfactory to me, because I am opposed to it on principle.

Mr. OTEY. I did not know that you were the gentleman who objected. I thought it was some other gentleman from Illinois.

Mr. Chairman, this is simply a question of the reimbursement of money to a contestee in an election case. The law or the rule provides that these expenses shall not exceed $2,000. Well, the contestee does not bring this thing on himself. He received notice of a contest, and he must meet all the points that the contestant chooses to raise; he gives notice of taking depositions all over the district, and of course the contestee must meet it; he has to employ counsel and is put to a great expense, and then when he comes here he finds that he has expended more money than the law or the rule permits.

In this case a very voluminous record required large expenditures for lawyers' fees, and they charged only what lawyers generally charge, $15, $20, and $25 a day—in fact, only $10 per day—for services rendered, and these charges are attested by vouchers which were presented to the Election Committee and that committee recommended that they should be paid; but when it reached the Committee on Appropriations they simply cut it down to the usual amount of $2,000. Mr. SWANSON had but one recourse, and that was to present his case to Congress. He did so, and he refers to a number of precedents, which are published in the report. If there was any reason for allowing such a claim at all in the past, there is certainly a good reason for allowing this.

Mr. TALBERT. Will the gentleman allow me to ask him a question there? There was so much confusion that I did not hear the reading of the report.

Mr. OTEY. Certainly.

Mr. TALBERT. Has the gentleman in this case drawn the maximum amount of $2,000? Did the committee allow him $2,000?

Mr. OTEY. Yes, sir.

Mr. TALBERT. And he wants another $1,000?

Mr. OTEY. He wants the balance of the expense, amounting to $1,760.

Mr. BROMWELL. Mr. Chairman, may I ask the gentleman a question?

Mr. OTEY. Certainly.

Mr. BROMWELL. The principal item in this amount asked for is for attorneys' fees, to the amount of $2,500, is it not?

Mr. OTEY. Yes, sir.

Mr. BROMWELL. How many attorneys were there employed in this case?

Mr. OTEY. Well, sir, I can not tell you without looking at the papers. There were a great many. There are a number of counties and a number of depositions. I do not remember, but that is stated in the papers of the case, which I suppose the chairman of the committee has on his desk, with the original vouchers, which will show.

Mr. BROMWELL. Does the gentleman know what was the largest amount claimed by any attorney as fees in this case?

Mr. RICHARDSON. Ten dollars a day, I will state, is all that is allowed.

Mr. BROMWELL. Is there a law that allows $10 a day?

Mr. RICHARDSON. Yes, sir; that is my understanding. There were eight or ten of them taking depositions at different places over a very large district, which made a large sum due to these attorneys.

Mr. BROMWELL. Does that cover only the fees, or does it include the expenses of traveling?

Mr. RICHARDSON. This is for fees at $10 a day, as I have been informed.

Mr. OTEY. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Illinois is entitled to recognition. Does the gentleman from Illinois [Mr. BOUTELL] yield the floor?

Mr. BOUTELL of Illinois. I reserve the balance of my time. If there are any objections to the bill, I would like to hear them stated.

Mr. GRAFF. Mr. Chairman, on March 3, 1879, there was enacted into law the following provision:

That hereafter no contestee or contestant for a seat in the House of Representatives shall be paid exceeding $2,000 for expenses in an election contest.

I was surprised to find that prior to the enactment of that law in 1879 there was a law on the subject. Turning to the Revised Statutes of 1878, on page 21, section 130, I find this provision, which was law prior to that time:

No payment shall be made by the House of Representatives out of the contingent fund or otherwise to either party in a contested-election case for expenses incurred in prosecuting or defending the same.

So that up to March, 1879, it was the law on the statute book that not simply should the parties be limited to recompense of $2,000, but absolutely any sum was prohibited by law being paid by the House of Representatives out of any funds for the purpose of recompensing either party to the contest for the expense of that contest. Now, it is a matter of some embarrassment to me, upon the consideration of the first bill from my own committee, to disagree with a majority of the committee on this proposition.

I consider that it is a matter involving an important principle. Some one says that the reason why we ought to distinguish the man who is contestant or contestee in a Congressional contested-election case from the man who is a candidate at an election and becomes involved in a contest over some other elective office is because the people have an interest in who shall be elected to Congress to represent them outside of the personal interests of the contesting parties. But there is no difference between a member of Congress and a contest between two parties claiming to be elected as a judge or a governor or any other officer elected by the people, because the books all recognize that when the courts come to pass upon that contest it is the courts' duty to look not only to the interets of the respective parties, but to see that the voice of the people has been obeyed and a correct judgment rendered upon that contest. So there is nothing in that contention.

But it is said there are precedents for this Congress allowing expenses in contested-election cases. In some State legislatures it has been the custom to recognize the contestee and the contestant in contested-election cases, but I know of none where there has not been an express limitation which has been adhered to.

So we must remember that in 1879 the statute law was changed by the action of both parties to this Congress out of generosity, giving the members of this body $2,000, and no more, to recompense them as the limit for expenses incurred in contested-election cases; that it was an act of generosity and benevolence, and not a matter of right. There is absolutely no difference in principle between parties when they go before the court for the purpose of sustaining themselves concerning the enjoyment of emoluments and privileges of any other elective office and parties contesting as to the right of a seat in this House.

Now, then, what have we here? We have what is cited in this report as a justification of our action, six or seven precedents. What does that mean? It means that in citing the precedents Congress has heretofore stepped aside from the general provisions of the law and exercised favoritism over and above the limit in voting to favor a few. It means that if we do it at this time we add another precedent for disregarding the general law. I tell you, gentlemen of this House, the secret of this whole business is that if you look over the lists of these men you will find no obscure names on the favored roll.

What was the next difficulty in regard to the matter? The utter impracticability of examining into the fees and expenses which a man has actually paid out. We all know that we have not the facilities that a judicial body has for the purpose of determining and discriminating between different items involved in a contest. We all know the elasticity of lawyers' fees. If the contestant or contestee goes into a contest and realizes the fact that there are precedents in this House to warrant him in believing that the House will pay back to him any sum he may see fit in his own interest to pay out for the purpose of advancing his case, how will he be moved in that transaction?

What incentive will there be to him to use economy? He will go over the district with a fine-tooth comb and employ lawyers without number, in the hope that, forsooth, an addition of one more may add a mite to his strength in this contest. I have not been able to examine into all the precedents cited in this report, but at least two or three of these recent precedents were cases where the parties did not succeed in having an original bill reported to this House from the Committee on Claims and passed on its merits, but the parties went over to the Senate side and succeeded in having it tacked onto an appropriation bill and succeeded in putting it through.

So at least, as to that many of these precedents cited, here are

three or four of them which can not be considered as precedents in this House. They were passed in a general appropriation bill, with practically no power in this House to consider them upon their merits. So, then, we see what wisdom there is in our first making a law in 1879 and yielding up of the general law which prohibited any recompense, and fixing a liberal maximum sum which would be allowed to both the parties.

I want to say to my Democratic friends on the other side of the Chamber that there has been no politics in the Committee on Claims in the consideration of any measure; and I oppose this claim with the utmost personal kindness to the claimant, Mr. SWANSON. I opposed it without reference to the merit of the contest between him and Mr. Brown, because I did not have the time to go into the merits of that controversy, and it is not involved here. I will say to him, however, that it can be fairly presumed that while he was incurring an expense of $2,600 Mr. Brown was also at least put to an equal amount of expense. And yet Mr. Brown gets no favorable report from this committee, and, in fact, seeks none.

It is true that after Mr. SWANSON's claim had been favorably acted on by the committee some member of the House who was opposed to the principle of that bill, and for the purpose of accomplishing at least equity in injustice, introduced a bill for the purpose of allowing Mr. Brown, Mr. Aldrich, and three or four other individuals who are exactly in the same position as Mr. SWANSON equitably, but were not placed in the same fortunate position to enforce their claims, a similar allowance for expenses in excess of the sum fixed by the statute.

One other thing: I was present here in the House at the time when there was an attempt made to secure consideration of the contested-election case of Brown *vs.* Swanson. Now, it would seem to me that after a gentleman had fortified himself by the expenditure of this extra money which he had paid out to establish the fact that he was elected, he would have been anxious to show the fruits of his labor by having a hearing upon the question. But it must be remembered, my friends—and I state it most kindly—that when that contested-election case came up, instead of my distinguished friend upon the opposite side of the Chamber seeking to have an exhibition before the House of this legal ability which had been exercised in the preparation of his defense, he did not want to have a trial in this body—I suppose out of his extreme kindly and benevolent feeling toward Mr. Brown.

Mr. BROSIUS. May I ask the gentleman a question?

Mr. GRAFF. Yes, sir.

Mr. BROSIUS. What is the difference between the amount which you say the law allows to Mr. SWANSON and the amount claimed?

Mr. GRAFF. The law allows him $2,000 as a maximum sum, and Mr. SWANSON claims that he paid out about $3,600 in all, making an excess of some $1,600 or thereabouts, which he is now asking to have reimbursed to him by Congress.

Mr. BROSIUS. Was it made to appear before your committee that there was reasonable necessity for the expenditure of the additional sum?

Mr. GRAFF. I will say that my colleague from Illinois [Mr. BOUTELL], who reported this bill, was upon the Elections Committee which had in charge the case of Brown *vs.* Swanson; and I understand from him that it seemed to him that the items making up the $3,600 were fair and equitable.

But that is not the point. If in determining the claims of contestants and contestees for allowance of their expenses we propose to proceed upon the basis of what they have actually and necessarily paid out, then let us repeal the existing law which limits such allowances to the maximum amount of $2,000. Let us treat everybody alike.

I want my friends on both sides of this Chamber to consider the consequences of establishing this precedent. And I want to remind them that there has not been any precedent of this kind recently. A payment of this kind was made in 1891 and another (the last) in 1895; so that since the last payment of this kind there has elapsed a period of five years.

Now, it is entirely immaterial to me how the House may act upon this measure; but so far as I am concerned I have a little more delicacy in asserting my rights under the Constitution to pay out money for the benefit of myself and other members of the House than I have in exercising my right under the Constitution in paying out money for the benefit of people who do not enjoy the benefit of membership in this House.

It is true that the statutory law is no bar to our voting in this case the sum which is asked. It is true that we may, if we choose, maintain and enforce so much of the existing law as relates to procedure in election cases and ignore this other provision, a part of the same law, with regard to payment of contestants. We can relieve one, two, three, eight, or ten members from the effect of this last provision with regard to allowance of expenses in contested-election cases. Mr. Chairman, for the reasons I have given, I am opposed to the favorable reporting of this bill.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Forty-five minutes.

Mr. GRAFF. I yield fifteen minutes to the gentleman from Indiana [Mr. CRUMPACKER] and reserve the balance of my time.

Mr. CRUMPACKER. Mr. Chairman, I can add comparatively little to the argument made by the chairman of the Committee on Claims [Mr. GRAFF] against the payment of this claim. There is no doubt that, if passed, this bill will establish a most troublesome precedent. The report of the committee shows several claims of a similar character to have been paid in former Congresses; but, as has been well said, those precedents ought not to be followed. It is against the rule of procedure throughout the country to pay out of the public money expenses of litigants, including attorneys' fees, incurred in contesting or defending rights, whether they be public or private. Only about twenty years ago was the statute passed authorizing the payment of a maximum sum of $2,000 to parties in contested-election cases to reimburse them for expenses incurred in prosecuting or defending contests. This was a departure from the custom in such cases. But I have no criticism to make of the law. I believe it to be a wise provision.

In this case, Mr. Chairman, the amount authorized by that provision of law has already been paid. The claim of seventeen hundred and odd dollars in addition to the amount already allowed, though recommended by the Committee on Claims, will be, if paid, a pure gratuity. The statement is made in the report that this bill was recommended and approved by the Committee on Elections that had this contest in charge. I happened to be a member of that committee, and am thoroughly familiar with the claims of contestants and contestees which were pending before that committee. I was a member of the subcommittee that examined into the items of this particular claim, and our committee certified to the Committee on Appropriations that the amount stated in the report upon this bill had been actually and reasonably expended in defending the case of the sitting member.

We gave the same kind of a certificate to each contestant and contestee, and some of those claims, Mr. Chairman, amounted to over $8,000. These were cases of men who occupied the same attitude before the House and in relation to the public funds as the gentleman who by force of this bill is asking the payment of $1,700.

Several weeks ago a bill was introduced asking that Congress make an appropriation to pay to other contestants and contestees who had cases in the last House the expenses incurred by them over and above the $2,000 authorized by law and paid to all. It involves an actual appropriation of nearly $18,000, and is pending to-day before the committee.

Mr. HILL. Is there any reason why those claims should not be paid if this is paid?

Mr. CRUMPACKER. None whatever. If the House decides to pay this claim, it should make up its mind to treat other claimants with equal magnanimity and pay the seventeen or eighteen thousand dollars of additional claims pending before the committee.

If we depart from the limits fixed by the statute and treat all parties to contested-election cases alike, it will involve the appropriation of many, many thousands of dollars.

I know that it is a very expensive luxury to have a contested-election case in this House, particularly from the State of Virginia under the peculiar election system that exists in that State. Such a proceeding costs a great deal of money. But I submit, sir, that the Congress of the United States has fixed a limit upon its generosity; and there is a grave doubt of the wisdom of paying any money in excess of that limitation to parties in contested election cases. I know of gentlemen on the other side of the House who have been seeking an absolute repeal of this provision of the statutes because they say it encourages election contests. I am not in favor of its repeal; I believe it is a worthy and meritorious law. I am in favor of some such equitable provision until the election systems in the respective States of this country are such that the people and the country can have entire confidence in the results of an election.

Mr. Chairman, I do not know why an exception should be made of this case. As I said a moment ago, I was a member of the committee that had in charge this contest. I prepared the report, which was concurred in by only a minority of the committee. That report was submitted to the House with resolutions recommending the seating of John R. Brown, the contestant. Gentlemen of the last House well remember that the report remained upon the Calendar month after month and month after month. Mr. Brown had honestly made his contest; he had incurred expenses amounting to over $7,000, which were certified by the committee on the same basis as the expenses incurred by the contestee. Mr. Brown came here and begged the poor privilege of presenting to the members of the House his claim to the seat which was occupied by the contestee. And the friends of the contestee raised the question of consideration, and they succeeded in every instance

in denying the contestant the right even to be heard on the floor of the House.

I say, Mr. Chairman, I am against this bill because it opens wide the door, and if passed it ought to open wide the door, to the claim of every party to a contested-election case since 1879. If we pay this bill, we ought to pay every other bill that stands upon the same legal and equitable basis. I am against the payment of this claim because I think that parties who engage in these contests or who are defendants in contests of this character should be required to carry part of the burden, as litigants do in all civil and local matters.

The bill is dangerous in principle. It practically repeals or suspends for the benefit of a particular person a statute enacted twenty years ago after we had had a number of years of experience in relation to these matters, a statute enacted for the protection of litigants in contested-election cases and for the protection of the public Treasury as well.

I appeal to members of the House to vote down this claim; stand by the $2,000 limit; let parties who have honest contests before the House receive that amount and no more. But I submit that if this claim be granted, the law limiting the amount to be paid to parties in contested-election cases should be at once repealed, and every man who has a claim of this character should be notified to submit it to the Committee on Claims; and I have no doubt the sentiment of justice and fairness and equity that pervades that great committee will induce them to report in favor of these other claims as well.

I believe I have said all I care to say on this subject; but I do hope that this bill will be defeated and let the whole matter end there.

Mr. BOUTELL of Illinois. I yield ten minutes to the gentleman from Texas [Mr. BURKE].

Mr. BURKE of Texas. Mr. Chairman, as a member of Elections Committee No. 3 in the last Congress, I gave my approval to the entire amount of this bill, as I also did to the bill for the contestant, Mr. Brown. I did that because of the precedents of this House which had previously upon repeated occasions allowed to both contestant and contestee more than the statutory amount of $2,000. I believe this bill ought to pass the House this evening. I shall vote for its passage, and I will state to my friend from Indiana [Mr. CRUMPACKER] that so far as my vote goes I shall vote for the payment of every claim of this kind that he has referred to here as now undisposed of before this House. I would do it for the reason that I have already suggested, because of the policy which has been pursued here, and because of the precedents of this House allowing the payment of these sums in excess of the $2,000.

But I want to say, Mr. Chairman, that during the last Congress I prepared and introduced a bill to repeal in toto the law as it now stands allowing $2,000 as an absolute amount to be paid to contestants and contestees in every contested-election case before this House. I ask the members of this House, Do you know how many contested-election cases have been filed since the passage of the law allowing these sums? Do you know the amount appropriated by Congress to pay the parties in this large number of contested-election cases?

The Clerk of this House during the last session of Congress informed me that there had been 157 contested-election cases filed since the passage of the law, and in the Fifty-sixth Congress there have been 10 more, making an aggregate of 167 contested-election cases. Even at $4,000 apiece, under the law as it stands to-day, $2,000 to the contestant and $2,000 to the contestee, this Government has paid out nearly $700,000 to litigants in civil lawsuits before the House, for a contested-election case is a civil suit.

Mr. MANN. May I ask the gentleman a question?

Mr. BURKE of Texas. Yes.

Mr. MANN. Does the gentleman contend that under the present law each contestant and contestee are always required to be paid $2,000?

Mr. BURKE of Texas. I do not say that they are required to do it, but I say that they invariably do it, with but few exceptions, and the gentleman from Illinois can show very few exceptions where contestants and contestees have failed to avail themselves of the $2,000.

Mr. MANN. I can very easily show the gentleman several exceptions.

Mr. WILLIAMS of Mississippi. I had a case here once that cost $175, instead of $2,000.

Mr. BURKE of Texas. Yes; and I can show the gentleman from Illinois [Mr. MANN] cases in which Congress has paid over $4,500 to a contestee from the State of North Carolina.

Mr. MANN. That is the reason why this law was enacted.

Mr. BURKE of Texas. If you have stood by the law in the past always, I should say stand by the law to-day, but you have not done it.

Mr. DOLLIVER. How much extra does this call for?

Mr. BURKE of Texas. About $1,000.

Mr. DOLLIVER. Is there a showing made that the expenses were actually incurred?

Mr. BURKE of Texas. A perfect showing was presented to the Committee on Elections No. 3, and receipts for every dollar of it, and sworn to. There is no question or contention here but what this is a just claim, so far as the amount concerned is involved, the money having been actually expended beyond any question of doubt. Under the precedents of this House, I submit that we ought to refund to Mr. SWANSON, the claimant in this case, the money that he has paid out.

But, Mr. Chairman, I submit that whenever government furnishes to a litigant a tribunal in which he can litigate his claims—the issues involved in any controversy—government has discharged its full obligation to that citizen. The Government of the United States presents the House of Representatives as a tribunal into which any contestant in a contested-election case can come and present his case. I think, sir, that when Government has done that, it should stop and not pay the litigants for the privilege of going into the very tribunal that government has given them to hear and determine their cases. The Government has done enough for him, and, in my candid judgment, it has been a standing bid to certain men to prosecute contested-election cases before this House.

Mr. GRAFF. May I ask the gentleman a question?

Mr. BURKE of Texas. Yes.

Mr. GRAFF. Do you not think that a fine opportunity is presented here to give further encouragement to contestants to enter upon fruitless contests by adding strength to the few precedents that already exist?

Mr. BURKE of Texas. Stop your precedents that you have established heretofore and join hands with me to repeal the law in toto. That is the way to do it. Do not give a man a tribunal in which his case may be tried and then pay him for the privilege of coming there. The Government of the United States ought not to do it. It is unjust to the taxpayers of this country that we should do it.

Mr. DOLLIVER. In that case what would become of an honest contestant who had not the means to prosecute his case?

Mr. BURKE of Texas. What is to become of an honest litigant in the State of Iowa who has not the means to begin a lawsuit?

Mr. DOLLIVER. But this is a public matter.

Mr. BURKE of Texas. The State of Iowa gives the litigant a tribunal in which he can present his claim.

Mr. DOLLIVER. This is a public matter.

Mr. BURKE of Texas. No, Mr. Chairman, this is simply a contention and a lawsuit, so to speak, between two men over the possession, pay, and emoluments of a public office.

Mr. DOLLIVER. But my friend will admit that it is of more importance to the public at large that an election should be honestly held and returned than it is to either of the contestants.

Mr. BURKE of Texas. Well, I do not make that admission; but I want to suggest this further to the gentleman from Iowa [Mr. DOLLIVER]: I am not acquainted with the laws of his State, but I will venture the assertion here, and I call upon the gentleman to contradict me if I am not stating the fact, that the laws of Iowa do not permit the legislature of that State to pay the expenses of a contested-election case.

Mr. DOLLIVER. I am not advised about that, but I have no doubt they do.

Mr. BURKE of Texas. Well, if they do, that State is an exception to the rule of the States of this Union. I have never seen any exception to the general rule. I do not know of any State where the legislature comes up and pays the lawyer's fees of a man contesting a seat in the legislature.

Mr. DOLLIVER. But I will say to my friend that I doubt if there was ever a contest of that character, involving the honesty of the conduct of an election or the returns, in the legislature of Iowa.

Mr. BURKE of Texas. Perhaps you may differ from the most of the States in that matter. Many of the States have contested-election cases in both branches of the legislature, and I venture the assertion, and I believe I can say without fear of successful contradiction by any member of this House, that there is not a legislature of any State in this Union to-day that pays the lawyer's fees in a contested-election case in the legislature of any State. They do not do it, and it ought not to be done here. Will the gentleman from Ohio, the gentleman from Indiana, and others entertaining the views that they have expressed, join hands with me and others on the floor of this House and repeal in toto this law?

I thank the gentleman from Illinois [Mr. BOUTELL], and yield back such time as I may have of the ten minutes.

Mr. BOUTELL of Illinois. Mr. Chairman, I yield such time as he may desire to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, it seems to me that this is a case that we must try upon the facts presented, and not upon

any former precedents. The facts are that in the last Congress the gentleman from Virginia [Mr. SWANSON], the claimant here, had his right to a seat attacked. He was a defendant. He brought no action; he simply defended a just right to a seat. I submit, Mr. Chairman, whatever grounds there may be, and good grounds, for a law which limits the amount to be paid in election contests to $2,000, it ought not to be applied in a case like this when we have the discretion to change it.

Now, if a contestant comes without any right, and it is solemnly adjudged by this House that he had no right to bring his contest, he ought to be satisfied with the very reasonable amount that we give him, $2,000. He has brought an improper action, and his case is similar to that of a plaintiff in a lawsuit who loses his case. All the lawyers here, and I suppose all the other members, understand that if the plaintiff loses his case in an ordinary action at law, he must pay the costs. If he gets his judgment against the defendant, the defendant pays the cost, as a general rule. Now, here was a gentleman attacking the title, the indisputable title, of Mr. SWANSON to a seat in the last House. He did not go around and hunt up a lawsuit or a contest; he simply defended a right. In doing that it is conceded that he paid out about $1,600 more than the $2,000 allowed him by law. The money has actually been paid by him.

Mr. GRAFF. Will the gentleman yield to me?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. RICHARDSON. Certainly.

Mr. GRAFF. The gentleman has cited general litigations as an example of the usual method where the defeated party is liable to pay the costs. I want to ask the gentleman whether it is usual to incorporate the attorney's fees as a part of the costs?

Mr. RICHARDSON. No; but Congress has been reasonable enough to do that, has seen fit to do it, and nobody has objected to it.

Mr. BURKE of Texas. In many States on promissory notes they allow a 10 per cent attorney's fee.

Mr. RICHARDSON. There are some cases where the attorney's fees are allowed, but it is not usual to do so in a bill of costs.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON. Yes.

Mr. MANN. I understand the gentleman to state that he thought a contestant ought not to be allowed any expense money unless he was successful.

Mr. RICHARDSON. No; I did not say that.

Mr. MANN. Then I misunderstood the gentleman.

Mr. RICHARDSON. I said there might be some ground for Congress to pass an act of that kind, but Congress has not done so. Congress has provided that contestants and contestees shall stand alike and each be allowed $2,000 and no more. I say this is liberal where a man loses his case, to allow him $2,000 for his expenses, but where a man defends his right to a seat and actually expends more than $2,000 in order to defend a just cause, we ought not to shut him off with the sum of $2,000. That is the position I take.

Mr. MANN. Another question. Take, for instance, the Aldrich case in the last Congress, where Mr. ALDRICH was successful in the House, and where he expended an amount a great deal over $2,000; would you be willing that he should be paid?

Mr. RICHARDSON. If it was a just claim——

Mr. MANN. Well, the House decided it was a just claim.

Mr. RICHARDSON. That would be all right; I would make no controversy with him; if he paid more than $2,000 I am inclined to think that Congress ought to allow it to him. I am not making the contention that it should not be allowed; I am trying to make the distinction between a just and an unjust claim.

Mr. GRAFF. May I ask the gentleman from Tennessee if I understand that he would allow an amount much exceeding the limit, and is not that tantamount to a repeal of the existing law?

Mr. RICHARDSON. It is not a repeal. It would repeal it pro tanto; it certainly would repeal it in this case and to the extent of this case; and that I am in favor of doing, because a distinction should be drawn between a man who brings an unjust complaint and one who simply defends his just title. We have got the discretion, and I say we ought to exercise it.

Mr. Chairman, no man controverts the justness of this claim; no man controverts the fact that Mr. SWANSON was put to this expense of $1,600 more than he got to defend a proper title to his seat. I do not want to make an argument ad hominem, but how easy it may be for some of us to have an unjust assault made upon the title to our seat; and when we have expended more than $2,000 in defending that we would not like to be held down to such a rule. We have made precedents in former cases; it seems to me we ought not now refuse to do by this gentleman what we have done in similar cases.

Mr. STEELE. Will the gentleman yield to me for a minute?

Mr. RICHARDSON. I would not like to yield to the gentleman for a minute to make a speech; I will yield to him to ask a question. He can get time if he wants it.

Mr. STEELE. I do not know whether I can get time or not.

Mr. RICHARDSON. Well, I yield, then.

Mr. STEELE. In the Forty-ninth Congress my seat was contested, and without my principal attorneys being added to it, the expense of that contest, every item of which was sworn to, amounted to over $4,700. When the case was brought to the committee every single member of that committee, after hearing it, decided that the contestant had no ground whatever for contesting. Not a member of that committee voted that he had any right to the contest; and the House sustained the verdict of the committee. Yet, when my itemized expenses were brought in, they only allowed me $2,000. First it was $1,000, and then, by an amendment in the Senate, another thousand was added.

Mr. RICHARDSON. What Congress was that?

Mr. STEELE. The Forty-ninth. Now, if I was allowed one cent, I should have been allowed the full amount of the expense, just as I think should be done in this case.

Mr. RICHARDSON. I agree with the gentleman. That proves the point I am trying to assert—that where a just claim to a seat is unjustly assailed, we should not make the man who is unjustly assailed pay the expense of defending his just claim.

Mr. Chairman, I do not want to take the time of the House. I find we have a number of precedents here. I wish to say, and I do assert here, that these precedents have not been made by any particular party. I do not think politics has heretofore entered into the decision of these cases.

I know in the case from North Carolina, the case of Mr. Settle, a Republican, it was a Democratic House. He defended his seat and was successful. He was allowed $2,500, as this report shows, over and above the $2,000. Now, one gentleman who argued on the other side said that these cases seemed to be peculiar to Virginia. I find a case from Illinois, the State of the gentleman [Mr. GRAFF], Philip S. Post, in which he was paid $5,686 over the $2,000. Here is a case from North Carolina, Mr. Williams; here is the case of Governor Curtin, from Pennsylvania; here is a case from Texas, Mr. Yokum; here is the case of Mr. Donnelly, from Wisconsin. But, Mr. Speaker, the point I want to emphasize is that the gentleman from Virginia [Mr. SWANSON] defended his seat in a Republican House—the last House—where the Republicans had a majority of about 60. His seat was unjustly attacked, and he made his defense to it. The proof is that every dollar of this $1,600 was honestly paid by him. Now, when he comes to Congress and asks that that $1,600 be refunded, we are met by the statement that there is a law which limits the amount to be paid to $2,000.

But we find in a dozen cases nearly this House has overruled that law and made an appropriation. There are cases similar to that cited by the gentleman from Indiana [Mr. STEELE] where the appropriations have not been sufficient to cover the additional amount expended by the contestees in defending their cases. But because Congress has not done it in all cases is no good reason why we will not do it in this case, when a claimant comes and asks to have it refunded. He is not asking anything irregular; nothing out of the ordinary course of events; he is not asking anything that any other gentleman ought not to ask and receive from Congress.

If there was any controversy or any criticism about one dollar entering into the sixteen hundred dollars, Mr. SWANSON would not have it. I am authorized and fully warranted in saying that if there was a criticism of the expenditure of 10 cents of this sixteen hundred dollars asked by him, he would not want it, although he has paid it. The proof shows that he has paid every dollar of it. Congress has decided that he paid it justly. Congress has decided that when there were 60 Republican majority on that side, and when a Republican contested his seat, he should not be turned out. With these facts, with precedents that have been cited here, Congress ought to pass this bill.

Now, then, on the question of making a precedent, if it establishes a precedent, why, all we have got to do will be to disregard it if we want to in some other case. If we do not do this, we disregard a precedent. It is an unfortunate appeal when you say you do not want to disregard precedents, because here are the precedents, and when you do not pay Mr. SWANSON you disregard the precedents. Why should you disregard it in his case? If such a case comes up here in the next Congress, or in this Congress at a future day, and you are asked to pay more than $2,000, all you have got to do is to inquire into it and ascertain whether the expenditure is proper, whether the money has been properly expended, and pay it. If it was not improvident, if you find the facts to be as they are in this case, we will follow the precedent we have established and make the payment. Mr. Chairman, that is about all I care to say in this matter.

Mr. GRAFF. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Thirty minutes.

Mr. GRAFF. I will now yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I take it that were it not for the genial presence and the whole-souled personality of the claimant, a member of this House, this claim would never have come before the Committee on Claims or before the House.

I suppose a majority of the House, out of pure kindness to the gentleman from Virginia, would be very glad now to vote him this sum, or even double the amount; but the question is whether we shall treat him and others fairly, and the still broader question, Mr. Chairman—and I call attention of the members on the other side of the House to the proposition—that the contests themselves depend largely upon the amount that is paid for contestants' fees.

In the last House there were twenty-one contests, nearly all of them against members on the other side of the floor. In the Committee on Elections No. 1, of which I have the misfortune to be a member, and was in the last Congress, we considered the claims presented by contestants and contestees in each of the seven cases referred to. I happened to be a member of the subcommittee that considered these claims, and under the practice of the House, when we had allowed a claim, the amount allowed was certified to the Committee on Appropriations.

In nearly every case that was presented to our committee the amount expended, both by the contestant and the contestee, was largely in excess of the $2,000. I have no doubt that some of the contests had been inaugurated for the very purpose of getting attorney's fees for some attorney belonging in the district in which the contestant lived.

I have no doubt there will be plenty of contests in this House from some of the districts where people are elected members of this House by two or three thousand votes—plenty of contests—if this House proposes to set up a precedent of paying four, five, six, or ten thousand dollars for expenses. We have before the committee at this time, in this Congress, a record from Virginia which nobody could produce and get up with attorneys' fees which cost less than eight or ten thousand dollars.

Does the House desire in this case to instruct the Committee on Elections and the Committee on Appropriations to recommend to the House the payment of all the expenses and attorney's fees in all these cases? Do the gentlemen on the other side of the aisle desire to serve notice upon some of the people in their districts that they want contests instituted against them? I have no doubt myself that if the contestant in this particular case in the last House had been paid a good round sum for his contestant's fees and attorneys' fees we would have had the same contest in this House.

Mr. RICHARDSON. Will the gentleman yield to me for a question?

Mr. MANN. Certainly.

Mr. RICHARDSON. I do not think he will make an argument that allowing more than $2,000 to a successful contestee will induce a contestant to bring a contest.

Mr. MANN. It has been the uniform practice in this House to treat the contestant and the contestee in precisely the same manner. If they allow to one, they allow to the other. If you make a rule that the contestant should only be allowed his expenses when successful, the same rule carried out would prevent the allowance to the contestee when unsuccessful; and if you allow this sum in this case to the claimant, then you ought to allow to every one of the claimants in the last House who were successful their fees, and you ought not to allow to anybody in this House who is unsuccessful his fees.

Would the gentleman claim, for instance, that in the ALDRICH-Robbins case, in which the House has just seated Mr. ALDRICH, Mr. Robbins having been declared by this House to have been fraudulently elected—would the gentleman claim that in that case Mr. Robbins ought not to be allowed anything? If you apply the rule in one case, let it work always; give no preference.

Mr. Chairman, while I appreciate the desire on the part of some gentlemen to give a gratuity to the gentleman from Virginia, while I would be very glad, indeed, to give him anything in the form of friendship or money, so far as my conscience and my sense of propriety would allow, I say that this House ought to preserve the law as it stands, and either allow all the expenses in all cases or else allow in each case only the expenses incurred up to $2,000.

The gentleman from Texas [Mr. BURKE] is in favor of allowing nothing; but if you allow anything, he wants to make the amount as large as possible.

Mr. BURKE of Texas. To the extent of every dollar actually paid out.

Mr. MANN. Now, Mr. Chairman, the trouble in these cases is that while this case may be perfectly fair and plain as to the amount paid out, the verification of the amounts paid in such cases depends upon the statements made in each instance. It is an easy matter to produce an attorney's bill receipted.

These cases depend very largely upon the statement of the claimant as to the amount paid out. It became the duty of the committee on which I served in the last Congress to cut down some of the bills of claimants. Why, Mr. Chairman, we had a bill presented to us from Alabama where one of the claimants had done nothing but serve notice of contest. Yet he insisted and swore that he had paid out $1,500 as attorneys' fees.

The committee did not allow it. But under the idea of the gentleman from Texas, if a claimant to a seat will institute a contest and then swear that he has employed attorneys and paid them retainer fees, the House must pay the bills.

Mr. BURKE of Texas. Not at all. Will the gentleman allow an interruption?

Mr. MANN. Certainly.

Mr. BURKE of Texas. I take it that such a claim would go to the appropriate committee and the matter would be passed upon by the committee, just as any other claim would be passed upon, and if the committee became satisfied by proof that the claim was fair and just they would allow it; otherwise they would disallow it, just as they would do in the case of any other claim.

Mr. MANN. Well, Mr. Chairman, there is absolutely no way to determine the correctness and justice of the expenditures except upon the statement of the claimant. I say that if you break down this rule, which was upheld by the last House, you will have a great number of election contests. In the last Congress there were 21 contests. We observed the rule; we served notice upon the contestants that we would not allow them an amount exceeding $2,000, and the result is that in this House there are only 10 contests.

Are gentlemen from the South on the other side of the aisle so anxious for their seats to be contested that they are urging contestants to come before this Congress and seek the payment of large bills for expenses? I should suppose that they, of all other members, would be most anxious to preserve the rule inviolable, that under no circumstances shall a man filing a contest be paid a sum exceeding $2,000.

For myself I am frank to say that I very much agree with the gentleman from Texas in the idea that we ought to allow no attorneys' fees whatever in these contested-election cases. I believe the law as it stands has already encouraged a great many contests which ought never to have been brought into this House.

But I know that if the law fixing a limitation upon these allowances be practically repealed by the action of this House, it will result in encouraging additional election contests in the South, and probably elsewhere. For these reasons, it seems to me that this claim ought not to be allowed.

Mr. GRAFF. I yield five minutes to the gentleman from Rhode Island [Mr. CAPRON].

Mr. CAPRON. Mr. Chairman, it is not my purpose to occupy even the entire five minutes allowed to me. But, Mr. Chairman, I think that more than this particular case is being considered to-day by the Committee of the Whole. It seems to me clear that if we are to allow each contestant to be the judge of the sum to be expended in election contests for himself, then, taking the contested-election cases which have been brought before this House during the last four Congresses—not going back further than that—there would not be one in which the contestant or contestee would not be willing to state—under oath, if necessary—that his case was equally good, equally strong and pertinent, had equal right and righteousness behind it, with the case now under consideration.

In the Fifty-third Congress there were nine contested-election cases. I desire to put a summary of those cases in the RECORD, that we may clearly see what we are running up against:

State of Alabama: Fifth district—Martin W. Whatley *vs.* James E. Cobb, three packages.

State of California: Third district—Warren B. English *vs.* Samuel G. Hilborn, two packages.

State of Georgia: Tenth district—Thomas E. Watson *vs.* James C. C. Black, two packages.

State of Illinois: Eighth district—Lewis Steward *vs.* Robert A. Childs, two packages.

State of Kansas: Second district—H. L. Moore *vs.* Edward H. Funston, five packages.

State of Missouri: Eleventh district—John J. O'Neill *vs.* Charles F. Joy, two packages.

State of North Carolina: Fifth district—A. H. A. Williams *vs.* Thomas Settle, two packages.

State of Tennessee: Eighth district—P. H. Thrasher *vs.* B. A. Enloe, three packages.

State of Virginia: Fourth district—J. T. Goode *vs.* J. F. Epes, three packages.

If we go to the extent of allowing in this case $1,600 more for expenses than is allowed by the statute, next week or next year some other case may, and probably will, be presented in which the excess will be $2,000 or $5,000, or an indefinite amount, when we fix a precedent of paying all the actual expenses incurred. In

the Fifty-fourth Congress there were 34 contested-election cases, as follows:

No.	Contestant.	Contestee.	District.
1	W. C. Robinson	George P. Harrison	Third Alabama.
2	W. F. Aldrich	Gaston A. Robbins	Fourth Alabama.
3	A. T. Goodwyn	James E. Cobb	Fifth Alabama.
4	T. H. Aldrich	Oscar W. Underwood	Ninth Alabama.
5	W. H. Felton	John W. Maddox	Seventh Georgia.
6	Hugh R. Belknap	Lawrence E. McGann	Third Illinois.
7	John I. Rinaker	Finis E. Downing	Sixteenth Illinois.
8	George Denny, jr	William C. Owens	Seventh Kentucky.
9	N. T. Hookins	Joseph M. Kendall	Tenth Kentucky.
10	H. Dudley Coleman	Charles F. Buck	Second Louisiana.
11	Taylor Beattie	Andrew Price	Third Louisiana.
12	Alexis Benoit	Charles J. Boatner	Fifth Louisiana.
13	William S. Booze	Harry W. Rusk	Third Maryland.
14	Robert T. Van Horn	John C. Tarsney	Fifth Missouri.
15	J. Murray Mitchell	James J. Walsh	Eighth New York.
16	Timothy J. Campbell	Henry C. Miner	Ninth New York.
17	R. A. Cheesebrough	Geo. B. McClellan	Twelfth New York.
18	Henry P. Cheatham	Fred. A. Woodard	Second North Carolina
19	Cyrus W. Thompson	John G. Shaw	Third North Carolina.
20	Charles H. Martin	James A. Lockhart	Sixth North Carolina.
21	George W. Murray	William Elliott	First South Carolina.
22	Robert Moorman	Asbury C. Latimer	Third South Carolina.
23	Joshua E. Wilson	John L. McLaurin	Sixth South Carolina.
24	Thomas B. Johnston	J. William Stokes	Seventh South Carolina.
25	J. H. Davis	D. B. Culberson	Fourth Texas.
26	Jerome C. Kearby	Jo. Abbott	Sixth Texas.
27	A. J. Rosenthal	Miles Crowley	Tenth Texas.
28	R. T. Thorp	Wm. R. McKenney	Fourth Virginia.
29	George W. Cornett	Claude A. Swanson	Fifth Virginia.
30	J. Hampton Hoge	Peter J. Otey	Sixth Virginia.
31	Jacob Yost	H. St. Geo. Tucker	Tenth Virginia.
32	A. M. Newman	J. G. Spencer	Seventh Mississippi.
33	Thomas E. Watson	J. C. C. Black	Ninth Georgia.
*34	Beattie	Price	Eleventh Louisiana.

*Second case.

Now, I do not believe you could get any one of those 34 contestants to agree that he had not as good a case as is presented by the bill before the committee, and had not equally good grounds for claiming an additional allowance, if this claim be allowed.

In the Fifty-fifth Congress there were 11 contested-election cases, as follows:

State of Alabama: Second, Third, Fourth, Fifth, and Ninth districts.
State of Delaware: At large.
State of Kentucky: Third district.
State of Louisiana: First district.
State of Mississippi: Third district.
State of New York: Sixteenth and Thirty-first districts.
State of Oregon: First district.
State of Pennsylvania: Third district.
State of South Carolina: First, Second, and Seventh districts.
State of Tennessee: Tenth district.
State of Virginia: Second, Fourth, and Fifth districts.

In the Fifty-sixth Congress there are, or have been, six contests, as follows:

State of Alabama: Fourth district.
State of Kentucky: Fifth, Eighth, and Ninth districts.
State of Mississippi: Third district.
State of North Carolina: Sixth and Ninth districts.
State of South Carolina: Third district.
State of Virginia: Second and Eleventh districts.

Which I insert in the RECORD, that we may see what a tremendous consideration this precedent involves when we take these cases in the aggregate. If this thing goes on, I agree with the gentleman from Illinois that the United States Treasury will have to find some additional means of revenue and the contested-election cases will very soon aggregate an amount larger than the pension roll.

Mr. BURKE of Texas. I apprehend from the remarks of the gentleman from Rhode Island that he will join with me in an effort to repeal the law in toto.

Mr. CAPRON. Well, if the gentleman will bring in his bill, we will discuss that when it is presented; but upon present consideration I confess that I am very much of the opinion that I do agree with the gentleman from Texas.

Mr. FITZGERALD of New York. Will the gentleman allow me to ask him a question?

Mr. CAPRON. Yes.

Mr. FITZGERALD of New York. Does the gentleman know whether, in all these cases that he has cited, more than the statutory amount was expended?

Mr. CAPRON. I have been told by numerous contestants and contestees that their expenses ranged anywhere from four to eight and nine thousand dollars; and I have been told within three days of one gentleman who was seated during the last three days whose actual expenses amounted to more than seventy-five hundred dollars. Now, I will not agree to vote one cent beyond the $2,000 to either of the contestants who were admitted during the last week.

Mr. FITZGERALD of New York. The gentleman leaves the impression that in all these cases the amount exceeded the sum allowed by the statute.

Mr. CAPRON. I do not know whether that was so or not.

Mr. FITZGERALD of New York. It would be immaterial how many contestants there were unless the amount exceeded the statutory limit.

Mr. CAPRON. We have no knowledge of that, either one way or the other; but so far as it has ever come to my knowledge there has never been an election case where the contestee or the contestant has admitted that his expenses came within the $2,000 limit.

Now, in the Fifty-sixth Congress there are 10 contested-election cases. I wonder if any of the twenty parties to those 10 cases will agree that his case is less worthy and that his expenses ought not to be paid, if the gentleman from Virginia is allowed his entire expenditures under this bill.

I believe we should stop right here. I believe no man should ever get more than the $2,000 at present allowed by law; and this being one of those questions which we have no business to approach in a partisan way, I believe this House, without regard to party, ought to say that it will stand by the law, limiting the amount allowed to the parties to an election contest to $2,000, until that law is repealed.

Mr. GRAFF. I yield to the gentleman from Missouri [Mr. JOY.]

Mr. JOY. I only desire a very few minutes to say what I have to say upon this case.

It seems to me that we are going already too far in these election cases, not only in allowing the $2,000, which is at present allowed by law in such cases, but in allowing anything at all. It is true that in almost every case where an election contest is had, the expenses largely exceed the $2,000 allowed by the statute.

I speak with more or less feeling upon this subject, for I had a contested-election case myself in the Fifty-third Congress, in which Congress there was a majority of 100 on the other side of the Chamber. My expenses, as vouched for in every instance and for every item, amounted to more than $8,500. I was the contestee, and I was elected.

You may ask if I was not unseated. That is true; but in proof of the statement that I now make, I will cite gentlemen who sit upon the other side to-day and who sat in the Fifty-third Congress, and ask them to say whether I was not elected to the Fifty-third Congress. I will leave it to them to decide. That Congress, having a majority of 100 Democrats, would only allow the $2,000, the exact amount provided by statute, although the vouchers, all certified to by the persons to whom the money had been paid, showed that the expenses which I had necessarily incurred in defending my seat against the one who sought to wrest it from me were $8,500.

Now, why shall we open the door at this late day, why shall we go back to a preceding Congress—the Fifty-fifth—and allow expenses amounting to $1,700 more than the limit allowed by law? If you are going to do that, why not go back to the Fifty-third Congress and allow me $6,500 (which I shall not ask for) which I actually expended in a contest to defend a seat in that body. My friends, it is opening the door too wide. This does not extend back simply to the Fifty-fifth Congress, but it extends back indefinitely. There is no statute of limitation to run against claims of this kind. This Congress can do whatever it pleases with reference to the expenses of contestants and contestees in election cases. The rule has been broken, has been overstepped, in two or three instances, as I am informed; in one instance in the Fifty-third Congress, where an additional amount of $2,200 was allowed.

That case is quoted as a precedent to-day, and you will find that if this bill passes all the contestants and contestees, whether sitting or not, will come, and properly come, and ask that their expenses be borne by the Government of the United States. You gentlemen who are cheeseparing about expenses on that side of the House do not come with clean hands in asking that in this case, coming up from a former Congress, we shall pay out of the Treasury $1,700 for moneys expended by the gentleman from Virginia. I have no doubt the expense was incurred, and legitimately incurred, but the time came when the law was passed to stop all this business. I will agree with the gentleman from Texas [Mr. BURKE] that I will vote to cut off all expenses of contests on either side. That will stop half of the contests in this House of Representatives. My seat would not have been contested in the Fifty-third Congress if it had not been for the money that there was in it.

Now, my friends, I hope that there will be no party division upon this question. If I sat upon that side of the House, I would take the same position that I am going to take sitting upon this side. It is a question that will appeal to you. If, as some of you think, in the next Congress you shall have a majority of 50 or any majority in this body, and I come back and ask you to pay me sixty-five hundred dollars properly expended in the Fifty-third Congress in the interest of maintaining my seat, to which I was elected, will you wish to have me cite this precedent and ask that you refund out of the National Treasury and have charged up to

the Democratic party sixty-five hundred dollars expended in this regard? My friends, that is a question for you to consider.

I have no objection to the gentleman from Virginia [Mr. SWANSON] getting his money, but I ask you to remember that it establishes a precedent for this and succeeding Congresses.

Mr. GRAFF. Mr. Chairman, I will ask the gentleman from Illinois [Mr. BOUTELL] whether there is anyone else who desires to speak on that side? I see a gentleman on that side [Mr. KITCHIN] who rises and indicates his desire to speak.

Mr. BOUTELL of Illinois. I will ask the gentleman from Illinois [Mr. GRAFF] if there is anyone else who desires to speak in opposition to this measure?

Mr. GRAFF. I think not.

Mr. CANNON. When will you reach the amendable stage?

Mr. GRAFF. I suppose an amendment would be in order when the motion was made to report the bill back to the House favorably. My colleague [Mr. BOUTELL] had indicated to me that he proposed——

Mr. RICHARDSON. An amendment would be in order after the close of general debate on the bill.

Mr. GRAFF. That would be upon the motion to report the bill favorably.

Mr. RICHARDSON. No; after a request had been made to close general debate, then the bill would be open to amendment.

Mr. GRAFF. Does the gentleman from Illinois desire to use any more time?

Mr. BOUTELL of Illinois. Mr. Chairman, I thought we would close this as briefly as possible, if there was nothing more to be said in opposition. I yield five minutes to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Chairman, as I understood the argument of the gentleman from Illinois [Mr. MANN] just now, it was that this bill should be defeated in order to discourage contests. I believe that was the substance of his opposition. Now, it seems to me that in order to discourage contests successful contestees should be allowed their full cost and unsuccessful contestants should be limited in the cost which they recover.

Mr. MANN. May I ask the gentleman a question?

Mr. KITCHIN. Yes.

Mr. MANN. Do you think that unsuccessful contestees should not be allowed anything?

Mr. KITCHIN. No, sir, I do not. I think there is a difference in the positions of an unsuccessful contestee and an unsuccessful contestant, resulting from the nature of their cases and the expense required for their preparation. As the gentleman from Illinois well knows, frequently in these contested-election cases the evidence of only two or three witnesses may be sufficient to throw out the returns of an entire township upon some ground or other, and then the parties are put to the proof of the votes they received. If the contestant succeeds in throwing out a township, it is natural to presume that in that township there was a large majority for the contestee. Now, when it comes to the proof of the vote cast for him, the contestee must necessarily examine many more witnesses than the contestant, and his cost will of necessity be larger than that of the contestant.

Mr. MANN. Well, suppose the charge is that the contestee has been elected by fraud and the House shall so determine. Do you think that there is any more reason for paying the expenses of the contestee than for paying the expenses of the contestant when he is declared unsuccessful?

Mr. KITCHIN. I do, for this reason: I think there is a difference in principle, because the contestant, before he begins his contest, has good opportunity, of which he of course avails himself, of investigating the entire district, and he voluntarily brings the contest. Now, on the part of the contestee, he has a seat which he holds by a proper certificate of the governor of his State, the prima facie returns showing that he was elected, and it is his duty as a representative of the people to preserve their rights and to preserve his seat here. The contest is not of his choosing. He must defend, whether he would escape the contest or not.

Mr. MANN. If he is elected by fraud, of course it is of his choosing. That is the very issue that is presented; an issue from which the case can not be separated.

Mr. KITCHIN. I still think that when a contestant examines the district and finds there is fraud, and he successfully proves sufficient fraud and wins his contest, he should be paid his expenses, not exceeding the limit of the law; but if he has made a false charge of fraud upon the people of his district and he fails in his case then I doubt whether he should be paid any of his expenses. But I believe that if the contestee repels that charge and preserves his seat he should be paid the full amount that it was necessary for him to incur to preserve the certificate that had been awarded him. That is a principle that is recognized in all the courts of the land now by statute, a principle that gives to the successful litigant the expenses necessary to properly conduct the prosecution or defense.

Mr. SNODGRASS. Do not they come out of the unsuccessful litigant? Why should we pay a claim upon the General Government for these expenses?

Mr. KITCHIN. I will come to the gentleman's point. I do not agree with the gentleman from Texas or the gentleman from Illinois who have just taken their seats, that this law should perhaps be repealed; because in the ordinary courts, I will say to the gentleman from Tennessee, private rights are being litigated, rights affecting only individuals. Now, here are rights involved affecting the Government itself. I stand here not as a representative of myself alone, but as the representative of the people of my district, to take a part in the Government of the United States for them; and so, it is right not only for this proper and necessary cost to come out of the Government, but that the attorneys' fees, which are not usually chargeable in the costs of a case in the State courts, properly incurred in the defense or prosecution of a just claim to a seat in this body, should be paid out of the General Treasury as a part of those necessary costs; otherwise you might have a good case, and yet would not dare to prosecute it for fear of the enormous cost.

A man might clearly think he was lawfully entitled to his seat in this Congress; but if the majority in this House are politically against him, and he knows that the burden of that contest will come out of his own pocket, he might not take the proper steps to defend the rights of the people. I think in such cases, when they succeed, it is right and proper that they should be allowed the necessary expenses, both as to lawyers' fees and as to witnesses. I do not think, if you will use discretion and shut out unsuccessful contestants, you will have much further trouble. They are the men that you ought to legislate against. It is the unsuccessful contestant that you ought to be rigid with in the enforcement of your ideas in the matter of saving cost against the Government. When a gentleman brings an unsuccessful case here, having carefully considered it, certainly he should be limited in the amount allowed him; and if gentlemen should see fit to propose a bill repealing the law that allows unsuccessful contestants to receive as much as $2,000 for expenses, I would certainly consider it very carefully before I would oppose its passage.

Mr. Chairman, I believe that is all I wish to say upon this matter. I think this bill can be justified in principle and in precedent.

Mr. BOUTELL of Illinois. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has twenty-five minutes remaining.

Mr. BOUTELL of Illinois. Mr. Chairman, the discussion of this case has taken a wide range. The law applicable to this case is very simple, and the facts are equally simple. In the sundry civil bill of 1879 a provision was inserted that no contestant or contestee in an election case should be paid in excess of $2,000 for his expenses; that these expenses must be itemized and presented to the Committee on Elections; that no witness fees should be allowed except in accordance with section 128 of the Revised Statutes, giving a witness 75 cents a day and 5 cents a mile for mileage.

Now, I do not know that the repeal of this law or the enactment of any other law would prevent the bringing of similar claims into this House. My own impression is that if a law were framed which would give to the successful party to the contest his reasonable costs and attorneys' fees, it would tend to discourage unjust and ill-founded contests and at the same time would give compensation to a reasonable amount to the man who succeeded in the contest. In reference to the establishment of precedents, it does not seem to me that the passage of this bill will establish any precedent which will bind this House. My opinion of the prudence, the sagacity, and the wisdom of this body is not so slight that I think an act of justice on its part will ever be a precedent for an act of injustice, or that the passage of a wise and prudent measure will ever be a precedent for the passage of a foolish and ill-advised measure.

Now, the facts in this case are these: The gentleman from Virginia, the claimant, Mr. SWANSON, was duly elected to the Fifty-fifth Congress and received his certificate and acted as a member.

Mr. LACEY. May I ask the gentleman a question?

Mr. BOUTELL of Illinois. Certainly.

Mr. LACEY. Did the House adjudicate that question?

Mr. BOUTELL of Illinois. I am coming to that. A contest was brought for the seat. Now, Mr. Chairman, I risked my life in listening to the trial of this case in an underground chamber in one of the labyrinthian corridors beneath the Dome of this Capitol. I went through the record, which filled three voluminous books. I know the amount of testimony that was taken in the case. I have examined carefully all the items in this bill of expense. Something should be said in reference to the character of this district and the nature of the contest.

The district which the gentleman from Virginia represents includes seven rural and mountainous counties in southern central Virginia, the largest town being that of Danville, with a population not exceeding thirty or forty thousand inhabitants. Testimony

in this case was taken in a large number of precincts, necessitating the employment of counsel at various points, and the witnesses in all cases were brought from a long distance.

Now, the items in this account are as follows: The entire account of his expenses and costs were filed with the Committee on Elections and certified by them to the Appropriation Committee, and amounted to $3,769.59. Of this amount $2,523 was for attorneys' fees, and the balance, $1,236.50, was the ordinary cost and expenses of witnesses, in accordance with section 128 of the Revised Statutes.

Now, I submit to the consideration of the House that the taking of testimony and the employment of counsel, that if the same number of counsel that was employed in this case was employed in the city of New York, in the city of Boston, or in the city of Chicago, or in any other of our large cities, it would have cost five or six times the amount of this claim. In reference to attorneys' fees—the $2,533—you can easily see how that could be made up, and in no case is an attorney's fee included in this statement to a larger amount than at the rate of $10 per day.

Mr. LACEY. I would like to ask the gentleman a question.

Mr. BOUTELL of Illinois. I will yield to the gentleman.

Mr. LACEY. Would it not follow, if this had been a Chicago contest, that we should have to allow $12,000 for attorneys' fees?

Mr. BOUTELL of Illinois. If it was necessary and had been expended in the contested case. If it had been $12,000 in Chicago, which is not likely, it would have been double or treble that in the city of New York. I refer to this amount to show that the committee investigated this case carefully, and did not approve simply such attorneys' fees as might have been presented, but attorneys' fees in no case in excess of the rate of $10 a day for the taking of testimony; and of course it would only be in a rural district of that kind that attorneys could be employed at that rate to do this work.

Mr. GRAFF. Will the gentleman yield to me for a question?

Mr. BOUTELL of Illinois. Yes, sir.

Mr. GRAFF. Did the subcommittee of which the gentleman is a member reject any of the items which Mr. SWANSON had submitted in his account?

Mr. BOUTELL of Illinois. No.

Mr. GRAFF. The gentleman spoke of not taking into consideration any other services rendered than those necessary. He means that he took into consideration everything that Mr. SWANSON put into his bill and did not reduce it any.

Mr. BOUTELL of Illinois. Yes, the largest rate of charge being at the rate of $10 a day, and the record showing that the attorneys were present at all examinations.

Mr. GRAFF. How many attorneys did he have employed?

Mr. BOUTELL of Illinois. I should say nine or ten.

Mr. LACEY. How many days—what is the limit?

Mr. BOUTELL of Illinois. I think the limit was ninety days, and the testimony was taken in a large number of precincts. So I submit, Mr. Chairman, that the amount in this case is a reasonable amount, such an amount, surely, as this House would allow if there were no law like the statute of 1879. Of course all that can be said in reference to that law is that in doing what we think is substantial justice and equity in this House we enact special laws every week of our session; every pension bill that we pass in the House is in opposition to the statute law; every bill in reference to enabling aliens to make good title to land in this District is in opposition to the general statute law; and so it is in a number of other instances.

Mr. GRAFF. Will the gentleman mention any particular claims which this bill has for preference over any of the claims where the amount exceeds $2,000; is there anything about this case which peculiarly presents itself in a favorable light for special exception? If there is, I would like to have it.

Mr. BOUTELL of Illinois. I will say that the subcommittee simply had this bill under consideration, and the subcommittee simply passed upon this bill without taking thought of other bills referred to in the discussion which has taken place in this House. We had nothing else to base our opinion upon except the justice and equity of this special claim which I am arguing to the House. I submit that every measure of this kind or any other kind that comes before the House should stand solely upon its own merits.

Reference was made by the gentleman from Indiana to other bills or claims of similar nature pending before the Committee on Claims relating to cases which were before the Committee on Elections No. 3.

Now, there seemed to be some reason in referring to the fact that those claims were pending before the Committee on Claims. I drew the inference from the gentleman's remarks and also from the question of the gentleman from Illinois that there was some special favoritism in this case. I remember being present at the meeting of the Committee on Claims when the other bills were brought up; and if I recollect rightly, they were all introduced after this case had been reported; and if I remember correctly, they were all introduced by the gentleman from Indiana [Mr. CRUMPACKER], who now opposes this bill; and if my memory is not at fault, they have all been referred to a subcommittee of the Committee on Claims, which subcommittee, I dare say, has had them under careful consideration. So far as I know or recollect, there were no papers or statements filed with those bills, and I submit that the considerations connected with those bills should have no weight in determining the justice of this special case.

The gentleman from Indiana referred also to the fact that the claimant's attitude in this case was not as strong as it would have been if he had been allowed to retain his seat by a vote of the House, or had allowed the contestant to obtain a vote on his case. I remember, as of course the gentleman from Indiana does, that we had this case ready for a hearing; we had all our books and records and statutes piled up on our desks one morning, ready to proceed with the case, when it was continued, so far as I know, solely at the request of the contestant. On two other occasions the case was called up, and the House refused to consider it, the last time being toward the closing weeks of the last session.

Mr. CRUMPACKER. Will the gentleman allow me a question?

Mr. BOUTELL of Illinois. Certainly.

Mr. CRUMPACKER. Did not the gentleman vote against the consideration of this case?

Mr. BOUTELL of Illinois. I did not. I voted for the consideration.

Mr. CRUMPACKER. I desire to make a suggestion about the continuance to which the gentleman has referred. The case was continued by a mutual agreement between myself, representing the contestant, and my colleague from Indiana [Mr. MIERS], representing the contestee. The continuance was by mutual agreement, upon an understanding between both the parties to the case.

Mr. BOUTELL of Illinois. In reference to that I wish to say that all I heard about the case was from the contestant himself, who came to me and said he would prefer not to have the case heard until after the primary elections in his district; and it was continued, as the gentleman states.

These, Mr. Chairman, are the facts of this case, and the law as I have endeavored to state it briefly. I submit in conclusion that this is a case which should stand solely upon its merits. If we are ever to exercise our discretion under that statute and allow a reasonable sum to the successful party in a contested-election case, this certainly is a case where we would be justified in doing so, because all these expenses are on such a reasonable basis, considering the amount of work that was done, the length of the record, and the character of the contest.

Mr. LACEY. May I ask the gentleman a question?

Mr. BOUTELL of Illinois. Certainly.

Mr. LACEY. I understood the gentleman to speak just now of the gentleman from Virginia [Mr. SWANSON] as being a successful contestant.

Mr. BOUTELL of Illinois. Yes, sir.

Mr. LACEY. Does the gentleman think that principle applies where the success results simply from a failure to have the case considered in the House? Here is a case where there was no judgment, no determination, by the House. The report of the committee was in favor of the other man. They determined that Mr. SWANSON was not elected. If Mr. SWANSON or his friends succeeded in preventing the consideration of the question by the House, ought we not rather to adopt the presumption that the committee who examined the case was right, instead of assuming that because the case failed ever to have a hearing the contestee was entitled to the seat?

Mr. BOUTELL of Illinois. I would be very glad to rest on the presumption that the judgment of the committee was correct, for the majority of the committee decided in favor of Mr. SWANSON.

Mr. POWERS. Was this a unanimous report from the committee?

Mr. BOUTELL of Illinois. This report from the Committee on Claims?

Mr. POWERS. Yes, sir.

Mr. BOUTELL of Illinois. No, it is not unanimous; but there is no minority report. The chairman of the committee has spoken in opposition to this measure.

Mr. POWERS. A majority report has been filed in favor of the bill?

Mr. BOUTELL of Illinois. That is the only report before the Committee of the Whole.

Mr. CRUMPACKER. The report of the committee was in favor of the contestant. A majority of the members filed dissenting views. The parliamentary situation was very anomalous. The Speaker of the House recognized the report made by four members of the committee as the report of the committee, because it was brought in as such. Five members of the committee filed, as I have said, dissenting views; but the record shows that the report was in favor of the contestant, although only a minority made it.

Mr. BOUTELL of Illinois. The question what was the report and what were the views of the minority was never decided. A majority of the committee were in favor of the contestee. So, Mr. Chairman, I feel that this case, in so far as the law and the facts are concerned, has been submitted to the House. It is for the House to determine whether it will consider this case, along with other cases pending of a similar character, in accordance with general principles or whether it will consider this individual case. If the House is ever to exercise its own discretion and allow reasonable costs over and above the $2,000 fixed by statute, I submit that such amount should be allowed in this case.

Now, Mr. Chairman, I yield to the gentleman from Virginia [Mr. SWANSON].

Mr. SWANSON. Mr. Chairman, in the last House my seat was contested; and in defending my right to the seat against that contest I spent in money $3,759.69. The committee, by a majority of 5 to 4, after examining the case, determined the contest in my favor. As the gentleman from Indiana has correctly said, the case was never brought into the House. At that time we agreed to a continuance, at the request of Mr. Brown, General Walker being ill at that time.

When the question of paying contestants came before the House an effort was made to have the expenses incurred by all these gentlemen exceeding $2,000 included in the appropriation bill. A point of order being raised, the proposition was ruled out. I made no effort, I desired to make no effort, to have the provision put on in the Senate, because I always thought that an indirect and improper way to endeavor to use any influence that one might have in the Senate to coerce the House.

Since I have been a member here, my seat having been twice contested and each time my right to it sustained, I have always thought that to compel me to pay a large sum of money out of my own pocket to maintain my right to a seat to which I was entitled was an unreasonable and unjust burden. I knew no way to get this claim allowed except by presenting it to the Committee on Claims. It has been developed here to-day that there are other gentlemen situated precisely as I am—for instance, the gentleman from Missouri [Mr. JOY], the gentleman from Indiana [Mr. STEELE], and others. I presented this claim simply that this question might be determined as a precedent. I do not desire one dime allotted to me if the same allowance is refused to other gentlemen in the same situation with myself and having equally just claims.

I should be glad to have the law established as to whether it shall be confined to the $2,000 or not. It has been said that I presented this claim on account of personal popularity—on account of being personally liked in this House. I would scorn to accept a cent from this House, if there was one vote against it, if it was thought to be presented from any such motive or consideration as that.

Since it has been developed that there are some gentlemen who are situated precisely as I am, and since there seems to be an impression that I am trying to isolate myself from them, I desire to state here and now that if this bill should be passed by a large majority, I would not accept the money. I ask to have this bill withdrawn. If the House wants to confine payment in these cases to $2,000, I will submit to it. If the House thinks it is proper to allow the amount actually expended in other cases, I want what I expended, too. Now, I do not desire a dollar, a dime, or a cent, except what this House will give to other members similarly situated. Since some opposition has developed and some gentlemen seem to think I am trying to get what I am not willing to have other members get, I do not wish to press this claim, and I would not have it if five members of the House should vote against it.

I want to say here, in justice to myself, that in a Democratic House with over 125 majority the gentleman from North Carolina [Mr. Settle], who lives in the district adjoining mine, had a contest precisely like mine. His seat was contested. That case was never considered. The question of consideration was raised every time against it, and this House, Democratic by over 100 majority, allowed the gentleman from North Carolina, whose district adjoins mine, $2,500 in excess of the $2,000. I thought if, under similar conditions, with a less voluminous record than mine, the House thought that justice should be meted out to him, and it was done by a Democratic House, that I could come here and ask to have my actual expenses paid back to me also. I voted for the gentleman's claim because I thought it was right and honest. Since these gentlemen think I am trying to get what other members are not entitled to, I now ask to have this claim withdrawn, and I would not accept a dime or a nickel of it if any of the members of the House thought I was not entitled to it. [Applause.]

Mr. OTEY. Mr. Chairman, if it is in order, having introduced this bill, I desire to withdraw the bill for the relief of CLAUDE A. SWANSON.

The CHAIRMAN. A motion to lay the bill aside with the recommendation that it lie upon the table would be in order.

Mr. OTEY. Mr. Chairman, I make that motion.

Mr. GRAFF. Pending that, if the gentleman from Virginia [Mr. OTEY] will permit a remark, I should like the privilege of saying——

Mr. OTEY. All right; I yield to the gentleman.

Mr. GRAFF. I should like to say to the gentleman from Virginia [Mr. SWANSON] that if I said anything that anybody——

The CHAIRMAN. A motion is pending before the House which is not debatable.

Mr. HAY. Regular order!

The CHAIRMAN. Those in favor of the motion——

Mr. POWERS. Mr. Chairman, I should like to know what the motion is.

The CHAIRMAN. The motion before the House is that the bill be laid aside with a recommendation that it lie upon the table.

Mr. POWERS. The effect of that is to defeat the bill, as I understand it.

The motion was agreed to.

Accordingly the bill was ordered to be reported to the House with the recommendation that it lie on the table.

J. A. WARE.

The next business was the bill (H. R. 4686) for the relief of J. A. Ware.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. A. Ware the sum of $3,718.52, the same to be in full for all claims of said Ware for extra expenditures incurred by him in the construction of the Mound City National Cemetery roadway, under his contract with the Quartermaster's Department, dated October 14, 1896, said amount being found equitably due said Ware by the Quartermaster-General United States Army, as set forth in Senate Document No. 192, Fifty-fifth Congress, second session; and the amount necessary to make said payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. GRAFF. Mr. Chairman, I call for the reading of the report. In connection with that I desire to say that the gentleman from Missouri [Mr. ROBB] reported the claim and if, after the reading of the report, he desires to say anything, I yield to him.

Mr. ROBB. I do not desire to make any statement further than is contained in the report, and will simply ask for the reading of the report and call the attention of members of the House to that. The passage of the bill is recommended by the Quartermaster-General.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Missouri.

The report (by Mr. ROBB) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 4686) for the relief of J. A. Ware, beg leave to report:

Your committee have inquired into the facts relating to said bill and find that the amount asked for in the same, $3,718.52, is justly due said claimant from the Government for and on account of extra expenditures incurred by him in the construction of the Mound City National Cemetery road under his contract with the Quartermaster's Department dated October 14, 1896.

Said extra work and extra expenditures were occasioned by a flood in the Mississippi River occurring after the grading was practically completed.

This claim was submitted to the Secretary of War, and examined and reported upon by Maj. C. F. Humphrey, deputy quartermaster-general in charge of the work, and by Gen. M. I. Ludington, the Quartermaster-General of the Army, both of whom found that said contractor, J. A. Ware, had an equitable claim for the amount asked for in the bill, to wit, $3,718.52, and on the 11th of March, 1898, the Secretary of War, in a communication addressed to Hon. Garret A. Hobart, Vice-President of the United States, commended the same to the favorable consideration of Congress. All of which is set forth in Senate Document No. 192, Fifty-fifth Congress, second session, which is hereto appended and made a part of this report.

Your committee therefore recommend that the bill do pass.

Mr. GRAFF. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. CANNON. Before that is done I hope the gentleman will have read the letter contained on the last part of page 3 and the beginning of page 4. That seems to go into the question of the equity of the claim.

Mr. GRAFF. I coincide with that request.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPOT QUARTERMASTER'S OFFICE,
Washington, D. C., March 4, 1898.

GENERAL: I have the honor to return herewith the papers in the matter of the claim of Mr. J. A. Ware in connection with the construction of the Mound City National Cemetery roadway, under his contract with this department dated October 14, 1896, referred to this office for report by indorsement of March 3, 1898, and respectfully submit report thereon as follows:

The road is about 1 mile in length, extending from the Cache River to Mound City National Cemetery. It is built in the alluvial bottom between the Ohio and Mississippi rivers, about 5 miles from Cairo. It is all embankment, from 8½ to 15 feet high, of the clayey "gumbo" soil of the bottom, with a surface of gravel of an average thickness of 10 inches.

Under the terms of the contract the work was to have been completed by March 2, 1897, but owing to unavoidable delays from frost and bad weather the time for its completion was extended to August 21, 1897.

In February, 1897, the grading of the road had been practically completed and 943 cubic yards of gravel had been furnished and placed on the road.

About March 1, 1897, a serious flood occurred in the Mississippi Valley, and by March 3, 1897, the water at Cairo was over the bottoms and continued to rise until on March 27, when it reached 53.73 feet above zero on the Cairo gauge, or within about 3 inches of the subgrade of the road. It then began to fall and continued to recede until April 26, at which time I caused a careful

survey of the work to be made, with a view to determining the exact extent of the damages thereto by the flood.

By this survey it was ascertained that 8,300 cubic yards of earthwork and 440 cubic yards of gravel would be required to repair the damages resulting from the flood.

At this time the engineer of the department was also directed to keep a detailed account of the working force of men and teams engaged in making good these damages.

On May 5 the contractor commenced to remove the logs and débris that had collected on the slopes and to drain the borrow pits, so that earth could be procured to make good the slides and shrinkage of the embankments caused by the water, which had for many days almost submerged the entire road.

It was not until May 20 that the actual work of restoration could be commenced, as the embankments were so thoroughly saturated with water that slides were continually taking place and it was necessary to allow them to dry out before putting the new material in place.

In fact, even after replacing the earthwork in these slides the sliding and settling continued from time to time, rendering it necessary in some cases to replace the same material several times. Upon final completion of the work it was found that in consequence of these continued slides and settlement 12,925 cubic yards of earth and 555 cubic yards of gravel had actually been used in making good the damages to the work.

The following is an account of the work done and expense incurred by the contractor in making good the damages resulting from the flood, viz:

Hire of foreman, 2 months, at $100	$200.00
Hire of assistant foreman, 80 days, at $2.50	200.00
Hire of laborers, 333½ days, at $1.50	500.25
Hire of teams and drivers (double), 602 days, at $3	1,806.00
555 cubic yards of gravel, at 95 cents	527.25
Add 15 per cent for use of tools, etc., and maintenance of teams and men when necessarily idle on account of flood	485.02
	3,718.52

The contractor had 25 double teams, with necessary men to take care of them, absolutely idle, in camp on the ground, during the period from about March 1 to May 20, during which time it was not possible to do any work.

He was obliged also to keep a general foreman or superintendent during that time.

The above items are based on the daily account kept by the engineer of the department charged with the supervision of the work and are very close—perhaps below actual cost.

I am of opinion, therefore, that the contractor's bill of $3,946.34, though $227.82 more than the foregoing in the aggregate, is not in excess of what may be justly claimed.

The work was done by the contractor in a most satisfactory manner and as expeditiously as the existing conditions would permit. For the delays in its execution he was in no way responsible.

With a full knowledge of all the facts and circumstances in the matter, I do not hesitate to recommend the favorable consideration of his claim to the amount of $3,946.34, as claimed.

Very respectfully, your obedient servant,

C. F. HUMPHREY,

Deputy Quartermaster-General, U. S. A., Depot Quartermaster.

THE QUARTERMASTER-GENERAL OF THE ARMY.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM CRAMP & SONS.

Mr. GRAFF. Mr. Chairman, the next bill on the Calendar which is in order is the bill (H. R. 1605) for the relief of the William Cramp & Sons Ship and Engine Building Company, of Philadelphia. The gentleman from Pennsylvania, Mr. BINGHAM, who introduced the bill, is, I understand, sick and unable to be here, and under the circumstances I ask that the bill might be passed over without prejudice.

The CHAIRMAN. Unanimous consent is asked that the bill, Calendar, No. 42, H. R. 1605, be passed without prejudice.

Mr. ROBB. I understand that under that order the bill will not be called up again to-day.

Mr. GRAFF. Oh, no. I simply desire that it shall not lose its place on account of being passed over to-day.

The CHAIRMAN. Is there objection?

There was no objection.

JOSHUA BISHOP.

The next business was the bill (H. R. 2322) for the relief of Joshua Bishop.

The bill was read, as follows:

Be it enacted etc., That the claim of Joshua Bishop for alleged items of pay due and unpaid to him for services as a lieutenant-commander, United States Navy, between the dates of September 13, 1867, and March 9, 1871, be, and the same is hereby, referred to the Court of Claims. Jurisdiction is hereby conferred on said court to try said cause—the statute of limitations shall not apply thereto—and to render final judgment therein, subject to the right of appeal by either party.

Mr. GRAFF. Mr. Chairman, this bill provides that the claim of Joshua Bishop for pay alleged to be due and unpaid to him as a lieutenant-commander from February 19, 1868, to February 28, 1871, be referred to the Court of Claims. There is a favorable report by the Secretary of the Navy, Hilary A. Herbert, on March 10, 1896, addressed to the chairman of the Committee on Naval Affairs of the Senate, and also a favorable recommendation by the Secretary of the Navy, John D. Long, addressed to the same committee.

The only waiver affecting the legal right would be the waiver of the statute of limitations. I will therefore move that the bill be laid aside to be reported to the House with a favorable recommendation.

[Mr. CANNON addressed the committee. See Appendix.]

Mr. GRAFF. I desire to say that I am not in possession of the facts as to why Mr. Bishop did not present his claim before, except that on the face of the report, which shows that he was urging his claim during the past ten years. My colleague on the committee [Mr. RIXEY] made the report. It is impossible for me to give personal examination to every claim presented before the committee, but I may say this: There has been no claim passed by the committee except after full discussion in the committee after the report of the subcommittee thereon.

Now, I want to say further. This is one of those claims where there is no danger of injustice. We have a statute of limitations because the Government might find difficulty in putting in evidence in an old claim, but in this case the evidence is a matter of record as to whether this man is entitled to that pay or not; it is a question of law and fact. The facts are just as much within the reach of the Government in this case as they are within the reach of the claimant. The statute of limitations are for a large class of claims which involve facts which are peculiarly within the reach of the claimant and are hard to obtain by the Government, and in those cases it would be very unadvisable to waive the statute of limitations. But in this case, I think, the reasons presented by the gentleman from Missouri tend to show that there are special equities in this case. I should like to hear from the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. Mr. Chairman, the only connection I have with this case is that this bill was referred to a subcommittee of which I was a member; and after the subcommittee had considered the case, they gave the bill to me to make the report. I want to say that the statement made by the gentleman from Missouri was practically correct. I do not know where the court-martial was held; but the fact is, a court-martial was ordered for the trial of Lieutenant-Commander Bishop, and in consequence of the finding of that court-martial he was dismissed or dropped from the rolls of the Navy Department. Afterwards he was either reinstated or recommissioned. He always claimed that the court-martial proceedings were irregular and illegal and that he was improperly dropped from the rolls.

The fact is that he again entered the Navy in 1871 and that he never received any pay from 1868 to to 1871. The further fact appears that for many years he has been at the doors of Congress asking an opportunity to establish the justice of his claim before the Court of Claims. It does seem to me that it comes with poor grace from Congress to say, "We will bar your right to prove your claim before the Court of Claims by pleading the statute of limitations." This man would not be allowed to plead the statute of limitations against the Government; and why should the Government assert the statute of limitations against him when he is willing and anxious to pay the costs of the proceeding in order to vindicate his character as well as his claim to this compensation?

I have very little use anyway for the statute of limitations. I do not believe it ought ever to be pleaded in the case of a man who is willing to go to court and pay the expenses of the suit. This man was dismissed from the Navy by reason of court-martial proceedings, and here is a statement showing that he always claimed those proceedings to have been illegal. He now simply asks the privilege of being permitted to present his case to the Court of Claims. He will pay the expenses. He asks nothing from the Government unless he shows a legal right to this money. He simply asks that the Government waive the statute of limitations.

This gentleman was, after the finding of the court-martial and the action thereon, reinstated in the Navy. And the Navy Department and the Government have done everything they could to correct the injustice that was done him. Now, I take it that it is as little as Congress can do to permit this man to go to the Court of Claims, the statute of limitations being waived. He does not come here, as many others do, asking an appropriation from the Treasury. He is simply anxious to maintain his case before the court at his own expense; and I think it but justice that he should be permitted to do so.

One other point. The gentleman from Illinois draws upon his imagination when he says that these claims are fostered and followed by claim agents. So far as this case is concerned no agent, no attorney, has ever appeared before the Committee on Claims. The bill was introduced by the gentleman from New Jersey [Mr. SALMON]. At his request it was considered by the Committee on Claims. The committee was unanimous in believing that the relief ought to be granted, and therefore a favorable report has been made. I would be glad to hear a statement from the gentleman from New Jersey who introduced the bill.

Mr. SALMON. Mr. Chairman, I shall be pleased to give all

the information I can to members of the House, and especially to my friend from Illinois, upon this case. Commander Bishop, as has been said, was court-martialed in 1868 and dismissed from the service. He was before that time an officer in the Navy of the United States. He had served valiantly as a young officer in the war of the rebellion; his service was commendable in a high degree.

I should like to say to my friend from Illinois [Mr. CANNON] that, through the instigation of the green-eyed monster that sometimes aids in these matters, this court-martial was brought about and he was dismissed from the service. It was not until 1871 that he was reinstated by an act of Congress, because under the law at this time an officer who was dismissed from the naval service could not be reinstated. He was reinstated by an act of Congress in 1871. He was put to duty, and from that time until about 1875 he was on the Pacific coast or on Pacific waters, so that when he returned to the East he found that his claim, which he had always insisted to be just, was barred by the statute of limitations. He has always insisted that his dismissal was illegal and wrong.

Now, from that day to the present time Commander Bishop has been trying to have himself placed in proper light before the world. He has now grown to be a man of years. He is in the evening of life. He is to-day lying at his home in Washington upon a sick bed, and what he desires is an opportunity to set himself right before the world and to reclaim that to which he is entitled, a clear and honest reputation, which he may leave to those who may follow him when he is gone. It is not so much the money; and this bill, which has been recommended, as the report here says, by several Congresses in the past, he asks now that it be passed by this Congress to give him an opportunity to go before the Court of Claims, the proper judicial tribunal, to decide upon the justice of his claim and to set him right.

I have here in my desk a great mass of evidence in this case. I have looked it over sufficiently to find these few principal points which I have stated, and I can say conscientiously to the members of this House that I believe this to be a just claim, and that when we permit Commander Bishop to go before the Court of Claims to set himself right we are only doing an act of justice to a fellow-man, what we would have others do to ourselves, and nothing more.

Mr. RIXEY. I should like to ask the gentleman whether this claim is being pushed by any claim agent?

Mr. SALMON. I want to say that it had escaped my mind, but I intended to mention the fact that there is no agent or attorney engaged in this matter. Commander Bishop is himself a man of intelligence, and, so far as I know, has prepared these matters and presented them time after time to Congress. The gentleman from Missouri [Mr. CLARK], who is familiar with this case, recalls the facts of it. It has come directly to the House without passing through the hands of any agent or attorney.

Mr. CANNON. Just a word. The members of the Committee of the Whole must necessarily follow the recommendations of the several committees touching the great mass of business, or on the fly, so to speak, disagree with the committee on any particular matter that may be considered. Ordinarily my practice is to follow the recommendation of a committee, because it is not in the power of any Representative to exhaust one-tenth of the business that comes before the House for consideration. Once in a while I read a report or a bill and come to a conclusion. Sometimes I am right. Most of the time I am right, I think, if I come to a conclusion. Sometimes I am wrong. From what the gentleman says, I think this is one of the times when I am wrong.

I came to the conclusion which I reached from what was not in the bill and what was not in the report. I would have almost staked ten to one that this was an effort by the wholesale to create a precedent, which, if successful, would set aside the construction of the law touching the pay of the whole Navy. That is what I inferred from what the bill indicated; and there is so much of that kind of thing that has come under my notice. If the report had set out what the gentleman states to be the fact, why, I, of course, would not have fallen into the error. This man claims that he was not properly convicted and that an injustice has been done him, and wants to go to the court to have that question tested. That being so, the case stands or falls by itself and does not constitute a precedent. With that explanation, so far as I am concerned, I have no objection to the passage of the bill.

Mr. GRAFF. I am free to say that the report in this case was not full enough to give the explanation which my colleague desired, and the point which the gentleman makes is well taken. It is difficult sometimes to set forth fully in a report all the information that comes before the committee. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

LEGAL REPRESENTATIVES OF D. L. HUSKEY, DECEASED.

The next business was the bill (H. R. 5969) for the relief of the devisees and legal representatives of D. L. Huskey, deceased.

The bill was read, as follows:

Be it enacted, etc., That the sum of $139.19 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay the devisees and legal representatives of D. L. Huskey, deceased, being the balance due D. L. Huskey, as shown by the records of the Post-Office Department, for services from July 1, 1861, to January 19, 1862, as contractor on route No. 10405, Missouri.

Mr. ROBB. Mr. Chairman, I made the report in that case, and I ask for the reading of it.

The report (by Mr. ROBB) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5969) for the relief of the devisees and legal representatives of D. L. Huskey, deceased, report that they have had the same under consideration and recommend that the same do pass.

Your committee report that the facts set forth in said bill are correct; that D. L. Huskey performed services as contractor on mail route No. 10405, Missouri, from July 1, 1861, to January 19, 1862, for which he was never paid; and that there is now due his legal representatives (the said D. L. Huskey being now deceased) for such services the sum of $139.19, as is fully shown by the records of the Post-Office Department.

In this connection your committee submits a letter from Hon. O. L. Spaulding, Acting Secretary of the Treasury, referring to a communication from the Auditor of the Post-Office Department relative to said claim, which is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 14, 1898.

SIR: In reply to your letter requesting to be informed as to the status of the claim of D. L. Huskey, I have the honor to state that the Auditor for the Post-Office Department reports that "the records of this office show a balance of $139.19 due D. L. Huskey, late contractor on route No. 10405, Missouri, for service from July 1, 1861, to January 19, 1862. This claim was reported to the honorable Secretary of the Treasury January 6, 1883, for an appropriation, but no provision was made by Congress for its payment.

"The records of the Confederate States, now on file in this office, do not show that Mr. Huskey was paid for mail service under his contract with the United States."

The letter of F. R. Dearing is herewith returned.

Respectfully, yours,

O. L. SPAULDING, *Acting Secretary.*

Hon. EDWARD ROBB, M. C.,
House of Representatives.

From this it appears that the claim was reported to the honorable Secretary of the Treasury by the Post-Office Department for an appropriation January 6, 1883, but that no appropriation was made by Congress for its payment.

Your committee is fully satisfied that the claim is a just and valid one, and recommend that the bill appropriating the money to pay it, as amended, be passed.

Mr. ROBB. Mr. Chairman, I think the report shows the merits of this claim, and I do not think it is necessary for me to make any further statement. It is recommended by the Department. I suppose there will be no opposition to it, and I move, therefore, that it be laid aside to be reported to the House with a favorable recommendation.

Mr. HEPBURN. Where is this route in Missouri—between what towns?

Mr. ROBB. My understanding is that it is in Jefferson County, Mo.

Mr. HEPBURN. Between what points?

Mr. ROBB. I am not able to state that.

Mr. HEPBURN. In what portion of the State?

Mr. JOY. Jefferson County is the county next adjoining the city of St. Louis.

Mr. ROBB. It is a short distance below St. Louis.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM L. ORR.

The next business was the bill (H. R. 1454) for the relief of William L. Orr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of the Treasury of the United States, from any money not otherwise appropriated, sufficient to satisfy the claim of William L. Orr for services rendered the Government as second assistant engineer in the United States Navy from September, 1863, until March, 1865.

Mr. BOUTELL of Illinois. Mr. Chairman, this bill provides for the payment of Mr. William L. Orr for services rendered by him in the Navy from the fall of 1863 to the spring of 1865. He was living at Alton, Ill., in 1863, and was appointed acting assistant engineer, and his commission mailed to him. The commission never reached him. He received notice of his appointment, and was ordered to repair to St. Louis and there report, which he did, and served there until the spring of 1865.

According to the evidence, the commission miscarried in some way, and went to the Gulf Squadron. In 1865 a new commission was issued to him, referring to the old commission, which was canceled. Through his failure to be able to present his commission, or the evidence of his appointment, he never received compensation for the services from 1863 to 1865, although the Secretary of the Navy says that the records show that the service was rendered.

Mr. LOUD. I should like to ask the gentleman what proof there is that this officer was not paid?

Mr. BOUTELL of Illinois. The letter from the Secretary of the Treasury, which says that there has been no subsequent action on the claim and that it is still unpaid.

Mr. LOUD. Is that all the Secretary of the Treasury says? I should like to hear the whole report. I think we had better have the whole report read, Mr. Chairman. I can not understand how a man could serve as an officer for two or three years without getting any pay.

The report (by Mr. BOUTELL of Illinois) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1454) for the relief of William L. Orr, late an acting second assistant engineer in the United States Navy, have had the same under consideration, and after a thorough investigation of the case report the bill back with the recommendation that it do pass.

The facts in this case clearly show that William L. Orr has a just and equitable claim against the Government for services rendered as acting second assistant engineer in the United States Navy from September 4, 1863, to March 21, 1865, at which time a new commission was issued to him in place of the commission that had been issued September 4, 1863, and miscarried.

The documentary evidence that is included in this report shows that William L. Orr, while at Alton, Ill., was notified that he had been commissioned as acting second assistant engineer in the Navy, and that said commission had been sent to St. Louis, Mo., and he was ordered to report for duty to Chief Engineer King, at St. Louis.

Through some oversight or clerical error Orr's commission, instead of being sent to St. Louis, was forwarded to the Gulf Squadron at New Orleans, and notwithstanding the great amount of correspondence passing between Orr and the Navy Department, the commission was never found.

In obedience to the orders of the Navy Department, Orr reported to Chief Engineer King at St. Louis, Mo., and served continuously and faithfully under the officer's orders in the capacity of acting second assistant engineer, and as such was employed in the construction of gunboats and placing of machinery therein till March 21, 1865. During all this time Orr's pay was withheld, and he was obliged to borrow money for the support of his family at home.

On March 21, 1865, a new commission was issued to Orr, revoking the former commission that had miscarried. The terms of the new commission explicitly refer to the former commission, and acknowledge the fact that such a commission had theretofore been issued.

The proof shows that Orr never received a cent of pay from the Government from September 4, 1863, to March 21, 1865.

Orr has repeatedly sought relief at the hands of the Government for the pay withheld, but has failed to secure it. During the service mentioned he was in constant communication with the Navy Department, and subsequently he endeavored to secure said withheld pay at the hands of the accounting officers of the Treasury Department; but in each instance his claim was disallowed, on the ground that no evidence had been furnished showing the authority under which he performed the service.

In proof of his claim that the service was actually rendered, Orr submits and appends hereto—

(1) A reference to the Official Navy Register of the United States, of January, 1864, page 176, from which it appears that W. L. Orr (the claimant) was appointed acting second assistant engineer, United States Navy, September 4, 1863, and reported for duty under Chief Engineer J. W. King, United States Navy, at St. Louis, Mo., to whom he (Orr) turned over his orders.

(2) Letter from the Assistant Secretary of the Navy showing his appointment and service.

(3) Orr's own statement as to the fact of his service.

(4) Copy of second commission, dated March 21, 1865, in which first commission is specifically referred to.

(5) Letter from the Auditor for the Navy Department to the Comptroller of the Treasury showing that the claim is still unpaid.

The relief claimed to be justly due William L. Orr is stated as follows:

Pay of his grade from September 4, 1863, to March 21, 1865, eighteen months and twenty-one days, at $1,000 per annum, $1,558.31.

A similar bill has been favorably reported in previous Congresses by committees of the Senate and House.

Mr. GRAFF. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. LOUD. Mr. Chairman, the matter which the Clerk read did not include all of the documents which are contained in the report.

Mr. GRAFF. If the gentleman from California will yield——

Mr. LOUD. There was a portion of the report which I did not see.

Mr. GRAFF. The gentleman from California asked a little while ago whether this claimant had been paid. Outside of the facts shown by the correspondence contained in the report, if the gentleman will refer to the bill he will see that in the way the bill reads it would not procure any payment for him if it were true that he had been paid, because it leaves the adjudication of the matter and the amount to the Department. It says:

That the Secretary of the Treasuay be, and he is hereby, authorized and directed to pay out of the Treasury of the United States, from any money not otherwise appropriated, sufficient to satisfy the claim of William L. Orr for services rendered the Government as second assistant engineer in the United States Navy from September, 1863, until March, 1865.

Mr. LOUD. Well, I want to suggest to the gentleman that the bill, according to its language, appropriates a sufficient amount of money to satisfy the claim. The bill is a little awkwardly worded. Now, if this man served during this time, there is no reason in the world why he should not have his pay. It seems to me the language of the bill would give it to him whether he served or not. It appropriates a sufficient amount to satisfy his claim.

Mr. GRAFF. Is not the evidence of his service contained in the report?

Mr. LOUD. Well, I will say to the gentleman that there seems to be evidence that he served, according to the statement of the Assistant Secretary of the Navy; but I can not understand how the Secretary of the Navy can certify that a man served as an officer in the Navy and still be unable to certify that fact to the Auditor. If he can certify that to the Auditor, then this man will get his pay without coming to Congress. There is no doubt about that.

The fact is he can not furnish proof to the Assistant Secretary that he rendered the service. It is very emphatically stated in this report that this man did serve as such officer. The gentleman well knows if the records of the Department show that he did serve, then he has a claim that the Department would allow. But your bill is written in such language that you would give this claimant the amount of his claim.

Mr. GRAFF. I have no objection to adding an amendment to the bill "upon the proof of his having rendered the service during that time and that that was unpaid."

Mr. LOUD. I think the gentleman ought to amend his bill in that particular.

Mr. GRAFF. The gentleman from Illinois [Mr. BOUTELL] is really in charge of this matter.

Mr. LOUD. I think the reading of the bill is a little vague in that matter.

Mr. BOUTELL of Illinois. I do not know but what the bill is a little inartistically drawn upon its face, but it is a bill that has been reported to several Congresses, it has passed the House and the Senate, and it is one of those cases which might occur in a four-years war, where a man rendered the service and lost the commission. It is fully shown in the affidavits that this service was rendered; but I am perfectly willing to amend the bill.

Mr. LOUD. I will submit to the gentleman himself if he does not think that the bill ought to be drawn in such a shape as to say that this man shall be paid for such service if it be proved that he rendered such service, but not to pay the claim?

Mr. GRAFF. I suggest to the gentleman from Illinois that an amendment be offered after the word "sixty-five," "upon proper proof being filed before the Secretary of the Treasury of the claimant having rendered such service, and the same not having been paid." That certainly would cover the objection.

The CHAIRMAN. Does the gentleman offer that amendment?

Mr. GRAFF. I do not like to undertake to do that. I prefer that the gentleman from Illinois [Mr. BOUTELL] offer it.

Mr. BOUTELL of Illinois. It seems to me, Mr. Chairman, I will say to the gentleman from Illinois, that the bill might be changed, perhaps, to meet the views of the gentleman from California; but such an amendment as that would simply throw this poor man out where he has been for the last thirty years. His commission miscarried, and he could not produce it.

Mr. LOUD. It is hardly possible that a man should serve two or three years without any pay.

Mr. BOUTELL of Illinois. It was only about thirteen months.

Mr. LOUD. It was to March 16, 1865, and that is more than two years.

Mr. BOUTELL of Illinois. Then he got his commission, which referred to the old commission, and continued his service to December, 1865.

Mr. LOUD. It is hardly possible that a man could have served that long in the Army without pay. I submit to you, Mr. Chairman, or any fair-minded man, that he could not have served as assistant engineer in the Army for two years and seven months without receiving any pay.

Mr. BOUTELL of Illinois. It was not as long as that. It was from December, 1863, to March, 1865, a year and six months.

Mr. LOUD. I will subtract that month and make it two years and six months.

Mr. BOUTELL of Illinois. It was a year and six months.

Mr. LOUD. A man could not live that long without pay. He could not live six months.

Mr. HILL. Mr. Chairman, I think if the members will read on page 3 of the report, they will find an explanation of this case. It is apparent to me that this man received notice of appointment, but no commission was ever issued and no duties were performed; but he waited two years at home at St. Louis for the commission to be sent to him. The Auditor's statement, on the fourth page, is:

There is no evidence on the files of this office that the claimant performed the duties of an acting assistant engineer at any time during the period for which he claims the pay, or that he ever received an appointment as an acting assistant engineer prior to March 21, 1865.

It is apparent to me that he received notice that he would be appointed, but that he never actually had the appointment; that he never actually had a commission; that he never actually performed the duty, and that he never was commissioned until March, 1865.

That is the inference that I draw from his own statement made here subsequently before the committee and made part of this report—that he waited at St. Louis until March 21, 1865, when he did receive a commission. He simply received notice in September that he was to be appointed, but never was appointed.

Mr. BOUTELL of Illinois. If the gentleman from Connecticut

will read the report of the Assistant Secretary of the Navy, on the bottom of page 2 of the report, he will see that that is not so. The gentleman and I could certify that there was no evidence of certain things in our office. The letter from Mr. Brown, the Auditor, says there is no evidence on the files of this office. Of course there is none, but the Secretary of the Navy, on page 2, says that he was appointed and reported for duty, and that he served.

Mr. HILL. Yes, but his own statement, over his own signature, does not agree with that.

Mr. BOUTELL of Illinois. I think it does.

Mr. HILL. This report has not been read to the House, but his own letter says:

Was retained in St. Louis from October 1, 1863, until December, 1864, on waiting orders and performing special duties under instructions of Chief Engineer King, United States Navy, superintending construction of machinery on gunboat *Ozark*, etc.

He further says:

Chief Engineer King wrote several letters to the Department urging that my commission be forwarded with orders; that I was rendering special service and waiting orders. One reply stated that my commission had been forwarded to Admiral D. D. Porter, and would receive orders from him where to report. Nothing further was heard from it until March, 1865; I received a duplicate commission dated March 21, 1865, ordering me to report to Mound City naval station.

I can draw but one conclusion from the gentleman's own statement, and that is that he received notice from the Navy Department that he was to be appointed an assistant engineer, but he never was appointed until March, 1865, and that he never performed the duties of acting assistant engineer, as the Auditor of the Department reports. The Auditor says:

There is no evidence on the files of this office that the claimant performed the duties of an acting assistant engineer at any time during the period for which he claims the pay, or that he ever received an appointment as an acting assistant engineer prior to March 21, 1865.

Mr. BOUTELL of Illinois. Will the gentleman look at the letter of Secretary Welles, in which he refers to his former appointment in 1863?

Mr. HILL. Yes, I understand; I understand that a great many mistakes occurred at that time, but I have no doubt that he was notified that he was to be appointed, and I have no doubt that he was not appointed until March, 1865, and there is no record in the Navy Department of any duties that he ever performed up to that time.

Mr. BOUTELL of Illinois. Well, the gentleman has a perspicacity unequaled by any other member of the House if he can draw such inferences from a fair, candid reading of these letters.

Mr. HILL. I take it from his own statement.

Mr. BOUTELL of Illinois. The Assistant Secretary of the Navy says he was appointed and ordered for duty on the Mississippi Squadron. The letter of Mr. Welles, Secretary of the Navy, states that that appointment was canceled. The commission was lost. The affidavit shows the performance of service and also the record in the Navy Department. The Auditor naturally would not have any such records in his Department.

Mr. BROSIUS. What is the amount of the claim here?

Mr. BOUTELL of Illinois. About $1,500.

Mr. LOUD. Mr. Chairman, I want to state one thing further. I was in receipt a few days ago of a letter which is simply a sample of a great many that I have received since I have been in Congress. A B served as second lieutenant of a regiment and was promoted ultimately to captain.

He was off somewhere, he claims, upon active service, and did not receive that commission for three months and was not able to get it for three months after that time. Now, he comes and wants me to introduce a bill in Congress to pay him for that three months. I will venture to assert that there are many thousand cases of that kind where men want pay between the date of their appointment and the date of their commission.

Now, then, let me say in all candor to the gentleman that if this commission was ever executed, there is a record of it. The Assistant Secretary of the Navy says:

I have the honor to inform you that the records in this Department show that William L. Orr was appointed acting assistant engineer in the Navy September 4, 1863.

Are not the records accessible to the Auditor? I leave it to the gentleman himself if the Assistant Secretary of the Navy can find these facts upon the record why is it they are not accessible to the Auditor so that the claim can be audited? Of course, the record does not show it, and what the Assistant Secretary certifies to the records do not show.

Mr. BROSIUS. I would like to ask the gentleman, as this is a very stale claim, whether it has ever been before Congress and received consideration of either House?

Mr. BOUTELL of Illinois. I will say that this claim was first introduced by Hon. William R. Morrison, who knew the man personally. It has been favorably reported by several committees in both the House and the Senate, and, if I mistake not, has passed the Senate, and, I think, has passed the House. The bill was introduced once by my predecessor, Mr. Cook, and, I think, was favorably reported by the gentleman from Wisconsin [Mr. MINOR].

The bill was introduced in the Fifty-fifth Congress by Mr. Cook before his death, and I found the bill among his papers. I know the old man myself personally, and I know him to be a worthy and noble man, a man of good standing in the community. The bill was unanimously reported by the Committee on Claims at the last session, and, I think, by the gentleman from Wisconsin [Mr. MINOR]. The bill has received most careful consideration of our committee. We have written the Navy Department for all the facts, and there seems to be no dispute at all in the case.

The subcommittee and the Committee on Claims were unanimously in favor of reporting the bill. If there is any way in which, by the red tape of the Department, information can be in one branch of it that can not be had by another, and thereby deprive a man of what he is honestly entitled to, it seems to me that it is a matter for us to rectify here.

Mr. BROSIUS. Mr. Chairman, I think it is a great misfortune that Congress ever fell into the habit of considering claims of this character. They constitute a judicial rather than a legislative matter. But a great many of these very stale claims have been hanging on for a number of years. I happen to have in my hand a letter received a few days ago, which affords an illustration of the character of a great many of these claims which trouble Congress.

John Smith (and I call him John Smith because that is not his name) was collector of the port of Philadelphia in 1812. It is said that he advanced to the Government some money that was never repaid. It is also said that the matter was brought to the attention of Congress during the administration of Mr. Buchanan, and that Congress passed upon it favorably—whatever that may mean—but that since that time his heirs and representatives have heard nothing of it, and there is a desire now that Congress should take hold of this matter after the lapse of almost a hundred years. I do not know what the proof would show or what presumptions might arise from such proofs.

But I confess, recurring now to the present case, that when a man, after a lapse of thirty-five years, alleges that he has served the Government of the United States in the military branch of the service for that length of time and received no compensation—has received none for thirty-five years—there is established, I will not say an indisputable presumption, but certainly a very strong presumption, that there is something wrong about it.

Mr. BOUTELL of Illinois. I submit that the evidence here shows that the man has been trying for thirty-five years in every possible way to get this money. He has not slumbered on the claim.

Mr. BROSIUS. Well, then, does not the presumption arise—let me ask my friend—from that very fact does not the presumption arise that the matter has been considered and tested and found in some respect wanting?

Mr. BOUTELL of Illinois. If it did I should have reported unfavorably on the bill. I have no sympathy with any of these old claims. I have no sympathy with any claimant, I do not care who he is, that can not submit a good case from the record.

Mr. BROSIUS. I know that.

Mr. BOUTELL of Illinois. And the subcommittee to which I belong has absolutely refused to report any claim where evidence can not be furnished by the Department or where the Department has reported adversely.

Mr. NEVILLE. May I be allowed a suggestion?

Mr. BOUTELL of Illinois. Certainly.

Mr. NEVILLE. One of the objections raised to this bill was the proposition that this gentleman lived at St. Louis and made that his home after the proposed appointment, and that he probably never performed the service for which claim is made. I simply want to suggest that a large portion of the Mississippi Squadron was built at St. Louis——

Mr. BOUTELL of Illinois. That statement about this gentleman living at St. Louis was altogether incorrect. He lived at Albion.

Mr. NEVILLE. So I understand. He was notified to appear at St. Louis and did so.

Mr. BOUTELL of Illinois. And aided in the construction of these vessels.

Mr. Chairman, I move that the report be laid aside with a favorable recommendation.

The motion was agreed to.

HATTIE A. PHILLIPS.

The next business was the bill (H. R. 2098) for the relief of Hattie A. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Hattie A. Phillips, widow of John Phillips, deceased, the sum of $5,000, as full compensation for the services rendered by the said

John Phillips in bearing dispatches from the commanding officer at Fort Phil Kearney to Fort Laramie from December 21 to December 28, 1866, after the massacre of the United States soldiers under Brevet Lieutenant-Colonel Fetterman by the Sioux Indians, and by whose services the garrison at Fort Phil Kearney, then surrounded by said Sioux Indians, was rescued and saved from annihilation, and as full payment of all claims against the United States for loss and destruction of property belonging to said John Phillips by Indians.

Mr. FITZGERALD of New York. Was there not an amendment adopted by the committee to this bill?

Mr. GRAFF. After the bill was considered in the committee the question was raised whether interest should be allowed upon the judgment of the Court of Claims or whether the bill should recommend the payment of a specific amount. An estimate was made of the interest, and it was ascertained that, including the interest, the amount would be the same as the sum named in the bill; there would be no difference.

Mr. LOUD. The gentleman assumes that there was a judgment in the Court of Claims.

Mr. GRAFF. I do not assume it; I know it.

Mr. LOUD. Why was not that judgment paid?

Mr. GRAFF. The reason it was not paid was because it was ascertained that this John Phillips was not naturalized and, being foreign born, not a citizen.

The gentleman from Wyoming [Mr. MONDELL] introduced the bill and is very familiar with the facts. He can give them more fully than I can, although the bill was discussed for an entire meeting of the committee and all the facts gone over.

After the claimant had recovered this judgment for $2,210, it was found that he was not a naturalized citizen, and that is the reason an appropriation was not reported by the Appropriations Committee to pay the claim.

Mr. LOUD. Why?

Mr. GRAFF. Because, as I understand, he would not have any standing in the Court of Claims.

Mr. LOUD. Why, then, did the Court of Claims entertain the suit and render a judgment if he had no standing in the court because of being an alien? Is it not a fact that what you call a judgment was simply a finding? Many members of Congress mix up the two.

Mr. GRAFF. I understand that it was a judgment, for the reason that it has been the practice of the House for many years, when a judgment was certified to it from the Court of Claims, to send that judgment to the Committee on Appropriations to be inserted in the general deficiency appropriation bill; but when the Court of Claims simply make findings of fact, they are certified back to the Committee on Claims, or whatever committee originally had the bill, and those findings of fact are simply advisory upon the committee, and they must report a bill, which must pass both Houses of Congress, treating it as an original matter; the effect of the findings of the Court of Claims being simply like any other thing which might operate to convince the committee.

Mr. LOUD. I will ask the gentleman what was the judgment?

Mr. GRAFF. The judgment was for $2,210.

Mr. LOUD. Has not the gentleman a copy of the judgment in his report?

Mr. GRAFF. No; I have not.

Mr. LOUD. Is not that one of the important factors in the case—the most important evidence there is?

Mr. GRAFF. Yes; but we are not supposed to put in all the evidence presented to the committee.

Mr. LOUD. Not the evidence, but the judgment of the court upon which you base this claim.

Mr. GRAFF. We are supposed to exercise some judgment ourselves in making the report of our conclusions to the House.

Mr. LOUD. Would you not assume that a copy of the judgment, which is not very long, would be the most important evidence that could be submitted in this case?

Mr. GRAFF. Well, without stopping to debate the question of the propriety of having it put into the report, it is sufficient to say that this claim has been reported for the last fifteen years, by committees of the House and Senate, and they have not heretofore put the judgment in the report. But I will say this, that when the matter came before the committee we discussed the nature of the claim and how it arose, and that brought up the fact that this man, John Phillips, by an act of heroism on his part, in traveling a long distance through a desolate, hostile country, in which a strong body of Indians were at war with the whites, had finally relieved and brought reenforcements, at great hardship and risk to himself, to a garrison surrounded at Fort Phil Kearney, and thus saved the garrison from certain massacre.

Afterwards these Indians bore a grudge against this man John Phillips for years, on account of his having delivered these people from them. The result was that they constantly harassed his cattle and committed depredations upon his property. Phillips was conducting a stock farm in that locality for years afterwards, and this claim grew out of that. It appeared that his having done this great service in the interest of humanity and in the interest of that surrounded garrison was the cause of these depredations being committed upon him by these Indians.

Mr. LOUD. Well, I suppose that is an assumption, at the best, after all these years, is it not?

Mr. GRAFF. Not at all. It is not an assumption.

Mr. LOUD. I should like to get at the facts about this judgment. I should like to ask the gentleman if he has ever seen it?

Mr. GRAFF. A question came up in regard to the date of the judgment, and I had a conversation with the gentleman from Wyoming [Mr. MONDELL], because the date of the judgment was pertinent as to whether we should make an appropriation in addition to the actual amount of the judgment, and the committee hesitated to do that. That is, they hesitated to make any appropriation on account of the man's heroism, but we thought that since the man had secured this judgment in his favor, and since he had been deprived of it since that time, and because he received these injuries on account of his having served the people out there, that he ought either to have an additional amount or to have interest from the time at which the judgment was rendered. So I had the gentleman from Wyoming [Mr. MONDELL] procure the exact date of the judgment, and I now yield to the gentleman from Wyoming for the purpose of making any statement he may desire to make.

Mr. MONDELL. I will say in regard to this case, Mr. Chairman, that the judgment was reported in House Executive Document No. 125, pages 82 and 83, Forty-ninth Congress, first session. Subsequent to the filing of the judgment in this case it transpired that John Phillips, a Portuguese, who had been an inhabitant of the Northwest for many years, had never taken out naturalization papers, and not being a citizen of the United States, the judgment was annulled.

Mr. LOUD. You say Congress could not pay the judgment?

Mr. MONDELL. I say that the judgment of the Court of Claims, under the law, was not properly rendered.

Mr. LOUD. Who determined that?

Mr. MONDELL. Well, I am not sure. I am not satisfied how that came about. The fact is that the Court of Claims, as I have already stated, transmitted to Congress this judgment among others. The record shows that it was not paid. Inquiry at the Court of Claims indicated that it was discovered that John Phillips was not a citizen of the United States, and therefore the claim was never paid. Now, if the House will allow me a moment, I will tell you something about John Phillips.

In 1866 Fort Phil Kearny, on the old Bozeman trail in Wyoming, was surrounded by 5,000 warriors of Red Cloud's band. On the afternoon of the 21st of December the garrison was attacked. Lieutenant-Colonel Fetterman, with 2 other officers and 78 men, went out to drive off Red Cloud's warriors. When 4 miles from the post they were surrounded by an overwhelming number of Indians and every man was killed. Encouraged by this massacre, the Indians came down and surrounded the post, which contained then less than 200 men and a number of women and children. Fort Laramie, the nearest garrison, was 250 miles distant. It was midwinter. The snow was from 2 to 3 feet deep on the ground.

Red Cloud's band numbered not less than 5,000 men and covered the entire country. It was absolutely necessary that somebody carry the news of the beleaguerment of the garrison to the forts on the Platte. Three different parties were sent out and their horses returned riderless. The third night after the massacre John Phillips volunteered to take the news of the beleaguerment and the imminent danger to Fort Laramie. He asked that he be given the colonel's thoroughbred horse on which to make the ride, and at dead of night he rode forth, the temperature 20° below zero and the country infested by a watchful savage foe. Secreting himself and horse by day, riding only at night, on three different occasions only escaping from bands of Indians by the fleetness of his horse, he finally reached Fort Laramie and told the story of the massacre and the deadly peril. The result was that a relieving column was sent and the garrison was saved.

For years afterwards this man was continuously harassed, his cattle killed, and his horses run off by the Indians. He suffered not only the $2,200 loss found in the judgment of the Court of Claims, but, as he claimed, nearly $6,000. When his claim was presented it was cut down to $2,200. The judgment was rendered and sent to this House. It then transpired that the man was not a citizen and the judgment was never paid. Ever since that time his friends have been before Congress endeavoring to get relief. Now, the committee ask that we pay simply the amount of the judgment and an additional amount equal to about the interest from the date it was rendered.

Mr. HILL. Who will get this money, in case it is paid?

Mr. MONDELL. His widow.

Mr. HILL. Is she living?

Mr. MONDELL. Yes.

Mr. HILL. When did he die?

Mr. MONDELL. He died some time ago. His ride for the relief of that garrison alone entitles him to more than this bill

carries. His act was one of the most thrilling and heroic acts in all the history of the Northwest.

Mr. GRAFF. Are these things not generally known in his State by hundreds of people?

Mr. MONDELL. Not only in my State, but known all over the Union. This story has been told and sung for twenty years. The story of the relief of the garrison there is known to everybody, and we simply ask that the widow of this man be paid the sum long due him.

Mr. BROSIUS. Has this man been figuring as the hero of that story for all these years?

Mr. MONDELL. Yes.

Mr. BROSIUS. Why has he not been paid long ago?

Mr. MONDELL. Because Congress has not seen fit to do its duty. The bill has twice passed the Senate, and has been favorably reported in this House twice.

Mr. LOUD. I want to get back, if the gentleman will allow me, to this judgment. Has the gentleman a copy of the judgment?

Mr. MONDELL. I have not. I have a copy of the record of the House transmitting the judgment, or I can get it in a moment.

Mr. LOUD. I should like to have it. It ought to be a matter of evidence in this case, it seems to me. I do not want to reflect upon the members of the committee, especially the chairman, and the gentleman from Illinois. I regard them both as most careful men.

Mr. MONDELL. What does the gentleman wish? It would be impossible, of course, to get the judgment of the Court of Claims to-day. I can get the gentleman the document of the House of Representatives that contains the record of the judgment.

Mr. LOUD. Have you a certified copy of the judgment?

Mr. MONDELL. A copy of the judgment I have not got.

Mr. LOUD. What have you got, then?

Mr. GRAFF. Do you mean a verbatim copy of the judgment, or a mere statement?

Mr. MONDELL. The House report gives the date of the judgment and the amount.

Mr. GRAFF. I will say we had present with the members of this committee when this matter was up for consideration the House document that contained the record of this judgment.

Mr. LOUD. Even careful members of this House are sometimes deceived. I had some experience on the Committee on Claims myself, and I have given my assent to a claim which I found afterwards had no foundation, and the worse the case was, as a rule, the stronger the evidence appeared to be.

Mr. MONDELL. We have the record of the judgment having been sent to this Congress, but have not a copy of it.

Mr. BROSIUS. You mean that the report contains the record of the judgment or a statement of the fact that a judgment was rendered?

Mr. MONDELL. It was a document transmitted from the Court of Claims to this House, containing the fact or record, with a good many other claims.

Mr. BROSIUS. You mean by the record a statement of fact that the court had rendered such a judgment.

Mr. MONDELL. That is it.

Mr. BROSIUS. Have you a copy of the judgment?

Mr. MONDELL. No, sir.

Mr. LOUD. That fact ought to be easily brought before the House.

Mr. MOODY of Massachusetts. Let me call the attention of the gentleman from California to the statement made in the report in 1896, which says this:

> This claim was passed upon by the Court of Claims and the evidence was overwhelming, including the evidence of Army officers, Indian agents, special examiners, and others, and the Court of Claims allowed and entered judgment for the sum of $2,210. (See H. R. Ex. Doc. 125, Forty-ninth Congress, first session.)

I have sent for that.

Mr. LOUD. It certainly should have been a part of the record.

Mr. BROSIUS. It is in the report.

Mr. GRAFF. We had that document and all the papers in the case before the committee; but after we make a report to the House we send the document and proof back to the index clerk. We are compelled to do that.

Mr. LOUD. Is it not customary to include in your report the statement that such a judgment was rendered?

Mr. GRAFF. We have stated that fact.

Mr. MONDELL. It is stated in both reports.

Mr. LOUD. It simply refers to it.

Mr. GRAFF. We state that it was rendered. We might have given a certified copy of the judgment.

Mr. LOUD. Why, then, do the gentlemen give $5,000, when the court rendered a judgment of $2,000, if a judgment was rendered?

Mr. MONDELL. The amount we propose to give now is the amount of the original judgment, with interest.

Mr. LOUD. Oh, well; I have never known Congress, in the limited time I have been a member, pay any interest on claims; and I hope they will not begin that practice now.

Mr. OTEY. You have on judgments, have you not?

Mr. MONDELL. Now, Mr. Chairman, in the first place, the judgment of the Court of Claims was for nothing like the amount that this man lost. His claim was for over $6,000 originally. The Court of Claims pared it down twenty-six years ago to $2,200. Twenty-six years ago! And all this time he has been waiting for the payment. He had served his country as a scout; he had been in the country for many years prior to the time of his loss, but like a great many other men who went into that region as young men, having no opportunity to take out naturalization papers, it was not done.

Mr. LOUD. Does not the gentleman know if he served in the regular United States Army that it would not have been necessary, or he would have had no great amount of trouble if it was necessary, to get them?

Mr. MONDELL. I know the Court of Claims holds that service in the United States Army does not necessarily constitute citizenship. I know he voted for years and years and performed all the duties of a citizen, but still he was not a citizen according to the Court of Claims.

Mr. BROSIUS. I do not see in the report how this loss was sustained.

Mr. MONDELL. The loss was a loss during a raid of the same tribe of Indians that surrounded the post at the time he carried the news out.

Mr. BROSIUS. How long after?

Mr. MONDELL. Well, I do not know just how long afterwards.

Mr. BROSIUS. What property was destroyed?

Mr. MONDELL. Horses and cattle.

Mr. BROSIUS. Taken by the Indians?

Mr. MONDELL. Yes, sir.

Mr. LOUD. Is John Phillips living now?

Mr. MONDELL. He died some years ago; his widow still lives.

Mr. BROSIUS. Let me make an inquiry. I do not know what the precedents are in these matters. This man continued to reside in that part of the country after the heroic instance that the gentleman has related?

Mr. MONDELL. Yes.

Mr. BROSIUS. Was he engaged in farming?

Mr. MONDELL. Yes.

Mr. BROSIUS. And some Indians came along and stole his property?

Mr. MONDELL. Yes.

Mr. BROSIUS. Does that create any liability against the Government of the United States?

Mr. MONDELL. Yes; under our law it creates a liability, and the liability was recognized.

Mr. BROSIUS. And the judgment of the Court of Claims was based upon that liability?

Mr. MONDELL. Entirely.

Mr. BROSIUS. I think the gentleman has fortified and reenforced the case very much, but I want to ask one further question. Do I understand the law to be that if I go into an Indian country to reside and conduct my operations and an Indian steals my horse, the Government of the United States is liable to pay for that horse?

Mr. MONDELL. Yes; providing the Indian who steals your horse does not belong to a tribe which is at war with the United States. If the tribe is at war with the United States, the Indian may steal your horse and destroy your property without the Government being liable.

Mr. BROSIUS. That is what I supposed. Were not these Indians at war with the United States?

Mr. MONDELL. As evidenced by the judgment of the Court of Claims, the tribe was not at war with the United States.

Mr. GRAFF. That was one of the conditions precedent that was proved.

Mr. MONDELL. Our country has been overrun time and time again with Indians at war, and we never got anything for the loss we sustained.

Mr. LOUD. I think, Mr. Chairman, the gentleman ought to withdraw the interest on this judgment, if there is a judgment, which is a little misty, but I will take the gentleman's word for that. If the gentleman gets a judgment after this twenty-six years, I think the woman is doing pretty well.

Mr. MONDELL. I do not think that is a very good argument, that because the Government failed to pay its debt for twenty-six years, therefore it is under no obligation to pay the interest.

Mr. LOUD. Let me say to the gentleman that during my experience in Congress I never have known the Committee on Appropriations to refuse to pay a judgment, and I think if he will get back to the time that this matter came before Congress, he will find some reason existing why none of this claim should be paid. Now, in view of the lapse of time, the lapse of conditions, I think if this woman can get the amount of this judgment she is doing mighty well.

Mr. MONDELL. I want to say, Mr. Chairman, that there is

no question at all relative to this judgment except the one of citizenship. That was the only question on which payment of the judgment was suspended.

Mr. LANDIS. A mere technicality.

Mr. MONDELL. Yes.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. LOUD. Mr. Chairman, I want to make one further suggestion to the House. I do not think the gentleman ought to press the full amount of this judgment with interest.

Mr. GRAFF. I will say to the gentleman from California that it seems to me this claim is absolutely defensible from the standpoint of legality, and in addition to that it presents claims in the direction of heroism and from every other direction.

Mr. BROSIUS. Was the report of the committee unanimous?

Mr. MONDELL. Yes; and after a full discussion. We went into discussion especially about the services that the scout had rendered and with reference to the reasons why the destruction of the property occurred by the Indians. It was done by the same tribe, for the reason that there was a constant hostile feeling by the people of this tribe on account of the fact that John Philips had delivered the garrison out of their grasp.

Mr. LOUD. John Philips is dead, and you can not reward him.

Mr. MONDELL. The fact that John Philips died while the United States denied him justice is no good reason why we should not give his widow what belonged to him.

Mr. BROSIUS. I do not think that should cut any figure; if John Philips is entitled to it, I think his widow ought to have it. Besides, I think I will vote for it to encourage heroism. [Applause.]

Mr. LOUD. Let me say once more, Mr. Chairman, to the gentleman, I do not want to appear as the only obstructionist, and I have great faith in the judgment of the gentleman from Wyoming; but you are establishing a precedent here to-day in paying interest that you can not afford to stand by. Since I have been in Congress, I never yet voted to pay interest on a claim, and I do not think there is a gentleman here on the floor that can point to a case where Congress has allowed interest upon a claim, and I hope the gentleman will withdraw that part of it.

Mr. MONDELL. In reply to the gentleman from California, I desire to say that I would hesitate very much to recommend interest as interest. I think I would refuse to vote and refuse to support, on the recommendation of my committee, the allowance of interest, even on a judgment where it was found necessary to come before the Committee on Claims to secure relief, because the precedents are nearly all against it. But in this case there was something else besides a purely legal liability.

The story, by the correspondence here, by the Army officers who were upon the scene, giving it just exactly as it occurred, shows a very exceptional case of bravery, and with great results. There were helpless women in that beleagured fort surrounded by five or six thousand Indians, and this man volunteered his services, and how he ever escaped from those howling Indians surrounding that fort and got miles away for the purpose of getting to the nearest railway station to telegraph for assistance almost passes understanding, but he did it. He went out and risked his life that others might live; and I say that is the noblest thing a man can do.

Mr. LOUD. If he had stayed there his life would still have been at great risk. The question was between staying there and dying, and going out and perhaps living.

Mr. GRAFF. Well, that would be hoping against hope. I have too good an opinion of the gentleman from California to believe that he would seriously urge such a suggestion as that.

Mr. BROSIUS. Besides, I think the gentleman from California can be relieved by reference to this report. It does not seem to report in favor of any interest at all. It is simply a report in favor of the claim of $5,000.

Mr. GRAFF. The report recognizes the interest and also the element of heroism, and specifically draws the distinction, so that this case can not furnish a precedent.

Mr. BROSIUS. I infer, however, from the report, that while the interest was considered in arriving at a conclusion as to the amount which should be allowed, you did not find a certain sum and then compute interest on it?

Mr. GRAFF. No, sir; we did not allow interest.

Mr. BROSIUS. Because such a sum would be different from the sum you have reported. As a matter of fact, you have reported in favor of a given sum as due to this widow.

Mr. GRAFF. I will say to the gentleman from California that the gentleman from Massachusetts [Mr. MOODY] says that he has a copy of the judgment.

Mr. LOUD. I will not question that.

Mr. GRAFF. There may be some legal insufficiency about the form of the judgment to which my friend from California might object.

Mr. LOUD. After twenty-six years, I think we should view with a little suspicion a claim that was not paid when all the facts were fresh in the minds of the persons concerned.

Mr. FITZGERALD of New York. I should like to say to the gentleman from California that the reason this case was taken into consideration by the committee was that if the man had been a citizen the claim would have been paid under the judgment of the court. In view of his great heroism it was considered that he should not be allowed to suffer by reason of the fact that he was not a citizen; that he had won the rights of a citizen by his gallantry, by the loss of his blood.

Mr. LOUD. I am afraid that the alienism is a little bit smoky; but I quit. [Laughter.]

Mr. GRAFF. I move that the bill be laid aside to be reported favorably.

The motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2612. An act to remove the charge of desertion against Frederick Schulte or Schuldt; and

S. 885. An act for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased.

The message also announced that the Senate had passed Senate concurrent resolutions of the following titles; in which the concurrence of the House was requested:

Senate concurrent resolution 35:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to have a survey made and submit a report and an estimate for deepening and properly improving the Mispillion River, Delaware, in accordance with recommendations heretofore made by the War Department.

Senate concurrent resolution 15:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 additional copies of the last annual report of the Commissioner of Pensions for the use of the Bureau of Pensions.

W. W. RILEY.

The committee resumed its sitting.

The next business was the bill (H. R. 1806) for the relief of W. W. Riley.

Mr. GRAFF. I think this bill has already passed the House. I believe it was taken up by unanimous consent.

The CHAIRMAN. Without objection, the bill will be passed over without prejudice until it is ascertained whether it has already been passed.

CLARE M. ASHBY.

The next business was the bill (H. R. 445) for the relief of Clare M. Ashby, widow of W. W. Ashby, late United States consul at Colon.

Mr. OTEY. This is a bill for the relief of the widow of W. W. Ashby, who was drowned while serving as consul at Colon. In the Fifty-fifth Congress a bill was presented for her relief; but in error it was presented for the full amount of the salary. This bill is for the balance of one year's salary. I do not know that it is necessary to read the whole report; but I can say it has been the custom in cases of this kind to pay the balance of the year's salary; and the balance in this case was $2,866.66. Allow me to cite some of the precedents:

By act of March 3, 1879, Mrs. Taylor, the widow of Bayard Taylor, who died while minister to Germany, was allowed the sum of $7,000, to compensate his estate for extraordinary expenses and losses incurred in consequence of his death.

By joint resolution approved July 28, 1882, Mrs. Hurlburt, widow of General Hurlburt, who died while minister to Peru, was allowed one year's salary and legal allowances, after making necessary deductions. This bill provides for paying to the widow of Mr. Ashby only the remainder of one year's salary.

Joint resolution approved July 28, 1882, gave Mrs. Kilpatrick, widow of General Kilpatrick, who died while minister to Chile, one year's salary and legal allowances after making proper deductions.

Joint resolution approved July 1, 1882, gave Mrs. Garnett, widow of Rev. H. H. Garnett, who died while minister to Liberia, one year's salary.

There are other precedents which it is hardly necessary for me to recite. This bill provides for paying only what is usual in these cases.

Mr. LOUD. Has the gentleman any reference to a case where Congress has ever made this allowance to the widow of a consul?

Mr. OTEY. No, sir; most of the precedents I have here are the cases of ministers.

Mr. LOUD. What are the others that are not among the "most?"

Mr. OTEY. I do not see any cases of consuls.

Mr. LOUD. I thought not.

Mr. OTEY. They are all ministers. I will read what the Third Assistant Secretary says in regard to it. I do not know that it makes any difference whether a man was a minister. This man was in the diplomatic service. Since the gentleman raises the question about consuls, I will say that I do not know that there are any precedents particularly stating that the beneficiary was a consul. I do not see any in this report. This is what Mr. Cridler, Third Assistant Secretary of State, says in his letter:

DEPARTMENT OF STATE,
Washington, January 27, 1899.

SIR: Referring to the Department's letter to you of January 21, 1898, and your recent visit to the Department in connection therewith, I have now, agreeably to your request, to acquaint you with the purport of a dispatch from the vice-consul of the United States at Colon, No. 2, of January 18, 1898, in regard to the drowning of William W. Ashby, late consul of the United States at that port. The facts are as follows:

On Sunday afternoon, January 16, Mr. Ashby, accompanied by Dr. F. W. Hafemann, German consul, and Mr. D. G. Mott, master mechanic of the Panama Railroad, left Colon in a small boat to visit Mr. Mott's cocoanut plantation, situated on what is known as Toro Point, across the bay from this point. The trip over was made all right, but in returning from the shore, near Point Toro, the boat was capsized and all the occupants were thrown out in the water. Although a moderate breeze was blowing at the time of the accident, the sea was rough and breaking very heavily on the jagged reefs which line the coast, and being unable to secure assistance at the time, all the occupants of the boat except the captain, who was thrown on the reef and badly hurt, were either drowned or killed by being thrown against the coral rocks. The accident was witnessed by one person only, the assistant keeper of the "Punta del Toro" light-house, who, at the time, was in the lamp room of the tower preparing to light the lamp. Being fully half a mile from the place where the accident occurred, and having no means of rendering assistance, he was forced by circumstances to see the occupants of the ill-fated boat drown.

I have the honor to be, sir, your obedient servant.

THOS. W. CRIDLER,
Third Assistant Secretary.

Mr. CANNON. Does the gentleman from Virginia think it is a safe precedent to pay the balance of a year's salary or a whole year's salary to the widow of a consul who dies in the service? There is no law for it, as the gentleman is aware. Otherwise there would be no necessity for the reporting of this bill.

Mr. OTEY. Nor is there any law for paying ministers, or there would be no necessity for special bills.

Mr. CANNON. That is true; but from the small number of cases that the gentleman refers to I take it that the practice of paying the widows of ministers is by no means universal. But is not the precedent one to be honored in the breach rather than in the observance? I am not speaking merely for the purpose of obstructing. I know it is perhaps ungracious, where a sum is to be devoted to somebody who needs it, to make objection, but after all I dislike very much to vote for the extension of precedents that it seems to me are not commendable. We have the precedent here with reference to the House and Senate. If one of our members dies, the rule is that the widow gets the balance of the salary, not exceeding $5,000. There is no law for it, but it is a practice that has grown up and continued for almost a century.

In the last ten years we have taken to extending it to employees of the House and Senate. If one of them dies, we bury him at the public expense and, if I recollect aright, give the widow six months' salary. With this great army of officeholders, two or three hundred thousand, more or less, throughout the country, where we all break our necks almost, figuratively speaking, to get the office and draw the salary while we live, I fear the results of the precedent of paying the salary after death.

Mr. OTEY. In reply to the gentleman's question, I can only answer in the language of the Third Assistant Secretary:

The Department does not recall a case where Congress has provided an allowance to the widow of a consul who died while in the public service.

If you will consult Senate Report No. 238, Forty-ninth Congress, first session, you will find a correct list, up to that date, of widows of deceased diplomatic agents who have received, upon Congressional sanction, various sums, representing either a year's salary or a portion thereof.

The Department knows of no sufficient reason why Mrs. Ashby should not share in the same equitable treatment.

And I know of none, why he should not so share. The committee found no other reason. The committee were unanimous in their report on this question. Mr. Ashby was drowned shortly after he went to his post of duty and he left a widow. It has been the custom to pay other diplomatic agents as high as a year's salary and allowances. The first bill introduced for Mr. Ashby's widow was that, but this bill provides only for paying the remainder of his year's salary. The Third Assistant Secretary, the official with whom we had dealings, stated in his letter that he saw no reason why this case should be barred from the same privileges.

Mr. CANNON. Would my friend vote for a general law paying the widows of consuls who die in the service and the widows of other Government officials a year's salary?

Mr. OTEY. All Goverment officials?

Mr. CANNON. Well, I will restrict it to consuls first.

Mr. OTEY. Yes; I would.

Mr. CANNON. Well, where would my friend draw the line? Would he say also the vice-consuls, secretaries of legations, clerks in foreign offices, and the consular clerks? all of them having quite as much duty to perform as the consul.

Mr. OTEY. I do not know exactly how far I would go, when you come to all of those.

Mr. LOUD. You would go far enough to include this case, would you not?

Mr. OTEY. I would go far enough to include this case, and I have no more personal interest in it than the gentleman has, if he means to imply anything of that sort.

Mr. LOUD. Oh, no; I do not intimate that you have any personal interest in it.

Mr. OTEY. I thought I would make that clear, in view of the gentleman's remark.

Yes; I would vote for it, because this case has been before our committee and they have considered it thoroughly and reported it unanimously, and if you will bring every single one of the cases before a committee and get a unanimous report in favor of it, letting each case stand on its merits, then I would not vote against the recommendation of the committee in such a case. I do not know that I would vote for a general law to pay Tom, Dick, and Harry—everybody who died in the service. This is a case which has some special features about it. The facts have been stated.

Mr. CANNON. I have nothing further to say about it. I only wanted to express my views about it.

Mr. OTEY. Did the gentlemen ever vote to pay the balance of a year's salary to the widow of anybody who died in the service?

Mr. CANNON. I have no recollection about that. I presume that I may have voted on the cases of these parties who were in the diplomatic service.

Mr. OTEY. Is there any reason why you should vote differently in the case of a minister and in a case of a consul?

Mr. CANNON. Oh, yes.

Mr. OTEY. Why?

Mr. CANNON. Those who are in the diplomatic service are charged with an entirely different class of duties. The consul is a mere business agent. He goes to the place for the salary. He is connected merely with business matters. He is in no wise in the diplomatic service, not so much so as our officers of the Army and Navy who are abroad.

Mr. OTEY. But he can not die any more than the other man.

Mr. CANNON. That is right.

Mr. OTEY. And both are in the service of the country.

Mr. CANNON. Certainly; but in the meantime the man who dies at home and does not have the good luck to be business agent for the Government, leaves a widow who does not get the pay, and she helps to pay the taxes to pay the other widow.

Mr. OTEY. This man did not die at home.

Mr. CANNON. I understand that. I will say to my friend that I care nothing about the amount involved in this bill, but I see no reason why, if this precedent is established, we should not go back and pay the widows of all consuls who have died in the service, and go forward and pay the widows of those who may die; and what I fear is that this constitutes a precedent that will open the door to such claims.

Mr. OTEY. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

And then, on motion of Mr. GRAFF, the committee rose; and the Speaker having resumed the chair, Mr. HEMENWAY, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill H. R. 5196, and had directed him to report the same back to the House with the recommendation that it do lie on the table; also that the committee had had under consideration the bills H. R. 4686, H. R. 2322, H. R. 5969, H. R. 1454, H. R. 2098, and H. R. 445, and had directed him to report the same back to the House with the recommendation that they do pass.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 5196) for the relief of CLAUDE A. SWANSON.

Mr. GRAFF. Mr. Speaker, I move that that bill do lie upon the table.

The motion was agreed to.

The following bills, reported from the Committee of the Whole, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

A bill (H. R. 4686) for the relief of J. A. Ware;

A bill (H. R. 2322) for the relief of Joshua Bishop;

A bill (H. R. 5969) for the relief of the devisees and legal representatives of D. L. Huskey, deceased;

A bill (H. R. 1454) for the relief of William L. Orr; and
A bill (H. R. 445) for the relief of Clare M. Ashby, widow of W. W. Ashby, late United States consul at Colon.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2280. An act granting a pension to Horatio N. Cornell—to the Committee on Pensions.

S. 1619. An act granting an increase of pension to Ella Cotton Conrad—to the Committee on Pensions.

S. 950. An act granting a pension to Sarah Ann Fletcher—to the Committee on Invalid Pensions.

S. 1242. An act granting an increase of pension to Adele W. Elmer—to the Committee on Pensions.

S. 2020. An act granting a pension to Sarah E. Fortier—to the Committee on Pensions.

S. 2552. An act granting an increase of pension to Elizabeth Overby Williams—to the Committee on Pensions.

S. 1803. An act granting an increase of pension to Richard L. Titsworth—to the Committee on Invalid Pensions.

S. 259. An act granting a pension to Lizzie Breen—to the Committee on Pensions.

S. 1552. An act granting an increase of pension to Helen L. Dent—to the Committee on Invalid Pensions.

S. 2612. An act to remove the charge of desertion against Frederick Schulte or Schuldt—to the Committee on Naval Affairs.

S. 885. An act for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased—to the Committee on War Claims.

Senate concurrent resolution 35:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to have a survey made and submit a report and an estimate for deepening and properly improving the Mispillion River, Delaware, in accordance with recommendations heretofore made by the War Department—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 15:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 additional copies of the last annual report of the Commissioner of Pensions for the use of the Bureau of Pensions—

to the Committee on Printing.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 2354. An act enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company;

S. 2270. An act declaring Cuivre River to be a navigable stream; and

S. R. 91. Joint resolution authorizing the printing extra copies of the publications of the Office of Naval Intelligence, Navy Department.

HATTIE A. PHILLIPS.

The next business was the bill (H. R. 2098) for the relief of Hattie A. Phillips.

Mr. GRAFF. Mr. Speaker, I ask unanimous consent that the bill (S. 197) for the relief of Hattie A. Phillips, which is precisely like the House bill, and which has passed the Senate and come to our committee since we reported the House bill, be substituted for the House bill.

The SPEAKER. The gentleman from Illinois [Mr. GRAFF] asks unanimous consent that the Senate bill be substituted for the bill reported from the Committee of the Whole, it being identical. Is there objection?

There was no objection.

The bill (S. 197) for the relief of Hattie A. Phillips was ordered to a third reading; and it was accordingly read the third time, and passed.

The bill H. R. 2098 was ordered to lie on the table.

On motion of Mr. GRAFF, a motion to reconsider the votes by which the several bills were passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. REEDER, indefinitely, on account of important business.

To Mr. GAMBLE, indefinitely, on account of sickness.

And then, on motion of Mr. PAYNE (at 4 o'clock and 35 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, renewing recommendation for the passage of an act in relation to the publication of advertisements for contracts—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue relating to an appropriation for the purchase of books—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, transmitting further information in regard to the complaints of the German Government in relation to certain customs regulations of the United States Government—to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BOREING, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 16) for printing 10,000 copies of the work entitled The Louisiana Purchase, reported the same without amendment, accompanied by a report (No. 698); which said concurrent resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. Con. Res. No. 6) to print for the Bureau of the American Republics 2,500 copies of the Annual Report of the Director of the Bureau of the American Republics, reported the same without amendment, accompanied by a report (No. 699); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 3369) to put in force in the Indian Territory certain provisions of the laws of Arkansas relating to corporations, and to make said provisions applicable to said Territory, reported the same with amendment, accompanied by a report (No. 700); which said bill and report were referred to the House Calendar.

Mr. RUSSELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 2114) to constitute South Manchester, Conn., a port of delivery, reported the same without amendment, accompanied by a report (No. 701); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1905) granting an increase of pension to Lillian Capron, reported the same with amendment, accompanied by a report (No. 702); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2331) granting an increase of pension to Festus Dickinson, reported the same with amendment, accompanied by a report (No. 703); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7624) granting an increase of pension to Pleasant H. McBride, reported the same with amendment, accompanied by a report (No. 704); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LENTZ: A bill (H. R. 9632) to prevent robbing the mail, to provide a safer and easier method of sending money by mail, and to increase the postal revenues—to the Committee on the Post-Office and Post-Roads.

By Mr. WATERS: A bill (H. R. 9633) for the erection of a public building at Santa Barbara, Cal.—to the Committee on Public Buildings and Grounds.

By Mr. LACEY: A bill (H. R. 9634) to set apart certain lands in the Territory of Arizona as a public park, to be known as the

Petrified Forest National Park—to the Committee on the Public Lands.

By Mr. CUSHMAN: A bill (H. R. 9635) establishing lighthouse and fog signal in State of Washington—to the Committee on Interstate and Foreign Commerce.

By Mr. BENTON: A bill (H. R. 9636) to increase the limit of cost for the purchase of site and the erection of a public building at Joplin, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON of Alabama: A bill (H. R. 9637) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 9638) providing additional districts for the recording of all instruments required by law to be recorded in the Indian Territory—to the Committee on Indian Affairs.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 9639) making the 19th of April in each year a national holiday—to the Committee on the Judiciary.

By Mr. CUMMINGS: A bill (H. R. 9640) relating to compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: A bill (H. R. 9668) to recover to the United States the title to private holdings within forest reservations and certain national parks—to the Committee on the Public Lands.

By Mr. VAN VOORHIS: A bill (H. R. 9669) to increase the pay of the male laborers of the Government Printing Office—to the Committee on Printing.

By Mr. HAWLEY: A bill (H. R. 9676) classifying naval vessels of the United States—to the Committee on Naval Affairs.

By Mr. BROSIUS: A bill (H. R. 9677) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: A joint resolution (H. J. Res. 204) to provide for the removal of snow and ice in the city of Washington, D. C.—ordered to be printed.

By Mr. BOREING: A concurrent resolution (H. C. Res. 28) relative to the printing of 1,000 extra copies of the report of the Superintendent of Indian Schools for 1899—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 9641) authorizing the Secretary of the Interior to set aside certain described lands in San Juan County, Colo., as a legal subdivision or lot, and authorizing the mayor of Silverton to enter said lands for cemetery purposes—to the Committee on the Public Lands.

By Mr. BOUTELL of Illinois: A bill (H. R. 9642) granting a pension to Carrie Wells—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 9643) granting a pension to Ada E. Whaley—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 9644) for the relief of Daniel Donovan—to the Committee on Claims.

By Mr. BURNETT: A bill (H. R. 9645) granting pensions to certain companies of scouts and guides who served in the Federal Army during the war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9646) granting an increase of pension to Samuel Shafer—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 9647) to remove the charge of desertion from the military record of Albert B. Ketterman—to the Committee on Military Affairs.

Also, a bill (H. R. 9648) to remove charge of desertion from record of Godfrey Bestle—to the Committee on Military Affairs.

By Mr. BARTHOLDT: A bill (H. R. 9649) granting a pension to Martha A. Lowery—to the Committee on Invalid Pensions.

By Mr. CARMACK: A bill (H. R. 9650) for the relief of O. P. Newby, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9651) for the relief of Thomas C. Jones—to the Committee on War Claims.

By Mr. CUSHMAN: A bill (H. R. 9652) for the relief of Daniel Weissinger—to the Committee on Military Affairs.

By Mr. EMERSON: A bill (H. R. 9653) for the relief of Nathan Davis, 2d, and others drafted into the service of the United States about March 21, 1865, from the Sixteenth district, State of New York—to the Committee on Military Affairs.

By Mr. FLEMING: A bill (H. R. 9654) for the relief of Eli Frasuer, of Wilkinson County, Ga.—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 9655) to remove the charges of desertion from the records of the War Department against Albert S. Hughes—to the Committee on Military Affairs.

By Mr. HEMENWAY: A bill (H. R. 9656) granting a pension to Cynthia A. Corn, daughter of the late David Corn—to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 9657) to remove the charge of desertion against Seymour Saxton—to the Committee on Military Affairs.

By Mr. POLK: A bill (H. R. 9658) to remove the charge of desertion from the military record of James Stewart, of Danville, Pa.—to the Committee on Military Affairs.

By Mr. RAY of New York: A bill (H. R. 9659) granting an increase of pension to Henry E. De Marse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9660) granting an increase of pension to Leonard W. Dunham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9661) granting an increase of pension to Enoch A. Rider—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 9662) to correct the military record of Stephen Noland—to the Committee on Military Affairs.

By Mr. SALMON: A bill (H. R. 9663) granting a pension to Cornelia S. Ribble—to the Committee on Invalid Pensions.

By Mr. WHEELER of Kentucky: A bill (H. R. 9664) for the benefit of Mrs. Catherine Dudley—to the Committee on War Claims.

By Mr. ZIEGLER: A bill (H. R. 9665) granting an increase of pension to Chambers C. Mullin—to the Committee on Pensions.

By Mr. WANGER: A bill (H. R. 9666) granting an increase of pension to Charles A. Rittenhouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9667) granting an increase of pension to Aaron Yarrell—to the Committee on Invalid Pensions.

By Mr. ATWATER (by request): A bill (H. R. 9670) for the relief of Samuel B. Thain, Johnston County, N. C.—to the Committee on War Claims.

Also (by request), a bill (H. R. 9671) for the relief of the estate of James Lee, late of Johnston County, N. C.—to the Committee on War Claims.

By Mr. BINGHAM: A bill (H. R. 9672) to increase the pension of Mrs. M. McGlensey, widow of Capt. John F. McGlensey, of the United States Navy—to the Committee on Pensions.

By Mr. BARTHOLDT: A bill (H. R. 9673) for the relief of Michael Connell, St. Louis, Mo.—to the Committee on War Claims.

By Mr. THAYER: A bill (H. R. 9674) for the relief of the estate of Stephen Barton—to the Committee on War Claims.

Also, a bill (H. R. 9675) for the relief of Samuel R. Barton—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Lucia Nourse and 13 citizens of Fairbank, Iowa, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ADAMS: Petition of Charles H. Jones, of Philadelphia, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: Petition of the Woman's Club of Baraboo, Wis., favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

Also, petition of D. H. Beckwith and others, of Lone Rock, Wis., favoring the Grout bill relating to oleomargarine—to the Committee on Agriculture.

By Mr. BAKER: Petition of J. Guest King, of Annapolis, Md., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Admiral John Rodgers Post, No. 28, of Havre de Grace, Md., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Woman's Suffrage Association of Maryland, favoring the sixteenth amendment to the Constitution, granting suffrage to women—to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of the Bohemian Literary Society of St. Louis, Mo., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Merchants' League Club of St. Louis, Mo.,

favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

Also, petition of Martha A. Lowery, for mother's pension—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Protests of George A. Smith, George Ketchum, C. M. Wiley, D. Q. Abbott, G. S. Westcott, T. J. Carling, W. D. Nottingham, Bridget Smith, E. L. Martin, and 25 other citizens of Macon, Ga., and B. H. Hardy, Barnesville, Ga., against the passage of House bill No. 6071, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BENTON: Petition of E. B. Stanton, John F. Blakeney, and other post-office employees of Carthage and Joplin, Mo., favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. BINGHAM: Petition of Jackson Post, No. 27, Grand Army of the Republic, of Philadelphia, Pa., in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of W. A. Weber and 11 other retail merchants of Philadelphia, Pa., in favor of the Grout bill taxing oleomargarine—to the Committee on Ways and Means.

By Mr. BOUTELL of Illinois: Resolution of the First Cavalry, Illinois National Guard, of Chicago, Ill., favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on Military Affairs.

Also, petition of Mex. J. Johnson, of the Swedish Courier, Chicago, Ill., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERSOCK: Petition of R. J. Wilkin and others, of Welda, Kans., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Resolution of Pork Packers and Provision Dealers' Association of Cincinnati, Ohio, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BROSIUS: Resolution of Post No. 405, Grand Army of the Republic, of Lancaster, Pa., favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Mrs. O. B. Cake, of Lancaster County, Pa., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE of South Dakota: Petition of the Firesteel Church, Badger township, Davis County, S. Dak., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. BURKETT: Resolution of Roberts Post, No. 104, Grand Army of the Republic, Department of Nebraska, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 8881, for the removal of the charge of desertion from the record of Robert Ricketts—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 8882, to remove the charge of desertion from the record of William H. Spradling—to the Committee on Military Affairs.

By Mr. CALDWELL: Petition of Anna G. Whipple and others, of Springfield, Ill., and publishers of the Riverton Enterprise, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPRON: Resolution of the Providence, R. I., Typographical Union, in favor of the passage of House bill No. 6872, to print the label of the Allied Printing Trades on all publications of the Government—to the Committee on Printing.

Also, resolution of Kickemint Grange, No. 24, of Warren, R. I., urging the passage of Senate bill No. 1439, known as the Cullom bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Missouri: Resolutions of Yeager Sharp Post, No. 82, Grand Army of the Republic, of Wellsville, Mo., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CLARKE of New Hampshire: Protests of Miss Ida E. Dow, of Hollis, and D. S. Perkins, of Campton and vicinity, New Hampshire, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Marlow Post, No. 86, Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CONNELL: Petition of Preston Evans and other citizens of Lackawanna County, Pa., against the passage of House bill No. 6071, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMP: Petition of W. H. Gilbert and others, of Bay City, Mich., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, petitions of Samuel Currey and others, of Bay City, Mich.; George W. Babcock, Mrs. M. H. Ferrell, W. Laport, and others, in Luman, and Alpena, Mich., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Protest of Union Veteran Legion of Pittsburg, Pa., against legislation removing charges of desertion, etc.—to the Committee on Military Affairs.

By Mr. DOLLIVER: Petitions of W. H. Pruter and other citizens of West Side; Louis C. Peterson and others, of Woden; Chris. Morck and others, of Fallow; J. C. Nelson, and others, of Crystal Lake; S. S. Morrison and others, of Blairsburg, and C. Peterson and others, of Ruthven, Iowa, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. DOVENER: Petitions of E. N. Lancaster and other citizens of Vincen; Myrtle Steel and 12 other ladies of Clarksburg, W. Va., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. EMERSON: Papers to accompany House bill for the relief of Nathan Davis, 2d, and others—to the Committee on Military Affairs.

Also, protest of Bert Lord and others, of Coopersville, N. Y., against the passage of House bill No. 6071, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of Adell Weaver and others, of Tunnel City, Wis., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the board of directors of the Chamber of Commerce of Milwaukee, Wis., praying for legislation to build up the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. FARIS: Petition of the Woman's Christian Temperance Union of Martinsville, Ind., for the passage of a bill giving prohibition to Hawaii, and in relation to the government of our new possessions—to the Committee on the Territories.

By Mr. FITZGERALD of Massachusetts: Resolutions of the city council of Boston, Mass., for the construction of gunboats and cruisers in the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. GORDON: Petition of Martin Courtney and others, of Lima, Ohio, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lewis Deninger and others, of Greenville, Ohio, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. GREEN of Pennsylvania: Petition of E. B. Young Post, No. 87, Grand Army of the Republic, of Allentown, Pa., in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GRIFFITH: Papers to accompany House bill No. 1853, granting a pension to Mary McGowan—to the Committee on Invalid Pensions.

Also, resolutions of Speer Post, No. 189, Grand Army of the Republic, of Dillsboro, Ind., in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GROUT: Petition of Rev. George H. Sisson and 24 citizens of Waterbury, Vt., urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Judiciary.

Also, resolutions of the American Newspaper Publishers' Association, urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

By Mr. HALL: Resolutions of J. O. Campbell Post, No. 272; C. E. Patton Post, No. 532; Eli Berlin Post, No. 629; Grove Brothers Post, No. 262; Lorimer Post, No. 179; Lookout Post, No. 425; and George Harleman Post, No. 302, Department of Pennsylvania, Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HEMENWAY: Petition of Elberfield Post, No. 484, Grand Army of the Republic, Department of Indiana, praying for the passage of House bill No. 7094—to the Committee on Military Affairs.

By Mr. HEPBURN: Petitions of the United Presbyterian

Church of Christ and Advent Christian churches of Shannon City, Iowa, urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, papers to accompany House bill for the relief of Albert S. Hughes—to the Committee on Military Affairs.

By Mr. HOPKINS: Petition of Fred Elfing and other citizens of McHenry County, Ill., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

Also, petition of R. W. Wood and others, of Elgin, Ill., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Petition of George K. Hayes and others, of Searsboro, Iowa, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charlton Post, Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LITTAUER: Petition of Thomas & Co. and others, of Ketchums Corners, N. Y., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, protests of Elmer C. Finch and others, of West Stockholm, N. Y.; Mrs. A. D. Mills and others, of Winthrop, N. Y.; Milton Towne and others, of Hammond, N. Y., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Resolutions of Thomas M. Sweeney Post, No. 361; Eldred Post, No. 174, and Woodsdale Post, No. 449, Grand Army of the Republic, Department of Kansas, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LORIMER: Memorial of the trustees of the Sanitary District of Chicago, favoring the construction by the Government of the United States of a deep waterway from Lake Michigan via the Chicago sanitary and ship canal and the Desplaines and Illinois rivers to the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. LYBRAND: Petition of J. H. Argo and 40 citizens of Logan County, Ohio, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. McPHERSON: Petitions of G. P. Russell and 41 citizens of Bayard, George A. Sterr and 39 citizens of Portsmouth, Charles M. Brooke and 40 citizens of Walnut, Iowa, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petitions of Belden Post, No. 59, and Portsmouth Post, No. 494, Grand Army of the Republic, Department of Iowa, favoring the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MANN: Resolution of the Chicago Real Estate Board, in favor of the extension of the pneumatic postal tube system to some of the Western cities—to the Committee on the Post-Office and Post-Roads.

Also, petition of O. Schmidt, of Chicago, Ill., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. MERCER: Petition of W. H. Jones and other citizens of Hastings and Omaha, Nebr., and resolutions of the Business Men's College of Lincoln, Nebr., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Omaha Guards, Omaha, Nebr., urging the passage of a bill to improve the armament of the militia—to the Committee on the Militia.

By Mr. NEVILLE: Memorials of Hancock Post, No. 234, and Samuel Rice Post, No. 256, Grand Army of the Republic, of Nebraska, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of W. T. Owens and 4 other fourth-class postmasters of Sherman County, Nebr., in favor of the passage of House bills Nos. 4930 and 4931—to the Committee on the Post-Office and Post-Roads.

By Mr. O'GRADY: Petitions of Mrs. Mary Loomis, Bertha Lesso, and others, of Brockport, Union Hill, and Rochester, N. Y., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lorenzo W. Hill and others, of Churchville, N. Y.; Megargel & Harrison and other citizens of Rochester, N. Y., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. OTEY: Petition of Blanche P. Pool, of Midway, Va., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, protest of Leonard Cox, of Smithville, Va., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PHILLIPS: Papers to accompany House bill No. 9033, for the relief of Reed F. Clark—to the Committee on Invalid Pensions.

By Mr. POLK: Petition of Burnside Post, No. 92, Grand Army of the Republic, of Mount Carmel, Pa., in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, paper to accompany House bill for the relief of James Stewart, of Danville, Pa.—to the Committee on Military Affairs.

By Mr. POWERS: Petition of Grand Army of the Republic of Bristol, Vt., in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of B. F. Billings and others, of Hubbardton and East Wallingford, Vt., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PRINCE: Petition of Trask & Talle and other business firms of New Boston, Ill., in opposition to House bill No. 8246, in relation to fishing in fresh waters of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. RAY of New York: Petition of A. A. Chisholm and other citizens of Treadwell, N. Y., and citizens of Norwich, Smyrna, West Groton, Hobart, Rock Valley, and Binghamton, N. Y., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Indiana: Resolutions of Grand Army of the Republic post of Waterloo, Ind., and of De Long Post, No. 67, of Auburn, Ind., Grand Army of the Republic, indorsing House bill No. 7094, for the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of M. L. Hussey & Son, of Cromwell, Ind., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. E. Davenport and citizens of Auburn, Ind., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. RUSSELL: Petition of Mrs. Fannie A. Cragg and others, of Versailles, Conn., and other citizens of the State of Connecticut, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN of New York: Petition of Branch No. 3, National Association of Letter Carriers, Buffalo, N. Y., for the passage of a bill for the equalization of the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Protests of Margaret Kelly and others, of Sherrill, N. Y., and W. S. Westcott and others, of Oriskany Falls, N. Y., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SMALL: Petition of R. B. Creecy and 71 citizens of Elizabeth, N. C., for a preliminary survey from a point on the Pasquotank River to Beaufort Inlet and the deepening of said inlet—to the Committee on Rivers and Harbors.

By Mr. SPALDING: Petition of Retail Grocers and General Merchants' Association of North Dakota, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Frank Wilder, of Mandan, N. Dak., and 14 citizens of Fort Ransom, N. Dak., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Post No. 5, Department of North Dakota, Grand Army of the Republic, urging the passage of Senate bill No. 1716 and House bill No. 4742, for military instruction in public schools—to the Committee on Militia.

By Mr. SPRAGUE: Petition of Timothy Ingraham Post, No. 121, Grand Army of the Republic, Department of Massachusetts, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Bricklayers and Masons' International Union, in favor of woman suffrage in our new possessions—to the Committee on the Territories.

Also, petition of the publisher of the Boston Advance, against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLOWAY: Protest of Mrs. James H. Sterling and 8 other citizens of Dover, N. H., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

Also, petition of James S. Hayward and 40 other citizens of Hancock, N. H., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. SUTHERLAND: Protests of H. S. Dungan, of Hastings,

Nebr., and citizens of Holdrege and Adams counties, Nebr., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. W. Winings and other members of Post No. 217, Grand Army of the Republic, of Benkelman, Nebr., favoring military instruction in public schools—to the Committee on Military Affairs.

Also, resolutions of Cambridge Post, No. 187; Garrett Post, No. 120; Edgar Post, No. 16; and Captain J. H. Frear Post, No. 163, Grand Army of the Republic, Department of Nebraska, indorsing the bill to establish a Branch Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. THAYER: Resolutions of the city council of Boston, Mass., for the construction of gunboats and cruisers in the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. THOMAS of North Carolina: Petition of Lee Maxwell and others, of Resaca and vicinity, North Carolina, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TONGUE: Petition of James Sullivan and other citizens of the State of Oregon, against public-land grants to any but actual settlers—to the Committee on the Public Lands.

By Mr. WANGER: Petition of Henry C. Moyer, of Blooming Glen, Pa., for the establishment of an international government for the promotion of civilization—to the Committee on Foreign Affairs.

By Mr. WEEKS: Petition of Silvina Walker and others, of Berville; also of citizens of Port Huron, Mich., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WRIGHT: Resolutions of Frank Hall Post; Lyon Post, No. 85; Hurst Post, No. 86, and Moody Post, No. 53, Grand Army of the Republic, Department of Pennsylvania, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. ZIEGLER: Petition of Corporal Skelly Post, No. 9, of Gettysburg, Pa., in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 17, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. SLAYDEN obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of C. C. Cresson, Fifty-fifth Congress, no adverse report having been made thereon.

PURCHASE OF CERTAIN LANDS IN THE DISTRICT OF ALASKA.

Mr. KAHN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2757) to authorize the purchase of certain lands in the district of Alaska.

The bill was read, as follows:

Be it enacted, etc., That the Karluk Packing Company, claiming under amended survey No. 24, in the district of Alaska, or its successor in interest, may purchase the land embraced in said survey at $2.50 per acre, being the price fixed by section 10 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," and upon such payment patent shall issue as in other cases.

The SPEAKER. Is there objection?

Mr. MADDOX. Reserving the right to object, I would like to have the gentleman explain the bill.

Mr. KAHN. Mr. Speaker, the full import of this bill is very well set out in the report of the committee, which I send to the Clerk's desk and I ask that the Clerk read it.

The SPEAKER. The Clerk will read the report in the gentleman's time.

Mr. KAHN. I wish to say the report is unanimous.

The report (by Mr. BURKE of South Dakota) was read, as follows:

The Committee on the Public Lands, having had under consideration the bill (H. R. 2757) to authorize the purchase of certain lands in the district of Alaska, report the same favorably and recommend its passage.

From the evidence submitted to the committee it appears that the Karluk Packing Company, an association of citizens of the United States, and its predecessors in interest, have been in continuous occupation for more than twenty years of a portion of the narrow strip of land, from 70 to 350 feet in width, known as Karluk Spit, on Kodiak Island, and lying between the open waters of Shellikoff Straits and the Karluk River, and comprising a little less than 20 acres; that the company has erected extensive salmon canneries and necessary warehouses and other buildings thereon which were of the value of $250,000 at the time of the official survey of its claim in 1892, and before the year 1898 its plant had been enlarged and increased by additional canneries and buildings, involving an approximate total expenditure of about $500,000, such buildings and improvements occupying practically the whole of the ground embraced within its present claim, and all being used each season for canning and curing salmon.

The company engaged from season to season in canning and packing salmon, relying upon its title by possession in the absence of any legislation by Congress permitting the purchase of the fee until the passage of the act of March 3, 1891, which provided that citizens of the United States or corporations thereof "now or hereafter in possession of and occupying public lands in Alaska for the purpose of trade and manufacture, may purchase not exceeding 160 acres, to be taken, as near as practicable, in a square form of such land at $2.50 per acre."

The land is a long, narrow strip, and therefore can not be taken in a square form, and was occupied before the passage of the act of March 3, 1891.

Thereunder, and in November, 1891, due application was made by the company for the survey of its claim; such survey was made in the season of 1892, but developed conflicts with several other claimants, who thereafter conveyed their interests to the Karluk Packing Company, resulting in amended survey No. 24, of the Karluk Company's claim as now made, which was on May 2, 1893, approved by the United States surveyor-general of Alaska, and on May 14, 1895, by the Commissioner of the General Land Office. The Commissioner's letter of approval of that date to the United States surveyor-general states:

"This office, recognizing the Karluk Packing Company's possessory right to the land embraced within the lines of the amended survey No. 24, and their ownership of the improvements thereon, the conflicts having been eliminated as evidenced by the deeds of transfer and relinquishment before mentioned, and the Karluk Packing Company amended survey No. 24, now appearing as the only and sole applicants for the land, you are notified that the amended survey No. 24 is hereby accepted, and you are authorized to file the triplicate plat in the United States district land office. * * * You are directed to notify the parties in interest of the acceptance of this survey."

Under the act of 1891, upon notice of the Commissioner's approval of the survey, the claimant was required to publish newspaper notice for six weeks that on a day named therein proof of possession and application to purchase would be submitted before the United States local land officers at Sitka by named witnesses, and to post similar notice upon the land so claimed and in the local land office. Of such notice any adverse claimant was required to take cognizance. Owing to the shortness of the season (which extends in that latitude from about May to October) notice of the approval of its survey did not reach the Karluk Packing Company until too late to make such publication during the season of 1895. But in the season of 1896 such notices were so published and posted, but on the date named for taking its testimony at Sitka, in October of that year, its witnesses failed to then appear, solely because of the distance from its location on Karluk Spit to Sitka, being some 900 miles by sea, and there being no regular communication by steamer.

The witnesses did so reach the local office on November 13, 1896, and the final proof was then submitted but not accepted by the local officers, solely because of the delay, but the matter was submitted by them to the Commissioner for his action. That officer, on March 1, 1897, accepted the reason shown by the company for the delay, but required a new publication and posting of notices before allowing entry. This again compelled postponement of the giving of the required new publication of notice until the season of 1898, when, after due publication and posting of notices, final proof was again submitted before a United States commissioner on Kodiak Island (the law having been in meantime changed to so permit) and then mailed to the United States local land officers at Sitka, by whom it was never received, nor has it since come to light.

While the company was thus proceeding to complete title under its approved survey, and while the law of 1891 clearly recognized its claim as so surveyed and accepted by the commissioner, the final payment and entry was delayed by the circumstances stated, and which were beyond its control until, in the meantime, Congress passed the act of May 14, 1898, which for the first time restricted the area of claims then pending under the former act of 1891 to 160 rods of water front.

This limitation put the Karluk Packing Company in a hard situation. The extent of water front upon this narrow spit fronting the Shellikoff Straits exceeded this new statutory limitation by some 60 rods, and the frontage of its claim on the Karluk River was also about 160 rods. Its extensive improvements occupy almost the entire area of its claim, representing, as stated, an expenditure of some $500,000, and all made prior to the passage of the act of 1898, and any curtailment of its claim to the new limitation of 160 rods as the entire water front thereof would necessarily compel it to abandon some of its canneries, warehouses, and other improvements which it had placed thereon in entire good faith under the former law of 1891, which contained no such limitation, and leave them liable to appropriation by some newcomer who had not expended a dollar thereon.

In this situation the company has appealed to Congress for equitable relief and asks by pending bill to be permitted to purchase and receive patent for the ground embraced by its approved and accepted survey under the act of 1891, and known as amended survey No. 24.

In the opinion of your committee such relief should be accorded as asked. The equities of the case are plain. The company has had for over twenty years the prior and exclusive possession; is engaged in the meritorious business of producing an article of food supply extensively used in the United States and exported to other countries as well. It can not remove its valuable plant and improvements; it should not be asked to surrender any part thereof to strangers, and the area of its claim (20 acres) is far within the maximum of 160 acres allowed to be entered under the act of 1891. Right of entry to those in actual possession, and especially in protection to their improvements made in good faith, has been the uniform policy of land legislation since the earliest days and has express sanction in both the Alaska acts of 1891 and 1898. Recognition of the equities of present case is in entire accord with that uniform established legislative policy.

The wisdom of the general law in limiting the shore front of claims as expressed in the act of 1898 is undoubted. The present instance is, however, peculiar, and presents a case of extreme hardship under the general law which should be relieved when, as appears, the claim was initiated and has been maintained in good faith for over twenty years; was pressed for final adjustment under the act of 1891, which contained no such limitation; when the survey was approved by the Land Department at Washington as in full accord with that law, and when final entry thereunder was prevented only by a series of delays and mishaps which the company could not control.

The evidence submitted before the committee, and now upon its files, shows clearly that the Karluk River is not a navigable stream in any proper general sense, because accessible by reason of its shallow waters only to the use of rowboats and small flatboats in conveying the fish to the canneries, while the shore fronting the sea or the Shellikoff Straits can not be used for wharf purposes, because in times of northeast gales the waves are driven high upon the spit and sometimes even across it.

As the act of 1898 contains the limitation of shore frontage only upon navigable waters, it is manifest to the committee that the excess thereover found in present case is far more apparent than real in every practical sense.

It further appears that some 600 men are employed at these canneries in each season; that an expensive salmon fish hatchery, involving an original

cost of $40,000, is maintained by these parties on the Karluk River wherefrom millions of salmon are annually spawned and sent down to restock the fish supply in the adjacent waters, and being the only hatchery thus maintained in Alaskan waters by private enterprise.

Mr. MADDOX. I would like to ask the gentleman a question. Is there any other claimant to this land?

Mr. KAHN. Not that I know of. I believe there were some adverse claimants who disposed of their title to the Karluk Packing Company before the amended certificate was filed.

Mr. MADDOX. And you have the unanimous report of the committee.

Mr. KAHN. That is my information.

Mr. SHAFROTH. The committee examined the matter very thoroughly. Pictures were presented of the buildings constructed by this company and which they have occupied for a great number of years. To deprive them of it would deprive them of thousands and thousands of dollars. In view of the fact that they located under the impression that they were entitled to this land, and the fact that they have gone on and established a large plant there, involving the loss of hundreds of thousands of dollars to remove it and let the land be open to entry by somebody else, it is nothing but fair that they should be allowed to have this land. They will have to pay $2 per acre for it.

Mr. LACEY. I would suggest to the gentleman from Georgia that under the act of 1898 they could hold this land without any trouble. Excepting for the fact of that being a narrow strip, they could take the 160 acres. Their frontage is perhaps a quarter of a mile wider than the act of 1898 permits. When they took the land they took it under the act of 1891, some years after that and before the act of 1898. So that under that act they have occupied a little wider frontage, not near as much land as the act of 1898 would legalize to them. I would suggest that there ought to be an amendment to the bill, which I will call attention to at the proper time. The act of 1898 reserved a strip of 60 feet around the shore for highways, and there ought to be an amendment providing that the bill conform to this survey No. 24—the bill refers to the certificate by number—so that it shall not take in this highway.

I find on examining the original survey, which we did not have before us when we examined this bill in committee, it would give the fee simple to the highway to the Karlup Company if this reservation be not made. I shall offer an amendment, with the consent of the gentleman in charge of the bill, to make the bill conform to that.

Mr. STEPHENS of Texas. Would it interfere with any necessary wharves being erected there?

Mr. LACEY. The wharves are already built by this company.

Mr. STEPHENS of Texas. If this bill passes, it would become private property.

Mr. LACEY. I would like to say to the gentleman from Georgia that this does not change the policy of Congress about this matter.

Mr. STEPHENS of Texas. Should there not be a reservation in this bill?

Mr. LACEY. I have prepared an amendment that the right of way reserved under said act, approved May 14, 1898, shall not be included in said patent, and will offer an amendment which will reserve this 60 feet.

Mr. MADDOX. Under that statement, and the amendment the gentleman proposes to offer, I shall not object.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. LACEY. I offer an amendment, to add at the end of the bill the following language.

The Clerk read as follows:

Provided, That the right of way reserved under said act, approved May 14, 1898, shall not be included in said patent.

The SPEAKER. The question is on agreeing to said amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

REPRINT.

Mr. LOUD. Mr. Speaker, I ask for a reprint of the bill (H. R. 6071) to amend the postal laws relating to second-class mail matter. It is entirely exhausted, as I am informed.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolution and bill of the following titles:

H. J. Res. 204. Joint resolution to provide for the removal of snow and ice in the city of Washington, in the District of Columbia; and

H. R. 2000. An act for the relief of Thomas Paul.

The message also announced that the Senate had passed with amendments a bill of the following title:

H. R. 9080. An act appropriating for the benefit and government of Puerto Rico revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 4648. An act granting an increase of pension to William G. McLain.

A. F. FLEET.

Mr. BRICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 427, reported favorably to this House by the Committee on Military Affairs.

The Clerk read as follows:

A bill (S. 427) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to relieve A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo., from all money responsibility for so much of the ordnance and ordnance stores issued to said academy under its bond dated August 13, 1892, as was destroyed by fire on September 24, 1896.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MCCLELLAN. I would like to have an explanation of the bill.

Mr. BRICK. Mr. Speaker, I will briefly explain the purpose of the bill. The Missouri Academy, located at Mexico, Mo., was founded in 1890, and on September 24, 1896, was destroyed by fire originating from the electric lights. The cadets were transferred at once to the Culver Military Academy in Indiana, and the two schools were united under the control of the Missouri Academy superintendent, Col. A. F. Fleet. During the six years of its existence the Missouri Academy had in attendance 624 cadets, and since the union of the two academies the Culver Academy has had 688 cadets, or a total attendance of exactly 1,312, and the Culver Military Academy is to-day, I am informed—and I make the statement upon that information—the largest school of its class in the United States. In the Missouri fire 115 Springfield cadet rifles and equipments, charged by the Ordnance Department to the academy at $2,066.90, were also lost. These rifles had been in use four years before they were received by the academy, and were consequently less valuable than when first issued.

The superintendent, A. F. Fleet, prays Congress to authorize the Secretary of War to relieve him from all money responsibility for so much of the ordnance and ordnance stores issued to said academy as was destroyed by fire on September 24, 1896, on the following grounds. And I give as reasons for that that the ordnance stores and the ordnance were destroyed without any fault of Colonel Fleet or the other officers of the academy; that these patterns of cadet rifles have largely gone out of use, having been entirely superseded by other improved patents, so that if the rifles had not been destroyed they would have been of little more use to the Government now than that amount of old iron. They would merely have brought a nominal price. Now, Congress has recognized the value of these schools in various instances. It costs perhaps $5,000 to run a cadet through West Point. Here are over 1,000 cadets that have been put through this school without expense to the Government of the United States, and in times of war, for all military purposes, there are a thousand men educated as they would have been at West Point without expense to the Government.

For these reasons, and for the reason that the guns would be of no value if they had not been destroyed, and because of the great value of the services of this institution to the United States of America without any expense to the United States, I ask for Colonel Fleet that he be relieved from something that happened without any fault of his. There were twelve commissioned officers in the Spanish war who came from Colonel Fleet's academy. The committee unanimously report in favor of this bill, and in all fairness I feel he should be relieved.

Mr. COWHERD. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Missouri?

Mr. COWHERD. I thought the gentleman had concluded. I wish to say that I hope there will be no objection——

Mr. RICHARDSON. If the gentleman from Missouri will pardon me, I want to ask the gentleman from Indiana if this bill has been reported by the appropriate committee of the House; has it been considered by the committee?

Mr. BRICK. It has been considered by the Committee on Military Affairs and favorably reported to the House by that committee.

Mr. HULL. Mr. Speaker, I will say to the gentleman from

Tennessee that there was a unanimous report from the Committee on Military Affairs. This does not affect the Culver Military Institute. It only relieves Colonel Fleet of his liability, and the War Department has recognized his standing and his character by issuing additional ordnance on his bond at the new institute. I think the gentleman from Indiana [Mr. BRICK] has made a fair statement of the case. There was absolutely no difference of opinion in the Committee on Military Affairs. If the War Department had the power to relieve him of liability, it would do it.

Mr. COWHERD. Will the gentleman from Indiana yield to me for a moment?

Mr. BRICK. Certainly.

Mr. COWHERD. Mr. Speaker, I hope there will be no objection to this measure on this side of the Chamber. The fire that destroyed the school was a sudden and disastrous one, without opportunity to save any portion of the property contained in it; some barely escaped with their lives, and it was without fault of the superintendent or the authorities of the school.

Mr. BRICK. I yield to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, I want to indorse everything that the gentleman from Indiana [Mr. BRICK] and the gentleman from Missouri [Mr. COWHERD] and the gentleman from Iowa [Mr. HULL] have said about this bill. This school was in my Congressional district. Professor Fleet is a man of the highest character, and this bill has been reported favorably, unanimously, by two committees of the House and passed the Senate once. Everybody conversant with the school knows that the facts set out by the gentleman are absolutely true, and I hope the bill will pass without any division.

The bill was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. BRICK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. BRICK. Mr. Speaker, I move that House bill 5547, on this same subject, lie on the table.

The SPEAKER. The gentleman from Indiana moves that the House bill similar to the one just passed lie on the table. Without objection, that will be done. [After a pause.] The Chair hears no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LIVINGSTON, until March 28, on account of business of the Industrial Commission.

To Mr. POWERS, for one week, on account of important business.

To Mr. FARIS, indefinitely, on account of sickness.

EULOGY ON THE LATE SENATOR HAYWARD.

The SPEAKER. The hour of 1 o'clock was set apart for eulogies on the late Senator HAYWARD; and as there is nothing more pending before the House, without objection, the exercises will be taken up at this time.

There was no objection.

Mr. BURKETT. Mr. Speaker, I desire to offer the following resolutions, and ask that they be adopted.

The Clerk read as follows:

Resolved, That it is with profound sorrow and regret that the House has heard of the death of Hon. MONROE L. HAYWARD, late Senator-elect from the State of Nebraska.

Resolved, That, as a mark of respect to the memory of the deceased, the business of the House be suspended to enable his friends to pay proper tribute of regard to his high character and distinguished worth.

Resolved, That the House communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased with the action of the House thereon.

Resolved, That, as an additional mark of respect, the House, at the conclusion of these ceremonies, do adjourn.

The resolutions were agreed to.

Mr. BURKETT. Mr. Speaker, the gentleman from Nebraska, Mr. ROBINSON, is not able to be present to-day, and I ask unanimous consent that permission be given to him, and to such other gentlemen as would like to avail themselves of the privilege, to print their remarks in the RECORD.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to permit members to print remarks on the pending order. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BURKETT. Mr. Speaker, in beginning my remarks I desire to read a little from the Congressional Directory of the first session of the Fifty-sixth Congress:

MONROE LELAND HAYWARD, Republican, of Nebraska City, was born in Willsboro, Essex County, N. Y., December 22, 1840; enlisted in the Twenty-second New York Infantry at the beginning of the civil war, and was afterwards transferred to the Fifth New York Cavalry; discharged in December, 1862, owing to disability arising from sickness; on returning home entered Fort Edward Collegiate Institute, where he completed his education; in the meantime his father had removed to Wisconsin, and he followed; studied law at Whitewater, Wis., and removed to Nebraska in 1867, settling at Nebraska City, where he has resided ever since and practiced his profession; was a member of the State constitutional convention in 1873; filled out a term on the district bench by appointment of the governor in 1886; was the Republican candidate for governor in the fall of 1898, and was defeated by 3,000 votes; was elected United States Senator, to succeed WILLIAM VINCENT ALLEN, March 8, 1899.

His term of service will expire March 3, 1905.

That is briefly the life of our late beloved Senator from Nebraska as the compiler wrote it.

But that was written while the Senator was yet alive and among us. Now it does not satisfy us. We would know more of him. We would go into detail; follow his life more closely and from it draw inspiration and hope.

When that was written we did not need more, we did not want more; for he was himself to all who knew him—the revelation of his own life and character, most reliable and instructive and impressive.

His life, like a book, could not be published until the last chapter was written, for it was growing better and broader and more beautiful all the while. But he has gone from among us. The deeds of his life are now history, and what may be said of him will need no revision for subsequent data.

We have set apart this day for eulogy upon his life and character, and when those who wish shall have spoken, we shall adjourn this House out of respect to his memory.

The biography which I have just read is but a paragraph. It covers but a small part of one page of the book. All men's history can be told in about equal time, while they live. The little and the great alike need but small space and little of printer's ink to satisfy their fellow-men.

But how different after death. So long as a man lives we are content with a modicum of information about him, comparatively speaking. We like to know from whence he sprung, his source, and in some instances his resources, what he is capable of doing, what he has accomplished, and what he is now. From a laboring man applying for employment to a Presidential candidate the category varies but little. Hence his birthplace, his acquired titles, and his politics are about all the Clerk has put in the Congressional Directory.

But that is not sufficient now. It does not satisfy us. There is a longing to know more of him. We want to know not merely where he was born and when, but what made him Senator. Ah! more yet than that; we not only would know what made him Senator HAYWARD, but what made him the great-hearted, noble-minded, and beloved Judge HAYWARD, as we knew him so long.

These latter traits made him Senator. The office added nothing to his "parts," nor indeed to the affection of his constituents. The office was but the expression of that affection.

Those of us who knew Senator HAYWARD (and I regret that you did not all know him well) realize that no biography, of whatever dimensions, will ever do justice to his character and ability, and that no eulogy will compute the good that he has accomplished.

The choicest things in a great man's life can never be written. They assume forms for which the human language has no words delicate enough to describe.

There is a power of presence indescribable in a truly great man, and while understood and appreciated, it can not be told. There are no words for it.

By this power of presence or personality in a man, indescribable, and its influence for good, I speak of the influence which Lowell meant when he said:

> The very room, coz she was in, seemed warm from floor to ceiling.

I speak of the power of the presence alone of Napoleon, which the Duke of Wellington said "equaled forty thousand men." I speak of the presence of a godly man, though he say not a word. I speak of the air surrounding a great man, the potent force, the "still small voice" of living and doing and walking and acting that can not be told.

Nevertheless it is there and, like the subtle aroma of the rose, permeates the entire community in which he is, and all men and things are better and sweeter because he lives.

Most books are read by scanning the title page, perhaps, then glancing at the introduction, and, possibly, casually looking over the index. There are few books that stand this test sufficiently to warrant further consideration.

Bacon says:

> Some books are to be tasted, others are to be swallowed, and some few are to be chewed and digested.

And as with books, so with men. Not all will sustain extended biographies. The deeds of life have not merited it, nor will the resulting benefits to the world warrant it.

If biography is ever beneficial and worthy of reading, if the deeds and motives are ever worthy of example, we may well give ear to the life and acts and motives of our late Senator.

Extend his biography, and you have the history of Nebraska. Extol his virtues, and you have noble example. Recite his deeds, and you get inspiration. The world is better because he lived. He did something for his State, his country, and humanity.

He came to Nebraska the year that the State came into the Union of States. As Nebraska assumed the responsibilities of

statehood he donned the toga of a Nebraska citizen. Nebraska was a young State, and he was a young man. Nebraska grew, and he developed with her. He endured the cares and vicissitudes of the new country and waxed strong in their midst. He and the State grew together.

Senator HAYWARD was never for a moment a blank in Nebraska affairs. The State needed his counsel and his indomitable energy every moment. He was not an "officeholder" nor, indeed, an "office seeker;" but the story of the State could not be written with him left out. He framed her constitution as a member of the convention. He counseled in her legislation. He interpreted her laws as judge. He broke her boundless prairies and turned them into a cornfield unsurpassed in the world; he developed her industries; he brought to every question and condition thrift, energy, integrity, perseverance, and industry.

With these qualities he mastered the problems that confronted the new State, and instead of chaos and uncertainty set up law and order. And with these instruments of peace and tranquillity he brought to her fame and respect abroad; security and confidence at home.

He was always a conspicuous figure in Nebraska. From the time of his arrival in the State he was associated with and in competition with the strongest men intellectually. He settled in Nebraska City, where have lived many of the strongest men, not only in our State, but in the nation.

He had for his contemporaries at home such men as O. P. Mason, late chief justice of our supreme court and a man of giant intellect; Senator Tipton, who but recently died in this city, acknowledged to be one of the strongest men who ever sat in the American Senate, and Senator Van Wyck, who doubtless many here now will remember. Hon. J. Sterling Morton, of whom all Nebraskans are proud as the Secretary of Agriculture in Mr. Cleveland's Cabinet, also lives in the same city, and has been his neighbor and contemporary for more than a quarter of a century.

Mr. Morton and Mr. HAYWARD did not always agree in politics. Against each other there was waged the bitterest warfare politically. Each, the leader of his own party, of course received full front the onslaughts of the other. Each had been the candidate of his party for the highest gift within the elective power of the people of the State; but, to the glory of both, in 1898, when Judge HAYWARD was the candidate for governor, Mr. Morton threw aside all political prejudices, sunk old animosities beneath his great love of home and State and the vital principles for which Mr. HAYWARD stood, and, leaving behind him political traditions, supported Mr. HAYWARD.

It is pleasant to recall that these two great leaders, for a quarter of a century, of opposing forces, always personal friends, should stand shoulder to shoulder, heart to heart, and, from the same platform, battle for the same principles and truths and candidates in the last political conflict that Senator HAYWARD should be permitted to enter.

Senator HAYWARD was not well known in Washington, at least in Senatorial circles. We regret that it is so. We are proud of him in Nebraska, and every man in the Senate would have been proud of him as a colleague. But he never occupied a chair as Senator. The silent reaper, Death, cut him off from the world before he was permitted to enter this Capitol as a Senator. He was not permitted to adorn yonder splendid Chamber. His voice had no opportunity to give utterance to his wisdom nor to express his kindliness of heart.

As a Senator he is not judged, either here or at home, and as a Senator we shall not speak of him. For, exalted as that position is, it did not make him great. He was exalted in public opinion before he became Senator. He was a strong man and beloved without the title. The position was but a golden remembrance from his loving fellow-citizens.

He stood high as a lawyer and as a judge. He ranked well as a business man. He was quick of perception, keen in discerning, and of good judgment. His counsel was sought in all affairs as worthy of consideration.

He was a student. His life was one of work. His was an active disposition. No stuffed countenance of feigned learning was his; no assumed "parts;" no arrogated greatness to which he was a stranger. But what he appeared to be he was, and what he was was apparent—a strong-minded, cultured, unassuming man.

He was not a wit. He was not a "brilliant" man as commonly expressed, resplendent in the effulgence of natural abilities alone. That was not the impression he made. His was the trained mind. His was wisdom wrought out with sledge-hammer blows in imperishable steel. His years of careful research and experience had developed a giant intellect. His contact with the world had molded and shaped that intellect into an instrument of power and beauty. His mind was a gem of matchless worth; yet it was dressed and polished only as a pebble wasned down the dancing, chattering brook, by constant collision with the débris by the wayside.

A strong mind, a firmness of purpose, a quickness of resolution, a never-ending devotion to what he laid his hands to, made his attacks irresistible and his defense impregnable.

With these qualities he wrought for the world and humanity, and for this he is loved. It is always by what men accomplish that they are measured; for what they do that they are loved or despised. Men are not measured by what they are capable of doing, but rather by what they do.

I once heard a preacher say "There are many untaught Jenny Linds on Nebraska prairies." But he uttered only half a truth, and he could not prove that half a truth sufficiently to give the world credence in his statement. And the "just as good" theory neither detracts a whit from her glory nor even dims the luster of the splendor of the matchless warbler of "Home, Sweet Home."

Intentions and possibilities are excuses. Doing and accomplishing defend themselves. The heroes of all ages and all people have been those who have done something for their fellow-men, and by it have won their admiration; men whose energy shirked no responsibility imposed by instinct, and whose instinct was fraternal.

This doing for our fellows may not always consist in saving a nation, nor of leading successful armies. It may not be accomplished in the halls of Congress nor from the pulpit. It may be little or great, but in the measure of it is man loved.

Senator HAYWARD'S life is a rebuke to those men who seem to think that thrift and frugality, or rather the fruit of thrift and frugality, is a stamp that distinguishes an enemy of human kind. He was a successful man in business. While the Eastern press, in many instances, has largely overestimated his fortune, nevertheless he was, for the Middle West, considered a well-to-do man.

But no one ever impugned his motives on that account. He came honestly by what he had. It was the fruit of his toilsome effort.

The good that such men do is immeasurable when compared with the utterances of those whose only aim in life is to array unfortunate humanity and worthless humanity against the imaginary bugbear of capital. Capital is the fruit of head and hand. Motive is of the heart and makes neither rich nor poor, but in both alike is good or bad.

These manipulators of popular passion depreciate every quality of energetic, conservative, industrious living. Such men in few instances do much of good for their locality or mankind in general. They are sterile and create nothing. They are simply circumstances. They just stand around.

I like more the man who "inspires the heart;" "incites to better deeds;" and whose counsel and sayings lift humanity up out of the quagmire of gnarling.

It is not difficult to be a "kicker." It is not hard to be a lawyer "who sits on the court-house steps and criticise the Supreme Court decisions." It is easy to tell how to better things. It is easier to condemn than to bless. It is easy to tell what ought to be done for the State, but it takes effort to do something for the State.

As I have said before, Senator HAYWARD wrought for the State. He was a successful man and a true man.

The qualities of a true man are many, but Senator HAYWARD had them. He had energy, and that was necessary, for the sluggard impoverishes himself, foregoes the assistance of his neighbors, and merits the disrespect of all men.

He had method, and without it energy results in much lost motion. He gave to everything application and faithfulness, and it was because of these qualities of a true man that he was successful; for, to use some one else's words—

> The great highroad of human welfare lies along the old highway of steadfast welldoing; and they who are the most persistent and work in the truest spirit will invariably be the most successful.

He was attentive, punctual, and industrious, and "success is more often on the side of the industrious." He was honest in business and honest in the social world. These are the qualities of a true man. He possessed them, and his success was an index that he did possess them, and not the brand of tyranny and oppression.

He was a veteran of the civil war. His comrades loved him. They had pinned their faith to him. They believed in him. They depended upon him for assistance and looked forward with fondest hopes to the time when he should come on to Washington to assume the more active duties of his office. For they believed that he would solve some of the difficulties that stand between them and the Government's generosity in their declining years.

He knew that "the pension roll was a roll of honor." He knew the heartaches and the suffering and the trials that it took to entitle one to a place thereon.

He is dead. Our people mourn because of his death. Our State has lost a splendid citizen and an important factor. The nation is deprived of a valuable counselor; but humanity has left his noble example as an inspiration and hope for coming generations.

Mr. MERCER. Mr. Speaker—

As, long ago, that home-returning band
Of Greeks, victorious o'er outnumbering foes,
The last hard mountain won, saw sweet repose
And safety on the distant ocean strand,
So he at last attained what he had planned,
Triumphant over hate and envy rose,
And saw admittance to the seats of those
Most honored of our nation, in his hand.
But rest and ease were not for him to ask;
He would be building still with them that build;
He sought the cross, now that he had the crown.
And as he dressed him to his lofty task,
With manhood's aspiration unfulfilled,
Death stretched a grisly hand and struck him down.

"United States Senator-elect MONROE LELAND HAYWARD died at Nebraska City on the morning of Tuesday, December 5, 1899, aged 59 years. He was born at Willsboro, Essex County, N. Y., December 22, 1840."

Senator HAYWARD's youth was spent on a farm. He received a common-school education, and was also permitted to attend seminaries of learning and select schools at intervals. He made the best possible use of all his advantages.

Early in 1861 he enlisted in the Twenty-second New York Volunteer Infantry. In October of that year, however, he became a member of the Fifth New York Cavalry. With that he served in the Shenandoah Valley during the summer of 1862. He did special courier service for General Banks during that year and also participated in each of the battles of the Banks-Jackson campaign.

In the autumn of 1862 his health was completely broken down. Therefore he was discharged from the Army and returned to civil life. Then he commenced the struggle for completing his education and also entered upon the study of law. By teaching district schools and by manual labor he subsisted himself and became a student at Fort Edward Institute, remaining until he graduated with honor. He worked his way through college by teaching mathematics, by bookkeeping, and by strenuous efforts, manual and mental. Self-reliance and self-denial made him sturdy and efficient.

Directly after graduating he began, at Fort Edward, N. Y., in the office of Judge Wait, to read law. He subsequently completed his legal studies at Whitewater, Wis., and was admitted to the bar in 1867. Then he located permanently at Nebraska City.

Senator HAYWARD, from the beginning to the end of his useful life, carried determination and persistent industry into all his enterprises and undertakings. Every task which confronted him was tackled with a persistent pluck that could result only in achievement.

The citizens of Nebraska City, Otoe County, and the State have honored him by assigning him to various positions of trust and responsibility. He was a member of the board of education for this city. He was a delegate in the constitutional convention of 1875. He was many times chairman of the Republican State convention.

In private and domestic life he was a model of fidelity, industry, and temperance. His love of home and family (which is primary patriotism) was only equaled by his love of his country and its institutions.

In 1898 he was chosen by the Republican party of the State as its candidate for the position of governor. He made a strong and very effective canvass, speaking in nearly every organized county of the Commonwealth. The labors then performed did much to undermine his robust and powerful physique.

Being defeated by Governor Poynter, he at once became, by pressure of his friends and admirers, the candidate of the Republican party for a place in the United States Senate, and was, after many ballots, finally chosen to that honorable position by the legislature of Nebraska in March, 1899.

It seems cruel that just as a man has entered upon a field of usefulness and eminence toward which his ambition and efforts have long been directed he should be stricken down and all the hopes of his friends shattered. His death, deplored by family, friends, and neighbors as a personal sorrow and irreparable loss, is a State and national calamity.

His steady fidelity to those principles of finance which alone can give an unfluctuating purchasing power to American currency would have made him a prominent and efficient member of the Senate.

But "Death opens the gate of Fame and shuts the gate of Envy after it."

These words appeared in the Conservative, a paper published in Nebraska City, the home of Senator HAYWARD, and were written by the editor, Hon. J. Sterling Morton, formerly Secretary of Agriculture.

I think it fitting that what I have to say be introduced by the words just read, because they come from a friend and neighbor of many years and from a man who was thoroughly acquainted with the late Senator HAYWARD in all his walks in life. Senator HAYWARD and myself moved to Nebraska in 1867, he locating at Nebraska City, in Otoe County, while I followed my parents to Brownville, about 23 miles south. While a boy in my teens I met Senator HAYWARD in his office in Nebraska City, and from that time until the day of his death my acquaintance with him was close and my friendship for him of the strongest kind.

As a private citizen, Mr. HAYWARD always took an interest in the affairs of the community in which he resided. He was public-spirited and always ambitious that the city of Nebraska City should rival all other towns in the State in point of importance both as to population and industries. He always took an interest in any new enterprises which were suggested for the benefit of the city, and contributed often in a financial way to the upbuilding and growth of different institutions. He came to our State as a Republican in politics, but never took an active part except to further the interests of his friends and associates. His Republicanism was of the stalwart brand, and whether as a delegate to a convention or as presiding officer of it he did all he could to uphold that kind of Republicanism. Aside from serving his constituency in the State constitutional convention and acting for a time as district judge, to which he was appointed as successor of Judge Mitchell, a neighbor and friend, till the Republican party in our State nominated him for the office of governor in the year 1898, he never was a candidate for office. He rather seemed to shrink from the trials and tribulations following in the wake of office-seeking and office-holding, and was content to be an humble member of the party and contribute his share toward its success.

The Republican press of our State in the year 1898 advocated him as a suitable man to be made the member of Congress from the First district in our State, and in the alternative that he stand as a candidate for governor. He resisted this pressure for some time, till finally it became so great that he was compelled to surrender to it, and then it was he gave up the idea of standing for Congress and announced to his friends he would accept the nomination for governor if tendered him. The Republican press of Nebraska and the Republicans generally had made his canvass for the nomination so complete that when the convention met he was nominated by acclamation and by unanimous vote of all delegates present.

The campaign which followed was a memorable one, and the fact that the legislature which was elected at this time was Republican and that the opposition majority on governor was reduced to the small figure of about 3,000 is due more to the magnificent campaign made by Senator HAYWARD than by the efforts of anyone else in our State. He traveled from one end of our Commonwealth to the other, visited almost every county, addressed hundreds of meetings, and conducted himself in such a gentlemanly and dignified manner as to command the respect of people of all parties, and could that campaign have lasted another thirty days I have no doubt but that the success he was making when election day came would have resulted, so far as himself was concerned, differently, and that he would have been declared governor of our State by a majority of the voters thereof. He overtaxed his strength in this campaign and his death is undoubtedly due to the overexertions thereof.

When our legislature convened, being Republican in both branches, attention of the members, especially the Republican members, was called to the magnificent campaign just waged by Senator HAYWARD, and the legislature was asked by the Republicans throughout the State and by the Republican press to select him as Senator in the United States Senate. The legislators took up this recommendation, coming as it did unsolicited from Senator HAYWARD, and after a struggle of many days he was finally elected the Senator from our State. But the contest, both in the campaign for governor and in the struggle for the Senatorship, weakened his physique to such an extent that death claimed him before he could take the oath of office. He died, as he lived, among his friends and neighbors at Nebraska City, at the home he loved so well, surrounded by his family and intimate friends. His death not only removed from our State a statesman and an estimable citizen, but it deprived the Republican party of the influence and strength of a Senator in the Senate of the United States.

Although he had been elected for several months the election came after the Fifty-fifth Congress had adjourned and too late for him to file his credentials in the Senate in open session and receive the oath of office. In the meantime his illness weakened him so rapidly that he was carried away a few hours after the Fifty-sixth Congress convened in session and too late for him to take the oath of office in that Congress. In this respect his case is almost without precedent; in fact I do not recall any precedent of this character. In this connection I am reminded that since Nebraska was admitted into the Union our people have elected ten different citizens to the United States Senate and only four of them are living to-day; and remarkable as it may seem, three of the men died in the year 1899.

I might add that during the same year a member of Congress elected to the Fifty-sixth Congress also died before he could serve his constituents in the active work of his office. In reviewing the record in this respect I notice that since Nebraska was admitted into the Union 27 men have been elected Representatives in Congress, 7 of whom have passed away. Of the 27 elected, one of them, the late T. M. Marquette, of Lincoln, served as Representative in Congress only two days. The brevity of his term was due to the fact that Nebraska had just been admitted into the Union, and only two days of the Congress to which he was elected remained after the State was admitted. Representatives Laird, Welch, and Greene all died while serving a term in Congress.

Senator HAYWARD had many strong points in his character, which always appealed to the masses when made known to them. He was an unassuming gentleman. He did not belong to the skyrocket class. He was not meteoric at any time. He was a good lawyer, full of the knowledge of his profession and at the same time full of hard common sense. He thoroughly investigated subjects and situations before committing himself, and then after he took a stand he did not change his views. He never played to the galleries. He was not in the habit of going on dress parade, politically speaking, in order to catch the plaudits of the crowd. His judgment was sound and his opinions were always reliable. His advice was a criterion by which most anyone could guide his steps either in the practice of law or in the duties of citizenship.

He detested hypocrisy in every form. Perhaps one of the strongest points about Senator HAYWARD was his love of family and home. He was an ideal husband and father, and this fact impressed itself upon his friends and neighbors wherever his presence went and wherever his influence was felt.

He had a happy family, a contented family. Senator HAYWARD, by his industry and economy, had accumulated a goodly share of this world's goods, and he always delighted in placing it at the disposal of his wife and children. In this respect he teaches us a lesson, which is indeed a most valuable one, that love of family and home is really the corner stone of our best civilization. It is always a check upon the bad influences of life and at the same time it makes the foundation of one's upbuilding so strong and secure that the man who was as strong in it as Senator HAYWARD need have no fear of the average dangers which beset mankind in this changing life of ours. Senator HAYWARD served his country in time of war, and perhaps there learned many lessons which proved of value to him in after years. In war he was the same plain, unassuming man that he was in peace, but he was just as good a soldier as he was a citizen and lawyer.

During the campaign of 1898 in our State the old soldiers flocked to his standard irrespective of party, and some of the most interesting scenes I observed during that campaign grew out of the renewal of friendships between HAYWARD and some of the boys in blue who had followed him side by side in many a hotly contested field. It seems they knew him well in those trying times, had seen his courage and his manhood tested in all kind of fires, and were glad of the chance which had finally come to them to place upon his head the distinguished crown of governorship or Senatorship. The old soldiers in Nebraska irrespective of party voted for him, and I think to this fact is due in the main the splendid result he obtained on election day.

Senator HAYWARD has passed away, but the lessons learned from his life by the people of our State will live forever. We hope to profit by the good example he set for us, and in the days to come we will ever remember his precepts and his teachings as well as the manner in which he exemplified them.

Mr. Speaker, I think it but proper and fitting that I conclude these remarks by adding to them the resolutions passed by the Bar Association of Otoe County, Nebr. For over thirty years Mr. HAYWARD, as a practioner, and Judge HAYWARD, as a judge, either practiced law or dispensed it, and these resolutions show the respect and confidence in which he was held by the members of that bar.

The resolutions are as follows:

Judge Paul Jessen, chairman of the committee, read the resolutions prepared by the committee.

MONROE LELAND HAYWARD.

Whereas it has seemed meet to an overruling Providence to remove from our midst, and from his scenes of usefulness, our brother, Hon. MONROE L. HAYWARD, cut down in the prime and vigor of life and at the beginning of an extended career of honor, usefulness, and fame:

Resolved, That it is fitting that his brethren of the bar of Otoe County unite in the expression of our profound sorrow at what is a calamity to our city, an irreparable loss to our citizens, and a personal loss to those who have been associated with him daily, in the practice of our chosen profession for a long series of years, and that we make a matter of record in the forum where many of his successes were achieved, a tribute of his brethren to his long and useful service as a lawyer, a legislator, and a judge; his great powers, his honest record in public and private affairs, his loyalty to his friends and to his nobility of character, all which go to make his name and fame the heritage of our community, and have endeared him to the people of the State and to his brethren of the bar.

Resolved, That in his life and record we recognize in our deceased brother great power as a close analytical reasoner, both upon the principles of law as well as in the domain of fact, before the juries of the country. Without claiming to be possessed of great eloquence, as that term is usually understood, he was easily the strongest member of the bar of the county, if not in the State, in his discussion of facts, in his presentation of the salient points of his case, and in the skill with which he carried conviction to the minds of those whom he was trying to convince, and his successes in that forum attest his preeminent ability. In the discussion of legal propositions he was clear, logical, and convincing, displaying great acumen and analysis and a happy faculty in the application of legal principles to the facts as they developed.

He was a man of great force of character, great kindness of heart, in that he was always willing to assist the distressed with his purse or advice, and he was of unquestioned integrity.

As the judge of this court he displayed the essential qualities of strict impartiality, fearlessness in his decisions, being always guided by what he believed to be right, and solicitous only that impartial justice be done between the contending parties. His insight into the merits of cases was intuitive, and he rarely erred in arriving at a just decision in any cause submitted to his judgment. He knew the law, and exposition of it adorned his opinion, unobscured by those special and personal influences which always surround a subject in controversy.

He lived among us for years, and left upon the records the imprint of his strong individuality. He was a safe and conscientious counselor, faithful to his clients and zealous in defense of their rights, and no man among us had in a larger degree the confidence and respect of the whole community.

His gifts were varied and many. He successfully conducted great financial enterprises, and he understood and was versed in the laws governing trade and commerce and the true principles underlying our financial system. He never sacrificed his honest convictions in the hope of selfish gain nor agreed with the mistakes of the majority, but strenuously combatted their fallacies and errors.

He was an open, honest, indefatigable opponent and a true and loyal friend. He knew his foes and they also knew him. His integrity was never doubted; he was above the suspicion of corruption; he neither bought nor sold, and he has left to his family the legacy of a good name and untarnished reputation.

The success he achieved in the political field was great, but his methods were clean and honest, and no suspicion of bribery or wrongdoing clouded the ultimate success, and the great pity is that, standing upon the threshold of a new and more influential career, he should be stricken down before he had the opportunity of demonstrating his capabilities and force in the new field. To have achieved the goal of his ambition and then to have the cup snatched from his lips as he was about to quaff the wine of success, is a forceful and sad reminder of the fleeting character of earthly honors and of the emptiness of human ambition.

Resolved, That we condole with his family in their great loss as we grieve for our own personal and professional loss in his untimely decease, and that we report these resolutions to the court from a desire to testify to our affection and make a record of our appreciation of his eminent qualities of head and heart that distinguished our departed brother, and request that they be spread at length upon the records of this court and made a part thereof.

It is further ordered that a certified copy of these resolutions, under the seal of the court, be furnished the family of the deceased.

PAUL JESSEN.
E. F. WARREN.
W. C. SLOAN.
JOHN A. ROONEY.
D. T. HAYDEN.

Mr. HULL. Mr. Speaker, it was not my good pleasure to enjoy an extended personal acquaintance with the late Senator from Nebraska. Living in an adjoining State, I knew of him and his work, and was therefore greatly pleased last year during the summer to have the privilege of spending some four or five days with him and becoming in a limited degree acquainted with the man and his characteristics. From that brief acquaintance I feel persuaded that the country at large has lost a valuable counselor in the higher branch of the National Congress.

I met him in Montana, traveled on the same car with him through the Dakotas, and spent a few days with him in one of the Dakota towns. He impressed me as a man of strong, splendid physical characteristics, possessed of a mind to correspond with his body. As one of his colleagues has said, he was not a man of great brilliancy of mind, but a man rather of splendid judgment, of untiring energy, and of unswerving honesty. And from what acquaintance I had with him at that time, I looked forward in anticipation that in the broader field opening before him he would add to the already splendid reputation he had attained in his State as an upright citizen, as a safe counselor, as an incorruptible judge, and as a man upon whose judgment all of his acquaintances and friends could rely.

It was to me a matter of personal sorrow that I could not meet him here in Washington and that he could not enter upon the career to which the people of Nebraska had called him.

I can not add anything to what has been said. I can only say that in my judgment the nation at large has lost one of its most useful citizens, that the members of his family have lost a devoted husband and father, and the State of Nebraska a citizen who has done so much for the State in the past and whose record will be entwined with the best years of his State up to the time when death claimed him and he laid down to an eternal rest.

Mr. STARK. Mr. Speaker, I would briefly, though earnestly, render tribute to the life, the works, and the worth of MONROE L. HAYWARD, late a Senator from Nebraska.

Favored by only a slight acquaintance with him for several years, yet I came to know the measure of the man, his intents and purposes. His was the life of a true American; his ambitions and aspirations, his hopes, and desires were of and for his home and his country. The persistent pursuit of purpose, the fidelity to friends, faith, and party, together with the strict integrity of his manhood's years, bespoke the fact that in childhood and youth he had had the sweet, the tender, and the watchful care of a good mother.

In that little hamlet in New York State this boy and youth had a brave, safe, wise counselor and guide. Who among us can make proper estimate of the great value of the impressions made by the mother on the son, or of their far-reaching influences upon his after life? The filial lessons learned about the family hearth are never forgotten, and the maternal impressions left upon the plastic mind can never be wholly effaced.

What a world for good does not the glorious motherhood of America now control.

Read all the languages of earth,
Compare each with another;
Did ever one a word give birth
Like that dear and loved word—mother?

We first hear of him when, in his twentieth year, at the breaking out of our great civil war, he enlisted in his country's service. His was the will to do and to dare; on his country's altar he laid his all; in the defense of our flag risked his life. Never before then had this world witnessed such unselfish patriotism, such grand sacrifices to principle, or such heroic devotion to his country and flag as was displayed by those heroes, the noble volunteers of 1861 to 1865.

The irksome duties of the camp, the watchful guard kept day and night, the long and tedious march through storm and mud, the bivouac in snow and rain, the struggle with disease on cots of

pain or with brave foes upon the battle line defending flag and country, are my highest conception of true patriotism.

Then came the news, war has begun,
Brothers engaged in bloody fray:
The advances, the charge, a battle won,
The shallow trench, the mangled son,
The humble prayer, "Thy will be done,"
And bowed heads turning gray,
The hospital, the prison pen,
The skeletons that once were men,
The unmarked graves in shadowy glen,
Come back to us to-day.

One-third of a century ago MONROE L. HAYWARD struck out for himself. To carve out a home and a future he sought the boundless prairies of the West. He became a pioneer, and in 1867 located at Nebraska City, in my State.

Even then the buffalo and Indian roamed at their own sweet will over those great plains, now covered by rich fields and gardens, with thriving towns and villages, peopled by a generous, a happy, an intellectual, and a patriotic people.

To the pioneers who in the past through countless trials and hardships blazed the way for a home, church, school, and the press, we owe a profound and lasting gratitude.

Senator HAYWARD began the practice of the law, and by close attention and constant application he took a high place in the profession in our State. On our level and fertile prairies, with vision unobstructed so far as the eye can reach, men's minds broaden, their sympathies expand, and humane aspirations and hopes have boundless range. Senator HAYWARD advanced; he entered the judiciary; he became district judge.

He succeeded financially; for that country he became a wealthy man, yet not at the expense of conscience.

The following incident, told by his tried friend, Dr. Whitten, of Nebraska City, illustrates the character of the man:

Mr. HAYWARD had rented a farm to a poor though honest farmer for a cash rent per acre, money to be paid after the marketing of the crops. Just as all was ready for harvest, by a storm of hail they were beaten to the ground. The honest tenant came to HAYWARD and proposed to mortgage his stock, implements, and furniture to secure the debt, that he might have an opportunity to raise another crop. But Mr. HAYWARD said, "I have only lost the interest on the money that I have invested in my farm, while you have lost your seed and all your year's labor. You do not owe me anything." And he aided the farmer in making another crop.

Senator HAYWARD'S ambitions were for his family and country. His family relations were tender and true, and in the sacred precincts of the family circle his great wealth of affection was freely shown, and he was at once the protector, counselor, companion, and friend.

That he succeeded, the happy home he built, the reputation he sustained, the friends he made, and the honors we accord him to-day doth well attest. The world is better because he lived; he quitted himself like a man and left an example worthy of emulation by all men.

Mr. SUTHERLAND. Mr. Speaker, Senator MONROE L. HAYWARD was a prominent character in the history of Nebraska. After having served his country as a volunteer in the dark days of the civil war he came to our State to establish a home and to practice his profession. For years he was a leading member of the bar and was honored by being appointed to a position on the bench. In 1898 his party called upon him to lead in the campaign, and he made a fair and vigorous canvass for the governorship. The legislature having been carried by his party, he was elected to the Senate of the United States, but Providence saw fit to call him before he entered upon his active duties. Senator HAYWARD was a man of broad and liberal conduct toward those who differed with him upon public questions. I met him frequently during the campaign of 1898, and in no instance did he depart from the kindly and courteous manner that always possessed him. When the news of his death reached me, I felt that not only had the State lost an able citizen, but it was a personal loss to me; for while differing politically, I had come to look upon him as a warm friend.

When on occasions like this we remember the one who has fallen in our midst and who no more will share our responsibilities and labors, it is but natural and fitting that our review of his life should be fraught with the utmost feeling of tenderness. Death is a fact the knowledge of which in its mysterious potency does much to influence the action and shape the destiny of men. As we pause in remembrance of the years of unrelenting toil and unyielding perseverance of effort, fed by the hidden spring of manly determination and absolute adherence to a great purpose, culminating in lofty character, broad intellectual capacity, and the greatest of all genius, the ability to accomplish by real labor, we wonder how the fact of death, which seems to rob us of all the qualities and attainments of our departed colaborer, can be reconciled with the best and truest end of man.

We see one after another of those whose work seems only partially done, whose purposes are not fully accomplished, and whose lives give promise of much that will be useful and beneficial to their fellow-men, stricken down by the ruthless hand that neither pities nor tarries, and we are tempted to believe that all the toil of preparation, the store of wisdom, and the power of accomplishment are in the fact of death lost to us forever. But not so. A truer philosophy and a calmer reason comes to our aid, and a voice cries out within us in spite of our fears, in spite of our doubts and forebodings, that neither death nor any principle, power, or law can destroy and obliterate the character and influence of man. Towering above all other elements, whether inherent or attained, man's moral nature is his most valuable estate. His moral purposes find expression in his actions, and actions repeated become habits. Habits, whether good or bad, in course of time ripen into principles which are the elements entering into the construction of character, which is immortal. No thought ever dies. The influence of no act ever ceases. The power of no example is ever lost. The energy of pure principle is a living force that no power can destroy, and the character builded of such principle can know no death.

We share to-day the common sorrow that this bereavement brings. Our sympathy is extended to the home from which husband and father is missed and mourned. We appreciate the loss to the community of one whom many delighted to honor. We realize in some measure the loss of a State bereaved of her chosen representative, as also the loss of the nation, one of whose chief council has fallen. Still, in the midst of sorrow and the memory of loss, we are assured that in recounting the forces and elements that make for elevation, progress, and an ideal civilization nothing is or can be lost.

MONROE L. HAYWARD lives! In thought, purpose, and character, in energy and influence, he lives and can not die. While we wait our time to meet the same grim messenger that he has met, while we endure the doubts and fears attendant upon death's relentless agency in changing relation and environment, while we bow of necessity to death's demand upon the flesh, we exult in the fact that is an intuition—the untaught language of our inner nature—which speaks to the world, saying that to man in moral nature and achievement there is no death. In this confidence we approach the future with the prayer—

O Thou of soul and sense and breath,
The ever present Giver,
Unto Thy mighty angel, Death,
All flesh Thou dost deliver;
What most we cherish we resign,
For life and death alike are Thine,
Who reignest Lord forever!

Mr. NEVILLE. Mr. Speaker, I should not feel that I had performed my duty as a representative of Nebraska if I failed to use this opportunity to express the great sorrow felt by all Nebraskans by reason of the death of Senator MONROE L. HAYWARD.

My personal acquaintance with him extended over only a few years, but there was nothing hidden in his character, and an acquaintance with him of however short duration revealed as a part of his great individuality the three striking qualities of love, justice, and charity toward his fellow-beings.

I knew of him as one knows the illustrious persons of any State or country long before it was my pleasure to know him personally.

From the members of his political party, which differed from mine, I heard of him as one demanding honesty of purpose and faithful performance of pledges as a prerequisite to party success or his support. He was not an office seeker, but at all times possessed the confidence of the members of his party throughout the State, constantly declining political honors in favor of his fellow-workers, yet universally mentioned as the ideal standard bearer when the task in hand appeared to be herculean.

After his party had for a few years occupied a degraded position in his State, resulting from a criminal and convicted leadership, and while a felon's cell still held the spoilsmen, Judge HAYWARD was called to the helm and landed his party with a majority in the legislative branch, and for this service he was rewarded with the high office of United States Senator.

From the members of the legal profession, who are best qualified to determine judicial character, I learned that he was a laborious, able, and just judge, always impartial in his rulings, correct in his legal conclusions, genial to the officers of his court, obliging to the witnesses and litigants, and merciful to the convicted unfortunates.

His ability, temperate and frugal habits, and industry enabled him to acquire sufficient of this world's goods for the comfort of his own family and to largely accommodate his needy neighbors, and it is said of him, to his great credit in this day and age, that when a debtor sought of him an extension of time, he got not only the extension asked, but along with it more money to tide him over his perplexity.

Coming into manhood in a period in our history when the great question of human liberty was about to dismember man's ideal

government, he enlisted, in 1861, in the Twenty-second New York Infantry Volunteers, and, being transferred to the Fifth New York Cavalry, served his country until sickness and disability caused by exposure in active army campaign compelled his discharge.

Those of us who were near his age and who with him were enthused by patriotism inspired by our country's call and danger can realize what must have been his chagrin when notified that he was not physically able to longer battle in the ranks for a united country.

Words in eulogy, no matter how numerous and high sounding, can only interest those who could not know him personally. To his acquaintances his greatness was beyond the descriptive powers of combined language. Word painting can in no sense condole the bereaved family surviving. To them stern reality was ineffaceably lodged when the heart of their loved protector ceased to beat, and their only solace is the knowledge that the inestimably good must in the future be rewarded with greater opportunities.

Day after day, year after year, and century after century the minister has said to the mourning throng, "It is God's will;" and with as much uniformity the mourning widow, while shaking her head in agonizing dissent, has murmured to herself, "Why is it I?" forgetting for the time being that I, we, and all are recorded to suffer when God's will discerns less use for our protectors here than in the great realm to which we are all heir. We are too apt to feel that this one of the trials through which all must pass in fulfilling the decree of God has come to us too soon and that it would have pressed more lightly upon other shoulders. Yet upon calm reflection we must see that the hope of long life to us and our dear ones is equally and from the same cause and with the same right the hope of the entire human family.

Let us hope in this instance that God's mercy will aid recuperating nature, and that the desolate widow, with the advantages obtained by contact with such a noble husband, may live long to continue the life work so well carried forward by both.

The SPEAKER pro tempore (Mr. BOUTELL of Illinois). And now, as a further mark of respect to the deceased, and in accordance with the resolutions which have been adopted, the House will stand adjourned until 12 o'clock noon on Monday next.

Accordingly (at 1 o'clock and 32 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Margaret E. T. West et al., heirs of James T. West, deceased, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Secretary of War submitting an estimate of appropriation for purchase of land at Gettysburg National Park—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the House (H. J. Res. 168) for change in location of aids to navigation on Simmons Reef and Lansing Shoal, in Lake Michigan, reported the same without amendment, accompanied by a report (No. 705); which said joint resolution and report were referred to the House Calendar.

Mr. BOREING, from the Committee on Printing, to which was referred the concurrent resolution of the Senate (S. Con. Res. No. 18) for printing 5,000 copies of the report of Capt. W. R. Abercrombie on the Copper River exploring expedition to Alaska, reported the same without amendment, accompanied by a report (No. 706); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. Con. Res. No. 27) for printing 1,500 copies of volume 1 of the Report of the United States Commission to the Philippine Islands, reported the same without amendment, accompanied by a report (No. 707); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7502) to incorporate the Wesley Heights Railway Company of the District of Columbia, reported the same with an amendment, accompanied by a report (No. 708); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9505) to remove charge of desertion against Francis M. Terry—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 9539) granting an increase of pension to Ella V. Coston—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9504) to remove charge of desertion against Thomas Todd—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BOREING: A bill (H. R. 9678) authorizing the construction of a road from the Mill Springs National Cemetery, in Pulaski County, Ky., to the town of Somerset, in said county—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: A bill (H. R. 9679) to authorize the construction of a railroad bridge across the Mississippi River at St. Paul, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: A bill (H. R. 9680) to amend an act permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minn., across the Mississippi River, approved March 5, 1898—to the Committee on Interstate and Foreign Commerce.

By Mr. BOREING: A bill (H. R. 9681) to amend section 3 of an act entitled "An act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico," approved March 2, 1889—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 9682) providing for the appointment of registers of the land office in the Indian Territory—to the Committee on Indian Affairs.

By Mr. BURKETT: A bill (H. R. 9683) to restore retired officers of the Navy to the active list—to the Committee on Naval Affairs.

By Mr. RICHARDSON: A joint resolution (H. J. Res. 205) prohibiting the transportation of coke, pig iron, steel billets, wire, and other products of the American Steel and Wire Company, and so forth, from one State to another—to the Committee on the Judiciary.

Also, a joint resolution (H. J. Res. 206) prohibiting the transportation of iron ore, coal, coke, steel, and other products of the Federal Steel Company, and so forth, from one State to another—to the Committee on the Judiciary.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 186) relating to the Standard Oil Company—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURKETT: A bill (H. R. 9684) for the relief of Allen W. Edwards—to the Committee on War Claims.

Also, a bill (H. R. 9685) granting a pension to Mrs. R. Ella Cooper—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 9686) granting an increase of pension to Eben Slausen—to the Committee on Invalid Pensions.

By Mr. CLAYTON of Alabama: A bill (H. R. 9687) increasing the pension of Ariana F. Wills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9688) granting a pension to Sarah Spurlock—to the Committee on Pensions.

By Mr. CATCHINGS: A bill (H. R. 9689) for the relief of W. A. Hopper, administrator of David Hopper, deceased, of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9690) for the relief of the estate of Z. C. Offatt, deceased, late of Washington County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9691) for the relief of Joseph S. Acuff, of Warren County, Miss.—to the Committee on War Claims.

By Mr. HEMENWAY: A bill (H. R. 9692) granting a pension to Simon Dearion—to the Committee on Invalid Pensions.

By Mr. HOFFECKER: A bill (H. R. 9693) granting an increase of pension to John Smith, of the State of Delaware—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 9694) for the relief of D. O. Perkins, of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 9695) to remove charges from record of William D. Pearne—to the Committee on Military Affairs.

Also, a bill (H. R. 9696) granting an increase of pension to Spencer S. Case—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 9697) for the relief of Edward D. Pickett, of Sequatchie County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9698) to remove the charge of desertion from the name of John C. Cross, of Salecreek, Tenn.—to the Committee on Military Affairs.

Also, a bill (H. R. 9699) to remove the charge of desertion against the name of Benjamin C. Coleman, of Retro, Tenn.—to the Committee on Military Affairs.

By Mr. STARK: A bill (H. R. 9700) granting an increase of pension to James V. Morrill—to the Committee on Invalid Pensions.

By Mr. SNODGRASS: A bill (H. R. 9701) granting a pension to Jonah Duncan, of Pickett County, Tenn.—to the Committee on Invalid Pensions.

By Mr. WHEELER of Kentucky: A bill (H. R. 9702) for the relief of Susan B. Chambers, of Fulton County, Ky.—to the Committee on War Claims.

By Mr. JAMES R. WILLIAMS: A bill (h. R. 9703) granting a pension to Amanda Carnes—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of William Schuknecht and 39 others, of Tripoli; W. M. Hubbard and 9 others, of Independence, Iowa, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BARTHOLDT: Petition of Fennimore Association, No. 5, of St. Louis, Mo., favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

Also, petition of Retail Grocers' Association of St. Louis, Mo., favoring the passage of House bill for the reclassification of clerks in the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT: Petition of C. T. King and 30 other druggists of Macon, Ga., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. BINGHAM: Resolution of the Thirty-third National Encampment, Grand Army of the Republic, urging appropriation in relation to Gettysburg Park—to the Committee on Appropriations.

By Mr. BOUTELLE of Maine: Petitions of Vinnie S. Redman and other citizens of Hampden, Me., Abbie A. Barker and others of South Hudson, and James Gabagan and others of Lowell, Me., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BRENNER: Petitions of Mary Butler and others of Hamilton; W. M. Bell, of Dayton, and Milton Perry and others, in the State of Ohio, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BURKETT: Petitions of R. D. Moritz and other citizens of Hastings; Jennie Cochran and others of Barada, and publisher of the Courier, Lincoln, Nebr., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the board of directors of the Union Commercial Club and L. A. Sheldon and others of Lincoln, Nebr., in favor of the Grout bill taxing oleomargarine, etc.—to the Committee on Agriculture.

By Mr. CLARKE of New Hampshire: Petition of H. D. Dickinson and others of Keene, N. H., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COX: Petition of Mrs. Eva Harris and others, of Glendale, Tenn., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS: Petition of the National Building and Trades Council, in favor of woman suffrage in Hawaii, Cuba, Puerto Rico, and the Philippines—to the Committee on the Territories.

Also, protests of J. M. Hanlon and others, of Topeka, and J. C. Flote and others, of Menoken and vicinity, Kansas, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. S. A. DAVENPORT: Petition of J. C. Harvey and others, of Harveyville, Pa., favoring the Grout bill relating to oleomargarine—to the Committee on Agriculture.

By Mr. GRAHAM: Resolutions of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., in opposition to the passage of bills amending the military records of deserters and soldiers who have been dishonorably discharged in the civil war—to the Committee on Military Affairs.

Also, resolutions of Pittsburg Lodge, No. 52, International Association of Machinists, urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

By Mr. GRIFFITH: Resolutions of Mellville Post, No. 515, Grand Army of the Republic, of Indiana, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HEMENWAY: Petition of Mark L. Harris and other citizens of Boonville, Ind., praying for more stringent legislation against the sale of liquors in the Army canteens—to the Committee on Military Affairs.

Also, resolution of the Evansville (Ind.) Inspection Bureau, in regard to amendment proposed in House bill No. 6247—to the Committee on Ways and Means.

By Mr. HENRY of Mississippi: Resolutions of Grand Army of the Republic post at Edwards, Miss., indorsing House bill No. 7094, for the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HILL: Petitions of McDonough Post, No. 63, and 7 other Grand Army of the Republic posts in the State of Connecticut, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of James P. Elliott, of Bridgeport, and others, in the State of Connecticut, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads

By Mr. HOFFECKER: Resolution of Charles Sumner Post, No. 4, of Wilmington, Del., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HOPKINS: Petition of David C. Cook Publishing Company, Chicago, Ill., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KERR: Petition of W. M. Rogers and others, of Ashland County, Ohio, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of William Shipman and others, of Rochester, Ohio, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Petition of the Ottumwa Typographical Union, No. 3, favoring the passage of House bill No. 6872, providing that the Allied Printing Trades label be used on all Government publications—to the Committee on Printing.

Also, protest of merchants of Scarboro, Iowa, against the passage of the parcel-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LAWRENCE: Petition of the Frances E. Willard Woman's Christian Temperance Union, of Pittsfield, Mass., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. MANN: Papers to accompany House bill for the correction of the military record of William D. Pearne—to the Committee on Military Affairs.

By Mr. MOON: Resolutions of James Ross Post, No. 79, of Charleston, Tenn., and T. G. Spears Post, No. 53, of Sequatchie, Tenn., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, papers to accompany House bill to remove the charge of desertion against John C. Cross—to the Committee on Military Affairs.

Also, papers to accompany House bill to remove the charge of desertion now standing against Benjamin C. Coleman—to the Committee on Military Affairs.

Also, paper to accompany House bill for the relief of the Methodist Episcopal Church, McDaniel's Chapel, Shellmound, Tenn.—to the Committee on Claims.

By Mr. NEVILLE: Resolutions of Edward Lenox Post, No. 39, Grand Army of the Republic, Department of Nebraska, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of stockmen of Overton, Nebr., in relation to the free distribution of blackleg vaccine by the Department of Agriculture—to the Committee on Agriculture.

Also, affidavit to accompany House bill No. 9531, granting a pension to Hiram S. Kingsley—to the Committee on Pensions.

By Mr. NORTON of Ohio: Petition of Miss Susan B. Anthony and the Woman Suffrage Association of the District of Columbia, in favor of a constitutional amendment giving the right of franchise to women—to the Committee on the Judiciary.

Also, petition of Rev. Levi J. Donaldson, of Tavares, Fla., favoring the passage of House bill No. 4478, relating to pensions for the loss of limbs—to the Committee on Invalid Pensions.

Also, petition of Ben W. Johnson, of Elyria, Ohio, favoring the passage of House bill No. 6879, providing for the employment of women nurses in the military hospitals of the Army—to the Committee on Military Affairs.

Also, petition of Colonel John T. Poland Post, No. 695, of the State Soldiers' Home, Ohio; also petition of Keller Post, No. 128, of Bucyrus, Ohio, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of C. C. Knapp, of Castalia, Ohio, and L. W. Lenner, of Fremont, Ohio, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, resolution of Local Union No. 4, Washington, D. C., International Association of Bookbinders, in favor of the passage of House bill No. 6872, to print the label of the Allied Printing Trades on all publications of the Government—to the Committee on Printing.

Also, protests of L. G. Holmes and 13 others, of Ceylon; H. G. Smith and 9 others, of North Monroeville, and E. Gilmer and 30 others, of Galion, Ohio, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Merchants and Manufacturers' Club of Columbia, S. C., favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. OTEY: Petition of Mrs. Mary Carlton and others, of Roanoke City, Va., and S. E. Wildman, of Bodycamp, Va., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. POWERS: Remonstrance of H. A. Kempton and others, of Rutland County, Vt., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY of New York: Petitions of Jennie Wilson and other citizens of the counties of Delaware, Tompkins, and Binghamton, State of New York, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN of New York: Papers to accompany House bill No. 9236, for the relief of Hermas S. Soules, of Buffalo, N. Y.—to the Committee on Invalid Pensions.

Also, petition of George Batt and others, of Buffalo, N. Y., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SHAFROTH: Resolutions of the Chamber of Commerce and Board of Trade of Denver, Colo., urging the passage of Senate bill No. 1439, relative to amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Kentucky: Paper to accompany House bill No. 102, relating to the claim of Levi Field—to the Committee on War Claims.

Also (by request), petitions of Mrs. J. C. Courts, L. H. Horrell, John Homer, and others, in the State of Kentucky, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SPALDING: Petition of Retail Grocers and General Merchants' Association of North Dakota, for the passage of a bill prohibiting the use of trading checks, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petitions of J. G. Campbell, of Perth; E. F. Ladd, of Fargo; T. E. Metcalf, of Lakota, N. Dak., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Petition of General Crook Post, No. 69, Grand Army of the Republic, Department of Minnesota, indorsing the bill to establish a Branch Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SULLOWAY: Petitions of Mrs. Frank W. Grant, Hiram W. Sanborn, and others, of Dover, and P. W. Wiggan and 9 others, of New Market, N. H., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WACHTER: Paper to accompany House bill to increase the pension of Adam Bieger, late of Company G, Third Maryland Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of Lillian Thompson and others, of Rescue, Mich.; also communication of J. S. Stearns, secretary of state of Michigan, in relation to the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. JAMES R. WILLIAMS: Papers in support of House bill for the relief of Amanda Carnes—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *March 19, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. BAKER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

SCHOONER ST. PATRICK.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the schooner *St. Patrick*, Lemuel Bourne, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

SCHOONER SOPHIA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the schooner *Sophia*, Francis O'Meara, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 197) for the relief of Hattie A. Phillips; and

A bill (S. 427) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.

The message also announced that the House had passed, with amendments, the bill (S. 68) granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal School thereon, and for a public park; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 309) granting a pension to James M. Kercheval;

A bill (H. R. 524) granting an increase of pension to Andrew J. Davis;

A bill (H. R. 854) granting an increase of pension to John J. McCormick;

A bill (H. R. 2477) granting an increase of pension to George H. Pennington;

A bill (H. R. 2749) granting a pension to Susan Garrison;

A bill (H. R. 3067) granting an increase of pension to Melvina Bottles;

A bill (H. R. 3071) granting an increase of pension to John F. Nelson;

A bill (H. R. 3072) to increase the pension of William W. Wharton;

A bill (H. R. 4416) to increase the pension of Henry Geesen;

A bill (H. R. 5156) granting an increase of pension to Frances C. Kirby;

A bill (H. R. 5309) granting a pension to Malinda Jones; and

A bill (H. R. 6375) granting a pension to Matilda G. Higbee.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 445) for the relief of Clare M. Ashby, widow of W. W. Ashby, late United States consul at Colon;

A bill (H. R. 1454) for the relief of William L. Orr;

A bill (H. R. 2322) for the relief of Joshua Bishop;

A bill (H. R. 2757) to authorize the purchase of certain lands in the district of Alaska;

A bill (H. R. 4686) for the relief of J. A. Ware; and

A bill (H. R. 5969) for the relief of the devisees and legal representatives of D. L. Huskey, deceased.

The message further transmitted to the Senate the resolutions of the House commemorative of the life and public services of Hon. MONROE L. HAYWARD, late Senator-elect from the State of Nebraska.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 2279) declaring Cuivre River to be not a navigable stream;

A bill (S. 2354) enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company;

A bill (H. R. 4648) granting an increase of pension to William G. McLain;

A joint resolution (S. R. 91) authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department; and

A joint resolution (H. J. Res. 204) to provide for the removal of snow and ice in the city of Washington, in the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. COCKRELL presented a memorial of the Zion's Ensign of Missouri, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the board of directors of the Real Estate Exchange of St. Louis, Mo., praying for the enactment of legislation to abolish the documentary stamp tax; which was referred to the Committee on Finance.

He also presented a petition of the St. Louis Furniture Board of Trade, of St. Louis, Mo., praying for the enactment of legislation to confine the sale of articles manufactured by prison labor to the State in which they are manufactured; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Commercial Club of Kansas City, Mo., remonstrating against the enactment of legislation imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Mercantile Club of Kansas City, Kans., remonstrating against the enactment of legislation to increase the present tax of 2 cents on butterine to 10 cents a pound; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLEN presented a petition of sundry citizens of Nebraska, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Company H, Second Regiment National State Guard of Nebraska, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Broken Bow, Nebr., remonstrating against the passage of the parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Enterprise, of Clarks; the Register, of Hebron, and of the Young Men's Christian Association of Lincoln, all in the State of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of New York presented a petition of the Board of Trade of Greenport, N. Y., praying for the passage of House bill No. 7734, to provide against nuisances; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Pomona Grange, Patrons of Husbandry, of Jamestown, N. Y., praying for the enactment of legislation to prevent the manufacture and sale of cigarettes in that State; which was referred to the Committee on Finance.

He also presented a memorial of Pomona Grange, Patrons of Husbandry, of Jamestown, N. Y., remonstrating against the enactment of legislation relative to the manufacture and sale of oleomargarine, etc.; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Pomona Grange, Patrons of Husbandry, of Jamestown, N. Y., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 1, Stereotypers' Union, of New York City, praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of the daily service of laborers and mechanics employed upon the public works of the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of Dorpian Lodge, No. 204, International Association of Machinists, of Schenectady, N. Y., and a petition of Empire Lodge, No. 153, International Association of Machinists, of Auburn, N. Y., praying for the enactment of legislation to increase the salaries of machinists employed at the Government Printing Office at Washington, D. C.; which were referred to the Committee on Printing.

He also presented a memorial of the American Society for the Prevention of Cruelty to Animals, of New York, remonstrating against the passage of Senate bill No. 560, relative to the transportation of cattle from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented memorials of the American Hair Dresser, of Brooklyn; the Advertiser, of Warwick; the Sunnyside, of New York City; the Fruitman's Guide, of New York City, and of sundry citizens of Utica, all in the State of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Indian River Grange, No. 19; Portville Grange, No. 842; Ross Grange, No. 305; Falkhill Grange, No. 882; Rathbone Grange, No. 656; Maple Grove Grange, No. 879; Ovid Grange, No. 155; Ellington Grange, No. 528; Parish Grange, No. 575; Stanford Grange, No. 408; Colesville Grange, No. 578; Cape Vincent Grange, No. 559; Madison Grange, No. 854; Upper Lisle Grange, No. 508; Stafford Grange, No. 418; Bergen Grange, No. 162; Glendare Grange, No. 548; Acme Grange, No. 598; Great Bend Grange, No. 642; Coopers Grange, No. 820; Morristown Grange, No. 676; Hornellsville Grange, No. 879; Fair Play Grange, No. 654; Caton Grange, No. 248; Elba Grange, No. 83; Golden Sheaf Grange, No. 587; Villenova Grange, No. 604; Onondega Hill Grange, No. 682; Neils Creek Grange, No. 345; Hartford Grange, No. 860; Bethany Grange, No. 748; Bowens Corners Grange, No. 99; Camden Grange, No. 554; Mountain Grange, No. 245; Honeoye Falls Grange, No. 6, and Charlton Grange, No. 661, all Patrons of Husbandry, in the State of New York, praying for the election of United States Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Cape Vincent Grange, No. 579; Morning Star Grange, No. 520; Upper Lisle Grange, No. 508; New York Grange, No. 1020; Ellington Grange, No. 528; Highland Grange, No. 22; Stillwater Grange, No. 681; Greenfield Grange, No. 801; Freedom Plains Grange, No. 857; Bethany Grange, No. 747; Fayetteville Grange, No. 610; Elba Grange, No. 783; Parish Grange, No. 575; Schoharie County Pomona Grange; Stafford Grange, No. 418; Hornellsville Grange, No. 840; Indian River Grange, No. 19; Dansville Grange, No. 178; Progressive Grange, No. 537; Ross Grange, No. 305; Camden Grange, No. 354; Bowens Corners Grange, No. 99; Addison Grange, No. 854; Byron Grange, No. 395; Poolville Grange, No. 770; Sherborn Grange, No. 110; Oakhill Grange, No. 252; Ashley Grange, No. 172; Worcester Grange, No. 240; Mattapoisett Grange, No. 215; Oxford Grange, No. 89; Boxboro Grange, No. 121; Haskell Grange, No. 360; Charlotte Center Grange, No. 669; Otego Grange, No. 788; North Colesville Grange, No. 515; Fanning Grange, No. 22; Ovid Grange, No. 155; Charlton Grange, No. 661; Rathbone Grange, No. 656; South Richmond Grange, No. 256; Richdale Grange, No. 722; West Onondaga Grange, No. 464; Morristown Grange, No. 676, and Chautauqua County Pomona Grange, all Patrons of Husbandry, in the State of New York, praying for the extension of rural free mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Ovid Grange, No. 155; Parish Grange, No. 575; Rathbone Grange, No. 655; Ellington Grange, No. 528; Richford Grange, No. 620; Portville Grange, No. 842; Addison Grange, No. 854; Honeoye Falls Grange, No. 6; Upper Lisle Grange, No. 508; Mostpaw Grange, No. 45; Fairplay Grange, No. 654; Hornellsville Grange, No. 846; Bergen Grange, No. 163; Glendare Grange, No. 548; Stafford Grange, No. 418; Great Bend Grange, No. 646; Goshen Grange, No. 720; Neils Creek Grange, No. 345; Hartford Grange, No. 850; Baden Grange, No. 354; Morristown Grange, No. 676; Bowens Corners Grange, No. 99; Elba Grange, No. 783; Indian River Grange, No. 19; Falkill Grange, No. 882; Ross Grange, No. 305; Maple Grove Grange, No. 879; Schoharie County Pomona Grange; Emmet Grange, No. 476; Stanford Grange, No. 808; Cape Vincent Grange, No. 599; Colesville Grange, No. 518; Acme Grange, No. 498; Golden Sheaf Grange, No. 587; La Fargeville Grange, No. 15; Caton Grange, No. 248; Onondaga Grange, No. 682, and Charlton Grange, No. 161, all Patrons of Husbandry, in the State of New York, praying for the enactment of adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of Elba Grange, No. 783; Ross Grange, No. 305; Addison Grange, No. 854; Dansville Grange, No. 178; Indian River Grange, No. 19; Fayetteville Grange, No. 610; Bethany Grange, No. 748; Upper Lisle Grange, No. 508; Star Grange, No. 245; Hornellsville Grange, No. 846; Stafford Grange, No. 418; Greenfield Grange, No. 807; Stillwater Grange, No. 681; Parish Grange, No. 575; Bowens Corners Grange, No. 99; Highland Grange, No. 22; Poohill Grange, No. 770; Otego Grange, No. 788; Ellington Grange, No. 558; Rathbone Grange, No. 256; North Colesville Grange, No. 518; South Richland Grange, No. 256; Ovid Grange, No. 155; Cape Vincent Grange, No. 599; Morristown Grange, No. 676; Camden Grange, No. 354; Meadow Grange and West Onondaga Grange, No. 464, all Patrons of Husbandry, in the State of New York, praying for the enactment of legislation to secure to the people of the country protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented petitions of Poolville Grange, No. 570; Rathbone Grange, No. 656; Charlton Grange, No. 165; Ovid Grange, No. 155; Lake Grange; South Richland Grange, No. 256; Greenfield Grange; No. 507; Addison Grange, No. 554; Ross Grange, No. 305; Dansville Grange, No. 178; Bowens Corners Grange, No. 99; Morristown Grange, No. 476; Camden Grange, No. 554; Cape Vincent Grange, No. 599; Highland Grange, No. 22; Ellington Grange, No. 528; Fayetteville Grange, No. 610; Hornellsville Grange, No. 849; Marlow Grange, No. 245; Parish Grange, No. 575; Stafford Grange, No. 418; Elba Grange, No. 783; Prospect Grange; Upper Lisle Grange, No. 208, and Otego Grange, No. 788, all Patrons of Husbandry, in the State of New York, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented petitions of Greenfield Grange, No. 807; Otego Grange, No. 788; West Onondaga Grange, No. 464; Ross Grange; Addison Grange, No. 854; Fayetteville Grange, No. 610; North Colesville Grange, No. 518; Ovid Grange, No. 155; Poolville Grange, No. 170; Cuba Grange, No. 799; South Richland Grange, No. 256; Parish Grange, No. 575; Highland Grange, No. 22; Freedom Plains Grange, No. 857; Stillwater Grange, No. 681; Charlotte Center Grange, No. 669; Charlton Grange, No. 661; Cape Vincent Grange, No. 599; Morristown Grange, No. 676; Rathbone Grange, No. 656; Camden Grange, No. 354; Bowens Corners Grange, No. 99; Indian River Grange, No. 19; Hornellsville Grange, No. 849; Dansville Grange, No. 178; Stafford Grange, No. 418; Davisburg Grange, No. 245; Schoharie County Pomona Grange; Ross Grange, No. 305; Elba Grange, No. 783, and Upper Lisle Grange, No. 508, all Patrons of Husbandry, in the State of New York, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Star Grange, No. 1540; Norris Grange, No. 1020; Excelsior Grange, No. 620; Union Grange, No. 718; Elba Grange, No. 783; West Onondaga Grange, No. 464; South Richland Grange, No. 256; Villanova Grange, No. 604; Dansville Grange, No. 178; Cape Vincent Grange, No. 599; Parish Grange, No. 575; Upper Lisle Grange, No. 508; Morristown Grange, No. 676; Camden Grange, No. 354; Bowens Corners Grange, No. 99; Indian River Grange, No. 19; Hornellsville Grange, No. 846; Stafford Grange, No. 418; Haskell Grange, No. 718; Ovid Grange, No. 155; North Colesville Grange, No. 518; Otego Grange, No. 788; Poolville Grange, No. 770; Rathbone Grange, No. 656; South Avona Grange, No. 504; Freedom Plains Grange, No. 857; Greenfield Grange, No. 807; Stillwater Grange, No. 681; Highland Grange, No. 22; Ellington Grange, No. 528; Fayetteville Grange, No. 610; Addison Grange, No. 854, and Ross Grange, No. 305, all Patrons of Husbandry, in the State of New York, remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigation canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Cape Vincent Grange, No. 539; Bowens Corners Grange, No. 99; Stanford Grange, No. 808; Acme Grange, No. 498; Camden Grange, No. 354; Upper Lisle Grange, No. 508; Honeoye Falls Grange, No. 6; Villenova Grange, No. 604; Hornellsville Grange, No. 876; Progress Grange, No. 163; Great Bend Grange, No. 642; Coopers Grange, No. 820; Stafford Grange, No. 618; Fairplay Grange, No. 654; La Fargeville Grange, No. 15; Golden Sheaf Grange, No. 587; Elba Grange, No. 783; Onondaga Grange, No. 682, Caton Grange, No. 248; Rathbone Grange, No. 656; Charlton Grange, No. 661; Ovid Grange, No. 155; Parish Grange, No. 575; Richford Grange; Ellington Grange, No. 528; Falkill Grange, No. 882; Ross Grange, No. 305; Indian River Grange, No. 19; Maple Grove Grange, No. 879; Addison Grange, No. 854; Portville Grange, No. 842; Neils Creek Grange, No. 345; Morristown Grange, No. 676; Hartford Grange, No. 860; Colesville Grange, No. 518, and Greenfield Grange, No. 548, all Patrons of Husbandry, in the State of New York, praying for the enactment of legislation to secure to the people of the country protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented petitions of Sodus Grange, No. 73, and Walton Grange, No. 536, Patrons of Husbandry, in the State of New York; of Harrison Grange, No. 151; Mount Carmel Grange, No. 975; Perry Grange, No. 266, Patrons of Husbandry, in the State of Ohio; of sundry citizens of the Sixth Congressional district of Ohio; of Union Pomona Grange, No. 17, Patrons of Husbandry, of Maine; and of sundry citizens of the Thirty-fourth Congressional district of New York, praying for the enactment of legislation regulating the sale of dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the National Grange, Patrons of Husbandry; of Fredonia Grange, No. 1; Fairmount Grange, No. 252; Union Grange, No. 244, and of Sherman Grange, No. 36, all Patrons of Husbandry, in the State of New York, praying for the construction of the Nicaragua Canal, for the granting of additional powers to the Interstate Commerce Commission, for rural free mail delivery, for regulating the use of shoddy, and for the regulation of trusts, etc.; which were ordered to lie on the table.

Mr. CLARK of Wyoming presented the memorial of Alpheus P. Hanson, United States surveyor-general for Wyoming; Joseph M. Carey, ex-United States Senator; Therese A. Jenkins, Ellen J. Wetlaufer, and 48 other citizens of Wyoming, remonstrating against the insertion of the word "male" in the suffrage clauses of the forms of government recommended for Hawaii, Cuba, Puerto Rico, and the other new possessions; which was referred to the Select Committee on Woman Suffrage.

Mr. BAKER presented petitions of Delaware Grange, No. 38; Edgerton Grange, No. 435; Indian Creek Grange, No. 1431; Vinland Grange, No. 163; Oak Grange, No. 665, and Maple Grange, No. 240, all Patrons of Husbandry, in the State of Kansas, praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented memorials of Greenwood Grange, No. 1087; Indian Creek Grange, No. 1431, and Wea Grange, No. 445, all Patrons of Husbandry, in the State of Kansas, remonstrating against the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Oak Grange, No. 665; Edgerton Grange, No. 435; Indian Creek Grange, No. 1431; Delaware Grange, No. 38; Vineland Grange, No. 163, and Maple Grove Grange, No. 240, all Patrons of Husbandry, in the State of Kansas, praying for the enactment of legislation to secure adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of Wea Grange, No. 445; Valley Grange, No. 1416; Indian Creek Grange, No. 1431, and Greenwood Grange, No. 1087, all Patrons of Husbandry, in the State of Kansas, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Wea Grange, No. 445; Pleasant Valley Grange, No. 1416; Indian Creek Grange, No. 1431; Greenwood Grange, No. 1087, and Sunnyside Grange, No. 62, all Patrons of Husbandry, in the State of Kansas, praying for the extension of free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Wea Grange, No. 445; Indian Creek Grange, No. 1431; Pleasant Valley Grange, No. 1416; Greenwood Grange, No. 1087, and Eclipse Grange, all Patrons of Husbandry, in the State of Kansas, praying for the enactment of legislation to secure protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented petitions of Indian Creek Grange, No. 1431; Vineland Grange, No. 163; Pleasant Valley Grange, No. 1416; Edgerton Grange, No. 435; Maple Grove Grange, No. 240; Delaware Grange, No. 38, and Oak Grange, No. 665, all Patrons of Husbandry, in the State of Kansas, praying for the election of Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Indian Creek Grange, No. 1431; Greenwood Grange, No. 1087, and Wea Grange, No. 445, all Patrons of Husbandry, in the State of Kansas, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented memorials of the Central Kansas Democrat, of Sterling; the Western Odd Fellow, of Topeka; the Ledger, of Baldwin; the Better Way, of Minneapolis; the Review, of Inman; the Republican, of Logan; the Industrial Advocate, of Eldorado; the Journal, of Wilsonton; the Herald, of Geneseo; the Weekly Globe, of Parsons; the Democrat-Record, of Emporia; the Advance, of Chetopa, and the News, of Syracuse, all in the State of Kansas, and memorials of the Missouri Valley Farmer, of Kansas City, Mo.; the Minco Weekly, of Minco, Ind. T., and the Republican, of Watonga, Okla., remonstrating against the passage of

the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented memorials of 10 citizens of Wakefield; the Herald of Life, of Springfield; the Young Idea, of Boston; the Independent, of Fall River, and the Farm and Home, all in the State of Massachusetts, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FAIRBANKS presented memorials of the Herald Printing Company, of Lynn; the Gospel Sword, of Lagrange; the Republican, of Columbus; the Debs Publishing Company, of Terre Haute; the Junior Builders, of Indianapolis; the Weekly Sun, of Pittsboro; the Independent, of Huntingburg, and the Saturday Call, of Lagrange, all in the State of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of Company L, First Regiment Infantry, National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented petitions of Mystic Grange, No. 58; Readfield Grange, No. 217; Cherryfield Grange, No. 256; Rockemeka Grange, No. 109; Victor Grange, No. 49; Sandy River Grange, No. 89; Bingham Grange, No. 237; Vassalboro Grange, No. 322; Land Grange; Forest Grange, No. 125; Orchard Grange, No. 309; Eureka Grange, No. 13; Golden Harvest Grange, No. 33; North Star Grange, No. 47, and Wesserrunsett Grange, No. 346, all Patrons of Husbandry, in the State of Maine, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented petitions of Sandy River Grange, No. 89; Vassalboro Grange, No. 322; Spencer Brook Grange, No. 581; Elsie Grange; Round Mountain Grange, No. 162; Eureka Grange, No. 113; Forest Grange, No. 125; Sidney Grange, No. 94; Orchard Grange, No. 309; Bingham Grange, No. 231; Wesserrunsett Grange, No. 346; North Star Grange, No. 47; Golden Harvest Grange, No. 33; Mystic Grange, No. 58; Rockemeka Grange, No. 109; Victor Grange, No. 49; Readfield Grange, No. 217; and Cherryfield Grange, No 256, all Patrons of Husbandry, in the State of Maine, praying for the enactment of legislation to secure to the people of the country protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented petitions of Anson Grange, No. 88; Sidney Grange, No. 194; Lawrence Grange, No. 264; South Montville Grange, No. 271; White Oak Grange, No. 182; Burgham Grange, No. 237; Mystic Grange, No. 58; Victor Grange, No. 49; Riverside Grange, No. 93; Perry Grange, No. 324; Mountain Grange, No. 331; Wellington Grange, No. 333; Northern Light Grange, No. 6; Mount Etna Grange, No. 36; Golden Harvest Grange, No. 33; Easton Grange, No. 159; North Somerset Grange, No. 218; Orchard Grange, No. 22; Good Cheer Grange, No. 323; Readfield Grange, No. 217; Princeton Grange, No. 293; Eureka Grange, No. 113; Burton Grange, No. 98, and Prospect Grange, all Patrons of Husbandry, in the State of Maine, praying for the enactment of legislation to secure to the people of the country the election of United States Senators by popular vote; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Wiggin Grange, No. 410; Pleasant Valley Grange, No. 54; Vassalboro Grange, No. 322; Readfield Grange, No. 217; Victor Grange, No. 49; Mystic Grange, No. 58; Rockemeka Grange, No. 109; Seaside Grange, No. 243; Golden Harvest Grange, No. 33; Sandy River Grange, No. 89; North Star Grange, No. 47; Wesserrunsett Grange, No. 346; Granite Grange, No. 14; Morning Star Grange, No. 50; Eureka Grange, No. 113; Sidney Grange, No. 194; Orchard Grange, No. 309; Round Mountain Grange, No. 162; Central Grange, No. 67; Bingham Grange, No. 237; Cherryfield Grange, No. 256; Bear Mountain Grange, No. 62, and Forest Grange, No. 125, all Patrons of Husbandry, in the State of Maine, praying for the extension of rural free mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Friendship Grange, Riverside Grange; Golden Harvest Grange, No. 33; Orchard Grange, No. 107; Rockemeka Grange, No. 109; North Star Grange, No. 47; Wesserrunsett Grange, No. 346; Readfield Grange, No. 217; Sandy River Grange, No. 89; Vassalboro Grange, No. 322; Forest Grange, No. 125; Cherryfield Grange, No. 256, and Eureka Grange, No. 113, all Patrons of Husbandry, in the State of Maine, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Victor Grange, No. 49; Mystic Grange, No. 58; Riverside Grange, No. 93; Mountain Grange, No. 331; Perry Grange, No. 324; Northern Light Grange, No. 6; Wellington Grange, No. 333; Anson Grange, No. 88; Orchard Grange, No. 509; Golden Harvest Grange, No. 33; Bingham Grange, No. 237; White Club Grange, No. 182; Helden Grange, No. 47; Eaton Grange, No. 159; North Somerset Grange, No. 318; South Montville Grange, No. 271; Golden Harvest Grange, No. 39; Lamoine Grange, No. 264; Good Cheer Grange, No. 323; Princeton Grange, No. 293; Readfield Grange, No. 217; Eureka Grange, No. 113; Enterprise Grange, No. 173; Baxter Grange, No. 95, and Mount Etna Grange, No. 36, all Patrons of Husbandry, in the State of Maine, praying for the enactment of adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented memorials of Sandy River Grange, No. 88; Sidney Grange, No. 194; Cherryfield Grange, No. 256; Orange Grange, No. 309; Saron Jones Grange, No. 276; Victor Grange, No. 49; Granite Grange, No. 14; Golden Rule Grange, No. 150; Eureka Grange, No. 113; Round Mountain Grange, No. 162; Forest Grange, No. 125; North Star Grange, No. 47; Bingham Grange, No. 237; Vassalboro Grange, No. 322, and Wesserrunsett Grange, No. 346, all Patrons of Husbandry, in the State of Maine, remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Easton Grange, No. 159; Northern Light Grange, No. 6; Enterprise Grange, No. 173; Wellington Grange, No. 333; Mount Etna Grange, No. 36; White Dock Grange, No. 82; Burgham Grange, No. 237; Lamoine Grange, No. 264; Good Cheer Grange, No. 323; South Montville Grange, No. 271; Princeton Grange, No. 293; Readfield Grange, No. 217; Eureka Grange, No. 113; Buxton Grange, No. 45; Lime Grange; Sidney Grange, No. 194; Anson Grange, No. 88; Star Grange; Orchard Grange, No. 109; Golden Harvest Grange, No. 33; Mystic Tie Grange, No. 58; Somerset Grange, No. 28; Victor Grange, No. 49; Riverside Grange, No. 93; Perry Grange, No. 324; and Mountain Grange, No. 131; all Patrons of Husbandry, in the State of Maine, praying for the enactment of legislation to secure to the people of the country protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

Mr. PERKINS presented a petition of the California State Suffrage Association, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented a petition of Tulare Grange, No. 198, Patrons of Husbandry, of Tulare, Cal., praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Oakland, Cal., praying for the enactment of legislation to allow the wives of converted Chinese to enter the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Mechanics' Institute of San Francisco, Cal., praying that an appropriation be made to prevent the discontinuance of the Hydrographic Branch of the United States Geological Survey; which was referred to the Committee on the Geological Survey.

He also presented memorials of the Record, of National City; the Gazette, of Georgetown; the Hyphen, of Monterey; the Guide, of Fresno; the Star, of Dos Palos; the Enterprise, of Compton; the Independent, of Yuba City; the Pioneer, of San Jose; the Blade, of Oceanside; the Chronicle, of Santa Paula; the Exponent, of Reedley; the Tidings, of Los Angeles; the Church Messenger, of Los Angeles; the Mining and Scientific Press, of San Francisco; the Pacific Prohibitionist, the Breeder and Sportsman, the Last Days, the Equity, the Political Record, the News Letter, the Civic and Social Problem, and the American Forest Review, all of San Francisco, in the State of California, and a memorial of the Massey Colleges, of Columbus, Ga., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR presented petitions of Glover Grange, No. 272; Boyden Grange, No. 157; Caledonia Grange, No. 19; Eclipse Grange, No. 255, and Mount Anthony Grange, No. 230, all Patrons of Husbandry, in the State of Vermont, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented memorials of Caledonia Grange, No. 9; Glover Grange, No. 272; Boyden Grange, No. 157, and Enterprise Grange, No. 255, all Patrons of Husbandry, in the State of Vermont, remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Eclipse Grange, No. 255; Glover Grange, No. 212; Mount Anthony Grange, No. 230; Boyden Grange, No. 157, and Caledonia Grange, No. 9, all Patrons of

Husbandry, in the State of Vermont, praying for the extension of rural free mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Eclipse Grange, No. 255; Glover Grange, No. 272; Boyden Grange, No. 157; Mount Anthony Grange, No. 230, and Caledonia Grange, No. 9, all Patrons of Husbandry, in the State of Vermont, praying for the enactment of legislation to secure to the people of the country protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented petitions of Glover Grange, No. 272; Protection Grange, No. 22; Mount Anthony Grange, No. 230; Maple Valley Grange, No. 270; Eclipse Grange, No. 255; Independent Grange, No. 23; Vernon Grange, No. 298; State Line Grange, No. 253; Missisquoi Grange, No. 257; North Branch Grange, No. 87, and Comfort Grange, No. 110, all Patrons of Husbandry, in the State of Vermont, praying for the enactment of adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of Eclipse Grange, No. 205; Glover Grange, No. 272; Boyden Grange, No. 157; Caledonia Grange, No. 9, and Mount Anthony Grange, No. 230, all Patrons of Husbandry, in the State of Vermont, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Protective Grange, No. 22; North Branch Grange, No. 87; Independent Grange, No. 23; Vernon Grange, No. 128; Star Grange; Morrisfield Grange, No. 267; State Line Grange, No. 253; Eclipse Grange, No. 255; Caledonia Grange, No. 9; Glover Grange, No. 272; Maple Valley Grange, No. 270; Mount Anthony Grange, No. 230; Wheaton Grange, No. 304, and Missisquoi Valley Grange, No. 259, all Patrons of Husbandry, in the State of Vermont, praying for the enactment of legislation to secure to the people of the country protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented petitions of Maple Valley Grange, No. 270; State Line Grange, No. 253; Missisquoi Valley Grange, No. 257; Glover Grange, No. 272; Eclipse Grange, No. 255; North Branch Grange, No. 87; Vernon Grange, No. 228; Independent Grange, No. 23; Protective Grange, No. 22; Mount Anthony Grange, No. 230, and Mascot Grange, all Patrons of Husbandry, in the State of Vermont, praying for the enactment of legislation to secure to the people of the country the election of United States Senators by popular vote; which were referred to the Committee on Privileges and Elections.

Mr. DAVIS presented petitions of Meadow Vale Grange, No. 582; Wyanette Grange, No. 571; Friendship Grange, No. 566; Springy Vale Grange, No. 576, and Spencer Brook Grange, No. 581, all Patrons of Husbandry, in the State of Minnesota, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Meadow Vale Grange, No. 582; Wyanette Grange, No. 571; Unio Grange, No. 869, and Spring Vale Grange, No. 576, all Patrons of Husbandry, in the State of Minnesota, praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented petitions of Meadow Vale Grange, No. 582; Spring Vale Grange, No. 576, and Wyanette Grange, No. 571, all Patrons of Husbandry, in the State of Minnesota, praying for the election of Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Wyanette Grange, No. 571; Friendship Grange, No. 569; Spring Vale Grange, No. 576, and Meadow Vale Grange, No. 582, all Patrons of Husbandry, in the State of Minnesota, praying for the enactment of legislation to secure protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented petitions of Friendship Grange, No. 566; Wyanette Grange, No. 571; Spring Vale Grange, No. 576; Meadow Vale Grange, No. 582, and Spencer Brook Grange, No. 581, all Patrons of Husbandry, in the State of Minnesota, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented petitions of Meadow Vale Grange, No. 572; Friendship Grange, No. 566; Spring Vale Grange, No. 576; Wyanette Grange, No. 571; Spencer Brook Grange, No. 581; Bethany Grange, No. 748; and Bellfountain Grange, No. 277, all Patrons of Husbandry, in the State of Minnesota, praying for the extension of free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Meadow Vale Grange, No. 582; Spencer Brook Grange, No. 581; Spring Vale Grange, No. 576, and Friendship Grange, No. 566, all Patrons of Husbandry, in the State of Minnesota, remonstrating against the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. McMILLAN presented a petition of the Board of Trade of Grand Rapids, Mich., praying for the enactment of legislation to change from sixty to thirty days the time when the new tariffs shall be posted by carriers previous to the taking effect of the changes; which was referred to the Committee on Interstate Commerce.

Mr. HOAR presented the memorial of Delia Ryan and 10 other citizens of Milford, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Joseph E. Haskell and 44 other citizens of Massachusetts, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the Francis E. Willard Woman's Christian Temperance Union, of Pittsfield, Mass., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. SHOUP presented the petition of Mrs. Ida M. Weaver, president, and Miss Frances Wood, secretary, on behalf of the Equal Suffrage Association of Idaho, praying that political equality be granted the women of Hawaii and the other new island possessions; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. CULLOM presented a memorial of sundry citizens of Jonesboro, Ill., remonstrating against the passage of the parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Real Estate Board of Chicago, Ill., praying that an appropriation be made for the extension of the pneumatic postal tube system to some of the Western cities; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Catharine Waugh McCulloch, president, and Dr. Julia Holmes Smith, secretary, on behalf of the Equal Suffrage Association of Illinois, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of the Real Estate Board of Chicago, Ill., praying for the repeal of the documentary stamp tax; which was referred to the Committee on Finance.

He also presented a petition of Company G, Sixth Infantry, National State Guard of Illinois, praying for the enactment of legislation to increase the appropriation for the militia of the several States; which was referred to the Committee on Military Affairs.

He also presented a petition of the officers of the First Cavalry, National State Guard of Illinois, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a petition of the Methodist Episcopal Preachers' Meeting of Chicago, Ill., praying for the establishment of free trade with Puerto Rico; which was ordered to lie on the table.

He also presented a petition of Local Union No. 223, Journeyman Tailors' Union, of Elgin, Ill., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 171, Typographical Union, of Elgin, Ill., praying that the Public Printer be authorized to print the label of the Allied Printing Trades on all publications of the Government; which was referred to the Committee on Printing.

He also presented petitions of W. M. Tunner, of Central, via Micanopy, Fla.; the National Cash Register Company, of Dayton, Ohio; the Manufacturers and Producers' Association of California; the Board of Trade of Detroit, Mich.; the Michigan State Millers' Association, of Lansing, Mich., and of the Edward P. Allis Company, of Milwaukee, Wis., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. THURSTON presented a memorial of sundry citizens of Bloomington, Nebr., remonstrating against the imposition of tariff duties on trade between this country and Puerto Rico; which was ordered to lie on the table.

He also presented a petition of Post No. 291, Grand Army of the Republic, Department of Nebraska, and a petition of Post No. 118, Grand Army of the Republic, Department of Nebraska, praying for the enactment of legislation providing for the detail of active and retired officers of the Army to enable them to assist in

military instruction in the public schools; which were referred to the Committee on Military Affairs.

He also presented a memorial of the Commercial Club, of Hastings, Nebr., remonstrating against the leasing of large tracts of the public lands to individuals or corporations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Overton, Nebr., praying for a continuation of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of E. S. Ricker and 1 other citizen of Dawes County, Nebr., remonstrating against the insertion of the word "male" in the suffrage clauses of forms of government recommended for Hawaii, Cuba, Puerto Rico, or any other newly acquired possessions; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented petitions of the Omaha Guards, of Omaha; of Company B, First Regiment, National State Guard, and of Company H, Second Regiment, National State Guard, all in the State of Nebraska, praying for the enactment of legislatien to improve the armament of the militia; which were referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Church of Christ, of Hastings, Nebr., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented resolutions adopted at a meeting of sundry citizens of Omaha, Nebr., extending sympathy to the Boers in their struggle for independence; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Village Board of Niobrara, Nebr., praying for the enactment of legislation to provide for the protection of the banks of the Missouri River at that town; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Omaha, Nebr., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented memorials of the News-Herald, of Fairfield; the Saunders County Journal, of Ashland; the Nebraska Teacher, of Lincoln; the Buffalo County Pilot and the Socialist Review, of Kearney; the Nebraska State Democrat, of Lincoln; the Register, of Hebron, and the Enterprise, of Clarks, all in the State of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of W. C. McVicker, bishop coadjutor of Rhode Island, and sundry citizens of Rhode Island; of Mrs. D. M. Brooks and sundry other citizens of Morristown, N. J.; J. G. Schurman and sundry other citizens of Ithaca, N. Y.; Mrs. J. M. Levering and sundry other citizens of Pennsylvania; Mrs. Hamilton S. Gordon and sundry other citizens of New York City; of the Woman's National Indian Association of Meadville, Pa.; the Woman's Baptist Home Mission Society of Easton, Pa.; of sundry citizens of Philadelphia, Pa.; of the Woman's National Indian Association of Bryn Mawr, Pa.; of the Woman's National Indian Association of Dayton, Ohio; of Mrs. Mary Hawes and sundry other citizens of Bangor, Me.; of the Woman's National Indian Association of Troy, N. Y., and of Frederick Holbrook and sundry other citizens of Brattleboro, Vt., praying for the extension of the classified service in the Indian departments, and for other purposes; which were referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 2352) to authorize the judges of the district courts of the United States to appoint stenographic reporters, fix the duties and compensation thereof, and for other purposes, reported it with amendments.

Mr. PRITCHARD, from the Committee on Patents, to whom was referred the bill (S. 2839) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 794) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852, reported it without amendment, and submitted a report thereon.

REPORT ON FOOD ADULTERATIONS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Illinois [Mr. MASON] on the 2d instant, to report it with an amendment in the nature of a substitute, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the Committee on Printing was to strike out all after the word "*Resolved*" and to insert:

That there be printed for the use of the Senate 2,500 copies of Senate Report 516, first session Fifty-sixth Congress, being the report of and testimony taken by the Committee on Manufactures on the adulteration of food products.

Mr. COCKRELL. Does that include the testimony that has been taken recently?

Mr. PLATT of New York. No; it does not.

Mr. COCKRELL. I thought the first resolution—the one proposed to be amended—provided for printing the testimony recently taken.

Mr. PLATT of New York. No; it does not.

Mr. COCKRELL. Let the first resolution be read.

The Secretary read the resolution submitted by Mr. MASON on the 2d instant, as follows:

Resolved, That 5,000 copies of the testimony taken before the Committee on Manufactures of the Senate relative to adulterated foods, together with the report of the committee submitted thereon, be printed for distribution under the rules of the Senate.

Mr. COCKRELL. Has that document been already printed?

Mr. PLATT of New York. Yes; it was printed in the usual way, the ordinary number of copies.

Mr. COCKRELL. This is simply for a reprint?

Mr. PLATT of New York. That is all.

Mr. HARRIS. There have been a number of copies of the testimony taken by the committee all during the summer and fall printed for the use of the committee, but not the number prescribed here, that are desired for distribution. The committee was engaged all during last summer and fall and even during a part of this winter in taking testimony.

Mr. COCKRELL. That is exactly what I wanted to know. I have had applications for copies of the report and the testimony.

Mr. HARRIS. As I understand it, the resolution proposes to have additional copies printed for the use of the Senate.

Mr. COCKRELL. Of the pending report?

Mr. HARRIS. Of the pending report—the report of the committee.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Committee on Printing.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 3663) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3664) to regulate the transportation of prisoners, to provide a separate court for children, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3665) for the relief of W. H. Ketchum, of Mobile, Ala.;

A bill (S. 3666) for the relief of Calvin S. Hill;

A bill (S. 3667) for the relief of the estate of Alexander F. Perryman, deceased; and

A bill (S. 3668) for the relief of Cornila Till.

Mr. MORGAN introduced a bill (S. 3669) granting an increase of pension to Ariana F. Wills; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 3670) authorizing and directing the Secretary of the Interior to issue a patent to the heir or heirs of one Tawamnoha, or Martha Crayon, conveying to them certain lands in the State of North Dakota, confirming certain conveyances thereof, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. KENNEY introduced a bill (S. 3671) granting an increase of pension to Emma F. Shilling; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 3672) to provide for the allotment of certain lands to Indian children, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3673) granting an increase of pension to Charles M. Stockholm;

A bill (S. 3674) granting an increase of pension to Charles W. Collins;

A bill (S. 3675) granting an increase of pension to Hynes Woodring;

A bill (S. 3676) granting a pension to Erwin R. Cole (with accompanying papers);

A bill (S. 3677) granting a pension to C. A. Craig; and

A bill (S. 3678) granting an increase of pension to Rollan Prentice.

Mr. WETMORE introduced a bill (S. 3679) granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain land in the city of Newport, R. I.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PRITCHARD introduced a bill (S. 3680) granting a pension to Mary Elizabeth Moore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3681) providing for the payment of the award of the Secretary of the Interior in favor of the Cherokees, made under the provision of the act of Congress of March 3, 1893; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BACON introduced a bill (S. 3682) for the relief of Eli Frasuer; which was read twice by its title, and referred to the Committee on Claims.

Mr. SULLIVAN introduced a bill (S. 3683) to increase the pensions of widows of the Mexican war soldiers and sailors to $16 per month; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3684) for the relief of the owners of certain cotton shipped from Natchez, Miss., in August, 1863, on the steamer *Gladiator;* which was read twice by its title, and referred to the Committee on Claims.

Mr. THURSTON introduced a bill (S. 3685) to amend the seventh section of the act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LODGE introduced a joint resolution (S. R. 105) to establish and fix the rank of the Commanding General and of the Adjutant-General of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BAKER introduced a joint resolution (S. R. 106) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. JONES of Arkansas submitted an amendment providing for the appointment of a commission in each town in the Choctaw, Chickasaw, Creek, and Cherokee nations of Indians, to consist of one member to be appointed by the executive of such nation, one member to be appointed by the Secretary of the Interior, and one member to be selected by the town or city council, intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table and be printed.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CLARK of Wyoming submitted an amendment intended to be proposed by him to the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes; which was ordered to lie on the table and be printed.

GOVERNMENT OF PUERTO RICO.

Mr. BEVERIDGE. I submit an amendment intended to be proposed by me to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes. I ask that the amendment lie on the table and be printed.

I desire to give notice that on next Thursday, at the conclusion of the morning business, I shall submit some remarks on the same and upon the pending legislation.

The amendment was ordered to lie on the table and to be printed, as follows:

Amend section 10 so as to read as follows:

"SEC. 10. All articles coming into the United States from Puerto Rico, or going into Puerto Rico from the United States, shall be admitted free of duty; but this act shall not be construed as extending the Constitution of the United States, or any part thereof, over Puerto Rico, and it is hereby declared that the Constitution of the United States is not extended over Puerto Rico."

HEARINGS BEFORE COMMITTEE ON INDIAN AFFAIRS.

Mr. THURSTON. I present hearings taken before the Committee on Indian Affairs and the subcommittee having in charge the Indian appropriation bill. I move that the hearings be printed as a document for the use of the Senate.

The motion was agreed to.

LOAN OF NAVAL EQUIPMENT TO MILITARY SCHOOLS.

Mr. FAIRBANKS. I desire to ask unanimous consent for the present consideration of the bill (S. 1023) to authorize the Secretary of the Navy to loan naval equipment to certain military schools.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Naval Affairs with an amendment, on page 1, line 12, after the word "for," to insert "conducting upon some body of water suitable for such drills;" so as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State desiring to afford its cadets instruction in elementary seamanship one fully equipped man-of-war's cutter for every 20 cadets in actual attendance and such other equipment as may be spared and be deemed adequate for instruction in elementary seamanship: *Provided*, That the said school shall have adequate facilities for conducting upon some body of water suitable for such drills cutter drill and shall have in actual attendance at least 150 cadets in uniform receiving military instruction and quartered in barracks under military regulation, and shall have the capacity to quarter and educate at the same time 150 cadets: *And provided further*, That the Secretary of the Navy shall require a bond in each case in double the value of the property for the care and safe-keeping thereof and for the return of the same when required.

Mr. COCKRELL. I should like to have just a short explanation of the bill, and while that explanation is being made to have such order in the Senate that we can hear it.

Mr. FAIRBANKS. The bill simply authorizes the Secretary of the Navy to furnish to schools founded for naval instruction men-of-war's cutters, of which there is a considerable surplus in the Navy Department, the cutters to be used for educating the cadets; instructing them, in the language of the bill, in elementary seamanship.

Mr. COCKRELL. The very point I wanted to know was whether the cutters would have to be built for this purpose or whether they are already in existence and are simply to be loaned.

Mr. FAIRBANKS. They are already in existence. It has been the custom for years to loan them to military institutions. There is a very large military academy in Indiana which can not, under existing law, avail itself of the privileges which other schools enjoy. This bill simply authorizes the Secretary of the Navy to put schools similarly situated to that upon the same footing as all other military or naval schools. The school in Indiana is located on an interior lake, and under existing law the power to permit the use of the cutters is restricted to schools which are located upon the Great Lakes or in States having a seacoast line.

Mr. COCKRELL. How would the cutter, if it is an interior lake, be gotten there?

Mr. FAIRBANKS. They are but small boats, only about 20 feet long, and can be hauled readily on railroad cars. They are comparatively small boats.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. I ask that as the reading of the bill proceeds the amendments made by the committee may be acted upon.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the formal reading of the bill be dispensed with; that it be read for amendment, and that the committee amendments be first acted upon. Is there objection? The Chair hears none. The order is made.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the subhead "Clerks and messengers to committees," on page 5, line 7, after the word "Retrenchment," to insert "Enrolled Bills, Geological Survey, Railroads, Pacific Railroads, Pacific Islands and Puerto Rico, Philippines, Relations with Cuba, Interoceanic Canals;" in line 12, after the words "Woman Suffrage," to insert "and;" in line 13, after the word "Mining," to strike out "and Construction of Nicaragua Canal;" and in line 16, before the word "dollars," to strike out "two thousand two hundred and twenty" and insert "seventeen thousand eight hundred and sixty;" so as to make the clause read:

Clerks to the Committees on Naval Affairs, Census, Public Lands, Indian Affairs, to Audit and Control the Contingent Expenses of the Senate, Public Buildings and Grounds, Agriculture and Forestry, Education and Labor, Territories, Interstate Commerce, Public Health and National Quarantine, Private Land Claims, Patents, Coast Defenses, Privileges and Elections, Additional Accommodations for the Library of Congress, Rules, Civil Service and Retrenchment, Enrolled Bills, Geological Survey, Railroads, Pacific Railroads, Pacific Islands and Puerto Rico, Philippines, Relations with Cuba, Interoceanic Canals, and clerk to conference minority of the Senate, at $2,220

each; clerks to committees on Woman Suffrage and Mines and Mining, at $2,100 each; in all, $117,860.

The amendment was agreed to.

The next amendment was, on page 5, line 17, before the word "clerks," to strike out "twenty-five" and insert "twenty-two," and in line 19, before the word "dollars," to strike out "forty-five thousand" and insert "thirty-nine thousand six hundred;" so as to make the clause read:

For 22 clerks to committees, at $1,800 each, $39,600.

The amendment was agreed to.

The next amendment was, under the head of "Office of Sergeant-at-Arms and Doorkeeper," on page 6, line 20, to increase the number of laborers from 25 to 41, and in line 24, to increase the total appropriation for "Office of Sergeant-at-Arms and Doorkeeper" from $125,224 to $136,744.

The amendment was agreed to.

The next amendment was, on page 8, line 10, to reduce the number of annual clerks to Senators who are not chairmen of committees from 35 to 30, and in line 12, to reduce the appropriation for annual clerks to Senators who are not chairmen of committees from $52,500 to $45,000.

The amendment was agreed to.

The next amendment was, under the head of "For contingent expenses," on page 9, line 3, to increase the appropriation for folding speeches and pamphlets from $4,000 to $6,000.

The amendment was agreed to.

The next amendment was, on page 9, line 13, to increase the appropriation for miscellaneous items, exclusive of labor, from $25,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 10, line 1, to increase the appropriation for repairs of Maltby Building from $1,000 to $2,000.

The amendment was agreed to.

The next amendment was, under the subhead "Congressional Directory," on page 11, line 2, before the words "Joint Committee," to strike out "present;" so as to make the clause read:

For expenses of compiling, preparing, and indexing the Congressional Directory, to be expended under the direction of the Joint Committee on Printing, $1,200.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 14, line 3, after the word "Pensions," to insert "Insular Affairs," and in line 7, before the word "thousand," to strike out "fifty-five" and insert "fifty-seven;" so as to make the clause read:

Clerks and messengers to committees: For clerk to the Committee on Ways and Means, $3,000; assistant clerk, $1,600; messenger, $1,200; janitor, $720; clerk to the Committee on Appropriations, $3,000; assistant clerk and stenographer, $2,000; messenger and assistant clerk, $1,200; clerks to Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Post-Office and Post-Roads, Public Buildings and Grounds, Public Lands, Rivers and Harbors, War Claims, Pensions, Insular Affairs, and clerk to continue Digest of Claims under resolution of March 7, 1888, at $2,000 each; and for assistant clerk to the Committee on War Claims, $1,200; in all, $57,920.

The amendment was agreed to.

The next amendment was, under the subhead "Library of Congress," on page 20, line 13, to strike out "Executive department" and insert "General administration;" in line 14, before the word "thousand," to strike out "five" and insert "six;" in line 17, before the word "hundred," to strike out "nine" and insert "one thousand two," and in line 20, before the word "hundred," to strike out "fourteen thousand six" and insert "fifteen thousand nine;" so as to make the clause read:

General administration: For Librarian of Congress, $6,000; chief assistant librarian, $4,000; chief clerk, $2,500; Librarian's secretary, $1,500; one clerk, $1,200; one assistant messenger, $720; in all, $15,920.

The amendment was agreed to.

The next amendment was, on page 20, line 21, to strike out "superintendent" and insert "assistant in charge;" so as to make the clause read:

Mail and supply: For assistant in charge, $1,200; one assistant, $900; one messenger boy, $360; in all, $2,460.

The amendment was agreed to.

The next amendment was, on page 21, line 3, to strike out "superintendent of department" and insert "chief of division;" in line 5, after the word "dollars," to insert "1 assistant, $1,200;" in line 6, before the word "assistants," to strike out "two" and insert "three;" in line 7, after the word "each," to strike out "1 assistant, $600," and insert "2 assistants, at $720 each; 2 assistants, at $600 each; 1 assistant, $520," and in line 12, before the word "dollars," to strike out "six thousand six hundred and twenty" and insert "eleven thousand two hundred and eighty;" so as to make the clause read:

Order (purchasing): For chief of division, $2,000; 1 assistant, $1,500; 1 assistant, $1,200; 3 assistants, at $900 each; 2 assistants, at $720 each; 2 assistants, at $600 each; 1 assistant, $520; and 2 messenger boys, at $360 each; in all, $11,280.

The amendment was agreed to.

The next amendment was, on page 21, line 13, to strike out "catalogue department" and insert "division;" in line 15, before the word "assistants," to strike out "four" and insert "five;" in line 16, before the word "assistants," to strike out "five" and insert "six;" in line 17, before the word "assistants," to strike out "nine" and insert "eleven;" in line 18, before the word "assistants," to strike out "three" and insert "four;" in line 19, after the word "each," to insert "1 assistant, $600;" in line 20, before the word "assistants," to strike out "five" and insert "ten;" in line 21, after the word "six," to strike out "messenger boys" and insert "messengers," and in line 24, before the word "dollars," to strike out "thirty-three thousand seven hundred and twenty" and insert "forty-two thousand two hundred and forty;" so as to make the clause read:

Catalogue and shelf: For chief of division, $3,000; 2 assistants, at $1,800 each; 5 assistants, at $1,500 each; 6 assistants, at $1,200 each; 11 assistants, at $900 each; 4 assistants, at $720 each; 1 assistant, $600; 10 assistants, at $540 each; 6 messengers, at $360 each; in all, $42,240.

The amendment was agreed to.

The next amendment was, on page 22, line 4, after the word "of," to strike out "department" and insert "division;" in line 5, before the word "dollars," to insert "five hundred;" in line 6, after the word "dollars," to strike out "1 assistant, $900" and insert "2 assistants, at $900 each;" and in line 10, before the word "hundred," to strike out "five thousand one" and insert "six thousand five;" so as to make the clause read:

Bibliography: For chief of division, $2,500; 1 assistant, $1,200; 2 assistants, at $900 each; 1 assistant, $720; and 1 messenger boy, $360; in all, $6,580.

The amendment was agreed to.

The next amendment was, on page 22, line 12, after the word "for," to strike out "assistant librarian (superintendent of reading room)" and insert "superintendent of reading room;" in line 17, before the word "dollars," to strike out "nine hundred" and insert "one thousand;" and on page 23, line 5, before the word "hundred," to strike out "three" and insert "four;" so as to make the clause read:

Reading rooms (including evening service) and special collections: For superintendent of reading room, $3,000; 2 assistants, at $1,500 each; 4 assistants, at $1,200 each; 1 assistant (reading room for the blind), $1,000; 5 assistants, at $900 each; 10 assistants, at $720 each; evening service: 5 assistants, at $900 each; 15 assistants, at $720 each; 1 attendant, Senate reading room, $900; 1 attendant, Representatives' reading room, $900; 1 attendant, Representatives' reading room, $720; 2 attendants, cloak rooms, $720 each; 1 attendant, Toner Library, $900; 1 attendant, Washingtonian Library, $900; four messenger boys, at $360 each; 2 watchmen, at $720 each; in all, $47,440.

The amendment was agreed to.

The next amendment was, on page 23, line 6, after the word "For," to strike out "superintendent" and insert "chief of division;" in line 7, after the word "dollars," to insert "chief assistant, $1,500;" in line 11, after the word "each," to insert "for arrears of assorting and collating and to enable periodical reading room to be open in the evening, 2 assistants, at $720 each;" and in line 15, before the word "dollars," to strike out "six thousand six hundred and eighty" and insert "nine thousand six hundred and twenty;" so as to make the clause read:

Periodical (including evening service): For chief of division, $2,000; chief assistant, $1,500; 2 assistants, at $900 each; 3 assistants, at $720 each; 2 messenger boys, at $360 each; for arrears of assorting and collating and to enable periodical reading room to be open in the evening, 2 assistants, at $720 each; in all, $9,620.

The amendment was agreed to.

The next amendment was, on page 23, after line 15, to insert:

Documents: For chief of division, $3,000; 1 assistant, $1,200; 1 assistant, $720; 1 messenger, $360; in all, $5,280.

The amendment was agreed to.

The next amendment was, on page 23, line 21, after the word "For," to strike out "superintendent, one thousand five hundred" and insert "chief of division, two thousand;" in line 22, after the word "dollars," to strike out "2 assistants, at $720 each" and insert "1 assistant, $1,200; 1 assistant, $900;" and on page 24, line 2, before the word "dollars," to strike out "three thousand, three hundred" and insert "four thousand four hundred and sixty;" so as to make the clause read:

Manuscript: For chief of division, $2,000; 1 assistant, $1,200; 1 assistant, $900; 1 messenger boy, $360; in all, $4,460.

The amendment was agreed to.

The next amendment was, on page 24, line 3, after the word "For," to strike out "superintendent" and insert "chief of division;" in line 4, before the word "dollars," to insert "two hundred and fifty;" in line 6, after the word "each," to insert "1 assistant, $720;" and in line 9, before the word "dollars," to strike out "five thousand three hundred and sixty" and insert "six thousand three hundred and thirty;" so as to make the clause read:

Maps and charts: For chief of division, $2,250; 1 assistant, $1,200; 2 assistants, at $900 each; 1 assistant, $720; 1 messenger boy, $360; in all, $6,330.

The amendment was agreed to.

The next amendment was, on page 24, line 10, after the word "For," to strike out "superintendent" and insert "chief of division;" in line 11, after the word "dollars," to insert "1 assistant,

$1,200;" and in line 15, before the word "hundred," to strike out "four thousand three" and insert "five thousand five;" so as to make the clause read:

Music: For chief of division, $1,500; 1 assistant, $1,200; 1 assistant, $1,000; 2 assistants, at $720 each; 1 messenger boy, $360; in all, $5,500.

The amendment was agreed to.

The next amendment was, on page 24, line 16, after the word "For," to strike out "superintendent" and insert "chief of division;" in line 17, before the word "thousand," to strike out "two" and insert "three;" in the same line, after the word "dollars," to insert "one assistant, $1,200;" in line 18, before the word "assistants," to strike out "three" and insert "two;" in the same line, after the word "each," to insert "one messenger, $360," and in line 21, before the word "dollars," to strike out "four thousand seven hundred" and insert "six thousand three hundred and sixty;" so as to make the clause read:

Prints: For chief of division, $3,000; one assistant, $1,200; two assistants, at $900 each; one messenger, $360; in all, $6,300.

The amendment was agreed to.

The next amendment was, on page 24, line 24, after the word "dollars," to insert "one messenger, $720," and on page 25, line 2, before the word "dollars," to strike out "and sixty" and insert "seven hundred and eighty;" so as to make the clause read:

Smithsonian deposit: For custodian, $1,500; one assistant, $1,200; one messenger, $720; one messenger boy, $360; in all, $3,780.

The amendment was agreed to.

The next amendment was, on page 25, line 3, after the word "For," to strike out "superintendent" and insert "custodian;" so as to make the clause read:

Congressional Reference Library: For custodian, $1,500; one assistant, $1,200; one assistant, $900; one assistant, $720; two messenger boys, at $360 each; in all, $5,040.

The amendment was agreed to.

The next amendment was, on page 25, line 9, after the word "For," to strike out "superintendent" and insert "custodian;" so as to make the clause read:

Law Library: For custodian, $2,500; 2 assistants, at $1,400 each; 1 messenger, $900; in all, $6,200.

The amendment was agreed to.

The next amendment was, on page 25, line 13, after the word "Copyright," to strike out "Department" and insert "Office;" so as to made the clause read:

Copyright Office, under the direction of the Librarian of Congress: Register of copyrights, $3,000; 4 clerks, at $1,800 each; 4 clerks, at $1,600 each; 2 clerks, at $1,400 each; 9 clerks, at $1,200 each; 3 clerks, at $1,000 each; 8 clerks, at $900 each; 7 clerks, at $720 each; 1 clerk, $600; 1 messenger boy, $360, etc.

The amendment was agreed to.

The next amendment was, on page 26, after line 9, to insert:

For special, temporary, and miscellaneous service, at the discretion of the Librarian, to be available immediately and continue available until expended, $2,000.

The amendment was agreed to.

The next amendment was, on page 26, line 13, after the word "Congress," to strike out "For purchase of books for the Library, thirty-five" and insert:

For purchase of books for the Library, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, fifty;

So as to make the clause read:

Increase of Library of Congress: For purchase of books for the Library, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, $50,000.

The amendment was agreed to.

The next amendment was, on page 26, line 20, to increase the appropriation for purchase of law books for the Library, under the direction of the Chief Justice, from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, on page 27, line 4, to increase the appropriation for purchase of periodicals, serials, and newspapers from $2,500 to $5,000.

The amendment was agreed to.

The next amendment was, on page 27, line 5, to increase the total appropriation for purchase of books for the Library of Congress from $43,180 to $61,180.

The amendment was agreed to.

The next amendment was, on page 27, after line 6, to strike out:

For contingent expenses of the Library, stationery, supplies, traveling expenses, postage, transportation, and miscellaneous items, $4,000.

And in lieu thereof to insert:

For miscellaneous and contingent expenses of the Library, stationery, supplies, and all stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, and all incidental expenses connected with the administration of the Library and the copyright office, $8,500.

The amendment was agreed to.

The next amendment was, on page 27, line 21, to increase the appropriation for chief clerk under the superintendent of the Library building and grounds from $2,000 to $2,220; and on page 28, line 19, to increase the total appropriation for the "Custody, care, and maintenance of Library building and grounds" from $67,065 to $67,285.

The amendment was agreed to.

The next amendment was, on page 28, after line 19, to insert:

To enable the superintendent to employ during the last quarter of the fiscal year 1900 such of the additional employees as are herein provided for the custody, care, and maintenance of the Library building and grounds for the fiscal year 1901, and at the rates of compensation prescribed, $803.25.

The amendment was agreed to.

The next amendment was, on page 29, line 9, to increase the appropriation for furniture, including partitions, screens, and shelving, from $30,000 to $45,000.

The amendment was agreed to.

The next amendment was, under the subhead "Botanic Garden," on page 29, line 15, after the word "trees," to strike out "and shrubs, and for labor and material" and to insert, "shrubs, plants, seeds, and for services, materials, miscellaneous supplies, and contingent expenses;" so as to make the clause read:

For procuring manure, tools, fuel, purchasing trees, shrubs, plants, seeds, and for services, materials, miscellaneous supplies, and contingent expenses in connection with repairs and improvements to Botanic Garden, under direction of the Joint Library Committee of Congress, $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Executive," on page 29, after line 23, to insert:

For compensation of the President of the Senate, in addition to his salary as Senator, $5,000.

The amendment was agreed to.

The next amendment was, on page 30, line 6, to increase the number of clerks of class 4, in the office of the President of the United States, from 4 to 5; in line 7, to reduce the number of clerks of class 3, in the same office, from 2 to 1; and in line 15 to increase the total appropriation from $48,340 to $48,540.

The amendment was agreed to.

The next amendment was, under the head of "Civil Service Commission," on page 31, line 12, after the word "watchman," to insert "2 messenger boys, at $360 each;" and in line 14, before the word "dollars," to strike out "ninety-one thousand three hundred and forty" and insert "ninety-two thousand and sixty;" so as to make the clause read:

For 3 Commissioners, at $3,500 each; chief examiner, $3,000; secretary, $2,000; 8 clerks of class 4; 10 clerks of class 3; 13 clerks of class 2; 15 clerks of class 1; 3 clerks, at $1,000 each; 2 clerks, at $900 each; 1 messenger; 2 laborers; engineer, $840; 2 watchmen; 2 messenger boys, at $360 each; in all, $92,060.

The amendment was agreed to.

The next amendment was, under head of "Department of State," on page 31, line 23, to increase the salary of the Second and Third Assistant Secretaries from $4,000 each to $4,500 each, and on page 32, line 11, to increase the total appropriation from $134,670 to $135,670.

The amendment was agreed to.

The next amendment was, on page 32, line 15, to increase the appropriation for books and maps and books for the library, Department of State, from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 16, to insert:

To enable the Secretary of State to purchase for the library of the Department of State books and manuscripts, including a collection of books and pamphlets bearing upon the history of the war of the Revolution, formerly in the library of Gen. Sir Henry Clinton, commander in chief of the British forces in America during that period, the same having been richly annotated in his hand, $1,600.

The amendment was agreed to.

The next amendment was, on page 32, after line 24, to insert:

For restoring, binding, and publishing indices of manuscript archives on file in the Department of State, $2,000.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department, division of bookkeeping and warrants," on page 36, line 2, to increase the appropriation for the salary of the assistant chief of division from $2,400 to $2,700; and in line 9, to increase the total appropriation for the division of bookkeeping and warrants from $67,170 to $67,470.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department, division of appointments," page 36, line 24, to increase the number of "clerks at $900 each" from 4 to 5; and on page 37, line 1, to increase the total appropriation for the division of appointments from $36,410 to $37,310.

The amendment was agreed to.

The next amendment was, on page 38, line 14, before the word "of," to strike out "2 clerks" and insert "1 clerk;" and in line 16, before the word "hundred," to strike out "twelve thousand nine" and insert "eleven thousand seven;" so as to make the clause read:

Miscellaneous division: For chief of division, $2,500; assistant chief of division, $2,000; 1 clerk of class 4; 1 clerk of class 3; 1 clerk of class 1; clerk, $1,000; clerk, $900; and one assistant messenger; in all, $11,720.

The amendment was agreed to.

The next amendment was, on page 38, line 19, after the word "dollars," to insert "assistant chief of division, $2,000;" in line 20, before the word "clerks," to strike out "four" and insert "three;" and on page 39, line 2, before the word "hundred," to strike out "thirty-two thousand nine" and insert "thirty-three thousand one;" so as to make the clause read:

Division of stationery, printing, and blanks: For chief of division, $2,500; assistant chief of division, $2,000; 3 clerks of class 4; 3 clerks of class 3; 3 clerks of class 2; 1 clerk of class 1; 2 clerks, at $900 each; 2 messengers; 2 assistant messengers; foreman of bindery, at $5 per day; 4 binders, at $4 per day each; and 2 sewers and folders, at $3.50 per day each; in all, $33,158.

The amendment was agreed to.

The next amendment was, on page 39, line 22, before the word "of," to strike out "1 clerk" and insert "2 clerks;" in the same line, after the word "four," to strike out "1 clerk of class 3;" in line 23, after the word "two," to insert "2 clerks of class 1;" and in line 24, before the word "hundred," to strike out "ten thousand eight" and insert "thirteen thousand four;" so as to make the clause read:

Offices of disbursing clerks: For 2 disbursing clerks, at $2,500 each; 2 clerks of class 4; 1 clerk of class 2; 2 clerks of class 1; 1 clerk, $1,000; in all, $13,400.

The amendment was agreed to.

The next amendment was, on page 41, line 15, after the word "one," to strike out "and for 4 additional clerks of class 1;" and in line 19, before the word "hundred," to strike out "twenty-five thousand seven" and insert "twenty thousand nine;" so as to make the clause read:

Office of Auditor for Treasury Department: For Auditor, $4,000; Deputy Auditor, $2,500; law clerk, $2,000; four chiefs of division, at $2,000 each; 17 clerks of class 4; 13 clerks of class 3; 10 clerks of class 2; 20 clerks of class 1; 3 clerks, at $1,000 each; 3 clerks, at $900 each; 3 assistant messengers; 4 laborers; and for continuing 3 clerks of class 1 rendered necessary by increased work incident to the war with Spain; in all, $120,900.

Mr. CULLOM. I ask that those amendments be disagreed to. I find on further examination that the amount proposed to be appropriated by the House of Representatives ought to be allowed.

The PRESIDING OFFICER. Without objection, the amendments will be disagreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 46, line 8, before the word "hundred," to strike out "two" and insert "four;" in line 11, after the word "pressman," to strike out "at $3.20 per day" and insert "$1,200;" and in line 12, after the word "and," to strike out "ninety-three thousand three hundred and one dollars and sixty cents" and insert "ninety-four thousand three hundred dollars;" so as to make the clause read:

Office of the Treasurer: For Treasurer of the United States, $6,000; Assistant Treasurer, $3,600; cashier, $3,600; assistant cashier, $3,200; chief clerk, $2,500; 5 chiefs of division, at $2,500 each; vault clerk, $2,500; principal bookkeeper, $2,500; assistant bookkeeper, $2,100; 2 tellers, at $2,500 each; 2 assistant tellers, at $2,250 each; clerk for the Treasurer, $1,800; 25 clerks of class 4; 17 clerks of class 3; 14 clerks of class 2; coin clerk, $1,400; 23 clerks of class 1; 11 clerks, at $1,000 each; 52 clerks, at $900 each; 22 expert counters, at $720 each; 9 clerks, at $700 each; mail messenger, $840; 6 messengers; 6 assistant messengers; 23 laborers; 7 charwomen; 4 pressmen, at $1,400 each; 8 separators, at $960 each; 7 feeders, at $960 each; 1 compositor and pressman, $1,200; in all, $294,300.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Office of the Register of the Treasury," on page 47, line 5, to increase the number of clerks of class 1 from 3 to 7; in line 6, to reduce the number of clerks at $900 each from 24 to 20; and in line 9 to increase the total appropriation for the office of the Register of the Treasury from $65,170 to $66,370.

The amendment was agreed to.

The next amendment was, on page 48, line 18, after the word "thousand," to insert "six hundred;" in the same line, after the word "dollars," to insert "to be appointed by the Secretary of the Treasury;" on page 49, line 4, before the word "clerks," to strike out "thirteen" and insert "twenty-two;" in line 5, before the word "clerks," to strike out "forty" and insert "thirty," and in line 7, before the word "hundred," to strike out "one" and insert "seven;" so as to make the clause read:

Office of the Commissioner of Internal Revenue: For Commissioner of Internal Revenue, $6,000; deputy commissioner, $4,000; additional deputy commissioner during the fiscal year 1901, $3,000, to be appointed by the Secretary of the Treasury; chemist, $2,500; 2 heads of divisions, at $2,500 each; 4 heads of divisions, at $2,250 each; 2 additional heads of divisions during the fiscal year 1901, at $2,250 each; superintendent of stamp vault, $2,000; stenographer, $1,800; 24 clerks of class 4; 24 clerks of class 3; 34 clerks of class 2; 24 clerks of class 1; 23 clerks, at $1,000 each; 30 clerks, at $900 each; 2 messengers; 14 assistant messengers, and 13 laborers; in all, $265,740.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Office of Life-Saving Service," on page 50, line 7, to increase the number of clerks of "class 4" from 3 to 4; and in line 12, to increase the total appropriation for the Office of Life-Saving Service from $40,980 to $42,780.

The amendment was agreed to.

The next amendment was, on page 51, line 5, to increase the appropriation for the salary of the officer in charge of the Bureau of Statistics from $3,000 to $3,500; and in line 14, to increase the total appropriation for the Bureau of Statistics from $49,050 to $49,550.

The amendment was agreed to.

The next amendment was, on page 51, line 18, to increase the appropriation "for payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States," from $2,000 to $4,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Office of the Director of the Mint," on page 53, line 4, to increase appropriation for the salary of "one assistant in laboratory" from $1,000 to $1,200; and in line 5, to increase the total appropriation for the Office of the Director of the Mint from $29,360 to $29,560.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 59, line 10, to insert:

Provided, That the compensation of the chief of the internal-revenue agents shall not exceed $10 per day, and of the other agents not exceeding $7 per day each; and for per diem in lieu of subsistence, when absent on duty from their legal residence, said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding $3 per day.

In line 22, after the word "appointed," to insert "the same as if assigned to regular duty;" and on page 60, line 1, after the word "appointed," to insert:

And the order of the Commissioner of Internal Revenue transferring gaugers, storekeeper-gaugers, or storekeepers to special work shall be accepted by the accounting officers of the Treasury Department as full authority for proper expenses incurred by said gaugers, storekeeper-gaugers, or storekeepers while so assigned.

So as to make the clause read:

For salaries and expenses of agents, fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, and miscellaneous expenses, $1,900,000: *Provided*, That the compensation of the chief of the internal-revenue agents shall not exceed $10 per day and of the other agents not exceeding $7 per day each; and for per diem in lieu of subsistence, when absent on duty from their legal residence, said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding $3 per day: *Provided further*, That the Commissioner of Internal Revenue is authorized to detail gaugers, storekeeper-gaugers, and storekeepers, appointed in one district, for special or regular duty in other districts, and the accounts of gaugers, storekeeper-gaugers, and storekeepers so detailed shall be adjusted and paid in the district where they are appointed the same as if assigned to regular duty, without regard to the number of districts in which they may have been employed in any one month, the same as if all their services had been performed and expenses incurred in the district in which appointed, and the order of the Commissioner of Internal Revenue transferring gaugers, storekeeper-gaugers, or storekeepers to special work shall be accepted by the accounting officers of the Treasury Department as full authority for proper expenses incurred by said gaugers, storekeeper-gaugers, or storekeepers, while so assigned.

The amendment was agreed to.

The next amendment was, under the subhead "Independent Treasury," on page 65, line 14, before the word "assistant," to strike out "two," and insert "three;" in line 16, after the word "each," to strike out "assistant bookkeeper, $1,000;" in line 20, before the word "dollars," to strike out "seven hundred and twenty," and insert "nine hundred;" and in line 23, before the word "dollars," to strike out "twenty-seven thousand eight hundred and sixty," and insert "twenty-eight thousand four hundred and twenty;" so as to make the clause read:

Office of assistant treasurer at St. Louis: For assistant treasurer, $4,500; cashier and chief clerk, $2,500; first teller, $2,000; second teller, $1,800; third teller, $1,600; fourth teller, $1,200; bookkeeper, $1,500; 3 assistant bookkeepers, and coin teller, at $1,200 each; two clerks, at $1,200 each; assistant coin teller, stenographer and typewriter, and messenger, at $1,000 each; 2 day watchmen, and coin counters, at $900 each; night watchman, $720; and janitor, $600; in all, $28,420.

The amendment was agreed to.

The next amendment was, on page 72, line 13, before the word "hundred," to strike out "five" and insert "eight;" in the same line, after the word "dollars," to insert:

One clerk, $1,600; 1 clerk, $1,500; 1 clerk, $1,400.

And in line 17, before the word "dollars," to strike out "five thousand two hundred" and insert "ten thousand;" so as to make the clause read:

Assay office at Seattle, Wash.: For assayer in charge, who shall also perform the duties of melter, $2,500; chief clerk, $1,800; 1 clerk, $1,600; 1 clerk, $1,500; 1 clerk, $1,400; 1 clerk, $1,200; in all, $10,000.

The amendment was agreed to.

The next amendment was, under the subhead "Government in the Territories," on page 72, line 22, before the word "thousand," to strike out "three" and insert "four;" in the same line, before the word "thousand," to strike out "three" and insert "four;" in line 23, after the word "attorney," to insert "$4,000;" on page 73, line 4, before the word "dollars," to strike out "thirty-one thousand" and insert "thirty-four thousand five hundred;" and in the same line, after the word "dollars," to insert:

Provided, That the said commissioners shall report to the Attorney-General on or before November, 1900, the amount of all fees earned for the first quarter of the fiscal year 1901.

So as to make the clause read:

Territory of Alaska: For governor, $4,000; judge, $4,000; attorney, $4,000; marshal and clerk, at $2,500 each; 10 commissioners, one of whom shall reside

at Kadiak, and one of whom shall reside in Forty Mile mining district, in the district of Alaska, at $1,000 each; 10 deputy marshals, at $750 each; in all, $34,500: *Provided*, That the said commissioners shall report to the Attorney-General on or before November, 1900, the amount of all fees earned for the first quarter of the fiscal year 1901.

The amendment was agreed to.

The next amendment was, on page 73, line 13, before the word "dollars," to strike out "two thousand six hundred" and insert "three thousand;" and in line 17, before the word "hundred," to strike out "sixteen thousand nine" and insert "seventeen thousand three;" so as to make the clause read:

Territory of Arizona: For governor, $3,000; chief justice and 3 associate judges, at $3,000 each; secretary, $1,800; interpreter and translator in the executive office, $500; in all, $17,300.

The amendment was agreed to.

The next amendment was, on page 74, after line 2, to insert:

For moving furniture, records of Territory of Arizona, fitting up offices, new capitol building, and necessary expenses of such moving, $500.

The amendment was agreed to.

The next amendment was, on page 74, line 7, to increase the appropriation for the salary of governor of the Territory of New Mexico from $2,600 to $3,000; and in line 11, before the word "hundred," to increase the total appropriation for the Territory of New Mexico, from $19,900 to $20,300.

The amendment was agreed to.

The next amendment was, on page 74, line 23, to increase the appropriation for the salary of governor of the Territory of Oklahoma, from $2,600 to $3,000; and on page 75, line 2, to increase the total appropriation for the Territory of Oklahoma from $19,400 to $19,800.

The amendment was agreed to.

The next amendment was, under the head of "War Department, Office of the Secretary," on page 76, line 5, to increase the number of chiefs of division, at $2,000 each, from 3 to 4; in line 9, to reduce the number of clerks of class 4 from 5 to 4; and in line 17, to increase the total appropriation for "Office of the Secretary" from $103,950 to $104,150.

The amendment was agreed to.

The next amendment was on page 78, line 20, after the word "For," to insert "chief clerk, $2,000;" in line 21, before the word "of," to strike out "2 clerks" and insert "1 clerk;" and in line 22, before the word "hundred," to strike out "three" and insert "five," so as to make the clause read:

Signal Office: For chief clerk, $2,000; 1 clerk of class 4; 1 clerk of class 1; 1 messenger; 1 laborer; in all, $6,500.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Office of the Quartermaster-General," on page 79, line 10, to increase the appropriation for the salary of the assistant draftsman from $1,200 to $1,400; and in line 13 to increase the total appropriation for Office of the Quartermaster-General from $152,340 to $152,540.

The amendment was agreed to.

The next amendment was, under the head of "Public Buildings and Grounds," on page 84, line 10, after the word expenses," to insert:

Including purchase of professional and scientific books and periodicals, books of reference, blank books, photographs, and maps.

So as to make the clause read:

For contingent and incidental expenses, including purchase of professional and scientific books and periodicals, books of reference, blank books, photographs, and maps, $700.

The amendment was agreed to.

The next amendment was, on page 84, after line 13, to strike out:

Of the foregoing amounts appropriated under "Public buildings and grounds," the sum of $37,130 shall be paid out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "State, War, and Navy Department building," on page 85, line 7, after the word "items," to insert "including city directories;" so as to make the clause read:

For fuel, lights, repairs, and miscellaneous items, including city directories, $38,000.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 85, line 18, after the word "one," to strike out "1 clerk, $1,000" and insert "2 clerks, at $1,000 each;" and in line 22, before the word "thousand," to strike out "forty-six" and insert "forty-seven;" so as to make the clause read:

NAVY DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of the Navy, $8,000; Assistant Secretary of the Navy, $4,500; chief clerk, $2,500; clerk to the Secretary, $2,250; disbursing clerk, $2,250; 4 clerks of class 4; 1 clerk of class 3; stenographer, $1,800; 1 clerk of class 2; 4 clerks of class 1; 2 clerks, at $1,000 each; telegraph operator, $1,000; carpenter, $900; 2 messengers; 4 assistant messengers; 4 laborers; in all, $47,400.

The amendment was agreed to.

The next amendment was, on page 87, line 2, after the word "For," to insert:

A solicitor, to be an assistant to the Judge-Advocate of the Navy, and to perform the duties of that officer in case of his death, resignation, absence, or sickness, $2,500.

And in line 9, before the word "hundred," to strike out "twelve thousand three" and insert "fourteen thousand eight;" so as to make the clause read:

Judge-Advocate-General, United States Navy: For a solicitor, to be an assistant to the Judge-Advocate of the Navy, and to perform the duties of that officer in case of his death, resignation, absence, or sickness, $2,500; chief clerk, $2,000; 2 clerks of class 4; 1 clerk of class 3; 1 clerk of class 2; 1 clerk of class 1; 1 clerk, $1,000; 1 clerk, $900; and 1 laborer; in all, $14,860.

The amendment was agreed to.

The next amendment was, on page 87, line 25, after the word "dollars," to insert "1 clerk of class 4;" in the same line, before the word "of," to strike out "1 clerk" and insert "2 clerks;" and on page 88, line 4, before the word "hundred," to strike out "eight thousand eight" and insert "twelve thousand two;" so as to make the clause read:

Bureau of Equipment: For chief clerk, $2,000; 1 clerk of class 4; 2 clerks of class 2; 1 clerk of class 2; one clerk of class 1; 1 copyist; 1 assistant messenger; 1 messenger boy, $360, and one laborer; in all, $12,240.

The amendment was agreed to.

The next amendment was, on page 88, line 9, after the word "For," to insert "hydrographic engineer;" in line 10, after the word "computers," to insert "lithographers;" in line 11, after the word "archives," to insert "compiler;" in the same line, after the word "apprentices," to insert "helpers;" in line 14, before the word "dollars," to strike out "seventy-three thousand five hundred and forty" and insert "ninety-five thousand four hundred and eighteen;" and in the same line, after the word "dollars," to strike out:

And no other fund appropriated shall be used in payment for such or similar services in the Hydrographic Office;

So as to make the clause read:

For hydrographic engineer, draftsmen, engravers, assistants, nautical experts, computers, lithographers, custodian of archives, compiler, copyists, copperplate printers, apprentices, helpers, and laborers in the Hydrographic Office, $95,418.

The amendment was agreed to.

The next amendment was, on page 89, to reduce the appropriation "For purchase of copper plates, steel plates, chart paper, packing boxes, chart portfolios," etc., in the Hydrographic Office from $12,000 to $7,000; and in line 7, after the word "dollars," to insert:

Provided, That Senators, Representatives, and Delegates in Congress shall each be entitled to not more than ten charts published by the Hydrographic Office for each regular session of Congress.

The amendment was agreed to.

The next amendment was, on page 89, line 13, to increase the appropriation "For rent of building and rooms, repairs and heating of the same," etc., in the Hydrographic Office, from $1,500 to $2,100.

The amendment was agreed to.

The next amendment was, on page 89, line 23, after the word "establish," to insert "and for the establishment of branch offices at Galveston, and Manila, Philippine Islands;" and in line 25, before the word "thousand," to strike out "twenty-five" and insert "thirty-five;" so as to make the clause read:

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oreg.), Portland (Me.), Chicago, Cleveland, Port Townsend, Buffalo, Duluth, and Sault Ste. Marie, including furniture, fuel, lights, rent and care of offices, car fare and ferriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Chart, and for other purposes for which the offices were established, and for the establishment of branch offices at Galveston, and Manila, Philippine Islands, $35,000.

The amendment was agreed to.

The next amendment was, on page 90, line 13, to reduce the appropriation "For a monthly Pilot Chart of the North Pacific Ocean," etc., from $3,760 to $2,000.

The amendment was agreed to.

The next amendment was, on page 90, after line 13, to strike out:

No expenditure shall be incurred or authorized for personal services or otherwise under the Hydrographic Office during the fiscal year 1901 except as herein authorized by appropriations under the Navy Department or under appropriations that may be made for printing and binding.

The amendment was agreed to.

The next amendment was, on page 91, line 9, to increase the appropriation "For miscellaneous computations in the Naval Observatory" from $3,200 to $5,200.

The amendment was agreed to.

The next amendment was, on page 98, line 2, before the word "copyists," to strike out "fifty-eight" and insert "fifty-nine;" in line 6, after the word "dollars," to insert:

Librarian for the law library of the General Land Office, to be selected by the Secretary of the Interior wholly with reference to his special fitness for such work, $1,000.

And in line 11, before the word "hundred," to strike out "ninety-seven thousand seven" and insert "ninety-nine thousand six;" so as to make the clause read:

General Land Office: For the Commissioner of the General Land Office, $5,000; Assistant Commissioner, to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents and to perform such other duties as may be directed by the Commissioner, and shall act as Commissioner in the absence of that officer or in case of a vacancy in the office of Commissioner, $3,500; chief clerk, $2,250; 2 law clerks, at $2,200 each; 3 inspectors of surveyors-general and district land offices, at $2,000 each; recorder, $2,000; 11 chiefs of division, at $2,000 each; 2 law examiners, at $2,000 each; 10 principal examiners of land claims and contests, at $2,000 each; 30 clerks of class 4; 56 clerks of class 3; 59 clerks of class 2; 61 clerks of class 1; 53 clerks, at $1,000 each; 59 copyists; 2 messengers; 8 assistant messengers; 21 laborers; and 1 packer, $720; 1 depositary acting for the Commissioner as receiver of public moneys and also as confidential secretary, $2,000; librarian for the law library of the General Land Office, to be selected by the Secretary of the Interior wholly with reference to his special fitness for such work, $1,000; in all, $499,670.

The amendment was agreed to.

The next amendment was, on page 98, line 25, to increase the appropriation for law books for the law library of the General Land Office from $200 to $450.

The amendment was agreed to.

The next amendment was, on page 100, line 1, before the word "clerks" to strike out "five" and insert "seven;" in the same line, before the word "clerks," to strike out "fourteen" and insert "twelve;" in line 8, after the word "each," to insert "clerk, $900;" in line 11, after the word "messengers," to strike out "2 laborers" and insert "laborer," and in line 15, before the word "dollars," to strike out "thirty-two thousand three hundred and eighty" and insert "thirty-three thousand and twenty;" so as to make the clause read:

Indian Office: For the Commissioner of Indian Affairs, $4,000; Assistant Commissioner, who shall also perform the duties of chief clerk, $3,000; financial clerk, $2,000; chief of division, $2,000; principal bookkeeper, $1,800; 7 clerks of class 4; 12 clerks of class 3; draftsman, $1,600; stenographer, $1,600; stenographer, $1,400; 10 clerks of class 2; 25 clerks of class 1; 14 clerks, at $1,000 each; 1 stenographer, and 1 clerk, to superintendent of Indian schools, at $1,000 each; clerk, $900; 17 copyists; architect, $1,500; draftsman, $1,500; 1 messenger; 2 assistant messengers; laborer; female messenger, $840; messenger boy, $360; and two charwomen; in all, $133,020.

The amendment was agreed to.

The next amendment was, on page 103, line 7, to increase the salary of the chief clerk of the Patent Office from $2,250 to $2,500; in line 8, to increase the salary of two law clerks from $2,000 each to $2,500 each; on page 104, line 8, to increase the number of copyists from 88 to 96; in line 9, to reduce the number of copyists at $720 each from 51 to 41; in line 13, to increase the number of messenger boys at $360 each from 29 to 34; and in line 16, to increase the total appropriation from $770,350 to $773,400.

The amendment was agreed to.

The next amendment was, on page 104, after line 20, to insert:

For purchase of law books, $500.

The amendment was agreed to.

The next amendment was, on page 106, line 5, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in the same line, after the word "dollars," to insert "specialist in Spanish-American educational systems, $1,400;" in line 15, before the word "hundred," to strike out "fifty thousand two" and insert "fifty-one thousand eight;" so as to make the clause read:

Bureau of Education: For Commissioner of Education, $3,000; chief clerk, $1,800; statistician, $1,800; translator, $1,600; collector and compiler of statistics, $2,400; specialist in foreign educational systems, $1,800; specialist in education as a preventive of pauperism and crime, $2,000; specialist in Spanish-American educational systems, $1,400; 2 clerks of class 4; 2 clerks of class 3; 4 clerks of class 2; 7 clerks of class 1; 2 clerks, at $1,000 each; 7 copyists; 2 copyists, at $800 each; copyist, $720; skilled laborer, $840; 1 assistant messenger; 2 laborers; 2 laborers, at $480 each; laborer, $400; and 1 laborer, $360; in all, $51,820.

The amendment was agreed to.

The next amendment was, on page 107, line 22, after the word "dollars," to insert the following proviso:

Provided, That the office of Commissioner of Railroads shall terminate on the 30th day of June, 1901.

The amendment was agreed to.

The next amendment was, on page 107, after line 24, to strike out:

For examination of books and accounts of certain subsidized railroad companies, and inspecting roads, shops, machinery, and equipments thereof, $500.

The amendment was agreed to.

The next amendment was, on page 108, line 4, after the word "dollars," to insert:

Chief clerk and assistant, $2,250, and said officer hereafter in case of the absence or disability of the Architect shall have full power and authority to do and perform all the acts which the Architect might himself do, and in case of a vacancy shall perform the duties of the Architect until the vacancy shall be filled according to law.

In line 11, before the word "draftsman," to strike out "1 clerk of class 4;" and in line 22, before the word "dollars," to strike out "fourteen thousand seven hundred and sixty-four" and insert "fifteen thousand two hundred and fourteen;" so as to make the clause read:

Office of the Architect of the Capitol: For Architect, $4,500; chief clerk and assistant, $2,250, and said officer hereafter in case of the absence or disability of the Architect shall have full power and authority to do and perform all the acts which the Architect might himself do, and in case of a vacancy shall perform the duties of the Architect until the vacancy shall be filled according to law; draftsman, $1,800; compensation to disbursing clerk, $1,000; one assistant messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, $864; laborer in charge of water-closets in central portion of the Capitol, $660; three laborers for cleaning Rotunda, corridors, and Dome, at $660 each; two laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; in all, $15,214.

The amendment was agreed to.

The next amendment was, on page 109, line 23, to increase the appropriation for stationery for the Department of the Interior from $52,500 to $59,900.

The amendment was agreed to.

The next amendment was, on page 110, line 14, to increase the appropriation for postage stamps for the Department of the Interior and its bureaus, as required under the Postal Union, to prepay postage on matter addressed to Postal Union countries, from $3,000 to $3,600.

The amendment was agreed to.

The next amendment was, on page 110, line 16, to increase the salary of the surveyor-general of Alaska from $2,000 to $3,000; and in line 18 to increase the total appropriation for the office of the surveyor-general of Alaska from $5,000 to $6,000.

The amendment was agreed to.

The next amendment was, on page 116, line 2, before the word "dollars," to strike out "two hundred and fifty" and insert "one hundred;" in line 14, before the word "chief," to strike out "1 clerk of class 4;" in line 15, after the word "division," to insert "$2,000;" in line 16, before the word "clerks," to strike out "twenty" and insert "twenty-one;" and in line 24, before the word "dollars," to strike out "sixty-six thousand two hundred and eighty" and insert "sixty-seven thousand seven hundred and thirty;" so as to make the clause read:

Office First Assistant Postmaster-General: For First Assistant Postmaster-General, $4,000; chief clerk, $2,100; Superintendent of the Money-Order System, $3,000; chief clerk Money-Order System, $2,000; superintendent of free delivery, $3,000; 4 assistant superintendents of free delivery, at $2,000 each; Superintendent of the Dead-Letter Office, $2,500; 1 clerk of class 4, who shall be chief clerk of the Dead-Letter Office; superintendent of salaries and allowances, $3,000; assistant superintendent of salaries and allowances, $2,000; superintendent of post-office supplies, $2,250; assistant superintendent of the division of post-office supplies, $1,800; chief of the correspondence division, $2,000; 10 clerks of class 4; 18 clerks of class 3; 21 clerks of class 2; 42 clerks of class 1; 45 clerks, at $1,000 each; 37 clerks, at $900 each; 8 assistant messengers; 25 laborers; 2 pages, at $360 each; and 5 female laborers, at $480 each; in all, $267,730.

The amendment was agreed to.

The next amendment was, on page 117, line 10, before the word "dollars," to insert "one hundred;" in line 11, after the word "dollars," to insert "chief of contract division, $2,000; chief of mail equipment division, $2,000;" in line 16, before the word "clerks," to strike out "eleven" and insert "nine;" in line 19, before the word "clerks," to strike out "fifteen" and insert "sixteen;" and in line 23, before the word "hundred," to strike out "sixty-eight thousand nine" and insert "seventy thousand four;" so as to make the clause read:

Office Second Assistant Postmaster-General: For Second Assistant Postmaster-General, $4,000; chief clerk, $2,100; chief of division of inspection, $2,000; chief of contract division, $2,000; chief of mail equipment division, $2,000; superintendent of railway adjustment division, $2,000; superintendent of foreign mails, $3,000; chief clerk, $2,000; 9 clerks of class 4; 36 clerks of class 3; 19 clerks of class 2; stenographer, $1,000; 19 clerks of class 1; 16 clerks, at $1,000 each; 6 clerks, at $900 each; messenger in charge of mails, $900; 4 assistant messengers; and 2 laborers; in all, $170,400.

The amendment was agreed to.

The next amendment was, on page 118, line 1, before the word "dollars," to insert "one hundred;" in line 5, before the word "dollars," to insert "two hundred and fifty;" in the same line, after the word "dollars," to insert "chief of classification division, $2,000;" in line 8, before the word "assistant," to strike out "three" and insert "four," and in line 15, before the word "dollars," to strike out "thirty-nine thousand five hundred and ninety" and insert "forty-three thousand nine hundred and forty;" so as to make the clause read:

Office Third Assistant Postmaster-General: For Third Assistant Postmaster-General, $4,000; chief clerk, $2,100; chief of division of postage stamps, $2,250; chief of finance division, who shall give bond in such amount as the Postmaster-General may determine for the faithful discharge of his duties, $2,250; chief of classification division, $2,000; superintendent of registry system, $2,500; 4 assistant superintendents of registry system, at $2,000 each; 4 clerks of class 4; 18 clerks of class 3; 22 clerks of class 2; 20 clerks of class 1; 10 clerks, at $1,000 each; 6 clerks, at $900 each; 3 assistant messengers; 8 laborers; in all, $143,940.

The amendment was agreed to.

The next amendment was, on page 118, line 21, to increase the appropriation for per diem allowance for assistant superintendents of registry system, when actually traveling on business of the Post-Office Department, etc., from $4,380 to $5,840.

The amendment was agreed to.

The next amendment was, in the Office of the Fourth Assistant Postmaster-General, page 118, line 24, to increase the salary of the chief clerk from $2,000 to $2,100, and on page 119, line 10, to increase the total appropriation for the office of the Fourth Assistant Postmaster-General from $109,460 to $109,560.

The amendment was agreed to.

The next amendment was, on page 121, line 20, before the word "dollars," to strike out "eleven thousand," and insert "fourteen thousand nine hundred and eighty-five," and in line 20, after the word "sum," to insert "not exceeding $3,985 may be expended for telephone service, and;" so as to make the clause read:

For miscellaneous items, including $1,500 for the office of the Auditor for the Post-Office Department, $14,985, of which sum not exceeding $3,985 may be expended for telephone service, and not exceeding $500 may be expended for law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the Department.

The amendment was agreed to.

The next amendment was, on page 122, line 6, to increase the appropriation for the publication of copies of the Official Postal Guide, including not exceeding 1,500 copies for the use of the Executive Departments, from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 122, line 25, before the word "dollars," to insert "five hundred;" page 123, line 12, after the word "each," to insert "law clerk, $2,500;" and on page 124, line 2, before the word "thousand," to strike out "seventy-five" and insert "seventy-eight;" so as to make the clause read:

DEPARTMENT OF JUSTICE.

Office of the Attorney-General: For compensation of the Attorney-General, $8,000; Solicitor-General, $7,000; 4 Assistant Attorneys-General, at $5,000 each; Assistant Attorney-General at the Post-Office Department, $4,500; solicitor of internal-revenue, $4,500; solicitor for the Department of State, $4,500; 2 assistant attorneys, at $3,000 each; 4 assistant attorneys, at $2,500 each; assistant attorney, $2,000; assistant attorney, in charge of dockets, $2,500; law clerk and examiner of titles, $2,700; chief clerk and ex officio superintendent of the building, $2,500; private secretary to the Attorney-General, $2,250; stenographer to the Solicitor-General, $1,600; 3 stenographic clerks, at $1,600 each; law clerk, $2,500; 2 law clerks, at $2,000 each; 7 clerks of class 4; chief of division of accounts, $2,500; attorney in charge of pardons, $2,400; additional for disbursing clerk, $500; 7 clerks of class 3; 9 clerks of class 2; 16 clerks of class 1; telegraph operator and stenographer, $1,200; 9 copyists; 1 messenger; 8 assistant messengers; 4 laborers; 3 watchmen; engineer, $1,200; 2 conductors of the elevator, at $720 each; 8 charwomen; superintendent of building, $250; and 3 firemen; in all, $178,030.

The amendment was agreed to.

The next amendment was, under the head of "Department of Labor," on page 126, line 3, to increase the total appropriation for per diem in lieu of subsistence of special agents and employees while traveling on duty away from home and outside of the District of Columbia, at a rate not to exceed $3 per day, etc., from $58,000 to $60,000.

The amendment was agreed to.

The next amendment was, on page 126, line 6, to increase the appropriation for books, periodicals, and newspapers for the library of the Department of Labor from $500 to $1,000.

The amendment was agreed to.

The next amendment was, on page 127, after line 21, to insert:

Court of Private Land Claims: For chief justice and four associate justices, at $5,000 each;
For clerk, $2,000;
For stenographer, $1,500;
For attorney, $3,500;
For interpreter and translator, $1,500; in all, $33,500.
For deputy clerks, as authorized by law, so much therefor as may be necessary.

That section 19 of an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, as amended in legislative, executive, and judicial appropriation act for the fiscal year 1898, approved February 19, 1897, be, and the same is hereby, further amended to read as follows:

"SEC. 19. That the powers and functions of the court established by this act shall cease and determine on the 30th day of June, 1902, and all papers, files, and records in the possession of the said court belonging to any other public office of the United States shall be returned to such office, and all other papers, files, and records in the possession of or appertaining to said court shall be returned to and filed in the Department of the Interior."

To enable the Attorney-General to employ such assistant attorneys, agents, stenographers, and experts to aid the United States attorney for said court as may be necessary to conduct the business of the Court of Private Land Claims during the fiscal year 1901, $8,000.

The amendment was agreed to.

The next amendment was, on page 130, line 7, to increase the salary of commissioner in Yellowstone National Park from $1,000 to $1,500.

The amendment was agreed to.

The next amendment was, on page 130, line 19, after the word "dollars," to insert "1 clerk, at $1,600, 1 clerk, at $1,400;" in line 21, before the word "clerks," to strike out "five" and insert "three;" in line 25, after the word "dollars," to strike out "2 laborers" and insert "1 assistant messenger; 1 laborer;" and on page 131, line 3, before the word "dollars," to strike out "forty-three thousand eight hundred and eighty" and insert "forty-four thousand five hundred and forty;" so as to make the clause read:

Court of Claims: For salaries of five judges of the Court of Claims, at $4,500 each; chief clerk, $3,000; assistant clerk, $2,000; bailiff, $1,500; 1 clerk, at $1,600; 1 clerk, at $1,400; 3 clerks, at $1,200 each; 1 messenger; 1 stenographer, $1,200; 3 firemen; 3 watchmen; 1 elevator conductor, $720; 1 assistant messenger; 1 laborer; and 2 charwomen; in all, $44,540.

The amendment was agreed to.

The next amendment was, on page 131, after line 3, to insert:

To defray the cost of the employment of auditors in the Court of Claims, to be disbursed under the direction of the court, $8,000.

The amendment was agreed to.

The next amendment was, on page 132, line 18, after the word "service," to strike out:

For the purpose of carrying into effect the provisions of this section the head of each of the Executive Departments of the Government is hereby directed to certify, from time to time, to the Civil Service Commission the names of all persons employed in his Department, or any of the branches of the public service subordinate thereto, permanently incapacitated from any cause from performing the public service in which he is engaged, and upon receipt of said certification the Civil Service Commission shall strike the names of said persons from the classified service.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. CULLOM. The Committee on Appropriations have some additional amendments, which I desire to move, that have not been included in the bill as printed. On page 36, line 21, I move to strike out the word "three" and insert "four;" so as to read "4 clerks of class 4."

The amendment was agreed to.

Mr. CULLOM. I ask that when the different amendments which are offered are adopted the clerks be authorized to change the totals.

The PRESIDENT pro tempore. Without objection, that will be done in all cases.

Mr. CULLOM. On page 75, line 18, in the provision in respect of Oklahoma Territory, after the word "location," I move to insert:

Provided, further, That said legislative assembly shall not make any appropriation or enter into any contract for a permanent capitol building.

The amendment was agreed to.

Mr. CULLOM. On page 78, after the word "dollars," in line 3, I move to insert "2 chiefs of division, at $2,000 each."

Mr. COCKRELL. Where does that come in?

The PRESIDENT pro tempore. On page 78.

Mr. CULLOM. After the word "dollars," in line 3, page 78. It has reference to the Adjutant-General's Office.

The amendment was agreed to.

Mr. CULLOM. I desire in the same line to strike out "twelve" and insert "ten;" so as to read "10 clerks of class 4." That will reduce the number of clerks. The total may be changed by the clerks.

The amendment was agreed to.

Mr. CULLOM. On page 87, line 14, after the word "copyists," I move to insert "20 copyists, at $840 each."

The amendment was agreed to.

Mr. CULLOM. On page 87, line 15, I move to strike out "1 assistant messenger" and insert in lieu thereof the words "3 messengers."

The amendment was agreed to.

Mr. CULLOM. In line 16, page 87, I move to strike out "two" and insert "three," and to change the total in lines 16 and 17.

Mr. PETTIGREW. What page is that?

Mr. CULLOM. Page 87.

The PRESIDENT pro tempore. It is proposed to strike out "2 laborers" and insert "3 laborers?"

Mr. CULLOM. Yes; that is all.

The amendment was agreed to.

Mr. CULLOM. I do not see the Senator from South Carolina [Mr. TILLMAN], who is a member of the committee, present, and in his absence I will move the amendment myself. On page 88, line 1, after the word "three," I move to insert:

One electrical expert and draftsman, $1,600.

Mr. COCKRELL. Where is that to come in?

Mr. CULLOM. Page 88.

The PRESIDENT pro tempore. Page 88, line 1, after the word "three."

Mr. CULLOM. I move to insert "1 electrical expert and draftsman, $1,600."

The amendment was agreed to.

Mr. CULLOM. On page 88, lines 4 and 5, the total should be changed.

The PRESIDENT pro tempore. The total will be changed.

Mr. CULLOM. On page 93, line 21, after the word "dollars" where it first occurs, I move to insert "2 copyists, at $840 each."

The amendment was agreed to.

Mr. CULLOM. In line 23, on the same page, the total should be changed.

The PRESIDENT pro tempore. The total will be corrected.

Mr. CULLOM. On page 96, line 9, I move to strike out "fourteen" and insert "twenty;" and after the word "watchmen" to insert "1 conductor of elevator, at $760;" so as to read "20 watchmen; 1 conductor of elevator, at $760."

The PRESIDENT pro tempore. Will the Senator please restate the amendment?

Mr. CULLOM. Page 96, line 9, strike out "fourteen" and insert "twenty;" so as to read "20 watchmen."

The PRESIDENT pro tempore. The first "fourteen" or the last "fourteen?"

Mr. CULLOM. The first "fourteen."

Mr. COCKRELL. Before the word "watchmen?"

Mr. CULLOM. Yes; the first "fourteen." Then after "watchmen" I move to insert "1 conductor of elevator, at $760."

The amendment was agreed to.

Mr. CULLOM. I now yield to the Senator from Michigan [Mr. McMILLAN].

Mr. McMILLAN. On page 6, line 20, I move to strike out "forty-one" and insert "forty-nine;" so as to read: "49 laborers."

Mr. CULLOM. I agree to that amendment.

The amendment was agreed to.

Mr. ALLISON. The total will have to be changed.

Mr. CULLOM. The clerks are correcting the totals.

Mr. COCKRELL. In line 21, after the word "each" and before the semicolon, I move to insert "which shall be immediately available."

The amendment was agreed to.

Mr. CULLOM. I have no further amendments to offer.

Mr. MORGAN. I offer an amendment to come in on page 7, line 12. I move to strike out "six" where it occurs in that line and to insert "eight." I want to take a moment to state my reason for offering the amendment.

The purpose of the amendment is to increase the salary of the first assistant in the document room from $1,600 to $1,800. George H. Boyd is the man who is employed as first assistant, and he has been there for many years. He is very useful to the Senate. His labors are very important. Mr. Boyd does more work for the Senate than almost any man connected with the body as an employee except Mr. Amzi Smith. He does it in splendid style, and has been doing it since he was almost a child, and his compensation is not adequate.

Mr. CULLOM. I make no point of order against the amendment.

Mr. MORGAN. All right. I merely wanted to say that much about it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDENT pro tempore. Shall the amendments be concurred in in gross?

The amendments were concurred in.

The PRESIDENT pro tempore. The bill is open to amendment in the Senate.

Mr. DAVIS. On page 46, line 12, I move to strike out the word "two" and insert the word "four;" so as to read "$1,400."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 46, line 12, strike out the word "two" and insert "four;" so as to read "$1,400."

Mr. CULLOM. We gave that clerk $1,200.

Mr. DAVIS. But it is not as much as was estimated for and recommended by the Department, which was $1,400. I introduced an amendment announcing my intention to make this proposition. I have sent for the printed amendment; it is not here, but that is the substance of it. I wish the Senator would accept it. It applies to just one man.

Mr. CULLOM. We have increased his salary $200.

Mr. DAVIS. But it was not increased to the amount which was estimated for by the Department.

Mr. CULLOM. Of course, and there are a thousand cases in the bill where more was estimated for than they get.

Mr. DAVIS. This is just one case. I have a special communication from Mr. Ellis H. Roberts, the Treasurer of the United States, which I ask may be read.

The PRESIDENT pro tempore. The communication will be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE TREASURER OF THE UNITED STATES,
Washington, D. C., March 14, 1900.

DEAR SIR: Will you kindly hear Mr. Frank M. Barnes for a few moments? He is the compositor and pressman in this office mentioned in my letter, Document 123, House of Representatives. Your amendment of February 24 covers his case exactly. The committee's change does him much less than justice. His services are worth more rather than less than those of the pressmen who are to be raised to $1,400. I trust your amendment will prevail in its entirety.

Yours, very truly,
ELLIS H. ROBERTS,
Treasurer of the United States.

Hon. CUSHMAN K. DAVIS, *United States Senate.*

Mr. CULLOM. I hope the Senator from Minnesota will not ask for that increase. We have increased this man's salary $200, which is as much as we did for anybody who is a clerk in one of the Departments. Every other clerk will think he is wronged if we do this.

Mr. DAVIS. But I understand that the committee have increased another class of men in this particular division of the Department to $1,400. They have increased Mr. Barnes to but $1,200, and Mr. Roberts, the Treasurer, says that Mr. Barnes is entitled to the same compensation that those men are to receive.

Mr. CULLOM. We have not increased the pay of any clerk more than $200. Some of the $1,800 clerks have gone to $2,000, and become chiefs of divisions. Some of the $1,600 clerks have gone to $1,800; some have gone from $1,400 to $1,600, and some from $1,200 to $1,400. We have increased the pay of this man from $1,000 to $1,200, and I hope the Senator will not press the amendment.

Mr. DAVIS. I feel like taking the sense of the Senate on the question.

Mr. CULLOM. I do not want to raise a point of order against the amendment.

Mr. DAVIS. Can a point of order be raised when I offered an amendment to this effect which was referred to the committee?

Mr. CULLOM. I do not know that it can. I presume that it is not subject to a point of order.

Mr. DAVIS. I should like to have a vote on the amendment.

Mr. ALLISON. I only desire to add a word to what was said by the Senator from Illinois. There are three of these people in the Treasurer's office. Two of them are receiving $1,200 now, and this gentleman is receiving $1,000. We increased them all $200 each. Whatever the United States Treasurer may say, these people have never had the same compensation, and we have increased them exactly in the same proportion. Now, if we increase this salary to $1,400 the others will come back next year and say they ought to receive $1,600. We have preserved precisely the same ratio as that which has uniformly prevailed in the Department as respects these people.

Mr. DAVIS. The point in my mind is that Mr. Roberts, the Treasurer, says this man's services are worth $1,400, and he ought to receive that compensation.

Mr. CULLOM. We let them go up by degrees. I hope the amendment will not be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was rejected.

Mr. PETTIGREW. In line 10, page 5, after the words "interoceanic canals," I move to insert "transportation and sale of meat products."

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 746) to authorize C. R. Dobbins to accept a gold watch awarded to him by the government of the Dominion of Canada in recognition of his humane and gallant services to the shipwrecked crew of the British schooner *Ashton*, at Weymouth, Nova Scotia;

A bill (S. 1740) to authorize C. E. Marr and E. H. Pierce to accept silver watches awarded to them by the government of the Dominion of Canada in recognition of their services in rescuing British sailors;

A bill (S. 114) to constitute South Manchester, Conn., a port of entry; and

A bill (S. 3138) to provide for necessary repairs to the steamer *Thetis* for service as a revenue cutter.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARNEY, Mr. McCLEARY, and Mr. BELL managers at the conference on the part of the House.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 445) for the relief of Clare M. Ashby, widow of W. W. Ashby, late United States consul at Colon;

A bill (H. R. 1454) for the relief of William L. Orr;

A bill (H. R. 4686) for the relief of J. A. Ware; and

A bill (H. R. 5969) for the relief of the devisees and legal representatives of D. L. Huskey, deceased.

The bill (H. R. 2757) to authorize the purchase of certain lands in the district of Alaska was read twice by its title and referred to the Committee on Public Lands.

The bill (H. R. 2322) for the relief of Joshua Bishop was read twice by its title.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Claims.

Mr. COCKRELL. That bill, I think, went to the Committee on Naval Affairs before.

The PRESIDENT pro tempore. The bill relates to a lieutenant-commander in the United States Navy. The Chair is inclined to think it ought to go to the Committee on Naval Affairs.

Mr. COCKRELL. In the last Congress it was reported favorably

by the Senator from Louisiana [Mr. MCENERY]. I think he was then a member of the Committee on Naval Affairs, as he is now.

The PRESIDENT pro tempore. The bill will be referrred to the Committee on Naval Affairs.

FORT HAYS MILITARY RESERVATION.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 68) granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal School thereon, and for a public park.

The amendments were, in line 7, page 1, to strike out "a western branch" and insert "an experiment station;" in line 1, page 2, to strike out "western branches" and insert "an experiment station;" in line 2, page 2, after "and" insert "a western branch of;" in line 5, page 2, after "States" to insert "*Provided further*, That the provisions of this act shall not apply to any tract or tracts within the limits of said reservation to which a valid claim has attached, by settlement or otherwise, under any of the public-land laws of the United States."

Amend the title so as to read: "An act granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas Agricultural College, and a western branch of the Kansas State Normal School thereon, and for a public park."

Mr. HARRIS. I move that the Senate concur in the amendments made to the bill by the House of Representatives.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 16th instant approved and signed the joint resolution (S. R. 75) to print 31,000 copies of the eulogies on Garret A. Hobart, late Vice-President of the United States.

PENSION APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAKER. I move that the Senate insist on its amendments and agree to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. SHOUP, Mr. QUARLES, and Mr. TALIAFERRO were appointed.

SPANISH CLAIMS COMMISSION.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. DAVIS. Mr. President, unless the Senator from Ohio wishes to proceed with that bill this afternoon, I should like to have the pending order temporarily laid aside without losing its precedence, so that the Senate may proceed to the consideration of the bill (S. 2799) to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded on the 10th day of December, 1898.

Mr. FORAKER. That is a matter which will take only a short time.

Mr. DAVIS. I did not hear the Senator.

Mr. FORAKER. It is a bill——

Mr. DAVIS. It is a bill reported from the Committee on Foreign Relations to create a commission to adjudicate upon the claims which we have assumed under the treaty of Paris.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. FORAKER. I understood that there were one or two Senators who wished to speak to-day upon the Puerto Rican bill. I interrupted the Senator only to inquire whether the bill he desires to call up is likely to take much time.

Mr. DAVIS. I should think not. Still, I do not know. Of course if any Senator has given notice of his intention to speak, I shall withdraw my suggestion.

Mr. FORAKER. Very well; under the circumstances I will yield.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the Senate proceed to the consideration of a bill which will be read in full to the Senate.

The Secretary read the bill (S. 2799) to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th day of December, 1898; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. DAVIS. I offer an amendment to come in on line 17, page 3, section 5; which I send to the desk.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The amendment will be stated.

The SECRETARY. After the words "United States," in line 17, on page 3, section 5, it is proposed to insert "including the sum of $3 per day, which the courts of the United States are now authorized by section 21 of the act of May 28, 1896, to allow to commissioners."

The amendment was agreed to.

Mr. DAVIS. I offer an additional amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 6, section 13, line 23, it is proposed to strike out:

That the claimant or the United States shall have the same rights of appeal from any final award of the commission exceeding the sum of $5,000.

And in lieu thereof to insert:

That either the claimant or the United States may appeal from any final decision of the commission allowing or rejecting any claim where the amount in controversy is more than $5,000.

The amendment was agreed to.

Mr. DAVIS. I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 6, in section 11, line 15, before the word "damage," it is proposed to strike out "immediate" and insert "direct;" so as to read:

That the award in favor of any claimant shall be only for the amount of the actual and direct damage which said claimant shall prove that he has sustained.

The amendment was agreed to.

Mr. DAVIS. There has been considerable criticism, and several suggestions have been made in regard to this bill, that the allowance of two appeals, one to the court of appeals and thence to the Supreme Court of the United States, was unnecessary and too onerous. I shall not present amendments myself to meet those objections, although several of them have been suggested to me; but I deem it fair to advise the Senate that a great deal of criticism has been made upon the bill in that respect. My own personal opinion is that one appeal to a court of appeals would be sufficient; but I do not myself feel warranted, under the instructions of the Committee on Foreign Relations, to make a motion for that change in the bill.

Mr. HOAR. Mr. President, I should like to ask the Senator from Minnesota to state to the Senate in some general way what sort of claims are likely to come up under this bill? What are the classes of claims referred to in the treaty of Paris under the seventh article? I will read the whole of the seventh article, as it is only a few lines in length:

ARTICLE VII.

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either Government, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

Of course we are dealing here only with the claims of citizens of the United States against the Government of Spain. The article goes on to provide:

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

Now, what is the nature of those claims, so far as they have been brought to the attention of the Senator or to the attention of his committee?

Mr. DAVIS. Well, Mr. President, the nature of those claims is various. As disclosed by the record of them in the Department of State—and the record has been accumulating since 1895, when the insurrection broke out—they embrace claims against Spain for the destruction of property represented by United States investments in Cuba, which Spain, under the treaty of 1795 and by the general principles of international law, was obliged to use due diligence to protect.

Mr. HOAR. Are there any claims for the destruction of vessels or the detention of vessels, the breaking up of voyages?

Mr. DAVIS. None that I am aware of, although there may be. Then, there are claims for personal wrongs, cruelties to American citizens. There is notably the claim of Mrs. Ruiz, the wife of Dr. Ruiz, who, it is claimed, was tortured and massacred by the Spanish authorities while in prison. It is exceedingly difficult to specify the character of these claims distributively; but it is enough to say—it must be enough to say, and it is as much as any man can say—that they embrace the entire scope of any claims the United States may have made against Spain if article 7 had not been

entered into for injuries to the property or to the persons of American citizens. The bill has been very carefully drawn in view of the indeterminate nature of these claims. Of course, the commission will have to consider any claim that any one chooses to bring before it by way of petition.

As I said a moment ago, the committee has attempted to draw this bill very carefully, so as to protect the Government in that respect by appeal and by procedure.

Mr. HOAR. I put my question with three ideas in view. One was as to the rather harsh provision for barring claims forever. These claims are all to be forever barred unless presented within six months' time of the first meeting of the commission, and there is no provision for any advertisement of the first meeting of the commission, and there is no time fixed for it by the bill.

Mr. DAVIS. It must be within thirty days.

Mr. HOAR. The Senator says it must be within thirty days, and that partly answers the question; still it seems to me the provision is harsh in the case of persons who are citizens—and a number, it may be, are citizens of the United States on the Pacific coast, or wherever else on the face of the earth the United States may extend, as to which nobody knows as yet—a person may be insane or under guardianship, or they may be ignorant or poor persons. It seems to me that a perpetual bar, especially when the commission itself may be continued from time to time for years and do its work of hearing these claims, is rather harsh.

Then, another suggestion which occurred to me——

Mr. DAVIS. Let me first answer that.

Mr. HOAR. Certainly.

Mr. DAVIS. The Senator has kindly consented that I may answer that observation, which was——

Mr. HOAR. If I may add one sentence before the Senator answers, I wish to say that I have been here, and I suppose the Senator has in part, when we have had the old Alabama claims under consideration; and we have had several other classes of claims where special tribunals have been established for their adjudication. Congress has been beset, behind and before, after the conclusion of the time fixed by those statutes, much more liberal than this, with applications for special legislation to enable persons to bring in their claims after the claims were barred by the statute. That was not the only case with the Alabama claims, but we have had several other classes of claims of the same kind.

Mr. DAVIS. Mr. President, in view of the indeterminate amount of these claims and of the history of preceding commissions, the committee were of opinion that it was best within limits to fix a time in which the commission should perform its work and also a time within that time when claims to be adjudicated should be presented to it. The time fixed for the commission to complete its work is two years, subject to extension by the President in case of necessity.

In regard to the time of filing claims, it was deemed very material and very desirable that within six months from the organization or meeting of the commission everybody should have his claim in, so that adjudication could proceed upon the entire amount of claims; otherwise the thing would drift along under the time given to file claims up to very nearly the expiration of the life of the commission, as intended by the bill, and then at a late day claims would be filed, thereby making necessary the successive and indeterminate continuation of the commission.

The fact is, as I am informed, and I think reliably informed, that substantially all the claims that will be brought for adjudication before this commission are already on file in the State Department. They amount to some eighteen or twenty million dollars as the aggregate of damages claimed. Of course we all know that the bringing in of claims in cases of this kind by no means indicates the true liability of the United States. So we thought, everything being considered, it was best to fix a limit to the commission; and in order to secure that time limitation for its action, we fixed a limitation of the time within which claims should be submitted to it, namely, six months from the date of the organization of the commission.

If there should arise any special case of hardship, insanity, infancy, or anything of that kind, which has prevented, through inadvertence, the claimant getting in within six months, I have no question that as a special matter Congress would treat it very liberally; but I think the advantages are very considerable—in fact, almost decisive—of fixing a time when these claims shall, in the manner provided by this bill, be laid before the commission, so that the adjudication shall proceed; otherwise, when the two years elapse, you will find within a few months or weeks of the time we shall have to extend the life of the commission again.

Mr. HOAR. I would suggest to the Senator whether it would not be more reasonable, and whether, on the whole, it would not come within the principle on which he is acting, if it should be said that the claims shall be forever barred, provided that—the commission will sit for two years at any rate—within six months thereafter good cause shall be shown to the commission why any claimant has not at an earlier period presented his claim, the commission should have a discretion to receive it within a further period of six months?

Mr. DAVIS. I am not at all strenuous about that. I will accept such an amendment.

Mr. HOAR. That would relieve the hardship. I never heard before, in any legislative proceeding whatever, of so short a period of limitation as this, and I will venture to suggest we shall have countless applications to Congress for special relief, unless we insert some provision of this kind.

Mr. DAVIS. I shall not object to an amendment of that character.

Mr. PETTUS. I desire to ask the Senator from Massachusetts a question. Has it not oftentimes been decided that as between individuals these very short statutes of limitations were unlawfully passed even when they were enacted by competent authority?

Mr. HOAR. Certainly, I so understand; and especially when we consider that, reversing the case, the United States, as a matter of general policy, does not allow any limitation to its claim against the citizen. I will venture to prepare an amendment to that part of the bill. I move at the close of section 9 to insert:

Provided, That the commission may receive claims presented within six months after the termination of said period if the claimants shall establish to their satisfaction good reasons for not presenting the same earlier.

Mr. DAVIS. That amendment is accepted, Mr. President.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

Mr. COCKRELL. I should like to have that amendment read at the desk.

The PRESIDING OFFICER. The Reporter will read the amendment.

The Reporter read the amendment submitted by Mr. HOAR.

Mr. DAVIS. That is simply that the six months' limitation stands in general; and in exceptional cases, upon good cause shown, as I understand it, another six months is given.

The amendment was agreed to.

Mr. HOAR. I want to ask the Senator from Minnesota in regard to section 11, as to the cases of claims for the destruction of property, plantations, sugar establishments, etc. Is it reasonable to make a universal rule that no interest shall be allowed?

Mr. DAVIS. I think, Mr. President, that such a universal rule is reasonable in actions of tort; and this is analogous to such an action. In an action of tort at common law interest is never allowed. The fact is we are perplexed, and have been here session after session, importuned in every conceivable way by claimants for interest upon claims against the Government. As to whatever damage has been suffered, whatever reasonable and immediate damage a claimant can prove himself to have sustained, the court can take into consideration all of the elements of compensation which will go to make him whole. After doing that and giving the court the wide range of discretion always confided to courts and juries in cases of torts or quasi torts, then to allow a computation of interest from a certain date upon a claim of that kind seemed to the committee entirely unreasonable. Hence we were careful, and shall be strenuous in insisting that it shall stand as a feature of this bill, that interest shall not be allowed upon a claim or an award at the very basis of which lies such a widespread discretion as to what shall be or what shall not be permitted as cumulative to the exercise of that discretion.

Mr. WOLCOTT. Will the Senator from Minnesota allow me to add a word to what he has so justly said?

Mr. DAVIS. Certainly.

Mr. WOLCOTT. The question of interest is not of such great importance with this bill, but everybody who is familiar with Congressional legislation knows that long after every Senator here is dead and forgotten claims will come before this body and acts of Congress be asked for the payment of some claim arising under this bill, and good cause shown why the claim was not filed before this commission. If we once open the door in the original bill for the payment of interest, we shall pay enormously in the years that are to come.

The Senator from Alabama [Mr. PETTUS] suggested the impropriety of a statute of limitations. There is none against the Government in fact, but we limit this to two years, when everybody knows that year after year and year after year there will be claims of enormous amounts sought to be pressed through Congress for damages that were suffered from the commencement of the Spanish insurrection until date.

Mr. PETTUS. Mr. President, the Senator from Colorado [Mr. WOLCOTT] is mistaken. I made no objection to a statute of limitations. I made objection to an extremely short limitation.

Mr. WOLCOTT. I beg the Senator's pardon. I misunderstood him.

Mr. HOAR. Mr. President, I intended when I raised this question to submit it, as I did, as a question for the consideration of the committee; but I am bound to say that I do not think that the suggestion that somebody hereafter may make a reasonable or an unreasonable claim against the Government is a very good

cause why we should not settle as nearly just a rule as we can settle. In the first place, I do not think these claims will come in; certainly not after the Senator from Colorado [Mr. WOLCOTT] is forgotten, for he never will be forgotten while human history lasts.

These people are entitled to interest against Spain. In all public international torts interest is allowed in all claims presented.

Mr. DAVIS. Was interest awarded against England in the Alabama claims?

Mr. HOAR. Yes; it was undoubtedly taken into account, and there was something left afterwards. More than the amount involved in the actual cases presented was allowed.

Mr. WOLCOTT. May I ask the Senator from Massachusetts a question?

Mr. HOAR. I will yield if the Senator merely wants to ask a question.

Mr. WOLCOTT. It is only a question.

Mr. HOAR. Is it in relation to the matter that I was going to ask the Senator?

Mr. WOLCOTT. Not at all; but I want to call the attention of the Senator to the fact that this is an act of grace. It is not a matter of legal right, and the question of interest here is upon a different footing from that in a legal claim. Does not the Senator think so?

Mr. HOAR. No; I do not think so. I do not think it is an act of grace; but it is a matter of right. If an American citizen has a good claim against Spain, he is entitled as a matter of right—it is the citizen's right—to have that claim enforced, if necessary, until the Army has used up its last man and the Navy has fired its last gun.

We are for our convenience to get a cession of territory, or whatever motive entered into this transaction. A man who had a claim for an injury done him by Spain twelve months before, who had had his plantation burned, for instance, would, by all fair and just considerations, be entitled to have the interest paid until he got his money. Now the United States comes in and says we will get more territory, or some other equivalent, and we will arrange with Spain that that claim we will give up and pay the citizen ourselves; we will pay half of it, or a part of it, and no more. I do not think that is just; but I do not propose to make a division of the Senate on that question, because I know that there are so many complications and so many various views about allowing interest in such cases that it would probably delay the passage of a very just and humane and proper bill, but I do not give up my opinion about it.

Mr. President, I want to make one other suggestion to the Senator, which I think he will accept, in all probability, after what he has said. I suggest whether it would not be well to confine the appeal to the Supreme Court of the United States upon questions of law as made up on the record? The Senator suggested his own individual view that two appeals were unnecessary. There may be some very important questions of public law involved in this matter, in which we might like to have the opinion of the Supreme Court of the United States, and not that of a local court of appeals.

I would say on page 8, lines 1 and 2:

> The court shall hear and determine such appeals only upon the issues of law presented by the record upon the merits.

That might possibly require the direction that the court should record its decision on the questions of law. Whether that be necessary or not, I am not sure, but it seems to me that it would be a fair solution of this difficulty.

Mr. COCKRELL. I intend to move to strike out all of the provisions authorizing an appeal to the Supreme Court. I do not think it ought to be allowed, and I do not think there is any necessity for it.

Mr. DAVIS. Will the Senator suspend that motion for a moment until I can answer the Senator from Massachusetts?

Mr. COCKRELL. Yes.

Mr. DAVIS. The amendment suggested by the Senator from Massachusetts [Mr. HOAR], that the appellate court, whether the Supreme Court or the court of appeals, or both, shall consider only questions of law is entirely against the theory of the bill in that respect, which was that those courts should each examine the questions both of law and of fact, as in an admiralty case or as in an equity case. The history of commissions in this country has taught us too well——

Mr. HOAR. I speak only of the second appeal after the appeal——

Mr. DAVIS. To the Supreme Court?

Mr. HOAR. To the Supreme Court, which is substantially given this whole jurisdiction. It considers nothing but questions of law.

Mr. DAVIS. Then, if the amendment of the Senator from Missouri [Mr. COCKRELL] should prevail, that suggestion would fall. I yield to the Senator from Missouri.

Mr. COCKRELL. On page 7, section 13, line 9, I move to strike out:

> From the final judgment or decree of the said court of appeals either party may appeal to the Supreme Court of the United States.

Mr. DAVIS. I have no objection to that. So far as the committee is concerned, the amendment is accepted.

Mr. HOAR. That removes the whole trouble.

Mr. DAVIS. That removes the whole trouble.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. COCKRELL. In section 13, page 7, I move to strike out all after the word "appeals," in line 19, down to and including the word "States," in line 20; so as to read:

> The appeal to the said court of appeals shall, as to each appeal, be taken within sixty days, etc.

Mr. DAVIS. I have no objection to the amendment.

The amendment was agreed to.

Mr. COCKRELL. In section 13, page 7, I move to strike out all, commencing with line 23, down to and including the word "merits," in line 2, on page 8, as follows:

> The return in case of appeal to the Supreme Court of the United States shall consist of a certified copy of the entire record of said court of appeals, and the Supreme Court shall hear and determine such appeals upon the issues of fact and law presented by such records upon the merits.

The amendment was agreed to.

Mr. COCKRELL. On page 7, section 13, after line 22, I propose to add:

> The decisions and judgments of said court of appeals in all cases appealed to said court shall be final and conclusive.

Mr. DAVIS. That is accepted.

The amendment was agreed to.

Mr. COCKRELL. In section 14, page 8, line 16, I move to strike out the words "or by the Supreme Court of the United States;" so as to read:

> And in every case of final award by said commission, or final judgment or decree, on appeal, by the said court of appeals, where the same is affirmed, etc.

Mr. DAVIS. That is accepted.

The amendment was agreed to.

Mr. COCKRELL. That makes it all right.

The PRESIDING OFFICER. Does the Chair understand the Senator from Massachusetts to offer an amendment?

Mr. HOAR. No; the amendments offered cover what I had in mind.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RAILWAY ON WEST MOUNTAIN, HOT SPRINGS, ARK.

Mr. BERRY and Mr. WOLCOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BERRY. I ask unanimous consent to call up the bill (H. R. 2956) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation. It is a very short bill and will take only a few moments.

Mr. WOLCOTT. I give notice to the Senate that after this bill is passed I shall ask the Senate to proceed to the consideration of executive business.

Mr. BERRY. I hope the Senator will allow this bill to be passed.

Mr. WOLCOTT. Very well.

Mr. FORAKER. I wish to have the Senate take up the unfinished business for an hour, at any rate, and I had agreed with a Senator who wanted an executive session that we would at 4 o'clock have an executive session. Will not that be soon enough?

Mr. WOLCOTT. I did not know of any such understanding or agreement. I do know that the discussion of the matter which calls for an executive session will take an hour or two, and I had understood that the first available moment was to be taken for it. If the Senator from Ohio, who is upon the Committee on Foreign Relations, is of opinion that the public business requires an open session until 4 o'clock, I shall not press the matter.

Mr. FORAKER. I wished very much to have the bill which is the unfinished business read again for amendments, not to be debated, in order that there might be a reprint of it for the convenience of the Senate. I thought that might be done by 4 o'clock.

Mr. WOLCOTT. I yield to the Senator's suggestion.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent for the present consideration of the bill (H. R. 2956) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation, which will be read for information.

The Secretary read the bill, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT ATLANTA, GA.

Mr. CLAY. I ask the Senator from Ohio to yield to me to call up a bill.

Mr. FORAKER. I do so.

Mr. CLAY. I ask unanimous consent for the present consideration of the bill (S. 3149) for the erection of a public building at Atlanta, Ga.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire additional land adjoining the post-office and custom-house building at Atlanta, Ga., and to enlarge said building, at a total cost not to exceed $500,000.

Mr. HOAR. I should like to be informed by some authority on this class of subjects—a member of the Committee on Public Buildings and Grounds—whether any public-building bills have passed both Houses, and if not, whether the committee expect that public-building bills will pass both Houses at the present session. I ask this question because I have one bill relating to my own State in which I have very great interest, and about which I wish to be vigilant, if that is the case.

Mr. WARREN. I may say that the information of the Committee on Public Buildings and Grounds is that the House has not passed any one of these bills. The Senate has passed several. The House, I think, is considering the subject of grouping certain classes together.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY POST AT SHERIDAN, WYO.

Mr. WARREN. With the courtesy of the Senator from Ohio, I desire to call up the bill (S. 1475) to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, and making appropriation therefor.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to complete the establishment and erection of a military post near the city of Sheridan, Wyo., at the site heretofore selected by the Major-General Commanding the Army and approved by the Secretary of War, and $100,000 is proposed to be appropriated for continuing the work of constructing the necessary buildings, quarters, barracks, and stables for the post established under the provisions of the bill.

Mr. BATE. I should like to be informed as to this bill.

Mr. WARREN. It is a bill which has been reported from the Military Affairs Committee.

Mr. BATE. That is what I wanted to know.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM LAPOINT.

Mr. ROSS. I ask the Senator from Ohio to yield to me that I may call up a bill.

Mr. FORAKER. I yield.

Mr. ROSS. I ask unanimous consent for the present consideration of the bill (S. 3148) to correct the military record of William Lapoint.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to correct the military record of William Lapoint, late private in Company C, Third Vermont Volunteers, by removing the charge of "desertion" and substituting "absented himself without proper authority," etc.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. MCRAE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 309) granting a pension to James M. Kercheval;

A bill (H. R. 524) granting an increase of pension to Andrew J. Davis;

A bill (H. R. 854) granting an increase of pension to John J. McCormick;

A bill (H. R. 2000) for the relief of Thomas Paul;

A bill (H. R. 2477) granting an increase of pension to George H. Pennington;

A bill (H. R. 2749) granting a pension to Susan Garrison;

A bill (H. R. 3067) granting an increase of pension to Melvina Bottles;

A bill (H. R. 3071) granting an increase of pension to John F. Nelson;

A bill (H. R. 3072) granting an increase of pension to William W. Wharton;

A bill (H. R. 4416) granting an increase of pension to Henry Geeson;

A bill (H. R. 5156) granting an increase of pension to Frances C. Kirby;

A bill (H. R. 5299) granting an increase of pension to Joseph McCune;

A bill (H. R. 5309) granting a pension to Malinda Jones; and

A bill (H. R. 6575) granting a pension to Matilda G. Higbee.

PUERTO RICAN REVENUES.

Mr. ALLISON. I ask the Chair to lay before the Senate the action of the House of Representatives on the Puerto Rican appropriation bill.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain and revenues hereafter to be collected on such importations under existing law, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate accede to the request of the House of Representatives for a conference on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

TIMBER ON PUBLIC MINERAL LANDS.

Mr. SIMON. I ask the unanimous consent of the Senate for the present consideration of the bill 2866, permitting citizens of the United States, bona fide residents of the States of California, Oregon, and Washington, to fell and remove, for building, agricultural, mining, and other domestic purposes, timber growing or being upon the mineral lands of the United States in the States aforesaid.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Mines and Mining, with an amendment, to strike out all after the enacting clause and insert:

That section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, as amended by an act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, be, and the same is hereby, amended as follows: After the word "Nevada," in said amended act, insert the words "California, Oregon, and Washington."

Mr. COCKRELL. I should be greatly obliged if the Senator from Oregon would read the act which it is proposed to amend. This is an amendment of it, and it simply proposes to add certain words. We have not the act before us. I will have it in a moment. I should like to hear the Senator read it.

Mr. SIMON. I will state for the information of the Senator from Missouri that in all the mining States of Montana, Idaho, Wyoming, and in every other mineral State other than California, Oregon, and Washington, which through some inadvertence were admitted when the act was passed, the law authorizes bona fide residents and citizens to fell and remove for building, agricultural, mining, and other domestic purposes timber growing upon mineral lands, and it is sought by this bill simply to give the States of California, Oregon, and Washington the same rights that the other mineral States now have.

There is a general provision in the act referred to giving authority to all mining districts, but the Department have held that that is not broad enough to cover the three States named. This matter was considered very carefully by the Committee on Mines and Mining, of which the Senator from Nevada [Mr. STEWART] is chairman, and there can not be any possible objection to it it seems to me.

Mr. COCKRELL. I wish the Senator would turn to the statute.

Mr. SIMON. I have not the statute here.

Mr. COCKRELL. I wish the Senator would show where the amendment will come in. It does not say where it is to come in. I want to see how the statute as amended will read.

Mr. SIMON. The only amendment there is is to add the names of the three States. The Senator will find a number of States named in the act, and it is proposed to add after those States the States of California, Oregon, and Washington. If the Senator has the statute, he will see it.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The

question is on agreeing to the amendment reported by the Committee on Mines and Mining.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the provisions of section 8 of the act entitled 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, concerning prosecutions for cutting timber on public lands, to California, Oregon, and Washington."

JOSEPH BACIGALUPPI.

Mr. JONES of Arkansas. I ask the Senator from Ohio to yield to me that I may ask unanimous consent for the present consideration of a bill.

Mr. FORAKER. I yield.

Mr. JONES of Arkansas. I ask unanimous consent to call up the bill (H. R. 5139) for the relief of Joseph Bacigaluppi.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments, on page 1, line 4, after the name "Bacigaluppi" to insert "Margaretha Riehl, alias Margaret Riehl, Christiana Dengler, John A. Narges, and Smith Lee, all of the District of Columbia, and of Francesco Perna, of Montgomery County, State of Maryland;" and on page 2, line 2, after the word "remitted," to strike out—

and that the title to such real estate be, and the same is hereby, vested in said Joseph Bacigaluppi as fully in every respect as though he had been a citizen of the United States at the time the same was purchased by and conveyed to him—

So as to make the bill read:

Be it enacted, etc., That all real estate lying in the District of Columbia heretofore purchased by and conveyed to Joseph Bacigaluppi, Margaretha Riehl, alias Margaret Riehl, Christiana Dengler, John A. Narges, and Smith Lee, all of the District of Columbia, and of Francesco Perna, of Montgomery County, State of Maryland, be, and the same is hereby, relieved and exempted from the operations of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, and so forth," approved March 3, 1887; and that all forfeitures incurred by force of said act in respect to such real estate be, and the same are hereby, remitted.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill for the relief of Joseph Bacigaluppi and others."

CONTINENTAL FIRE INSURANCE COMPANY AND OTHERS.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 227) for the relief of the Continental Fire Insurance Company and others.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to cause the Commissioner of Internal Revenue to reopen and reexamine the refunding claims of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, the Commercial Mutual Insurance Company of the State of New York, the Maryland Fire Insurance Company, the Western National Bank, the Merchants' National Bank, the Chesapeake Bank of the State of Maryland, and the Eastern Railroad Company of the State of Massachusetts, for taxes erroneously paid by them and now on file in his office, and to examine and allow such amounts as he may find the companies and banks have paid as a duplicate tax upon the same identical income or profits, or taxes in excess of the amount legally due, and to transmit his allowances to the proper accounting officers of the Treasury for certification to Congress, in compliance with the second section of the act of Congress approved July 7, 1884.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF T. C. FINNEY, DECEASED.

Mr. TURLEY. I ask unanimous consent for the present consideration of the bill (S. 2268) to carry into effect a finding of the Court of Claims in favor of Pamella B. Finney, administratrix of T. C. Finney, deceased.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It recites that the Court of Claims found that T. C. Finney, late of Shelby County, Tenn., was loyal to the United States throughout the civil war and that stores and supplies of the value of $6,900 were taken from him by and for the use of the Federal Army and never paid for, and directs the Secretary of the Treasury to pay $6,900 to Pamella B. Finney, administratrix of T. C. Finney, deceased.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BOISE CITY, IDAHO.

Mr. SHOUP. I ask the Senator from Ohio to yield for the consideration of a short bill. I do not think there will be any discussion whatever upon it.

Mr. FORAKER. If it will not lead to any discussion, I will yield.

Mr. SHOUP. I ask the Senate to consider the bill (S. 2388) to increase the limit of cost for the purchase of a site and the erection of a public building at Boise City, Idaho.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase to $300,000 the amount heretofore fixed as a limit of cost for the purchase of a site and the erection of a building for the use and accommodation of the United States post-office, court-house, surveyor-general's offices, district land offices, internal-revenue office, and other Government offices in the city of Boise City, Idaho.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. M. DEFREES.

Mr. FAIRBANKS. If the Senator from Ohio will permit me, I should like to call up a bill.

Mr. FORAKER. I yield to the Senator from Indiana and also to the Senator from Vermont [Mr. PROCTOR], but I hope that I I shall not be asked to yield further, because time is rapidly passing.

Mr. FAIRBANKS. The bill is a brief one and will not lead to any debate. I ask for the present consideration of the bill (S. 1772) for the payment of the claim of M. M. Defrees for the construction of a sewer adjacent to the lands of the United States known as the "Arsenal grounds," in the city of Indianapolis, Ind.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $4,494.56, in full for the payment of the claim of M. M. Defrees, of Indianapolis, Ind., for the construction of a sewer, known as "Pogues Run interception," on Hanna street, in the city of Indianapolis, adjacent to the lands of the United States known as the "Arsenal," that sum under and by virtue of the laws of the State of Indiana being a lien on said lands.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BURLINGTON, VT.

Mr. PROCTOR. I ask unanimous consent that the bill (S. 3024) for the erection of a new public building at Burlington, Vt., be now taken up for consideration.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in section 1, line 6, after the word "post-office," to strike out "custom-house;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected a suitable building, with fireproof vaults therein, for the accommodation of the United States courts, post-office, and other Federal offices at Burlington, Vt.

The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and the expense of said building shall not exceed the sum of $200,000.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 1, after the word "custom-house," to strike out "*Provided, however*, That the Secretary of the Treasury may sell the land now owned by the United States and used as aforesaid and purchase a site for the building herein authorized if no additional expense to the Government is thereby incurred" and to insert "unless a site acceptable to the Secretary of the Treasury be provided free of cost to the United States;" so as to make the section read:

That said building shall be erected on the site of the public building in said Burlington now used for a post-office and custom-house unless a site acceptable to the Secretary of the Treasury be provided free of cost to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE CUTTER FOR ST. MARYS RIVER, MICHIGAN.

Mr. McMILLAN. I ask unanimous consent to call up a bill.

Mr. FORAKER. I understand that it will not take much time.

Mr. McMILLAN. No; it will not take much time. I ask unanimous consent to call up the bill (S. 2683) to provide for the construction of a revenue cutter for use in St. Marys River, Michigan.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments, in line 3, before the word "thousand," to strike out "fifty" and insert "seventy-five;" in line 6, after the word "construction," to insert "or purchase;" and in line 7, after the word "of" where it occurs the third time, to insert "a vessel to be used and equipped as;" so as to make the bill read:

Be it enacted, etc., That the sum of $75,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction, or purchase, under the direction of the Secretary of the Treasury, of a vessel to be used and equipped as a revenue cutter of the third class for service on the St. Marys River, Michigan, for the purpose of protecting the revenue and enforcing the rules of navigation on said river.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS A. YORKE.

Mr. HALE. I ask leave to call up the bill (S. 3441) for the relief of Louis A. Yorke. It is a bill which has passed the Senate three times.

Mr. FORAKER. I yield to the Senator from Maine if there is to be no debate; but I desire after that bill is considered to proceed with the unfinished business.

Mr. HALE. I am much obliged to the Senator. It will take only a moment.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President of the United States to nominate and, by and with the advice and consent of the Senate, to appoint Louis A. Yorke a paymaster in the Navy as of the date he was wholly retired. But he shall not receive or be entitled to any pay, compensation, or allowance whatever prior to appointment under this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIDA B. HASKELL.

Mr. FORAKER. Before calling up the unfinished business, I ask unanimous consent for the immediate consideration of the bill (S. 1804) granting an increase of pension to Rida B. Haskell.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rida B. Haskell, widow of Joseph T. Haskell, late brigadier-general, United States Volunteers, and lieutenant-colonel Seventeenth United States Infantry, war with Spain, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT OF PUERTO RICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. The purpose of calling up the unfinished business at this time is to ask that certain proposed amendments may be agreed to, in order that the text of the bill may be corrected and that we may have a reprint of it when we come to consider the amendments which will be controverted. I do not expect at this time to ask consent to any amendments except only those which may be adopted without any dispute. If there is objection to any amendment that I propose, I will ask that it be passed over upon objection being made.

The first amendment that I desire to call attention to is one proposed to section 3, on page 4, line 16. I propose to amend by inserting after the word "citizens" the following:

Of Puerto Rico, and as such entitled to the protection.

So that as amended——

Mr. COCKRELL. In what line is the amendment?

Mr. BACON. Will the Senator kindly indicate the page and line?

Mr. FORAKER. Yes, sir. On page 4, line 16.

Mr. COCKRELL. What section?

Mr. FORAKER. Section 3. The proposed amendment is to insert, after the word "citizens"——

Mr. COCKRELL. What bill has the Senator?

Mr. FORAKER. I have bill 8245 with the Senate committee's substitute. This is the provision of the bill that fixes the civil and political status of the inhabitants of Puerto Rico. As the bill was reported from the committee it provided that certain inhabitants, who were described, should be deemed and held to be citizens of the United States. The amendment proposed is to insert, after the word "citizens," the words "of Puerto Rico, and as such entitled to the protection;" so that the clause would read:

Shall be deemed and held to be citizens of Puerto Rico, and as such entitled to the protection of the United States.

Mr. BACON. I understood the suggestion of the Senator from Ohio to be that he wishes to have only those amendments acted upon that will be consented to.

Mr. FORAKER. That is all. If there is objection, I will pass over this amendment.

Mr. BACON. I do not give my consent to the amendment.

Mr. COCKRELL. Let me take that down. After the word "citizens" you propose to insert what words?

Mr. FORAKER. "Of Puerto Rico"——

Mr. CLAY. And to strike out the words "of the United States?"

Mr. FORAKER. No, I do not strike out the words "United States." I propose to make the clause read: "Shall be deemed and held to be citizens of Puerto Rico, and as such entitled to the protection of the United States."

Mr. BACON. I understand the Senator does not wish to have an amendment acted on to-day if it is to be debated.

Mr. FORAKER. No, we will not debate the amendments now.

Mr. BACON. Then let this amendment go over.

The PRESIDING OFFICER. The proposed amendment being objected to, it will be passed over for the present.

Mr. FORAKER. That being the case, I now propose to strike out, at the end of line 25, on page 4, the word "in," and to insert in lieu thereof the words "as such." That is the provision of the bill which creates——

Mr. COCKRELL. Let us see how that clause would read if amended.

Mr. FORAKER. I am going to read it as it will stand if amended:

And they, together with such other citizens of the United States as may reside in Puerto Rico, shall constitute a body politic under the name of The People of Puerto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued as such.

That would be the end of the section as I propose to amend it.

Mr. COCKRELL. What do you do on page 5?

Mr. FORAKER. On page 5, I was about to say, I further amend by striking out lines 1, 2, and 3. I do not think there will be any objection to that amendment.

Mr. COCKRELL. You propose to strike out the word "in" and then down to the words "United States," in line 3, on page 5, and to insert in lieu thereof what words?

Mr. FORAKER. After the words "be sued" I propose to insert the words "as such."

Mr. MORGAN. You do not strike out "in."

Mr. FORAKER. Yes; I strike out "in."

Mr. COCKRELL. They are not going to sue then, anywhere?

Mr. FORAKER. They will sue in any court with jurisdiction under the clause as we propose to amend it.

Mr. BACON. Mr. President, if the Senator from Ohio will pardon me, that of itself might not be an objectionable amendment; but if it is, as I think it would necessarily be, taken in connection with the amendment previously suggested by the Senator, then it would be open to objection. In other words, the amendment previously proposed by the Senator, to which I made objection, inserted words which practically struck out all provision making the Puerto Ricans citizens of the United States. It endeavored to interpolate the words "citizens of Puerto Rico, and as such entitled to the protection of the United States." It seems to me that the amendment suggested by the Senator would necessarily have some reference to the status as it would be fixed by that amendment, if adopted.

Mr. FORAKER. No. If the Senator will allow me, I can understand how that may have struck the Senator's mind; but the two amendments had no reference to each other at all in the mind of the party proposing them.

If the Senator will look at the three lines proposed to be stricken out by this amendment at the top of page 5, he will see that there is an error in the provision that is there made; and it was to cure that that this proposed amendment is offered. The provision as it now stands in the bill is "to sue and be sued in the courts of the United States in all cases in which such courts have jurisdiction, where one of the parties is a State or Territory of the United States."

I was having in mind when I drafted the bill the constitutional provision as to the right of a State suing in the Supreme Court of the United States; but when I came to look at it, I discovered what I ought to have known without looking, that Territories are

not empowered to sue at all. The provision is only with respect to the Supreme Court. I thought the entire purpose was subserved by simply giving them the power to sue and be sued as a body politic; and then it would be a question of jurisdiction. They can sue in any court that has jurisdiction of the subject-matter.

Mr. BACON. Mr. President, I think the construction made by me is one capable of being taken in the case of that amendment; but I submit to the Senator that if that is the purpose and limit of it, I should have no objection.

Mr. FORAKER. That is the sole purpose. We had no other.

Mr. BACON. And the limit?

Mr. FORAKER. Yes.

The PRESIDING OFFICER. If there be no objection, the amendment of the Senator from Ohio will be agreed to.

Mr. FORAKER. I propose to amend, in line 4, section 4, on page 5, after the word "ordinances," by inserting the words "of Puerto Rico;" and in the same line, after the word "force," by striking out the words "in Puerto Rico."

The only purpose of this amendment is to transpose the words "of Puerto Rico" and to correct the phrase.

The PRESIDING OFFICER. Is there objection to the proposed amendment?

Mr. COCKRELL. How would the bill then read?

Mr. FORAKER. It would then read:

That the laws and ordinances of Puerto Rico now in force shall continue in full force and effect.

Mr. COCKRELL. That is right.

Mr. FORAKER. This refers to the laws of Spain which are already in force there. There will not be any laws of our enactment. The words "of Puerto Rico" are simply descriptive of the laws. I have no objection to the words "now in force" being retained.

Mr. BACON. As I understand the Senator's suggestion, that is intended to have reference solely to the laws which were in existence when Puerto Rico was a part of the territory of Spain?

Mr. FORAKER. Solely. The Senator will see by reading the next two or three lines that it could not have any other reference.

The PRESIDING OFFICER. The amendment will be agreed to, if there be no objection.

Mr. ALLISON. I ask that the amendment may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 5, in section 4, line 4, after the word "ordinances," it is proposed to insert the words "of Puerto Rico;" and after the word "force," in the same line, to strike out "in Puerto Rico;" so that if amended it will read:

That the laws and ordinances of Puerto Rico now in force shall continue in full force and effect, etc.

The amendment was agreed to.

Mr. BACON. I want to suggest to the Senator whether possibly language might not be inserted there which would make the intention beyond the possibility of question? The use of the word "now" might possibly mislead. I suggest that the Senator use words which will indicate the intention to have reference to the Spanish laws in Puerto Rico which existed prior to the treaty of peace.

Mr. FORAKER. If the Senator will allow me, the title of the laws is "The Laws of Cuba, Puerto Rico, and the Philippines." That is the technical name of the laws now in force.

Mr. BACON. I only made the suggestion.

Mr. FORAKER. If the Senator thinks, after looking it over, that the language is not sufficiently clear, I shall have no objection to an amendment to it; only, I think he will find that it is.

The PRESIDING OFFICER. There is no amendment now pending, the previous amendment having been agreed to.

Mr. FORAKER. As a further amendment, I move to strike out the whole of section 5 and to insert in lieu thereof what I send to the desk to be read.

I will state that section 5 provides for the extension of the laws of the United States relating to commerce, navigation, etc. They are already extended. I will say by way of explanation, by another clause of this bill, which extends all laws not locally inapplicable.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out section 5, as follows:

SEC. 5. That the laws of the United States relating to commerce, navigation, and merchant seamen are hereby extended to and over Puerto Rico, and the Commissioner of Navigation may make such regulations as he may deem expedient for the nationalization of all vessels owned by the inhabitants of Puerto Rico on the 11th day of April, 1899, and which continued to be so owned up to the date of such nationalization, and the coasting trade between Puerto Rico and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts;

And in lieu thereof to insert:

SEC. 5. That the Commissioner of Navigation shall make such regulations, subject to the approval of the Secretary of the Treasury, as he may deem expedient for the nationalization of all vessels owned by the inhabitants of Puerto Rico on the 11th day of April, 1899, and which continued to be so owned up to the date of such nationalization, and for the admission of the same to all of the benefits of the coasting trade of the United States, and the coasting trade between Puerto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

Mr. FORAKER. That is, in the United States.

Mr. BACON. "Trade coasting?"

Mr. FORAKER. No; "great coasting districts." The statute on that subject divides the United States into three great coasting districts.

Mr. COCKRELL. Let the amendment be again read.

The PRESIDING OFFICER. The Secretary will again read the amendment.

The Secretary again read the amendment of Mr. FORAKER.

The amendment was agreed to.

Mr. FORAKER. The Senator from Alabama suggests that there be added at the end of what I have proposed the words "of the United States." I have no objection to that.

Mr. ALLEN. I should like to ask whether any order has been made by which the amendments of the committee should have the right of way?

The PRESIDING OFFICER. The Chair will inform the Senator that the bill, being the unfinished business, was taken up in its regular order, and the Senator from Ohio [Mr. FORAKER] stated that he would propose certain amendments to the bill on behalf of the committee; that the amendments which were objected to would go over, and that those which were not objected to would be adopted, so that the bill could be printed as amended.

Mr. ALLEN. Ordinarily, as I understand, it is customary for the Senator in charge of a bill to ask and obtain leave that the committee amendments be first considered. Has such as order as that been made in this case?

Mr. FORAKER. Yes; as to the original text.

The PRESIDING OFFICER. Unanimous consent was given, the Chair will inform the Senator from Nebraska, that that course should be pursued.

Mr. ALLEN. I wanted to call the attention of the Senator from Ohio in that connection to section 3. I do not know that it is in order to do so now. That section defines the citizenship of the island of Puerto Rico.

Mr. FORAKER. If the Senator will allow me, that section was passed over a while ago under the objection of some Senator.

Mr. ALLEN. Very well. I think possibly, then, what I desire to say ought to be submitted in connection with that objection.

Mr. FORAKER. That may be.

Mr. ALLEN. I wanted to direct particular attention to this language. Speaking of the people of that island, the bill says:

And they, together with such other citizens of the United States as may reside in Puerto Rico, shall constitute a body politic under the name of The People of Puerto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued, etc.

What is to be the character, if any, of the government of Puerto Rico? What is to be its classification? Is it to be a district, a colony, a Territory, a State, or a mere province or dependency?

Mr. FORAKER. It is not by the language of this bill given any name except the name of Puerto Rico.

Mr. ALLEN. I observe that.

Mr. FORAKER. That is to say, it is not called a district; it is not called a Territory; it is not called any particular kind of a political subdivision.

Mr. ALLEN. I observe the absence of classification, and I do not know whether it was the result of accident or design.

Mr. FORAKER. It was the result of design.

Mr. ALLEN. I think that is true, probably.

Right here, Mr. President, I want to protest, as one Senator, that we ought not to run away from the question of settling the political status and the classification of that island. I doubt if there can be found in the history of the United States a bill drawn exactly as this bill has been drawn. The island is to be a political entity known as the people of Puerto Rico. What relation do those people hold to the United States? What is the island of Puerto Rico; that is, what is its relation to the United States? Certainly, Mr. President, if we want to follow precedents it must be a Territory, unless we follow the late precedents in the cases of Alaska and the Sandwich Islands.

Mr. FORAKER. Mr. President, if the Senator will allow me just a moment, I think he was not in the Chamber when this bill was taken up for consideration under an agreement that we would consider this afternoon only such amendments and provisions of the bill as there would be no debate about, the idea being simply to get some phrases corrected and some minor amendments made that we thought no one would object to. It was also taken up under an agreement that at 4 o'clock—which is only five minutes off—other business should be transacted. I do not want to interfere with the Senator addressing the Senate at his pleasure, and at whatever length he pleases, but I should like to have these amendments acted upon if he has no special objection.

Mr. ALLEN. I certainly will not violate any unanimous-consent agreement, and shall gladly oblige the Senator from Ohio, as I know he would oblige me.

Mr. FORAKER. I am much obliged to the Senator from Nebraska.

The PRESIDING OFFICER. The Chair would state that there is an amendment pending which has not been agreed to nor passed over. Is there objection to the amendment?

Mr. FORAKER. I ask that it be again stated.

The PRESIDING OFFICER. It was to add to the new section inserted as section 5 the words "of the United States."

Mr. FORAKER. That was agreed to, I believe, without objection.

The PRESIDING OFFICER. The Chair is not aware that it was agreed to. Is there objection to the amendment?

Mr. BACON. Mr. President, I rise for the purpose of asking a question for information. Section 5, which is proposed to be stricken out, is one which extends the navigation laws of the United States to Puerto Rico. That is the broad intention of it, as I understand?

Mr. FORAKER. Yes, sir.

Mr. BACON. Now, the amendment proposed is one which has the purpose of extending the registration laws to vessels owned in Puerto Rico at a certain date. As to that, I should suppose there would be no objection. The question I wish to ask the Senator from Ohio is—it is very difficult to understand the purport of an amendment simply from hearing it read from the desk—whether or not the additional language, other than that to which I have just alluded with reference to the registration of vessels, is intended to accomplish the same result as that which is now accomplished by section 5, or whether it proposes in any manner to change the section?

Mr. FORAKER. It is precisely the same as before. I will say to the Senator from Georgia that section 12 of this bill extends all the laws of the United States not locally inapplicable to Puerto Rico, and I did not want to repeat the provision.

The PRESIDING OFFICER. There being no objection, the amendment proposed by the Senator from Ohio will be agreed to. The Chairs hears no objection, and it is agreed to.

Mr. FORAKER. I now propose, on page 13, in line 7, section 16, after the word "President," to insert "for a like term of four years."

I will say, in explanation of this amendment, that it relates to the tenure of office of five of the persons to be appointed as members of the executive council, the other six members being bureau officers, the tenure of office as to each having been fixed at four years. It was a mere oversight in reporting the bill to fail to fix any tenure for the other members of the executive council; and so I propose to insert the words "for a like term of four years."

The PRESIDING OFFICER. There being no objection, the amendment will be agreed to.

Mr. BACON. I hope the amendment will not be considered as having been finally acted upon. It is a matter of some importance. We have not the amendments before us to consider them properly, and I simply desire to have the last amendment go over.

Mr. FORAKER. I have no objection to passing it over, if the Senator wants to look at it further.

Mr. BACON. I should rather that would be done, and that it should go over for the present.

Mr. FORAKER. I think the Senator will find that he will have no objection to it when he looks at it; and if so, I shall be glad to have it adopted. That amendment is passed over, as I understand?

The PRESIDING OFFICER. The Chair so understands.

Mr. FORAKER. On page 17, section 27, line 4, I propose to amend by inserting after the word "who"—this relates to the qualifications of voters, I will say for the information and benefit of Senators—in line 4, page 17, after the word "who," by inserting "have been bona fide residents for one year, and who;" so as to read:

> At such elections all citizens of Puerto Rico shall be allowed to vote who have been bona fide residents for one year, and who possess, etc.

Then, after the word "the," I move to insert "other;" so as to read:

> Who possess the other qualifications of voters under the laws and military orders in force, etc.

The amendment was agreed to.

Mr. FORAKER. I move to further amend by inserting after the word "such," in line 6 of the same section, on page 17, the words "modifications and."

The amendment was agreed to.

Mr. BACON. I may misunderstand the Senator. It is very difficult, without having the amendment before us, to thoroughly comprehend them. I understand, though, that the amendment would put it in the power of the executive council, an appointive body, to change the qualifications of voters.

Mr. FORAKER. From what they are now as fixed by military order. That I thought was quite proper, because they have an order in force there fixing not only an educational, but a property qualification.

Mr. BACON. If the Senator means only to change the military order, that is correct; but I ask him to examine the language and see whether it does or not. The language is this: "The qualifications of voters under the laws and military orders." That would include the right to modify not only military orders, but all laws.

Mr. FORAKER. It would, yes; but under the law as it existed before any military orders were made, every male over 21 years of age had the right to vote without regard to whether or not he could read or write or had property. By the order of General Davis certain qualifications for those over 21 years of age were prescribed. Another qualification was that the person should be able to read and write or that he should own property; and in that order it was provided that no one should vote who had not been a bona fide resident for two years. I am intending there simply to provide, making it symmetrical, so as to make whatever other modifications may be necessary, that any citizen of Puerto Rico who has had a bona fide residence there for one year before the election may have the right to vote, as is the case in all of our States probably.

Mr. BACON. Does the Senator understand that this relates to the first election?

Mr. FORAKER. Yes, sir; that is, the legislature after that can fix any qualifications it sees fit. The provision relates only to one election.

Mr. BACON. The reason I asked the question was that the plural is used there.

Mr. FORAKER. There are elections for members of the house of delegates.

Mr. WOLCOTT. I ask the Senator from Ohio whether his bill has now reached a stage where it would stand being put aside for a little while?

Mr. FORAKER. If the Senator will allow me about five minutes longer, I think I can get through with the amendments. I propose to amend further, on page 19, section 30, line 23, after the word "also." This is the provision relating to the granting of franchises. It provides:

> That all grants of franchises, rights, and privileges or concessions of a public or quasi-public nature shall be made by the executive council, with the approval of the governor, subject also to the approval of the President of the United States, who shall report the same to Congress.

I want to insert, after the word "also," in line 23, the following: "as to railroad, telegraph, and telephone franchises;" the purpose of this amendment being to require only the more important ones to come here, and not to make it necessary for the others to do so.

Mr. COCKRELL. I should like to know where that amendment comes in?

The PRESIDING OFFICER. If there be no objection, the amendment will be agreed to.

Mr. PETTUS. Mr. President, in that same connection there is an amendment proposed that instead of the executive council there shall be a legislative assembly.

Mr. FORAKER. I hope the Senator will not insist upon that, the idea being that the executive council is constantly in a situation to act, but the legislature can not act, except when in session, and it is only allowed to be in session sixty days.

Mr. PETTUS. The things we are dealing with now concern the vital interests of those people, and all proper safeguards ought to be thrown around these franchises. I object to an amendment limiting this provision to railroads and other corporations of that sort, for the reason that the limitation ought to extend to all; it ought to be with the approval of the President, at least, as to all these franchises.

Mr. FORAKER. If the amendment proposed should be adopted, the minor franchises—for instance, to a gas company or to an electric lighting company—in a small municipality could be disposed of finally by the action of the executive council or the governor; but as to all franchises that are intermunicipal, extending through the island, such as railroads, telegraphs, and telephones, they would be required to be approved by the President.

Mr. COCKRELL. Let that amendment be considered pending.

Mr. FORAKER. If the Senator wants to object to it, I will suspend here, in order that the Senator from Colorado may make the motion he desires to make.

The PRESIDING OFFICER. The amendment will be passed over.

EXECUTIVE SESSION.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-two minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 20, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 19, 1900.

COLLECTORS OF CUSTOMS.

George F. Bartlett, of Massachusetts, to be collector of customs for the district of New Bedford, in the State of Massachusetts, to succeed Zephaniah W. Pease, whose term of office has expired by limitation.

James Brady, of Massachusetts, to be collector of customs for the district of Fall River, in the State of Massachusetts, to succeed John Desmond, whose term of office has expired by limitation.

Obed G. Smith, of Massachusetts, to be collector of customs for the district of Nantucket, in the State of Massachusetts, in place of Charles E. Smalley, deceased.

SURVEYOR OF CUSTOMS.

Theodore W. Wheeler, of New York, to be surveyor of customs for the port of Port Jefferson, in the State of New York, to succeed G. Frank Bayles, whose term of office has expired by limitation.

This nomination is made to correct error in name of Mr. Wheeler, who was nominated and confirmed by the Senate March 5, 1900, as Thomas W. Wheeler.

INDIAN INSPECTOR.

J. George Wright, of Rosebud Agency, South Dakota, to be an Indian inspector, to take effect March 27, 1900, at the expiration of his present term of office. (Reappointment.)

APPOINTMENTS IN THE VOLUNTEER ARMY.

Thirty-fifth Infantry.

Sergt. Selwyn D. Smith, Company C, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, March 16, 1900, vice Kimball, promoted.

To be assistant surgeon with the rank of first lieutenant.

Stanley Mac C. Stuart, of the District of Columbia, acting assistant surgeon, United States Army, March 16, 1900, vice Beasley, Eleventh Cavalry, United States Volunteers, promoted.

PROMOTIONS IN THE NAVY.

Commander Washburn Maynard, to be a captain in the Navy, from the 9th day of March, 1900, vice Capt. George M. Book, retired.

Maj. Benjamin R. Russell, to be a lieutenant-colonel in the United States Marine Corps, from the 31st day of January, 1900 (subject to the examinations required by law), vice Lieut. Col. William S. Muse, promoted.

Capt. Charles A. Doyen, to be a major in the United States Marine Corps, from the 31st day of January, 1900, vice Maj. Benjamin R. Russell, promoted.

Mr. Thomas H. Brown, a citizen of Maryland, to be a second lieutenant in the United States Marine Corps, from the 19th day of March, 1900, to fill a vacancy existing in that corps.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 19, 1900.

JUSTICE OF THE PEACE.

John H. O'Donnell, of the District of Columbia, to be a justice of the peace in the District of Columbia (assigned to the city of Washington).

APPOINTMENT IN THE ARMY.

CAVALRY ARM.

Private Ferdinand W. Fonda, Troop B, Third United States Cavalry, to be second lieutenant, March 1, 1900.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

Lieut. Col. William A. Marye, Ordnance Department, to be colonel, March 5, 1900.

Maj. John A. Kress, Ordnance Department, to be lieutenant-colonel, March 5, 1900.

INFANTRY ARM.

To be first lieutenants.

Second Lieut. Louis P. Schindel, Sixth Infantry, October 19, 1899.

Second Lieut. George B. Pond, Third Infantry, October 20, 1899.

Second Lieut. Dana T. Merrill, Twelfth Infantry, November 15, 1899.

Second Lieut. Alexander M. Wetherill, Sixth Infantry, November 15, 1899.

Second Lieut. Charles N. Murphy, Twenty-second Infantry, November 15, 1899.

Second Lieut. Theodore A. Baldwin, jr., Twenty-fourth Infantry, November 20, 1899.

Second Lieut. George H. Shields, jr., Twelfth Infantry, November 25, 1899.

Second Lieut. Eleutheros H. Cooke, Tenth Infantry, November 26, 1899.

Second Lieut. Arthur L. Conger, Eighteenth Infantry, December 2, 1899.

Second Lieut. James B. Kemper, Fourteenth Infantry, December 8, 1899.

Second Lieut. John W. Barnes, Eighteenth Infantry, December 15, 1899.

Second Lieut. Isaac A. Saxton, Fourth Infantry, December 15, 1899.

Second Lieut. George E. Thorne, Twenty-second Infantry, December 18, 1899.

Second Lieut. Harry S. Howland, Twenty-third Infantry, December 23, 1899.

Second Lieut. Alfred Aloe, Eighteenth Infantry, December 26, 1899.

Second Lieut. Thomas J. Fealy, Fifth Infantry, January 7, 1900.

Second Lieut. Frank W. Rowell, Second Infantry, January 12, 1900.

Second Lieut. Hugh A. Drum, Twelfth Infantry, January 15, 1900.

Second Lieut. John M. Campbell, Twenty-fifth Infantry, January 18, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant surgeon with the rank of captain.

José Lugo Vina, of Puerto Rico, acting assistant surgeon, United States Army, March 1, 1900, Puerto Rico Regiment, United States Volunteer Infantry.

PUERTO RICO REGIMENT.

Capt. William E. Almy, Fifth United States Cavalry, to be major, Puerto Rico Regiment, United States Volunteer Infantry, March 1, 1900.

THIRTY-NINTH INFANTRY.

Corp. Frank M. Polk, Company C, Thirty-ninth Infantry, United States Volunteers, to be second lieutenant, March 5, 1900.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

Bolivar J. Lloyd, of Texas, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Thomas D. Berry, of Texas, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Mervin W. Glover, of West Virginia, to be an assistant surgeon in the Marine-Hospital Service of the United States.

POSTMASTERS.

John Campbell, to be postmaster at Warren, in the county of Trumbull and State of Ohio.

Simeon Chapman, to be postmaster at Westerville, in the county of Franklin and State of Ohio.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 19, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ALLEN of Mississippi indefinitely, on account of illness.

HEIRS AT LAW OF DUNCAN CAMPBELL.

Mr. KERR. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6497) for the relief of the heirs at law of the late Duncan H. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Patents is hereby authorized and directed to grant and issue to Annie Campbell, widow of Duncan Campbell, an extension of Letters Patent No. 231954, issued September 7, 1880, and Letters Patent No. 253156, issued January 31, 1882, for the full term of seven years from and after the date of the expiration of each of said letters patent, and that said letters patent be, and the same hereby are, extended for the term of seven years after the said respective dates of expiration: *Provided*, That said extension of said letters patent and all the benefits of this act shall be held to apply only to the use and benefit of said Annie Campbell, widow of Duncan Campbell.

The SPEAKER. Is a second demanded?

Mr. RICHARDSON. I demand a second.

Mr. KERR. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. KERR. Mr. Speaker, I ask that the Clerk read the unanimous report of the Committee on Patents.

The SPEAKER. The report will be read in the time of the gentleman from Ohio.

The Clerk read as follows:

The Committee on Patents, to whom was referred the bill (H. R. 6497) for the relief of the heirs at law of the late Duncan Campbell, beg leave to submit the following report, and recommend that said bill do pass, with amendments:

Duncan H. Campbell, late of the city of Pawtucket, in the State of Rhode Island, was a native of Scotland and a naturalized citizen of the United States, who obtained Letters Patent No. 231954 September 7, 1880, for a sewing machine, the particular value of which was in the fact that it successfully carried and operated a waxed thread. He also obtained, on January 31, 1882, Letters Patent No. 253156 for a wax-thread sewing machine. Three-fourths interest in each of these inventions was assigned to other parties, namely, H. B. Metcalf, Frank E. Comey, and Daniel McNiven, for nominal consideration, upon condition that a company or corporation should be formed to exploit said inventions and manufacture said machines, in which company or corporation said Campbell should have a certain amount of stock, should be a director, and should receive continuous employment at a compensation to be agreed upon.

This company was formed, and to it were assigned the patents herein referred to. It entered upon the transaction of its business, and for some time said Campbell was employed and enjoyed all the rights contemplated for him in the original agreement, in the meantime working other and different inventions, among them a so-called welt machine of great value. These subsequent inventions were claimed to be included in the original agreement, and, it was claimed by the company, should be at once assigned without further consideration. This was resisted by Mr. Campbell, and the committee do not find that the contention of the company is sustained by the evidence presented. Mr. Campbell resisting this demand, the relations between himself and the directors of the company became strained to such an extent that he was dropped from membership in the board of trustees, and said board, without authority except its own will, arbitrarily canceled the contract of employment with said Campbell, and also canceled all other contracts between them, but without restoring to said Campbell any of his former rights under said letters patent.

From the best evidence obtainable Mr. Campbell was denied all participation in the affairs of the company, and was notified that no transfers of stock by him would be recognized by the company. This action rendered the stock held by him of comparatively small value, and from that time up to his death, in 1894, he received nothing from said company either in the way of salary, dividends on stock, or otherwise, nor has his widow received anything since. Dividends have been passed or suspended, although the inventions are of great value and sources of much revenue to the company.

The evidence before the committee tends to show that while the company has, perhaps, avoided strict legal liability, its treatment of the widow of said Campbell has not been such as in equity and good conscience she should be entitled to. She is in needy circumstances, and therefore, inasmuch as your committee believe that one object of the patent laws is to protect the pecuniary interest of inventors, who are not always possessed of that business acumen which seems to characterize certain other classes of men, and inasmuch as this bill involves no appropriation and works no hardship to any parties concerned, and inasmuch, perhaps, as it tends to remedy the distressed condition of the widow of a worthy but unfortunate inventor, the bill will address itself to the sense of justice of anyone.

Your committee would further report that in the Fifty-fourth Congress the Senate Committee on Patents favorably reported the bill, and at least one favorable report on the bill was made by one of the former Committees on Patents of this House, all of which is suggested as an evidence of the merits of the bill.

Your committee do therefore recommend that the following amendments be adopted and that the bill do pass:

In line 4, page 1, after the words "Annie Campbell," add the words "widow of."

In line 5, page 1, strike out all of said line, commencing with the name "Hector Campbell."

Also, strike out all of line 6.

Also, strike out all of line 7, same page, down to and including the word "assigns."

After the word "expiration" in line 17, page 1, add the following words: "*Provided*, That said extension of said letters patent and all the benefits of this act shall be held to apply only to the use and benefit of said Annie Campbell, widow of Duncan Campbell."

Mr. KERR. Mr. Speaker, if there is no objection to the passage of the bill, I will ask for a vote, and will reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I have sent for a copy of the bill and report, but have been unable to get either. It is almost impossible to learn the effect of this bill from the reading. I should like to have some explanation of it from the gentleman.

First, I should like to know if this motion to suspend the rules is made by the direction of the committee or is an individual motion?

Mr. KERR. It is a motion made by direction of the committee. I will say to the gentleman that the committee simply recommended some formal amendments.

Mr. RICHARDSON. Did the committee unanimously report this bill?

Mr. KERR. They did. One or two members of the committee have some objections on general principles to the extension of a patent, but against this particular bill there was no objection.

Mr. RICHARDSON. I am unable to get a copy of the bill, and I should like the gentleman to give us some explanation of it more full than we have heard.

Mr. WHEELER of Kentucky. I should like to ask the gentleman a question. Will not the passage of this bill result——

Mr. CLARK of Missouri. I should like to ask the chairman of the committee a question.

Mr. KERR. I yield first to the gentleman from Kentucky [Mr. WHEELER].

Mr. WHEELER of Kentucky. Will not the passage of this bill result in depriving the assignees under the original patent of some rights acquired by them?

Mr. KERR. Not at all. The original patents have expired and the assignees have reaped all the benefits they were entitled to under those patents.

Mr. WHEELER of Kentucky. Did not the contract between the patentee and his associates contemplate a renewal of the patent?

Mr. KERR. No; I think not—not as I recollect it. There was an assignment of the original terms of the two patents, and those have expired, one expiring some three years ago and the last one last year.

Mr. WHEELER of Kentucky. Is there an effort being made by the assignees of the original patent to renew it?

Mr. KERR. Not so far as I know. There has been no application brought to the attention of the Committee on Patents.

Mr. WHEELER of Kentucky. Was the invention assigned at the same time that the patent was assigned?

Mr. KERR. The patents were assigned some time before the decease of the husband of the beneficiary under this bill, and the basis of the bill is that by an entirely unfair proceeding he was deprived of his interest in the patents.

Mr. WHEELER of Kentucky. Was the invention assigned by the patentee?

Mr. KERR. Certainly; the patents and the invention were assigned to this company in which Mr. Campbell was originally an associate or partner. It was an association or incorporation, and it appears that Mr. Campbell was unjustly deprived of his interest in the company.

Mr. WHEELER of Kentucky. I would like to ask the gentleman, if the invention was assigned, what right the widow of the inventor has to a renewal of the patent?

Mr. KERR. She would have exactly the same right as anybody else would have, if the House thinks it proper to renew it. The committee made a very careful investigation of this question and looked into it thoroughly. Not only that, but the Committee on Patents in the Fifty-fourth Congress, as I recollect it, and in the Fifty-fifth Congress, committees differing very largely from the committee that now exists, made a careful and thorough examination in the case and unanimously recommended the passage of the bill.

Mr. WHEELER of Kentucky. I want to vote for the bill; I am not antagonizing it; but I should like to know what right the widow has to a renewal of the patent?

Mr. KERR. In a former Congress, the Fifty-fourth Congress, the Senate Committee on Patents also investigated the matter, and made a unanimous report in favor of the bill. So that it seems to me that the subject-matter has been thoroughly investigated, and there can not exist any very weighty objection to the bill, except upon the general proposition of objection to the extension of patents.

Mr. WHEELER of Kentucky. But I will say that if the original inventor not only assigned the patent but the invention, I can not see how his widow has any right to make an application for an extension of the patent.

Mr. KERR. Well, the gentleman makes a distinction I fail to understand, though I have had some considerable experience in patent matters. He simply assigned the patents for a nominal consideration to these three gentlemen, and the four afterwards formed a company, and the stock was divided among the four. Soon after the organization of this company it turned out to be a profitable patent, and the three, by a proceeding that was entirely unfair, the committee have found, excluded Campbell from all profit or benefit in this company, and so long as he lived he never received any benefit out of the agreement; but these gentlemen, who were the stockholders of the company, continued to receive benefit from the patents until they expired. This bill, in some form or another, in one House or the other, has been before the Congress for some years, and has been recommended by two committees; and whatever delay there has been is on account of the difficulty that has been met of getting a bill through, not because anybody had any serious objection to it, so far as developed, and I have had a great deal to do with it for the last two or three Congresses. I think it is a good bill, and ought to pass.

Mr. RICHARDSON. I yield the gentleman from Missouri such time as he desires.

Mr. CLARK of Missouri. Mr. Speaker, I desire to make only two or three remarks about the extension of patents in general. This particular case is just about as meritorious as most of the applications for extension of patents are. I notified the chairman of the committee that in another case, while I would not take the trouble to make a minority report, I would reserve the right to fight all these extensions of patents on the floor of the House. I wish to state this to the members of the House. There are a very large number of applications now, in one way and another, for the extension of patents, and my own opinion about it is that our patent laws are broad enough and liberal enough now, and the way that

these requests for extension of patents usually come up is this, that the patentee or the assignee of the patentee sleeps on his rights for several years. They generally make a fortune out of the patent, and then, when the time has expired, which is long enough, they come to Congress and say that they have not made enough.

Now, that is substantially the case of every application that is made to that committee, and while, as the committee said in their report, a bill like this does not call for any appropriation by Congress of the moneys of the United States Government, every man with ordinary intelligence knows that the effect of every patent, almost, is to make somebody in some way pay for it. As a matter of historical fact, some of the most valuable patents ever issued by the Patent Office have been extended by acts of Congress. Men who study about these matters must come to the conclusion that the patent laws of the United States as they exist are sufficiently liberal to incite inventive genius to do its very best, and it appears to me, without worrying the House with any extended remarks, that there ought to be some extraordinarily good reason to induce Congress in a special case to overrule the general law that it has laid down to govern all these patent cases, and my own opinion about it is that this case presents no sufficient reason to make an exception in favor of this woman to the general law on patents.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendments recommended by the committee.

The question was taken; and the Speaker announced that the Chair was in doubt.

Mr. KERR. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 50, noes 53.

So (two-thirds not having voted in favor thereof) the motion was lost.

SOUTH MANCHESTER, CONN., A PORT OF DELIVERY.

Mr. HENRY of Connecticut. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2114) to constitute South Manchester, Conn., a port of delivery.

The Clerk read the bill, as follows:

Be it enacted, etc., That South Manchester, Conn., be, and is hereby, constituted a port of delivery in the customs collection district of Hartford, Conn., and that the privileges of the seventh section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," be, and they are hereby, extended to said port of South Manchester.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. HENRY of Connecticut, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. HENRY of Connecticut. Mr. Speaker, I ask that House bill 8567, similar in terms, be laid on the table.

The SPEAKER. The gentleman asks that House bill 8567, relating to the same subject, lie upon the table. Without objection, this order will be made.

There was no objection.

Mr. LANDIS rose.

The SPEAKER. Will the gentleman from Indiana suspend a moment? The gentleman from Ohio, Mr. GROSVENOR, has a request, and he is anxious to leave, as he is not well.

LEAVE TO PRINT.

Mr. GROSVENOR. Mr. Speaker, at the close of the debate on the Puerto Rican bill general leave was given to extend remarks in the RECORD for a period of ten days. It is well known to the House that during eight of those ten days I was confined to my bed with sickness. I now ask unanimous consent that I may have the time extended until a week from to-day to print a speech on the topic, wholly pertinent to the Puerto Rico question.

The SPEAKER. The gentleman from Ohio states that during the pendency of the order of the House given ten days ago to print observations on the Puerto Rico bill he was confined to his hotel with illness. He now asks unanimous consent that he may have until a week from to-day to print remarks on this subject. Is there objection? [After a pause.] The Chair hears none.

C. E. MARR AND E. H. PIERCE.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 1740, to authorize C. E. Marr and E. H. Pierce to accept silver watches awarded to them by the government of the Dominion of Canada in recognition of their services in rescuing British sailors.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That C. E. Marr and E. H. Pierce, keepers of the Cuckolds, Maine, fog-signal station, be, and are hereby, authorized to accept each a silver watch awarded to them, respectively, by the government of the Dominion of Canada in recognition of their services in rescuing the captain and crew of the schooner *Aurora*, of Harbourville, Nova Scotia, on January 4, 1896.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. RICHARDSON. Mr. Speaker, I would like to ask the gentleman from Indiana if this is the same bill that he presented some days ago?

Mr. LANDIS. It is the same bill.

The SPEAKER. Will the House please be in order? Will gentlemen take their seats and cease conversation? There is no class of business where the House should be in better order than in cases where unanimous consent is asked, so that the members may hear what is proposed.

Mr. LANDIS. I will say to the gentleman from Tennessee that this is the same bill.

Mr. RICHARDSON. I asked the gentleman for some information then as to where these persons resided, and he was not able to state. I hope now he will make a statement about it.

Mr. LANDIS. I will say this to the gentleman from Tennessee: These men were light keepers at Cuckolds fog-signal station, Maine, and on January 4, 1896, near Southport, they rescued the captain and seamen of the wrecked schooner *Aurora*. Application was made to Congress in December, 1894, for the passage of the bill authorizing these men to accept the watches awarded them by the government of the Dominion of Canada, and although it received the approval of the Secretary of State, no action was taken upon it at that time. On December 13, 1899, the request was renewed by Secretary Hay, and the bill passed the Senate January 30, 1900.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. LANDIS, a motion to reconsider the last vote was laid on the table.

C. R. DOBBINS.

Mr. LANDIS. Mr. Speaker, I now ask unanimous consent for the present consideration of the bill (S. 746) to authorize C. R. Dobbins to accept a gold watch awarded to him by the government of the Dominion of Canada in recognition of his humane and gallant services to the shipwrecked crew of the British schooner *Ashton*, of Weymouth, Nova Scotia.

The Clerk read the bill, as follows:

Be it enacted, etc., That C. R. Dobbins, keeper of the light station at Moose Peak, Maine, be, and he is hereby, authorized to accept a gold watch awarded to him by the government of the Dominion of Canada, in recognition of his humane and gallant services to the shipwrecked crew of the British schooner *Ashton*, of Weymouth, Nova Scotia.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. Before consent is given, Mr. Speaker, I would like to ask the gentleman if this case belongs to the same class as the one just considered?

Mr. LANDIS. The same class, and the circumstances are very much the same.

Mr. RICHARDSON. I notice that there is a difference in the style of the watches.

Mr. LANDIS. Yes; the others were silver watches, and this is a gold watch.

Mr. RICHARDSON. Why this difference?

Mr. LANDIS. The value of silver bullion having declined so perceptibly since the circumstances which led to the recognition, the Canadian government thought that it would be more in keeping to give a gold watch. [Laughter.]

Mr. RICHARDSON. Is that all the reason?

Mr. LANDIS. I presume so; I think that is sufficient. [Laughter.]

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. LANDIS, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3254. An act to amend section 953 of the Revised Statutes of the United States, relating to the signing of a bill of exceptions; and

S. 3106. An act relating to the accounts of United States marshals and the clerks of the district courts for the Territory of Utah.

The message also announced that the Senate had passed with

amendments a bill of the following title in which the concurrence of the House was requested:

H. R. 5390. An act granting an increase of pension to Maria E. Mailley.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 854. An act granting an increase of pension to John J. McCormick;

H. R. 2477. An act granting an increase of pension to George H. Pennington;

H. R. 3867. An act granting an increase of pension to Melvina Bottles;

H. R. 6575. An act granting a pension to Matilda G. Higbee;

H. R. 5509. An act granting a pension to Malinda Jones;

H. R. 2749. An act granting a pension to Susan Garrison;

H. R. 4416. An act granting an increase of pension to Henry Geeson;

H. R. 524. An act granting an increase of pension to Andrew J. Davis;

H. R. 5156. An act granting an increase of pension to Frances C. Kirby;

H. R. 3072. An act granting an increase of pension to William W. Wharton;

H. R. 2000. An act for the relief of Thomas Paul;

H. R. 3071. An act granting an increase of pension to John F. Nelson;

H. R. 5299. An act granting an increase of pension to Joseph McCune;

H. R. 309. An act granting a pension to James M. Kercheval; and

H. J. Res. 204. Joint resolution to provide for the removal of snow and ice in the city of Washington, D. C.

PENSION APPROPRIATION BILL.

Mr. BARNEY. I desire to call the attention of the House to House bill No. 6627, making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes. As will be remembered, this bill was passed by the House several weeks ago and sent to the Senate. It has been returned to the House with certain amendments, and now lies on the Speaker's table. I ask unanimous consent that the House nonconcur in the amendments of the Senate and ask a conference.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the House nonconcur in the amendments of the Senate to this bill and ask a conference. Is there objection?

There was no objection.

The SPEAKER announced the appointment of Mr. BARNEY, Mr. MCCLEARY, and Mr. BELL as conferees on the part of the House.

STEAMER THETIS.

Mr. CANNON. By direction of the Committee on Appropriations I report back, with a recommendation that it pass, the bill (S. 3138) to provide for necessary repairs to the steamer *Thetis* for service as a revenue cutter. I ask unanimous consent for the immediate consideration of the bill.

The bill was read, as follows:

Be it enacted, etc., That the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available, for the purposes of repairing and equipping the steamer *Thetis* for service as a vessel of the Revenue-Cutter Service.

Mr. RICHARDSON. Does this bill come from the Appropriations Committee?

Mr. CANNON. Yes, sir.

Mr. RICHARDSON. Is it unanimously reported?

Mr. CANNON. Yes, sir.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

PUERTO RICAN APPROPRIATION BILL.

Mr. CANNON. There is upon the Speaker's table what is known as the Puerto Rican appropriation bill, which was passed by the House several weeks ago and is now returned from the Senate with amendments. I desire to call up that bill, to move that the House nonconcur in the Senate amendments, and ask for a conference.

The title of the bill was read, as follows:

A bill (H. R. 9080) appropriating for the benefit and government of Puerto Rico revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

The amendments of the Senate were read, as follows:

Page 1, line 9, strike out all after "hundred," down to and including "law," line 12.

Page 2, line 1, after "government," insert "now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein."

Page 2, line 2, strike out "and benefit of Puerto Rico until otherwise provided by law."

Page 2, lines 3 and 4, strike out "revenues herein referred to, already collected and to be collected under existing law, are" and insert "said sum, or so much thereof as may be necessary, is."

Amend the title so as to read:

"An act appropriating, for the benefit and government of Puerto Rico, customs revenues collected on importations therefrom since its evacuation by Spain to the 1st day of January, 1900."

Mr. MCRAE. I move that the House concur in the Senate amendments.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] moves to nonconcur in the Senate amendments, and the gentleman from Arkansas [Mr. MCRAE] moves to concur. The vote will first be taken on the motion of the gentleman from Arkansas.

Mr. MCRAE. Will the gentleman from Illinois indicate how much time will be allowed for debate?

Mr. CANNON. I would be glad to have as speedy action as possible on this bill, but I will yield to the gentleman. How much time does he desire?

Mr. MCRAE. So far as I am personally concerned, I desire but very little. But some gentlemen on this side desire to discuss the matter; it is not possible just now to say how long—not very long.

Mr. CANNON. How much time probably is desired on that side?

Mr. MCRAE. We will try to get along with thirty minutes.

Mr. CANNON. Say twenty-five. I have an hour in my own right. I want to occupy a little of that time myself and I also want time enough to hold parliamentarily the power to test the sense of the House as to a vote. I have no objection to allowing twenty-eight minutes on a side.

Mr. MCRAE. All right.

Mr. CANNON. I will occupy a very brief time and then yield to the gentleman from Arkansas.

Mr. Speaker, on the 9th day of March the House passed a bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

It will be remembered that the House appropriated by this bill $2,095,000, in round numbers, "being the amount of customs revenue received on importations by the United States from Puerto Rico since the evacuation of Puerto Rico by the Spanish forces on the 18th day of October, 1898, to the 1st of January, 1900."

In addition to this, the following language was in the bill:

Together with any further customs revenue collected on importations from Puerto Rico since the 1st of January, 1900, or that shall hereafter be collected under existing law.

The Senate considered this bill, and amended it by striking out these words:

Together with any further customs revenue collected on importations from Puerto Rico since the 1st of January, 1900, or that shall hereafter be collected under existing law.

It will be noticed that the House not only appropriated all revenues which had been collected up to the 1st of January, but appropriated the revenues which had been collected on these importations from that time to the time of the enactment of the law, if it shall be enacted. The House bill went further, and appropriated all revenues that should be or shall be hereafter collected upon such importations under existing law.

The Senate strikes out these provisions. The Senate also amends as follows: It provides that the revenues shall be placed at the disposal of the President, to be used for the government.

Now comes the Senate amendment:

Now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein.

The House language was:

To be used for the government and benefit of Puerto Rico until otherwise provided by law.

This amendment of the Senate, in legal effect, in my judgment, does not change the House provisions; and if that had been the only amendment I should have voted to concur in the same. It is a mere difference in phraseology.

But the material amendment is the one that I first referred to. Now, the House believed it to be very proper to devote the revenues collected under the Dingley law upon importations from Puerto Rico, to devote the money that had been collected and the money that shall be collected, until the law is changed, to the same purpose. The Senate, however, by its amendment stops with the devotion of these revenues to this purpose up to the 1st of January.

In my judgment it is perfectly clear that if the revenues should be devoted to the benefit of Puerto Rico up to the 1st of January, they should, upon the same principle and for the same reason, be devoted to the benefit of Puerto Rico under existing law and until the law is changed. Therefore, my motion was to nonconcur in the Senate amendments and ask a conference with the Senate

upon those amendments. The gentleman from Arkansas [Mr. McRAE] moves to concur in the amendments. His motion, if adopted, would at once pass the law. My motion, if adopted, would send it to a committee of conference with a view upon the part of the House to ask the Senate to recede from its amendment and cover the whole subject as the House covered it when it passed the bill.

I will now yield to the gentleman from Arkansas [Mr. McRAE] twenty-eight minutes.

Mr. McRAE. I only want to say a few words myself. Both these propositions concede that the money that has been collected ought to be refunded. The House bill is indefinite as to what may be collected and refunded. The Senate proposition is definite as to the amount and time. The House proposition implies the right of the United States to enforce the Dingley tariff bill against the Puerto Ricans. The Senate proposition does not concede that, and for this, if no other, reason I prefer the Senate amendments. These are important distinctions. We are all in favor of giving the money back to the Puerto Ricans, and I believe I can speak for every man on this side when I say that not only would we give them back what has been unjustly taken from them by unequal taxes, but that we would at once stop any further collections under the Dingley law and give them what they have asked for and what they are entitled to—free trade with the United States, of which they are part. [Applause on the Democratic side.]

I yield to the gentleman from Colorado [Mr. BELL] five minutes.

Mr. BELL. Mr. Speaker, there is no question, I think, in the mind of anybody but that the phraseology of this bill is wonderfully improved by the Senate amendments. The Senate bill also prescribes the general application of the funds. It makes an appropriation of what has been collected, of over $200,000,000. Now, there is an underlying feature of this bill that is more important than this appropriation. That is, that this bill as amended really anticipates that we propose, at an early date, to enact a law giving those people civil government, and the Puerto Ricans themselves are in favor of that.

I had the pleasure last night of listening to Dr. Ames, a resident of Puerto Rico, who spoke to an immense audience in this city. He held up our actions and contrasted them with the treatment which the Puerto Ricans received from Spain. He said they wanted no such charities as we offered them; that they came to the United States and asked what the great majority of the people and newspapers of the United States say we should give them. He showed that 93 per cent of the newspapers of the United States demand that Puerto Rico shall have free commerce with the United States.

But, say these parties, in addition to free trade the one thing above all others that Puerto Rico demands is a civil government; that free trade is not so important in Puerto Rico as a civil government for that island. The amendment of the Senate contemplates that we will appropriate the money collected, and then that we will make the machinery for the purpose of governing Puerto Rico and the necessary appropriations under that machinery. The Senate amendment also gives the President less leeway, and it provides that he shall use this money, or such part of it as may be necessary, for the purposes of education, public works of the government, and public purposes generally. It also contemplates the organization of a civil government, and gives this amount of money, or what is left, to the civil government for their disposition, when organized.

Now, sir, it seems to me that, instead of spending much time over a quibble, we should make the appropriation as contemplated by the Senate. When we have made the appropriation we should hurry to give the island of Puerto Rico a civil government. Dr. Ames, who is a resident of Puerto Rico, and who was a citizen of the United States before going there, said that under Spain they had laws that were unexceptionable, but it was the failure to execute the laws which made their hardships. He pointed out that they had four representatives in the higher legislative body in Spain and sixteen in the lower house, and he referred to us as attempting to humiliate the people of Puerto Rico as Spain never had descended to think of doing under her administration.

Now, sir, that put in my mind a thought. As Dr. Ames says, it was not the laws which were passed by Spain, but it was the failure to execute the laws passed by the Cortes in their true spirit that caused the oppression of the people of Puerto Rico. He says we may never expect harmony in Puerto Rico while they are governed by brass buttons and steel bayonets; that they want to govern themselves; that they want to do so immediately, and that they demand at our hands not these little contributions or begrudging charities, but a régime for the government of the island. I say, because this bill contemplates that, because it provides for this fund to be turned over to the contemplated régime, and because the language is more definite and the phraseology better, and because it attempts only to appropriate what we have collected heretofore, leaving it to Congress to make an appropriation of the future collections—for these reasons, it seems to me, this bill is much preferable to the bill as it passed the House. Therefore, I am in favor of the Senate amendment. I am in favor of making this appropriation immediately, and allowing a little relief to these long-suffering people who are right at our door, and who are now suffering under our neglect and mistreatment. I hope we may concur in the Senate amendment.

Mr. HEMENWAY. Will the gentleman yield for a question?

Mr. BELL. Yes; certainly.

Mr. HEMENWAY. Are you opposed to giving them the revenues received since the 1st day of January and to be received hereafter?

Mr. BELL. I might be in favor of appropriating those at an opportune time.

Mr. HEMENWAY. Why not now?

Mr. BELL. We here appropriate $2,000,000, more than enough for immediate needs, and we are forcing an appropriation upon a people who do not demand such an appropriation. They demand something higher and better, to wit, a civil government, after this appropriation. I am in favor of giving them civil government, and then taking off the duty and giving them these subsequent collections. But I have said enough. I can not consume the time of the gentleman from Tennessee [Mr. RICHARDSON].

The SPEAKER. The time of the gentleman has expired.

Mr. McRAE. How much time have I?

The SPEAKER. The gentleman has twenty-one minutes remaining.

Mr. McRAE. I yield that time to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. I yield fifteen minutes to the gentleman from Texas [Mr. BALL].

Mr. BALL. Mr. Speaker, I was astonished to hear the gentleman from Illinois [Mr. CANNON] make a motion to nonconcur in the Senate amendments. When the House bill was passed, on the 2d of March, the distinguished chairman of the Appropriations Committee [Mr. CANNON] used this language:

I would be very glad for storm-swept, starving Puerto Rico that the bill should pass by unanimous consent without debate.

Now, Mr. Speaker, we have the opportunity to relieve the necessities of "storm-swept, starving Puerto Rico" by concurring in the Senate amendments, which embody the principles voted for by the unanimous Democratic minority on this side of the Chamber when the original House bill was pending. That bill appropriated $2,095,455.88, being the amount received on importations from Puerto Rico to the United States since the evacuation of that island by the Spanish forces to the 1st of January, 1900, together with any further customs thereafter collected under existing law, and placed the same at the disposal of the President, to be expended for the government and benefit of Puerto Rico.

The Democratic minority antagonized the bill because it continued the Dingley tariff bill in operation as to Puerto Rican imports and gave all sums already collected under that law and hereafter to be collected thereunder to be disbursed at the discretion of one man, the President. We were not willing to admit the right to apply the Dingley bill to that island, either in the past or in the future.

We were willing to appropriate the full amount which Puerto Rican products had already wrongfully paid, to the benefit of the people of Puerto Rico, provided the purposes for which the money was to be spent could be specified in the bill and not left to the discretion of the President. In behalf of the Democratic minority, when the original bill which passed the House was pending, my colleague from Texas [Mr. BAILEY] moved to recommit the bill at that time with instructions, and said:

I move that the bill be committed to the Committee on Appropriations, with instructions to report it back with amendments limiting the appropriation to the amount now in the Treasury derived from collections upon articles imported from Puerto Rico, and specifying the purposes for which the President may use the money.

That amendment or substitute was voted for by every gentleman on this side of the Chamber, and has been specifically embodied in the substitute or amendment which the Senate of the United States has sent to this House for its consideration. The pending amendment does limit the amount to be appropriated to that already collected from imports from Puerto Rico, and specifies for what purpose the President shall spend these amounts.

Now, is it the purpose of the gentleman from Illinois or of the majority upon the other side of the Chamber, who accused us less than two weeks ago of "shedding crocodile tears over the distress of that island"—is it their purpose, let me ask, to delay action in order that relief may not come to the people, whom the gentleman from Illinois desired to relieve when the measure was pending two weeks ago, without even a moment's debate? I have in my hand an editorial from the New York Herald of to-day, which is as follows:

STARVING PUERTO RICO'S PLEA.

The plea of the 60 half-naked, famishing women who walked barefoot 25 miles to San Juan to beg relief from General Davis touches the heart of the American people as strongly as the appeal of the planters and merchants

who will assemble in mass meeting in the same city this afternoon to beg that whatever Congress proposes to do it will do quickly and end their suspense.

When General Davis requested the mayor of San Juan to provide the afflicted women with conveyance back to their homes, he was met with the reply that there is not a penny in the treasury and that the police were still unpaid for their last two months' work. The position in which the United States is put in the eyes of the world through the influence that is exercised over the party in power by the greedy protected industries makes the cheek of every true American burn with shame.

Now, Mr. Speaker, it is within the power of gentlemen upon that side of the Chamber, within twenty minutes, or within thirty minutes, at least, to pass a law which will make at once available over $2,000,000 to be carried to the island which the gentleman from Illinois, the chairman of the Committee on Appropriations, declared two weeks ago was "storm-swept and starving." Will you do so, or will you rather continue the miseries of unjust taxation now being wrung from those people, delay this matter, and deny relief to them, in order that you may force through the bill which you passed in this House, denying to them the free trade which the President of the United States said "was our plain duty" to give to them, the passage of which caused many gentlemen upon that side of the Chamber to run home and hustle for their renominations?

I ask you, gentlemen, why play politics? Do not resort to the tactics of the person who imposed upon the press by giving out an interview, pretendedly coming from a member of the Cabinet of the President, accusing gentlemen who refused to vote for your measure, taxing both American and Puerto Rican products, of being "crafty politicians who were attempting to play upon the sympathies and prejudices of the country." I do not believe that any Cabinet officer was so lost to self-respect as to give out such an interview, or that any man was ever elevated to so high an office in this Government so unfitted for it as to have given out any such anonymous statement, reflecting upon the President, upon members of Congress, the press, and people of the United States, who believe in free trade with Puerto Rico.

Now, Mr. Chairman, I want to say that it is the plain duty of this House, in view of the distressing conditions which exist in that unhappy island, to pass the bill as amended by the Senate. Conditions are far worse under the pretended "benevolent assimilation" that we are taking to them than it was under the tyrannical domination of Spain. As between the government that existed there at that time, when they had full proportional representation in the Spanish Cortes equal to that of any other Spanish territory, and the military government we maintain there, wringing taxes under the Dingley bill from them, coupled with the effort to lay an export upon our own breadstuffs shipped to a starving people, I denounce our treatment as far worse than the government which we overthrew when we drove the Spanish flag from that unhappy island.

In the debate that preceded the passage of this bill, after the Republican party had made the mistake of going back upon the recommendation of their President "to give free trade to Puerto Rico," the air was full of slanders upon the President, many pretending that he had officially declared to the people of the United States and recommended to the American Congress "that it was our plain duty to give free trade to Puerto Rico" while privately attempting to electioneer with individual members of this House to get them to vote against his recommendation. You made that fatal mistake, and two weeks afterwards, under the guise of pretended sympathy for these outraged people, you came in here with a flourish of trumpets and passed an appropriation bill for the relief of Puerto Rico, when the chairman of the Committee on Appropriations [Mr. CANNON] four days before, while advocating a tax upon exports to and imports from Puerto Rico, had declared:

> We on this side have to construct; we have got to do something. This bill must pass or we must vote $2,000,000 out of the Treasury for the coming year to care for Puerto Rico. We do not like to do that.

That tax bill passed. The appropriation bill also passed and is here. It carries, as amended by the Senate, over $2,000,000 for the relief of Puerto Rico. It gives them that which you declared they were entitled to and in which the Senate of the United States agrees, and you have an opportunity without further debate, without waiting to see what will come as the result of your experimental legislation (passed as a predicate for a Supreme Court decision), to rise to the full measure of your duty and vote with the gentlemen upon this side of the House to concur in the Senate amendments, in order that the starving people of Puerto Rico may receive the relief to which they are entitled, and thereby recover, in a measure, from the anomalous position in which you have been placed. [Applause on the Democratic side.]

Mr. RICHARDSON. Mr. Speaker, how much time is left to this side?

The SPEAKER. The gentleman has used eleven minutes.

Mr. CANNON. I now yield five minutes to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Speaker, there is no excuse for delaying the House long in the consideration of the motion made by the gentleman from Illinois [Mr. CANNON]. The question raised by it is a simple one. The effect of his motion is to give to the uses of the government of Puerto Rico not only the $2,000,000 appropriated by the bill, but in addition all revenue collected from the 1st of January up to the point of time when the existing tariff laws between Puerto Rico and the United States are supplanted by others. On the other hand, the motion of the gentleman from Arkansas [Mr. MCRAE] would terminate the appropriation of these duties on the first day of January last.

The conflict between the two motions has nothing to do with free trade between the island and the United States. It has nothing to do with the formation of a civil government for the island of Puerto Rico. There are many men in this House and at the other end of the Capitol who are giving that question their daily attention. It can not be done in a day. The work can not be done in the interest of the inhabitants of Puerto Rico unless it be done carefully and intelligently. The prevailing of the motion of the gentleman from Illinois will not retard the formation of a civil government for Puerto Rico for a single hour. The success of the motion of the gentleman from Arkansas will not advance the formation of a civil government for that island a single instant. The success of either motion will not affect the question of free trade between the island and the United States. That may come in time. It probably will come in time. But until there is some action by Congress duties are collected at the ports of Puerto Rico and duties are collected at the ports of the United States upon the traffic between the two sections.

The proposition of the gentleman from Illinois is to declare a policy; to declare that until the law is changed, whether that be sooner or later, every dollar of taxation upon the traffic between Puerto Rico and the United States shall be devoted solely and exclusively to the benefit of the island. Can any gentleman find any fault with that upon this side of the House? Ought any gentleman on that side of the House to find any fault with it? It is simply the extension backward of the principle of the bill which has already passed the House. It is the declaration of the Congress of the United States that until legislation can be had upon that subject-matter no dollar of taxation which is collected upon the traffic between the island and the United States shall go to the benefit of the people of the United States, but that every dollar of it shall go exclusively to the benefit of the people of Puerto Rico.

Mr. BALL. Will the gentleman allow me to ask him a question?

Mr. MOODY of Massachusetts. Certainly.

Mr. BALL. Will not sending the bill to conference delay the relief of Puerto Rico?

Mr. MOODY of Massachusetts. Oh, it may delay it an hour, or a day, and it may delay it two days, but it will not delay it to any appreciable extent. Everybody understands that they are to have this money; they are to have the two millions in any event. According to the position of our side of the House, they not only will have the $2,000,000 but every other dollar of taxation collected upon the traffic between the island and the United States under the existing law.

Mr. BALL. Is it not a fact that you were so pressed for time to give these people that relief that you declined to submit the original proposition to a committee to be considered, the haste was so great? Why not give them immediate relief by concurring in that for which the Senate of the United States has already voted?

Mr. MOODY of Massachusetts. I understand the gentleman to find some fault with the haste with which the bill was originally considered and passed in the House. I call his attention to the fact that the action taken at that time was taken by unanimous consent. If the measure should have gone to a committee, it was within the power of any gentleman on that side of the House, by his objection, to send it there.

Mr. BALL. I desire to make myself clear upon that matter. We did not object because we believed then that the necessity existed, and we believe it yet. That is why we did not object to the unanimous consent.

Mr. MOODY of Massachusetts. Well, so far we all agree that the necessity exists, and that the $2,000,000 be devoted to the purposes of the island; and we say that in addition every dollar collected after the 1st of January, which stands exactly upon the same footing as the $2,000,000 collected before the 1st of January, ought to be devoted to the same purpose.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. CANNON. I yield the gentleman such further time as he may desire.

Mr. MOODY of Massachusetts. Now, Mr. Speaker, there ought not to be any contention between the two sides of the House upon this proposition. Every gentleman ought to stand with us and give to the inhabitants of Puerto Rico every dollar of taxation which is collected upon the traffic between Puerto Rico and the United States until such time as Congress can act. Congress can

not act to-day; it can not act to-morrow. The action must be some time in the future. The House bill proposes to deal with the question once for all. We propose to be more generous with the island than you do. Why not come to us? Let us disagree about the Constitution, let us disagree about the expediency of giving free trade, but let us all agree that until that time comes every dollar of the money collected from duties between the two countries shall go back to the island of Puerto Rico, which is precisely the motion of the gentleman from Illinois. It ought to have the vote of every gentleman on both sides of the Chamber. [Applause on the Republican side.]

Mr. CANNON. I yield five minutes to the gentleman from Minnesota [Mr. MCCLEARY].

[Mr. MCCLEARY addressed the House. See Appendix.]

Mr. SWANSON. Mr. Speaker, few questions in this Congress have agitated the country like the proposition dealing with Puerto Rico. The issue has been made up before the country; the position of the two parties is distinctly understood. Now, as an excuse for the oppression that is to be directed against Puerto Rico, it is proposed to make it palatable by giving back to those people the money collected from them under the pretense that it is necessary for governmental purposes. The people of Puerto Rico ask no charity from Congress. They simply ask the privilege of sharing their part of the burden of taxation imposed by the Federal Government. They are willing to bear the same taxes that American citizens bear, and they want to share the same benefits. And if they enjoy the benefits of citizens of this Republic, they will cheerfully bear their part of the burden.

Now, the gentleman from Illinois [Mr. CANNON] and the gentleman from New York [Mr. PAYNE], when this infamous bill was introduced here which has received the reprobation of nearly the entire country, said the excuse for the outrage was a desire to raise revenue for the governmental purposes in Puerto Rico. I have here before me a petition sent to Congress—to the Ways and Means Committee of the House and to the Insular Committee of the Senate—signed by thousands of people in Puerto Rico, in which petition they show that they are willing to have the internal-revenue taxes of this Government extended to Puerto Rico.

In this estimate they show that they made last year 1,300,000 gallons of rum, which they are willing to have taxed $1.10 per gallon, yielding a revenue of $1,430,000. They made 250,000,000 cigarettes, which at $1.50 a thousand would amount to $375,000 in revenue. They made 120,000,000 cigars, which at $3.60 would be $432,000, making a total of $2,237,000. Then the customs duties on goods coming from other countries to Puerto Rico, by simply extending the Dingley tariff there against foreign importations to the island, would amount to over $200,000 a year, making a revenue from the simple extension of our customs and internal-revenue laws which, according to the figures of last year, would amount to $2,452,000 a year, ample money——

Mr. MCCLEARY. Will the gentleman allow me to ask him a question?

The SPEAKER. Does the gentleman yield?

Mr. SWANSON. I have not the time.

The SPEAKER. The gentleman declines to yield.

Mr. SWANSON. Ample money for governmental purposes. Now, these people are willing to bear the taxes, provided you impose upon them the same taxes that you impose upon your own citizens. They will bear that without complaint. They are willing to bear their part, and that will raise more than enough revenue to pay the expenses of running the government in Puerto Rico and will allow a surplus to go into the Treasury of the United States to help pay the Federal expenses, to support the Army and Navy, and for other purposes.

Mr. MCCLEARY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. SWANSON. I refuse to yield. I have only five minutes. Now, Mr. Speaker, what is the issue between these two parties on this question? The Democratic party takes the position that the Constitution of the United States——

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. RICHARDSON. I yield the remainder of my time.

The SPEAKER. The gentleman from Arkansas reserved six minutes, as the Chair understands.

Mr. MCRAE. I give all my time to the gentleman from Tennessee.

The SPEAKER. The gentleman from Virginia.

Mr. SWANSON. The Democratic party takes the position that the Constitution of the United States extends to Puerto Rico, and with it equal taxation: that whether it extends there or not, as a matter of justice, as a matter of right, as a matter of honest dealing, these people should have all the benefits of American citizenship and equal taxation with all other citizens.

No excuse can be given why this privilege should not be extended to them, and yet we have Republican speakers and Republican leaders telling us that it is on account of expediency in the campaign of 1900 that they propose to ignore the right and justice that ought to be extended to 1,000,000 people in Puerto Rico.

What does that show, Mr. Speaker? It shows that at the commencement of our colonial policy the colonies are to be made the football of American politics; that a Republican campaign induces a great party to endeavor to deny right and justice to a starving people and to perpetrate an infamous wrong on them on account of a fear of some exigencies that may arise in the Presidential campaign.

What position do the Democratic party take? We say that Congress has the right to impose taxes in Puerto Rico, but the taxes imposed there ought to be precisely the same as are imposed in the United States.

What position do the Republican party take? They take the position that Congress has the right to determine the conditions on which Puerto Rican goods shall enter the United States, and thus fix the price, and the conditions on which American goods shall enter Puerto Rico, and thus fix the price. In other words, they claim the privilege of fixing the price at which Puerto Ricans shall sell their goods to us, and the price to which we shall sell our goods to them. That is precisely the same right claimed by Great Britain in 1776, and which was one of the chief causes of the American revolution. I say that that privilege of fixing the price at which you sell your goods to other people and the price at which you purchase theirs is a power that no just nation should want and a power that no nation has ever exercised without injustice and discrimination.

What do they tell us is the compromise which is proposed in the Senate now and advocated by a great many Republicans? The proposition, mark you, is that Puerto Rican goods shall pay a tax of 15 per cent to come in here, but that American goods shall go there free. That is the way that the thought of the majority of the Republican Senators is drifting to-day.

Why, gentlemen, if that is to be done, it is more iniquitous than the bill as it passed the House. To extend protection to American industries here and not to permit Puerto Rican industries to be protected, if there is anything in protection at all, is an act of power that is unjust, tyrannical, and iniquitous.

Now, this is a practical, concrete illustration of what imperialism means. We have read the speeches of gentlemen on the other side, glittering in their generalities, profuse in promises, but here is the first practical question that has come up before us in reference to the inauguration of an imperial policy, which means that Congress will be continually asked, by special interests here, to exploit the colonies for the benefit of a few special interests in the United States.

Now, when I spoke upon this question when it was before the House I showed an illustration of where it was sought to make the entire tobacco crop of Puerto Rico be brought here and manufactured into cigars, and to make it impossible to manufacture cigars in Puerto Rico and import them here in a manufactured state. How is that to be done? Let us see the gross injustice of this proposition.

The bill as it passed this House and as it is sustained to-day puts a tax of 15 per cent of the Dingley bill on tobacco imported in its raw state—about 6¼ cents a pound for raw leaf tobacco. Now, take that same tobacco in Puerto Rico and make it into cigars and cigarettes and try to seek this market, and what is the duty a pound? It is one-sixth of $4.50, which makes about 67¼ cents a pound. What does that mean? It means that the cigar, cigarette, and cheroot factories of Puerto Rico must be closed and the 4,000,000 pounds of raw tobacco raised in Puerto Rico must be imported here in its raw state and made into cigars and cigarettes here. That is exactly the way Great Britain dealt with the colonies. They had discriminating duties, so as to prohibit and prevent any manufacturing development in the colonies.

Now, Mr. Chairman, there are 300 people to the square mile in Puerto Rico. These people can not develop nor live unless they are permitted to have manufacturing enterprises amongst them, such as we have in America. A great many of the cigars and cigarettes in Puerto Rico are manufactured in the homes of poor people. These people must be clothed. They have no market in the world to-day for these cigars and cigarettes except the United States of America. Now, the spirit behind the bill is the selfish concern of special interests which will be benefited by these discriminating duties. It is a desire to close up all the factories in Puerto Rico and to prevent the humble people who are making cigars and cigarettes from having employment.

The SPEAKER. The time of the gentleman has expired.

Mr. SWANSON. I ask the privilege of printing in connection with my remarks this petition sent to the Ways and Means Committee and to the Committee on Insular Affairs of the Senate, a petition signed by thousands of citizens of Puerto Rico. I ask to print it as a part of my remarks.

The SPEAKER. The gentleman from Virginia asks unanimous consent to print in the RECORD the petition referred to. Is there objection?

There was no objection.

The petition is as follows:

To the Congress of the United States:

We, the undersigned, merchants, manufacturers, bankers, agriculturists, and property owners, resident in Puerto Rico, beg to submit to your earnest consideration the following views as to the financial policy of Puerto Rico:

We note with regret the principle, enunciated by certain speakers in the lower House of Congress, that a tariff between Puerto Rico and the United States is the proper method of raising revenue for this island. To this we are unchangeably opposed, for the following reasons:

First. Because taxation on our exports means embargo on our foreign commerce.

Second. Because curtailment of our commerce with the United States locks up our products here and prevents us from gaining our legitimate proportion of profits on our productions. We can never become independent financially if forced to trade solely among ourselves; we must have a market other than Puerto Rico, or else we can not gain wealth. Do not mistake the proposed 15 per cent of Dingley rates for a reasonable rate. It is a fact that no class of goods produced here from leaf tobacco will be taxed less that 25 per cent ad valorem, while one of the most important of this class will be taxed 160 per cent ad valorem, under the bill adopted by the House of Representatives. If this is not embargo on our trade, what can it be called?

We earnestly ask for free trade, believing that with mutual interchange of products between the two countries the United States will be more than gainer. The United States will for many years supply our 1,000,000 people with their manufactured products in general.

We recognize the fact that a revenue to support the insular government would be necessary; but we are decidedly of opinion that the better method for raising that revenue will be by internal taxation, for the following reasons:

First. Because by that system no restriction will be placed on our commerce with the United States.

Second. Because the adoption of that system will be as simple in operation here as it is in the United States.

In considering the amount of revenue needed for this island, we beg to submit the following calculation, which, after due consideration, we believe can be realized.

There are annually produced in Puerto Rico the following:

1,300,000 gallons rum, which at $1.10 per gallon	$1,430,000
250,000,000 cigarettes, which at $1.50 per thousand	375,000
120,000,000 cigars, which at $3.60 per thousand	432,000
	2,237,000
Estimate the entire special license tax as nominal at	15,000
This will give us revenue total	2,252,000
One-third of that equals	750,666
A fair estimate of the annual cost of administration	600,000
Add for interest and sinking fund on bonds to be issued	150,000
Total required	750,000

Even with free trade with the United States there would be an additional revenue of at least $200,000 annually from customs duties on goods coming here from foreign countries.

If Congress will authorize Puerto Rico to issue $2,000,000 of forty-year 5 per cent bonds, the above provides for them, viz:

For interest	$100,000
For sinking fund	50,000
Total	150,000

Therefore we infer that it will be unnecessary to adopt for this island the full internal-revenue rates of the United States. One-third of those rates will give ample receipts to cover all the above.

Puerto Rico has no bonded or other debts. Therefore, $2,000,000 of bonds, to be issued for internal improvements, would be conservative.

We call your attention to the fact that it has been the custom for all countries to make internal improvements by the system of bonded indebtedness. That divides the expenses among succeeding generations. We do not desire to have the burden of internal improvements placed on us solely. If it must be so, then we ask that it be done by a system of internal taxation. That will not prevent the increase of our commerce with the States of the Union, nor will it starve us.

The fact can not be disputed that our people are in sore distress. All commerce is now hampered; investment of capital is stopped; farmers have not the means to plant or gather their crops; building and improving is impeded; capital refuses to come here for investment in either manufacturing or agricultural pursuits.

For the reason that the sovereignty of the United States over this island has deprived us of free trade with Spain and Cuba, which took our export at fair prices and enabled us to live, we now ask as a right, in equity, that free trade with the United States be given us.

We ask bread, as a right from our mother; do not, we pray, give us a stone. We ask for immediate decision.

Respectfully submitted.

Mr. CANNON. Mr. Speaker, I yield four minutes to the gentleman from Indiana [Mr. HEMENWAY].

Mr. HEMENWAY. Mr. Speaker, the trouble with our friends upon the other side is that they talk one way and vote the other. The gentleman from Virginia [Mr. SWANSON] has just said that the Republican party was trying to oppress and refusing justice to these Puerto Ricans, refusing justice to a starving people. Now, what does he propose? To aid and feed the starving by extending the burdens of the internal-revenue laws of the United States to a people already destitute. Why, he says it would produce revenues for the Treasury of the United States, and he knows that every dollar of internal revenue collected down there would go into the Treasury of the United States and would not put a patch on a single Puerto Rican's pants. Upon the other hand, the Republican party comes and deals with it in a practical way. The Puerto Ricans can not realize upon the sympathy of the gentleman from Virginia or the Democratic party. They can only realize upon cash. The Republican party proposes to give them cash by this bill.

Mr. RICHARDSON. Will the gentleman yield to me for a question?

Mr. HEMENWAY. I can not yield; I have only four minutes.

The SPEAKER. The gentleman declines to yield.

Mr. RICHARDSON. I was going to ask the gentleman——

Mr. HEMENWAY. The Republican party proposes to deal with this matter in a practical way. We do not offer the starving people free trade; we do not offer the starving people internal-revenue laws to tax them. We offer them dollars and cents with which to buy something to eat; we offer to them this bill, by which we not only propose to give them all the revenue taken in up to January 1, but propose to give them the revenues taken in from January 1 to the passage of this bill, and hereafter to give them every dollar that shall be taken in at this end of the line and the other end of the line, which shall be given to the Puerto Ricans to buy food and conduct their government. That is practical. We give them means with which to buy something; and the gentlemen upon the other side offer them free trade and additional taxation in the way of internal revenue.

Why, it is nonsense to talk about free trade helping the suffering. I say that free trade never helped anybody. It is money that will help the Puerto Ricans, and by giving them 15 per cent of the Dingley rates we will give them $2,000,000. The United States does not want a cent of it and does not get a cent of it. We give every penny back to them for their use. Then we are not injuring the Puerto Ricans. Where are we taking a cent out of their pockets by the provisions of the bill which passed the House? Please answer. On the other hand, I think we are dealing with them liberally. We say to them, We give you 15 per cent of the Dingley rates, and give you every dollar which is taken in at that end of the line or this end of the line.

The crop that is already produced is now in the hands of the speculators, and we secure the revenue by the House bill; you get the benefit of it for Puerto Rico, and after that we propose to talk about free trade for you; and as a rule I believe every man on this side of the House is willing at that time that the Puerto Ricans shall have free trade with the United States. I want to ask the gentleman from Virginia, when you say that we are dealing with starvation, what is your remedy? You say, Tax them more by extending the internal-revenue laws to Puerto Rico. We say, Do not tax them any more, but give them the revenues that have been collected up to this time and hereafter to be collected; give it to them to buy food, for educational purposes, and the building of roads. That is our policy. [Applause on the Republican side.]

The SPEAKER. The gentleman from Illinois has seven minutes remaining.

Mr. CANNON. Mr. Speaker, I sometimes think words are cheap. After all, it is action that you want to inquire about. An act is something accomplished. Words may clothe an idea, if the man that uses words has an idea to clothe. [Laughter.] They may conceal an idea if he has it. To put it as it is put out West, "Talk is cheap." [Laughter.] Action, however, is material; when action is had and accomplished, it means an accomplishment in fact.

Now, let us test for a minute this motion that I made and the motion that the gentleman from Arkansas makes in the light of action. On the 2d day of March we voted on this bill which passed the House, and we appropriated every dollar that has been collected on imports from Puerto Rico, not since the treaty of peace, but since Puerto Rico was occupied by us, since the Spanish evacuated and we took possession, to the 1st of January. Aye, more; it appropriates every dollar that has been collected from the 1st of January to the enactment of this law. Aye, more; it appropriates every dollar that shall be collected under existing law upon imports from Puerto Rico. That is the House bill. [Applause on the Republican side.]

Now, then, when that bill was reported the gentleman from Tennessee [Mr. RICHARDSON] and the gentlemen from Texas [Mr. BALL and Mr. BAILEY] and 108 men upon that side of the House voted nay on its passage. That was action; talk is cheap. Action speaks for itself. The bill passed. It went to the Senate; the Senate accepted the bill so far as the $2,000,000 is concerned, but the Senate struck out that part of the bill which appropriates the money collected on those imports from Puerto Rico since the 1st of January.

It strikes out that portion of the bill that devotes the money that shall be collected to-morrow, next day, next week, next month, as long as those duties are collected upon the imports from Puerto Rico. Now, my motion is to nonconcur in that action of the Senate. If the bill is right for $2,000,000 for the benefit of Puerto Rico, it is right for the balance, and the 108 men that voted against anything, $2,000,000 and everything else, voiced by the gentleman from Arkansas [Mr. MCRAE] and the gentleman from Texas [Mr. BALL], come in and indulge in language, language! [Laughter on the Republican side.]

The gentleman from Texas [Mr. BALL] has indulged in language, and what language it was! "Poor Puerto Ricans, oppressed by the United States. We have torn them from that magnificent and magnanimous government, Spain, that looked after them and fostered them." Oh, what a different song gentlemen sung two years ago on that side of the House. You would think now, to hear them talk, that Spain was the most kindly Government that ever controlled colonies on earth. [Laughter on the Republican side.]

Gentlemen, talk is cheap. Here is action. The action of the House was right when we passed this bill. The action of the Senate is right as to the $2,000,000 and is wrong as to the balance. Therefore, along the line of correct principle, with a proper respect to our own action, to cover the whole case of these revenues, and from now until the time that legislation is had by this Congress, let us nonconcur in these amendments and go to the Senate in conference and say that the House insists not only upon the $2,000,000, but upon the balance of the money that has been collected or shall be collected under existing law; simply that and nothing more. [Applause on the Republican side.] Now, Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Arkansas [Mr. MCRAE] to concur in the Senate amendments.

Mr. MCRAE. And on that, Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Upon that the gentleman from Arkansas demands the yeas and nays. All those in favor of ordering the yeas and nays will rise in their places. Evidently a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 87, nays 113, answered "present" 18, not voting 132; as follows:

YEAS—87.

Allen, Ky.	Dougherty,	Lloyd,	Slayden,
Ball,	Elliott,	McClellan,	Small,
Bankhead,	Finley,	McCulloch,	Smith, Ky.
Barber,	Fleming,	McDowell,	Snodgrass,
Bell,	Foster,	McRae,	Sparkman,
Benton,	Gilbert,	Maddox,	Stark,
Brenner,	Glynn,	Meekison,	Stephens, Tex.
Brewer,	Gordon,	Miers, Ind.	Stokes,
Brundidge,	Green, Pa.	Moon,	Sulzer,
Burke, Tex.	Griggs,	Neville,	Sutherland,
Burnett,	Hay,	Norton, S. C.	Swanson,
Caldwell,	Henry, Miss.	Otey,	Talbert,
Clark, Mo.	Henry, Tex.	Pierce, Tenn.	Thomas, N. C.
Clayton, Ala.	Jett,	Rhea, Ky.	Turner,
Cooper, Tex.	Johnston,	Rhea, Va.	Vandiver,
Cox,	Jones, Va.	Richardson,	Wheeler, Ky.
Daly, N. J.	Kitchin,	Riordan,	Williams, J. R.
Davenport, S. W.	Kleberg,	Robb,	Williams, W. E.
Davis,	Kluttz,	Robertson, La.	Williams, Miss.
De Armond,	Lanham,	Shafroth,	Wilson, Idaho
Denny,	Latimer,	Sheppard,	Wilson, N. Y.
Dinsmore,	Little,	Sims,	

NAYS—113.

Aldrich,	Curtis,	Howell,	Overstreet,
Alexander,	Cushman,	Hull,	Parker, N. J.
Allen, Me.	Dahle, Wis.	Jenkins,	Payne,
Babcock,	Dalzell,	Jones, Wash.	Pearre,
Bailey, Kans.	Davenport, S. A.	Joy,	Phillips,
Baker,	Davey,	Kerr,	Prince,
Barham,	Davidson,	Lacey,	Ray,
Bartholdt,	Dick,	Landis,	Reeves,
Bingham,	Dolliver,	Lane,	Rodenberg,
Boutell, Ill.	Dovener,	Lawrence,	Russell,
Bowersock,	Eddy,	Littauer,	Shelden,
Brick,	Emerson,	Littlefield,	Spalding,
Bromwell,	Esch,	Long,	Sperry,
Brosius,	Fletcher,	Lorimer,	Sprague,
Brown,	Fordney,	Lybrand,	Steele,
Brownlow,	Foss,	McCleary,	Stevens, Minn.
Burke, S. Dak.	Gardner, N. J.	McPherson,	Stewart, Wis.
Burkett,	Graff,	Mann,	Tawney,
Burton,	Greene, Mass.	Marsh,	Thayer,
Calderhead,	Hamilton,	Mercer,	Van Voorhis,
Cannon,	Haugen,	Metcalf,	Wachter,
Capron,	Hawley,	Mondell,	Wadsworth,
Clarke, N. H.	Heatwole,	Moody, Mass.	Warner,
Cochrane, N. Y.	Hedge,	Moody, Oreg.	Watson,
Connell,	Hemenway,	Morris,	Weeks,
Cooper, Wis.	Henry, Conn.	Mudd,	White.
Corliss,	Hepburn,	Needham,	
Cousins,	Hill,	O'Grady,	
Crumpacker,	Hoffecker,	Olmsted,	

ANSWERED "PRESENT"—18.

Barney,	Bull,	Griffith,	Pugh,
Bartlett,	Burleson,	Kahn,	Wright,
Berry,	Cowherd,	Lamb,	Zenor.
Bishop,	Gardner, Mich.	Loud,	
Breazeale,	Gibson,	Meyer, La.	

NOT VOTING—132.

Acheson,	Boutelle, Me.	Catchings,	Crump,
Adams,	Bradley,	Chanler,	Cummings,
Adamson,	Brantley,	Clayton, N. Y.	Cusack,
Allen, Miss.	Broussard,	Cochran, Mo.	Dayton,
Atwater,	Burleigh,	Cooney,	De Graffenreid,
Bailey, Tex.	Butler,	Crawford,	De Vries,
Bellamy,	Campbell,	Cromer,	Driggs,
Boreing,	Carmack,	Crowley,	Driscoll,
Faris,	Lentz,	Polk,	Southard,
Fitzgerald, Mass.	Lester,	Powers,	Spight,
Fitzgerald, N. Y.	Levy,	Quarles,	Stallings,
Fitzpatrick,	Lewis,	Ransdell,	Stewart, N. J.
Fowler,	Linney,	Reeder,	Stewart, N. Y.
Fox,	Livingston,	Ridgely,	Sulloway,
Freer,	Loudenslager,	Rixey,	Tate,
Gaines,	Lovering,	Roberts,	Tayler, Ohio
Gamble,	McAleer,	Robinson, Ind.	Taylor, Ala.
Gaston,	McCall,	Robinson, Nebr.	Terry,
Gayle,	McLain,	Rucker,	Thomas, Iowa
Gill,	Mahon,	Ruppert,	Thropp,
Gillet, N. Y.	May,	Ryan, N. Y.	Tompkins,
Gillett, Mass.	Mesick,	Ryan, Pa.	Tongue,
Graham,	Miller,	Salmon,	Underhill,
Grosvenor,	Minor,	Scudder,	Underwood,
Grout,	Morgan,	Shackleford,	Vreeland,
Grow,	Muller,	Shattuc,	Wanger,
Hall,	Naphen,	Sherman,	Waters,
Hitt,	Newlands,	Showalter,	Weaver,
Hopkins,	Noonan,	Sibley,	Weymouth,
Howard,	Norton, Ohio	Smith, Ill.	Wilson, S. C.
Jack,	Otjen,	Smith, H. C.	Wise,
Ketcham,	Packer, Pa.	Smith, Samuel W.	Young,
Knox,	Pearce, Mo.	Smith, Wm. Alden	Ziegler.

So the motion of Mr. MCRAE to concur in the amendment of the Senate was rejected.

Mr. BURLESON. I desire to withdraw my vote, as I am paired with the gentleman from New York, Mr. DRISCOLL. If he were present, I should vote in the affirmative.

Mr. LAMB. I am paired with my colleague, Mr. WISE. I ask to withdraw my vote.

Mr. BULL. I am paired with the gentleman from Texas, Mr. BAILEY. I withdraw my vote.

Mr. MEYER of Louisiana. I am paired with the gentleman from West Virginia, Mr. DAYTON, and therefore desire to withdraw my vote.

Mr. BROWNLOW. I am paired with my colleague, Mr. CARMACK, and desire to withdraw my vote.

Mr. MADDOX. I am paired with the gentleman from Ohio, Mr. GROSVENOR. If he were present, I should vote "aye."

Mr. BARNEY. I am paired with the gentleman from Mississippi, Mr. ALLEN. I withdraw my vote.

Mr. MADDOX. I rise to a question of privilege. This morning General GROSVENOR asked me to pair with him on this bill. I agreed to do so. I now understand that he is paired with another member. If that is true, I demand the right to vote. I have been here, and answered "present" when my name was called. As I understand, I have a right to change my vote from "present" to "aye."

The SPEAKER pro tempore (Mr. GROUT). The gentleman has that privilege.

Mr. MADDOX. Let it be understood that I vote with the understanding that General GROSVENOR is paired with another member. Is that the understanding at the desk?

The SPEAKER pro tempore. The gentleman from Ohio [Mr. GROSVENOR] is otherwise paired.

Mr. MADDOX. Then I vote "aye."

Mr. COWHERD. Is the name of Mr. BUTLER of Pennsylvania recorded?

The SPEAKER pro tempore. He did not vote.

Mr. COWHERD. I had a pair with him until such time as he might return to-day. I voted "aye." I desire to withdraw my vote.

Mr. BARTLETT. I desire to know whether the gentleman from New Jersey, Mr. FOWLER, has voted on this proposition.

The SPEAKER pro tempore. He is not recorded.

Mr. BARTLETT. Having voted "aye," and being paired with the gentleman from New Jersey, I desire to withdraw my vote and answer "present."

Mr. BERRY. I desire to withdraw my vote, and ask to be recorded "present." I am paired with the gentleman from Vermont, Mr. POWERS.

Mr. RICHARDSON. My colleague, Mr. GAINES, is detained from the House by illness; and my other colleague, Mr. CARMACK, is absent on account of important business. If these gentlemen were present, they would vote "aye."

Mr. NEWLANDS. I had an impression I was paired with the gentleman from Indiana, Mr. HEMENWAY, but I understand now he has voted. I should therefore like the privilege of voting.

The SPEAKER pro tempore. The gentleman is not recorded as being present.

Mr. NEWLANDS. I was present.

The SPEAKER pro tempore. As the gentleman did not respond when his name was called, his request to vote can not be granted.

Mr. BABCOCK. It seems to me it would save time if the Clerk would announce the pairs.

The following pairs were announced:

For this session:

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. WRIGHT with Mr. HALL.

Mr. LOUD with Mr. DE VRIES.
Mr. WANGER with Mr. ADAMSON (except election cases).
Until further notice:
Mr. THOMAS of Iowa with Mr. SPIGHT.
Mr. SMITH of Illinois with Mr. GAYLE.
Mr. BOUTELLE of Maine with Mr. CUSACK.
Mr. TAYLER of Ohio with Mr. FOX.
Mr. WISE with Mr. LAMB.
Mr. ACHESON with Mr. BRANTLEY.
Mr. GIBSON with Mr. TATE.
Mr. MCCALL with Mr. GAINES.
Mr. CROMER with Mr. GRIFFITH.
Mr. BOREING with Mr. FITZPATRICK.
Mr. WEYMOUTH with Mr. BROUSSARD.
Mr. GROSVENOR with Mr. ROBINSON of Indiana.
Mr. FOSS with Mr. CUMMINGS.
Mr. PUGH with Mr. TAYLOR of Alabama.
Mr. LOUDENSLAGER with Mr. STALLINGS.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. SHERMAN with Mr. DRIGGS.
Mr. BARNEY with Mr. ALLEN of Mississippi.
Mr. HENRY C. SMITH with Mr. RANSDELL.
Mr. CRUMP with Mr. RYAN of New York.
Mr. BROWNLOW with Mr. CARMACK.
Mr. REEDER with Mr. QUARLES.
Mr. GAMBLE with Mr. NOONAN.
Mr. BISHOP with Mr. LESTER.
Mr. GILL with Mr. BELLAMY (except Pearson contest).
Mr. SOUTHARD with Mr. NORTON of Ohio.
Mr. GROW with Mr. CHANLER.
Mr. SAMUEL W. SMITH with Mr. RUCKER, until April 5.
Mr. GROUT with Mr. LIVINGSTON, until March 28.
Mr. LINNEY with Mr. ROBINSON of Nebraska, until March 26.
Mr. FARIS with Mr. ZENOR, until March 26.
Mr. BULL with Mr. BAILEY of Texas, until March 23.
Mr. MAHON with Mr. BREAZEALE, until March 22.
Mr. SULLOWAY with Mr. CATCHINGS, until March 22.
Mr. LOVERING with Mr. FITZGERALD of Massachusetts, until March 22.
Mr. GARDNER of Michigan with Mr. ATWATER, until March 24.
Mr. PEARCE of Missouri with Mr. CROWLEY, until March 24.
Mr. POWERS with Mr. BERRY, until March 24.
Mr. SHATTUC with Mr. SHACKLEFORD, until March 21.
Mr. KAHN with Mr. RUPPERT, until March 21.
Mr. GRAHAM with Mr. GASTON, until March 20.
Mr. KNOX with Mr. NAPHEN, until March 20.
Mr. KETCHAM with Mr. MULLER, until March 20.
For this day:
Mr. BURLEIGH with Mr. BRADLEY.
Mr. HOPKINS with Mr. MAY.
Mr. MINOR with Mr. RIXEY.
Mr. MESICK with Mr. TERRY.
Mr. JACK with Mr. HOWARD.
Mr. SHOWALTER with Mr. RIDGELY.
Mr. FOWLER with Mr. BARTLETT.
Mr. BUTLER with Mr. COWHERD.
Mr. MORGAN with Mr. MCALEER.
Mr. ADAMS with Mr. RYAN of Pennsylvania.
Mr. WATERS with Mr. SALMON.
Mr. VREELAND with Mr. ZIEGLER.
Mr. TONGUE with Mr. CRAWFORD.
Mr. MILLER with Mr. LEVY.
Mr. FREER with Mr. FITZGERALD of New York.
Mr. HITT with Mr. LEWIS.
Mr. THROPP with Mr. CLAYTON of New York.
Mr. GILLET of New York with Mr. DE GRAFFENREID.
Mr. OTJEN with Mr. SCUDDER.
Mr. YOUNG with Mr. LENTZ,
Mr. ROBERTS with Mr. COONEY.
Mr. GILLETT of Massachusetts with Mr. NEWLANDS.
Mr. STEWART of New Jersey with Mr. COCHRAN of Missouri.
Mr. STEWART of New York with Mr. UNDERWOOD.
Mr. WEAVER with Mr. MCLAIN.

Mr. MCCULLOCH. Mr. Speaker, my colleague, Mr. TERRY, is absent on account of sickness. If he were present, he would vote "aye."

Mr. CUMMINGS. I was paired with the gentleman from Illinois, Mr. FOSS, but I understand that he has voted, and I ask that my vote be recorded.

The SPEAKER pro tempore. The gentleman is not recorded as "present," and consequently his request can not be granted.

Mr. CUMMINGS. I should have been present if I had not understood that I was paired.

Mr. GARDNER of Michigan. Mr. Speaker, I am paired with the gentleman from North Carolina, Mr. ATWATER, and so I have voted "present."

Mr. TURNER. Mr. Speaker, I notice that my name has been announced as paired with the gentleman from Michigan, Mr. HAMILTON. That pair was to expire last Saturday, so I voted. The gentleman from Michigan is here, and I am informed that he also has voted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The refusal of the house to concur is the same as an affirmative vote to nonconcur in the amendments of the Senate.

Mr. CANNON. Mr. Speaker, I move that the House ask a conference with the Senate.

The motion was agreed to; and the Speaker pro tempore announced as conferees on the part of the House Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. MCRAE.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY, from the Committee on Appropriations, reported the bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICHARDSON. Mr. Speaker, I desire to reserve all points of order.

The SPEAKER pro tempore. The gentleman from Tennessee reserves all points of order.

DISTRICT BUSINESS.

The SPEAKER pro tempore. This being the day set apart by special order for the business of the District of Columbia, the gentleman from Wisconsin, chairman of that committee [Mr. BABCOCK], is recognized.

WASHINGTON TELEPHONE COMPANY.

Mr. BABCOCK. Mr. Speaker, I desire to call up the bill (H. R. 9047) to incorporate the Washington Telephone Company and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That Samuel Ross, Thomas W. Smith, Frank B. Noyes, Edgar P. Berry, and Richard A. Johnson, of the District of Columbia, and Henry A. Parr, Thomas J. Hayward, James Bond, George R. Webb, J. Bernard Scott, and Harry W. Webb, of the city of Baltimore, State of Maryland, their associates and successors be, and they are hereby, created a body corporate under the name of the Washington Telephone Company, and by that name shall have perpetual succession and shall be able to sue and be sued, plead and be impleaded, defend and be defended in all the courts of law and equity within the United States, and may have and use a common seal.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized and directed to permit the Washington Telephone Company to install, maintain, and operate a telephone plant and exchanges, and the necessary service connected therewith, in the city of Washington and in the District of Columbia, under such rules, regulations, and restrictions as now are or may hereafter be made relating to telephone companies in the said city or District; and they shall permit said company to lay all necessary underground conduits and ducts in said city to carry its wires, and to string wires on poles in the alleys of said city and in the District of Columbia, subject to the same regulations and restrictions as now apply, or may hereafter be prescribed for telephone companies in the city of Washington and District of Columbia: *Provided*, That the Commissioners of the District of Columbia may require all conduits laid under the authority of this act to be laid under such conditions and regulations as they may prescribe; and they shall be so planned and constructed as to form a part of a general subway system which may hereafter be constructed and the plans for which the said Commissioners are authorized to prepare. Any corporation having underground ducts in the District of Columbia not in use may lease them to any other corporation or individual in said District required by law or desiring to put its wires underground.

SEC. 3. That the rates to be charged by the said Washington Telephone Company shall not exceed $36 per year for the use of a telephone in a private residence, nor $48 per year for the use of a telephone for business purposes in the city of Washington; that said company shall install and use telephones of a good quality and on metallic circuits only, in the city of Washington.

SEC. 4. That it shall be lawful for the Washington Telephone Company to acquire by purchase, rental, or otherwise, any conduit or conduits, duct or ducts, now laid or that may hereafter be laid in the city of Washington or in the District of Columbia.

SEC. 5. That said corporation shall file with the Commissioners of the District of Columbia within sixty days from the approval of this act its plans for a system of subways, conduits, and ducts, with necessary manholes, and shall have a telephone exchange, with not less than 1,500 telephones in actual operation, within fourteen months from the approval by said Commissioners of its system of subways, as above specified. All extensions and additions made to the said subways, conduits, and ducts shall be subject to the approval of the Commissioners of the District of Columbia. Within fifteen days after said Washington Telephone Company has organized by the election of its officers, it shall enter into bond to the District of Columbia in the sum of $100,000, with surety or sureties to be approved by the Commissioners of the District of Columbia, conditioned upon the faithful performance of all the provisions and requirements of this act; and upon failure of said company to comply with said provisions and requirements, the said sum of $100,000 shall be and become due and payable as liquidated damages, and upon the failure of said corporation to furnish said bond within the time herein specified the rights and franchises hereby granted shall cease and determine. The plans in this section required to be submitted to the Commissioners of the District of Columbia shall be acted upon by said Commissioners at the earliest practicable date after their submission, in order to enable said company to carry out speedily the provisions of this act.

SEC. 6. That the said corporation is hereby authorized and empowered to acquire by purchase or lease such property, building, or buildings as shall be necessary for the successful operation of its telephone system and exchanges.

SEC. 7. That within fifteen days from the approval of this act the incorporators named herein, or a majority of them, shall meet in the city of Washington and notify the Commissioners of the District of Columbia in writing of the acceptance of this charter, and shall within fifteen days after said meeting open in said city its books for subscription to the capital stock of said company, of which notice shall be given both as to time and place in at least three papers published in the city of Washington. When the books of subscription to the capital stock of said company are closed, the incorporators herein named, or a majority of them, shall call a meeting of the stockholders, to be held in the city of Washington, of which public notice both as to time and place shall be given for three days in three newspapers published in the city of Washington, at which meeting a board of 11 directors shall be chosen and such other business be transacted as may be deemed proper. At all meetings of the stockholders each stockholder shall be entitled to one vote for each share of stock held by him, and he may vote in person or by proxy.

SEC. 8. That the government and direction of the affairs of said corporation shall be invested in a board of eleven directors, every member of which shall be a stockholder of record, and each shall hold his office for one year and until his successor is elected and qualified. Said directors, a majority of whom shall be a quorum, shall annually elect one of their number to be president of the company, and they shall also elect a vice-president, a secretary, and a treasurer, and such other officers as they may deem proper. In the case of a vacancy in the board of directors, the vacancy shall be filled by the remaining directors.

SEC. 9. That the stockholders shall have the power to make such by-laws as they deem expedient for the proper conduct of the business of the company, and shall prescribe the duties of its officers.

SEC. 10. That there shall be an annual meeting of the stockholders held in the District of Columbia, at which meeting said directors shall make a report in writing of the business of the previous year, and shall at such meeting choose from among their number directors for the ensuing year.

SEC. 11. That the capital stock of said company shall be $500,000, and said company shall have power to issue bonds and secure the same by a mortgage of its entire property, rights, privileges, and franchises in an amount equal to the capital stock outstanding at any time.

SEC. 12. That there shall be reserved in the conduits constructed under the authority of this act one duct for the free use of the District of Columbia for the wires of its fire-alarm and police-patrol system.

SEC. 13. That if after the passage of this act the incorporators herein named shall sell the charter or franchise herein granted, all the rights and privileges herein given shall be forfeited.

SEC. 14. That should the property, rights, and franchises of the Washington Telephone Company be at any time hereafter acquired by any other corporation or person or persons, said corporation, person, or persons shall take said property, rights, and franchises subject to all the restrictions, liabilities, and penalties of this act; and by the acquisition of the property, rights, and franchises of the said Washington Telephone Company said purchasers shall thereby subject to the liabilities, penalties, and restrictions of this act any other telephone plant or properties then or hereafter owned or operated by said purchasers.

SEC. 15. That said company shall pay an annual tax equal to 1½ per cent of the gross receipts of said company in the District of Columbia in lieu of all tax on personal property.

SEC. 16. That the said Washington Telephone Company shall, on or before the 1st day of February in each year, make a report to each the Senate and the House of Representatives, which report shall be sworn to and signed by the president and treasurer of the said company, and shall cover the period of one year ending the 31st day of December previous to the date of making the report. Such report shall state the amount of capital stock, with a list of the stockholders and the amount of stock held by each; the amount of capital stock paid in; the total amount of funded debt; the amount of floating debt; the average rate per annum of interest on funded debt; the amount of dividends declared; cost of equipment, including land and buildings; cost of general superintendence, salaries of officers, clerks, and office expenses; water and other taxes; total expense of operating its plant; rent; payment for maintenance and repairs; payments for interest; payments for dividends on stock, amount and rate per cent, and total payments during the year; receipts from all sources, specifying what.

SEC. 17. That Congress reserves the right to alter, amend, or repeal this act.

The following amendments, recommended by the Committee on the District of Columbia, were read:

In line 7, section 3, page 3, after the word "only," insert a comma.

In line 3, section 7, page 5, after the word "Washington," insert a comma and the following: "and each subscriber shall at the time of subscribing pay in cash 10 per cent of the amount subscribed by him; otherwise the subscription shall be null and void."

In line 11, section 11, page 6, strike out the word "five" and substitute the word "seven" therefor, and after the word "hundred," in said line, insert "and fifty," so as to read "$750,000."

In line 23, section 16, page 7, strike out the word "now."

The SPEAKER pro tempore. The question is on agreeing to the amendments.

Mr. MADDOX. I hope we will not pass this bill without some explanation. It seems to be of considerable importance.

Mr. BABCOCK. Mr. Speaker, I desire to say in reference to this bill that it represents the investigation and work that has been done by the District Committee during the past three years. It is the first tangible, reliable proposition on this subject that has ever been presented to the District Committee for its consideration and action.

I believe that the rights and interests of the people of the District are as carefully safeguarded in this bill as it is possible to have them. Now, Mr. Speaker, I will yield to the gentleman from Maryland [Mr. PEARRE], who made the report and who is entirely familiar with the provisions of the bill, and he will explain them to the House.

Mr. PEARRE. Mr. Speaker, I do not know that it is necessary to add much to what has been so well said by the chairman of the District Committee, except perhaps to go in detail over the sections of this bill, to give a concise statement of the purpose of each section, and in that way to enable the members of the House to understand what the bill contains.

The first section of the bill, as the members of the House will observe, simply erects the corporation and designates the incorporators, giving the usual right to sue and be sued, and the other customary rights of corporations.

The second section gives the corporation power, under the direction of the Commissioners of the District of Columbia, to lay its conduits, the system of conduits being under the entire control and supervision of the Commissioners of the District of Columbia.

The third section of the bill fixes the rate to be charged, which rates are $36 a year for residences and $48 a year for business houses.

Mr. DENNY. Not to exceed that sum.

Mr. PEARRE. As my colleague from Baltimore has suggested, not to exceed that sum. It fixes the limit. In other words, the charge is not to exceed $36 a year for residences and $48 a year for business houses.

Mr. HEPBURN. The rates that you have fixed in this bill are the same, are they not, that the court of this city recently held to be beyond the power of Congress to fix, because it confiscated, as the court said, the property of the corporation?

Mr. PEARRE. Not exactly, if the gentleman will permit me to explain. Judge Barnard, of the United States district court, in his opinion in the case of Manning *vs.* The Chesapeake and Potomac Telephone Company, in which a bill was filed to prohibit the Chesapeake and Potomac Telephone Company, the local telephone company here, from taking out a telephone because the company had refused to comply with the act of 1898 which limited the charges for telephones to $50—Judge Barnard, in that opinion, said that $72 a year was the amount needed to operate each single telephone in the District of Columbia, and that because that clause of the act of 1898 which fixes the limit at $50 was less than what the company could operate its single telephones for, therefore, as far as that particular company was concerned, the operation of the act was practically a confiscation of its property, and therefore that the company was not bound by it, for the reason that that portion of the act was unconstitutional.

But, as the gentleman from Iowa can see, that would in no way affect this company, because a rate is fixed in the act which incorporates the company, and when the company accepts the act of incorporation of course it is estopped from making any such objection.

Mr. HEPBURN. Will the gentleman permit me further?

Mr. PEARRE. Yes.

Mr. HEPBURN. I suppose that the purpose of this bill is to secure cheap telephone service in this city?

Mr. PEARRE. Yes.

Mr. HEPBURN. A purpose that everyone would sympathize with. I would ask the gentleman if there is not a better method? Is there no power to compel the corporation which is now using the streets and enjoying this franchise to obey that act of Congress?

Mr. PEARRE. In reply to the gentleman from Iowa, I would say that that effort has been made, and was made in the act of 1898.

Mr. HEPBURN. And the corporation is now refusing to obey that act of Congress.

Mr. PEARRE. And an appeal, I believe, is pending from the decision of Judge Barnard.

Mr. HEPBURN. I would ask the gentleman if there is not a remedy for that conduct on the part of the company by refusing it longer the use of the streets of Washington for the purpose of carrying on its business?

Mr. PEARRE. Not if the judgment of Judge Barnard in that case, determining the act of 1898 to be unconstitutional, is upheld. There would be no relief except the incorporation of a competing company. I will add, if the gentleman will permit me, in this connection, in further answer to his question, that the history of telephone controversies, or of the effort to secure lower telephone charges throughout the United States, has been that the rates have never been lowered except by the incorporation of competing companies and the allowance of the erection of plants by those companies.

Mr. HEPBURN. Does the gentleman mean to say that this company is so intrenched here in the city of Washington, that it has such a hold upon these franchises, that there is no way of taking them away? Can we not repeal the act under which they are operating and take away the authority that has been given them?

Mr. PEARRE. My answer to that question is this: That there is no act under which they were incorporated. It is a New York company, which came here and got some privileges from the Commissioners of the District of Columbia, and those privileges have now become vested rights, and I know of no method under the law by which this company can now be deprived of those rights by any act of Congress.

An effort was made by the amendment of the act of June 30, 1898, which was the District of Columbia appropriation bill, in which this limitation of telephone charges was introduced, That matter has gone to the courts, and Judge Barnard, of the district court, has determined it is unconstitutional, because it confiscated

the property, and nothing except a reversal of that judgment by the Supreme Court would give the relief which the gentleman from Iowa suggests.

Mr. HEPBURN. Then I understand the gentleman to say that it is possible for the Commissioners of the District, without specific authority, to so invest this corporation with rights that the Congress of the United States can not take them away. Do you take that position?

Mr. PEARRE. I take the position that when rights have become vested neither the Congress of the United States nor any other legislative body can take them away.

Mr. HEPBURN. Have they become vested?

Mr. PEARRE. They have become vested.

Mr. BARNEY. How?

Mr. LATIMER. Suppose we destroy that company?

Mr. PEARRE. I would like the gentleman to answer that question and give the House his view upon that subject.

Mr. HEPBURN. I have no hesitation in answering it. I say that the Commissioners have no authority to vest any corporation with the right here to use a franchise that this Congress can not take away. We can do it in a day and bring this company to terms instantly.

Mr. PEARRE. I quite agree that the Commissioners perhaps had no right and should not have exercised that right. That is a matter into which the committee has not specially gone. The condition that the committee finds is that there is a general complaint on the part of the business men and residential owners of high telephone charges, and the committee have sought what appears to be the most practical and easiest and quickest method of correcting the difficulty which the gentleman says he desires to see corrected.

Mr. HEPBURN. Will the gentleman permit me to ask him this question? Have you any doubt if the Congress of the United States by an enactment should refuse permission to that company longer to use the streets that they would not come in here instantly to us asking to be reinstated in their rights under such terms as you would be willing to grant them? Do you doubt it?

Mr. PEARRE. I doubt that absolutely.

Mr. HEPBURN. I do not.

Mr. PEARRE. Following their past history and past course, they would immediately appeal to the courts and take their case through to the Supreme Court of the United States, and would not come to the District Committee or to any other committee of this House. That is my opinion.

Mr. HEPBURN. I had thought that under the Granger cases, long ago decided, the Supreme Court harmed very seriously this old idea of vested rights upon the part of a corporation. I do not believe any such thing exists.

Mr. WACHTER. I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Maryland yield to his colleague?

Mr. PEARRE. Yes, sir.

Mr. WACHTER. Section 3 states the price for the use of these telephones. Are we to understand that each telephone is to have an individual wire or are there to be 6, 8, or 12 telephones upon one wire?

Mr. PEARRE. In answer to the gentleman's question, I will say that that section of this bill is identical with the bill originally introduced by the gentleman from Maryland who has put the question; and, therefore, perhaps he is better able to answer that question than any other gentleman in the House.

Mr. WACHTER. I desire to say here that I did not prosecute the investigation along that line. I thought probably that as the chairman of the District Committee said the gentleman was thoroughly familiar with the bill, that I could obtain the information I desired from my colleague.

Mr. PEARRE. It is perhaps fair to assume that a gentleman who introduces a bill is familiar with its provisions, and you must know that section 3 simply provides for the limit of telephone charges—namely, from $36 to $48. As the gentleman who asked the question can perhaps see by merely reading the provision, it does not require and does not specify the number of wires to be strung. He introduced the original bill and ought to know what this provision, which it contained, means.

Mr. WACHTER. But there is where the snake is. Now, if each telephone is to have an individual wire it strikes me it would be very reasonable to have $48, but they may perhaps have 6, 8, 12, or 20 telephones on one wire, thereby saving expense. I would rather have the matter a little more explicitly set forth.

Mr. PEARRE. The gentleman may prepare such an amendment as he designates. I will not suggest for a moment that my very distinguished colleague from Maryland would think of introducing a bill into this House that contained a snake. If there be a snake, he introduced it.

Mr. WACHTER. I ask the gentleman's pardon. I made a mistake.

Mr. MANN. In regard to section 2, which provides for constructing the conduits and putting in the underground works and wires, I would like to ask the gentleman how far it will be necessary to construct an entirely new telephone system, if this bill is passed, and how far this company can use any conduits already constructed?

Mr. PEARRE. If the gentleman will look at section 4, he will see that that has been provided for.

Mr. MANN. I have read section 4. I ask you how far it would actually be necessary?

Mr. PEARRE. If the gentleman will not lose his temper——

Mr. MANN. The gentleman will not lose his temper.

Mr. PEARRE (continuing). I would be glad to reply. Section 4 provides as follows:

> That it shall be lawful for the Washington Telephone Company to acquire by purchase, rental, or otherwise, any conduit or conduits, duct or ducts, now laid or that may hereafter be laid in the city of Washington or in the District of Columbia.

Now, of course that does not require anybody to sell to this company. This company must take its chances, like any other company, in an effort to secure such conduits as now exist, and if it be impossible to secure the privilege by purchase of the use of conduits now existing it will be compelled to build a system of its own.

Mr. MANN. I had read section 4 before I asked the first question. I would like to ask the gentleman now whether he can give the House the information on the subject of how much the company could rent if it wanted to rent?

Mr. PEARRE. I have answered that; this company will have to take its chances with any other company as to being able to rent conduits. The committee is not informed as to the amount of conduits which this company will be able to secure. The committee has no assurance upon that line.

Mr. MANN. May I ask the gentleman if he knows how much there is in the city which any company could possibly rent, that is available for renting purposes? What I want to get at is to know whether this company, if it be incorporated and commenced to operate—whether it will be necessary to tear up the asphalt streets of Washington in order to construct a whole new system.

Mr. PEARRE. If it could secure the privilege of using the conduits of the telephone company that now exists in the District, it would not be necessary to tear up the streets. If it could not—and it is not likely that it could—then perhaps it would be necessary to tear up the streets.

Mr. MANN. I take it from the gentleman's answer that unless this company could obtain the use of the present telephone conduits, which is absolutely out of the question, it would be necessary, in order to install this new company, to tear up the streets of Washington.

Mr. PEARRE. I may say that there are other conduits; the street railroad companies have conduits.

Mr. MANN. That is the very information I am trying to obtain.

Mr. PEARRE. I am not able to give the number of miles owned by the street railways.

Now, Mr. Speaker, the fifth section, to which I am coming, fixes the limit of time in which this company must install itself and put into operation 1,500 telephones in the city of Washington, and the limit fixed is fourteen months. That is the provision of section 5. It will be observed that all extensions of conduits or subways are to be made under the control and supervision of the Commissioners of the District.

Section 5 in addition contains this very valuable safeguard, one which I do not know to have been incorporated in any bill of like character passed by Congress. Members of the House will observe that a bond of $100,000 is required from the company, with sureties to be approved by the Commissioners of the District of Columbia, conditioned upon the faithful performance of all the requirements of this act; and upon failure of said company to comply with said provisions and requirements, the said sum of $100,000 shall be and become due and payable as liquidated damages.

I may say that that provision was incorporated in the bill by the committee, and that the bill as originally introduced by the gentleman from Maryland [Mr. WACHTER] contained very few safeguards of the rights of the people of Washington City and the District of Columbia. It was the earnest effort of the committee, after exhaustive hearings and constant consultations among its own members, to embody in this bill all the guaranties, securities, and sanctions of law which would protect the rights of subscribers to telephones.

Section 7 provides for the opening of the stock books. It is a formal section, but there is one feature of this to which perhaps the attention of the House ought to be called, and that is that 10 per cent of this stock must be paid upon subscription in cash or the subscription shall be null and void.

Sections 9 and 10, it will be observed, are merely formal. The

eleventh section fixes the capital stock at $750,000, and the twelfth section reserves a duct or the free use of a duct or conduit in any system of ducts or conduits which this company may construct for the police department and the fire department of the District of Columbia.

Mr. HEPBURN. In the last section you require the company to report to Congress that portion of stock which is not fully paid up, and it is contemplated that only 10 per cent of the stock shall have been paid in. Would it not be proper to provide that the bonded indebtedness shall not exceed the amount of the outstanding stock fully paid up?

Mr. PEARRE. I see no objection, so far as the report is concerned, to amending the last, or sixteenth, section of the bill to meet the views of the gentleman.

Mr. HEPBURN. Would it not be well to put such a provision in the eleventh section?

Mr. PEARRE. I should say in reply to the gentleman that I do not think that would be a wise provision. There must be, as a matter of course, some latitude, some elasticity allowed to a company undertaking in the face of such opposition as will meet this company to construct a new telephone line. There must be some latitude allowed this company for the fight it will have to make in the efforts to finance this concern and get it into proper operation.

Mr. HEPBURN. How do you propose to finance it—with the capital stock or with the bonds?

Mr. PEARRE. I will say to the gentleman from Iowa that I do not propose to finance it at all; but I will add that, as the gentleman perhaps knows—because doubtless he is very much more familiar with the incorporation and perhaps the organization and financing of such companies than I am—the custom is to issue bonds to the amount of the capital stock. I believe that is the practice.

Mr. GREEN of Pennsylvania. Will the gentleman kindly explain to me and to this House who are back of this bill? There are a few names mentioned here, but it does not appear whether there is an organization now ready for incorporation or whether stock is to be so placed that the public can subscribe for it. It seems to me that if this is to be a competing line and not to be controlled by existing companies, the stock of this company should be offered for subscription by the public, so that the new organization may be controlled by the public in this city.

Mr. PEARRE. What was the gentleman's question? I understood his statement.

Mr. GREEN of Pennsylvania. I want to know who is back of this bill, who is asking for this incorporation, and what they have already done?

Mr. PEARRE. If the gentleman will permit me, I will answer his question. The people back of this bill are the people named in it as incorporators—Samuel Ross, Thomas W. Smith, Frank B. Noyes, Edgar P. Berry, and Richard A. Johnson, of the District of Columbia. All these gentlemen, as the committee is informed, are substantial business men of the District, and well known perhaps to most of the members of this House either personally or by reputation.

Mr. BABCOCK. And they are men of means.

Mr. PEARRE. As the chairman of our committee suggests, they are men of financial standing—men of means. In addition to these incorporators residing in the District of Columbia, the bill names the following gentlemen of the city of Baltimore: Henry A. Parr, Thomas J. Hayward, James Bond, George R. Webb, J. Bernard Scott, and Harry W. Webb. These are all men, I believe, of like financial character and standing.

Now, with regard to the opening of stock books, the gentleman from Pennsylvania will discover in section 7 this provision:

> That within fifteen days from the approval of this act the incorporators named herein, or a majority of them, shall meet in the city of Washington and notify the Commissioners of the District of Columbia in writing of the acceptance of this charter, and shall within fifteen days after said meeting open in said city its books for subscription to the capital stock of said company, of which notice shall be given both as to time and place in at least three papers published in the city of Washington.

I do not see how any provision could be framed which would notify the public more fully and satisfactorily that books of subscription were opened.

Mr. GREEN of Pennsylvania. There is no provision made to have those books kept open. They can be closed in half an hour by a few men taking all this stock, and that probably is what is back of this bill. I believe if you are going to make this a competing line, if you are going to do the people of Washington any good by incorporating this new company, you should take means for getting this stock into the hands of the people generally, not a few people who will monopolize it. Besides, you should incorporate in the bill a provision for minority representation.

Mr. PEARRE. I yielded for a question, but have allowed the gentleman to make a statement which is very easily replied to, it seems to me. It can not make much difference to telephone subscribers in the city of Washington, who desire, and are to get, under this bill, cheaper rates, whether Jones or Brown or Smith is a subscriber to the stock, provided the subscribers are responsible parties and provided the charter given by Congress contains proper provision for the protection of the people.

Mr. DOLLIVER. Is there any provision as to the rates to be charged?

Mr. PEARRE. Oh, yes; $36 and $48 a year.

Mr. CUMMINGS. The bill guarantees cheaper rates?

Mr. PEARRE. The charges are not to exceed $36 and $48.

Mr. LANDIS. I would like to ask a question. If I want a telephone line connecting with my apartments, shall I be able to secure it from this company for $36 a year and have no other persons using that line? Is that true?

Mr. PEARRE. I do not understand that the bill absolutely requires that. I do not so read it.

Mr. LANDIS. If the bill does not contemplate that, I suggest to the gentleman that it be so amended that it shall do so.

Mr. PEARRE. I am quite sure that the committee will be very ready to consider any amendment the gentleman may desire to submit.

Mr. LANDIS. It is a very material matter to a man wanting telephone privileges whether he is the only man on a given line, or whether there are ten or twelve others.

Mr. COWHERD. I have prepared an amendment in the line of the remarks of the gentleman from Indiana [Mr. LANDIS], which I think will be offered as a committee amendment.

Mr. PEARRE. As I have said, we shall be very glad to hear from the gentleman from Indiana if he wants to introduce an amendment of that sort. I will add in that connection that no telephone bill can be prepared——

Mr. LANDIS. Let me ask another question. If the rates named in the bill are not the maximum rates for a man wanting individual service, how much money will a man who wants private telephone service have to pay in order to get it?

Mr. PEARRE. Under this bill, as the gentleman will observe, this company can not charge more than $36 or $48 a year; they may charge him less, but can not charge him more for any kind of service, and, as the gentleman will further observe, the bill provides that he shall have a metallic circuit; nothing but a metallic circuit shall be used.

Mr. LANDIS. Will you consent to an amendment providing that single telephones on single wires shall be secured for $36?

Mr. PEARRE. My colleague on the committee, the gentleman from Missouri [Mr. COWHERD], has just suggested to the gentleman from Indiana that he has prepared a committee amendment which will perhaps meet the gentleman's suggestion.

Mr. LANDIS. I should like to have it read.

Mr. PEARRE. The gentleman might consult with the gentleman from Missouri and see whether the amendment is satisfactory, whether it meets his views, and also the views of my colleague from Baltimore [Mr. WACHTER]. Now, Mr. Speaker, I will proceed.

Under section 13 of this bill, if the incorporators undertake to sell the franchises granted by this act of Congress they forfeit their franchise. Further than that, there is an additional section——

Mr. HEPBURN. Suppose the stock should be absorbed without any formal sale of the franchise. What would be the condition then?

Mr. PEARRE. I think the gentleman will discover that that is perhaps covered by section 14.

Mr. HEPBURN. It would not avoid this act, would it?

Mr. PEARRE. Has the gentleman carefully looked at section 14?

Mr. HEPBURN. Yes, I have looked over that.

Mr. PEARRE. In my judgment, that would be covered by section 14. It provides that—

> should the property, rights, and franchises of the Washington Telephone Company be at any time hereafter acquired by any other corporation or person or persons, said corporation, person, or persons shall take said property, rights, and franchises subject to all the restrictions, liabilities, and penalties of this act.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. PEARRE. Yes.

Mr. OLMSTED. Do you consider that a majority of the outstanding shares issued by this corporation would be a part of its property, rights, and franchises?

Mr. PEARRE. Yes; but it would not, of course, constitute a separate corporation.

Mr. OLMSTED. Then, if the other corporation, the rival corporation, should purchase a majority of the stock of this corporation, such purchase would not be in violation of the provisions of section 14.

Mr. PEARRE. I think beyond question it would. If it shall be acquired by any other corporation, person, or persons, said corporation, person, or persons shall take said property rights and

franchises, subject to all the restrictions and penalties of this act. And furthermore—

by the acquisition of the property, rights, and franchises of the said Washington Telephone Company said purchasers shall thereby subject to the liabilities, penalties, and restrictions of this act any other telephone plant or properties then or hereafter owned or operated by said purchasers.

Mr. OLMSTED. Yes; but you do not quite understand me. The stock of this company—the shares of its capital stock cease to be the property of the corporation itself, and therefore they are not within the language here "property, rights, and franchises." They are the property of the stockholders, who can sell them to whomsoever they please.

Mr. PEARRE. I quite understand that, but I will say to the gentleman that I would challenge any gentleman to show any incorporation bill passed in any State of the Union or ever passed by Congress which imposed upon any company such a provision as section 14 imposes upon this company. I am frank to say that I have never seen any such conditions imposed upon any other company.

Mr. MUDD. May I suggest to my colleague, in aid of what he has said, that if a majority of the stock of this corporation should be acquired by any other company, that would not be another corporation, but it would still be subject to the restrictions of this act.

Mr. PEARRE. Absolutely.

Mr. OLMSTED. Suppose a bank acquired the stock. Would that bank become this corporation?

Mr. PEARRE. The closing clause of that section imposes another condition, which I have read. It not only imposes the restrictions of this bill upon the party who purchases, as far as the property purchased is concerned, but imposes the liabilities of this act and all its penalties upon any other property of the purchasing company then owned by it.

Mr. MANN. May I ask the gentleman a question?

Mr. PEARRE. Yes.

Mr. MANN. Does the gentleman conceive that under section 14, if the stockholders of the existing telephone company should become the stockholders of this company, that that would extend this act over the old company?

Mr. PEARRE. No; I do not contend that it would do anything of the sort.

Mr. MANN. Is not that the customary way of transacting stock business?

Mr. PEARRE. I have never known any company to have any such penalty imposed upon it as is imposed here.

Mr. MANN. Of course, I fail to see any penalty at all for the action which I have suggested.

Mr. GREEN of Pennsylvania. Will the gentleman yield to me for a question?

Mr. PEARRE. Certainly.

Mr. GREEN of Pennsylvania. Will the gentleman kindly inform me as to whether there are any provisions in this bill fixing the number of shares of stock and the price per share?

Mr. PEARRE. No, there is not.

Mr. GREEN of Pennsylvania. Is not that usually put in, and should not that be put into a bill of this kind?

Mr. PEARRE. I do not see any necessity for it. The amount of the capital stock is limited, and that is the material matter.

Mr. GREEN of Pennsylvania. Do not you think if this is to be a charter that that provision should be contained in it?

Mr. PEARRE. I see no objection to it.

Mr. GREEN of Pennsylvania. Certainly a few men are not to gobble up the rights and privileges granted by this bill.

Mr. PEARRE. I see no objection to what the gentleman suggests; and if he desires to prescribe the number of shares and the par value I do not know that the committee would have any objection.

Mr. GREEN of Pennsylvania. The reason is very apparent. The other telephone company can buy up this charter at once. I do not know, but perhaps that may be the reason that they are coming here to be incorporated, because they are not incorporated at present.

Mr. PEARRE. I am glad to see the gentleman's solicitude for the telephone subscribers. I yielded to the gentleman for a question.

Mr. MOODY of Massachusetts. Will the gentleman yield to me for a question?

Mr. PEARRE. Yes.

Mr. MOODY of Massachusetts. I should like to ask the gentleman if there is any provision in the bill providing how the capital stock shall be paid in—what part in cash?

Mr. PEARRE. There is a provision in section 7.

Mr. MOODY of Massachusetts. What does it provide?

Mr. PEARRE. That 10 per cent of the capital stock shall be paid in in cash, or the subscription shall be void.

Mr. MOODY of Massachusetts. How is the rest of the capital stock to be paid in?

Mr. PEARRE. There is no provision in the bill as to the method to be pursued, other than that.

Mr. MOODY of Massachusetts. Then stock up to the limit of the authorized capitalization may be issued without any actual equivalent of value.

Mr. PEARRE. I understand that is the case above 10 per cent.

Mr. MOODY of Massachusetts. Then that opens all the doors to stock watering, which ought to be closed.

Mr. PEARRE. I will say to the gentleman that the company with which this company will be thrown into competition, when it comes to the question of stock watering (which company I believe has its home offices in Boston), has something like $800,000 of watered stock, as is estimated, in its Washington branch.

Mr. MOODY of Massachusetts. That shows that we ought not to repeat the process here.

Mr. PEARRE. I have explained, in response to questions which have been asked, that that matter was left open for the purpose of allowing this company some latitude in the financing of its business. It is not unusual, but is quite usual. The House will also observe——

Mr. LANDIS. I should like to ask the gentleman another question. Is there anything in this bill that will permit or authorize the telephone company to limit the number of calls per day or per year that subscribers shall be entitled to?

Mr. PEARRE. I think there is nothing of that sort in the bill.

Mr. BABCOCK. It is unlimited.

Mr. LANDIS. The number of calls by subscribers are unlimited in the District of Columbia, and we make no regulations along that line.

Mr. PEARRE. Section 15, Mr. Speaker, provides a tax upon the gross receipts of 1½ per cent, and section 16 provides the method of reporting which has become usual in charters of this sort. Section 17 contains a provision which, while very short, is very important, and that is that Congress reserves the right to alter, amend, and repeal this act, a right which they do not seem to have at present with regard to any other telephone company which operates in the District of Columbia.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. PEARRE. Certainly.

Mr. TAWNEY. What rate of taxation does the present telephone company pay?

Mr. PEARRE. About $300 a year. That is the information that the committee has.

Mr. TAWNEY. And this proposes to tax them 1½ per cent of the gross receipts. What would that amount to?

Mr. PEARRE. It is estimated it would amount to something like $3,000.

Mr. TAWNEY. In most of the States the independent companies pay 3 per cent of the gross receipts. The Bell Company pays nothing.

Mr. PEARRE. The Bell Company here, as the committee is informed, pays $300 a year, and has been paying $300 only since it came here.

Mr. MANN. Will the gentleman allow me to ask him a question in connection with that?

Mr. PEARRE. Certainly.

Mr. MANN. I am not very familiar with matters pertaining to this District. This section provides that they shall pay a tax of 1½ per cent in lieu of all other taxes. Is there any franchise tax or any other tax in the District?

Mr. PEARRE. There is a tax on real estate levied, but this is in lieu of all taxes on personality. There is no franchise tax.

Mr. MANN. There is no real-estate tax levied upon the conduits or anything of that kind?

Mr. PEARRE. Nothing that I know of. It is generally a tax of 1½ per cent on the gross receipts. I will say, in answer to the question, that I have simply risen to explain as clearly as I could the principles of the bill, as well as some of the interests that urge its passage, and to answer questions and inquiries made by gentlemen of the House concerning the measure. The measure is presented by the committee in the interest of the subscribers of the city of Washington and to secure for them the use of the telephone, which has become a business necessity and a home comfort, at something like a reasonable rate. The committee has gone over this matter carefully, in a painstaking way, and conscientiously, and this bill is the result of that effort. I believe that it will result in great good to the people of the District of Columbia.

Gentlemen of the House will observe from the report that this bill has the unanimous indorsement of almost all the business organizations of the city. It is sustained by the indorsement of the Telephone Subscribers' Association, of about 500 members, the prominent business men of the city of Washington; it is indorsed by the Brightwood Avenue Citizens' Association; it is indorsed by the Georgetown Citizens' Association; it is indorsed by the

Columbia Heights Citizens' Association; it is indorsed by the Business Men's Association of Washington, of 800, and also, as I said, by the Telephone Subscribers' Association, of 500 people, which was organized not for the purpose of advancing the interest of any corporation or any company, but to secure, and with an eye single to securing, to the people of this city something like a reasonable telephone charge. This bill is the result of the committee's best effort on the subject, and the committee believes that the bill should pass.

Mr. MOODY of Massachusetts. I should like to call the attention of the gentleman from Maryland and the gentleman from Wisconsin to the condition of things that I find by a hasty reading of this bill. In section 11 the issuing of $750,000 in capital stock is authorized by the company, with an equal amount of mortgage bonds, making a total capitalization of $1,500,000. Now, in section 7 there is a provision that the subscriber shall pay in only 10 per cent of the amount of his subscription. What is there to prevent the issue of a million and a half of stock and bonds with only a small amount in cash being invested? It seems to me that leaves open a great gateway for the watering of stock, upon which hereafter the people of the District of Columbia will be called upon to pay dividends.

Mr. PEARRE. I will say in reply to the gentleman from Massachusetts that that condition of affairs has existed in this District since 1883, and a very much worse condition of affairs——

Mr. MOODY of Massachusetts. It has existed all over the country.

Mr. PEARRE (continuing). And yet I do not know that the gentleman's voice was ever raised in protest against it. If the gentleman will examine into the condition of the affairs of the company against which this company will have to compete, he will discover that it bought out a little company in Washington City whose capital stock was $100,000, and issued upon that, without any authority, so far as anybody knew, except the charter which it had from the State of New York, $750,000 worth of stock and $500,000 of bonds, and yet of that $750,000 there was only a little over $77,000 paid in cash.

Mr. MOODY of Massachusetts. Mr. Speaker, does the gentleman criticise that?

Mr. PEARRE. Criticise? Yes; I criticise it.

Mr. MOODY of Massachusetts. Then let us not do it again.

Mr. PEARRE. I criticise it to this extent, that perhaps it may effect in this case the ingenuousness of the objection which the gentleman from Massachusetts has made to the present bill.

Mr. MOODY of Massachusetts. Mr. Speaker, just a word in reply to the gentleman from Maryland. I just want to say to him that he is mistaken about my voice remaining silent upon this question. Ever since I have been in Congress, whenever the incorporation of any company has come before this House, I have raised my voice against any provision which would look to stock watering or any provision which would look to the issuing of stocks or bonds without exacting full payment for them. When this bill is read, I give notice that I shall offer an amendment that none of the stock or bonds shall be issued except in return for cash equal to the amount of the stock and bonds issued. That is the only safe way in which we can deal with these corporations. We are suffering from stock watering all over the country, and now, with the experience of the past, we know how to guard against these evils. I am not going to be a party to the passage of any bill which leaves open such an opportunity for stock watering as this bill does.

Mr. SIMS. May I ask the gentleman a question?

Mr. MOODY of Massachusetts. I have finished my remarks.

Mr. SIMS. I want to ask the gentleman if he does not know that if his amendment is adopted, it will absolutely prevent any organization of an opposing company here and effectually kill it?

Mr. MOODY of Massachusetts. No; I do not want to do that, but I want to safeguard the bill.

Mr. SIMS. Well, we are trying to safeguard the people.

Mr. HEPBURN. Will the gentleman from Wisconsin yield to me?

Mr. BABCOCK. Certainly.

Mr. HEPBURN. Mr. Speaker, I fully sympathize with the purposes of this bill, which is to secure reasonable telephone tolls in the city of Washington. If I believed that could be accomplished through this bill, I would readily support it, if that were the best method, but I do not believe it is the best method. I do not agree with the gentleman from Maryland [Mr. PEARRE] when he says that this Congress has no power over the corporation that for the last fifteen years or more has been robbing the people of this city through their exorbitant and excessive telephone tolls. I have no doubt whatever but that we have the power to stop that outrage. It is true that a court—I suppose it must be called a court—in the face of the experience of the people of this country in thousands of towns, has held that the rate of $72 for the ordinary household service is not an excessive and extravagant one. But we have the power to take away from that corporation its right to do business in this city. If they were made to believe that the Congress would do that, I have no hesitation in saying that instantly they would come to the terms that Congress laid down in the bill of two years ago.

I know something of the difficulties that the people in this city and Congress have had in their attempt to control the corporations in this city. I remember that for five years this Metropolitan Railway Company, in the face of an act of Congress, specific and plain, utterly refused obedience to the demands of that act. They were never brought to terms until this House, this body, repealed, so far as it could, the charter under which they were doing business. They then discovered that the Congress would not longer be tampered with; that it meant to compel obedience; and the splendid system we now have is the result of that kind of earnest legislation.

If this committee would take hold of this matter in that way and give this House an opportunity to vote upon such a proposition, I have no doubt that their efforts would be seconded by so hearty a majority that these gentlemen who are now contumacious would be here asking for terms.

Mr. PEARRE. If that result can be attained by this bill, will not that satisfy the gentleman?

Mr. HEPBURN. That result can not be attained by this bill. You can not have proper service in a city like this by installing two plants owned by separate companies. Here is one company with 2,200 or 2,300 telephones. This one you propose to have 1,500 telephones. Neither will serve the interests of the people——

Mr. BABCOCK. One thousand five hundred 'phones in fourteen months.

Mr. HEPBURN (continuing). Without they are subscribers to both, and instead of alleviating the difficulty you simply double the burden. I do not believe it is wisdom, especially when we have the power to compel obedience, for upon that I have not the shadow of a doubt.

Mr. BABCOCK. Will the gentleman permit me a moment?

Mr. HEPBURN. Certainly.

Mr. BABCOCK. No one is more familiar with the conditions than is the gentleman from Iowa himself, and I will ask him the question: For the past eight years has not Congress in every way endeavored to compel a reasonable telephone rate in the city? Have not such attempts been made time and time again in this House, resulting with no success?

Mr. HEPBURN. I think the gentleman is correct; but you have never gone to the extreme I would suggest. You have advised, and nothing more than that, until two years ago, in the amendment that has been referred to, you had positive legislation. You have never attempted to repeal their rights. Apparently the committee has been under the influence of such gentlemen as the gentleman from Maryland.

Mr. BABCOCK. I want to call the gentleman's attention to the last night of the last session of the Fifty-fifth Congress, when I stood on the floor all night long and endeavored to prevent Congress passing an act which gave to all corporations in the city of Washington the right to extend their conduits anywhere they pleased. Congress did pass the act in spite of all that I could do, and that is the condition which exists to-day.

Mr. COWHERD. Will the gentleman yield to me for a moment?

Mr. HEPBURN. Yes.

Mr. COWHERD. As matter of law, the present telephone company has no franchise from this Congress.

Mr. HEPBURN. It has the use of the streets of the city of Washington. Can not we stop them? Have we no police force?

Mr. COWHERD. If the courts have held, as they have held, that we can not fix the rate at $50 because it is impairing the obligation of contracts, if that principle is right, is it not all the stronger that we can not take away the franchise that we have heretofore given them?

Mr. HEPBURN. Why, the gentleman says they are here without a franchise.

Mr. COWHERD. We can not take away the right under which they are operating.

Mr. HEPBURN. Has not Congress control over the streets? Can we not prevent a corporation from using those streets—from tearing them up in their attempts at repairs or construction? Why, sir, it seems to me it is nonsense to take a position like that. Could a railroad company locate its tracks through the streets here—appropriate them to its own purposes—without the consent of Congress? If they did, could we not direct the police power of the city to remove them? There is no doubt about that.

Mr. BABCOCK. Let me say to the gentleman that about a year ago Congress gave up all the rights it had in the streets of Washington and vested them in the Commissioners.

Mr. HEPBURN. No Congress can give up its rights in such a way that another Congress can not resume them.

Mr. COWHERD. The gentleman has not understood my

proposition, which was this: That if we could take away those rights absolutely, we could certainly regulate them by fixing a rate. The greater includes the less.

Mr. HEPBURN. I do not know that that follows at all. We may silently permit them to do a business, and then if they make contracts we must observe those contracts, or at least we must not destroy them. That is an entirely different proposition from that of usurping a right to the streets—appropriating to their own specific and peculiar purposes what belongs to all. There is no lawyer here who, if the proposition were put to him, would not say that Congress has the power to control the streets of Washington as against a corporation which, as gentlemen admit, has never been given any right over those streets——

Mr. PEARRE. Will the gentleman permit a question?

Mr. HEPBURN. Certainly.

Mr. PEARRE. Does the gentleman deny as a proposition of law that Congress can not pass an act which deprives a man of his property without compensation?

Mr. HEPBURN. I do not deny that.

Mr. PEARRE. Is not that the very basis on which this question turns?

Mr. HEPBURN. The streets of this city are not the property of any corporation; that is what I am trying to hammer into the heads of the gentlemen of the committee. [Laughter.]

Mr. PEARRE. I will say to the gentleman from Iowa that while the streets are not their property, yet when rights are given to them in the streets those rights become their property, and if the gentleman would hammer into his own head some knowledge of constitutional law he would recognize my proposition.

Mr. HEPBURN. The right may belong to them until it is resumed by Congress.

Mr. PEARRE. You can not deprive them of a right once given.

Mr. HEPBURN. What I want is that we shall resume a right which belongs to the people, and which, as has been said here over and over again, has never been conferred upon this corporation.

Mr. JENKINS. The gentleman from Iowa seems to have a very firm conviction as to what kind of a measure we should pass here. I suggest to the gentleman that he draw a bill embodying his ideas, and our committee will act on it as soon as possible.

Mr. HEPBURN. If the committee will invite me to do that, I will do it for them. [Laughter.]

Mr. JENKINS. I want to say to the gentleman, further, that the same arguments which he has been making here for the last twenty minutes have been made by the representatives of the Bell Telephone Company before the Committee on the District of Columbia for the last two years.

Now, this bill promises to afford the people of this District relief within fourteen months. If the suggestion of the gentleman from Iowa were carried out, the people would not get this relief in fourteen years; because, as the gentleman knows full well, as soon as anybody undertook to do anything under such a bill as he advocates, an injunction would issue out of one of the courts here and it would take at least fourteen years to determine whether or not Congress had a right to pass that act. For the present——

Mr. HEPBURN. Where does the gentleman propose to put his interrogation mark? [Laughter.]

Mr. JENKINS. I want to enlighten the gentleman. This is a question of reciprocity. The gentleman wants to aid us and we want to help him.

Mr. HEPBURN. Mr. Chairman, another objection I have to this bill is the condition in which it will leave the streets of this city. There will have to be a conduit on both sides of every street, I take it.

Mr. BABCOCK. The conduits already constructed would be sufficient to accommodate one-half of the wires necessary. The bill provides for the leasing or purchase of conduits that have heretofore been constructed.

The SPEAKER. The hour of the gentleman from Wisconsin has expired.

Mr. HEPBURN addressed the Chair.

The SPEAKER. Is the gentleman from Iowa opposed to the bill?

Mr. HEPBURN. Yes, sir.

The SPEAKER. Does any member of the committee resist the bill and desire to take the floor? [A pause.] If not, the gentleman from Iowa will be recognized in opposition to the bill.

Mr. HEPBURN. I desire only a moment.

The SPEAKER. The gentleman from Iowa is recognized for an hour.

Mr. HEPBURN. Mr. Speaker, I am entirely willing to go with the committee as far as they would desire me to go in any measure for the relief of the people of Washington in respect to telephone service; but I doubt whether this bill will give the relief we want. It seems to me largely an attempt on the part of a number of gentlemen to get another hold on the franchises of this city. For that reason alone I would oppose the bill. If these franchises are valuable, let them be given to the people of Washington, who will have an interest in maintaining them in their best possible condition—who will be in harmony with their neighbors here. Let them not be given to a lot of speculative gentlemen from a neighboring city. We have had experience enough with such gentlemen recently. We had a magnificent system of roads here—the Metropolitan road—which was the best equipped and best operated road that I ever saw. But it has now got into the hands of a lot of these Maryland gentlemen—Baltimore gentlemen, I am told—and now we have a service on that once magnificent line that would be a disgrace to any village in the United States. I object to the passage of this bill for that reason.

Mr. WACHTER. Did the gentleman ever see the street-car service of Baltimore City?

Mr. HEPBURN. I never did.

Mr. WACHTER. I took it for granted that the gentleman had not, or he would not talk in that way.

Mr. HEPBURN. Then this is modeled upon that, is it?

Mr. WACHTER. I do not know about that, but when you speak of Baltimore, I simply refer you to our magnificent street-car system, second to none in the United States to-day.

Mr. HEPBURN. I am talking about the system here, where you will find sometimes a score of cars blocked up together, with a space of miles between others.

Mr. WACHTER. You do not want to blame that on Baltimore City. We are not responsible for that.

Mr. HEPBURN. I am speaking of the system here, where you will see one train crowded with a hundred people and another right behind it with half a dozen people. I want to see no more of that.

Now, Mr. Speaker, there are three or four serious objections to this bill. In the first place, it will not give full service. It will give only half service, if the other company continues, as it undoubtedly will. The most the new company can do is to divide the business.

In the second place, it is a foreign corporation, composed largely of foreign incorporators, and I think that is a bad feature.

In the third place, it does not necessarily cheapen rates, because there is no provision here that the 'phones that are to be furnished shall be upon a single wire, and I am told that now the other company, where six or eight 'phones are upon a single wire, are willing to give the same service for the same money. I think that it is an attempt here to build this plant with the bonds that are to be issued, while the stockholders, who get their stock perhaps for 10 cents on the dollar, will at all times insist upon full dividends upon their stock, the same as though they had paid money for it. I do not think the bill is properly guarded in many respects, and therefore I do not want to see it pass in its present form. I reserve the balance of my time.

The SPEAKER. The gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. I yield to the gentleman from Missouri [Mr. COWHERD] fifteen minutes.

Mr. HEPBURN. Perhaps I had better use a portion of my time before the gentleman from Missouri proceeds.

Mr. COWHERD. Very well.

Mr. HEPBURN. I yield fifteen minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, if this bill should become a law and the company should commence to operate its plant, it would be necessary that it should tear up the streets of Washington. That, of course, in itself is undesirable, and if such right is granted to a company it ought to be obliged in some way to recompense the public. The great country at large pays half the cost of maintaining the streets of Washington. The great country at large has paid half the expense of putting down the present pavements of Washington, and if they are put in bad condition the country pays one-half of the cost of putting them in proper shape.

But here is a proposed law to give to this company the right to tear up every asphalt pavement in Washington, and we all know that they will not be put back in as good condition as they were before; and the only thing that this company proposes to pay for this great privilege is 1½ per cent of the gross receipts in place of taxes. The bill authorizes the company to issue $750,000 of stock and $750,000 of bonds, making a total of a million and a half dollars.

If it should pay 1 per cent on the amount of its stock and bonds, that 1 per cent would amount to $15,000, and I do not believe that there is any place in the country where taxes are so low that a company is authorized to pay much less than 1 per cent on its investment. But here the proposition is to let this company avoid all taxes, to let this company out from the payment of all kinds of taxes on its property and franchises on payment of a nominal amount of 1½ per cent of its gross receipts.

Mr. BABCOCK. They are liable to assessment on their real estate the same as any other corporation or private person.

Mr. MANN. The company needs to own no real estate whatever.

Mr. BABCOCK. I beg the gentleman's pardon.

Mr. MANN. The company is not required to own a foot of real estate anywhere. It can rent a power plant and rent an exchange building upon which it pays rent.

Mr. BABCOCK. The taxes on whatever real estate it occupies will have to be paid by somebody.

Mr. MANN. Its property consists of the right to use the streets. Why, all over this country everywhere there is a demand that companies having the right to use the streets shall pay a reasonable compensation. Even in the city of Chicago, which does not claim to be the best governed city in the world, no new company could be incorporated like this without paying at least 10 per cent of its gross receipts into the city treasury; and I compliment the other side of the House upon the fact that the mayor of that city, a Democrat, not only announced but maintains the principle that a private company, or a quasi public company, using the streets of the city must pay a corresponding compensation.

Now, Mr. Speaker, if the bill becomes a law, as I say, the company may go ahead and operate, in which case this will be the situation: Every public building in this city, every Government office in the city has now a telephone connected with the present company. Every hotel, every business house has a telephone connected with the wires of the present company. Is it designed that these offices, public buildings, and business houses shall each maintain two telephones?

I remember that something over ten years ago, in a portion of what is now the city of Chicago, then known as the village of Hyde Park, a new telephone company was authorized, was granted a franchise with a low rate like this, and it was said then that this company would force the rates of the old company down. It is true that the new company, unable to sell the franchise that it had, fitted up a small exchange and constructed a few miles of wire, but nobody wanted to use the telephones of that company because the great mass of subscribers to telephones were upon the exchange list of the old telephone company, and I believe that few men of good common sense now pretend to keep telephones connected with the exchange of the new company. This bill, then, would double the number of telephones if it amounted to anything by compelling people to maintain two telephones where they now maintain one.

But, Mr. Speaker, I do not imagine that that would be the result. The only capital required by this bill to be invested is $75,000. Does anybody believe that the old telephone company would permit its property to be ruined by a company which had invested only $75,000? Is there any gentleman here so childlike and bland that he believes that if this bill becomes a law these gentlemen will not sell out their rights? Does any gentleman here believe that the old company, with a capital stock or an investment of one or two million of dollars, will permit a $75,000 plant to run them out of Washington?

I have seen this thing so often in my own city. I have seen franchises granted to new companies so many times, and I never have known of a case where the old company did not purchase the plant in some way of the new company. I can remember when I was a member of the city council of Chicago that a new franchise was granted to a street-car company on the South Side of that city. It was said that the new street-car company would carry passengers for 3 cents a passenger.

It was said that it would do a great many things. It obtained its franchise, it fought its way through the lower courts and through the supreme court, and came out successful, and when it had absolutely established its rights under the law it sold out to the old company for $1,000,000. I do not apprehend that this franchise will be worth a million dollars if it is passed, but I should like to help divide up the $100,000 that these gentlemen from Baltimore will receive for their right.

Mr. DOLLIVER. The gentleman from Illinois has had great experience and observation about this telephone business. Everybody agrees that this whole community is now under unnecessary extortion at the hands of the existing telephone company. What practical scheme is there to deliver this community from extortionate telephone tolls?

Mr. MANN. Mr. Speaker, if I could answer that question dogmatically, I could employ myself at the rate of many million dollars a year in the United States. There is no place that I know of where the people are not crying out against extortionate charges of some company which has been granted special rights in the streets.

I know of no absolutely certain way to control the situation, but my observation leads me to believe that doubling up the expense will not cheapen the cost to the consumer. You can not make it cheaper to the consumer by having double the amount invested. It is inevitable that the companies will be consolidated. There is no place in the United States—no place in the United States I say—where two companies remain long rivals for a single privilege. The gentleman says that I have had experience in connection with telephone service. I will say to the gentleman that I have had none, except as a subscriber.

Mr. DOLLIVER. I meant by practical observation of the operation.

Mr. MANN. I have no doubt whatever that, as the gentleman from Iowa [Mr. HEPBURN] says, Congress has authority to regulate the rates so far as this present company are concerned.

Mr. BABCOCK. Congress thought it had; the courts say it has not.

Mr. MANN. Ah, Mr. Speaker, the gentleman from Wisconsin says that the courts have said nay. I say nay to his proposition, and I say, Mr. Speaker, that so far as the city of Washington is concerned, as I said when this bill that they speak of was passed two years ago, it was nonsense then. I believed it then and I believe it now. I do not believe myself that in Washington you can maintain a good telephone service for $36 a year on a single line; and the proposition that came up before the court was whether the old company should be obliged to furnish this telephone service and telephone instruments for the rate prescribed by Congress.

The court found that the service could not be furnished for that amount of money. If that be true, if the findings of the court are correct, nobody expects the telephone service to be furnished for less than the cost. If that be not true, if it be true that it can be furnished for less, then it is the duty of the Committee on the District of Columbia of the Congress of the United States to furnish the proof; and all that is needed is proof. Gentlemen sat silently by while this test case was brought before the court, I know not whether in good faith or in ill faith, but I know that the court has not determined that we can not regulate the charges.

Mr. BURKE of Texas. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. BURKE of Texas. I understand the gentleman to say that the service in this city can not be performed for $36 a year?

Mr. MANN. That is my judgment.

Mr. BURKE of Texas. How is it, then, that it is performed, as I am reliably informed, in a great number of the cities of this country for $36 a year?

Mr. MANN. I can answer that very well. We have a telephone in a small country town, for which we pay $12 a year. I have another one in the city of Chicago, where I pay $225 a year; and I get more than double the use and cheaper rate in proportion out of the $225 a year telephone than I do out of the $12 a year telephone. Why? Because one is used fifty times where the other is used once.

Mr. BURKE of Texas. Does the gentleman consider that an answer to my question?

Mr. MANN. Why, certainly, I consider it an answer to your question.

Mr. BURKE of Texas. Then I fail to see it.

Mr. MANN. I have no doubt that where a telephone exchange is small and the number of calls small the rate can be made very cheap; but gentlemen understand that where two men only are on a telephone the number of calls is small; but when you put three men on a line you do not merely double the telephone service; when you put four on a line you do not merely double it, but you multiply it sixfold; when you put a dozen on a line you multiply it by nearly a hundredfold, and that makes the difference in the cost.

Mr. PEARRE. Will the gentleman permit me to ask him a question?

Mr. MANN. Certainly.

Mr. PEARRE. Is not the net result of your argument this: That there is no relief from the extortionate charges that now exist in Washington?

Mr. MANN. It is not, Mr. Speaker. I say this first, that if the District or Congress can determine that the service which this company furnishes can be sustained by a charge of $36 or $50 a year, we have the power and authority to fix that rate.

Mr. PEARRE. Is the gentleman a lawyer?

Mr. MANN. Well, "the gentleman" does not practice law from Maryland for the benefit of clients in the House of Representatives.

Mr. PEARRE. No; but the gentleman seems to practice law in Washington for the benefit of the people of Chicago, Boston, and Washington. Now, the gentleman might just as well be courteous, because he will get along better, and answer the fair question which I have put.

Mr. MANN. "The gentleman" is always courteous when asked a courteous inquiry.

Mr. PEARRE. If that is the gentleman's notion of courtesy, it will not commend itself to the House.

Mr. MANN. "The gentleman" does not need your commendation to the House.

Mr. PEARRE. No; I am glad you do not. I fear you would not get it.

The SPEAKER. The time of the gentleman has expired.

Mr. HEPBURN. I yield five minutes more to the gentleman from Illinois.

Mr. MANN. Now, Mr. Speaker, I have no hesitation in saying that so far as my judgment is concerned the result of this bill will not be to furnish relief to the people of Washington, but simply to let people sell out under the bill or law which they obtain. But gentlemen have asked how they can obtain relief. It is not a hard road to ascertain or to travel.

It is admitted that the present company has no franchise in Washington; it is admitted that the present company came here as a usurper in Washington; it is admitted that it is not entitled under the law to occupy anything in Washington except so far as they may have vested rights. I would pass a law driving the present company out of Washington, except under terms fixed by Congress. You bring in a bill from the District Committee granting a franchise to the present company, as you have the right to, and give the company the right to accept it or to leave Washington.

Mr. SIMS. Why do you not introduce a bill which will carry out your idea, if you think that is a practical way?

Mr. MANN. I will tell the gentleman, who is a member of the District of Columbia Committee, I give very little attention myself to the District of Columbia business. I happened to notice this bill in the city press, and it was so remarkably similar to the boodle ordinances which I had fought in the city council for four years that it attracted my attention. I do not profess to study the legislation for the District of Columbia; it is the duty of the District Committee to bring in these bills; and if the committee is not able to do it, let them resign.

Mr. PEARRE. Is that the reason that it attracted the gentleman's attention, because of its resemblance to the boodle ordinances?

Mr. MANN. That is it precisely.

Mr. JENKINS. I want to say in all kindness to the gentleman from Illinois that the members of the District of Columbia Committee have not had the opportunity to live in so fraudulent a a place and learn so much from fraudulent legislation as he speaks of. We have had no experience in matters of that kind. [Laughter.]

Mr. MANN. If the gentleman had had that experience, the committee would have recognized the earmarks on this bill. I am making no reflection on the Committee on the District of Columbia, but if they had known the devious ways of these men who are attempting to take the municipal franchises from the public in every city, they would have recognized this bill, and would never have brought in a favorable report.

Mr. SIMS. Why does not the gentleman offer an amendment to it?

The SPEAKER. Does the gentleman from Iowa wish to consume any more time?

Mr. HEPBURN. I will yield ten minutes to the gentleman from Pennsylvania [Mr. GREEN].

REPRINT OF A BILL.

Mr. RAY of New York. With the consent of gentlemen, I would like to ask unanimous consent to have reprinted Senate bill 268 and the report. The gentleman who drew the report had the House bill before him when he drew it, and therefore made incorrect references and incorrect amendments. I simply desire to ask unanimous consent for the reprint of the report and the bill.

The SPEAKER. The gentleman from New York asks unanimous consent for a reprint of Senate bill 268, and also the report. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

WASHINGTON TELEPHONE COMPANY.

Mr. GREEN of Pennsylvania. Mr. Speaker, I seem to stand upon this bill between Scylla and Charybdis. Among those opposing this legislation appear to be some who are friendly to the company now operating here. The other parties favoring this bill seem to represent a syndicate who, while it represents opposing interests to the present monopoly, seek to control the new company, and may be a second monopoly. They are certainly a shadowy prospective organization. At this point let me say that I neither belong to nor am I directly or indirectly interested in either the present monopoly or the proposed competing organization.

I want this legislation to pass in such shape that the proposed corporation will be of permanent benefit to the people of Washington, and if possible will be under their immediate control. By proper legislation this can be done, but I do not believe the passage of the measure in its present shape will bring about this much-desired result. By the passage of this bill without considerable amendment I can not see how the citizens of the District of Columbia will be either greatly benefited now or permanently benefited.

I call the committee's attention to the fact that to a Pennsylvanian accustomed to the drafting of charters under the laws of that State the provisions, or want of some of what we regard as essential provisions in a charter, give it a very peculiar look. First, the number of shares of stock to be issued is not fixed, nor is the price per share. Why not specify these matters? I would suggest that the number of shares be fixed at 15,000 and the price per share $50. Surely no objection could be made to that. Then every citizen who thinks a competing line desirable and will pay can at least subscribe for a share or two.

Again, some provision should be inserted by which, when the stock subscription books are opened, the citizens of the District and their friends would be allowed to subscribe a limited number of shares. By providing that no one person could subscribe to more than 100 shares until all who want that number or less are supplied, you will find that the corporation will be largely subscribed to by Washington citizens, and they will control the new organization.

Such control would contribute largely to its immediate success, not only as a remunerative investment, but as a competitive corporation who will deal fairly and liberally with all the people directly interested in securing first-rate service at reasonable rates. If the stock is to be taken by a few wealthy men whose only interests are how much they can make out of the new venture, little benefit will result to the people of the city, and will in the beginning, or in a short time, come into the hands of a new company, composed in large part of strangers.

There are so many ways by which these corporations can manipulate their affairs and thereby destroy an honest business competition that these or similar provisions should be now incorporated in the bill. We should prevent their selling out to either a competing company or to persons controlling, directly or indirectly, a competing company. We should provide against anything like establishing a monopoly by agreeing to operate in agreed-upon districts. We should provide against the watering of stocks and the many forms resorted to in the modern financing of corporations by which the vitality and usefulness of the company are impaired by those who go in on the ground floor.

I see nothing in the present bill to prevent the present monopoly, so bitterly complained of, from indirectly, if not directly, buying out and controlling the new competing line. In fact, the proposed company can, under the proposed charter, in a very short time freeze out the people who use telephones in the District. Let us put it beyond the power of this proposed corporation to do this, and I know of no more practical way to accomplish this result and every other desired result than by the provisions of the measure making it a Washington corporation, controlled by and managed by Washington people.

Again, the cumulative system of voting should be introduced, thereby preserving as much as possible the interests of the minority stockholders. In Pennsylvania we have found this a very valuable provision. I think its value here can not be overestimated. Our bounden duty here is to protect and legislate for the real interests of the people of Washington, not to grant special rights and privileges to those who have no more than a dollar and cent interest in the subject. Unless the bill is so amended, it should be defeated. Not that I want to see the establishment of any honest competing line either postponed or defeated. Washington requires not only competition, but honest competition. It is not outlined in the proposed measure. Let us correct it.

Mr. COWHERD. Mr. Speaker, this is a very important measure; and I want to call the attention of gentlemen of the House to the situation that confronts the committee in bringing this bill before this body.

We are fighting here a corporation with $64,000,000 behind it. We are fighting a corporation that has been established here now for almost twenty years. Gentlemen talk about opening subscription books and letting the people come in and take shares at ten or fifty dollars apiece, and no more than ten shares to one individual.

Why, sir, if the gentleman making that suggestion knows anything about a fight against a corporation backed with $60,000,000, he knows that such a suggestion is vain and useless. We are giving these incorporators not a franchise, but a fight. They have got to make good every step of their progress against unlimited capital, that will buy, as it always does, the best brains in the market, and that will fight from behind barricades already erected for them.

Mr. Speaker, the committee has endeavored to bring in a fair bill—a bill against which there could be no reasonable complaint. I submit that the complaints which have been made have been general. Only one provision in the bill has been pointed out as subject to any specific objection, and that we propose to remedy by amendment.

Gentlemen say here, "This is a nebulous sort of a franchise." It is the same sort of a franchise, so far as that is concerned, that has been given to every corporation organized in this District for twenty years past. If it is nebulous, all the rest are nebulous. The trouble is, Mr. Speaker, when we come to legislate here we have legislators from forty-five different States; and each Representative thinks that if you do not follow the plan laid down in the statutes of his State, you are enacting bad legislation. It is such

legislation as Congress has sanctioned for a generation, and there is nothing in that contention.

The gentleman from Illinois and the gentleman from Pennsylvania have said that in this bill we are undertaking to pass an act which will enable some man to sell out and make money. Such a suggestion simply proves that neither of those gentlemen has read the bill. Now, in the first place, under this bill these gentlemen must incorporate; and if they fail to incorporate, what happens? The charter and everything under it is forfeited. But if they do go ahead and organize, what happens then? They must within fifteen days put up $100,000 as a guaranty that they will perform the conditions of this charter. A gentleman has said that the old company would buy off these corporators because they are required to put only $75,000 into the enterprise to organize it. They not only put up the $75,000, but they put up $100,000 more; and if they sell out, the $100,000 is forfeited to the Government of the United States. Who is hurt by that provision? Anybody in the District of Columbia or any taxpayer in the city of Washington?

Mr. MANN. Will the gentleman yield a moment?

Mr. COWHERD. Yes; for a question.

Mr. MANN. Will the gentleman please call attention to that part of the bill where it is provided that somebody must put up $100,000 within fifteen days?

Mr. COWHERD. Why, there is a provision that a bond shall be given in the sum of $100,000. Does the gentleman deny that?

Mr. MANN. Does the gentleman understand that that bond would amount to anything?

Mr. COWHERD. Provision is made so that suit may be brought on that bond and that the sum named in the bond shall be taken as liquidated damages if the incorporators do not carry out the provisions of the charter.

Mr. MANN. Does the gentleman think that any court of the country would sustain a provision for a bond of that kind?

Mr. COWHERD. I do think so. The courts have sustained an exactly similar provision. I think I could cite the gentleman to such cases.

Mr. MOODY of Massachusetts. Will the gentleman allow me a question for information?

Mr. COWHERD. Oh, yes; that is what we are here for.

Mr. MOODY of Massachusetts. It is upon the point to which I called the attention of the gentleman from Maryland a short time ago.

Mr. COWHERD. I am going to reach that later.

Mr. MOODY of Massachusetts. My question relates to the issuance of stocks and bonds.

Mr. COWHERD. I will come to that a little later on, if the gentleman will permit me.

Now, Mr. Speaker, in this bill we are endeavoring not only to legislate for the benefit of the people of Washington, but to enact legislation that will be operative to permit this company to successfully engage in the great fight which is to come between it and the present company.

Suppose this bill does go into effect. If the company does not incorporate, nobody is hurt. If they do incorporate, they put up a bond for $100,000; which amount will be forfeited to the United States if they do not carry out the provisions of the bill.

But suppose they go ahead, and, after fighting the existing system for a while, sell out, as suggested by gentlemen around me. In that case it is provided that the parties who purchase shall hold their property subject to all the limitations mentioned in the charter; and if the purchase is made by any other company operating a telephone line here, then all other rights or franchises which such company may hold shall be subject to the limitations of this charter. And what are those limitations? That they must furnish a business telephone for $48 a year and a residence telephone for $36.

Gentlemen talk of telephones at cheaper rates in smaller towns. It is true that some small towns do have cheaper rates for telephone service; but thus far, since the consolidation, as I am informed, in Detroit, there is no city in the United States of the size of Washington where telephone service is in operation at these rates.

Now, a company of gentlemen come before our committee. They come representing large financial interests. They are men who are capable and able to carry out what they agree to do, and they say to us: "We will put up an absolutely gilt-edge bond for a hundred thousand dollars conditioned that we will within the time limited here furnish a system capable of supplying as many users of telephones as are now using the telephone in this city, and we will guarantee to furnish the service at the rates named in the bill, and you can take the $100,000 as liquidated damages if we do not carry out our contract."

Mr. WILLIAMS of Mississippi. Does the bill provide that they shall give that bond?

Mr. COWHERD. Yes; that they shall give it, and give it before anything is done under the charter.

Mr. PEARRE. If they do not give it the charter is forfeited.

Mr. COWHERD. That is correct. If they do not give it the charter is forfeited. Do you not want to try it, gentlemen? If you try it and it is successful, you set the precedent in the United States for a reduction of telephone rates, a service that is to-day the most exorbitant of any monopoly holding a municipal franchise. If you do that, gentlemen, it will be followed all over the United States, and millions of dollars will be saved to the people of the country.

Now, some gentlemen say you ought to reduce the rates lower. I can only say that so far there has never been any definite determination of what is a fair telephone rate. They attempted to determine it here in the courts of this District, and the court held that $50 a year was too small, and that you could not furnish good telephone service here for that sum—that is, $50 each for business and residence telephones. Yet this company comes in here and offers to do it for $48 and $36.

Now, gentlemen, I submit the criticisms that have been leveled against the members of this committee for bringing in this bill are not just criticisms.

Let me note some of the objections that gentlemen have raised, and I want to call the attention of the distinguished gentleman from Iowa [Mr. HEPBURN], who criticises the service now being rendered by the Metropolitan Street Railway Company, to the fact that on the floor of this House in the last Congress he stood here demanding that these companies be allowed to consolidate. He said that Congress, with its strong hand, could reach and remedy any detriment to the service that might arise. He said that we held control over that company, and the minute they did not do what they ought to do we would bring them to time.

Now he stands before the same body, telling you that you can reach some other company, but admits that he was wrong in that instance, or else he is negligent now in his duty in regard to that company. Some of us fought that consolidation then. We said then that competition was the thing. We said then that if you allowed them to consolidate, these little neglects would arise and you could not reach them.

In regard to the question of a single wire to each 'phone an amendment has been proposed. Mark you, we provide, first, that there shall be a maximum charge of $48 and $36, and now we propose this amendment:

Provided, That if more than one telephone is put upon a wire the rates above fixed shall be reduced—

Compelling a reduction if more than one telephone is put upon a wire—

in accordance with such regulations as may be made by the Commissioners of the District of Columbia.

Permitting a reduced rate for two telephones, a greater reduction for three, a still greater reduction for four, and yet leaving a provision whereby wires may be run a great distance and some compensation left to the company.

The SPEAKER. The time of the gentleman has expired.

Mr. COWHERD. I should like to have a few minutes more.

Mr. PEARRE. I yield five minutes more to the gentleman.

The SPEAKER. The gentleman from Missouri.

Mr. COWHERD. Now, Mr. Speaker, I want to call attention to this decision that has been referred to. I agree with the gentleman from Iowa about that. I doubt the law of that decision, or rather I doubt the finding of facts on which the law is based; but it is the decision of the court. Unless it is overruled by some higher court it will stand. That case has been appealed.

The question now is whether we ought to wait the number of years that it may take that case to go through the Supreme Court. Probably, as all lawyers know, if it is reversed, it will be reversed for another trial and take years again for its trial in the lower courts and its appeal to the Supreme Court, with the people of the District of Columbia paying $200,000 every year of that time for service that would be rendered under this bill for less than a hundred thousand dollars. Why, in the four or five years that it would take to litigate that matter through the various courts you would probably save enough under this bill to build another telephone system.

I will not read from the decision in that case. My time is so limited I content myself with saying that it is held that Congress has no power to pass laws impairing the obligations of contracts; that rights have been given to these people to use the streets here and certain rights under certain bills passed, and that Congress can not make a rate at which they can not furnish the service; and if you can not compel them to furnish the service at the rate you make, then, I assert, you can not impair their rights further by taking away entirely the franchises of the company.

Mr. WILLIAMS of Mississippi. I should like to ask the gentleman a question for the information of members of the House.

Mr. COWHERD. I will answer the gentleman's question if I can.

Mr. WILLIAMS of Mississippi. I simply wanted to know, for information, how did this present company get the use of the streets?

Mr. COWHERD. They came in here and asked permission to string some wires and got that permission, as I believe, from the Commissioners, and then Congress took some telephones. Congress, by appropriation bills, authorized payment for telephones, permission was given them to construct a conduit, and things of that kind. There was never any charter given.

Mr. WILLIAMS of Mississippi. They rely upon some sort of an implied contract.

Mr. COWHERD. Yes; some sort of implied contract, growing out of these recognitions of their rights in the District of Columbia by Congress.

Now, the gentleman from Illinois has said you are going to let another company come in and tear up the streets and leave your streets all torn up. Why, gentlemen ought to know that there is a general law in this District under which a man digs in the streets; that he has to go to the Commissioners of the District to get permission, that he has to give security that he will repair the streets when through with his work, that he has to protect it with lights, barriers, and things of that kind, and that after the work is done he must see that the street is put back in perfect condition.

I admit that it would be better, if we could, to fix a decent rate and compel one company to stand by it, and it would be better if that company could be the old company. I should be willing to do that; but we tried to do it, and that case was taken into the court, and the court decided that the telephone company could not live under the rates that we fixed. They swore to that; they proved it to the satisfaction of the court.

I do not want to be understood as agreeing with that decision of the court. To furnish an excuse for their charges the Bell companies here and elsewhere enter into contract with equipment companies, in which they hold the majority of the stock, by which they rent the apparatus they use, paying enormous royalties, practically to themselves. They pay $7.50 a year for each receiver and transmitter. All other companies buy their instruments outright, paying $9 for a receiver and transmitter. They pay practically to themselves $1 per year for each drop on the switchboard, when it could be bought for $3 or $4.

Such legerdemain, taking money out of one pocket to put it in another, ought not to be considered by a court when it comes to passing upon what is a fair rate. But the court has passed upon it and said we could not reduce the rate to $50, and now responsible men come to your committee and say they will give you a better rate than that, and you say we ought not to take it; that we ought to go back to the old company and in some way get them to come in and do the work at the rate which these people offer. I believe that the result of such legislation as this will be that the old company will immediately come down or be forced out of business. If they buy this charter, they will have to come down. If they sell out to the new company, the new company will operate under this charter.

Now, just a word in response to the suggestion of the gentleman from Massachusetts. I want to say frankly for myself—and I believe we ought to be frank with the House in regard to these matters—that I thought it was the duty of this committee, endeavoring as they were to obtain the cheapest telephone system in the United States, with a proposition from responsible people that they would either give it to us or forfeit a hundred thousand dollars, knowing as we did that they had to come in competition with the strongest company in the United States, that would fight them through every inch of the way, through the courts, through Congress, before the people, and everywhere else—I thought we ought to give them a liberal charter. I did not believe the risk would be taken unless the inducement was commensurate with the risk.

Now, with no other telephone service in the United States furnished at these rates to-day, with a decision of the courts of this District that you can not furnish it at this rate, or even at a higher rate, I do not believe that you can put the stock on the market and sell it for 10 cents on the dollar. Does any man in this House believe it? I was willing to say to these people: "We will give you a liberal charter."

It may be that they will get some watered stock into it. For myself, I am willing that they should water the stock a little if they reduce the rates 50 per cent to the people of the District of Columbia. You will save to the subscribers in this city a hundred thousand dollars a year and improve the service under this bill. I am willing that the new company should be paid for doing that.

I submit to you, gentlemen, that every objection that has been made has been an objection that has either been fairly answered in the terms of the bill or an objection that has no merits in it.

I submit to you that this is one of the most meritorious measures ever brought before this House of Representatives, and I call upon every man who believes that the people of the District of Columbia should be represented as you would represent your own community if you were at home voting in a city council—I call upon every man who believes that the present telephone rates in this District are exorbitant (and I for one am convinced they are) to rally around this bill and give us an opportunity to do justice to the people of the District of Columbia. [Applause.]

I ask permission to extend my remarks in the RECORD for the purpose of giving some figures.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. COWHERD. The following statement showing the cost and operation of lines other than those connected with the Bell Telephone Company in cities where competition has been instituted I take from the brief of Messrs. A. A. Birney and H. F. Woodward, counsel for complainants in the case above referred to. The facts set forth were gleaned from the evidence taken in the trial of that case:

NEW STATE TELEPHONE COMPANY, MICHIGAN.

The testimony as to this company and the financial results of its rates is complete. November 1, 1898, it operated 134 exchanges in Michigan, and about 3,000 telephones, the largest exchanges being Ann Arbor, with 505 telephones, and Port Huron, with 315, and the smallest Dearborn, with 4. The system is almost exclusively the metallic circuit, and the instrument of the long-distance type. The rates for service are $24 for business and $18 for residence telephones.

To determine the results all original papers were produced for the examination of counsel and the fullest exhibit made from August, 1897, to October 31, 1898.

For the ten months beginning January 1, 1898, the gross receipts of this company were $59,904.74, of which $30,714.02 was profit.

CITIZENS' TELEPHONE COMPANY OF GRAND RAPIDS, MICH.

Since the proof about this plant is exact, and the number of instruments in use closely approximates those in use in Washington, the results shown are most important.

This company has operated since July 1, 1896; its construction is aerial, all service over the metallic circuit; its instruments are of the long-distance type. The actual cost of construction to January 1, 1899, was $169,000. The company has issued no bonds, but built the plant from sales of stock, of which, on July 1, 1898, it had issued $120,000. It has 2,508 stations; its franchise limits rates to $36 and $24, but the rates charged are $30 and $20 on three-year contracts.

The construction is first-class, and cost $65 to $67 per station. It operates its 2,508 lines at an annual cost of $18 per telephone. Its receipts for the year ended June 30, 1898, were $57,000, and its expenses $37,000, the average number of telephones in use being 2,200. The expense includes $1,800 for taxes. For a year and a half the company has paid quarterly dividends of 2 per cent each.

HOME TELEPHONE COMPANY, FORT WAYNE, IND.

Has two exchanges in Fort Wayne, and connects through toll lines not owned by it with 50 to 75 towns in the neighborhood.

Has 2 miles underground conduit, containing 8 miles of duct. About 40 linear miles in Fort Wayne system. City has about 50,000 population, and has 5 lines of electric street railways. December 31, 1898, the company had 1,624 instruments in use in Fort Wayne, being an increase from 1,320 during the year.

About one-half of the lines are metallic circuits, the others have the common return. All business telephones are of the long-distance type. Of the 1,624 telephones on December 31, 1898, 562 were business and 1,030 residence, and 39 free for city officials. Regular rates, $36 and $24, or $48 for both to one person. Capital stock authorized, $250,000; issued, $125,000. Bonds, $125,000, bearing 6 per cent interest. Cost of construction, $247,748.33 to October 1, 1898, the expenditure for construction during the preceding year being $50,243.40.

Detailed monthly reports of the business from October 1, 1897, to December 31, 1898, and the annual report to stockholders made October, 1898, were produced for inspection of counsel, and the annual report was put in evidence. This shows earnings for the year, $32,674.82; expense, $17,846.85; net earnings, $14,828.07, out of which was paid for interest on bonds and dividends $10,763.54. A share of stock was given with each bond purchased.

RICHMOND, VA.

The independent company, the Richmond Telephone Company, commenced business July 1, 1896, with less than 600 telephones, and now has about 1,300. Service is all metallic; no party lines. Construction aerial, on large cables strung on poles 60 feet high, put up in the alleys. Poles are all chestnut.

The company paid for construction $75 in its bonds for each telephone station up to 1,200; pays $10.50 for telephones, buying principally from American Electric Telephone Company and Western Telephone Construction Company, and uses switchboard made by latter company; pays taxes to city of about $1,000; rates, $36 and $24. In 1898 the average from telephone rental was $32.68 each for the year; amount collected, $36,720.10; then number of telephones, 1,229; average collected per telephone, $29.89; average expense per telephone, $23.61.

Before the company commenced business the Southern Bell Telephone Company occupied the field. Its rates were $60 and $48 for first half mile; now $30 and $18. The plant of the Richmond company has all been constructed from $95,000 bonds sold and earnings above expense. Copper wire is used in all cables and steel wires between cables and houses. Over two-thirds of the telephones are in use by business houses.

STOCKHOLM, SWEDEN.

Population, between 250,000 and 280,000. Two companies, one operated by the Government and the other by private enterprise—the General Telephone Company.

THE GENERAL TELEPHONE COMPANY.

Began business in 1883; paid-up capital, £160,000; rates for service, $27. In 1894 had 10,346 subscribers' instruments; had paid dividends of 8 per cent from the beginning, and had acquired property valued at the end of 1894, after eleven years' working, at £205,643, besides building up substantial reserves, employees' accident and benevolent funds, and paying for the conversion of the whole of its Stockholm system from single to double wire.

OTHER CONTINENTAL RATES.

The statistics given are for 1894 and taken from Mr. Bennett's book, Telephone Systems of the Continent of Europe:

Austria (State control)—14,483 subscribers, of whom 7,700 were in Vienna (49); rates, $25 (page 34).

Bavaria—Munich, 5,000 subscribers; Nuremberg, 2,500 subscribers (51); rates, $36.40.

Belgium (State control)—Brussels, 2,506 subscribers; rates, $50; subscription covers other towns (72).

Denmark (private companies)—Copenhagen, 4,510 subscribers; rate, $40.52 (108).
Finland (private companies)—Helsingfors, 2,150 subscribers; rate, $23.45 (132).
France (State monopoly)—Paris, 12,500 subscribers; rate, $80; Lyons, 1,200 subscribers; rate, $60 (136, 174).
German Empire (State monopoly)—Berlin, 25,000 subscribers; Hamburg, 9,200 subscribers; rate, $37.50 (184). (Webb, 352.)
Holland (private companies)—Amsterdam, 1,752 subscribers; Rotterdam, 961; rate, $47.55; dividend of 9 per cent in 1894 (226,249).
Italy (concessions)—Business, $37.50; residence, $28 (308).
Russia (concessions)—St. Petersburg, 1,400 lines; Moscow, 1,400; rate $125, the highest in Europe.
Spain (concessions, the plants to belong to the State after twenty years (327)—Rates in cities of 200,000 and more, $27.50 and $20 (328).
Switzerland (State monopoly)—$8 per annum and $25 per hundred calls (378).

Mr. PEARRE. I yield to my colleague from Maryland.

Mr. MUDD. Mr. Speaker, I have no special concern about and certainly no special feeling of interest in this particular bill further than the desire to do just what is right and just to the people, who are deeply interested in this telephone subject-matter under the circumstances in which they now find themselves. On the 14th of February, 1898, I introduced a resolution, which the House adopted, requesting the Speaker of this House to appoint a special committee to inquire into the subject-matter of telephone rates in the District of Columbia, and as a result of the investigations of that committee and the evidence taken in court in the case to which much reference has been made here, I am convinced that telephone rates can be fixed and found practicable and reasonable in this District at figures that are no higher than those provided by this bill.

So far as observations have been made by the gentleman from Iowa as to this company being a Maryland corporation, I want to make this remark: There has been no disposition that I am aware of to give a franchise to these particular incorporators in preference to any others. There has certainly been no such disposition on my part. I did not originally favor any bill giving it to these incorporators. I introduced a bill—I do not know the exact number of it—incorporating a number of Washington people under practically the same terms as provided in this bill and for the same purposes. There was but little if any restriction as to those who should come in. I think the number of people taken in as incorporators was about 15 or 20 reputable, substantial business men of this city.

But after this bill had been prepared, and after it had been undergoing consideration to some extent by the committee, a number of the incorporators of the previous bill came to the committee and said that they were of the opinion that these gentlemen represented greater financial ability; that theirs was likely a more bona fide concern; that it could more likely cope with success with the present telephone monopoly in the District; so that, yielding my personal preference, I concluded to support and am now supporting this bill as the best proposition that had been presented to the committee and as representing the best efforts of that committee in the preparation of a measure out of which they had any reason to hope for anything like practical success.

Now, Mr. Speaker, this matter, in my judgment, has come practically to an issue between the people of the District of Columbia upon the one side and the monopoly known as the American Bell Telephone Company upon the other, and when it comes to that, sir, I am in favor of the people of the District of Columbia, almost all of whom have signified their preference for this bill as against the unreasoning and exorbitant exactions to which they are subjected at the hands of this American Bell Telephone Company.

Now, Mr. Speaker, I understand—in fact, it is well understood—that a court in this District has solemnly declared that it costs $71 a year for each telephone in this city, operated by the American Bell Telephone Company, or its offspring, the Chesapeake and Potomac Telephone Company, under which name it operates and does business in this District; and that if Congress undertakes to require that company to provide service for rates less than that amount, such legislation is tantamount to confiscation of its property and therefore unconstitutional.

It is not likely that we will get from any such court a decision in the near future that is more favorable to the people of the District or less favorable to the telephone company. We can expect no relief, therefore, from that source.

Here, on the other hand, are a number of reputable gentlemen, who stand high in the financial world, who come to us and say, and offer to give a financial guaranty to the extent of $100,000, that they are willing to give to the city this service of the same character its people are now receiving and better, each telephone having a separate wire, and each having a metallic circuit, each subscriber getting unlimited service, and at rates for the best service that they are now getting that are lower by more than one-half than those that the present company charges for its cheapest and most inefficient service; and yet gentlemen would have this House pause here and do nothing to relieve this situation, because they say this is not a perfect bill, and they undertake to persuade the House and themselves that it is better for the House to repeal or revoke the power of the present company that is now providing the only telephone service in the District and leave the District with no service at all.

Mr. Speaker, I am of the same opinion as the gentleman from Iowa, to the effect that the American Bell Telephone Company or its representative, the Chesapeake and Potomac Telephone Company, has no franchise at all in this District. They have never been given any franchise by Congressional action. They have only obtained, from time to time, permission from the District Commissioners to locate their wires here, and they have subsequently, from time to time, received a quasi-Congressional recognition of that location by provisions, generally in appropriation bills, as to the manner of the location of those wires.

I deny the proposition that that company has any vested right at all that Congress is bound to respect. They may have what might be termed and considered as a revocable license or privilege for the location of their plant and wires here, which this Congress can repeal or revoke or rescind at any time that it sees fit; but, sir, admitting that we can do that, there is no reason why we should not pass the legislation provided in this bill. Indeed, if we have any idea of doing that, then it is with much greater reason that while we are contemplating the doing of it we should provide the District of Columbia with something else and something better.

It is said, and I am sure with truthfulness, that the rates provided in this bill are about as low as are found by comparison with cities elsewhere in the country that have about the same population and about the same telephone service as Washington City. To-day, in the District of Columbia, considering the amount of the service and the character of the service, I think I do not fall far away from the fact when I say that the prevailing rates are among the highest rates in the United States, if not, in fact, in the world.

No such condition of things ought to be allowed to prevail in this District. The Congress of the United States, sitting, as it does, as the legislature for the District of Columbia, should not permit these companies for one moment longer such concessions as have been granted and such extortionate and oppressive rates as they are now charging; and Congress would not allow the existence of such conditions if members would bear in mind clearly the character of the responsibility which rests upon them as the legislative body of this municipality, and would consider the interests of the people of this District in their action upon this bill as they would were they the people of their own States and cities of their own States. It is with such view as to their duty, and with such sense of responsibility, that I ask gentlemen to consider this bill, and, so considering it, I do not believe we will fail to enact it into law.

Mr. PEARRE. I yield to the gentleman from Wisconsin.

Mr. BABCOCK. Mr. Speaker, I desire to send two amendments to the Clerk's desk and have them read for the information of the House, and to be pending.

The SPEAKER. The gentleman from Wisconsin sends to the desk two amendments which he desires to have read for information.

Mr. HEPBURN. The time for offering amendments has not come. That does not cut off the balance of my time that I have reserved, and the amendments could only be read for information.

Mr. BABCOCK. They can be read in my time.

Mr. HEPBURN. They can only be read for information at this time.

The SPEAKER. The gentleman from Maryland yields time to the gentleman for an amendment, and of course the gentleman can offer it, and the amendment will be read.

The Clerk read the amendment, as follows:

Insert in line 15, page 6, after the word "dollars," the words "to consist of 7,500 shares at $100 per share."

Amend by adding at the end of section 3 the following words: "*Provided*, That if more than one telephone is put on a wire the rates herein fixed shall be reduced in accordance with such regulations as may be made by the Commissioners of the District."

The SPEAKER. Does the gentleman desire a vote on the amendments now?

Mr. BABCOCK. I desire to be heard, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin.

Mr. BABCOCK. The object, Mr. Speaker, of presenting this bill to the House is to secure proper and reasonable rates and to enlarge the telephone service. Under the rates now existing in the city of Washington we have about 2,000 telephones, and the committee believe that after this service is installed there will be 5,000 telephones in use. I want to say further, Mr. Speaker, that the committee has given this subject its careful consideration for years. As I stated before on the floor, this is the first proposition that has in it the elements of what the committee considered practicability and success. The committee has carefully examined into the record of every corporate name, and the incorporators are not only responsible but able financially, and the committee has reason to believe that they intend to accept this charter and

file the bond for $100,000 to comply with the provisions of the charter.

Not only that, but I have been advised by responsible trust companies, whose bonds are good for almost any amount, that if this charter was granted they would furnish the required bond.

Now, Mr. Speaker, this is a subject that Congress has discussed through appropriation bills a good many times, and I have to say on behalf of the committee that its entire day was taken away from it last Monday, and that one-half of to-day has been taken away from the committee by privileged measures, and on this question, and for the reason that I believe the House is sufficiently informed, I now move the previous question on the bill and pending amendments to its passage.

Mr. WILLIAMS of Mississippi. Before the gentleman calls for the previous question——

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Mississippi?

Mr. WILLIAMS of Mississippi. Before the previous question is called I want to offer an amendment.

Mr. BABCOCK. There is only thirty minutes more remaining of the session, and will the gentleman wait——

Mr. WILLIAMS of Mississippi. It is now or never.

Mr. BABCOCK. I believe the House is ready to consider it.

Mr. WILLIAMS of Mississippi. Does the gentleman call for the previous question on the bill and amendments?

Mr. BABCOCK. Yes.

Mr. WILLIAMS of Mississippi. I protest, Mr. Speaker, that there ought to be an opportunity to amend the bill. I have no objection to the gentleman calling for the previous question on the general debate.

The SPEAKER. The gentleman from Mississippi will bear in mind that we are in the House and not in Committee of the Whole, and the gentleman from Wisconsin having charge of the bill has asked for the previous question. If the House is not satisfied with the bill and wants to amend it, it can vote it down.

Mr. WILLIAMS of Mississippi. If the Speaker will excuse me, I did not forget that we were in the House, but I made the remark supposing the House would vote the previous question up. I should be glad if the House would vote it down, so that the House will have an opportunity to amend the bill.

Mr. BABCOCK. I will yield to the gentleman from Mississippi to offer his amendment.

Mr. HEPBURN. Well, Mr. Speaker, I had an hour, and by arrangement the other side used a portion of the time. I reserved the balance of my time. There are two gentlemen on this side of the House who desire to address the House. How does it happen that the gentleman from Wisconsin gets the floor and takes me off the floor in that way?

The SPEAKER. The gentleman from Iowa must bear in mind that when he reserves his time it is subject to the condition that the House may never allow him to use it.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I understand the gentleman from Wisconsin yields to me to offer an amendment, and I offer the following:

In line 4, on page 7, after the word "company," insert the following: "or a controlling interest in the stock thereof."

I want to say this in explanation of the amendment. This is the clause of the bill which provides for the most essential thing, in my opinion, in the bill—the means whereby the old company, if it buys up the new company, are to comply with the restrictions provided for in the bill.

Mr. BABCOCK. The committee accepts the amendment, Mr. Speaker.

Mr. HEPBURN. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Iowa?

Mr. BABCOCK. For what purpose?

Mr. HEPBURN. I want to offer an amendment.

Mr. BABCOCK. Yes.

Mr. HEPBURN. Mr. Speaker, I offer the following amendment:

In line 12, page 2, strike out the following words: "and to string wires on poles in the alleys of said city in the District of Columbia."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, lines 12 to 14, strike out the following words: "and to string wires on poles in alleys of said city in the District of Columbia."

Mr. BABCOCK. Now, Mr. Speaker, I renew my motion for the previous question on the bill and amendments to its passage.

The SPEAKER. The gentleman from Wisconsin asks for the previous question on the bill and amendments to its passage.

The previous question was ordered.

The amendments offered by the Committee on the District of Columbia were agreed to.

The SPEAKER. The Clerk will now report the first amendment offered from the floor.

The Clerk read as follows:

Insert in line 15, page 6, after the word "dollars," the following: "to consist of 7,500 shares, at $100 per share."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amend by adding at the end of section 3 the following words: "*Provided*, That if more than one telephone is put on a wire, the rate herein fixed shall be reduced in accordance with such regulations as may be made by the Commissioners of the District."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In line 4, page 7, after the word "company," insert "or a controlling interest in the stock thereof."

The amendment was agreed to.

The next amendment was read, as follows:

After the word "wire," in line 12, page 2, strike out the following: "and to string wires on poles in the alleys of said city and in the District of Columbia."

Mr. BABCOCK. I hope this amendment will be voted down.

The amendment was rejected.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. MOODY of Massachusetts. I move to recommit the bill with instructions to report an amendment to section 11, as follows:

That no stock or bonds shall be issued except in exchange for actual cash.

Mr. BABCOCK. I move that this motion be laid on the table.

The SPEAKER. The Chair thinks that the motion of the gentleman from Wisconsin [Mr. BABCOCK] is out of order.

Mr. BABCOCK. I hope the amendment will be voted down.

The amendment was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GREEN of Pennsylvania. I move to recommit the bill with instructions to insert the following amendment——

The SPEAKER. Only one motion to recommit is in order. The gentleman's motion can not be entertained.

The question being taken, the bill was passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

FREDERICK DOUGLASS MEMORIAL AND HISTORICAL ASSOCIATION.

Mr. BABCOCK. There is, I believe, on the Speaker's table unfinished business from the last District day.

The SPEAKER. The bill to which the gentleman refers had reached the point of third reading when the reading of the engrossed copy was demanded, and the bill was temporarily laid aside. For the information of the House the bill will be reported by its title.

The Clerk read as follows:

A bill (H. R. 3507) to incorporate the Frederick Douglass Memorial and Historical Association.

Mr. COWHERD. I wish to ask the chairman of the committee whether he will not yield for a request for unanimous consent to amend the bill by striking out section 7. I think this amendment will remove all objection to the bill.

The SPEAKER. Before the amendment can be made the order for the engrossment and third reading of the bill must be reconsidered. Is there objection to the reconsideration? The Chair hears none. Is there objection to the request of the gentleman from Missouri [Mr. COWHERD] to strike out the seventh section? The Chair hears no objection.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

TAX SALES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for present consideration of the bill (H. R. 8466) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia."

The bill was read, as follows:

Be it enacted, etc., That section 4 of the act of February 28, 1898, entitled "An act in relation to taxes and tax sales in the District of Columbia," be, and the same is hereby, amended by striking out all after the word "sale," in line 8 of said section.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

INSURANCE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill (H. R. 9283) to regulate insurance in the District of Columbia, and for other purposes.

The SPEAKER. The gentleman from Wisconsin calls up a bill which the Clerk will report.

The Clerk proceeded to read the bill (H. R. 9283) to regulate insurance in the District of Columbia, and for other purposes.

During the reading,

Mr. JENKINS said: Mr. Speaker, on account of the lateness of the hour and the importance of this measure, several gentlemen

desire that it may be withdrawn, and I will ask unanimous consent that it go over without prejudice. We do not care to rush anything through without proper consideration.

The SPEAKER. Is it the purpose of the gentleman to call up another bill to-night?

Mr. BABCOCK. Yes.

Mr. JENKINS. We are perfectly willing to occupy the time until 5 o'clock.

The SPEAKER. The gentleman then can withdraw it for the time being.

Mr. JENKINS. We will withdraw it without prejudice.

GUARANTY COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 9143) to authorize the formation of guaranty companies in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That any company now authorized or which may hereafter be authorized by act of Congress to do an insurance business in the District of Columbia, having a paid-up capital of not less than $250,000, may engage in a security, guaranty, and indemnity business; and where by law two or more sureties are required upon any obligation which said company is authorized to insure it may act as sole surety thereon and may be accepted by the court or other officer or person authorized to approve the sufficiency of any bond or undertaking.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

WESLEY HEIGHTS RAILWAY COMPANY.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 7502) to incorporate the Wesley Heights Railway Company of the District of Columbia.

The SPEAKER. The gentleman from Wisconsin calls up the following bill.

Mr. BABCOCK. Mr. Speaker, I ask that the substitute be read in lieu of the original bill.

The SPEAKER. Without objection, the substitute for the original bill will be read.

The Clerk read as follows:

Be it enacted, etc., That M. C. Butler, John T. Arms, Thomas E. Waggaman, Dr. Henry D. Fry, and John F. Waggaman, of the city of Washington, D. C., their associates and assigns, be, and they hereby are, created a body corporate under the name of "The Wesley Heights Railway Company."

ROUTE.

SEC. 2. That the company is authorized to construct and operate a street railway along the following-named route: Beginning on Prospect avenue at the Union Passenger Station of the Capital Traction Company; thence westwardly along Prospect avenue and Prospect avenue extended to a point near the east side of Arizona avenue, or for said distance or any portion thereof on a route coinciding with the route of the Washington and Great Falls Electric Railway; thence on property to be acquired by said company to Arizona avenue; thence northerly along Arizona avenue to a projected avenue running northwest through the intersection of Forty-fifth and Galveston streets; thence along said projected avenue to Forty-fifth street; thence north on Forty-fifth street to Lowell street; thence west on Lowell street to and into an extension of the aforesaid projected avenue; thence northwest on said projected avenue to a point where Forty-ninth street, when extended, will intersect said avenue; thence north on Forty-ninth street to the District line: *Provided*, That where this route lies between the lines of a proposed highway the company shall acquire a right of way, not less than 30 feet wide, in the center thereof; and all rights of way acquired within the lines of proposed highways shall be dedicated to the use of the public before a permit is issued for the construction of the railway therein: *Provided further*, That where the route is along a road less than 66 feet wide the company shall, at its own expense, widen said road to 66 feet in width before a permit is issued for the construction of the railroad therein.

COINCIDING ROUTE.

SEC. 3. That where this route coincides with an existing street railway one set of tracks shall be used in common, upon terms mutually agreed upon, or in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give hearing to the interested parties and to fix the terms of joint trackage. Payments for the use of the tracks shall be paid monthly, in advance; default in such payments shall suspend the rights of the company to use the tracks until the payments are made.

MOTIVE POWER.

SEC. 4. That the motive power shall be electricity, and if the trolley system is used a return wire of equal capacity to the feed wire and similarly insulated must be provided, and each car shall be equipped with a double trolley. No portion of the electrical circuit shall, under any circumstances, be allowed to pass through the earth, and neither pole of any dynamo furnishing power to the line shall be grounded.

PLANS.

SEC. 5. That all plans of location and construction shall be subject to the approval of the Commissioners of the District of Columbia.

EXCAVATIONS.

SEC. 6. That excavations in the highways shall be made under permits from the Commissioners and subject to regulations prescribed by them.

CONSTRUCTION.

SEC. 7. That the railway and its appurtenances shall be constructed in a substantial and durable manner. Such construction shall be subject to District inspection. All changes to existing structures in public space shall be made at the expense of the company.

DEPOSITS.

SEC. 8. That the company shall deposit such sums as the Commissioners shall require to cover the cost of District inspection and the cost of changes to public works in the streets.

CARE OF ROADWAY.

SEC. 9. That the company shall keep the space between its rails and tracks and 2 feet exterior thereto in good condition, to the satisfaction of the Commissioners. The pavement of these spaces shall be at least as good as that of the contiguous roadway. The proper authorities shall have the right to make changes of grade and other improvements which they deem necessary; and when any highway occupied by the company is improved, the company shall bear the entire expense of improving said spaces to correspond with the remainder of the roadway. The requirements of this section shall be enforceable under the provisions of section 5 of the act providing a permanent form of government for the District of Columbia, approved June 11, 1878.

COMPLETION.

SEC. 10. That the road shall be in operation for its entire length within the District of Columbia within two years from the approval of this act.

GUARANTY DEPOSIT.

SEC. 11. That within ninety days from the approval of this act the company shall deposit $1,000 with the collector of taxes of the District of Columbia to guarantee the construction of its railway within the prescribed time. If this sum is not so deposited, this charter shall be void. If this sum is so deposited and the road is not in operation as herein prescribed, said $1,000 shall be forfeited to the District of Columbia and this charter shall be void.

CARS.

SEC. 12. That the cars shall be first class, and shall be kept in good condition, to the satisfaction of the Commissioners.

TIME-TABLE.

SEC. 13. That the cars shall be run as often as the public convenience requires, on a time-table satisfactory to the Commissioners and approved by them.

SPEED.

SEC. 14. That the speed of cars shall be subject to the police regulations of the District of Columbia.

EJECTMENT FROM CARS.

SEC. 15. That persons drunk, disorderly, contagiously diseased, or refusing to pay the legal fare may be ejected from the cars by the officers in charge thereof.

SEC. 16. That the rate of fare within the District of Columbia shall not exceed 5 cents per passenger, and six tickets shall be sold for 25 cents.

BUILDINGS.

SEC. 17. That the company is authorized to erect and maintain the buildings necessary to the operation of its road, subject to the building regulations of the District of Columbia. The company shall erect and maintain passenger rooms and transfer stations as required by the Commissioners, and proper conveniences for the public shall be provided at such rooms and stations.

LAND.

SEC. 18. That the company is authorized to acquire, by purchase or condemnation, the necessary land for its authorized right of way.

ORGANIZATION.

SEC. 19. That the corporators shall open books of subscription to the capital stock of the company within three months from the approval of this act, of which previous notice shall be given every day for one week by advertisement in a newspaper published in the city of Washington. The corporators herein named shall be individually liable for moneys received for subscriptions to the capital stock prior to the organization of the company by the stockholders. Within six months from the approval of this act the company shall be organized by the stockholders, for which purpose the corporators shall call a meeting of the stockholders, notifying them of the purpose, time, and place of such meeting by a letter mailed to each, and giving additional notice by advertisement in a newspaper published in the city of Washington every day for one week previous to such meeting; and thereafter the stockholders shall meet at least once a year, and such notice shall be given of each meeting. Each share of paid-up stock shall entitle the holder to one vote. The stockholders are empowered to elect a president, treasurer, a secretary, a board of directors, and other officers, and to make by-laws and regulations for the government of the company.

CAPITAL STOCK.

SEC. 20. That the company is authorized to issue capital stock, to an amount not exceeding $200,000, in shares of $10 each. Stock sold by the company shall be fully paid for before delivery to purchaser. Stockholders shall be individually liable to the extent of the value of the stock held by them.

ANNUAL REPORT.

SEC. 21. That the company shall make an annual report to the Senate and House of Representatives in accordance with the provisions of section 10 of an act to amend the routes of the Eckington and Soldiers' Home Railway Company and the Belt Railway Company, approved June 10, 1896.

TAXES.

SEC. 22. That the company shall pay 4 per cent of its gross earnings in the District of Columbia as taxes. Said taxes shall be paid on the basis of the receipts for the preceding year, and shall be due and payable, subject to the same penalties on arrears, and collectible in the same manner, as other taxes in the District of Columbia. The company's real estate shall be taxed as other real estate, but its tracks shall not be taxed.

PENALTIES.

SEC. 23. That each and every violation of the requirements of this act shall be punishable by a fine of from twenty-five to one thousand dollars, in the discretion of the court, such fines to be collectible in any court of competent jurisdiction as other fines and penalties are collected in the District of Columbia.

AMENDMENT—REPEAL.

SEC. 24. That Congress reserves the right to amend or repeal this act.

The substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

Mr. BABCOCK. The Committee on the District of Columbia have nothing further to offer.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 2956) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 68) granting to the State of Kansas the abandoned Fort Hays Military Reservation in said State, for the purpose of establishing

Western branches of the Kansas Agricultural College and of the Kansas State Normal School thereon and for a public park.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHOUP, Mr. QUARLES, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9080) appropriating for the benefit and government of Puerto Rico revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 427. An act for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.; and

S. 197. An act for the relief of Hattie A. Phillips.

R. L. PRITCHARD ET AL.

The SPEAKER. In the absence of objection, House Document No. 514, a letter from the assistant clerk of the Court of Claims transmitting a copy of the findings filed by the court in the case of R. L. Pritchard et al. *vs.* The United States, will have its reference changed from the Committee on War Claims to the Committee on Claims.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CRUMPACKER, for one week, on account of important business.

To Mr. CARMACK, indefinitely, on account of important business.

To Mr. GAINES, indefinitely, on account of illness.

And then, on motion of Mr. BABCOCK (at 5 o'clock p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the collector of customs at Plattsburg, N. Y., relating to a refund of certain moneys to John W. Bero—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a detailed statement of refund of customs duties—to the Committee on Ways and Means, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Schooner *St. Patrick*, Lemuel Bourne, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the Schooner *Sophia*, Francis O'Meara, master, against the United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 9388) to provide better facilities for the safekeeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Puerto Rico, reported the same with amendment, accompanied by a report (No. 712); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4520) granting an increase of pension to George H. French, Company A, Forty-eighth Wisconsin Infantry, reported the same with amendment, accompanied by a report (No. 709); which said bill and report were referred to the Private Calendar.

Mr. LANDIS, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 746) to authorize C. R. Dobbins to accept a gold watch awarded to him by the government of the Dominion of Canada in recognition of his humane and gallant services to the shipwrecked crew of the British schooner *Ashton*, of Weymouth, Nova Scotia, reported the same without amendment, accompanied by a report (No. 710); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1906) granting an increase of pension to Agnes K. Capron, reported the same with amendment, accompanied by a report (No. 714); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7975) for the relief of William F. Riley, reported the same with amendment, accompanied by a report (No. 715); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 5304) to remove the charge of desertion from the military record of Benjamin Wilks—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 8476) for the relief of Christopher Costello—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 9704) to erect a monument at or near Talladega, Ala., to commemorate the battle of Talladega, fought by Tennessee volunteers under command of Gen. Andrew Jackson, November 9, 1813, and to appropriate $10,000 for the erection thereof—to the Committee on the Library.

By Mr. McCLELLAN: A bill (H. R. 9705) for the reorganization of the Army of the United States, and for other purposes—to the Committee on Military Affairs.

By Mr. BULL: A bill (H. R. 9706) to compel attendance of witnesses at courts-martial—to the Committee on Naval Affairs.

By Mr. BRENNER: A bill (H. R. 9707) making appropriation to aid in the erection of a monument on the site of Fort Hamilton, Butler County, Ohio—to the Committee on the Library.

By Mr. FLYNN: A bill (H. R. 9708) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and so forth—to the Committee on the Territories.

By Mr. MERCER: A bill (H. R. 9709) to provide for the purchase of a site for and the erection thereon of a municipal building in the city of Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 9710) to provide for the equitable distribution of the waters of the Rio Grande River between the United States of America and the United States of Mexico, and for the purpose of building an international dam and reservoir on said river at El Paso, Tex.—to the Committee on Foreign Affairs.

By Mr. HEMENWAY, from the Committee on Appropriations: A bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes—to the Union Calendar.

By Mr. NAPHEN: A bill (H. R. 9712) to purchase a painting of the frigate *Constitution*, known as "Old Ironsides," and entitled "Old Ironsides"—to the Committee on the Library.

By Mr. FLETCHER: A bill (H. R. 9713) permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minn., across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY of Massachusetts: A joint resolution (H. J. Res. 207) to establish and fix the rank of the Commanding General and of the Adjutant-General of the United States Army—to the Committee on Military Affairs.

By Mr. LORIMER: A joint resolution (H. J. Res. 208) to provide for survey of the Illinois River—to the Committee on Rivers and Harbors.

By Mr. WADSWORTH: A concurrent resolution (H. C. Res. 31) authorizing the printing of an extra edition of Report No. 64, Department of Agriculture, entitled "Field Operations of Division of Soils in 1899"—to the Committee on Printing.

Also, a concurrent resolution (H. C. Res. 32) authorizing the printing of an extra edition of a report entitled "Work and Expenditures of the Agricultural Experiment Stations"—to the Committee on Printing.

Also, a concurrent resolution (H. C. Res. 33) authorizing the printing of additional copies of the Third Report on the Investigation of the Agricultural Capabilities of Alaska—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURLESON: A bill (H. R. 9714) granting an increase of pension to Alexander N. Shipley—to the Committee on Invalid Pensions.

By Mr. BREAZEALE: A bill (H. R. 9715) for the relief of the estate of John M. Tessier, deceased, late of Natchitoches Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9716) for the relief of the estate of George E. Gillespie, deceased, late of Natchitoches Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9717) for the relief of the estate of Theodule Lattier, deceased, late of Natchitoches Parish, La.—to the Committee on War Claims.

By Mr. BOUTELLE of Maine: A bill (H. R. 9718) granting a pension to Mrs. Clara E. Colbath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9719) granting a pension to Amos W. Felker—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 9720) for the relief of the city of Philadelphia—to the Committee on Claims.

Also, a bill (H. R. 9721) for the relief of Wesley Stillwell—to the Committee on Military Affairs.

Also, a bill (H. R. 9722) to increase the pension of Mary J. D. McGlensey, widow of John F. McGlensey, late a captain in the United States Navy—to the Committee on Pensions.

By Mr. BOREING: A bill (H. R. 9723) for the relief of Amanda Harner—to the Committee on Pensions.

Also, a bill (H. R. 9724) for the relief of Margaret E. Cole—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 9725) to remove the charge of desertion from the record of Dennis Lyons, late of Company L, Fifth Regiment Iowa Cavalry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 9726) to remove the charge of desertion from the record of E. W. Mills, late of Company F, Thirty-eighth Regiment Illinois Volunteer Infantry, and Troop M, Fourth Regiment United States Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 9727) for the relief of St. John's Hospital, of Springfield, Ill.—to the Committee on War Claims.

By Mr. CORLISS: A bill (H. R. 9728) to increase the pension of James D. Elderkin—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 9729) granting an increase of pension to Robert Miller—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 9730) granting a pension to Margaret Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9731) granting a pension to Amanda F. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9732) granting a pension to Allen Place—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9733) granting a pension to Washington T. Filson—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 9734) granting an increase of pension to John Weatherford, of Aurora, Ind.—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 9735) granting a pension to Charles H. Brisbin—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 9736) granting a pension to James L. Swan—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 9737) for the relief of the estate of Henry M. Baker, deceased, late of Frederick County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 9738) for the relief of Thomas L. Rosses, jr.—to the Committee on Claims.

By Mr. HAMILTON: A bill (H. R. 9739) granting an increase of pension to William P. Richardson—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: A bill (H. R. 9740) granting a pension to Sophia A. Lane—to the Committee on Pensions.

By Mr. HALL: A bill (H. R. 9741) granting an honorable discharge to James Eagan, of Blanchard, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9742) granting an honorable discharge to Abram T. Bloom, of Curwensville, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9743) granting an honorable discharge to Samuel Bailey, of Morrisdale Mines, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9744) granting a pension to Daniel Robb, of Blanchard, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9745) granting a pension to Susan Sidenbender, of Medix Run, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9746) granting a pension to Eliza White, of Hublersburg, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9747) granting an increase of pension to J. H. English, of Penfield, Pa.—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 9748) for the relief of Simon M. Preston—to the Committee on Claims.

By Mr. LANDIS: A bill (H. R. 9749) granting a pension to Melissa A. Trulock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9750) granting a pension to Laura A. Van Nye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9751) granting a pension to David H. Drake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9752) granting a pension to Margaret Thornberry—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 9753) granting an increase of pension to Jerome P. Bates—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 9754) granting an increase of pension to Harry C. Thorne—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 9755) for the relief of S. N. Caughey, of Chicot County, Ark.—to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 9756) for the relief of Maria McMurdie—to the Committee on Claims.

By Mr. NEEDHAM: A bill (H. R. 9757) to correct the military record of David Campbell—to the Committee on Military Affairs.

By Mr. RIDGELY: A bill (H. R. 9758) granting an increase of pension to Washington Baker—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 9759) for the relief of Lester E. Clark, alias Ephraim Hill—to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 9760) for the relief of John Zimmerman, of Madison County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9761) for the relief of Peyton Atkins, McNairy County, Tenn.—to the Committee on War Claims.

By Mr. SHAFROTH: A bill (H. R. 9762) directing the issue of a duplicate of a lost check drawn by E. B. Atwood, lieutenant-colonel and deputy quartermaster-general, United States Army, in favor of Alfred C. Cass—to the Committee on Claims.

Also, a bill (H. R. 9763) for the relief of the heirs of John Baxter—to the Committee on Indian Affairs.

By Mr. WATERS: A bill (H. R. 9764) granting an increase of pension to Lucretia C. Waring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9765) granting a pension to Harrod Newland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9766) granting an increase of pension to Myron L. Spear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9767) to remove the charge of desertion from the military record of Charles R. Stevens—to the Committee on Military Affairs.

Also, a bill (H. R. 9768) to remove the charge of desertion from the military record of John F. Neill, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 9769) to authorize the payment of moneys due John J. Gosper—to the Committee on Claims.

By Mr. DOUGHERTY: A bill (H. R. 9770) granting a pension to David G. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9771) to remove the charge of desertion against James H. Streeter—to the Committee on Military Affairs.

By Mr. HOFFECKER: A bill (H. R. 9772) to remove the charge of desertion from the record of John R. Scaggs—to the Committee on Military Affairs.

By Mr. JONES of Virginia: A bill (H. R. 9773) for the relief of the Shiloh Methodist Church, of Fredericksburg, Va.—to the Committee on War Claims.

Also, a bill (H. R. 9774) granting an increase of pension to William J. Whealton, Chincoteague, Va.—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 9775) granting an increase of pension to William A. Hempstead—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Petition of S. H. Christopher, of Buena Vista, Ga., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ALLEN of Kentucky: Petition of Dr. F. Brandon and others, of Lafayette, Ky., against the passage of the Loud bill,

relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grand Army of the Republic post at Owensboro, Ky., indorsing the bill to establish a Branch Home for Disabled Soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BABCOCK: Petition of citizens of Livingston, Mifflin, Baraboo, Freedom, Gays Mills, and Bell Center, Wis., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BARNEY: Petition of A. Hartwig and others, of Ozaukee, and A. F. Reese and others, of Saukville, Wis., in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. BELL: Petition of Cigar Makers' Local Union No. 129, of Denver, Colo., and citizens of Routt County, Colo., and Egeria Park Protective Association, against public-land grants to any but actual settlers—to the Committee on the Public Lands.

Also, petition of W. A. Davis, of Colorado Springs, Colo., in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on the Militia.

Also, petitions of the North Side Baptist Church, of Denver, and the Woman's Christian Temperance Union of Silver Plume, Colo., urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petitions of citizens of the counties of Pueblo and Eagle, Colo., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petitions of John S. Sanford, of Aroya, and O. F. Boyle and others, of Durango, Colo., favoring Government distribution of vaccine, etc.—to the Committee on Agriculture.

By Mr. BOUTELLE of Maine: Petitions of S. W. McKay and others, of Calais, Me., and C. F. Marsan, of North Lyndon, Me., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petitions of R. J. McDuff and others, of La Grange, and F. J. Smith, of Portland, Me., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Post No. 15, Department of Maine, Grand Army of the Republic, urging the passage of Senate bill No. 1716 and House bill No. 4742, to amend section 1225 of the Revised Statutes, to provide for the detail of active and retired officers of the Army and Navy to assist in military instruction in public schools—to the Committee on Military Affairs.

Also, petitions of Armory Company L and Armory Company G, Second Regiment National Guard of the State of Maine, urging the passage of House bill No. 7936, increasing the appropriation for the State militia—to the Committee on the Militia.

By Mr. BOWERSOCK: Petition of C. G. Comstock, of Albany, Mo., asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

Also, petitions of Grand Army of the Republic posts of Kansas City, Wellsville, Argentine, Hillsdale, and Ottawa, Kans., favoring the passage of a bill to establish a Branch Soldiers' Home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Johnson County, Kans., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-roads.

By Mr. BRENNER: Petition of F. C. Lambert and others, of Hamilton, Ohio, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of O. E. Mitzel and others, favoring the Grout bill relating to oleomargarine—to the Committee on Agriculture.

By Mr. BROMWELL: Petition of the retail druggists of Hamilton County, Ohio, for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

Also, memorial of William H. Lytle Post, No. 47, Grand Army of the Republic, of Cincinnati, Ohio, favoring the passage of a bill to establish a Branch Soldiers' Home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BROWNLOW: Petition of the heirs of Daniel B. Bowman, of Washington County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BURLESON: Petition of the Burleson Guards, Company K, Texas Infantry, Caldwell, Tex., in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on Militia.

Also, petition of Phil H. Sheridan Post, No. 25, Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CALDERHEAD: Petitions of J. N. Baird, of Morrison, Ill.; H. G. Kinnard, of Brooklyn, N. Y.; Louis Goodex, of Philadelphia, Pa.; T. S. Bailey, of Traer, Iowa, and W. H. Stephens, of Altoona, Pa., favoring House bill No. 4478, to adjust the pension of soldiers who have lost limbs or who are totally disabled—to the Committee on Invalid Pensions.

Also, petitions of Williams Meyer, George P. Gerlinger, Louis Sievert, and others, of Maryville, Kans., and G. L. Harvie, of Brookville, Kans., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. CHANLER: Petitions of Street and Smith, F. M. Lupton, John W. Robe, Edward Lyman Bell, Pearson Publishing Company, of New York; R. W. Massey, Columbus, Ga.; Houghton, Mifflin & Co., publishers, Boston, Mass.; Albany News Company, M. P. Richardson, and others, of New York City, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of L. B. Miller & Son, New York, and Union Dairy Company, Cleveland, Ohio, in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. CLARK of Missouri: Protest of the California Club, against the contemplated sale of the Calaveras Grove of Sequoias—to the Committee on the Public Lands.

By Mr. CLARKE of New Hampshire: Petition of Warren M. Davis and others, of Marlow, N. H., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, resolutions of John G. Foster Post and Anthony Colby Post, No. 85, Grand Army of the Republic, New Hampshire, in favor of House bill No. 7094—to the Committee on Military Affairs.

Also, protest of Mrs. E. A. Keyser, George E. Tibbetts, and others, of the State of New Hampshire, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the New Hampshire Board of Trade, of Manchester, N. H., favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New Hampshire Board of Trade, of Manchester, N. H., in favor of the passage of the so-called Cullom bill, to make certain changes in the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. COX: Petition of citizens of Hohenwald, Tenn., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Columbia, Tenn., asking for a public building in said town—to the Committee on Public Buildings and Grounds.

By Mr. CURTIS: Petition of C. J. Durst, Gracie M. Elliott, and others, of Kansas, against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Arthur Broom and others, of Topeka, Kans., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. CUSACK: Petition of Henry G. Dressel and other druggists, Chicago, Ill., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of the Retail Merchants' Association of Illinois, Commercial Club, Kansas City, Mo., and Mercantile Club, of Kansas City, Kans., against any legislation increasing the tax on oleomargarine—to the Committee on Ways and Means.

Also, petition of A. H. Rippey Post, Grand Army of the Republic, Pittsburg, Pa., in favor of the establishment of Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Woman's Club and others, of Wilkinsburg, Pa., favoring a new code of laws for Hawaii, against the manufacture and sale of intoxicating liquors, and prohibiting the importation and sale of opium, etc.—to the Committee on the Territories.

By Mr. DOLLIVER: Petitions of A. M. Willey and other citizens, of Algona; D. L. Driver and others, of Burt; J. W. Finnell and others, of Mallard; Enos Albertson and others, of Moorland; F. L. Tribon and others, of Algona; Bert Anderson and others, of Pioneer; A. Gilmour and others, of Hobart, Iowa, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of J. S. Forrester & Co., druggists, of Jolley, Iowa; R. W. Peet and others, of Swea City, Iowa, for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. EMERSON: Protest of Warren P. Oldruff and others, of Port Henry, N. Y., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of J. E. Cance, E. F. Anderson, and others, of the State of Wisconsin, urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of A. H. Kelley and citizens of Eau Claire, Tomah, Kirby, Northfield, and Northbranch, Wis., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. FITZGERALD of Massachusetts: Resolutions of the executive council of the Massachusetts State Board of Trade, of Boston, Mass., in favor of the appointment of a commission to study the industrial and commercial conditions of the Chinese Empire—to the Committee on Foreign Affairs.

Also, remonstrance of the Chamber of Commerce of Quincy, Ill., against a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFITH: Petition of William Corrie and 15 others, of Volga, Ind., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Papers to accompany House bill granting a pension to James L. Swan—to the Committee on Invalid Pensions.

Also, resolutions adopted by fourth-class postmasters of Washington County, Vt., praying for the passage of the Cummings bill, increasing the compensation of postmasters of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HEMENWAY: Petition of G. W. Dannettelle, of Evansville, Ind., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Peter Roasner and other citizens of Indiana, praying for a recognition at the hands of the Government of the prisoners of war of the late rebellion—to the Committee on Pensions.

Also, petitions of King David Post, No. 556, and Archer Post, No. 28, Grand Army of the Republic, Department of Indiana, indorsing the bill to establish a Branch Home for Disabled Soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KAHN: Petition of James A. Garfield Post, No. 34, State of California, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. JETT: Petition of L. M. Hartsock and 53 citizens of Nokomis, Ill., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Washington: Petitions of Rufus R. Wood, of Davenport, Wash., and M. M. Banister, of Centralia, Wash., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KETCHAM: Petition of citizens of Kingston and Ulster County, N. Y., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LANE: Resolutions of Grand Army of the Republic Post No. 250, of Milton, Iowa, and Post No. 73, Grand Army of the Republic, of Maquoketa, Iowa, in favor of House bill No. 7094—to the Committee on Military Affairs.

By Mr. LITTAUER: Papers to accompany House bill for the relief of Harry C. Thorne—to the Committee on Military Affairs.

Also, petition of G. F. Beakley and other citizens of Gloversville, N. Y., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LORIMER: Paper to accompany House bill granting a pension to Jerome P. Bates—to the Committee on Invalid Pensions.

By Mr. McDOWELL: Petition of 600 citizens of Licking County, Ohio, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. McPHERSON: Petition of R. Lawrence and 16 others, of Atlantic; M. N. Eslerch and 24 others, of Audubon; J. J. Hipsley and 40 others, of Avoca; Nische Christensen and 43 others, of Brayton, Iowa, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. MAHON: Petition of W. H. Branthoffer and others, of Juniata County, Pa., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. MANN: Petition of the Merchants' Club of Chicago, Ill., in relation to the consular service—to the Committee on Foreign Affairs.

Also, protests of the Retail Merchants' Association of Illinois, the Commercial Club of Kansas City, Kans., and Mercantile Club of Kansas City, Mo., against the passage of the Grout, Tawney, or any other bills increasing the tax on butterine, etc.—to the Committee on Ways and Means.

By Mr. MARSH: Resolution of a mass meeting of citizens of Quincy, Ill., and the board of supervisors of Adams County, Ill., expressing sympathy with the republics of South Africa—to the Committee on Insular Affairs.

By Mr. MEEKISON: Petition of B. J. Thompson and others, of Edgarton, Ohio, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Van Wert Post, No. 627, and Grand Army of the Republic post of Ottawa, Ohio, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MERCER: Petition of S. J. Gustin and others, of De Soto, Nebr., favoring House bill No. 3717, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, petition of the publisher of Journal of the Switchmen's Union of North America, Omaha, Nebr., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grand Army of the Republic post of Westpoint, Nebr., indorsing House bill No. 7094, for the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. NAPHEN: Resolutions of the city council of Boston, Mass., for the construction of gunboats and cruisers in the Charlestown Navy-Yard—to the Committee on Naval Affairs.

Also, resolutions of the Massachusetts State Board of Trade, for the appointment of a board to consider commercial interests of Japan and China—to the Committee on Interstate and Foreign Commerce.

By Mr. NEVILLE: Petition of W. F. Cody Post, No. 258, of Wallace, Nebr., Grand Army of the Republic, favoring the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of a mass meeting of citizens of Hooker County, Nebr., against the alienation of public lands by the United States to any but actual settlers—to the Committee on the Public Lands.

By Mr. NORTON of South Carolina: Resolutions of the Merchants and Manufacturers' Club of Columbia, S. C., favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. O'GRADY: Petition of J. H. Daily, W. R. Budlong, and others, of Hilton and Riga, N. Y., against the passage of House bill No. 6071, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Resolution of the Milwaukee Chamber of Commerce, favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce, Milwaukee, Wis., relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. OVERSTREET: Petition of Indianapolis Light Infantry, Indianapolis, Ind., in favor of the passage of House bill No. 7036, increasing the appropriation for the State militia—to the Committee on Militia.

By Mr. PEREA: Petition of Woman Suffrage Association of New Mexico, asking for the passage of the sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex—to the Committee on the Judiciary.

Also, petition of the Woman Suffrage Association of New Mexico, urging that Congress do not insert the word "male" in the suffrage clause in whatever form of government is enacted for Hawaii, Cuba, Puerto Rico, or any other newly acquired possessions—to the Committee on the Territories.

By Mr. ROBINSON of Indiana: Petitions of Robert Barr, jr., and others, of Kendallville, and W. D. Rhenbottom, of La Grange, Ind., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Nebraska: Resolutions of Company F, First Regiment Nebraska National Guard, Madison, Nebr., favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on Militia.

By Mr. RIDGELY: Petition of P. A. Bird & Son, of Parsons, publisher of the Williston Journal, and W. P. Hazen, of Chitopa, Kans., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL: Petition of J. F. Trumbull Post, No. 82, of Stonington, Conn.; A. G. Warner Post, No. 54, Putnam, Conn., and Post at Chaplin, Conn., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SHERMAN (by request): Petition of citizens of Plummer, Highmarket, Richland, Maxon, Martinsburg, and Mannsville, N. Y., for a law subjecting food and dairy products to the

laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

Also (by request), petitions of Alice Millar and citizens of Theresa, Harrisville, and Sterlingbush, N. Y., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SPALDING: Petitions of Jerry Rusk Post, No. 42; W. A. Selby Post, No. 30, of Reynolds, N. Dak., Grand Army of the Republic, Department of North Dakota, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, memorial of the Retail Grocers and General Merchants' Association of North Dakota, urging the passage of the pure-food and dairy bill, etc.—to the Committee on Agriculture.

Also, petition of Post No. 24, Grand Army of the Republic, Department of North Dakota, in support of the House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. STEELE: Petition of the Equal Suffrage Association of Kokomo, Ind.; also petition of the Woman Suffrage Association of the State of Indiana, praying for woman suffrage in the newly acquired possessions—to the Committee on Insular Affairs.

By Mr. STEWART of New Jersey: Petition of sundry churches and societies of Passaic, N. J., urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. STOKES: Papers to accompany House bill No. 6445, relating to butterine and food products and their transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. SULLOWAY: Protest of Corinne Hayward and 9 others, of Hayward, N. H.; Effie O. Weeks and 11 others, and Annie E. Quimby and 14 others, of Manchester, N. H., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of S. Z. Weeks and 9 others, of Gilmanton, N. H., in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. THOMAS of North Carolina: Petition of S. E. Adams and others, of Johnsons Mills, N. C., against the passage of the Loud bill, No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WACHTER: Petition of Goldsborough Post, No. 36, and Custer Post, No. 6, Grand Army of the Republic, Department of Maryland, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WEYMOUTH: Petition of J. G. Foster Post, No. 163, of South Framingham, Mass., Grand Army of the Republic, praying for the passage of House bill No. 7094—to the Committee on Military Affairs.

By Mr. ZENOR: Petition of George Ridlen Post, No. 275, of Scottsburg, Ind., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

SENATE.

TUESDAY, *March 20, 1900.*

Prayer by Rev. HUGH JOHNSTON, D. D., of Baltimore, Md.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

AGES OF EMPLOYEES IN EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, stating, in response to a resolution of the 16th instant calling for information as to the ages of employees of the Treasury Department and the number permanently incapacitated, etc., that the information called for would be furnished at the earliest practicable date; which was ordered to lie on the table.

BRUNSWICK (GA.) HARBOR IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, stating, in response to a resolution of the 7th instant calling for the report made by H. L. Marindin, the officer of the Coast and Geodetic Survey detailed by the Secretary of War to make survey of the outer bar of Brunswick, Ga., that the Auditor for the War Department reports that the papers called for are of a technical nature, and that it is deemed inexpedient to copy them, and that the original papers are transmitted herewith; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT NORFOLK, VA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect relating to the necessity for an additional appropriation of $7,500 for the court-house and post-office building, Norfolk, Va.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ADDITIONAL WATCHMEN IN INTERIOR DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an additional estimate of appropriation for salaries, Office of the Secretary of the Interior, for the fiscal year 1901, for 6 additional watchmen and 1 elevator conductor for service in the old General Post-Office building, now occupied by offices of the Interior Department; in all, $5,040; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented memorials of the Herald, of Hammondsport, N. Y., and a memorial of the Wayne County Alliance, of Sodus, N. Y., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Grange No. 338, Patrons of Husbandry, of Williamsport, N. Y., praying for the enactment of legislation to curtail the unreasonable powers of great monopolies and trusts, etc.; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 66, Printing Pressmens' Union, of Syracuse, N. Y., and a petition of the Allied Printing Trades Council of New York, praying that the Government Printer be authorized to print the label of the Allied Printing Trades on all publications of the Government; which were referred to the Committee on Printing.

Mr. TURNER presented a petition of Washington Grange, No. 82, Patrons of Husbandry, of Washington, and a petition of Washougal Grange, No. 192, Patrons of Husbandry, of Washington, praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented a petition of Washougal Grange, No. 192, Patrons of Husbandry, of Washington, and a petition of Enterprise Grange, No. 85, Patrons of Husbandry, of Washington, praying for the extension of free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Washougal Grange, No. 192, Patrons of Husbandry, of Washington, and a petition of Lyon Grange, No. 1343, Patrons of Husbandry, of Washington, praying for the election of Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Enterprise Grange, No. 85, Patrons of Husbandry, of Washington, and a petition of Washougal Grange, No. 192, Patrons of Husbandry, of Washington, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Enterprise Grange, No. 85, Patrons of Husbandry, of Washington, and a petition of Washougal Grange, No. 192, Patrons of Husbandry, of Washington, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented a petition of Washington Grange, No. 82, Patrons of Husbandry, of Washington, and a petition of Washougal Grange, No. 192, Patrons of Husbandry, of Washington, praying for the enactment of legislation to secure adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of Enterprise Grange, No. 85, Patrons of Husbandry, of Washington, and a petition of Washougal Grange, No. 192, Patrons of Husbandry, of Washington, praying for the enactment of legislation to secure protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented memorials of Washougal Grange, No. 192, Patrons of Husbandry, and Enterprise Grange, No. 85, Patrons of Husbandry, in the State of Washington, remonstrating against the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. COCKRELL presented memorials of the Democrat, of Hickory County; the Hamilton Index-Gazette, and the German Methodist Preachers' Association, all in the State of Missouri, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented a memorial of the Ledger, of Union, Nebr., and a memorial of the Nebraska Teacher, of Lincoln, Nebr.,

remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Chester Brown and sundry other citizens of Bartlett, Nebr., in relation to the claim of James F. Walsh, of Brockton, Mass., for the loss of his son who was killed in the explosion of the battle ship *Maine*, in Habana Harbor; which was referred to the Committee on Claims.

He also presented a petition of sundry citizens of Lincoln, Nebr., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. MCCOMAS presented a petition of the Maryland Pharmaceutical Association, praying for the repeal of the stamp tax on medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Baltimore, Md., praying for a reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Baltimore, Md., praying for the enactment of legislation to prevent the pollution of the rivers and other waterways of the country; which was referred to the Committee on Commerce.

He also presented the petition of Fanny M. Scott, of Baltimore, Md., praying that she be granted a pension; which was referred to the Committee on Pensions.

He also presented a petition of the Arundell Club, of Baltimore, Md., praying for the employment of women nurses in the military hospitals of the Army; which was referred to the Committee on Military Affairs.

He also presented the memorial of Mary Bentley Thomas, president, and Annie R. Lamb, secretary, on behalf of the Woman Suffrage Association of Maryland, remonstrating against the insertion of the word "male" in the suffrage clause of whatever form of government is recommended for Hawaii, Cuba, Puerto Rico, or any other newly acquired possessions; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of the municipal corporation of Crisfield, Md., praying that an appropriation be made to provide for a preliminary survey of the channel and harbor at that town; which was referred to the Committee on Commerce.

He also presented a petition of the general assembly of Maryland, praying for the enactment of legislation to reimburse and indemnify the mayor and aldermen of Frederick, in that State; which was referred to the Committee on Claims.

Mr. FAIRBANKS presented petitions of Hope Grange, No. 2101; Mud Creek Grange, No. 1013; Honey Creek Grange, No. 1; Freedom Grange, No. 2092; Maple Grove Grange, No. 2088; Owen Grange, No. 556; Norristown Grange, No. 1668; Stony Point Grange, No. 1733, and St. Joseph Grange, No. 584, all Patrons of Husbandry, in the State of Indiana, praying for the enactment of legislation to secure to the people of the country protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented petitions of Prospect Grange, No. 2079; Mud Creek Grange, No. 1013; St. Joseph Grange, No. 584; Freedom Grange, No. 2092; Enterprise Grange, No. 1472, and Stony Point Grange, No. 1733, all Patrons of Husbandry, in the State of Indiana, praying for the enactment of legislation to secure to the people of the country protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented petitions of Mud Creek Grange, No. 1013; Stony Point Grange, No. 1733; St. Joseph Valley Grange, No. 584; Perfect Grange, No. 2079; Enterprise Grange, No. 1472; Freedom Grange, No. 2092, and Spring Run Grange, No. 1892, all Patrons of Husbandry, in the State of Indiana, praying for the extension of rural free mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Prospect Grange, No. 2079; Freedom Grange, No. 2092; Mud Creek Grange, No. 1013; Stony Point Grange, No. 1733; Enterprise Grange, No. 1472; Spring Run Grange, No. 1892, and St. Joseph Valley Grange, No. 584, all Patrons of Husbandry, in the State of Indiana, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Owen Grange, No. 556; Stony Point Grange, No. 1733; Hope Grange, No. 2101; Mud Lake Grange, No. 1709; Summit Grange, No. 940; Norristown Grange, No. 1668; Maple Grove Grange, No. 2088; Funk Creek Grange, No. 1013; St. Joseph Valley Grange, No. 584; Honey Creek Grange, No. 1, and Freedom Grange, No. 2092, all Patrons of Husbandry, in the State of Indiana, praying for the enactment of anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of St. Joseph Grange, No. 584; Mud Creek Grange, No. 1013; Prospect Grange, No. 2079; Stony Point Grange, No. 1733; Freedom Grange, No. 2092, and Spring Run Grange, No. 1892, all Patrons of Husbandry, in the State of Indiana, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented memorials of Freedom Grange, No. 2092; Stony Point Grange, No. 1733; Mud Creek Grange, No. 1013; St. Joseph Valley Grange, No. 584, and Spring Run Grange, No. 1892, all Patrons of Husbandry, in the State of Indiana, remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigation canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Honey Creek Grange, No. 1; Mud Lake Grange, No. 1709; Owen Grange, No. 556; Maple Grove Grange, No. 2088; Norristown Grange, No. 1668; Rive Grange; Stony Point Grange, No. 1733; Hope Grange, No. 2101; Mud Creek Grange, No. 1013, and St. Joseph Valley Grange, No. 584, all Patrons of Husbandry, in the State of Indiana, praying for the election of United States Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petition of St. Joseph Valley Grange, No. 584, of South Bend, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. SPOONER presented a petition of Wheaton Grange, No. 303, Patrons of Husbandry, of Wisconsin, praying for the election of Senators by the popular vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of the Wisconsin Humane Society, remonstrating against the enactment of legislation extending the time in which live stock may be confined in course of transportation from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the mayor and common council of Oshkosh, Wis., extending sympathy for the Boers in their efforts to maintain independence; which was referred to the Committee on Foreign Relations.

He also presented the memorial of A. A. Porter and 32 other citizens of Columbia County, Wis., remonstrating against the passage of the pending Puerto Rican tariff bill; which was ordered to lie on the table.

He also presented memorials of the Enterprise, of Oconto County; the Enterprise, of Lake Nebagemain; the Daily and Weekly Journal, of Racine; the De Gids, of De Pere; the Enterprise, of La Farge, and the Package, all in the State of Wisconsin, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented the petition of D. F. Richards, governor; Thomas T. Tynan, State superintendent; Therese A. Jenkins, Louisa D. Carey, and 72 others, citizens of Wyoming, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. SEWELL presented a petition of the Woman's Christian Temperance Union of Paterson, N. J., and a petition of the board of deacons of the Baptist Church of Daretown, N. J., praying for the enactment of legislation to prohibit the sale of liquor in canteens and in all Government buildings; which were referred to the Committee on Military Affairs.

He also presented a petition of Hope Grange, No. 20, Patrons of Husbandry, of New Jersey, and a petition of Swedesboro Grange, No. 5, Patrons of Husbandry, of New Jersey, praying for the extension of the free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Swedesboro Grange, No. 5, Patrons of Husbandry, of New Jersey, and a petition of Sergeantsville Grange, No. 101, Patrons of Husbandry, of New Jersey, praying for the election of Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Swedesboro Grange, No. 5, Patrons of Husbandry, of New Jersey, praying for the enactment of legislation to secure protection in the use of shoddy in manufactured goods; which was referred to the Committee on Manufactures.

He also presented a petition of Swedesboro Grange, No. 5, Patrons of Husbandry, of New Jersey, and a petition of Sergeantsville Grange, No. 101, Patrons of Husbandry, of New Jersey, praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

Mr. CULLOM presented a petition of Phil Sheridan Post, No. 6, Grand Army of the Republic, of Braggs, Ind. T., praying for the establishment of a Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Chamber of Commerce of

Quincy, Ill., remonstrating against the passage of the parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Bonegap Grange, No. 803; Robinson Grange, No. 586; Sidney Grange, No. 502; Logan Grange, No. 1664; Walltown Grange, No. 1719; Lebanon Grange, No. 348; Waltham Grange, No. 584, and Hawthorn Grange, No. 682, all Patrons of Husbandry, in the State of Illinois, praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented petitions of Logan Grange, No. 1664; Walltown Grange, No. 1719; Magnolia Grange, No. 179; Robinson Grange, No. 806; Bone Gap Grange, No. 802; Lebanon Grange, No. 348; Sidney Grange, No. 502; Waltham Grange, No. 584, and Hawthorn Grange, No. 682, all Patrons of Husbandry, in the State of Illinois, praying for the enactment of legislation to secure adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of Robinson Grange, No. 826; Walltown Grange, No. 1719; Hawthorn Grange, No. 682; Logan Grange, No. 1664; Sidney Grange, No. 502; Lebanon Grange, No. 348; Bonegap Grange, No. 803, and Success Grange, No. 1721, all Patrons of Husbandry, in the State of Illinois, and a petition of Freedom Grange, No. 2092, Patrons of Husbandry, of Indiana, praying for the election of United States Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the National Live Stock Association, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National Live Stock Association, praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of the National Live Stock Association, praying that the Department of Agriculture be authorized to investigate the parasitic diseases of sheep; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the National Live Stock Association, the Pacific Northwest Association, and the Idaho Wool Growers' Association, praying for a modification of the laws relative to the transportation of live stock from one State to another; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the National Live Stock Association, praying that the Territories of Oklahoma, New Mexico, and Arizona be admitted into the Union; which was referred to the Committee on Territories.

Mr. DANIEL presented the memorial of Orro Langhorne, president, and Elizabeth B. Dodge, secretary, on behalf of the Woman Suffrage Association of Virginia, remonstrating against the insertion of the word "male" in the suffrage clause of any form of government recommended for Hawaii, Cuba, Puerto Rico, or any other newly acquired possession; which was referred to the Select Committee on Woman Suffrage.

He also presented the memorial of L. Clay Kilby, of Norfolk, Va., and the memorial of A. S. Pratt, president of the Washington Humane Society for the Prevention of Cruelty to Animals, remonstrating against an extension of the time in the transportation of live stock from one State to another; which were referred to the Committee on Interstate Commerce.

He also presented memorials of the People's Advocate, of Hillsville; the Messenger, of Holston Bridge; the Republican Sentinel, of Pulaski; the Charlotte Gazette, of Smithville, and the Southside Sentinel, of Urbanna, all in the State of Virginia, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR. I present the memorial of Rev. Frederick D. Huntington, bishop of the diocese of Central New York, and 18 other bishops of the Protestant Episcopal Church of the United States, remonstrating against any extension of the sovereignty of the United States over the Philippine Islands in any event, and over any other foreign territory without the free consent of the people thereof.

I ask leave to say that this memorial came to my hands several weeks ago, quite early in the session, with a number of other memorials, which were mislaid by my fault entirely. They were put with the papers relating to another matter, and it is only recently that I have been able to find them.

The PRESIDENT pro tempore. The memorial will be referred to the Committee on the Philippines.

Mr. HOAR presented a resolution adopted by the Eastern Conference of Anti-Imperialists held at Philadelphia, Pa., requesting Congress to inquire whether the President proposes shortly to deal with the Philippine insurgents as criminals rather than as public enemies according to the laws of war; which was referred to the Committee on Military Affairs.

He also presented petitions of Ashland Grange, No. 124; Sherborn Grange, No. 110; Marlboro Grange, No. 105; Sunderland Grange, No. 127; Walpole Grange, No. 214; Oxford Grange; East Princeton Grange, No. 219; Boxboro Grange, No. 131; Sterling Grange, No. 53, and Mattapoisett Grange, No. 215, all Patrons of Husbandry, in the State of Massachusetts, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented petitions of Sunderland Grange, No. 220; Amesbury Grange, No. 127; Marlboro Grange, No. 105; Ashland Grange, No. 124; Sterling Grange, No. 53; East Princeton Grange, No. 219 and East Sandwich Grange, No. 139, all Patrons of Husbandry, in the State of Massachusetts, praying for the extension of rural free mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Southboro Grange, No. 218; East Princeton Grange, No. 219; Oxford Grange; Oak Hill Grange, No. 212; Mattapoisett Grange, No. 215; Amesbury Grange, No. 127; Boxboro Grange, No. 131; Sterling Grange, No. 53; Marlboro Grange, No. 105; Ashby Grange, No. 172; Ashland Grange, No. 124; East Sandwich Grange, No. 139; Sherborn Grange, No. 110, and Walpole Grange, No. 214, all Patrons of Husbandry, in the State of Massachusetts, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Sherborn Grange, No. 110; Ashland Grange, No. 124; Springfield Grange, No. 54; Sunderland Grange, No. 220; Marlboro Grange, No. 105; Walpole Grange, No. 185; Milton Grange, No. 185; Charlton Grange, No. 92; Stoughton Grange, No. 199; East Princeton Grange, No. 219; Amesbury Grange, No. 127; Mattapoisett Grange, No. 215, and Boxboro Grange, No. 131, all Patrons of Husbandry, in the State of Massachusetts, praying for the enactment of legislation to secure to the people of the country protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented petitions of Charlton Grange, No. 72; Walpole Grange, No. 214; Milton Grange, No. 185; Sunderland Grange, No. 205; Springfield Grange, No. 54; Marlboro Grange, No. 105; Boxboro Grange, No. 131; Mattapoisett Grange, No. 265; Amesbury Grange, No. 127; Stoughton Grange, No. 199; Sherborn Grange, No. 110; East Princeton Grange, No. 219, and Ashland Grange, No. 124, all Patrons of Husbandry, in the State of Massachusetts, praying for the election of United States Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented memorials of Sterling Grange, No. 53; Ashland Grange, No. 124; Springfield Grange, No. 54; East Sandwich Grange, No. 139; Sherborn Grange, No. 110; Marlboro Grange, No. 105; Sunderland Grange, No. 220; East Princeton Grange, No. 219; Oxford Grange, and Mattapoisett Grange, No. 215, all Patrons of Husbandry, in the State of Massachusetts, remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of East Princeton Grange, No. 219; Milton Grange, No. 185; Charlton Grange, No. 92; Walpole Grange, No. 214; Sunderland Grange, No. 220; Mattapoisett Grange, No. 215; Boxboro Grange, No. 131; Marlboro Grange, No. 105; Springfield Grange, No. 54; Stoughton Grange, No. 199; Ashland Grange, No. 124; Sherborn Grange, No. 110, and Soto Grange, No. 55, all Patrons of Husbandry, in the State of Massachusetts, praying for the enactment of adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of Ashland Grange, No. 124; Sherborn Grange, No. 110; Sterling Grange, No. 53; East Sandwich Grange, No. 139; Marlboro Grange, No. 105; East Princeton Grange, No. 219; Oxford Grange, and Mattapoisett Grange, No. 215, all Patrons of Husbandry, in the State of Massachusetts, praying for the enactment of legislation to secure to the people of the country protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

Mr. McBRIDE presented memorials of 13 citizens of Clackamas County, 11 citizens of McMinnville, 21 citizens of Multnomah and Clackamas counties, 8 citizens of Lynn County, 12 citizens of Tangent County, 33 citizens of Washington County, 9 citizens of Lane County, 30 citizens of Coos County, 22 citizens of Clackamas County, 7 citizens of Benton County, 43 citizens of Marion County, 6 citizens of Benton County, 5 citizens of Clackamas County, 35 citizens of Tillamook County, and of Woodburn Grange, No. 79, and Monitor Grange, No. 286, Patrons of Husbandry, all in the State of Oregon, remonstrating against the passage of the so-called subsidy bill; which were ordered to lie on the table.

He also presented petitions of Bellefontaine Grange, No. 277; Columbia Grange, No. 267; Oswego Grange, No. 175; Surprise Grange, No. 233, and Harding Grange, No. 122, all Patrons of Husbandry, in the State of Oregon, praying for the enactment of

legislation to secure protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented petitions of Grand Prairie Grange, No. 10; Salem Grange, No. 17; Columbia Grange, No. 267; Surprise Grange, No. 233; Harding Grange, No. 122, and Charity Grange, No. 103, all Patrons of Husbandry, in the State of Oregon, praying for the enactment of adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of Oswego Grange, No. 175; Hope Grange, No. 21; Surprise Grange, No. 233; Harding Grange, No. 122; McMinnville Grange, No. 31; Harmony Grange, No. 73; Charity Grange, No. 103; Bellefontaine Grange, No. 277; Columbia Grange, No. 267, all Patrons of Husbandry, in the State of Oregon, praying for the extension of rural free mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Salem Grange, No. 17; Columbia Grange, No. 267; Surprise Grange, No. 233; Bellefontaine Grange, No. 277; Harding Grange, No. 22; Charity Grange, No. 103, and Grand Prairie Grange, No. 10, all Patrons of Husbandry, in the State of Oregon, praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented petitions of Harding Grange, No. 122; Columbia Grange, No. 267; McMinnville Grange, No. 31; Oswego Grange, No. 175; Charity Grange, No. 103, and Surprise Grange, No. 233, all Patrons of Husbandry, in the State of Oregon, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Surprise Grange, No. 233; Oswego Grange, No. 175; Harding Grange, No. 122; Columbia Grange, No. 269; Harmony Grange, No. 23; Bellefontaine Grange, No. 277, all Patrons of Husbandry, in the State of Oregon, and a petition of Swedesboro Grange, No. 5, Patrons of Husbandry, of New Jersey, remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Harding Grange, No. 172; Charity Grange, No. 103; Salem Grange, No. 17; Columbia Grange, No. 267; Surprise Grange, No. 233; Grand Prairie Grange, No. 10; Surprise Grange, No. 233, and Bellefontaine Grange, No. 277, all Patrons of Husbandry, in the State of Oregon, praying for the election of United States Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Harding Grange, No. 172; Bellefontaine Grange, No. 277; Columbia Grange, No. 267; Charity Grange, No. 103, and McMinnville Grange, No. 31, all Patrons of Husbandry, in the State of Oregon, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

Mr. FRYE presented a petition of the National Live Stock Association, praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented the petition of James B. Murray, of New York City, praying for the enactment of legislation to abolish the Army canteen; which was referred to the Committee on Military Affairs.

He also presented a petition of Company L, First Regiment Infantry National State Guard of Maine, and the petition of Lieut. F. B. Harris, First Regiment Infantry National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which were referred to the Committee on Military Affairs.

He also presented the petition of Earl W. Seitz, of Washington, D. C., praying that he be granted leave to solve the negro problem; which was referred to the Committee on Education and Labor.

Mr. ELKINS presented memorials of the Kanawha Democrat, of Charleston; the Montgomery News, of Montgomery; the Davis Republican, of Davis; the Randolph Enterprise, of Beverly, and the Morgan Messenger, of Berkeley Springs, all in the State of West Virginia, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Retail Grocers and Merchants' Association of Wheeling, W. Va., remonstrating against the passage of the parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Lewisburg, W. Va., praying for the continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Harmon Grange, No. 151; Tuscarora Grange, No. 14, and Upland Grange, No. 81, all Patrons of Husbandry, in the State of West Virginia, praying for the enactment of adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of Upland Grange, No. 81; Harmon Grange, No. 151, and Tuscarora Grange, No. 14, all Patrons of Husbandry, in the State of West Virginia, praying for the enactment of legislation to secure protection against the adulteration of pure food products; which were referred to the Committee on Manufactures.

He also presented petitions of Harmon Grange, No. 151; Upland Grange, No. 81; Tuscarora Grange, No. 14, and Washington Grange, No. 82, all Patrons of Husbandry, in the State of West Virginia, praying for the election of United States Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

Mr. MASON presented a petition of sundry druggists of Jerseyville, Ill., and a petition of sundry druggists of Aurora, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

He also presented a petition of Typographical Union, No. 171, of Elgin, Ill., and a petition of Typographical Union, No. 16, of Chicago, Ill., praying that the Public Printer be authorized to print the label of the Allied Printing Trades on all the publications of the Government; which were referred to the Committee on Printing.

He also presented a petition of the Woman's Club of Evanston, Ill., praying for the creation of a permanent department of nurses in the United States Army and Navy; which was referred to the Committee on Military Affairs.

He also presented memorials of the Guide, of Baylis; the Swedish Courier, of Chicago; the Independent, of Saybrook; the Herald, of Forreston; the Free Press, of Carbondale; the Riverton Enterprise, Mechanicsburg News, and Buffalo Press; the Unity, of Chicago; the Pilot, of Noble; the Home News, of Elizabethtown; the Independent Star, of Elizabethtown; the Mutual Protective League, of Litchfield; the Highland Union; the Chronicle, of Bowen; the Independent, of Rochelle; Our Horticultural Visitor, of Kinmundy; the Leader, of Walnut; the School and Home Education, of Bloomington; the Democrat, of Nashville; the Bureau County Republican, of Princeton; the Cycle Age and the Motor Age, of Chicago; the Farm Home, of Springfield; the Piatt County Pilot, of Monticello; the Herald, of Litchfield; the Polish Publishing Company, of Chicago; the Dental Digest, of Chicago; the Poultry Chum, of DeKalb; the News, of Ivesdale; the National Harness Review, of Chicago; the House Beautiful, of Chicago; Farm, Field, and Fireside; Religious Literature, of Chicago, and the American Miller, of Chicago, all in the State of Illinois, and a memorial of the Christian Instructor, of Philadelphia, Pa., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Guard of the State of Illinois, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a petition of Company G, Sixth Infantry National State Guard of Illinois, praying that an increased appropriation be made for the benefit of the militia of the several States; which was referred to the Committee on Military Affairs.

He also presented a petition of the Real Estate Board of Chicago, Ill., praying for an extension of the pneumatic postal-tube system to some of the Western States; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Catherine Waugh McCulloch, president, and Dr. Julius Holmes Smith, secretary, on behalf of the Woman Suffrage Association of Illinois, remonstrating against the insertion of the word "male" in the suffrage clauses of the forms of government for Hawaii, Cuba, Puerto Rico, and the other newly acquired possessions; which was referred to the Select Committee on Woman Suffrage.

He also presented petitions of Local Union No. 29, International Broommakers, of Chicago, Ill.; the Trades and Labor Council of Edwardsville; Local Union No. 410, United Mine Workers, of Danville; Local Union No. 114, Journeyman Barbers' International Union, of Pontiac; Local Union No. 784, United Mine Workers, of Marissa; Local Union No. 410, Cigar Makers' International Union, of Centralia; Local Union No. 972, United Mine Workers, of Streator; Local Union No. 223, Journeyman Tailors' Union, of Elgin; Local Union No. 288, Typographical Union, of Galesburg; Local Union No. 19, Journeyman Tailors' Union, of Peoria; Fort Scott Lodge, No. 377, International Association of Machinists, of Chicago; Lodge No. 337, International Association of Machinists, of Chicago; of Local Union No. 702, United Mine Workers, of Carlinsville, and of Local Union No. 826, United Mine Workers, of Barclay, all in the State of Illinois, praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of workmen employed upon the public works of the United States; which were referred to the Committee on Education and Labor.

He also presented the memorial of William Ireland, of Chicago, Ill., and a memorial of the Fifteenth Ward Blue Label Club, of

Chicago, Ill., remonstrating against the reduction of 75 per cent on cigars exported from Puerto Rico; which were ordered to lie on the table.

He also presented memorials of Local Union No. 71, Cigar Makers' International Union, of Elgin; of the Galesburg Trades and Labor Assembly; of Local Union No. 174, Cigar Makers' International Union, of Joliet, and of Local Union No. 258, Cigar Makers' International Union, of Streator, all in the State of Illinois, remonstrating against the importation of cigars from Puerto Rico free of duty; which were ordered to lie on the table.

He also presented a petition of sundry letter carriers of Kankakee, Ill., and a petition of Iron Molders' Union No. 294, of Rockford, Ill., praying for the enactment of legislation to increase the pay of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted at a mass meeting of sundry citizens of Newark, N. J., expressing sympathy for the Boers in their struggle for freedom; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2166) granting a pension to Charles A. D. Wiswell;

A bill (S. 3380) granting an increase of pension to Hamilton K. Williams;

A bill (S. 2335) granting an increase of pension to Maj. John W. Blake;

A bill (S. 2900) granting a pension to Hannah G. Huff;

A bill (H. R. 1989) granting a pension to Marie Wiersang;

A bill (H. R. 3966) granting an increase of pension to David Talmon; and

A bill (H. R. 4298) granting an increase of pension to John M. McCord.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 351) to increase the pension of Samuel S. White, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1400) granting a pension to William Lyman Chittenden, reported it with an amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 2764) granting an increase of pension to William Murphy, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3200) granting a pension to John P. Hinsley;

A bill (S. 3352) granting a pension to Sarah Kersey;

A bill (H. R. 206) granting an increase of pension to Isaac D. Smith;

A bill (H. R. 2702) granting a pension to Peter Cummings;

A bill (H. R. 4441) granting an increase of pension to Samuel C. Krickbaum;

A bill (H. R. 5949) granting a pension to Frederick Weber; and

A bill (H. R. 6144) granting an increase of pension to Margaret A. Porter.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 2303) granting an increase of pension to Anna B. McCurley, reported adversely thereon; and the bill was postponed indefinitely.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3300) granting an increase of pension to Luke H. Monson;

A bill (S. 2488) granting an increase of pension to Lewis C. Beard; and

A bill (S. 2215) granting an increase of pension to Robert J. Koonce.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 2276) granting an increase of pension to George W. Ragland, reported it with an amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 3418) granting an increase of pension to Eliza Adelaide Ball, reported it with an amendment, and submitted a report thereon.

He also (for Mr. KYLE), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3809) granting an increase of pension to Elisha B. Seaman;

A bill (H. R. 5126) granting an increase of pension to James J. McMains;

A bill (H. R. 6028) granting a pension to John H. Meeker; and

A bill (H. R. 6700) granting an increase of pension to Maria Andrews.

Mr. SHOUP (for Mr. KYLE), from the Committee on Pensions, to whom was referred the bill (H. R. 6701) granting a pension to Serelda C. McGrew, reported it with amendments, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5229) granting a pension to Sarah Potter;

A bill (H. R. 2802) granting an increase of pension to John W. Brisbois;

A bill (H. R. 6911) granting an increase of pension to James R. Sawtell; and

A bill (H. R. 7368) granting an increase of pension to Sherman D. Plues.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5544) granting a pension to Lona A. Morgan; and

A bill (H. R. 5546) granting an increase of pension to George White.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 3012) granting a pension to Sarah Claggett, reported it with an amendment, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (H. R. 6031) granting an increase of pension to James W. Carmody, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 316) granting an increase of pension to Louann A. Perry, of Wallace, Kans., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted a report thereon:

A bill (S. 2296) granting an increase of pension to John J. Sears;

A bill (H. R. 470) granting a pension to Jane Dykes;

A bill (H. R. 6092) granting a pension to Louisa Stearns; and

A bill (H. R. 7622) granting an increase of pension to Peter M. Heaton.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (S. 2884) for the relief of Edward Everett Hayden, an ensign on the retired list of the Navy, reported it with an amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 2) to provide for the construction, maintenance, and operation, under the management of the Navy Department, of a Pacific cable, reported it with an amendment, and submitted a report thereon.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, to report it with amendments and to submit a report thereon. I shall try to-morrow morning to get up the bill for passage.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 3289) granting a pension to Isabella Underwood, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1763) granting a pension to Ella F. Sydnor; and

A bill (H. R. 6139) granting a pension to Lucinda Haggard.

Mr. ELKINS, from the Committee on Printing, to whom was referred the amendment submitted by himself on the 14th instant, proposing to appropriate the sum of $10,000, or so much thereof as may be necessary, for the printing in book form of so much of the Report of the Committee on Awards of the World's Columbian Commission as is contained in the special reports upon special subjects or groups, etc., intended to be proposed to the urgency deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and that it be printed; which was agreed to.

THE CONGRESSIONAL RECORD.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 159) to amend joint resolution to furnish the daily CONGRESSIONAL RECORD to members of the press, etc., approved February 17, 1897, to report it without amendment, and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. COCKRELL. What is the change made in the existing law?

Mr. PLATT of New York. It increases the number for the press by one.

Mr. COCKRELL. Under the existing law is the RECORD furnished in bound form?

Mr. PLATT of New York. It is not.

Mr. COCKRELL. Then this increases the distribution of the bound volumes?

Mr. PLATT of New York. It increases the distribution by giving a bound copy in addition to the regular copy that the members of the press receive.

Mr. COCKRELL. As I understand it, they now get the daily RECORD, and in addition they will get a set of bound RECORDS under this joint resolution.

Mr. PLATT of New York. That is right.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RURAL FREE-DELIVERY SERVICE.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 25,000 copies of so much of the report of the First Assistant Postmaster-General for the fiscal year ended June 30, 1899, as relates to the rural free-delivery service, of which 10,000 shall be for the use of the House of Representatives, 5,000 for the use of the Senate, and 10,000 for the use of the Post-Office Department.

REPORT OF GOVERNOR OF ALASKA.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 100) providing for the printing of additional copies of the report of the governor of Alaska for 1899, to report it favorably without amendment, and I ask for its immediate consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It directs the Public Printer to print 2,500 additional copies of the report of the governor of Alaska for 1899, 1,500 for the use of the Department of the Interior and 1,000 copies for distribution by the governor of the Territory.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON MILITARY OPERATIONS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution submitted by Mr. HAWLEY on the 19th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 7,000 copies of the annual report of the Major-General Commanding the Army to the Secretary of War for the year 1899, with accompanying papers and documents, of which 2,000 copies shall be for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the War Department and the Headquarters of the Army.

SENATOR FROM WEST VIRGINIA.

Mr. MCCOMAS. From the Committee on Privileges and Elections I submit a report in relation to certain memorials protesting against the seating of the junior Senator from West Virginia [Mr. SCOTT]. I ask leave, in behalf of the junior Senator from Alabama [Mr. PETTUS], that the views of the minority may be printed with the report of the majority.

I give notice that I shall speedily call up for consideration the resolution appended to the report with respect to the seat of the Senator from West Virginia.

The PRESIDENT pro tempore. The Senator from Maryland, from the Committee on Privileges and Elections, reports a resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved, That NATHAN B. SCOTT has been duly elected a Senator from the State of West Virginia, for the term of six years, commencing on the 4th day of March, 1899, and that he is entitled to a seat in the Senate as such Senator.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. BERRY (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3686) for the relief of the estate of William Pride, deceased;

A bill (S. 3687) for the relief of Charles T. Hyde;

A bill (S. 3688) for the relief of Theophilus M. Hamilton;

A bill (S. 3689) for the relief of the estate of Mrs. E. J. Davis;

A bill (S. 3690) for the relief of Mrs. Fannie F. Owens;

A bill (S. 3691) for the relief of J. S. Siddall; and

A bill (S. 3692) for the relief of the estate of John A. McDaniel.

Mr. MORGAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3693) for the relief of Hampton W. Kelley;

A bill (S. 3694) for the relief of Jeff. Eason; and

A bill (S. 3695) for the relief of the trustees of the Primitive Baptist Church, of Huntsville, Madison County, Ala.

Mr. TURNER introduced a bill (S. 3696) granting a pension to Emily H. Wood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3697) granting a pension to Simon B. Conover; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 3698) for the relief of Salvador Costa; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS (by request) introduced a bill (S. 3699) for the relief of the heirs of Stephen Casey; which was read twice by its title, and referred to the Committee on Claims.

Mr. PRITCHARD (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3700) for the relief of Samuel B. Thain;

A bill (S. 3701) for the relief of W. Dallas Haywood;

A bill (S. 3702) for the relief of Jesse Flythe;

A bill (S. 3703) for the relief of Thomas McBryde;

A bill (S. 3704) for the relief of the estate of James Lee;

A bill (S. 3705) for the relief of Eli Smith;

A bill (S. 3706) for the relief of the estate of Vasti Smith, deceased; and

A bill (S. 3707) for the relief of Zaddock Meadors.

Mr. MCCOMAS introduced a bill (S. 3708) granting a pension to John H. Harrison; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3709) granting an increase of pension to Robert O. Bingham; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3710) for the relief of James Baker;

A bill (S. 3711) for the relief of the estate of Lewis W. Mann, deceased; and

A bill (S. 3712) for the relief of Henry R. Walton, administrator of John Walton, deceased.

Mr. MCCOMAS introduced a bill (S. 3713) for the purchase of the oil portrait of Maj. Gen. William Smallwood; which was read twice by its title, and referred to the Committee on the Library.

Mr. SPOONER introduced a bill (S. 3714) granting an increase of pension to Jane M. Meyer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3715) granting a pension to Maria S. Russell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 3716) to regulate admission into the National Home for Disabled Volunteer Soldiers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DANIEL (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3717) for the relief of J. Terry Dillard (with accompanying papers);

A bill (S. 3718) for the relief of the estate of Isaac M. Hollingsworth, deceased;

A bill (S. 3719) for the relief of the heirs of William Freeman;

A bill (S. 3720) for the relief of the estate of James G. Taliaferro, deceased;

A bill (S. 3721) for the relief of Abraham Stover; and

A bill (S. 3722) for the relief of the estate of Nicholas White, deceased.

Mr. ELKINS introduced a bill (S. 3723) to enable John Collinson, a subject of Her Majesty the Queen of Great Britain, to dispose of his right, title, and interest to and in certain lands situate in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3724) for the relief of the heirs of James A. Smith, deceased, of Wheeling, Ohio County, W. Va.; and

A bill (S. 3725) for the payment to Bart. A. Nymeyer of the balance due him for surveying public lands.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3726) granting a pension to Rosaline V. Campbell;

A bill (S. 3727) granting an increase of pension to Edward Madden;

A bill (S. 3728) granting a pension to Julius Felix; and

A bill (S. 3729) granting an increase of pension to Prudence Tinney.

Mr. DEPEW introduced a bill (S. 3730) providing for the appointment of a reporter of the decisions of the United States circuit courts of appeals; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HAWLEY introduced a bill (S. 3731) to provide for the employment of women nurses in military hospitals of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SIMON introduced a bill (S. 3732) to establish a permanent fish hatchery and fish station at or near Trail, on Rogue River, Jackson County, Oreg.; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. MASON introduced a joint resolution (S. R. 107) to provide for a survey of the Illinois River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ELKINS introduced a joint resolution (S. R. 108) providing for the printing of the report of the governor of Arizona for 1899; which was read twice by its title, and referred to the Committee on Printing.

SOUTH CAROLINA STATE CLAIMS.

Mr. TILLMAN submitted an amendment proposing to make an appropriation to pay any balance found due the State of South Carolina on claims by that State for money spent in the war of 1812–1814, on account of money spent in the Indian war 1836, 1837, and 1838, and the amount due by that State for bonds thereof held by the Secretary of the Treasury as custodian of the Indian fund, etc., intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was ordered to be printed, and referred to the Committee on Appropriations.

VACANT SPACES IN THE CAPITOL.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 28) relating to the use of the rooms lately occupied by the Congressional Library in the Capitol.

The amendment of the House of Representatives was to strike out all after the resolving clause and insert:

That the rooms and space recently occupied by the Library of Congress in the Capitol building shall be occupied and used hereafter for the purpose of a reference library for the use of the Senate and House of Representatives and for that part of the National Library known as the Supreme Court Library.

Mr. SPOONER. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. SPOONER, Mr. ELKINS, and Mr. COCKRELL were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3597) to incorporate the Frederick Douglass Memorial and Historical Association;

A bill (H. R. 7502) to incorporate the Wesley Heights Railway Company of the District of Columbia;

A bill (H. R. 8466) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia;"

A bill (H. R. 9047) to incorporate the Washington Telephone Company and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia; and

A bill (H. R. 9143) to authorize the formation of guaranty companies in the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 197) for the relief of Hattie A. Phillips;

A bill (S. 427) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.; and

A bill (H. R. 2956) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation.

REPORT OF CHARLES E. MAGOON.

Mr. DAVIS. On the 12th of February a report was submitted to the Secretary of War by Mr. Charles E. Magoon upon the legal status of the territory and inhabitants of the islands acquired by the United States during the war with Spain. It is a performance of extraordinary merit and covers the entire subject of the history of the islands—statutory law, judicial decisions, and everything upon which anyone may desire information. I move that the report be printed as a document.

The motion was agreed to.

PAPER ON ISTHMIAN CANAL.

Mr. PERKINS. I ask leave to have printed as a public document a paper which is not very long, and which is contained in the proceedings of a meeting held under the auspices of the American Association of China to consider the question of an isthmian canal. It is the address of a former captain in the Navy, now consul-general at Shanghai.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent for the printing of the paper which he sends to the desk. Is there objection? The Chair hears none, and it is so ordered.

PAPER ON POLITICAL AND ECONOMIC SUBJECTS.

Mr. PETTIGREW. I ask unanimous consent to have printed as a document a paper which I have in my hand. It is composed largely of the sayings of the most popular Populist who ever lived in this country, and for the purpose of giving some idea of the matter contained in the document I will read a paragraph from it:

Labor is prior to and independent of capital. Capital is only the fruit of labor, and could not have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration. Capital has its rights, which are as worthy of protection as any other rights. Nor is it denied that there is, and probably will always be, a relation between labor and capital, producing mutual benefits. The error is in assuming that the whole labor of community exists within that relation.

* * * * * * *

No men living are more worthy to be trusted than those who toil up from poverty—none less inclined to take or touch aught which they have not honestly earned. Let them beware of surrendering a political power which they already possess, and which, if surrendered, will surely be used to close the door of advancement against such as they, and to fix new disabilities and burdens upon them, till all liberty shall be lost.

The document contains paragraphs on different subjects, which I think are of interest in connection with the present political contention in this country. I ask that it be printed as a document for the use of the Senate.

Mr. HALE. Whose are the wise sayings or aphorisms which the Senator has collected?

Mr. PETTIGREW. I will read another paragraph, and I presume the Senator will at once recognize the author of this document. If he does not then, I will tell him. His universal knowledge, I have no doubt, will enable him to catch on:

I remember once being much amused at seeing two partially intoxicated men engaged in a fight with their greatcoats on, which fight, after a long and rather harmless contest, ended in each having fought himself out of his own coat and into that of the other. If the two leading parties of this day are really identical with the two in the days of Jefferson and Adams, they have performed the same feat as the two drunken men.

Mr. HALE. Who is the author?

Mr. PETTIGREW. I will say that there has been another fight between the political parties of this country since Cleveland's time, and the two political parties have now fought themselves out of their coats into the coats of their opponents. The Senator is desirous of knowing the author. The two paragraphs I have read are from Abraham Lincoln.

Mr. HALE. I was going to ask the Senator whether this collection of wise sayings is by any one person or by divers persons upon divers subjects.

I will state the reason why I make the inquiry. I do not know that there is to be any limit to the extent to which the Senate will go in the way of printing. It has all come in pretty much within the last dozen years, for before that time only things were printed which might be termed matters having relation to subjects before the Senate in the way of reports or hearings. But outside literature was never printed as a Senate document. The conclusions arrived at by eminent men on subjects-matter before the Senate were not printed unless they were quoted as a part of speeches.

I do not mean to say that we have kept up that practice, because we have very largely departed from it, and we print a great many things that I do not think we ought to print. I do not think it is the province of the Senate as a legislative body to encumber its record and fill up its spaces with books; and it occurred to me that the Senator is now proposing to go pretty far. He is a very busy man. I do not believe that he has had time to collect these aphorisms. Somebody has done it for him, or at his suggestion.

Mr. PETTIGREW. Well, Mr. President, that is incorrect. I might as well correct that right here. I did collect them, and I passed upon every one of them.

Mr. HALE. Then if the Senator has done that he is still a busier man than I supposed him to be. However, I am not going to object, because the Senator, with myself and the other Senators, is interested in maintaining the proper dignity of this body, and if he thinks it is proper to print a collection of this kind I will let it go. I suppose I might come in to-morrow and want a volume of table talk printed by the Senate—Luther's Table Talk, or Selden's Table Talk.

Mr. HAWLEY. Will the Senator from Maine permit me a word?

Mr. HALE. Certainly.

Mr. HAWLEY. Has he not a valuable scrapbook at home?

Mr. HALE. I have a scrapbook that I take considerable pride

in, which I am having collected, but I should hardly want the Senate to print it. However, I am not going to object. If the Senator from South Dakota thinks it ought to be printed, let it go.

Mr. SPOONER. Will the Senator from Maine allow me to inquire what it is about? What is the subject?

Mr. HALE. Oh, it is about everything. It is an omnium gatherum, and undoubtedly some of it is good, because the Senator from South Dakota has read one or two things from Abraham Lincoln, and I do not know that Abraham Lincoln ever said anything that was not good. It is a collection of fine things.

Mr. SPOONER. On one subject?

Mr. HALE. Oh, no.

Mr. SPOONER. On all subjects?

Mr. HALE. Oh, upon every subject under the sun.

Mr. PETTIGREW. Well, Mr. President, the Senator from Maine knows more about my document than I do myself, apparently. He must be a very busy man.

Mr. HALE. I judge from what the Senator has read. He has read four or five extracts.

Mr. PETTIGREW. I have read only two; but I know that men can get into a condition when they see double, and even see five to two.

Mr. HALE. I can not see double; but I can see that if we begin this practice, it will never end. However, I will not object if the Senator wants to have the document printed.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota?

Mr. SEWELL. I object, unless it goes to a committee for investigation.

Mr. HALE. The Committee on Printing?

Mr. SEWELL. The Committee on Printing. I move the reference of the paper to the Committee on Printing.

Mr. SPOONER. Will the Senator from South Dakota state the subject to which it relates?

Mr. PETTIGREW. Now, the Senator from Wisconsin asks me, and I will be very glad to impart to him the information; but certainly he got a vast amount from the Senator from Maine, who is certainly wonderfully informed on the subject.

Mr. SPOONER. Sometimes men know a great deal that is not true.

Mr. PETTIGREW. The Senator from Wisconsin is not classed in that category, neither is the Senator from Maine. They are very busy at times over that which they do not know to be true, however.

Mr. SPOONER. Now, will the Senator kindly state what the subject of this paper is? To what does it relate?

Mr. PETTIGREW. I shall be very glad to do so. I have quoted with regard to the dignity of labor from Abraham Lincoln's annual message to Congress at the first session of the Thirty-seventh Congress, December 3, 1861. I also have here Abraham Lincoln's letter in response to an invitation to attend the festival in honor of the anniversary of Jefferson's birthday, given by the Republicans of Boston, in which he describes the two political parties as getting into a controversy and changing coats. He said it reminded him of the fight of two partially intoxicated friends of his, each of whom, without hurting the other, after struggling for some time, succeeded in fighting out of his own coat and getting into that of the other. I remarked that this same contest had been going on lately, and that as a result of this last contest the two political parties had swapped coats again, and I thought, therefore, it was very appropriate to the present situation, as the Democracy of Cleveland is no more the Democracy of Bryan than is the Republicanism of Lincoln the Republicanism of MARK HANNA or William McKinley.

Mr. SPOONER. Does this document relate entirely to coats, or does it embrace other subjects?

Mr. PETTIGREW. There are allusions to those coats which fit the present situation if they do not fit the Senator from Wisconsin.

Mr. SPOONER. Will my friend permit me? I wanted to know what proposition this paper——

The PRESIDENT pro tempore. There is nothing before the Senate. Unanimous consent having been asked and objection made, there is nothing before the Senate.

Mr. PETTIGREW. I wish to read one more paragraph in order that the Senator from Wisconsin may know what the character of the paper is before it goes to the Committee on Printing.

The PRESIDENT pro tempore. Is there objection to the Senator's reading? The Chair hears none, and the Senator will read.

Mr. PETTIGREW. Mr. Lincoln said:

> The Chief Magistrate derives all his authority from the people, and they have conferred none upon him to fix the term for the separation of the States. The people themselves can do this, also, if they choose, but the Executive, as such, has nothing to do with it. His duty is to administer the present Government as it came to his hands and to transmit it, unimpaired by him, to his successor. By the frame of the Government under which we live this same people have wisely given their public servants but little power for mischief; and have, with equal wisdom, provided for the return of that little to their own hands at very short intervals. While the people retain their virtue and vigilance, no Administration, by any extreme of wickedness or folly, can very seriously injure the Government in the short space of four years.

I think that is particularly pertinent to the pending controversy, because it has been undertaken on this floor to show that Abraham Lincoln, in conducting the war of the rebellion, violated the fundamental principle of the Declaration of Independence that all governments derive their just powers from the consent of the governed.

It is well known that that was the thought around which centered Abraham Lincoln's whole political life, and to charge upon this floor, as has been charged, that he abandoned that principle because he was the Executive during the war of the rebellion makes it pertinent to present to the country the view which he took of this subject. The people, he says, should determine the relations of the States and the terms for the separation of the States, but that, as the representative of the majority, it was his duty to preserve the Union of the States.

Mr. President, I understand there is objection. I do not care to have the document referred to the Committee on Printing, because I think that would be the graveyard of it. I will, therefore, not present it; but it is quite appropriate that objection should be made to the teachings of Abraham Lincoln.

Mr. SEWELL. Mr. President, I do not object so much to what the Senator has read as to what he has not read. I want the Senate to know what is in that document before it is ordered to be printed. If that is a proper document to be printed at the expense of the Government of the United States and indorsed by the Senate, it ought to be examined by some committee, or otherwise we shall have everything that anybody chooses to get up printed among our records.

The PRESIDENT pro tempore. The Senator from South Dakota has withdrawn his request.

Mr. PETTIGREW. I wish to say that I have nothing here but two pages of maxims from Washington, two pages from Thomas Jefferson, and the rest of it is from Abraham Lincoln.

Mr. SEWELL. Then the Senator need not be afraid to have it go to the committee in the usual way.

Mr. PETTIGREW. I am not afraid to have it printed and go to the American people.

Mr. SEWELL. Then I think you ought not to be afraid to have it go to the committee.

The PRESIDENT pro tempore. The request of the Senator from South Dakota has been withdrawn.

Mr. PETTIGREW. I withdraw it because it has been objected to.

THE WILLIAM CRAMP & SONS COMPANY.

Mr. COCKRELL. Regular order, Mr. President.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

Mr. STEWART. I ask unanimous consent for the present consideration of Order of Business No. 115, being the bill (S. 795) for the relief of the William Cramp & Sons Ship and Engine Building Company, of Philadelphia, Pa.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the Senate proceed to the consideration of the bill named by him. Is there objection?

Mr. STEWART. I presume there will be no objection to the bill when it is understood. This matter was referred to the Secretary of the Navy, who investigated it and recommended that the claim be referred to the Court of Claims. It is for extra compensation for delay by the Government, the Cramp Company being contractors with the Government. As I have stated, the Secretary of the Navy has investigated the case. He thinks some of the claims are meritorious and that the company ought to have the privilege of taking the case to the court. He so recommends. The object of the bill is to carry out his recommendation.

Mr. COCKRELL. When that case was heretofore reached on the Calendar, I am not certain whether it was the Senator from Maine [Mr. HALE] or the Senator from Rhode Island [Mr. ALDRICH] who asked that it might go over.

Mr. STEWART. It was the Senator from Massachusetts now in his seat [Mr. LODGE] who made that request.

Mr. LODGE. I objected, Mr. President, at the time because two similar bills in which I was interested were carried over, and the Senator from Rhode Island then made an objection to all of these bills.

Mr. STEWART. But this does not belong to the class of bills to which the Senator refers. They were old cases, and this is a new case and an exceptional case.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The bill has been read in full to the Senate hitherto.

Mr. PERKINS. Mr. President, while I do not object to the bill, I think that claims of this nature and character should go to the Committee on Naval Affairs. That committee has had many bills of this kind for extra compensation for the construction of war vessels before it for consideration, and it seems to me that committee, by reason of its experience in this particular line, is better calculated to pass upon the merits of such a claim as this than are those who have not given more thought and consideration to

them. I only offer this as a suggestion. I shall not object to the consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. LODGE. Then, Mr. President, I shall ask the Senate to take up Order of Business No. 114, being the bill (S. 1744) for the relief of the Atlantic Works, of Boston, Mass. I think all of these bills ought to go together; and if there is to be objection to the bill to which I refer, I shall object to them all.

The PRESIDENT pro tempore. Is there objection to the present consideration of this bill?

Mr. ALLEN. I should like to have the bill read for information.

Mr. STEWART. This bill has been read.

Mr. ALLEN. Oh; but I understand the Senator from Massachusetts [Mr. LODGE] wants all of these bills of a similar character taken up together.

The PRESIDENT pro tempore. Does the Senator want to have the bill read in full?

Mr. ALLEN. I did not know that it had been read.

The PRESIDENT pro tempore. It has been read as in Committee of the Whole.

Mr. ALLEN. What is the nature of the bill?

Mr. STEWART. The nature of the bill is this: It is a claim of recent date. This company constructed several vessels for the Government.

Mr. ALLEN. Lately?

Mr. STEWART. Lately, in the last few years, and they applied to Congress for relief. Congress referred the claim to the Secretary of the Navy for investigation. The Secretary investigated and reported that there were meritorious claims among them, and recommended that the matter be referred to the Court of Claims for an adjudication of the rights of the parties under their contract. The claim is that the Government failed to furnish the necessary supplies to construct the vessels under their charge, by which they suffered damage, etc. The Secretary of the Navy went over the whole matter, and reports that some of the damages undoubtedly should be reimbursed, but he declined to allow them on the ground that the matter should be adjusted by the Court of Claims.

Mr. ALLEN. Were not these matters covered by their contract with the Government?

Mr. STEWART. The contract covered the general matters, but it did not cover these matters, which were outside of the contract. They are extra claims for alterations, delays, etc. The case has been before Congress heretofore, and, as I have stated, was referred to the Secretary of the Navy, who, under the law, has made his finding and has reported that the claim should be referred to the Court of Claims for adjudication; and I think it ought to be so referred.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HALE. I did not hear the bill read and I do not precisely know what bill it is. There was a bill which involved a very large sum of money, which the Committee on Naval Affairs investigated, and that committee did not report in its favor. Whether this is the same bill or not I do not know, but I shall object to its consideration until I can examine it.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

PUBLIC BUILDING AT SEATTLE, WASH.

Mr. FOSTER. I ask unanimous consent for the immediate consideration of the bill (S. 305) making an additional appropriation for a public building at the city of Seattle, in the State of Washington.

Mr. LODGE. Mr. President, I rise to make an inquiry. Are we taking up bills on the Calendar in order, or are we considering bills called up by Senators?

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order, and Senators are asking unanimous consent to proceed to the consideration of certain bills on the Calendar. The Senator from Washington [Mr. FOSTER] has asked unanimous consent for the present consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes, in addition to the $300,000 heretofore appropriated for a public building at Seattle, in the State of Washington, to appropriate $450,000 to be used in the purchase of the site and the construction of the building.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF PHILIP C. ROWE.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 226) for relief of heirs of Philip C. Rowe.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill. It directs the Secretary of the Treasury to pay to the administrator of the estate of Philip C. Rowe, of Massachusetts, $13,200, for the use of his invention by the United States of an improvement in pistons for pumps by the Navy Department during the years between 1865 and 1882.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. DODGE.

Mr. TURLEY. I ask unanimous consent for the present consideration of the bill (S. 1008) for the relief of William C. Dodge. This bill has been passed by the Senate, I believe, five times previously, and it is from the Committee on Patents.

The PRESIDENT pro tempore. The bill will be read in full for information, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to William C. Dodge, of Washington, D. C., the sum of $10,000, for a cartridge-loading machine furnished by him to the United States upon an order from the Ordnance Department, and for the use of his invention of the same, and of the patent therefor, dated July 17, 1866, and for his improvement in cartridges, patented July 4, 1865, and for the infringement of his said patents by the United States, which said sum of $10,000 shall be in full satisfaction of all claims for such use and infringements and for the relinquishment of all right to claim any further compensation for the use of the same by the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HAWLEY. Mr. President——

Mr. COCKRELL. I give notice that as soon as this bill has been completed I shall insist upon the Calendar.

Mr. HAWLEY. Mr. President——

The PRESIDENT pro tempore. The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

Mr. HAWLEY. Mr. President——

The PRESIDENT pro tempore. If there be no amendment the bill will be reported to the Senate.

Mr. HAWLEY. Mr. President, I beg pardon. I have been five or six times trying to catch the hearing of the Chair.

The PRESIDENT pro tempore. Does the Senator rise to this bill?

Mr. HAWLEY. I do. I inquire if there is a report in the case?

Mr. TURLEY. Yes, sir; there is a report in the case.

Mr. HAWLEY. If the report is not too long, I should like to hear it read. I do not know how large the claim is; I do not know anything of its nature or character; and I do not know what opinion the War Department has expressed regarding it.

Mr. TURLEY. I will state, for the information of the Senator, that this is a bill which has passed the Committee on Patents, I think this is the fifth time, and it has been passed by the Senate, I think, five times. The report shows how many times it has been passed.

The bill provides for the compensation of this gentleman for the use by the Government during the civil war of a patent for making cartridges. I was instructed by the Committee on Patents to ask for its consideration, and as the Senate has passed it so often before, I thought it ought to be called up.

Mr. HAWLEY. I make no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MERRICK, MERRICK & COPE.

Mr. COCKRELL. Regular order, Mr. President.

The PRESIDENT pro tempore. The Senator from Missouri demands the regular order, which is the Calendar, and the first bill on the Calendar will be stated.

The bill (S. 2630) for the relief of the legal representatives of Merrick, Merrick & Cope was announced as first in order on the Calendar; and the Senate, as in Committee of the Whole, resumed its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONTANA ASYLUM FOR THE BLIND.

The bill (S. 706) granting to the State of Montana 50,000 acres of land to aid in the establishment and maintenance of an asylum for the blind was announced as next in order.

Mr. COCKRELL. The Senator reporting that bill is not present. Let it be passed over without prejudice.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

INVENTIONS BY NAVAL OFFICERS.

The bill (S. 2035) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent was announced as next in order; and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT pro tempore. This bill has hitherto been read in full as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AVERY D. BABCOCK AND WIFE.

The bill (S. 373) for the relief of Avery D. Babcock and wife, of Oregon, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Avery D. Babcock, of Polk County, Oreg., and to Margaret I. Babcock, his wife, $2,000, to be equally divided between them, in full payment of their claim against the Government for the use and occupation by the United States of their donation claim No. 58, in section 8, in township 6 south, range 7 west of the Willamette meridian, in the State of Oregon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT OF TERRITORIAL EXPENDITURES BY NEVADA.

The bill (S. 2384) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the Territorial limits of the present State of Nevada was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VIRGINIA I. MULLAN.

The bill (S. 1231) for the relief of Virginia I. Mullan, of Annapolis, Md., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Virginia I. Mullan, of Annapolis, Md., $420.98, that being the amount of money due by the United States to her, as owner and holder of coupons Nos. 3, 4, and 5, for interest from January 1, 1854, to September 1, 1856, on California Indian war bonds Nos. 84, 183, and 194, for $500 each, and No. 220, for $1,000, act of May 3, 1852, which coupons were heretofore filed by the First National Bank of Washington, D. C., in the Treasury Department for payment, but not paid for want of sufficient appropriation with which to pay the same, as recited in Senate Document No. 137, Fifty-fifth Congress, first session, and recommended by the Treasury Department for payment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. RICHARDS.

The bill (S. 1759) for the relief of William A. Richards, late surveyor-general of Wyoming, was considered as in Committee of the Whole. It proposes to appropriate $318 to reimburse William A. Richards, late United States surveyor-general for Wyoming, for losses incurred by him through a cloud-burst July 6, 1891, near Fort Washakie, upon the Shoshone Indian Reservation, in the State of Wyoming, while in the discharge of his duties as surveyor-general examining a public survey, under section 2223 of the Revised Statutes of the United States and the special instructions of the honorable Commissioner of the General Land Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HISTORY OF FILIPINO REVOLT.

The following resolution, submitted by Mr. PETTIGREW January 30, 1900, was announced as next in order:

Resolved, That the paper entitled "An Authentic Review of the Philippine Revolution" be printed as a document for the use of the Senate.

Mr. WOLCOTT. Let the resolution be again read, Mr. President.

The PRESIDENT pro tempore. The resolution will be again read.

Mr. LODGE. Let the resolution go over, Mr. President.

The PRESIDENT pro tempore. Objection is made.

Mr. PETTIGREW. I hope the Senator from Massachusetts will not object. This is simply a statement of the events which occurred in the Philippines. This is the statement of Aguinaldo, and is the most authentic and full statement, and I believe the most truthful one, we have yet had of the events which occurred in that island.

Mr. LODGE. I object to that resolution, Mr. President. We have had it up for discussion a number of times.

The PRESIDENT pro tempore. Objection being made, the resolution goes over without prejudice.

MRS. A. C. WAGNER.

The bill (S. 2519) for the relief of Mrs. A. C. Wagner was considered as in Committee of the Whole. The preamble recites that it appears that John A. Wagner, a citizen of the United States, residing at Philadelphia, on the 7th of July, 1880, while in a boat on the Delaware River above the United States Arsenal at Bridesburg, was struck by a bullet fired from a rifle while shooting was being practiced by the officers and soldiers of the United States Army at the arsenal, which bullet struck the said John A. Wagner in the right leg, exploded therein, severely wounding him, and as a result thereof he was attacked in said wound by a cancerous affection, and from the effects thereof died in the city of Philadelphia on November 12, 1893, leaving a widow and one daughter him surviving; therefore the bill directs the Secretary of the Treasury to pay to Mrs. A. C. Wagner $5,000 in payment of all claims or damage arising from the aforesaid injury, or the death of her husband, which was caused thereby.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

SHIP CANAL IN THE STATE OF WASHINGTON.

The following concurrent resolution, submitted by Mr. FOSTER January 29, 1900, was announced as next in order:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to cause a survey to be made and an estimate submitted of the cost of constructing a ship canal to connect Puget Sound with Grays Harbor, via the Chehalis River, in the State of Washington, in accordance with recommendations heretofore made and filed with the War Department.

The resolution was reported from the Committee on Commerce with an amendment, in line 7, after the word "Department," to insert "and to report whether or not, in his judgment, it is advisable to construct such canal;" so as to make the resolution read:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to cause a survey to be made and an estimate submitted of the cost of constructing a ship canal to connect Puget Sound with Grays Harbor via the Chehalis River, in the State of Washington, in accordance with recommendations heretofore made and filed with the War Department, and to report whether or not, in his judgment, it is advisable to construct such canal.

The amendment was agreed to.

The resolution as amended was agreed to.

JOHN EMERSON.

The bill (S. 744) for the relief of John Emerson, late a private in Company I, Nineteenth Maine Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 4, after the words "directed to," to strike out "amend" and insert "correct;" and in line 7, after the word "discharge," to insert "as of date May 30, 1864;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of John Emerson, late a private in Company I, Nineteenth Maine Infantry, by removing the charge of desertion from said record and granting him an honorable discharge as of date May 30, 1864.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS A. E. BRIOT.

The bill (S. 2085) for the correction of the military record of Francis A. E. Briot was considered as in Committee of the Whole. It directs the Secretary of War to remove from any records or books in his Department the charge of absence without leave and of desertion now standing against the name of Francis A. E. Briot, late a private in Company G, Seventeenth Wisconsin Volunteers, and to grant him an honorable discharge as of date March 24, 1862; but no pay, bounty, or allowance shall accrue by reason of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPUTY CUSTOMS COLLECTORS IN WASHINGTON.

The bill (S. 2112) authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LICENSING OF OFFICERS OF STEAM VESSELS.

The bill (H. R. 1040) to amend section 4445, of Title LII, of the Revised Statutes of the United States, relating to the licensing of officers of steam vessels, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHILDREN OF MATTHEW J. J. CAGLE.

The bill (S. 2082) for the relief of the children of Matthew J. J. Cagle was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, at the end of line 7, to add the following proviso;

Provided, however, That all sums of money heretofore paid him for said services by the United States Government shall be deducted from said sum of $1,500;

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, directed to pay to the children of Matthew J. J. Cagle the sum of $1,500, for services rendered and expenses incurred by him as scout and guide in and for the United States Army during the late civil war: *Provided, however*, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL SENATE MESSENGERS.

Mr. SULLIVAN. I ask unanimous consent for the present consideration of Senate resolution No. 211. It is very short.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent for the present consideration of a resolution which will be read.

The resolution submitted by Mr. SULLIVAN on the 16th instant was read, as follows:

Resolved, That each Senator other than the chairmen of the standing and select committees of the Senate, and having as such a messenger, be, and he is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. CARTER subsequently said: I move that the Senate reconsider the vote whereby Senate resolution No. 211 was agreed to. I send the resolution to the desk to be reported for the information of the Senate.

The PRESIDENT pro tempore. The Senator from Montana enters a motion to reconsider the vote by which the Senate agreed to a resolution which will be read.

The Secretary read the resolution.

Mr. CARTER. I will not press the motion at this time, inasmuch as the Senator who presented the resolution is absent from the Chamber. The resolution was not referred to any committee. It provides by mere Senate resolution for a very heavy draft on the contingent fund of the Senate, a draft which could not be honored continuously without a very large addition to that fund. The difficulty which the resolution seeks to remedy is being arranged for in a satisfactory manner, I think, in other directions. I merely make this explanation at this time and will endeavor to call up the motion in the morning hour.

Mr. COCKRELL. I should like to ask if that is not a resolution which, under the rules of the Senate, ought to have gone to the Committee on Contingent Expenses?

The PRESIDENT pro tempore. Under the rule it should go to the Committee on Contingent Expenses.

Mr. COCKRELL. Then a mistake was made in passing it. The distinguished Senator from Michigan [Mr. MCMILLAN] and the senior Senator from Maine [Mr. HALE] and a number of others were in their seats, and I supposed they were watching it, because the very next resolution which came before the Senate was one offered by the Senator from Nebraska [Mr. ALLEN], and on the suggestion of the Senator from Michigan [Mr. MCMILLAN] it went over. I supposed, therefore, that he was watching very closely.

Mr. MCMILLAN. My attention happened to be distracted for the moment, and I did not hear the resolution read.

TRANSACTIONS WITH NEW YORK CITY BANKS.

Senate resolution No. 123, to discharge the Committee on Finance from the further consideration of Senate resolutions of January 4 and 23, 1900, concerning certain Treasury transactions, was announced as the next business in order on the Calendar.

Mr. MCMILLAN. That had better go over.

The PRESIDENT pro tempore. It will go over without prejudice.

Mr. ALLEN. Is objection made to the resolution?

The PRESIDENT pro tempore. Objection was made, and the resolution goes over without prejudice.

Mr. ALLEN. I did not hear the objection.

RAFTS ON THE PACIFIC OCEAN.

The bill (S. 2926) to prevent dangers to navigation from rafts on the Pacific Ocean was announced as the next business in order on the Calendar, and was read.

Mr. ALLEN. Let the bill go over.

The PRESIDENT pro tempore. Without prejudice?

Mr. PERKINS. I hope the Senator from Nebraska will not object to the bill unless there is some reason of which I have no knowledge. It is asked for unanimously by the shipowners and people generally on the Pacific coast, it being in the interest of the protection of life and property. Rafts have been towed on the coast there that have been a menace to commerce. Unless the Senator knows a reason why it should not be passed of which we have no knowledge, I trust he will withdraw his objection.

The PRESIDENT pro tempore. Objection being made, the bill goes over without prejudice.

PURCHASE OF PROPERTY FOR SCHOOL PURPOSES.

The bill (S. 1873) to provide for the purchase of certain property for school purposes was announced as the next case in order on the Calendar.

Mr. ALLEN. I object.

The PRESIDENT pro tempore. The bill will go over without prejudice.

GOVERNMENT FOR PUERTO RICO.

The bill (S. 2264) to provide a government for Puerto Rico, and for other purposes, was announced as the next case in order on the Calendar.

Mr. MORGAN. Mr. President——

The PRESIDENT pro tempore. The bill will go over without prejudice.

Mr. MORGAN. No; I object to that course. I wish to make some remarks on the bill.

The PRESIDENT pro tempore. Under Rule VIII, the Senator from Alabama can make remarks for only five minutes and but once. However, if there is no objection, the bill being before the Senate, the Senator can proceed.

Mr. MORGAN. The Senate has agreed to go into executive session at 3 o'clock.

The PRESIDENT pro tempore. Is there objection to the Senator from Alabama proceeding to address the Senate on what is called the Puerto Rican bill? The Chair hears none. The Senator from Alabama will proceed.

Mr. MORGAN. Mr. President, on last Friday the Senate voted to lay on the table the following amendment, offered to a bill by the Senator from Nebraska [Mr. ALLEN]:

Provided, That the Constitution was, by force of the treaty concluded between the United States of America and the Kingdom of Spain at the city of Paris, France, April 11, 1899, extended over the island of Puerto Rico and its inhabitants.

On that motion the yeas and nays were as follows:

YEAS—36.

Allison,	Foraker,	Lodge,	Ross,
Baker,	Foster,	McBride,	Sewell,
Bard,	Gallinger,	McComas,	Shoup,
Beveridge,	Gear,	McCumber,	Simon,
Carter,	Hale,	McMillan,	Spooner,
Davis,	Hanna,	Penrose,	Thurston,
Deboe,	Hawley,	Perkins,	Warren,
Elkins,	Kean,	Pritchard,	Wellington,
Fairbanks,	Lindsay,	Quarles,	Wetmore.

NAYS—17.

Allen,	Chilton,	Harris,	Tillman,
Bacon,	Clark, Mont.,	Kenney,	Turley.
Bate,	Clay,	McLaurin,	
Berry,	Cockrell,	Morgan,	
Butler,	Culberson,	Rawlins,	

The motion to lay that amendment on the table cut off debate, and, as the same question is presented in the bill now before the Senate, I wish to discuss it, along with some others.

The treaty of Paris is a supreme law of the United States, by the express declaration of the Constitution of the United States, and while it continues in force, which will be as long as the United States has the right to maintain it and the power to enforce it, this treaty will be the supreme law.

This treaty gives to the United States full sovereign power over the islands ceded by Spain, and a power that will mature into full sovereignty over Cuba when we find it just and proper.

These rights include the eminent domain and the right to govern the people in all these possessions and to determine and control their international relations. These are political rights and powers, won from Spain and her subjects in open warfare, they having been declared the public enemies of the United States. As to the people in Puerto Rico, the situation is fully provided for and controlled by the laws of nations until we bring them under municipal rule.

Every Spanish subject in the world was the public enemy of the United States during all the period of the war. Not one of them, at any place or under any circumstances, could separate himself from Spanish allegiance by any act of insurrection until the United States had consented to the change of his belligerent character, either as an individual, by giving him personal protection with his personal consent, or as a member of a recognized government de facto. Some Cubans, Puerto Ricans, and Filipinos were personally relieved from their belligerent character through the acceptance of their services in aiding our military operations, and were entitled to our protection as a reward for their fealty to our flag.

But no government de facto or de jure has been recognized by the United States, or by any other power, in either of these islands, and therefore the people who were engaged in insurrection against Spain in any of the islands did not cease to be our public enemies. When Spain surrendered, they were surrendered. In Cuba a civil and military power existed in organized form and had armies in the field. They had a strong moral right to our recognition as a government de facto, but we withheld such recognition, and Gomez and Garcia, and their armies, and all the representatives of the government of the republic of Cuba were ignored in the treaty of Paris, and were surrendered to the United States by Spain, and are still subject to our control under the laws of nations.

We invaded Cuba, without their consent, and treated with

Spain for sovereign rights in Cuba, as if the republic had never been heard of.

If the Cubans, who were thus organized had, at any time, resisted the authority of the United States, or should do so now, they would be engaged in rebellion against the United States.

Without discussing the relations of the Tagalogs toward the United States in the Philippines, as compared with the attitude of the Cubans, who had declared their allegiance to the Cuban republic, it is enough to say, as to our right to govern them, that the situation in Cuba was far stronger against our rightful dominion there than it ever was in any part of the Philippine Archipelago. It is, however, undeniable that in Cuba, as in the Philippines, our national power must continue to exist under the treaty of Paris, and the government of all these islands must be conducted under the authority of the laws of nations until Congress shall otherwise provide.

To suppress an insurrection in any of these islands there is no necessity to declare war against them or that a state of war exists, even in the Philippines.

The world has a right to be amused at our discussion of the question whether the Philippines are a part of the United States, while we are voting armies, supplies, and money to suppress the insurrection of a part of one of many tribes in those islands.

Aside from considerations of policy and moral right, the question now presented is fourfold in its character—whether Congress shall proceed to provide legislative government for Puerto Rico; or shall we leave the island under its present government; or shall we abandon it, recognizing its independence; or shall we suffer it to float out among the nations, like a derelict ship at sea, subject to capture or destruction by any other power?

As to Cuba, the treaty—the supreme law—requires that we shall occupy the island. We can not abandon Cuba without the disgrace of violating our plighted faith to Spain. Nor can we abandon Puerto Rico or the Philippines without inviting anarchy, internecine war, and every form of disaster to the people.

When the treaty of Paris was made, Spain had subjects, soldiers, arms and munitions, archives, ships, and public property in all the islands. Her subjects are still in the islands, and property reserved to Spain yet remains in the islands. We have treaty engagements to protect all these in Cuba during our occupancy under a qualified sovereignty.

In all the ceded islands we have treaty obligations with Spain that those of her subjects who shall choose to remain in them shall enjoy these rights indefinitely, and they may signify their continued allegiance to Spain by a public declaration within a limited period. We must therefore provide the legal measures and the necessary officials for their securing this treaty right. We can only do this in virtue of our sovereign powers.

But, outside of treaty obligations, we owe positive duties, under the laws of nations, to Spanish subjects and to the people of other nations, to provide by law for the protection of their lives and property. In the case of Cuba this is also an express treaty stipulation. In the other islands it is the duty of sovereignty.

Under the laws of nations every sovereign is bound to use its authority and powers, certainly in time of peace, to protect the people of other countries in good faith in all the territory that is subject to its sovereign control.

This duty extends to persons and property, and includes the right to the safe and peaceable enjoyment of their possessions and pursuits.

In all these islands there is still a condition of social and racial disturbance between the natives and the Spaniards that is no less than rancorous and revengeful hostility; and between the Tagalogs and other tribes in the Philippines and the imperialists and republicans in Cuba and Puerto Rico there is a state of hostility that can only be controlled by the power of the United States. These conditions existed before and after the war with Spain.

Under the laws of nations we could not be permitted to banish the sovereign power of Spain from any of those islands and then withdraw from them, leaving the people of other nations and their property a prey to anarchy, violence, and spoliation, without responsibility to such nations. We must do our duty to the people of other countries, under the laws of nations, or we must pay the penalty of neglect.

It is our duty, under the laws of nations, to give to all those people the protection of organized, sovereign, and responsible government, and until such government can be established there we are bound to protect them with our sovereign powers.

There was no organized and recognized government in any of the islands, except that of Spain, at the time they were ceded to us, and it was our duty to govern them after such cession, or else to relinquish them to Spain or to some other recognized sovereign power.

There is no such recognized government now in any of these islands except that of the United States, and we are bound to other nations, whose citizens are in the islands, to provide for their safety; otherwise we will have to foot a tremendous bill for damages.

The abandonment of these islands is, therefore, impossible, and we must govern Puerto Rico and the Philippines.

In conducting that government we find—

First. That the treaty of Paris—the supreme law of the United States—is there, by agreement with Spain, ratified by the President and the Senate.

Second. This act extends the Constitution of the United States over the islands, at least to the extent of establishing there our sovereign authority, and of controlling the power, and regulating the duty of the President, and all officers and agencies of the executive department, in their dealings with persons and property in the islands.

Third. This constitutional control over the Executive power in the islands modifies the laws of nations, which comprise the code of laws that prevail in these islands, including Cuba, until they are displaced by acts of Congress.

Under the laws of nations the Chief Executive rules in these islands as the representative of all the powers of the United States until Congress provides for a substituted governing power.

The judicial power of the United States can not operate in these islands to control private persons or private property until Congress has made provision of law to extend these powers over them.

The Constitution operates on officers of the United States to restrain them from abuses of their official functions, and it extends, through the control of such officers, to the preservation of the property of the United States; but this proposition is a collateral matter that is not involved in any question that is now before the Senate and need not now be discussed.

Fifth. In virtue of the laws of nations and under the constraint of the Constitution and the treaty of Paris, the President has power to govern in the islands, through military or civil agencies, to the extent that is permissible under the laws of nations in the case of any supreme sovereign who has conquered or has obtained a foreign country by cession.

Sixth. This is in accordance with the laws of nations, as well as the Constitution of the United States, for the reason that the laws of nations are made a part of the law of the land, at least as to all places within our sovereign dominion, in which Congress has not established government.

The doctrine is very clearly stated in the opinion of the court in Hilton *vs.* Guyot (159 U. S.), part of which I will read:

> International law, in its widest and most comprehensive sense—including not only questions of right between nations, governed by what has been appropriately called the law of nations, but also questions arising under what is usually called private international law, or the conflict of laws, and concerning the rights of persons within the territory and dominion of one nation, by reason of acts, private or public, done within the dominions of another nation—is part of our law, and must be ascertained and administered by the courts of justice as often as such questions are presented in litigation between man and man, duly submitted to their determination.
>
> The most certain guide, no doubt, for the decision of such questions is a treaty or a statute of this country. But when, as is the case here, there is no written law upon the subject, the duty still rests upon the judicial tribunals of ascertaining and declaring what the law is, whenever it becomes necessary to do so, in order to determine the rights of parties to suits regularly brought before them.

I read further:

> No law has any effect, of its own force, beyond the limits of the sovereignty from which its authority is derived.

Seventh. The laws of nations are in full force in these islands, except as they are modified by our Federal Constitution, and the question now before the Senate is whether we shall modify these laws or substitute them with laws enacted by Congress, and, if we shall substitute them, to what extent and in what manner they should be modified or repealed.

Eighth. As a supreme military commander, the President, under the laws of nations, may use the forces of the United States, if furnished to him by Congress, and the local militia forces that he may employ to preserve order, enforce the laws, and repress civil commotion or insurrection or rebellion.

Ninth. As a civil ruler, he can make or modify civil laws in accordance with the laws of nations, which leave to a conquered or ceded country the laws that protect life, property, and personal security until some public reason makes it necessary to change them.

Tenth. The Spanish laws, therefore, in force in these islands are the first and recognized basis of civil administration until they are changed by the President or superseded by act of Congress.

If these definitions of the power that now governs in these islands is correct, it is manifest that until Congress shall include them in our municipal system the laws of nations are in force there, with all the powers they confer upon the President, as military or civil ruler and lawgiver. But his office of President of the United States restrains him, in either capacity, from overstepping the boundaries of his duty to this Government.

Shall Congress now proceed to exert its legislative powers over these islands, or is there some difficulty that stands in the way?

The bill under consideration is a proposition for this purpose as to the island of Puerto Rico.

This bill deals almost exclusively with the government of the people of Puerto Rico.

The property of the United States in Puerto Rico is not materially affected by its provisions. In dealing with the people, the first necessity is to ascertain by law those classes of people who, being subjects of Spain, are entitled under the treaty of Paris to declare their purpose to remain under that allegiance.

The remaining classes must be held to select their nationality in the United States by failing to align themselves as subjects of Spain, and the treaty legalizes and confirms the selection. This act imposes on us the duty of treating them as a part of the people of the United States, with the rights of national protection and the duty of rendering military or other public service as the laws shall provide. If any of them were slaves, they are emancipated. If they were peons, they are free.

The treaty gives Congress the power to assign them to citizenship of the United States. This, doubtless, was done because our Constitution does not confer citizenship upon any who were not born in the United States or are not received into citizenship by naturalization.

It is a new case, not covered by the Constitution, that Congress must provide for. These people do not fill either category, and their status as to citizenship is left to Congress in the treaty of Paris. Except as to the right to hold office, to inherit property, and to receive national protection against insurrection or foreign war or injury or injustice inflicted by a foreign power, citizenship of the United States is not a great addition to the natural or personal rights of one who is a denizen or an inhabitant of this country. Citizens of the United States, in common with denizens or inhabitants of the country, are equally entitled to all the protection given to "persons" in the Constitution.

As to the agencies that shall be selected to protect these rights, whether they shall be such as the laws of nations permit, or such as are known to the civil law or the common law of England, or such as the existing local laws provide, that matter is left to be determined by Congress under the Constitution. The form of protecting these personal rights is not prescribed in the Constitution. It is enough if they are not violated or abused.

Congress can assign to these people the character of inhabitants, like our Indians, under our protection and control, or of citizens of the United States, who were not born in or naturalized by the United States. There is no prohibition in the Constitution or in the treaty of Paris to either course.

But, as a matter of political wisdom and duty, it is very clear, I think, that they should be admitted to as full citizenship as we have given to the native inhabitants of all the other territories we have annexed to the United States.

In this matter our history is conclusive upon us, for we have not debarred from citizenship any native inhabitant of any country we have annexed to the United States.

All of them who have not chosen to retain their former allegiance have been made citizens of the United States, without respect to race or any other condition.

Citizenship of the States of this Union is a different matter, about which it is not now necessary to speak. No matter how Congress may dispose of this question of citizenship, it does not affect the main question presented in this case, which is, What will Congress do with Puerto Rico?

Congress may admit new States into the Union if their governments are republican in form. In the period of their growth from unorganized communities into States of the Union Congress has all the powers over them that belong to a local State government and to the Federal Government. These powers are plenary, but not absolute. They are measured, limited, controlled, and restrained by the Constitution of the United States.

In the nurturing and building up of unorganized or disorganized communities into statehood in the Union the discretion of Congress is measured only by the spirit of our Constitution, and the limits it imposes upon their powers, and the decisive mandate and guaranty that the government so established shall be republican in form.

In this process of State building the first requisite is that the place to be included in the operative power of our laws must be within the sovereign jurisdiction of the Government of the United States. No government can enact valid laws that will operate, effectually and of their own force, within the limits of another independent government. (159 U. S.)

If Puerto Rico is a foreign government or country, we can not pass laws to be executed in that island; but such is not the fact.

Puerto Rico is a part of the territorial domain of the Government of the United States, made such by treaty with Spain, the former undisputed sovereign of that island.

Its government now exists by the sufferance of the United States, under the laws of nations and also the obligations of the treaty of Paris, which binds us to assume and exercise sovereign powers over the people and soil of that island.

Puerto Rico is within the limits of the United States, having been so included by a treaty, which is a supreme law of the land, as provided in the Constitution. How it can be outside of the Constitution of the United States or free from its authority while it is within our constitutional limits is a proposition that I can not comprehend.

The Constitution, like any other law, has its application according to the conditions for which it was created. In some of its provisions it applies to the District of Columbia; in others to the States; in others to the Territories organized by Congress; in others to areas where the laws of nations supply actual government. In all places and at all times it applies to all officers who act in the name and by authority of the United States to enforce obedience to its restraints upon their official conduct. Every officer takes an oath to support the Constitution, and the President is sworn also that he will faithfully execute the office of President, and will, to the best of his ability, preserve, protect, and defend the Constitution of the United States.

Can he be exempt from this obligation, or can any officer under his orders be exempt while he is conducting government, civil or military, under the laws of nations, or the laws of Congress or the laws of war, at any place, or at any time, in the name and by the authority of the United States?

The only possible answer to this question is that he can not, and it covers fully every right and power of the executive department at all times and places. The Constitution binds these officials and governs them in every official act.

The powers of Congress, whether they are express or implied, are all delegated and limited. Congress has power to govern the territory that belongs, as property, to the United States. But it must belong to the United States in the sense of being under their jurisdiction. We could not, with the consent of Mexico, enact laws to govern a state or a territory of that Republic. The ownership gives the right to govern, and the Constitution gives the power.

We have seen, in our experience in Mexico and in Puerto Rico, to go no further for illustration, that the Executive of the United States has the power to govern, under the laws of nations, without the aid of a direct enactment by Congress in those countries that are subject to our military power, even before we became the owners of the soil. That power continues until Congress interposes to control the action of the Executive, or gives the power to govern into the hands of another tribunal. Congress is the supreme political power in the United States, and their enactments are decisive as to the attributes of all governments in the United States except the States of the Union. In the District of Columbia the government is not representative in form, but it must be in that form in the States.

Congress, having supreme legislative power over the Territories and not being expressly restricted by the Constitution, can delegate power to local tribunals for self-government, corresponding with the powers of the States of the Union as to legislation and as to the creation of offices, appointments to office, judicial courts, taxation, and many other of the functions of government.

But Congress can not delegate their political supremacy to a Territory so as to make it independent of the Federal Government, or give it any authority to hold intercourse with any foreign power.

That is a Federal power that only the Government of the United States can exercise.

The power to levy imposts and duties on imports from foreign countries is a Federal power that no State or Territory can exercise in its own right. The power to levy taxes for the support of the Federal Government is vested exclusively in Congress, and can not be delegated.

This power of Congress, when it is exercised, must be uniform and without discrimination as to every part of the country to which the sovereignty of the United States is extended by cession or annexation.

But Congress has chosen to leave Puerto Rico and Hawaii under the control of their local laws, as to every subject of taxation to be enforced and administered under the laws of nations up to this time. The tariff laws of the United States and the laws of internal taxation are not altered or affected by the cession of Puerto Rico or the annexation of Hawaii. The collection districts in those islands have not been made collection districts of the United States, and the revenues collected there are not customs revenues under the laws enacted by Congress.

To make them such Congress must extend the revenue laws over those islands, and in doing this no discrimination can lawfully be made for or against them as to the duties that are to be laid upon imports into them or from them into the United States.

There has been no illegality in the collection of duties on imports from Puerto Rico or Hawaii to the United States or in the imposition and collection of duties upon goods imported into those islands from the United States. These duties were collected under different systems of laws in force in these islands that are equally valid under the Constitution of the United States.

The laws of nations that still are permitted to control these relations between the United States and these islands are a part of the law of the land and are recognized in the Constitution. They stand in full force until Congress shall displace them with our municipal laws for the collection of customs duties. Until the ports of those islands are included in the United States collection districts there they are open to the commerce of all countries, under the local laws that we found in force when we acquired title to them. In order to change these conditions Congress must legislate, and the legislation must provide for the collection of customs duties on imports to these islands from foreign countries under the laws of the United States.

An act to prohibit the collection of duties on imports coming from Puerto Rico or Hawaii is not sufficient to cover the difficulty in the situation unless we wish to make the ports in those islands free to all the world, which would be a discrimination against all the other ports of the United States. When Congress begins to legislate on this subject, it can not stop short of so providing that the tax rate and its collections shall be uniform with that of all other ports of the United States.

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Senator from Alabama will suspend a moment. Under the rule the Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. As this bill is the one now regularly under discussion, the Senator from Alabama will proceed.

Mr. MORGAN. Our Government was planned with a view to the enlargement of its territorial limits and the expansion of its influence, not merely for the sake of convenience or profit or aggrandizement, but for the increase of the happiness of our people and the encouragement of the liberties of all men against the powers of despotism.

No bounds are set to the United States; no restraint limits our growth. The work of expansion began with the annexation of the Northwest Territory, ceded to the United States by Virginia before the present Constitution existed.

On the basis of that grand acquisition of territory as the "property" of the United States, the first Congress, composed largely of men who sat in the Congress of the Confederation and in the Convention that ordained the Constitution, projected a plan of Territorial government that was the first of its kind, and had no model in any other government. It was not a colony, or a dependency, or a suzerainty, or a sovereign State under our protection. It was the purely American form of government which we style a Territorial government.

It was built upon and adapted to the principles of our Constitution and the political theory of our Republic, which was new in the world.

It looked to the ultimate statehood in the Union of each Territory and prepared for maturing each, according to its special environment, as rapidly as could be safely done, into proper conditions for such a result. The assurance of this result was not the basis or predicate on which the right or duty of organizing Territorial governments was made to depend. That was expected, but it was not a condition precedent.

They were training schools for the great sovereign power that would necessarily ripen into statehood; but at what time that event should occur, with the consent of Congress and the people of a Territory, was left to the control of future events. If it never came, nothing was lost and no violation of the Constitution was wrought by the failure.

In the meantime these local governments are supplied with all the powers that are needed for autonomous government.

They are also aided in their revenues by apppropriations from the Federal Treasury.

Their chief officers are appointed by the President of the United States, to be confirmed by the Senate.

Their judicial courts are given plenary powers for all local necessities of civil government, subject to appeal to the Federal courts. Their legislatures enact all local laws, subject to revision by Congress.

They are, indeed, Federal States, organized and sustained by Federal powers and supplied with Federal money to aid in local government.

In local self-government they may become autonomous, but not independent or sovereign, and it is in this respect that they chiefly differ from States endowed with local sovereignty and admitted to share in the Government of the United States. In the Territorial condition they are controlled by the Constitution in the exercise of all powers given them by Congress, and Congress, in like manner, is controlled by the Constitution in all delegations of power to them. They have no power of government except such as is delegated to them by Congress, and Congress can grant them such powers from time to time as are found to be expedient for the conduct of government, republican in form, conformably to the Constitution of the United States.

Congress is not bound to grant to these political organizations full powers of autonomous government, or the same measure of powers to each Territory. They are not colonies, or dependencies, or provinces, but are governments of the United States, created by Congress, and their people, whether they are inhabitants, denizens, or citizens of the United States, are equally protected in their persons and property by the guaranties of the Bill of Rights in the Constitution. British, Dutch, German, or French systems of colonization have no analogy to our Territorial governments and furnish no rules for their interpretation.

Their colonies are formed for strengthening home governments, with no expectation that they can ever become sovereign or independent powers, while our Territories are the nurturing grounds for the sovereign independence of their people.

If they prefer to become States of the Union, and Congress consents to their admission, they can enjoy the highest liberty and a more exalted independence than belongs to states in any other confederation in the world. Before their admission into the Union as States Congress is the sole judge of the duty and the expediency of recognizing their sovereign independence as separate republics. If they can not stand alone among the nations as independent sovereign republics without our protection they have not acquired that condition and character of statehood that could be trusted with the sovereign and independent powers of government.

There is no criterion by which these conditions can be prescribed or settled in advance. For this reason, and for every consideration that relates to the preservation of the peaceful growth of a Territory in republican, popular government, no pledge of future independence can be safely given to the people of a Territory.

Indeed, if Congress could give a pledge of the sort, it would be unilateral and in vain, because neither the people nor the local government have any power to accept such a pledge from Congress and make it binding. An agreement to be binding must be made between parties who are competent to contract with each other. There are no such organized parties in Puerto Rico or the Philippines, and since the annexation of Hawaii there are no such parties in those islands.

In the case of the Northwest Territory Virginia was the party that contracted for the statehood of that country in the future.

In that Territorial government, and in the dealings of Congress with it, every question that has arisen as to Puerto Rico was settled. Territorial government was organized in the Northwest Territory in July, before the ordination of the Constitution, in September, 1787. As in the cases of Texas and Hawaii, the Northwest Territory had an organized government when it became subject to the Constitution of the United States.

That Territorial government continued in operation until August 7, 1789, when Congress, "in order that it may continue to have full effect," gave to the President the power of appointment and removal of officers which were to be appointed by Congress under the Ordinance of the Confederation adopted in July, 1787.

Every other provision of that ordinance was found to be in accordance with the Constitution of the United States and was accepted by Congress.

It was in this act of the First Congress, approved by President Washington, that our new and peculiar system of Territorial government had its origin.

It is of great importance that we should consult this act, that we may see and understand the real nature, purpose, and plan of this new creation of a government which provided for the first expansion of the area of the governmental powers and jurisdiction of the United States.

In 1740 this ordinance was extended to the territory of the United States south of the Ohio River without change in its provisions. In 1798 it was extended to the Mississippi Territory, purchased from Georgia, except the clause relating to slavery.

In 1803 the power of the President over territory acquired by treaty from France, a foreign Government, was defined and greatly enlarged by act of Congress.

The conditions in Louisiana, as to the mixed character of the population and the existence of Spanish laws there, was almost identical with the conditions in Puerto Rico to-day.

To provide for these conditions Congress enacted, in recognition of the laws of nations, as follows:

ART. I. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. II. The inhabitants of the said territory, shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishment shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should

the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide, and without fraud previously formed.

ART. III. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken from them without their consent; and in their property, rights, and liberty they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made for preventing wrongs being done to them and for preserving peace and friendship with them.

The laws remained, and the President was empowered, as in the later case of Hawaii, to appoint persons to carry them into effect.

I need not go further in citing other instances to show that our system of Territorial government is entirely distinct from all systems of colonization that ever existed in other governments, or to prove that the powers of Congress are adequate to the establishment of government, republican in form, at any place within the limits of the sovereignty of the United States; for these Territories were not within the limits of the sovereignty of the United States; the United States did not exist under the present Constitution at the time Virginia ceded them to the old Confederation.

It is manifest, also, from this history of Territorial governments, from its beginning until this date, that Congress may adapt these governments to the condition of the people who inhabit them, giving to some of them greater powers and privileges than are granted to others, without violating any provision of the Constitution of the United States.

The Indians were the most numerous of the inhabitants of all these Territories at the period of the first organization of civil government over them. Their tribal titles to certain large areas of land were acknowledged and we treated with them on all subjects as if they were lawful governments. We have made hundreds of treaties with these various tribes under the treaty-making power of the President and the Senate.

Yet, in all these treaties and in all our legislation respecting the Indians, we have paid no attention to the protection of their rights of citizenship, while we count Indians that are taxed in our basis of national apportionment.

If this was a duty, Congress has had power to neglect it without doing violence to the Constitution.

I refer to this as showing that the right to govern in the Territories does not depend upon the equal application of the laws to every person or to all classes of persons in the Territories.

Their personal rights were chiefly protected by the restraints imposed upon those who enact and execute the laws.

To those who are curious to know how we can apply our plan of Territorial government, for instance, to the many islands and tribes of the Philippine Archipelago, I would suggest the inquiry whether we can not make treaties with them as we formerly made treaties with the Indian tribes, or as we now make contracts with their chiefs and headmen, subject to ratification by Congress. This is another feature that is expressly provided for in our original and peculiar system of Territorial governments, which may be very convenient now.

Sixty tribes, on as many islands, many of whom are unfit for our plan of civil government, may be governed somewhat as we have governed the Indians, if that is found to be necessary, under the sovereign authority of the United States, certainly without harm to them and possibly with great advantage to the entire archipelago. I do not commit myself to this plan, but suggest it as being worthy of consideration by Congress.

I am endeavoring to advocate for the present a Territorial government for Puerto Rico on the model of the Territorial government for the Northwestern Territory as nearly as may be advantageous to those people, and will point out some of the powers that were exercised in that government as being useful in Puerto Rico. The governor was required to own 1,000 acres of land in the Territory, and was appointed by the President.

The secretary was appointed by the President and required to own 500 acres of land. Three judges were appointed for life by the President, though it was not so stated in the act, and were each required to own 500 acres of land. Two of the judges, with the governor, were empowered to adopt such laws of the States as may be necessary, etc. The governor was commander in chief of the militia and authorized to appoint all militia officers below the rank of general.

Electors to vote for members of the legislature were to own 200 acres of land. The legislature was to consist of representatives and a council of five members appointed by the President. All bills were to be approved by the governor, who also had power to convene, prorogue, and dissolve the legislature.

Delegates to Congress were to be elected by joint ballot of the two houses.

Then follows a bill of rights.

This bill of rights applies to "inhabitants" of the Territory, and it omits several important rights secured in the Constitution of the United States, in reference to free speech, arrest without warrant based on affidavit, presentment by a grand jury, and the right to bear arms. It thus appears that, in our Territorial governments, Congress is not bound to extend to the inhabitants all the same facilities that the people of the States have for the protection of persons or property. A government is conformable to the Constitution that omits to protect many such rights.

Congress in 1789 levied customs duties on goods imported from North Carolina and Rhode Island into other States, because those States had not ratified the Constitution and were not in the Union, and in 1799 Congress established collection districts in the Northwest Territory, because it was a part of the United States. In Alaska we are collecting duties where no right of local self-government has yet been given to the inhabitants of that Territory.

In dealing with the Indian tribes Congress has exerted powers that seem to be at home nowhere except in some despotic government, such as forbidding trade with them and confining them to reservations under military guard, and denying them the most common rights of citizenship. No one seems to doubt that these persons may be thus treated conformably with the Constitution.

In the case of the Cherokee Indians and other civilized tribes in the Indian country, we granted them, by treaty and by statute, the right of local self-government, under which they have established governments modeled on our State system of government, with written constitutions and all the provisions of a State government of the best class.

In the treaties we provided for their representation in Congress by a Delegate to be chosen by them. Congress, however, never made the provision of law so that they could come here.

But their land system, it seems, was defective and led to great monopolistic abuses, to correct which their power is not adequate, and to remedy this and other evils for which white men are chiefly responsible Congress is now hastening to abolish those governments and to organize in their stead a responsible Territorial government.

All these arbitrary exercises of powers are consistent with the right and duty of Congress to provide for the welfare of this dependent people.

All this is not imperialism, because it is consistent with our republican form of government, and is intended alone for accomplishing the grand result of lifting these people up to a higher plane of civilization, where they can grow to the full stature of citizenship of the United States. The success of the effort has cost us heavily, and its success has at times seemed impossible, but there are results that are very good. Many thousands of Indian families are now living in comfortable homes, on lands owned by them, who twenty years ago were homeless wanderers, living in tepees and subsisting on wild animals, or were pillaging the white people on the frontiers.

In all these years Congress has persisted in taxing Indians without giving them a right to representation, but it has never taxed them unequally, nor has it levied taxes on their productions exported into the States or the other Territories. With all its power to govern, Congress is prohibited from levying duties or taxes that are not uniform throughout the United States. It is upon Congress that the prohibitions rest, in which the people of the Territories have their guarantys of justice and liberty regulated by law.

In the use of doubtful powers and the abuse of those that are clear, the only opening is found for the exercise of imperialistic power that can exist in our form of government. Where Congress indulges in such perversion of the spirit and purpose of the Constitution in order to foster one class at the expense of another, such legislation has the worst motive and the worst form of imperialism.

Expansion can go on to any extent without engendering this vice in legislation. In truth, the widening of the area represented in Congress narrows the power of the monopolists by bringing the few who grow rich with such spoil into contact with the many who suffer in the only forum where they can compel justice to be done through their representatives.

There can be no doubt that the freedom of trade between our States and Territories is the most fruitful source of our growth and prosperity. When our area is extended so as to include within our limits those countries that produce all we need, so as to save vast expenditures in foreign lands and heavy balances of trade against us, the freedom of trade that has so greatly benefited our States and Territories must increase our advantages very greatly without injury to any of our industries. For this reason I am not averse to the extension of our area under the treaty of Paris.

The taxation of the raw products of agriculture for the benefit of the manufacturer is sheer robbery. No object lesson was ever so painfully impressive in proof of this assertion as that which forced Congress, at this session, to return to Puerto Rico the duties on sugar and tobacco that have been collected since that island became our property. This tax was gathered from the

producer in the lower price at which he was compelled to sell his productions. In this loss the laborer was forced to share by the diminution of his wages. It has amounted to more than $2,000,000. If this money had been left in their hands we would not be frightened into returning it to them by their clamors for bread. They would have won the fight with the tempest that destroyed their homes and fruit orchards, and we would cease from troubling. As it is we can not return it to the real sufferers. All we can do is to provide means for conducting public works, so that they can be paid for further work, which hunger drives them to perform, leaving their own fields to grow up with weeds.

This may save them from present suffering, but it does not pay them the debt we owe them for the reduced price of what they had already earned. That would have saved them from suffering.

So it is with every exaction upon labor and industry in farms, mines, and forests, that gives to the capitalist and monopolist a profit that is gathered from the toilers, through the exactions of the tax collector.

The taxing power there is employed for such purposes, reaches its hand down into the subsistence of the laborer, and shortens the supply of bread. When it is taken, the staff of life is broken, energy is lost, and hope departs. It is too late, after this despoiling, to make restitution.

In welcoming expansion I also welcome the freedom of trade that gives free markets to all agricultural productions in the wide fields of commerce, where corn, wheat, provisions, and cotton are exchanged for coffee, sugar, and tropical productions without import duties and under our own flag.

I welcome the opportunity at least to reduce, if it can not prevent, the power of the monopolist who uses tariff taxation to despoil labor.

I welcome the expansion that gives to our planters in the South a shorter route for their crops of cotton and to our cotton manufacturers a shorter route of travel for their goods to the 850,000,000 cotton consumers who inhabit the sixteen countries that are called the Orient.

I welcome a new home in the Philippines for such of our colored population as may find there the conditions that they so earnestly desire, under the flag of the United States.

I welcome the new demand for the products of our silver mines, to supply 13,000,000 people with a currency that is indispensable to their prosperity and which we are in duty and honor bound to supply to them.

I welcome a great American mart at Manila, where we will assemble under our flag the products of industry that are now priced and distributed to the Orient under the British flag at Liverpool.

I welcome the opportunity and the duty of extending the power and the influence of the Government of the United States to people who have neither freedom of person nor religion.

I welcome, Mr. President, at a cost which, it seems to me, is infinitely lower than the result we have obtained, that wonderful extension of our power as a Government, which can not be attributed to the wisdom of any man or any Congress or any power in this world; which seems to have come to us unbidden; which came in a way that addressed itself to our attention, under such conditions as that duty bound us to obey the mandate, and we went forward to perform a simple duty of humanity. The result and the reward are the extension and expansion of our power and our influence as a Government to a degree that no one had ever contemplated, that no man had ever marked out in advance, and for which no single individual in this world, not even the President of the United States, can claim credit, for I can not find the man or the government on this earth entitled to the credit of this great expansion. I must look aloft and recognize that it is the hand of God.

Mr. FORAKER. If no Senator desires to speak at this time, I shall be glad to resume the consideration of the proposed amendments offered by the Puerto Rican Committee about which there is no contest. We had progressed with the consideration of the amendments on yesterday until we had reached the bottom of page 19, where it was proposed that an amendment should be made by inserting, in line 23, after the words "subject also"—relating to the granting of franchises—the words "as to railroad, telegraph, and telephone franchises;" but there was objection made by the Senator from Alabama, now the occupant of the chair [Mr. PETTUS], and on that objection it was passed over. In view of the fact that the Senator is in the chair, I will pass that amendment over now and return to it when he is at his seat.

I ask, therefore, the consideration of another amendment, which is proposed on page 21, section 32, to strike out from lines 10, 11, and 12, which relate to the establishment of the district court of the United States for Puerto Rico, the following language: "which shall be attached to, and be a part of, the Second judicial circuit of the United States."

I will say, for the benefit of Senators who may not have the bill before them, that this amendment is to be made to section 32, which provides that Puerto Rico shall constitute a judicial district to be called the district of Puerto Rico, and the words to be stricken out are those which I have read, "which shall be attached to, and be a part of, the Second judicial circuit of the United States," the intention being to make it clear that nothing more is intended by this provision than the establishment of a Territorial court in contradistinction to the establishment of what is termed a constitutional court.

Mr. BACON. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Yes, sir.

Mr. BACON. I wish to ask if the question as to the propriety of that amendment is not very largely dependent upon the other question, as to what kind of a government in its entirety is intended to be erected there? In other words, if it is the purpose to erect a Territorial government, the provision as to the kind of court to be established is one that we can very definitely understand what should be the nature of. On the contrary, if Puerto Rico is not to be a Territory, in the ordinary sense of the term of the same character of government we now have in the Territories of the United States, then the question as to what kind of a court we are to have would largely depend upon what the difference is to be between the Territories as they now exist and the kind of government it is intended to form there.

Mr. FORAKER. In answer to the suggestion of the Senator from Georgia, it occurs to me that it does not make any difference whether it is to be called a Territory or a district or by some other political name, or whether we call it by any name at all. It must be conceded by all that it is not a State, and the view taken by many Senators is that a constitutional court—I mean such a court as is contemplated by the language of the Constitution—can not be provided outside of a State of the Union. If it be outside of a State of the Union, it may be a legislative in contradistinction to a constitutional court. It is thought by some Senators that to attach the United States court of Puerto Rico to the Second judicial circuit of the United States would be to interfere with the system which we have inaugurated and established and pursued in all our legislation with respect to the judiciary. It does not seem to me that it depends at all on what we are to call Puerto Rico.

Mr. TILLMAN. Mr. President, I should like to ask the Senator from Ohio a question.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. I do.

Mr. TILLMAN. I ask the Senator if we did not provide in the Hawaiian bill for the attachment of the circuit established there, or make the Hawaiian court a part of the Eighth judicial circuit on the Pacific coast?

Mr. FORAKER. The ninth judicial circuit.

Mr. TILLMAN. And if so, why is there a difference made between the Puerto Rican court and the Hawaiian court?

Mr. FORAKER. I remember that it was provided in the Hawaiian bill, as it was reported from the committee, that the United States court to be established in Hawaii should be attached to the Ninth judicial circuit. I remember there was some objection to that, but I do not remember now whether that objection prevailed.

Mr. TILLMAN. I never heard the slightest objection to that provision made by anyone on the floor of the Senate.

Mr. FORAKER. If some Senator will inform me as to that, I shall be obliged to him. But whether that provision prevailed or not, it does not necessarily follow that we should make the same provision here. It is a matter about which I did not have any difficulty in my own mind; but inasmuch as it is conceded by everybody that this is a legislative court, it was thought that the same provision ought to be made with respect to this court as to appeals going to the Supreme Court of the United States as is made with regard to all Territorial courts, if I may use that language without being misunderstood, namely, that they should go not by way of some circuit court of appeals, but directly to the Supreme Court of the United States. The other amendments which I have to offer are to that effect—that, being attached to this judicial circuit, they should be like any other Territorial court, a court with the jurisdiction we see fit to give, and that they shall go by appeal to the Supreme Court directly.

Mr. SPOONER. Mr. President, if the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. FORAKER. I do.

Mr. SPOONER. I should like to inquire of the Senator whether the provision attaching the district of Puerto Rico to the Second circuit is still in the bill?

Mr. FORAKER. I am just moving to strike out that provision.

Mr. BACON. On what page?

Mr. FORAKER. On page 21. The motion is to amend by striking

out from lines 10, 11, and 12 the following language: "Which shall be attached to and be a part of the Second judicial circuit of the United States." It does not seem to me that that affects at all the character of the legislation. Neither does it affect the status of the island of Puerto Rico. All concede that Puerto Rico is not a State of the Union.

Mr. SPOONER. What useful purpose would be subserved by making it a part of one of our judicial circuits if Congress has full power to provide for this right of appeal from the Territorial court?

Mr. FORAKER. None.

Mr. SPOONER. It seems to me to attach it to a circuit is rather a misfit. It would not be claimed that the circuit judges of the United States or the district judges of the United States could sit in that Territorial court, nor could it be claimed that the Territorial judge could sit in the circuit court of appeals or in the constitutional courts of the United States. I have not been able to see what advantage would be gained by that provision, and I hope it will be stricken out.

Mr. FORAKER. It was in recognition of what the Senator from Wisconsin suggests that, when my attention was called to it, I moved to strike it out. The truth is, when I drew this bill I had before me the Hawaiian bill, and I followed that provision without taking any careful thought about it; but as soon as my attention had been called to the fact that it was a court outside of a State of the Union, a court in which the judges of the circuits could not be expected to go and sit, and that it was in accordance with our practice heretofore to have all proceedings taken from those courts to the Supreme Court of the United States direct, I agreed to propose that change.

Mr. SPOONER. Mr. President, I think the Senator from Ohio will agree with me that that provision was incorporated in the Hawaiian bill upon the theory that we were creating a constitutional court over there.

Mr. FORAKER. Yes.

Mr. SPOONER. Which would make it proper, of course, to make it a part of one of our circuits; yet the Senate struck that out; and I suppose the provision making it a part of the Ninth judicial circuit went out also.

Mr. TILLMAN. No, sir; it did not go out.

Mr. SPOONER. It ought to have gone out if it did not.

Mr. TILLMAN. That is a question. The Senate did not think so, and did not put it out.

Mr. SPOONER. I said I supposed it went out. I was not here when the bill passed.

Mr. FORAKER. I do not remember whether it went out or not. I know that something was said about it in the Senate; but whether it went out or not, it seems to me it ought to have gone out in view of what the Senator from Wisconsin has said; and I think this provision ought to go out of this bill for the same reason. Whether we make Puerto Rico a Territory or whether we make it a district, or any other kind of a political subdivision expressly by name, I think the Senator from Georgia will see, if assured that it has no relation at all to the character of the political subdivision, that it is proper that the words really ought to go out. I do not see how they will do any good there. It seems to me they are a misfit.

Mr. TILLMAN. I will state to the Senator that whether that provision went out of the Hawaiian bill or not can be settled by reading the bill.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. I do.

Mr. TILLMAN. I have in my hand the bill for Hawaii, which passed the Senate and is now pending in the House of Representatives, and in section 88, on page 42, of that bill I find this language:

> Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court.

So it did not go out; and there was no argument here and no objection to it remaining in the bill, and no proposal to put it out.

Mr. FORAKER. My attention had not been called to the question at that time as it has been since. When we came to consider our own bill, which I was in charge of, I gave particular attention to all of the suggestions that I thought were well taken, and I undertook to conform to them, as I would have done in making the original draft of the bill if my attention had been seriously called to it; but, as I said a moment ago, in preparing this bill I had before me the Hawaiian bill. It was sought to there establish what we call a constitutional court, and I saw no objection to making that provision. The truth is that in the committee there was no discussion of it at all or no evolving of any ideas about it, but here on the Senate floor, as I remember, there was something said; yet the real objection to it was not stated, as it occurs to me it ought to have been stated, at that time.

Mr. BACON. What is that objection?

Mr. FORAKER. The objection just made by the Senator from Wisconsin [Mr. SPOONER], and which I also made, that a Territory is outside of a State of the Union, and therefore not properly within our judicial system in the sense that the judges of the circuit court would be required to sit there, as they are in other circuits or other district courts.

Mr. TILLMAN. If the Senator will allow me a suggestion, I wish to direct his attention to the fact that the Hawaiian Islands contain only a population of about 140,000, a large number of whom are contract laborers, who are expected to return to Asia as soon as their contracts are out, and it is a very anomalous and certainly an extraordinary proceeding on the part of the Senate, if it shall see fit to do so, to provide a district court, with the right of appeal to the court of appeals on the Pacific slope, for that small and sparsely populated region—that we should provide this kind of judicial machinery for the Hawaiian Islands and then take Puerto Rico, which has a population of eight or nine hundred thousand and a larger commerce than the Hawaiian Islands now have or can have if the same opportunities are given for its development, and make there a different arrangement. I would ask the Senator to explain just why this is proposed to be done.

Mr. FORAKER. Mr. President, in answer to the inquiry of the Senator from South Carolina, I can state that by the provisions of this bill we continue in force and in operation in Puerto Rico all the courts that they now have there in operation. It has been found by experience that they are sufficient to transact all the judicial business of the island. The bill provides, as the Senator will see if he looks at the preceding section, I believe it is, that we continue all the municipal courts, the police courts, and the various district courts, five in number, which are now in operation, and also the supreme court of the island. Then we provide a district court, the one now under consideration, to take the place of what is now known as the United States provisional court.

The only purpose of this is to provide, in recognition of what has been said here as to the propriety of it, that they shall do as they do in the Territorial courts that have what is called United States jurisdiction, go directly to the Supreme Court instead of going to an intermediate court. They have all the judicial machinery they need; all that anybody has suggested. It may be that Hawaii has more courts, some Senators thought it was provided with more courts than it really needed, but that was due, as was explained here, to the fact that Hawaii is a group of islands and the great number of courts provided for those islands were necessary to avoid unreasonable inconvenience to witnesses and suitors in attendance upon the courts. But there is no such difficulty as that in Puerto Rico. We have given them all the courts they have had and all that have been found necessary, and the sole question is whether this court which they now have shall be attached to a judicial circuit or not, and the reason for not so attaching it is one that ought to have prevailed in the Hawaiian case and probably will if attention is called to it in the House, namely, that they should not be attached to a judicial circuit as though it were one of the constitutional courts provided for a State and suitors be required to go through an intermediate court to the Supreme Court, but in their interests they should be allowed to go there directly.

Mr. SPOONER. If the Senator from Ohio will permit me, I do not find in the Hawaiian bill as it passed the House any provision——

Mr. TILLMAN. The House has not yet acted on the bill.

Mr. SPOONER. I mean as it passed the Senate.

Mr. TILLMAN. The bill has passed the Senate and has gone to the House, and the House have simply stricken out all of our bill and substituted all of theirs, which they reported from their committee.

Mr. SPOONER. I made a mistake. I should have said as it passed the Senate.

I do not find in the bill as it passed the Senate a provision attaching the district of Hawaii to the Ninth judicial circuit. While it is not proper, of course, to refer here to the House of Representatives, I will say that in another place, which shall not be mentioned by me, the provision which was in the section when it passed the Senate for a writ of error and appeal to the circuit court of appeals has been stricken out.

Mr. FORAKER. If there is no objection, I shall ask for a vote on it.

Mr. BACON. If the Senator from Ohio has finished I desire to say a word.

Mr. FORAKER. Yes.

Mr. BACON. Mr. President, it is exceedingly important that whatever bill shall ultimately be enacted into law shall be harmonious in its provisions. It is exceedingly difficult for us to judge of any proposed amendment now, as to whether or not it will meet that requirement, by reason of the radical changes which are proposed in this bill as contrasted with the bill when first

presented to the Senate. The bill as originally introduced provided for a Territorial government, a civil government which should take the place of the present military government, if I may so designate it. There was no very radical difference in principle between the Territorial government which was therein proposed for Puerto Rico and the Territorial governments which have heretofore been erected by Congress for Territories which were not then in a condition to be carved into States.

There was a distinct provision by which the people of that island should take their place as citizens of the United States. They were so designated in the bill. There was a distinct provision by which they should be admitted to the enjoyment, in the main—certainly it contemplated that they should be admitted into the enjoyment—of our liberal institutions. There was an absence of any provision which erected a tariff wall between this island and other parts of the territory subject to the jurisdiction of the United States. There was in it, and still is, so far as any action has yet been taken to change it, a provision for the election of a Delegate, who should take his seat in the other House of Congress in the same way that Delegates from other Territories take their seats.

The amendments which are proposed by the Senator from Ohio while they have not yet been acted upon, show that the purpose is to make an entire change in this scheme. There has already been reported from the committee a change to the effect that there is a tariff wall erected between Puerto Rico and other territory subject to the jurisdiction of the United States. There was on yesterday a proposition by the Senator from Ohio to change the provision of the bill which made all of the inhabitants who should not be subjects of Spain or who should not elect to be subjects of Spain citizens of the United States. The proposition as suggested by the Senator from Ohio yesterday, representing his committee and, so far as I know, his party, is that they shall not be citizens of the United States, but that they shall be citizens of Puerto Rico, entitled to the protection of the United States.

I only suggest this for the purpose of illustrating the changes which are evidently in contemplation and for the purpose of emphasizing what I have already said, that it is impossible to judge what will be in harmony with the general features of this bill until we have had a more definite and comprehensive presentation to the Senate of the particular scheme which it is intended shall characterize and form, if you please, the government which is to be given to these people.

Mr. FORAKER rose.

Mr. BACON. If the Senator will pardon me a moment, I have not quite finished.

A court which would be entirely proper for one kind of a Territorial government, a court the relation of which we could well judge of if the Territorial government was to be such as we have heretofore been accustomed to, might be a court utterly unfitted for some other kind of government which is to constitute an entirely new departure in the control of the territories of the United States and be utterly dissimilar and unlike any Territorial government which we have heretofore had.

Therefore I say to my friend the Senator from Ohio that while I have no disposition to embarrass him in the work in which he is now engaged of endeavoring to incorporate such amendments as may not be objected to, I think the question what Federal court shall be in this island is a very important one and one which should be judged and determined after we have been informed more definitely as to what shall be the general nature of the government. I say to the Senator very frankly that if the government is to be such as originally provided for in this bill, I will say if it is to be such a government as I understand the original bill presented by the Senator from his committee provided for, then we may very rightly go forward and determine what kind of court it is to be; but if there are to be radical changes, and if the entire character and complexion of the Territorial government are to be changed, then we ought to know the character and extent of those changes before we are called upon to say what kind of a court it shall be.

Mr. FORAKER. In answer to the remarks of the Senator from Georgia I can only say that the proposed amendment now under consideration has no reference whatever to any contemplated changes in the bill in other respects. It is true that the change I proposed yesterday as to the provision about citizens, whether they should be citizens of the United States or citizens of Puerto Rico, is a debatable proposition; and because it was, we passed it over. But whether that amendment is made or is not made, or whether any other amendment that is proposed or is to be proposed is made or is not made, this amendment ought to be made, because, even if we were to erect a Territorial government out and out, calling it the Territory of Puerto Rico and giving it a Territorial court, this same provision that we propose to strike out ought to go out of the bill.

Now, we do not differ as to the judiciary of Puerto Rico and the judiciary of the Territories in any respect except only this, that in our Territorial form of government we are in the habit of giving both the Federal and local jurisdiction to the same court, one side being the local or the Territorial side and the other the Federal side. We provide as to all such Territorial courts that appeals shall be taken directly to the Supreme Court. Here in Puerto Rico we have made a departure as we did in Hawaii, to this extent, that instead of giving a Federal side to the local court we establish a Federal court that has no local jurisdiction, but a Federal jurisdiction only; and having provided that additional court, as I think it is conceded we have the power to provide, the question is whether or not we shall attach that court to the judicial system of the United States or whether we shall keep it detached, as is the case with all Territorial courts.

The PRESIDENT pro tempore. Will the Senator from Ohio allow the Chair, before 3 o'clock arrives, to lay before the Senate House bills for reference?

Mr. FORAKER. Certainly.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 3597) to incorporate the Frederick Douglass Memorial and Historical Association;

A bill (H. R. 7502) to incorporate the Wesley Heights Railway Company of the District of Columbia;

A bill (H. R. 8466) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia;"

A bill (H. R. 9047) to incorporate the Washington Telephone Company and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia; and

A bill (H. R. 9143) to authorize the formation of guaranty companies in the District of Columbia.

EXECUTIVE SESSION.

The PRESIDENT pro tempore. Under the unanimous-consent agreement, the Senate will now proceed to the consideration of executive business.

The Senate proceeded to the consideration of executive business. After one hour and fifty minutes spent in executive session the doors were reopened.

PUERTO RICAN REVENUES.

Mr. ALLISON. I submit a conference report, which I ask may be printed and go over.

The report was read and ordered to be printed, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, and 5.

That the House recede from its disagreement to the amendment of the Senate numbered 3 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Strike out the matter inserted by said amendment and insert in lieu thereof the following: "Now existing and which may hereafter be established in Puerto Rico, and for the aid and relief of the people thereof, and for public education, public works, and other governmental and public purposes therein until otherwise provided by law;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
Managers on the part of the Senate.

J. G. CANNON,
W. H. MOODY,
Managers on the part of the House.

Mr. PETTUS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 21, 1900, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 20, 1900.

POSTMASTERS.

Franklin L. Glass, to be postmaster at Martinez, in the county of Contra Costa and State of California.

James Fox, to be postmaster at St. Johnsville, in the county of Montgomery and State of New York.

Alexander L. McCaskill, to be postmaster at Fayetteville, in the county of Cumberland and State of North Carolina.

William A. Coble, to be postmaster at Delphos, in the county of Allen and State of Ohio.

Henry H. Whitfield, to be postmaster at Peru, in the county of Nemaha and State of Nebraska.

Rutsen S. Snyder, to be postmaster at Atlantic Highlands, in the county of Monmouth and State of New Jersey.

Ebenezer Evans, to be postmaster at Waterville, in the county of Oneida and State of New York.

Eva Kaiser, to be postmaster at Bomidji, in the county of Beltrami and State of Minnesota.

Charles H. Pierce, to be postmaster at Northfield, in the county of Rice and State of Minnesota.

Thomas J. Taylor, to be postmaster at Wilber, in the county of Saline and State of Nebraska.

Eugene A. Fairfield, to be postmaster at Kennebunk, in the county of York and State of Maine.

Asa B. Fay, to be postmaster at Northboro, in the county of Worcester and State of Massachusetts.

W. H. White, to be postmaster at Decatur, in the county of Van Buren and State of Michigan.

Charles B. Chrysler, to be postmaster at Delta, in the county of Delta and State of Colorado.

James E. Elliott, to be postmaster at Duncan, in the Chickasaw Nation, Ind. T.

Jesse K. Freeman, to be postmaster at Central City, in the county of Muhlenberg and State of Kentucky.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 20, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THOMAS of North Carolina, for one week, on account of important business.

BRITISH FORTIFICATIONS ON PACIFIC COAST.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to report back a resolution with the recommendation that it lie upon the table.

The SPEAKER. The gentleman from Iowa, Chairman of the Committee on Military Affairs, submits from that committee the following privileged report, which the Clerk will read.

The Clerk read as follows:

Resolved, That the Secretary of War is hereby directed to inform the House of Representatives as early as possible what fortifications Great Britain is erecting, constructing, and completing along the northern frontier of the United States, especially at Puget Sound and other places on the Pacific Ocean contiguous to the State of Washington and the district of Alaska.

Mr. HULL. I ask the Clerk to read the report of the committee.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred House resolution 175, report the same back to the House, with the recommendation that the resolution be laid upon the table.

Indorsements 1 and 2 of the report of the War Department on this resolution are herewith submitted and made a part of this report.

Mr. HULL. I call for the reading of those two indorsements of the War Department, Mr. Speaker.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

[First indorsement.]

ADJUTANT-GENERAL'S OFFICE, *Washington, March 20, 1900.*

Respectfully returned to the Secretary of War.

The information the Department possesses in this and like cases has always been held to be confidential, and for good and sufficient reasons has not been made public. It is remarked, however, that Great Britain, so far as the Department is informed, is in no instance erecting fortifications trespassing upon our rights.

H. C. CORBIN, *Adjutant-General.*

[Second indorsement.]

WAR DEPARTMENT, *March 20, 1900.*

Respectfully returned to Hon. J. A. T. HULL, chairman Committee on Military Affairs, House of Representatives, inviting attention to the foregoing report of the Adjutant-General of the Army.

G. D. MEIKLEJOHN, *Acting Secretary of War.*

Mr. HULL. Mr. Speaker, the question is on adopting the report of the committee, that the resolution be laid upon the table.

The SPEAKER. The question is on agreeing to the report.

Mr. RICHARDSON. Are we to have no debate, Mr. Speaker?

Mr. SULZER. I should like to have twenty minutes on a side.

The SPEAKER. The motion to lay upon the table is not debatable.

Mr. SULZER. Then, Mr. Speaker, I ask unanimous consent for twenty minutes on a side. This is an important matter.

Mr. HULL. Mr. Speaker, I object.

Mr. RICHARDSON. Then, on the motion to lay on the table, we demand the yeas and nays.

Mr. SULZER. Will the gentleman object to giving me five minutes? I want to explain this resolution to the House.

Mr. HULL. No; I will not object to your having five minutes, if the House wants to hear you.

The SPEAKER. The gentleman from New York [Mr. SULZER] asks unanimous consent to be heard for five minutes upon the report. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. SULZER] is recognized for five minutes.

Mr. SULZER. Mr. Speaker, this resolution was introduced by me in good faith and at the suggestion of patriotic people who have more concern about American rights than they have about British interests. There is a popular demand for the information called for in this resolution and the War Department should furnish it to this House, in order that we may be thoroughly informed of the extent of Great Britain's operations on our northern frontier.

There is nothing in the resolution which calls for secret information, and the answer of the Adjutant-General and the Acting Secretary of War in that regard is absolutely untenable. All this resolution does is to ask for such information, not incompatible with the public interest, as the War Department possesses regarding the erection, construction, and completion of British fortifications on Puget Sound and places contiguous to the State of Washington and the district of Alaska. There is no reason why we should not have this information from the War Department, and no one on the Republican side of the House has been able to give any good reason for this adverse report.

It is very strange to me that the Republicans, and especially those on the Committee on Military Affairs, are so sensitive in regard to this resolution, particularly that part of it which refers to Great Britain.

That part of the report of the Adjutant-General to the effect that Great Britain is not infringing on our rights is ridiculous in view of all that is transpiring to-day and which is pretty generally known by the people of this country.

We contend, sir, and the facts justify it, that while Great Britain is pretending to be our friend and is lulling to sleep the Administration, she is secretly and stealthily erecting great fortifications all along our northern frontier that can only mean one thing.

These great fortifications are not being erected because of England's love for America. They are being erected in order to take advantage of us when we least expect it. That is the truth about it.

Great Britain's fortifications at Puget Sound and along our northern frontier menace our Republic, and on the shortest possible notice she will be in a position to destroy the property of our people and lay waste our towns and cities.

It seems to me that the Republican Administration is being humbugged by the ministry of Great Britain. To-day it appears that Congress can not do anything, and does not do anything, without the consent and the approval of Great Britain. Everything the Administration does is apparently dictated from Downing street. England never was and never will be our friend. As Jefferson said, she will never be our friend until we are her master.

This resolution was adversely reported from the Committee on Military Affairs by a strict party vote. Every Democrat voted in favor of the resolution and every Republican voted against it. It is now before this House, and we intend to get the sense of the House by a roll call to ascertain who are the friends of America and who are the friends of Great Britain. The roll call will be a straw showing which way the political wind is blowing.

This resolution should have been reported favorably, and it should be passed by this House. It is important that every member have the information called for in order to intelligently vote on the military-fortifications bill which was reported a few days ago by the gentleman from Illinois [Mr. CANNON].

I trust the members of this House will rise above party spirit and vote in favor of American rights against British interests.

The fact that this resolution has been reported adversely, if now sustained, will be evidence to the country that Great Britain has more influence here than the American people. There is a feeling abroad in this land, I regret to say, that the Administration has absolutely, abjectly, and ignominiously surrendered to Great Britain, and that British interests are now paramount to American rights.

The Administration has sacrificed American rights to British interests in Alaska. It has sacrificed American rights to Great Britain in the Hay-Pauncefote treaty regarding the Nicaragua Canal. Great Britain, it seems, dominates the policy of this weak, wobbling, un-American Administration, not only here but elsewhere, and is now seeking to entangle us with her European, African, and Asiatic troubles.

The Administration has aided and helped Great Britain in every way in its power to crush and destroy our two brave little sister Republics in South Africa. [Applause on the Democratic side.] In fact, sir, if it had not been for the undue, collusive, and unfortunate haste of Secretary Hay, after consultation, no doubt, with Lord Pauncefote, and after being told what to do by Downing street, regarding mediation in the South African war, there would have been a concert of European powers offering mediation,

demanding a cessation of war, and insisting on peace with the independence of the two Republics in South Africa.

It is high time, in my judgment, for some one who believes in American rights, who believes in American principles, and who believes in and glories in our history of the past to stand up here and tell the truth regarding the humiliating surrender of American rights to British interests by this pro-English Administration.

We will get a vote on this resolution and we will see, and the people of this country will see, who are in favor of America and who are in favor of Great Britain, who are in favor of the Republic and who are in favor of the Empire. [Loud applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SULZER. Division.

The House divided; and there were—ayes 94, noes 83.

Mr. SULZER and Mr. RICHARDSON. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 96, answered "present" 28, not voting 115; as follows:

YEAS—111.

Aldrich,	Davenport, S. A.	Jack,	Morris,
Alexander,	Davidson,	Jenkins,	Mudd,
Allen, Me.	Dolliver,	Jones, Wash.	Needham,
Babcock,	Dovener,	Joy,	Olmsted,
Bailey, Kans.	Emerson,	Kerr,	Otjen,
Barham,	Esch,	Ketcham,	Overstreet,
Bartholdt,	Fletcher,	Lacey,	Parker, N. J.
Bingham,	Fordney,	Landis,	Payne,
Boutell, Ill.	Foss,	Lane,	Phillips,
Bowerock,	Gardner, N. J.	Lawrence,	Ray,
Brick,	Gillet, N. Y.	Littauer,	Reeves,
Brosius,	Gillett, Mass.	Littlefield,	Rodenberg,
Brown,	Graff,	Long,	Sheldon,
Burke, S. Dak.	Graham,	Lorimer,	Spalding,
Burkett,	Greene, Mass.	Loud,	Sperry,
Burton,	Hamilton,	Loudenslager,	Sprague,
Butler,	Haugen,	Lybrand,	Steele,
Calderhead,	Hawley,	McCleary,	Stevens, Minn.
Cannon,	Heatwole,	McPherson,	Tongue,
Capron,	Hedge,	Mann,	Van Voorhis,
Clarke, N. H.	Hemenway,	Marsh,	Wachter,
Cochrane, N. Y.	Henry, Conn.	Mercer,	Wanger,
Connell,	Hepburn,	Mesick,	Warner,
Corliss,	Hill,	Minor,	Watson,
Cousins,	Hitt,	Mondell,	Weeks,
Curtis,	Hoffecker,	Moody, Mass.	White,
Dahle, Wis.	Howell,	Moody, Oreg.	Wise.
Dalzell,	Hull,	Morgan,	

NAYS—96.

Adamson,	De Graffenreid,	Klutts,	Rixey,
Ball,	De Vries,	Lamb,	Robertson, La.
Bankhead,	Denny,	Lanham,	Ryan, N. Y.
Barber,	Dougherty,	Latimer,	Shafroth,
Bell,	Driggs,	Lentz,	Sheppard,
Brantley,	Elliott,	Lewis,	Sims,
Brenner,	Finley,	Little,	Small,
Brewer,	Fitzgerald, N. Y.	Lloyd,	Smith, Ky.
Brundidge,	Fleming,	McAleer,	Snodgrass,
Burke, Tex.	Gaston,	McCulloch,	Sparkman,
Burnett,	Gilbert,	McRae,	Stark,
Caldwell,	Glynn,	Maddox,	Stephens, Tex.
Clark, Mo.	Gordon,	Meekison,	Stokes,
Clayton, Ala.	Green, Pa.	Moon,	Sulzer,
Cochran, Mo.	Griggs,	Muller,	Sutherland,
Cooney,	Hay,	Neville,	Talbert,
Cooper, Tex.	Henry, Miss.	Norton, S. C.	Thayer,
Cox,	Henry, Tex.	Otey,	Thomas, N. C.
Cummings,	Howard,	Pierce, Tenn.	Turner,
Cusack,	Jett,	Rhea, Ky.	Underhill,
Daly, N. J.	Johnston,	Rhea, Va.	Williams, J. R.
Davenport, S. W.	Jones, Va.	Richardson,	Williams, Miss.
Davey,	Kitchin,	Ridgely,	Wilson, Idaho
Davis,	Kleberg,	Riordan,	Ziegler.

ANSWERED "PRESENT"—28.

Adams,	Bromwell,	Grosvenor,	Russell,
Barney,	Brownlow,	Kahn,	Shattuc,
Bartlett,	Burleson,	Linney,	Spight,
Bellamy,	Cowherd,	Miers, Ind.	Wheeler, Ky.
Berry,	Gardner, Mich.	Norton, Ohio	Wilson, S. C.
Bishop,	Gibson,	Polk,	Wright,
Breazeale,	Griffith,	Pugh,	Zenor.

NOT VOTING—115.

Acheson,	Clayton, N. Y.	Foster,	McCall,
Allen, Ky.	Cooper, Wis.	Fowler,	McClellan,
Allen, Miss.	Crawford,	Fox,	McDowell,
Atwater,	Cromer,	Freer,	McLain,
Bailey, Tex.	Crowley,	Gaines,	Mahon,
Baker,	Crump,	Gamble,	May,
Benton,	Crumpacker,	Gayle,	Metcalf,
Boreing,	Cushman,	Gill,	Meyer, La.
Boutelle, Me.	Dayton,	Grout,	Miller,
Bradley,	De Armond,	Grow,	Naphen,
Broussard,	Dick,	Hall,	Newlands,
Bull,	Dinsmore,	Hopkins,	Noonan,
Burleigh,	Driscoll,	Knox,	O'Grady,
Campbell,	Eddy,	Lester,	Packer, Pa.
Carmack,	Faris,	Levy,	Pearce, Mo.
Catchings,	Fitzgerald, Mass.	Livingston,	Pearre,
Chanler,	Fitzpatrick,	Lovering,	Powers,
Prince,	Scudder,	Stewart, N. J.	Tompkins,
Quarles,	Shackleford,	Stewart, N. Y.	Underwood,
Ransdell,	Sherman,	Stewart, Wis.	Vandiver,
Reeder,	Showalter,	Sulloway,	Vreeland,
Robb,	Sibley,	Swanson,	Wadsworth,
Roberts,	Slayden,	Tate,	Waters,
Robinson, Ind.	Smith, Ill.	Tawney,	Weaver,
Robinson, Nebr.	Smith, H. C.	Taylor, Ohio	Weymouth,
Rucker,	Smith, Samuel W.	Taylor, Ala.	Williams, W. E.
Ruppert,	Smith, Wm. Alden	Terry,	Wilson, N. Y.
Ryan, Pa.	Southard,	Thomas, Iowa	Young.
Salmon,	Stallings,	Thropp,	

So the report was agreed to; and the resolution was laid on the table.

Mr. BELLAMY. Mr. Speaker, I voted "nay" on this question. I am paired with the gentleman from Ohio, Mr. GILL. He did not vote, and I therefore withdraw my vote.

Mr. WHEELER of Kentucky. Mr. Speaker, I am paired with the gentleman from California, Mr. METCALF. I withdraw my vote in the negative and answer "present."

Mr. BROMWELL. Mr. Speaker, I am paired with my colleague, Mr. MCDOWELL. I notice that he did not vote, and I therefore withdraw my vote and ask to be marked "present."

Mr. GROSVENOR. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. ROBINSON, a fact which I overlooked on yesterday. I voted this morning, and withdraw my vote and announce myself "present."

Mr. SHATTUC. Mr. Speaker, I am paired with my colleague, Mr. SHACKLEFORD of Missouri. I answered "present." Had he been here, I should have voted "yea."

Mr. ADAMS. Mr. Speaker, I wish to withdraw my vote. I am paired with the gentleman from Texas, Mr. SLAYDEN, and should like to be marked "present."

Mr. BARTLETT. Mr. Speaker, I answered "present" when my name was called. I am paired with the gentleman from New Jersey, Mr. FOWLER. Were he present, I should vote "nay."

Mr. BURLESON. Mr. Speaker, I am paired with the gentleman from New York, Mr. DRISCOLL. I desire to withdraw my vote and answer "present."

Mr. VANDIVER. Mr. Speaker, I wish to know if I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. VANDIVER. I desire to vote in the negative. I did not hear my name when it should have been called, there was so much confusion.

The SPEAKER. Was the gentleman in his seat, listening to hear his name, when it should have been called?

Mr. VANDIVER. I was not in my seat. I was nearer to the Clerk's desk than my seat.

The SPEAKER. And listening to hear his name?

Mr. VANDIVER. I intended to be. Temporarily I may not have been listening, but I was standing here for that purpose.

The SPEAKER. The gentleman should be listening to hear his name called when it was called in order to vote.

Mr. VANDIVER. That is what I came down here for, Mr. Speaker.

The SPEAKER. As the Chair understands the gentleman, he was not giving attention when his name was called.

Mr. VANDIVER. Perhaps just at the moment my attention was directed to something else; but I was here for that purpose and intended to give attention to it.

The SPEAKER. The Chair thinks the gentleman is not entitled to vote. The theory is that the second roll call is to accommodate gentlemen who failed to vote on the first roll call and that they should be listening to hear when their names are called.

Mr. MIERS of Indiana. Mr. Speaker, I would like to inquire if my colleague, Mr. CRUMPACKER, voted?

The SPEAKER. He did not.

Mr. MIERS of Indiana. Then I desire to withdraw my vote and be marked "present."

Mr. MIERS's name was called, and he answered "present."

Mr. NORTON of Ohio. Mr. Speaker, when my name was called, I voted "no." I am paired with my colleague, Mr. SOUTHARD, and I thought the pair expired yesterday. I wish to withdraw my vote and answer "present."

Mr. NORTON's name was called, and he answered "present."

Mr. BERRY. Mr. Speaker, I am paired with the gentleman from Vermont, Mr. POWERS. I voted in the negative, and wish to withdraw my vote.

Mr. SPIGHT. Mr. Speaker, I voted "no" on the roll call. I find I am paired with Mr. THOMAS of Iowa. I wish to withdraw my vote and answer "present."

Mr. SPIGHT's name was called, and he answered "present."

Mr. MCCULLOCH. Mr. Speaker, my colleague, Mr. TERRY, is absent on account of sickness, and I ask that he be excused.

The SPEAKER. Without objection, the gentleman will be excused.

There was no objection.

Mr. JOHNSTON. Mr. Speaker, I understood the Clerk to read

my name as paired with somebody. That is a mistake; I am not paired.

The SPEAKER. The pair will be withdrawn.

The following pairs were announced:

Until further notice:

Mr. TAWNEY with Mr. COWHERD.
Mr. EDDY with Mr. ROBB.
Mr. SHOWALTER with Mr. TERRY.
Mr. ADAMS with Mr. SLAYDEN.
Mr. BURLEIGH with Mr. LEVY.
Mr. DRISCOLL with Mr. BURLESON.
Mr. THOMAS of Iowa with Mr. SPIGHT.
Mr. SMITH of Illinois with Mr. GAYLE.
Mr. BOUTELLE of Maine with Mr. BRADLEY.
Mr. TAYLER of Ohio with Mr. FOX.
Mr. GIBSON with Mr. TATE.
Mr. MCCALL with Mr. GAINES.
Mr. CROMER with Mr. GRIFFITH.
Mr. BOREING with Mr. FITZPATRICK.
Mr. WEYMOUTH with Mr. BROUSSARD.
Mr. GROSVENOR with Mr. ROBINSON of Indiana.
Mr. PUGH with Mr. TAYLOR of Alabama.
Mr. LOUDENSLAGER with Mr. STALLINGS.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. SHERMAN with Mr. DRIGGS.
Mr. BARNEY with Mr. ALLEN of Mississippi.
Mr. HENRY C. SMITH with Mr. RANSDELL.
Mr. CRUMP with Mr. RYAN of New York.
Mr. BROMWELL with Mr. MCDOWELL.
Mr. GAMBLE with Mr. NOONAN.
Mr. BISHOP with Mr. LESTER.
Mr. GILL with Mr. BELLAMY.
Mr. SOUTHARD with Mr. NORTON of Ohio.
Mr. GROW with Mr. CHANLER.
Mr. SAMUEL W. SMITH with Mr. RUCKER, until April 5.
Mr. GROUT with Mr. LIVINGSTON, until March 28.
Mr. LINNEY with Mr. ROBINSON of Nebraska, until March 26.
Mr. FARIS with Mr. ZENOR, until March 26.
Mr. BULL with Mr. BAILEY of Texas, until March 23.
Mr. MAHON with Mr. BREAZEALE, until March 22.
Mr. SULLOWAY with Mr. CATCHINGS, until March 22.
Mr. LOVERING with Mr. FITZGERALD of Massachusetts, until March 22.
Mr. GARDNER of Michigan with Mr. ATWATER, until March 24.
Mr. PEARCE of Missouri with Mr. CROWLEY, until March 24.
Mr. POWERS with Mr. BERRY, until March 24.
Mr. SHATTUC with Mr. SHACKLEFORD, until Thursday next.
Mr. KAHN with Mr. RUPPERT, until March 21.
Mr. KNOX with Mr. NAPHEN, until March 20.

For this day:

Mr. HOPKINS with Mr. MAY.
Mr. FOWLER with Mr. BARTLETT.
Mr. MILLER with Mr. SCUDDER.
Mr. FREER with Mr. SWANSON.
Mr. THROPP with Mr. QUARLES, until March 26.
Mr. STEWART of New York with Mr. UNDERWOOD.
Mr. WEAVER with Mr. MCLAIN.
Mr. RUSSELL with Mr. MCCLELLAN, for Fifty-sixth Congress.
Mr. CRUMPACKER with Mr. MIERS of Indiana, until March 27.
Mr. DICK with Mr. WILLIAM E. WILLIAMS.
Mr. BAKER with Mr. CAMPBELL.
Mr. STEWART of New Jersey with Mr. CLAYTON of New York.
Mr. CUSHMAN with Mr. DINSMORE.
Mr. REEDER with Mr. CRAWFORD.
Mr. COUSINS with Mr. DE ARMOND.
Mr. METCALF with Mr. WHEELER of Kentucky.
Mr. COOPER of Wisconsin with Mr. FOSTER.
Mr. PEARRE with Mr. SALMON.
Mr. ACHESON with Mr. ALLEN of Kentucky.
Mr. O'GRADY with Mr. BENTON.
Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina, during first session Fifty-sixth Congress.
Mr. PACKER of Pennsylvania with Mr. POLK, during session of Fifty-sixth Congress.
Mr. WRIGHT with Mr. HALL, during first session of Fifty-sixth Congress.
Mr. POWERS with Mr. BERRY, from March 17 to March 24, inclusive.

The result of the vote was then announced as above recorded.

FRANK H. NEWCOMB.

Mr. CORLISS. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (S. R. 51) recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson;* of his officers and men; also retiring Capt. Daniel B. Hodgsdon, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch*, at Manila.

The Clerk read the joint resolution at length.

The SPEAKER. Is there objection?

Mr. WHEELER of Kentucky. Is this the same bill that was objected to a few days ago?

Mr. CORLISS. It is; and the gentlemen who objected then, having since examined the bill, are satisfied to allow it to pass. It has been recommended by the President and the Department. If the gentleman needs further information, I will ask the Clerk to read the communication from the President.

Mr. WHEELER of Kentucky. It occurs to me that the thanks of Congress are a matter of too much importance to be extended to every officer of our Army and Navy who may exhibit gallantry in service. We expect all our officers to be gallant; and while I would like to see the merit of these gentlemen recognized, I am opposed to putting on the records of Congress this highest rank of national legislation for every man on account of gallantry in the service; and therefore I object to the consideration of this bill.

ORDER OF BUSINESS.

Mr. JENKINS addressed the Chair.

Mr. LOUD. I have already yielded an hour for these requests for unanimous consent. I hope the gentleman from Wisconsin will withhold his matter until to-morrow.

The SPEAKER. Does the gentleman demand the regular order?

Mr. BELL. I call for the regular order.

POSTAGE ON SECOND-CLASS MATTER.

The SPEAKER. The regular order is demanded. The Clerk will read the order fixing the business for to-day.

The Clerk read as follows:

On motion of Mr. LOUD, by unanimous consent, it was ordered that H. R. 6071, "A bill to amend the postal laws relative to second-class matter," be made the special order for Tuesday, March 20, said consideration to be continued until conclusion, but not to extend beyond Thursday, March 22. (Order made March 1.)

Mr. LOUD. I would like at this time to see whether we can not arrange—I do not know with whom we can arrange it, because I do not know who represents the opposition, if opposition there be to this bill—there was no minority report from the committee and at the time the bill passed the committee there was no opposition to it——

Mr. LITTLE. I suggest that my colleague on the committee, the gentleman from Tennessee [Mr. MOON], be allowed to control the time on this side of the House.

Mr. LOUD. I should like to ask the gentleman how much time he thinks ought to be occupied in discussing this bill? Three days, it is true, have been set aside to be occupied if gentlemen think we ought to occupy that much time.

Mr. MOON. I think it would be satisfactory to our side to have a final vote about 4 o'clock on Thursday.

Mr. LOUD. Then, Mr. Speaker, I ask consent that during to-day and to-morrow and until 2 o'clock on Thursday this bill be considered under the order or rule governing general debate; that at 2 o'clock on Thursday we proceed to consider the bill under the five-minute rule for amendments until 4 o'clock, at which hour the previous question shall be considered as ordered upon the bill and pending amendments, including the committee amendments.

The SPEAKER. The gentleman from California submits the following proposition: That to-day and to-morrow and up to 2 o'clock on Thursday be occupied in general debate on this bill; that at 2 o'clock on Thursday the House proceed to consider the bill under the five-minute rule, subject to amendment, until 4 o'clock the same day, at which time the previous question shall be considered as ordered upon the bill, the committee amendments, and the pending amendments in the House. Is there objection?

Mr. MOON. I suppose it is understood that the time for general debate be equally divided between the two sides, the gentleman from California representing his side of the question and some one on this side the other.

Mr. RICHARDSON. I ask that the gentleman from California control the time in favor of the bill, and my colleague [Mr. MOON] the time against it.

The SPEAKER. It is further asked that the time to be occupied in general debate be controlled on each side, respectively, by the gentleman from California [Mr. LOUD] and the gentleman from Tennessee [Mr. MOON]. Is there objection?

Mr. RIDGELY. Before consent is granted to this proposition, I wish to suggest to the gentleman in charge of the bill that two hours will hardly give sufficient time for consideration of the bill under the five-minute rule. It very often happens that we lose our chance to offer important amendments by reason of the time for a vote arriving before we have reached that stage in the consideration of the bill. I ask, therefore, that more time be allowed for the consideration of the bill under the five-minute rule.

Mr. LOUD. This is a bill of only four pages. It seems to me we ought to be able to dispose of amendments in two hours. The proposition I have submitted is substantially what was agreed to yesterday by gentlemen representing the other side, and I supposed it would meet with general assent.

Mr. MOON. It will be satisfactory to us to give all of Thursday to the consideration of the bill under the five-minute rule.

Mr. RICHARDSON. It is suggested that we devote to-day and to-morrow to general debate and fix Thursday for consideration of the bill under the five-minute rule.

Mr. LOUD. I consulted yesterday with the gentleman on the other side, and upon an agreement then reached with him and his confreres I have made certain arrangements, one of which was that a particular gentleman was to close this debate on Thursday. Of course it would cause some embarrassment to change the arrangement now.

Mr. MOON. I do not desire to change the agreement if it is satisfactory all around.

Mr. RIDGELY. In view of the statements which have been made, I will not insist on my objection.

Mr. WILLIAMS of Mississippi. Why not take the final vote at 5 o'clock instead of 4.

Mr. LOUD. Well, members do not desire to stay here much after 5 o'clock, and as there might be two and probably at least one roll call, it would keep us here until half past 5 or 6 o'clock. I thought we were consulting the convenience of everyone.

The SPEAKER. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Speaker, has the bill been read?

The SPEAKER. The Clerk will report the bill.

The Clerk proceeded to read the bill.

Mr. LOUD (interrupting the reading). I will ask that the further reading of the bill be dispensed with. I do not think anyone will insist upon it.

The SPEAKER pro tempore (Mr. CLARKE of New Hampshire). Unanimous consent is asked by the gentleman from California that the further reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HEPBURN. Will the gentleman have any objection to offering the committee amendments at this time, or at some time during his remarks?

Mr. LOUD. The committee amendments are offered, and will be pending under the unanimous agreements. The committee amendments are contained in the bill.

The SPEAKER pro tempore. The gentleman from California.

Mr. LOUD. Mr. Speaker, my physical condition will prevent me from making the presentation of this bill that I would like to make to the House.

In 1898, after a similar bill had gone down to defeat, I had determined that I would never again present a similar measure to Congress; because members of Congress must understand that the chairman of a committee ordinarily has work enough to do without taking up measures that Congress is not disposed to consider favorably.

When I returned to Congress in December, I met the old members of the House, with many of whom I had associated for years; and when they approached me, the first question that was asked was, "Are you not going to bring up this bill again before Congress? I voted against it last time, but voted under a misapprehension of the conditions contained in the measure."

I do not believe I exaggerate when I say that at least 200 members of this body on one side and the other urged me from day to day to bring up this proposition. That is one of the reasons why it is up here before you again. This measure, you know, in a much more radical form than that in which it is presented to-day, passed in 1897, and in a modified form was defeated in 1898. Now, the author of this bill has no pride in its passage. The author of the bill did not even draw it, which may seem a peculiar statement. The measure was drawn in the Post-Office Department about the year 1894 or 1895, I forget which, by the then Third Assistant Postmaster-General. He was at that time considered to be a pretty good Democrat. I do not know what he is now. He drew a bill covering, as he said, some of the evils, or remedying some of the evils, that then confronted the Department. The only part in the authorship of this bill I ever had was to modify very materially the bill which he had drawn.

Now, as illustrative of the sentiment in Congress, let me revert again to the many members of this House who urged me to bring this measure up. Let me revert to the conditions existing in the committee, that there was substantially no division, for if there had been a division for a moment, Mr. Speaker, I still insist that there should have been a minority report. I do not think I am betraying any of the secrets of the committee when I say there was but one vote cast against it when it was finally reported.

Mr. LITTLE. I hope my friend will do me the justice to say that I was not present.

Mr. LOUD. I will state the full facts if the gentleman desires to have me do so. I will give the gentleman credit to say that he was not present at the time the bill was reported. There was no opposition to this bill, Mr. Speaker, sixty days ago. There was hardly a member on the floor of the House who had given the matter any consideration who did not believe some legislation of this character should be adopted, I think. We had a hearing before the committee, and heard only the opponents of the bill. It is a fact, however, that after one day had been spent in hearing the opponents to the bill, the committee, without any apparent division, immediately after hearing only the opposition, ordered this bill reported.

Since that time a concerted fight has been made against the passage of this bill. I suppose every member upon the floor has received letters and protests in one form or another from his constituents against the passage of this bill, and while it may be an unfortunate thing to discredit a man's intelligence or his sincerity, I yet venture the assertion that not one man or woman in fifty who has protested against this bill has the slightest conception of its contents.

There was organized in this city a body, self-assumed, styling themselves a committee of publishers, not even deigning to give their names, and from that organization emanated all the circulars that have gone out broadcast over the land. The average editor of a country publication has accepted it as a fact that because there is a self-assumed body styling themselves a committee of publishers in the city of Washington, near the seat of government, that have informed them that this bill is prejudicial to their interests, they think that this committee are here and can determine, and that it is good policy to follow them.

Now let us see who the committee of publishers are. One of them is Mr. John L. Elderkin, representing the Robert Bonner Sons, of New York, a firm whose heart no doubt is constantly bleeding for the poor country publisher. Connected with him at times, but not here all of the time, has been one Patrick Farrelly, the manager of the American News Company, and the third member of this committee representing the great publishing interest of the country is one Orville J. Victor, at one time a book dealer or publisher, now, I believe, suffering from the results of the misfortunes that sometimes overtake men in their lives, and he is here representing somebody opposing this bill. Now, there is nobody else. No one else excepting these three men; one representing this poor American News Company, and others who are representing publishers of books.

How many of you have had protests? I shall not deal with them, except one. It is a sample of the others. This committee of publishers have the faculty of manufacturing petitions to fit every man's case. Oh, their hearts bleed as much for the country apothecary as it does for the newspaper publisher, and they weep as well for the downtrodden colleges of the country. But here is the proposition from one F. M. Lupton. Propositions of this kind were made in 1898. And let me say that if what I hear is true, while they made many propositions to the people of this country, they did not fulfill the propositions, or, in other words, keep the contract. I hope that they will in this case, however, fulfill the compact they have entered into with the people who have been gulled by this circular. They say:

> We inclose a petition which we respectfully ask you to first sign yourself and then circulate among your neighbors and friends, asking them to sign also. When you have secured as many signatures as you conveniently can, fill in at the head of the petition the name of the member of Congress from your district and mail the petition to him, addressed as follows: "Hon. ——, House of Representatives, Washington, D. C."
>
> By doing this you will aid very much in defeating this objectionable bill, which, should it pass, will drive out of the mails all cheap books and seriously curtail the circulation of periodicals, making reading matter much more costly and less plentiful than it now is. If you will secure not less than ten signatures to the petition and send the same to your Congressman as above directed, and will also sign and return to us the blank at the bottom of the next page stating that you have done as requested, we will, to pay you for your trouble, send you four of our best 25-cent books (value, $1 for the four), each containing a complete novel.

Now, in some instances the poor boy or girl, tempted by this offer, in his eagerness to get 10 signatures to their petition, has torn off the certificate and sent it to the member of Congress, and the petition has been lost in the office of Mr. Lupton in New York. Now, here is a sample petition. I am not an expert on handwriting, but there is a deliberate fraud upon Mr. F. M. Lupton, because one man signed every name attached to that petition. I have many more of the same character in the committee room. Every man who can read can see the evident fact that while the man who wrote those signatures did attempt to disguise the handwriting in certain instances, he never will make a success as a forger.

There are many other petitions in the room which contain the alleged signatures of members of one family. We will say their name is Jones because it is not Jones. We have petitions signed by 11 Jones', evidently the grandfather and the grandmother, the father and mother, the brothers and sisters. Why, what a temptation to the young boy and girl in this country to say to them that simply by getting 10 signatures to a petition of that character and sending it to this man they can receive as a reward four nice books worth $1.

I would not touch upon this matter, but every morning as I come to the Capitol I am met by members of Congress, who say, "My heavens, LOUD, it is getting pretty hot; I am getting a

hundred letters a day; my mail is flooded with petitions; and I do not know whether I can stand it or not." Now, that comes out of petitions of this character. I remember the Iowa delegation, as an illustration, considered, I believe, the ablest delegation that ever occupied seats upon the floor of this House, containing more members of ability and more orators than this body ever had before from any one State in the country or any five States. [Applause.]

The president of the University of Iowa—no doubt you have had a letter from him—protested most earnestly against the Loud bill. He sent this book down here and said that if that bill passes, it will substantially throw the "University of Iowa" out of existence. Why, look at it. It is a beautiful publication. Under that act, he says, "We will not be permitted to mail it at the pound rate." These things come up here by the hundreds; and if I had time enough to correspond with every man who has corresponded with a member of Congress, there would be no opposition to this bill. That publication never was admitted as second-class matter.

I have received a letter from the president of the Stanford University, of my own State, in which he says: "Pass the law, and it will deny us the right to the United States mail that every other citizen has." Why, they send these circulars out to these colleges and say we are going to close the mails against the colleges. I wrote back to the Stanford University asking what amount they mailed under the second-class privileges. They replied they did not know what class they sent out, but that they sent out the annual catalogues. You can not mail the annual catalogue of a college under the second-class privilege. There is another college in Iowa that I might refer to if I had the time. I have gone over all of them. I except the fellow that issued this.

Now, here is a typical publication of an incorporated institution of learning. I have got a hundred of them in my committee room. I will not take the time of the House in referring to them. There is the publication and there is another one, emanations from so-called incorporated institutions of learning, business colleges. They mail them by millions. When I was in Chicago a year ago last fall a railway mail clerk came to me to talk about this business-college mail. He said: "Why, on my last run up to St. Paul 5,000,000 of these were put on the train at Milwaukee, from La Crosse and other places. Why," he said, "it paralyzes us, and we have to work all this mail out before we can get away from the car." It delays the first-class matter, because it is mixed all up with it. While I am willing to admit that some incorporated institutions of learning use the mail for legitimate publications, there is not one in a thousand of that character as compared with the publications of this character.

Mr. STEELE. Will the gentleman express an opinion as to this publication?

Mr. LOUD. Well, it looks pretty nice. Any gentleman can examine it. It is a publication, I suppose, of a business college.

Mr. STEELE. It is a normal college—a teacher's college.

Mr. LOUD. There is nothing in it but the advertisement of the college.

Mr. STEELE. It has the advertisement of the college.

Mr. LOUD. Now do you know what privilege these institutions were given? I am surprised to know that members of Congress do not investigate this matter more fully. Do you know the privilege that they have, a greater privilege than any other publisher of the country. Every other publisher must get a list of subscribers. The very essence of the second-class law was that no publication should be entitled to the special privilege or special subsidy, if you please, unless it shall have a list of subscribers. The very basic principle was that nothing should be entitled to that privilege unless it commended itself so favorably to the people of this country that they were ready and willing to pay an amount of money for that publication.

Mr. DOLLIVER. Will my friend explain how it happens that this abuse arose, and whether it can not be corrected by an order of the Postmaster-General?

Mr. LOUD. Just one further thought about these publications. They do not have a list of subscribers, and these publications, designated as college publications, are issued in hundreds or millions, and there is not a man in the world who would pay any more for them than as old paper. They have the use of that privilege under the law, and the Postmaster-General can not stop it, because in your legislation in 1894, by a special act, you permitted publications by incorporated institutions of learning to circulate through the mails without a list of subscribers.

Mr. DALZELL. Before the gentleman leaves that, I would like to ask him as of what class do these college publications go through the mails under the existing law?

Mr. LOUD. You now refer to this publication of the University of Iowa on psychology, and I answer, the third class.

Mr. DALZELL. That is not affected by your bill?

Mr. LOUD. Not at all.

Mr. DOLLIVER. With the exception of the college advertisements to which the gentleman has referred, I speak of the abuse of sending these books and serials through the mails and this tonnage. Why can not that abuse be corrected by an order of the Postmaster-General?

Mr. LITTLEFIELD. Under existing law?

Mr. DOLLIVER. Yes.

Mr. LOUD. Because the Assistant Attorney-General, who is the law officer of the Post-Office Department, in 1885 or 1886 determined that question. Now, let me give you an illustration. There is a great deal of talk about the return privilege. There never was a provision of law even to this day that permitted the return at pound rates. The statute only permits a publisher to send his publication to a subscriber or news agent, and permits the news agent to send to a subscriber or another news agent.

In 1885 a wise Assistant Attorney-General had this question referred to him, and he held that a news agent who got these publications had the right to send to another agent, under the law; hence this very wise Attorney-General said that after it had gone from A to B, another agent, that A immediately became another agent and it could return to him. Why, A never could become another agent; he was an original agent to which this publication was sent, and another agent simply meant another one; and he never could occupy that position. Yet, a wise Attorney-General said so.

Mr. DOLLIVER. Can not that decision be corrected now?

Mr. LOUD. Well, I may say to you that the Post-Office Department ever since the year 1886 has been appealing to Congress to pass some legislation. I suppose if the eminent gentleman from the State of Iowa [Mr. DOLLIVER], a man that has great strength of character, were to become Postmaster-General, he would hesitate a long time before he would overturn the precedents of half a century, and I assume the gentleman to be as strong as the average man. The Department has asked for legislation upon this question ever since that period.

Mr. HENRY of Mississippi. Will the gentleman yield to me for a question?

Mr. LOUD. I can not yield now. They appealed to Congress year after year for some expression from you. Once the House passed this bill, and the last time it was considered and was defeated. Now, then, what is it confronting this country? You have got to the point where you can not stand still; you have got to go ahead or you have got to go backward. Before the Post-Office Committee to-day, and to many members of this House, every library association in this country, having organized into one head, is appealing and now demanding of Congress the privilege of sending its books through the mail at second-class rates.

Mr. LAWRENCE. Will the gentleman permit me a question?

Mr. LOUD. No; I will yield to the gentleman later. Let me say to you that the books of libraries are a matter of the highest education. No man can deny that. They are more entitled in equity to the favorable consideration of our Government than anything now admitted.

Now, then, you have either got to go backward or you have got to go forward. There are many things now not entitled to this consideration that you either must give it to or cut off some privileges that you have extended. Let us see whether we can afford to do it or not. I know with the average man that does not cut much of a figure, but let me say, without fear of successful contradiction, that the Government to-day is losing at least $45,000,000 a year on the transportation and handling of its second-class mail matter. Unless you restrict and take out some of this matter that is not entitled to favorable consideration you must go ahead.

Take the books of all the libraries in this country, and your amount will swell from forty-five million to one hundred million. Take the advertising of every business house in this country, as much entitled to favorable consideration as this advertising sheet, because it is nothing else than advertising, and if you shall permit this man—because after the act of 1894, previous to that being a man, he became a corporation—if this man shall be entitled to send this advertising at the rate of 1 cent a pound, thirty-five to a pound, costing 25 cents a pound to handle it at least, without the question of transportation, if these people are to have this privilege, then you must in equity concede it to every man in the country.

What would it cost? Let me say at least $250,000,000 a year more than you shall receive from it. Now, do you want to go ahead or do you want to stop? I have no interest in this matter more than you. I am chairman of the Post-Office Committee, and have perhaps been a willing subject to be used as a buffer to try and keep the expenditures down to as low a figure as possible. There is pending before that committee to-day—and I could picture the average members of this House jumping over one another to vote for them—bills which involve an increased expenditure of more than $10,000,000 a year for increase of salary alone.

Now, I occupy that unfortunate position. As chairman of that committee, the direct representative of the Post-Office Department, let me say that every Postmaster-General since John Wanamaker has recommended this or some more radical measure; and

two Presidents of the United States, one a Democrat and one a Republican, have thought it of sufficient importance to recommend it in their messages to Congress.

Now, it is for you to determine. I know that for a gentleman who has a college of this character in his district it is a hard matter to vote against such legislation as will preclude that college, but a member of the House of Representatives is sworn to do his duty to the whole people and not to one. There is not a man in this country but what would ask and gladly receive a special favor from Congress. Now, the favor that this man gets must be paid for by taxation. The $45,000,000 a year that we lose on the transportation of this second-class matter must be made up by taxation from every man, woman, and child in the United States.

In the minds of many people there is hope for 1-cent postage. Let me give expression to the thought, after careful investigation, and it will be borne out by another gentleman on the floor who has made the subject a study for many years, that 1-cent postage can never come to this country until every article of matter that is put into the mail pays at least its cost. Now, this National Board of Trade that is sending circulars all over the country in their statement say that if you cut the railroad mail pay down a little you will get 1-cent postage. Let me say that 1-cent postage to-day would mean the taking out of the revenues of nearly $40,000,000 a year. And, unfortunately, there is not money enough in railroad transportation to meet it.

I have said much more than I desired or anticipated when I came to my seat this morning.

Mr. DOLLIVER. Will the gentleman allow me a question?

Mr. LOUD. Let me express one thought more and then I will yield for any question.

If I had had the time and the strength I could have relieved the membership of this House from much embarrassment that confronts them to-day. In 1896, when a bill similar to this was up for consideration before the House, I put myself for more than a year in communication with the commercial interests of this country.

Perhaps I might say that I opened a little bureau of my own extending its business throughout the country. And at that time came back the responses from the great interests of this country to the extent of more than ten millions of men, who had carefully investigated this question for one year and who at that time gave expression to their thought. Ten millions of the citizens of this country prayed that Congress might enact some legislation that would relieve us from this heavy burden. I have not the strength now to engage in such work; I have too many other things to do and to think of.

These people who are financially interested—this committee of publishers I am speaking of—have circularized the country. There is no expression here for this bill, because no expression has been asked. But let me tell you that the sentiment of the great people of this country is in favor, not alone of the bill that is presented here, but if this question be ever taken to them they will express their sentiment that every man who uses the postal service should pay his proportionate share of the expense.

A friend of mine said to me the other day: "I would like to vote for this bill, but my convention is about to come off and I am a little bit afraid. I wish it came on a week later; I wish we could vote on this bill next week." Let me say, Mr. Speaker, there is not a member on the floor of this House that should not welcome this question. If any man desires to make it an issue in the campaign, it is one that the Representative should welcome, for the great American people, you will find, will respond to the right when they know what the right is. The great mass of the people do not look to the interests of any one individual; the great mass of the people are interested in equity to all and special privileges to none.

Now I will yield to the gentleman from Iowa [Mr. DOLLIVER] for his question.

Mr. DOLLIVER. I would like to ask the gentleman a question or two, not as an enemy of the bill, because I have followed the gentleman's counsel about this bill in two or three Congresses and voted for it. But I have desired to know what effect upon the newsdealers throughout the United States this bill is calculated to have, in the matter especially of returning their unsold periodicals and newspapers.

Mr. LOUD. Well, Mr. Speaker, I did not suppose there was any considerable sentiment in this country in favor of protecting the interests of the great news companies at the expense of the United States Government, and hence I have never regarded this as a serious problem. Let me say, however, that this bill will put the news agents upon exactly the same footing with the publisher to-day. By the decision of the Assistant Attorney-General the news agent was given a privilege above the publisher.

How or what the motives were I can not tell, but when this decision came it put the publishers of this country at the mercy of the news dealers, because in dealing with the news agents they can get their returns at a lower rate in an indirect way, but they can not get them themselves. The publisher of this country, if he desires to have his publications returned to him, must pay 4 cents a pound; but if he deals with the news agent he can get them back for about 1½ cents a pound. The news agent makes a profit out of the beneficence of this great Government of ours. That is to say, the news agent charges a cent to send the matter out and a cent to bring it back, and when he comes to settle with the publisher he charges 3 cents, making quite a respectable profit for doing this business.

Mr. BELL. Is it not contended, and do not the hearings before your committee show, that in sending this literature to the news agent it is sent in quantities, saving an expense of at least 25 per cent in transportation and handling?

Mr. LOUD. I am very glad the gentleman asks me that question, because it is true that such is the case when they use express or freight. Let me tell you now that the Government gets none of this matter where the hauling might be profitable to it. When an individual copy of a book or publication is sent from New York to the interior of Pennsylvania the mails must be used; but 50 pounds of any publication sent to the city of Chicago or St. Louis does not reach the mails at all.

Mr. BELL. Now, then——

Mr. LOUD. Let me finish my remark. Now, it is possible that if the Government had a monopoly of this business it could make a profit out of the large package business—that is, where a carload or trainload of matter goes to Chicago from New York City it could get the transportation from a railroad company at 15 cents a hundred pounds. These very men utilize that privilege. When they send out an amount exceeding 20 or 25 pounds within a radius of 1,000 or 1,200 miles they do not bother the Post-Office Department, because they can do better somewhere else, because the matter does not require any handling. Now, that matter does not require any handling.

Mr. BELL. You do not confine yourself to my question.

Mr. LOUD. Well, probably I did not understand you.

Mr. BELL. In the hearings before your committee witnesses connected with that business swore that when these copies were sent to a news dealer the average number was about 25 in one package, and it saved the handling of 25 separate pieces of mail, and therefore was a great saving.

Now, another thing. I want to ask if this was not shown before that committee, that in transporting these publications, for instance, from the city of New York to the city of Chicago, generally the matter would be sent by express between New York and Chicago and that the short hauls went by mail? For instance, they went from New York to Chicago by express, for distribution from Chicago, and then when the matter was sent to Peoria and Bloomington and other near by points it was sent by mail.

Mr. LOUD. I do not remember any such showing as that before the committee.

Mr. BELL. It is published as a part of the evidence.

Mr. LOUD. Of course, this must be the fact, that where they can not transport this matter more cheaply or as cheaply by freight or express they transport it in the mail. Now, that is a fundamental fact, and that is all there is about it.

Mr. BELL. These men showed that the transportation by mail for these short distances was retail and not the wholesale.

Mr. LOUD. Let me say to the gentleman that Mr. Farrelly before our committee testified that the news companies handled in round numbers about 20,000 tons of matter.

Mr. BELL. Yes.

Mr. LOUD. He gave about 11,000 tons as going by freight and express and about 9,000 tons going by mail.

Mr. BELL. The short distances being covered by mail.

Mr. BINGHAM. Oh, no; the long distances.

Mr. LOUD. No; Mr. Farrelly testified that within the thousand-mile limit they sent by freight or express.

Mr. MOODY of Massachusetts. Is it not a fact that the testimony before us showed that the mail got the long and unprofitable hauls and that the express and freight companies got the short and profitable hauls?

Mr. BINGHAM. Why, certainly.

Mr. LOUD. There can not be any doubt about that.

Mr. BELL. There is unquestionably a dispute about that.

Mr. LOUD. But there can not be any doubt about the fact.

Mr. BINGHAM. It is a simple business proposition.

Mr. LOUD. It is a plain business proposition.

Mr. BELL. Will you allow me to ask you one more question?

Mr. LOUD. Yes, I will.

Mr. BELL. The distinction that the news companies drew was this. Of course if they were going to send a lot of mail across the continent they would undoubtedly send that by mail, but as a general proposition they say that where the haul was midway, for instance, it would be by express, and then they would distribute from that point and use the mails for all the encircling short distances.

Mr. BINGHAM. Oh, no.
Mr. LOUD. That is not true, permit me to say to the gentleman.
Mr. BELL. The man swore that it was true.
Mr. LOUD. But it is not true, and can not be true, as a business proposition. That is self-evident.
Mr. DALZELL. The man who swore to that thing has a queer idea of business.
Mr. LOUD. They only send by mail for the short distances where the packages are 1 or 2 pound packages, and of course no express company or anybody else will handle packages of that character at the rate of a cent a pound. No one in the world could do it and live except the United States Government, and then only because we are a patient, long-suffering people.
Mr. BINGHAM. If the gentleman will permit me——
Mr. LOUD. Certainly.
Mr. BINGHAM. I was out of the Hall during the earlier part of the gentleman's statement. I presume the Department have furnished the gentleman the figures upon which they base their estimate as to what the saving would be if this legislation is enacted into law. Second-class matter now carried is excluded, which would be excluded under this bill. I should like to ask the gentleman what is the estimate of the Department as to the benefit in dollars and cents to the Department?
Mr. LOUD. Well, Mr. Speaker, if anybody has ever made an estimate I am perfectly willing that he shall father the estimate. I can not be brought into that business, because it is merely a wild guess.
Mr. BINGHAM. I wanted to know if the Department had made such an estimate.
Mr. LOUD. The present Postmaster-General in his report, which I suppose the gentleman has read, and who has suggested some legislation to remedy the evil, estimates that it would save $20,000,000 a year.
Mr. BINGHAM. That is what I am coming to. Now, does the bill do that?
Mr. LOUD. I will say that this bill goes further than the present Postmaster-General at first suggested. Now, you can not get me to say anything more.
Mr. BINGHAM. I merely wanted to get the information.
Mr. LOUD. I will not enter the field of prophecy.
Mr. BINGHAM. I understand the statement has been made. The statement has been sent to me, in a petition by the Travelers' Association, that if this proposed legislation is enacted into law $20,000,000 a year will be saved in the administration of the Post-Office Department. I merely wanted to know if that had the authorization of the gentleman; and if so, upon what basis that conclusion is reached.
Mr. LOUD. I do not know anything about it; neither is there a man under the sun who can do more than make an estimate. The deficiency and the saving is merely a secondary matter with me. I hold that this class of matter which this bill proposes to exclude is not entitled in any way to be subsidized at the expense of the people of this country, and I do not care anything about deficiencies or how much it will save. It will save something.
Mr. BINGHAM. Oh, yes.
Mr. LOUD. It will save something.
Mr. BINGHAM. Then the gentleman has made no estimate?
Mr. LOUD. I can not make any estimate.
Mr. OLMSTED. Will the gentleman yield to me for a question?
The SPEAKER pro tempore. Does the gentleman from California yield to the gentleman from Pennsylvania?
Mr. LOUD. Yes.
Mr. OLMSTED. I should like to ask the gentleman whether, in his judgment, the letter postage of the country is or is not profitable to the Government?
Mr. LOUD. Why, I will answer the gentleman by saying that out of about $95,000,000 of postal revenues about seventy or seventy-five million dollars comes from less than one-tenth of the mail carried, and that is first-class matter.
Mr. MOODY of Massachusetts. And the first-class matter pays eighty-five or ninety times as much as this matter.
Mr. OLMSTED. The next question which I wish to ask the gentleman is suggested by a letter which I have received from a constituent who publishes a small periodical in my district which he thinks would be excluded, or which he did think two years ago would be excluded, by this or a similar bill. He said that one issue of his little periodical on which he paid the small postage of the second-class rate brought in to him letters which, together with his replies, yielded the Government over $100 in letter postage; and I wanted to ask the gentleman whether he did or did not think that the abuse, if you please to call it that, of these second-class rates, did not nevertheless result in a great increase in the letter postage which constitutes the most profitable revenue of the Post-Office Department?
Mr. LOUD. Well, I will say that that is the species of argument——
Mr. OLMSTED. It is not an argument; it is a question.
Mr. LOUD. I say that is the species of argument that will be presented on the floor of this House. I am one of those who believe that business pursues its ordinary and normal course; that if the Bungtown Journal shall not bring quite as many letters back to it, as an illustration, why, some other place will. That is all. There is no dispute that you are forcing and overdoing business by reason of the circulation of matter of this character.
Mr. OLMSTED. It may increase the postal receipts from first-class matter.
Mr. LOUD. That is one of those unknown fields that I do not care to investigate. I know that there are legitimate publications enough in this country now to meet the wants and demands of the people, which this bill will in no way touch or harm.
Mr. LITTLEFIELD. Will the gentleman explain the effect of this bill on the newspapers, if any?
Mr. MOODY of Massachusetts. The gentleman has not referred to the newspaper press. In view of the numerous misrepresentations of this bill, I should like to ask the gentleman if this bill in any way affects the metropolitan or country newspapers of the whole country except by the curtailment of the sample privilege?
Mr. LOUD. That is all.
Mr. MOODY of Massachusttts. Is there any cutting off of lists of exchanges or any change in the law in any way, except to reduce their sample-copy privilege?
Mr. LOUD. None whatever. And I want to say one word with reference to exchanges. Several gentlemen have urged that this would cut off exchanges. There is no warrant of law now for exchanges except by construction of the Department. There is not a word in the statute on the subject.
Mr. RIDGELY. Will the gentleman permit a question?
Mr. LOUD. Excuse me. I can not answer one question until I have finished answering another.
Mr. RIDGELY. It bears on your statement.
Mr. LOUD. Well, wait until I answer this question. There is not a word or line in the statute to-day that permits exchanges. Somebody says to me that this bill cuts them off. We do not touch that question at all. There is no law for it now and we do not make any law for it. It is based on a construction by the Post-Office Department and treated as a subscription. John Smith, publisher of one paper, exchanges with William Jones, the publisher of another paper, and the Post-Office Department have held that that was value received, and I suppose they will hold the same if this bill passes, in view of the fact that it does not in any way touch that question, either directly or by implication.
Now, then, I feel that I must close, and I will try to explain, as briefly as I can, what this bill does; and it does very little.
Mr. RIDGELY. Will the gentleman now yield to me for a question?
Mr. LOUD. I yield to the gentleman.
Mr. RIDGELY. I understand the gentleman to state that the bill in no way affects the provision respecting newspapers, except that it does reduce the number of sample copies. Does not the bill permit a ruling that would deny the newspaper the privilege of circulating a reprint, in case it should have a demand for more than the regular number?
Mr. LOUD. Let me say to the gentleman that the statute now is as emphatic as it can possibly be drawn by human mind—absolutely prohibits it—and we do not touch the question in this bill. It is a subject we do not touch.
Mr. MORRIS. I wish to ask the gentleman a question, and in asking the question I will state to him that I voted for his bill last year and I want to vote for it this year. I hold in my hand a communication from one of my constituents which I think is based upon misinformation, and I ask this question so that the chairman of the committee may give the great authority of his name to the statement which will be made in regard to it. Here is a letter that is from a president of a university.
Mr. LOUD. The gentleman is not going to read all that letter?
Mr. MORRIS. No; I am going to read enough of it for you to answer the question, and if you will answer it it will satisfy——
Mr. LOUD. I will say that the gentleman presented that letter to me, and I asked him if he would possess his soul in patience until I should read that letter I would then attempt to answer it.
Mr. MORRIS. If the gentleman prefers it, I will withhold it for the present.
Mr. LOUD. I do prefer it, because I can not answer every ingenuous letter which is sent to a member of Congress. I do not know what the motives are. I can not tell until I have time to digest that letter.
Mr. MORRIS. I will simply state to the gentleman that this letter is prompted possibly by some misinformation which has been given to the writer, and I want the gentleman to correct that possible misinformation.

Mr. LOUD. I have no doubt about that.

Mr. BINGHAM. Will the gentleman allow me to ask him one question on a matter which forms part of the report, in order to get a knowledge as to how he reaches the conclusion as to the money saving to the Government that is made in regard to this second-class matter? Postmaster-General Smith says:

> For this costly abuse, which drags on the Department and weighs down the service, trammels its power and means of effective advancement in every direction. It involves a sheer wanton waste of $20,000,000 or upward a year.

Do I understand the gentleman in charge of the bill that it involves this saving to the Government of twenty millions? Has he made any investigations as to how that conclusion has been reached? I will say to the gentleman that I have sent to the Department in the past three days inquiries about the matter, but the Postmaster-General did not get back until to-day. I want to know how he reaches that conclusion as to the money phase of the question.

Mr. LOUD. I want to say, in all kindness to the gentleman—and he knows that I love him—that I never inquired, and do not care.

Mr. BINGHAM. It is a matter that the House cares about.

Mr. LOUD. That is a presentation of the Postmaster-General, and my opinion as to how he reached that conclusion would have no significance.

Mr. BINGHAM. It would possibly enlighten the House.

Mr. LOUD. I never would have reached that conclusion myself. It is a question that any man would have to guess at.

Mr. BINGHAM. He puts it in round figures.

Mr. LOUD. He is the Postmaster-General and he is not the man you are asking the question of. I am not responsible for him. I think probably he has a great deal better knowledge of the matter than I.

Mr. LITTLEFIELD. Can you state how this saving will be brought about?

Mr. LOUD. I can do that, if I ever can get down to my bill.

Mr. HENRY of Mississippi. Will the gentleman allow me to ask him a question for information?

Mr. LOUD. Certainly.

Mr. HENRY of Mississippi. I want to know how this bill affects publications made by colleges, newspapers edited by colleges and sent out for the dissemination of knowledge as to the college, and also touching historical societies? Why is it that in your fourth section you make a certain arrangement permitting benevolent associations and other institutions to have the benefit of second-class matter and exclude colleges? I simply ask for information.

Mr. LOUD. I will say to the gentleman that I went over this college business——

Mr. HENRY of Mississippi. I asked you at the time, and you would not hear me.

Mr. LOUD (continuing). I went over this subject, except one question he propounded.

Mr. HENRY of Mississippi. Will you allow me to go a little further? I want to say that the State of Mississippi has appropriated $2,000 for the issuance of bulletins from the historical society, and under this bill they are precluded from the mail as second-class matter, as are college papers that are denied the privilege.

Mr. LOUD. The gentleman asks why we struck this off and permitted the fraternal society to still continue to send. Now, I will say to the gentleman that we permit the publication of business colleges to retain the privilege that other publications in the country have.

Mr. HENRY of Mississippi. Under what section?

Mr. LOUD. There is a general law that governs publications, that it shall conform to certain requirements. Every publication in the country except these people are compelled to have a list of subscribers, and they are exempt. We propose in the bill to remove them from the special class, and if they publish a publication that any man, woman, or child desires to purchase or pay for at a nominal rate, for as little as 25 cents per year, if they think enough of it to pay that, they shall be entitled to the pound-rate privilege, and if it is circulated in the county to circulate without paying a cent.

Mr. HENRY of Mississippi. These colleges do not have subscribers; the publications are sent out for the purpose of disseminating educational literature and building up the institution.

Mr. LOUD. Does the gentleman assume that the publication is sent out as an educational publication?

Mr. HENRY of Mississippi. Yes; but I am talking about institutions of learning.

Mr. LOUD. Has the gentleman ever investigated the question to see what 90 per cent of the matter is that is sent out from these institutions?

Mr. HENRY of Mississippi. I have not investigated it only as to my own college, and that it is for the purpose of building up the institution. I do not understand why they are excluded from the mails when the benevolent associations and trade unions are permitted to go in.

Mr. LOUD. If the gentleman will permit me, I will answer that question now. I have tried to answer the first part of it. I do not believe that the advertisements of even a college are entitled to be subsidized by the United States Government. The gentleman asks me, and I have answered why I want to exclude those. He asked me why the bill admits the fraternal society. If I had my way, I would not admit the publications of the fraternal society. But the fraternal society now is paid for, but not strictly under the law applying to other papers.

Let me illustrate to the gentleman. I see that these people say in their circulars that the fraternal societies will become great advertising papers. Let me say that there is not a fraternal society in the United States that can so far forget the object for which they are organized as to depart from the legitimate purpose and principles they enunciate. Every member of a fraternal society pays his dues into the lodge, and they must have an organization under the lodge system. Every lodge pays its dues to the grand lodge, and every fraternal society in this country avails itself of this privilege, through its grand lodge, to subscribe for this paper, and then it is sent to each and every member of the society. And thus, in an indirect manner, it is a subscription.

Mr. HENRY of Mississippi. You have not explained why you admit trade unions and prohibit schools and colleges which offer to disseminate knowledge and in furtherance of education.

Mr. LOUD. Then I am afraid, Mr. Speaker, I will have to give it up. I have given the explanation of fraternal societies.

Mr. HENRY of Mississippi. The boys in college all pay their expenses, so far as that is concerned. The papers of the institution are for the purpose of disseminating knowledge and the advantages of the college.

Mr. LOUD. If it were for the purpose of disseminating knowledge, there would be no objection to it, but it is not.

Mr. HENRY of Mississippi. Then you exclude the good for the bad.

Mr. LOUD. If there is 99 per cent of bad, I do not want the article.

Mr. HENRY of Mississippi. Well, there is no proof that there is 99 per cent of the bad.

Mr. MOODY of Massachusetts. Is it not true that college publications are left in this bill just as they are under the present law?

Mr. HENRY of Mississippi. Are they?

Mr. MOODY of Massachusetts. I think they are.

Mr. HENRY of Mississippi. Here is an express provision in section 4 that I think excludes them.

Mr. LOUD. If the colleges will pay for the publications the same as the fraternal societies and the trade unions do, no man will object to it.

Mr. MOODY of Massachusetts. Will the gentleman from California permit an interruption?

The SPEAKER pro tempore. Does the gentleman from California yield to the gentleman from Massachusetts?

Mr. LOUD. Certainly.

Mr. MOODY of Massachusetts. I have heard the conference between the gentleman from Mississippi and the gentleman from California, and it seems to me that they are at cross purposes upon the question and answer. Now, I understand the gentleman from Mississippi to ask the gentleman from California with reference to college publications, not the historical, scientific, and other publications of societies that are referred to by section 6 of the bill, but purely college publications. Am I right?

Mr. HENRY of Mississippi. My amendment refers to publications of historical societies and colleges.

Mr. MOODY of Massachusetts. I am speaking now with reference to college publications.

Mr. HENRY of Mississippi. My amendment includes publications of historical societies.

Mr. MOODY of Massachusetts. With reference to college publications, is it not true that they will retain their privilege under this bill just as they have it to-day? I mean now college publications, strictly speaking. I hope the gentleman from California will answer that question.

Mr. LOUD. Did you ask me a question? I thought you were answering the gentleman from Mississippi [Mr. HENRY], and I beg your pardon. I was looking up a statute, thinking you were talking to the gentleman from Mississippi, and was not listening.

Mr. MOODY of Massachusetts. Then it is no use for me to press the inquiry.

Mr. HENRY of Mississippi. I think it would be right to adopt an amendment at the proper time to insert "or historical societies or incorporated institutions of learning," so that it could go to the country that we are as much in favor now of extending educational advantages as we were in the past, and that we propose to put educational institutions on an equal footing at least with trade unions.

Mr. LOUD. I hope they may be put on that plane.

Mr. HENRY of Mississippi. Will you accept such an amendment as I have just stated?

Mr. LOUD. That would not put them on the same plane at all. No; I would not accept the amendment.

Permit me to repeat that the great and growing evil confronting the postal service to-day in the management of the mail service is the emanations from colleges. That is the growing part of our second-class matter, represented not by publications which the gentleman thinks of as going through the mails under that designation, but publications of this character [holding up a pamphlet]. I can take you down to the Post-Office Committee room and show you at least 200 publications sent here by the Post-Office Department, with no more merit than that; and I can show you 100 of these publications circulating where one of the other publications circulate.

Mr. HENRY of Mississippi. Every law has its evils; and you must not sacrifice the good on account of the evil.

Mr. LOUD. Where the evil is so much greater than the good—where it is as 99 to 1, I think the gentleman——

Mr. HENRY of Mississippi. Then, as I understand, the gentleman would draw a line in favor of trade-union publications as against the educational interests.

Mr. LOUD. Now the gentleman is interjecting into my speech a suggestion which is unworthy of him.

Mr. HENRY of Mississippi. I beg the gentleman's pardon. I simply wanted to find out whether the gentleman would accept this amendment, and I have done so in the hope that it would strengthen his bill; but I believe he will not accept it.

Mr. LOUD. Let me ask the gentleman in return, would he vote for this bill if his amendment were inserted?

Mr. HENRY of Mississippi. I will if you will let me put in the bill some more amendments which I am going to offer. [Laughter.] I want several others.

Mr. LOUD. Of course.

Mr. HENRY of Mississippi. I think we ought to amend the bill as we go along.

Mr. LOUD. I knew the gentleman was not in favor of this bill.

Mr. TONGUE. Does this bill in any manner affect the monthly magazines, such as the North American Review and others of that class, except as to the return of magazines?

Mr. LOUD. It does not affect them except as to sample copies, although I understand that publications of the character referred to by the gentleman do not use sample copies.

Mr. TONGUE. So that the only practical effect of this bill in respect to such publications would be on the question of returns.

Mr. LOUD. Mr. McClure was before our committee; was the first witness who appeared before it. He was asked if he used sample copies, and he said no; that he did not care anything about them.

Mr. TONGUE. So that the bill affects only the return privilege.

Mr. LOUD. That is all. And they can not get returns now. It is only the news agent who enjoys the return privilege.

Mr. TONGUE. One further question. Does this bill in any way affect, in any manner whatever, the mailing of text-books to colleges and schools unless they be in the form of cheap literature with paper covers? I mean regular text-books.

Mr. LOUD. No; you can not mail them now at second-class rates.

Mr. BINGHAM. They must pay regular book rates.

Mr. TONGUE. I am aware of that; but some colleges do not seem to know it, and I want to put the information on record.

Mr. LLOYD. Allow me to call attention to the fact that catalogues of State universities or colleges do not now go through the mails at the second-class rate, and that publications of schools, if they be issued at least four times a year, now go through the mails at second-class rates and will do so under this bill.

Mr. LOUD. If they have a list of subscribers.

Mr. LLOYD. If they have a list of subscribers.

Mr. LOUD. Which is the character of most publications issued by the boys in colleges.

Mr. LLOYD. They have a list of subscribers.

Mr. LOUD. Yes; and this bill will not in any way affect them.

Now, I will attempt very briefly to explain what this bill contains. Section 1 eliminates from the pound privilege serials in the form of novels. Section 2 eliminates from the second-class privilege sample copies except as provided in section 3. The question may be asked, Why stop the sample copies? A very learned gentleman wrote me a letter the other day saying, "If second-class matter is now profitable to the Government, why should we cut off any of it?"

The gentleman does not seem to understand that if it were profitable we would not want to cut it off, but in fact it is a loss to the Government to the extent of some $45,000,000 a year. This country in its early days never anticipated that this privilege should be extended beyond the subscriber. We do not care very much about the sample copies of legitimate publications; but this circulation of sample copies is the only means of subsistence that certain advertising papers of the country now have. For illustration, here is a publication [holding up a pamphlet] which it must be apparent to your mind and mine is simply an advertising journal; yet, it contains reading matter enough to be admitted under the second-class privilege. It obtains a list of subscribers by offering premiums or by one means or another, so that it has, perhaps, a subscribers' list of 300,000.

They send out up to a million and a half of sample copies. They make affidavit that they have a monthly circulation of a million and a half or a million and three-quarters. A sharp advertising agent knows what an advertisement is worth in a paper of that character. Permit me to say that I could mention one of them to-day having nearly a million sample copies a month which demands and receives as high as $4,000 a page for each insertion of an advertisement, because of course a man who has a thing to advertise knows that it is worth more to advertise in a paper that reaches one million and a half than one that goes to only a half million.

Now, section 3 as amended—and that is as the committee presents it—permits the mailing of sample copies up to 50 per cent of the list of subscribers, not exceeding 500 sample copies.

The metropolitan journals of the country do not care anything about sample copies. Permit me to say, as I said on a former occasion, that the American Newspaper Publishers' Association, representing more than 90 per cent of the circulation of daily newspapers throughout the country, have repeatedly at every session since 1896 unanimously indorsed this measure. So it is only the poor country paper, as represented to us, that desires the privilege of sample copies, and we thought if we gave 50 per cent of the actual subscription list, in view of the fact that he now had the right to mail in the county in which his paper is published absolutely free, and does mail some forty to fifty million pounds a year of his publications in the counties where they are published without paying a single cent to the Government——

Mr. LITTLEFIELD. And will continue to under this bill?

Mr. LOUD. And will continue to under this bill. We thought it a sufficient privilege to grant. Now, that is all this bill does.

Of course I know somebody says this provision here about subscribers is a change of law and that it is irksome; that it will cause a good deal of trouble. Now, let us see what the proposed provision in this bill is. A great deal of objection is raised to this provision here, which reads as follows:

And must have a legitimate list of subscribers who voluntarily order and pay or agree to pay for the same.

That is the language in this bill. I am perfectly willing to swap that language for the present law, if anybody thinks the present law is better. Now, here it is:

Postmasters must require satisfactory evidence that publications offered for mailing at the pound rate have a legitimate list of subscribers by each of whom or for each of whom, with his consent, express or implied, payment of the subscription price has been made or agreed to be made.

If anybody prefers the present law to what is in this bill, speaking for myself, I am willing to swap.

Mr. SNODGRASS. Is that all there is now existing in the law with reference to their circulation?

Mr. LOUD. That is all of that provision. There are a great many provisions, of course, in relation to publications. That is the only provision relating to subscription lists or lists of subscribers.

Now, that is all there is in this bill. Of course there is a provision at the end here in relation to separations which some members have raised objection to. It is wholly immaterial to the bill. The Department asked to have it in there in order that they might get at this fellow that we are after. This bill is not after the legitimate publisher. It does not affect him.

This provision was put in in order that the Department might be in a position to compel this advertising man to separate his matter. All of the legitimate press throughout the country do it to-day. This fellow refuses to do it. I do not care whether it is in the bill or not. It never will be enforced against a publication with a circulation of less than fifteen or twenty thousand. It could not be, because the separation of that paper would be a matter of impossibility. The Department would be compelled to furnish more mail sacks to a paper of that character than it could possibly afford, and it would hinder the Department rather than aid it. But where a publication has 100,000, 200,000, or 300,000, or 500,000, or a million and a half of copies, as they have in some instances here, then the Department desires to have the power to compel these people to make a partial separation.

Mr. SNODGRASS. Will the gentleman allow me to ask him a question?

Mr. LOUD. Certainly.

Mr. SNODGRASS. Can you state the provisions of the existing law that authorizes the mailing of sample copies of newspapers, whether it is limited or unlimited?

Mr. LOUD. Well, it is unlimited, I will say. The language reads just the same as this bill would if you were to change the

word "excluding" to the word "including." That is the only change there is in this section from the present law. The present law includes sample copies, and this excludes them except as hereinafter provided.

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from California yield to the gentleman from Illinois?

Mr. LOUD. I want to get through, Mr. Speaker, for I am very tired. I was sick when I started.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. LOUD. Yes; I will yield.

Mr. MANN. In reference to the college publications I wish to ask this question: There are a great many land-grant colleges which are conducting experiment stations, the results of which they send out by mail. They are not sent to lists of subscribers. I infer that they would not be allowed to be sent as second-class matter under the provisions of this bill. Would the gentleman have any objection to an amendment authorizing matter of that sort to be sent out as second-class matter?

Mr. LOUD. Well, let me say in perfect frankness to the gentleman that the object of this bill is to curtail rather than to extend the privileges that now exist. This would be an extension of privileges.

Mr. MANN. I will say that these experiment stations are supported by money contributed by the Government of the United States, but the experiment-publications are issued by the colleges.

Mr. LOUD. I should not feel disposed to have the result of this bill a broadening of the law rather than a contraction of it.

Mr. GRIGGS. Experiment-station bulletins are now sent out under the frank of the Agricultural Department.

Mr. LOUD. The gentleman behind me says that they are sent out under frank. I do not know anything about it.

Mr. LATIMER. Not those which are printed by the colleges.

Mr. MANN. That is a mistake, I will say to the gentleman from California. The publications to which I refer pay postage now. I know the colleges are objecting to the bill on that ground.

Mr. GRIGGS. If the gentleman will allow me, I did not say that the publications to which he had reference were sent out under frank. I said that bulletins from experiment stations conducted by the Government of the United States went out under the frank of the Agricultural Department, and that statement is true.

Mr. MANN. But not the publications of experiment stations conducted by agricultural colleges.

Mr. HENRY of Mississippi. And their reports.

Mr. GRIGGS. If they are agricultural experiment stations of the United States, their bulletins are sent out under frank.

Mr. MANN. If the gentleman will pardon me, the United States contributes a certain amount of money to land-grant colleges conducting experiment stations, and these experiment stations are conducted by the colleges, and they have to pay second-class postage on what they send out.

Mr. GRIGGS. I do not dispute that. I think that is very probable.

Mr. LOUD. You want to give them a privilege that they do not now have, and I would rather it would be separated from this measure.

Mr. LITTLEFIELD. Does this bill of yours change the law in this respect?

Mr. LOUD. No. If you defeat this bill, you will not give them any further privilege.

Mr. MANN. They claim this bill is objectionable to them. I do not know about it. They claim that they have now the second-class privilege. I do not know about it, for I am not posted. The gentleman who has the floor knows a great deal more about that than I know.

Mr. LOUD. Gentlemen of course can readily understand the difficulty in asking a hypothetical question unless you understand all the facts about the case.

Mr. MANN. Of course the gentleman is aware that the colleges have been sending a great many communications to Congress opposing this bill on the ground that it interferes with their publications. Now, I scarcely see how it interferes with the ordinary college paper, and I suppose all their communications had reference to this sort of publication.

Mr. LOUD. Now, let me say to the gentleman that one gentleman who most earnestly protested claimed that he now had the right to send a certain publication through the mails, and I sent out and found on investigation that he did not have the privilege and never had it. So the gentleman can readily understand the difficulty of asking a question relating to a special subject.

No college publication or any other in the world can be admitted to the second-class privilege except it appear on the editorial page or outside. Gentlemen can see on that "Application has been made." It was made and denied. If it had been admitted, it would have so stated; and every paper is compelled to have that in a prominent place in the paper.

Mr. BROSIUS. And it must have a bona fide subscription list.

Mr. LOUD. It must have, except these people.

Mr. LITTLEFIELD. Your bill does not change it at all.

Mr. MORRIS. If the gentleman will allow me, I will read from a letter here. I think the answer to it the gentleman can make, and your answer will, I am quite sure, clear up a good deal of the difficulty in the man's mind who wrote to me in regard to State colleges. Here is a letter from a president of a college whom I know, and whom I know to be sincere and honest in these allegations which he is making; but I believe that he is mistaken, and I want him to be corrected as to this question. Now, in the very first paragraph he reputes to this bill what I do not think it does. And I want to ask the chairman of the committee about it:

On January 20, 1900, Mr. LOUD, of California, introduced in Congress a bill (H. R. 6071) to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Office and Post-Roads, of which Mr. LOUD is chairman. Your attention—

That is, mine—

is especially called to the fact that the publications of "all institutions of learning and all strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, are excluded from the mails as second-class matter."

Is that a fact or not, or is the law allowed to remain just as it is now in reference to this character of publication?

Mr. LOUD. Mr. Speaker, I must have talked for an hour and a half to very little use if the gentleman could have sat under me all this time and still asked that question. I feel, Mr. Speaker, that I have not alone weakened myself, but wearied the House, if I have not conveyed to them even the simplest thought.

Mr. MORRIS. I beg the gentleman's pardon for having asked him a question.

Mr. LOUD. I have stated as emphatically as I could that this bill did exclude the publications of incorporated institutions of learning except they have a legitimate list of subscribers; and if I have said that once, I have said it a dozen times.

Mr. MORRIS. But does the bill change the law as it is now in regard to this class of publications?

Mr. LOUD. Certainly it does; otherwise it would not exclude them; and if it did not exclude them, it would be of very little moment. I have spent so much of the time of this House in talking for an hour and a half that I must be dull indeed if I have not conveyed to a single mind here the thought that I have had.

Mr. BROMWELL. Will the gentleman permit me to ask him a question?

Mr. LOUD. I set forth the reason as to why it was thought advisable to discontinue what have grown up to be the greatest evil that confronts the Post-Office Department.

Mr. MORRIS. The only thing that I got out of what you said was that you held up a lot of advertising circulars published by these colleges, and said that was what you were after. Now these have been excluded. That is what I am trying to get at, and I am just as opposed to it as you are.

Mr. LOUD. You can not exclude them in any other way than this. There is no man living that can put English words into a sentence that will keep one college out and let another one in. It has been tried too long.

Mr. MORRIS. But the question is this: Does this law of yours that you are trying to have passed leave all historical societies and college publications—legitimate ones of colleges—free to have this rate or not?

Mr. LOUD. Permit me to say once more, Mr. Speaker, no. I thought everybody understood me. Did no one understand what I was saying? I would like to know if anyone understood me. Did you [pointing]? [Laughter.]

Mr. OLMSTED. May I submit an amendment to the gentleman's bill?

Mr. LOUD. I can not accept any amendment now. I may later on.

Mr. BROMWELL. Permit me to ask the chairman of the committee a question, just to clear up this point a little bit, if possible.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. LOUD. I yield.

Mr. BROMWELL. If these college publications had regular subscribers and were issued at regular intervals, in accordance with the law, then does your bill make any change in their status?

Mr. LOUD. No; they would be entitled to the privileges which every other publication in the country has. We take away no privileges that every publication in the country has. Now, Mr. Speaker, I feel that I must close my remarks on this question, misunderstood as this evidently is by the House. There are, perhaps, within the sound of my voice fifty members who fully understand this measure; but nevertheless it is unfortunate, looking at this question as I do, that not exceeding fifty members of the House, called upon as they will be on Thursday next to vote upon a great question, have seen fit to seek light upon that question.

The question, so far as I am concerned, I leave to the House of Representatives. No man can have a personal interest in this

matter. Feeling that in my humble way I have performed my duty as a member of this body, as chairman of the Post-Office Committee, and a citizen, I leave the responsibility with you. Whatever the result, I am content, knowing it to be the judgment of the representatives of the people, at least apparent for this moment. I am done. [Applause.]

Mr. LITTLE addressed the Chair.

The SPEAKER pro tempore. Does the gentleman from Tennessee yield to the gentleman from Arkansas?

Mr. LITTLE. It is understood that I shall have one hour.

The SPEAKER pro tempore. The gentleman from Arkansas.

Mr. LITTLE. Mr. Speaker, it has been with no little misgiving that I have been led to conclusions in reference to this bill differing not only from the majority of the committee, but from several of my distinguished colleagues on the committee of my own political views. I confess that my views upon this bill turn more upon the general policy pursued by the Government heretofore than upon any technical provision of the bill. It has been, and was, the policy of the Government when the present system was adopted to encourage the ready dissemination of literature of the sciences and of art—I might say also of the newspapers of the country—not for the benefit of those who circulated them, but for the benefit of the great body of intelligent readers of the country. I believe, Mr. Speaker, that a correct understanding of what has taken place under the existing law will vindicate the wisdom of that policy. I believe the charge that the second-class mail matter creates a deficit in the national revenue with reference to the postal service is not correct. I believe if you will take from the mails second-class matter, that would bring about a great reduction in the use of first-class postage and a proportionate reduction in the current revenues, you would see and confront a greater deficit in the public service than you do to-day.

I do not understand that there is any general public demand for a change of existing law. I have never heard from a single one of the intelligent constituency that I have the honor to represent upon this floor protesting against the existing law. I have, during the pendency of this measure, received two printed petitions stating, in a postscript for me, to do what I thought right about the matter. My constituents are not controlled by petitions with an offer of so many volumes of a particular book, if they could engage their services thereby; and the result is that while it may have troubled my distinguished friend from California and others upon this floor, I can assure them that the gentleman from the Second district of Arkansas has not been harassed in that way or troubled by his constituency. They are not made of that sort of stuff.

I know, and I concede, that there are abuses under existing law, and will be under any law you can pass, unless you shut off and stop the postal system. It is not fair to hold up an example of a particular advertising sheet and in that way seek to cut off many of the valuable privileges, as I believe, that the great reading people of the country now enjoy under existing law.

Neither do I subscribe to the proposition that the postal revenues demand its repeal. In the first place, I might be allowed to suggest that I am not wedded to the theory that the postal system, the only thing in the Government that reaches every man, should of necessity be supported absolutely by the revenues arising from that service, because I believe it the most valuable service in the Government to the people. If it were necessary to improve that service for the benefit of our people, I for one would be willing to vote for a direct appropriation to do it. I believe when I say that that I voice the sentiment of the intelligent people of the country.

The postal deficit for the present year is estimated at six and one-half million dollars. The deficit for 1901 is estimated at $3,000,000. So it can be seen that we are rapidly, under the present system, extinguishing the deficit that has grown up under the postal system, and it will not, in my opinion, be longer than 1902 when you will see the deficit under the postal system wiped out and a healthy surplus left. I know that will be true if you will begin the economy at the right end of the line and say to the railroad companies that transport the mail of the people, "You shall do it at prices within the range of those which you charge for like service to private corporations and individuals." If you do that, you can put pneumatic tubes into every city in the Union, and you can put your free delivery into a great many of the neighborhoods of our country, but I would not give the snap of my finger for a rural free delivery if nothing is to be delivered which may interest the boys and girls of that country who are striving for the best literature of the land.

Now, let me call attention to a few figures; I shall not deal very much in that line, and I shall speak only in round numbers—millions. For the years 1893, 1894, and 1895 the receipts of the Post-Office Department were $76,000,000. This law in regard to second-class matter went into force, I believe, in 1894, and during those three years the revenues from the postal service amounted to substantially the same figure, the deficit during the first year being $5,000,000, the second year $9,000,000, and the third year $9,000,000.

Now, we begin to reach the period when this objectionable matter against which gentlemen have declaimed was admitted to the mails. Let us see what was the effect. I find that from 1895 to 1899, a period of five years, there was an increase of revenue from $76,000,000 to more than $95,000,000. Now, to be perfectly fair, I want to allow 10 per cent for the natural development of the country; therefore from this increase of $20,000,000 we will deduct $2,000,000. I want to deduct, also, 10 per cent for the McKinley "prosperity" which gentlemen on the other side claim, but which we do not believe has yet reached the people.

Mr. BROMWELL. Has the gentleman the amounts of revenue for each year separately? He has given to us the aggregate of certain years.

Mr. LITTLE. I am reading from the report.

Mr. BROMWELL. If it will not interfere with the gentleman's argument, will he be kind enough to read the amount of revenue from 1895 to 1899, giving each year separately?

Mr. LITTLE. Certainly; I will gladly do so. For 1895 the revenue was $76,000,000; for 1896 it was $82,000,000. That year—the year ending June, 1896—was the year before the great McKinley cyclone of "prosperity" had struck the country. For 1897 the revenue was $82,000,000. It will be seen the revenue did not grow at all for those two years. For 1898 the amount of revenue was $89,000,000; and in 1899 it was $95,000,000. Now, if the gentleman can draw any consolation from those figures he is welcome to do so. I do not care upon what ground you may base this increase. You may allow 20 per cent for the natural growth of the country; you may allow 20 per cent for the "prosperity" which you claim as the result of Republican rule, making $8,000,000 to be deducted from the $20,000,000 of increase. In that way you may find out the amount of increase represented by second-class matter passing through the mails.

Here is the trouble in considering this question. You say, "Why, there is paid into the revenues only three and a half millions on account of second-class matter." That is true, and the amount looks small. But do you know that that figure represents only the smallest part of the revenues which have sprung into use under this system?

Some gentlemen here represent rural districts. I represent a city of the size of the city of Tupelo, represented by my friend from Mississippi [Mr. ALLEN], and I am acquainted also with the surrounding country. I know something about that sort of life. A sample copy of a fashion magazine is sent into a neighborhood. In the back of it you find advertisements of patterns with the prices. Ladies get together, examine that magazine, and Mrs. Smith says, "I would like to have that pattern;" Mrs. Jones says, "I would like to have this other pattern."

So it goes on. The result is that probably on account of that one copy of that magazine coming into that community there are sent out fifteen letters, paying first-class postage, as do the answers to those letters. And those letters would never have seen the mails had not these inquiries been inspired by the very literature which you are seeking to drive from the mails. Any man who will carefully examine on that line will, I believe, become convinced, unless he is enslaved to his own preconceived opinion, that second-class mail matter adds more revenue, directly and indirectly, to the revenues of the Government than any other class of matter that is admitted into the mails. I think there can be no doubt about that. If that is so, why do you want to strike down this system?

It may be said that under this provision of law certain species of periodicals which ought not to be classed as second-class matter do go through the mails at that rate. The Postmaster-General himself in his report has said that a large class of matter passing through the mails as second class ought really to pay postage as third-class matter. Now, if he can not make the distinction, why should we undertake to strike down what I believe to be one of the best services in the Government, simply because some little fictitious or fraudulent business concern can pass its publications through the mails as second-class matter when they ought not to be so ranked?

Mr. BURKE of Texas. If the gentleman will allow me, I wish to ask him how he can reconcile the statement he has just made with the statement of the Postmaster-General that first-class matter conveyed through the mails amounted, in round numbers, to 128,000,000 pounds, for which there was received in postage $65,000,000, while of second-class matter there were 352,000,000 pounds, amounting, in round numbers, to three million and a half of dollars? How can those figures be reconciled with the statement the gentleman has just made?

Mr. LITTLE. I thank my distinguished colleague on the committee for the suggestion, for I might have been misunderstood in the proposition I announced. We all know that the revenue received from first-class mail matter constitutes the principal

source of profit to the Post-Office Department. The net profit on first-class mail matter, I believe, is estimated at something like seven-eighths, or in the neighborhood of that, as I recollect. I concede that on the direct amount paid on second-class mail matter there is a loss.

Mr. BURKE of Texas. That is what I thought the gentleman was bound to concede.

Mr. LITTLE. Certainly; I do concede it.

Mr. BURKE of Texas. I understood the gentleman to say that there was no loss, but that it paid a greater revenue to the Government than any other class of mail matter.

Mr. LITTLE. I greatly regret that my distinguished friend did not understand me. I said that the amount that was paid on second-class mail matter and the amount paid on first-class and third-class mail matter that was inspired through that channel constituted, and I believe does constitute, the great body of the mail receipts to-day.

I illustrated it, as I will illustrate it again. Here is a little pamphlet, the Riverside Series, advertising the best literature in the country at exceedingly cheap rates. This goes down into some county in my district. Some ambitious boy gets hold of it. He never read Longfellow or Burns or Milton or any of these distinguished poets, but his soul is hungry for something good to read. He takes this advertisement and he goes to his father and says, "Papa, can you not get me this book? It will only cost 4 cents or 5 cents or 15 cents; can you not get me that? And here is Mary, who wants one of these books." Papa says, "Why, certainly; here is a quarter. Take that and get it."

The result of that is that the Government gets the postage upon the letter, it gets the fee for the postal note, and perhaps they write to inquire for more prices and the answer comes back, and out of that little pamphlet directly might flow 20 communications of that sort that would never have seen the mails, and a character of mail upon which the Government makes a profit of from one-half to seven-eighths. Why, sir, when you strike out the second-class matter, you remove the cause, at least, from that character of correspondence.

And that is not all. I believe, as I said in the beginning, that this policy was the wisest policy connected with the postal service. I say that because, as we all understand fundamentally, the very basis of our institutions and our Government depends upon the intelligence and morality of our people. If that be true, can the Government do a wiser thing, can the Government do a greater service to the people of this country, than to afford an opportunity for the cheap and ready distribution of the best literature, both literary, scientific——

Mr. BURLESON. Religious——

Mr. LITTLE. That the best literature of every class may go through the mails to improve and inspire our people wherever there may be a star-route service in all the broad land.

Why, we hear that this matter is shipped from New York to Chicago, and possibly St. Louis, where large quantities are going; but the boy or the man or the woman who lives out in the country who desires this literature, who can not afford to pay for it being sent by express, or where the quantity is too small to have it shipped by freight, under the present law they can drop their postal note into the post-office, and the literature that they want will be forthcoming.

Why, gentlemen, have you forgotten, have you not read in these hearings the opinions of the educators from almost every State in the Union in which they commend this series in the highest degree? Would it be trespassing too much to read one of them? I beg the pardon of the House for doing so. I read one letter from Mr. Otis Ashmore, superintendent of schools at Savannah, Ga. I have no acquaintance with this gentleman, but I know the discriminating judgment of that people well enough to know that he is not only an intelligent but an honest man. Here is his opinion. He has not been bought by a circular promising him two or three volumes of a 2-cent publication. I guarantee that. Listen to his words:

SAVANNAH, GA., *January 25, 1898.*

Any legislation restricting the dissemination of good books and pure literature such as contained in the Riverside Literature Series would, in my opinion, be a grave error. The uplifting influence of such reading upon the great masses of the people is unquestioned, and our Government should encourage the easy dissemination of such reading matter as will tend to inculcate those sentiments and principles which broaden and beautify life and which strengthen and purify our national life.

OTIS ASHMORE,
Superintendent of Schools.

Ah, gentlemen, it is not the man who can afford to buy costly literature that we want to reach. It is not the man who can pay a dollar and a half or two dollars for a bound volume that we want to reach. It is the great body of the struggling people and the ambitious boys who are thirsting for knowledge within whose reach the present law puts the best literature of the world at such figures that they can afford to pay for it. Why, sir, with my present views, I think this Congress could well afford by direct appropriation to pay the deficit rather than to strike down this one element.

Gentlemen seem to think that the serial stories and the reprint of books are the objectionable features of the present law. It is that part which commends it to me in the very highest degree, because I know what it is myself. If you will excuse a personal reference, I would have no hesitation in saying to you that if I had had the privileges that this law gives when I was a boy I would have been much more of a literary man than I am to-day. God bless that class. It is they for whom we should strive. It is their uplifting that ought to appeal to every heart, and I believe and hope it does.

Now, this second-class matter can be shipped by express, but as the law now exists every post-office is a delivery stand for this magnificent literature, and if you strike out the reprints of books, you strike from the law the gem that to my mind glitters more brightly than all the rest. Because, I tell you, that is the class that we want to reach. Some gentlemen have intimated that it is the great corporations that want to defeat this bill. Ah, gentlemen, it is not the case. Great national book companies would not be hurt; but the little fellow who is attempting to establish a book concern at another place might be crushed by having to seek the delivery of his literature through similar lines. To-day every business interest of this character, from the great literary house to the news stand, has established a delivery at every door where our great postal service extends, and that delivery inspires more communications, more first-class mail matter, more third-class mail matter, and I believe it has done much to bring the service up to the standard where we find it to-day. I would not disturb it.

Not only that. Gentlemen talk about the sample copies of newspapers. Who is ever hurt by a sample copy of a newspaper? When we have a good paper, let them send it at the 1 cent a pound rate. Let it go to the people. If they can build up a circulation in that way, let them do it. The people have never complained of this expense. If the publication is bad, they will eschew it. If it is good, they will accept it. And right here permit me to digress for a moment. When this law first went into force, the trashy literature of the country sought the mails. It was the yellow-back novel, the Jesse James books, or the story of the Younger brothers, or some other outlaws; but to-day, owing to the discriminating judgment of the great intelligent reading masses of the people, you will find that, in my judgment, not one-tenth of the amount of that kind of literature is distributed to-day that was formerly distributed. No man can tell precisely the percentage, but I give that as an estimate; and it is as exact as some of the estimates made on the other side.

Mr. BROMWELL. Will the gentleman yield for a question?

Mr. LITTLE. Yes.

Mr. BROMWELL. The gentleman intimates that this yellow-back literature is decreasing in the mails. Does the gentleman know that very recently in the New York post-office there were 2 tons of the book Sapho, that is exciting a good deal of comment just now, entered for second-class mail privileges?

Mr. LITTLE. I was not aware of that fact.

Mr. BROMWELL. Two tons in one office.

Mr. LITTLE. I was not aware of that fact, and it does not change the position that I take.

Mr. DRIGGS. I should like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman from Arkansas yield to the gentleman from New York?

Mr. LITTLE. Certainly.

Mr. DRIGGS. Is it not true that if we pass this bill it will still be possible for the Police Gazette and such papers as that to go through the mails as second-class matter?

Mr. LITTLE. Ad libitum.

Mr. DRIGGS. I thought so.

Mr. LITTLE. There is no doubt about that, and therefore I say it is unjust and unfair toward the system to hold up a spurious publication here and there and put it against the superior benefits that are enjoyed by the people under the present law.

Let me tell you, gentlemen, I do not intend by my vote or by my hand to lay violence on any legitimate publication of this class. I believe it pays its own expenses, directly or indirectly. I believe it is a great boon to the American people. They are improving. They are reading more, they are learning more from day to day as time goes on, and this service has done much to inspire it. The bill "gives the newspapers 500 sample copies, but no more." Give them as many as they want to pay mail upon. If I want to establish a newspaper—and the Lord knows I never will—if I am able to send a thousand sample copies or ten thousand sample copies, why tie my hand and say that I shall pay a different rate, and pay it by licking a stamp and sticking it upon every paper? It is not right.

Ah, gentlemen, if you would weigh your mails you would find that the great metropolitan journals coming to you, weighing a pound and a pound and a half, constitute the great bulk of the

second-class matters about which there is so much complaint. Let the newspapers go on as they have been. I am willing to it. Let intelligence struggle on, and I warrant you the good judgment and the improved taste of the American people will continue to vindicate the wisdom of this law. Not only that. You hear about commercial schools and college periodicals which are to be excluded by this bill because they have no bona fide subscription list. They are not intended to have, in the nature of things. But take my own State as an illustration. In the city of Fort Smith we have a commercial school, and a magnificent school it is. They issue a magnificent periodical, with articles in it intended to inspire the young and to create in them a thirst to excel in knowledge.

Not only that; the colleges of my State—all of them, I believe—issue their periodicals and catalogues, filled with the very choicest literature, and they are read by the young people of the State, and it kindles ambition, it touches a flame and inspires the boys of our country to higher aims and nobler purposes. I would be willing to extend rather than deprive these people of any privileges they now have. There is not a discreditable sheet in my State of the kind indicated, and I believe the Postmaster-General has power to exclude the obnoxious matter from the mails under existing law.

Mr. COWHERD. Will the gentleman allow me to ask him a question?

Mr. LITTLE. Certainly.

Mr. COWHERD. Do I understand the gentleman to say that these papers are published by the college boys?

Mr. LITTLE. Many of them are.

Mr. COWHERD. Then, would not these be legitimate publications? College papers have subscription lists, that are subscribed to largely by the boys themselves.

Mr. LITTLE. Oh, no; each boy, as I understand, gets it.

Mr. COWHERD. He can pay his own quarter.

Mr. LITTLE. They are sent to the friends of the boys all over the State.

Mr. COWHERD. Then they have a paid subscription, and they are admitted to the mails.

Mr. LITTLE. It has no subscription that I know of. I know that this commercial school publication has none.

Mr. COWHERD. A commercial school publication is simply an advertising sheet issued by the school, but a college paper is issued by the boys and has a subscription list.

Mr. LITTLE. That may be true. I do not know about the subscription among the boys. They send out hundreds and hundreds of copies all over the State, and the papers contain the choicest literature and choicest debates, and all that sort of thing, between the boys. If it is all right now, let well enough alone. That is the position I take upon this bill—that there is no demand emanating from the country to strike down this service as to these publications. I am satisfied, the country seems to be satisfied, and the Post-Office Department wants to preclude them. We have it suggested by the gentleman, the distinguished chairman, that there are numerous schemes pending before the Post-Office Committee—the pneumatic tube, the economic postal bill, and Lord only knows what—and I tell you that when you strike down this service, ninety-nine times out of one hundred it will be superseded by a service that will be very inferior in its beneficent effect upon the whole people of the country.

Mr. Speaker, in this perilous time in the history of the Republic, let us encourage in every possible way the dissemination of knowledge; encourage the circulation of the best literature. Let us uphold the hands of the press, the suburban or country press, the more important of all to the great body of the people. Let it have the greatest possible liberality, and by its aid we may trust to the intelligence and patriotism of the people for the perpetuity of our institutions. [Loud applause on the Democratic side.]

Mr. Speaker, I shall reserve the remainder of my time.

Mr. MOON. Mr. Speaker, I now yield forty-five minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Speaker, I would like to consume a little time in referring to the history and the business of the Post-Office Department. You will bear in mind that this bill has not been touched from the standpoint of principle. In 1825 and prior thereto we, like other countries, had a postal rate, and high it was, as it was in all countries at that time; but the idea began to permeate the American mind that the best way to govern a great nation was through education. We also had a system under which the wealthier classes paid the greater burden of the public expenses.

We also had the principle permeating the public mind that those who used luxuries should be taxed, because it was an evidence that they were more able to bear the burdens. Also the idea permeated the public mind that a premium ought to be offered the poor in the great arid West and other portions of the country to read and to educate. Therefore, the Post-Office Department and Congress for the first time in our history said we would establish what we now know as a second-class postal rate. That second-class postal rate referred, in 1825, to magazines and pamphlets, and it gave a lower rate than any other of the classifications on these particular publications.

In 1845 this was extended by carrying weekly publications within 30 miles of the place of issue free. Now, bear that in mind. There is a premium offered for the first time to the people, giving them free publications within 30 miles of the place of issue. In 1851 Congress established a rate of 5 cents for every 13 copies of a weekly newspaper. In 1861 Congress extended these privileges not only to the subscriber, but to the news dealer in every town in the land, that they might have an incentive to force their reading matter on the people and encourage them to educate.

That went on and on, until finally we developed this system and this principle that is now attempted to be rooted out or destroyed, as it were, root and branch. Congress said we now transport mail at a cost of 8 cents. Now, keep that in mind. And Congress said that the great financial institutions, the great railroad companies, the great business establishments, send out a thousand or ten thousand letters where the poor man sends out one. Therefore Congress said we will put first-class mail matter, including letters and postal cards and like material, at 32 cents a pound, making a profit on that kind of postage of 300 per cent. Why? Because, said they, these industries are able to bear the burden.

What else did they say? They said then we will have a fourth-class rate. What shall that contain? We shall provide for the carrying of merchandise, of cut flowers, of picture albums, and such things as those bought by people who are able to indulge in such luxuries, and we will put them at 16 cents a pound, and we will make 100 per cent on every pound of mail matter carried under the fourth-class rate. Why? Because these are luxuries and they are used by a class of people who can afford it.

Now, you have got the two extremes, the only two parts of the postal system in its formative period that it was ever intended to make a single cent of profit upon. First, 300 per cent on the first class and 100 per cent on the fourth class. Then we come to the second class, and what did Congress say about the second class? It referred to fixing the second class as giving the people a franking privilege on the second-class matter, speaking of it as a franking privilege, and they said on every pound of mail matter we carry under what is known as the second class we propose to lose 7 cents. Why? So that class of citizens who are unable to educate themselves may be educated at the public expense.

What shall it include? They said it shall include newspaper publications that go beyond the county limit, first making all within the county absolutely free, which costs over $1,000,000 absolute contribution under the second-class rate. Now, what else did they say it should contain? They said it should carry not only magazines and newspapers, but they said it should carry the periodicals; and so far as our friends talking about periodicals being an innovation and an abuse of the privilege is concerned, the very history of the formative period of the Post-Office Department shows that that is absolutely false, because we had in former years—prior to 1885—a second-class rate of 2 cents a pound. But the people of the United States were so anxious to place this literature—the best that is known to the library—into the hands of the people at large in the sparsely settled portion of the country that they said, "We will cut down the rate from 2 cents a pound to 1 cent a pound."

Now, let us see what were some of the arguments ten or twelve years ago, in 1888 and 1889, for instance, upon this subject. On the 8th of July, 1889, in the city of New York, ex-Postmaster James used this language:

> The constant tendency of our postal system has been toward the extension of the privileges of the mails in every branch of correspondence and every form of literary production. Its facilities first made possible the cheap production of newspapers, and later on standard works of literature, by placing upon all periodical popular reading matter the lowest rate of postage ever known in a civilized land, viz, 1 cent per pound throughout the United States. This low rate has developed the popular library periodicals.

Until 1876, 1877, and 1878 you did not know of such things as "popular libraries." Such things were unknown to history. They began under this system; they grew up under it, and are, in fact, an incarnation of this idea. Ex-Postmaster-General James further said:

> This low rate has developed the popular library periodicals like the Franklin Square, the Seaside, and others, by which the best standard works of English literature, like Green's History of the English People, Macaulay's History, the works of Dickens, Scott, Cooper, George Eliot, and Shakespeare, have been published in 10 cent volumes and made accessible to the people of the most distant States and Territories, and enabled the present generation to possess every important new publication in science as well as fiction. In no other country have the masses ever before enjoyed such an inestimable intellectual privilege, and no money expended by the Government in any of its multiform agencies has ever conferred such enormous advantages.
>
> This extension of reading good books by the masses is in itself one of the marks of progress of civilization and of the widening benefits of a government of the people and for the people. This impulse and direction, of course, must not be changed. There must be no steps backward.

That is the language of ex-Postmaster-General James. Now, our friend from Illinois [Mr. CANNON] was in 1888 on the Post-Office Committee. Let us see what he thought of these periodical publications, or, if you please, republications of the choicest literature known to literary people. Here is what Mr. CANNON said on the floor of this House on the 2d of February, 1888:

* * * Under this legislation the best classes of literature—for instance, the Waverly Novels, Dickens's works, and the new translation of the Bible—have been sent by publishing houses through the mails, unbound, stitched, at the rate of 2 cents a pound, so that they could be sold to the people at 10 cents a volume. In this way during the last ten or twelve years the best classes of literature, where there is no copyright, and sometimes where there is copyright, have been circulated through the country by our great publishing houses and sold, postage paid, at 10 cents a volume. Publications of this kind have come from the Harper's, from Munro, and nearly all the great publishing houses of the country.

As a consequence of this, you may find in the homes of our farmers and laboring men throughout the length and breadth of the country, in this cheap form, issued at 10 cents per volume, a class of literature to which, prior to the adoption of this policy, some people in very good circumstances could scarcely have access. In my own case—and perhaps I am somewhat more able to buy such books as would be useful to me than many others—I know that I avail myself frequently of these cheap publications, because I do not feel that I could afford to buy the same books in their higher-priced forms.

Mr. HOPKINS of Illinois. Emerson's works, for instance, are sent out in that way.

Mr. CANNON. Oh, yes; Emerson's works. The Bible has been sent out that way. Anything that is merely printed, stitched, and not bound, and that is not otherwise prohibited from our mails, goes through the mail at 2 cents a pound.

That was when the rate of postage was 2 cents a pound—before the reduction to 1 cent. Mr. CANNON further said:

Now the newspapers of the country, daily and weekly, everywhere go at 2 cents a pound. They constitute, as I recollect, over three-quarters of all the mails.

And let me say the newspapers to-day constitute three-fourths of the mail matter, in my judgment.

They go at this low rate, having substantially the franking privilege—

Bear that in mind—the franking privilege—

because it is believed to be in the interest of the people for the dissemination of intelligence. For one I will be slow myself, and will ask the House to be slow, before we cut off the privilege of the workingman and the farmer, the million, to get this literature at this low rate.

* * * * * * *

What I have just read constitutes a portion of the history of the country, and it exhibits the establishment of second-class matter in the Post-Office Department, which includes magazines, newspapers, and these unbound or stitched books.

Now, the Post-Office had in view a further policy, and that was to encourage the man who was well able to buy books to buy them and to read them. The Post-Office Department had determined that it cost about 8 cents a pound to transmit the mail.

Now, what was the policy there? The Post-Office Department and this House and the Senate said, we will give the privilege to the poor for such literature as does not go into libraries now, under the second-class rate of 1 cent a pound. We want to make no profit on the man who is able to read and who wants to read. Therefore we will take the books that are bound in regular library form, whether in cloth or morocco bindings, and put the postal rate at the actual cost of 8 cents a pound under the third-class rate. Now, there is your system in a nutshell—the first and fourth class matter are to be made to pay the expenses of the second-class matter. The third-rate matter was presumed to bear its own expense, and no profit exacted from library books. Do you want to tear down that system? That is the question.

I followed the gentleman from California [Mr. LOUD] as best I could this morning, and I wish to say that there is only one thing that commends this bill to me at all, which is that the gentleman from California is the father of the bill. I have seen the gentleman right so often; I have seen him so courageous in defying his party and in defying wrong in this House that whenever I see him father a bill I examine it very thoroughly before I oppose it; but I am so well satisfied that he has passed over the principle and the reason that have brought the present system into vogue, and that he is only looking at the fallacious policy of making every Department bear its own burden of expense, that I take it he is now riding a hobby, and that I am justified in parting company with him on this measure, because he is unquestionably in the wrong.

Now, sir, I jotted down here a few things the gentleman said, and I must say, with all due deference to him, that his argument, in my judgment, fell short in every particular because his premises are faulty. There is no soundness in it. There is nothing underlying it in my judgment except a serious conviction on his part that he is giving the public an improvement in the service and that he is doing the public a benefit. I do not doubt the gentleman thinks that. I believe in his sincerity and I believe in him, but not in his bill.

He starts out by saying that he brought up this bill because so many gentlemen had suggested to him the idea of bringing it up again. I say if any man did that it was a man who has not studied the system of the Post-Office Department of the United States, a man who has not studied the free-school system of the Government of the United States, because this is a handmaid of the free schools of the country. They go hand in hand and were intended to be an aid to each other. And when you talk about your expenditure out of the Treasury, I want to say that we spend between $100,000,000 and $200,000,000 annually in the United States out of the county and State treasuries for free education.

Mr. TALBERT. Has not this bill been changed so as to meet some of the objections that were urged against it?

Mr. BELL. In some few particulars; but those are only minor objections which I care nothing about.

Now, sir, the very idea of the gentleman spending an hour here holding up these little frivolous circulars was enough to stamp his whole idea as fallacious. Now let him strike at larger game. He objects to those items because he says they are purely advertising matter and do not improve the human intellect.

I want to go back with him, and to say that the whole theory and idea of the people of the United States in admitting newspapers to a free circulation in the county of publication at the Government expense, which is said to cost millions of dollars per annum, is to educate the people and to give them reading matter free and induce them to educate themselves.

But now what have the newspapers done? This newspaper which I hold in my hand (the New York Herald) has the undoubted right of admission to the mails. It goes through the post-office at a loss of 7 cents on every pound. The people of the United States contribute to the New York Herald 7 cents for every pound that goes through the post-office. I have here last Sunday's edition of that paper, and I have picked this out because it is more conservative than most of the newspapers of the country.

Mr. TALBERT. The pictures are intended for the children, I suppose.

Mr. BELL. Three-fourths of this Sunday edition is composed of advertisements, pure and undefiled.

Mr. OLMSTED. Have you read the personals?

Mr. BELL. Thirty-one pages of this newspaper that is transmitted at public expense at a loss of 7 cents a pound are nothing but advertising matter that has nothing to do with educating the human mind, and I want to say that the advertisements in one issue of the New York Journal or World will swallow up every little advertising sheet that the gentleman can find in a month's hard work. [Applause.]

You may pass by, if you will, the Sunday Journal and all the Sunday papers, but here is the Philadelphia Inquirer, which comes to your desk and mine daily, a good, conservative paper. This paper came this morning. I had a newspaper man measure it, and two-thirds of the daily issue, saying nothing about the Sunday issue, is pure and undefiled advertisement, and that is transported at the public expense and at a loss of 7 cents a pound on every pound transported.

Mr. TALBERT. Under the present law.

Mr. BELL. Under the present law; and when the Loud bill passes—if it ever does—this paper will go on and all the other daily newspapers will go on just as they are to-day, and you will be transporting through the mails all of this advertising matter of these papers at a loss to the Government of 7 cents a pound. Yet you will cut off that privilege from these other advertising papers.

Mr. TALBERT. Will you cut it off from the county papers, the country papers?

Mr. BELL. No; the country papers will go right along. The law now is and will continue to be that newspapers are transmitted in the county where they are published absolutely at the expense of the Government, at a cost to the Government of over a million dollars per annum.

Mr. BARTLETT. I understand that this bill proposes to limit the number of country papers that can be so circulated to 500.

Mr. BELL. Yes, it was limited to 500 sample copies.

Mr. CLARK of Missouri. If the gentleman will permit me, I want to state——

The SPEAKER pro tempore. Does the gentleman from Colorado yield?

Mr. BELL. Yes.

Mr. CLARK of Missouri. I want to state to the House for information that I have an amendment that I am going to offer at the proper time, raising the per cent of sample copies that may be transmitted to 100 per cent, and the number from 500 to 2,000 sample copies. I give notice of that amendment now.

Mr. BELL. Now, Mr. Speaker, I do not wonder that the chairman of the Committee on Post-Offices and Post-Roads floundered when he was pressed as to what this would actually save. I do not wonder that he would not express an opinion, because the

hearings before that committee and previous committees have so punctured the assertions of the Postmaster-General that you dare not hold them up as approximately accurate in the light of the hearings. I want to say that the gentleman who is the representative of the great news dealers' organization was before that Committee. And what did he say? I read from the hearings:

The CHAIRMAN. I understand that, but Mr. McClure, I think, stated this morning that not exceeding 40,000,000 pounds would cover all the magazines, and he included the Ladies' Home Journal, and I understood him to include publications of that general character. The daily paper does not use the mails at all, and there are no serial novels—that is, it is an insignificant matter. Where does this weight come from?

That is the question asked by the gentleman from California, the chairman of this committee, and he asked it of a man who knows more about this literature probably than almost any other man living.

The chairman of the committee had the impression, and so did Mr. Wanamaker, that this great weight came from the serial publications. I want to say that if any advantage is to be given to any of these publications, for heaven's sake, let us give it to the serials. They compare like daylight to dark with many of the newspapers that go through the mails.

I have a lot of sample copies that these gentlemen interested in this bill have probably sent to all of you. I hold one of them in my hand. It is the poem Evangeline. It goes through the mails and can be had for 13 cents. In the front of it there is an engraving of the author, followed by his biography. Then follows the beautiful poem. That is used in every school in this city and practically every high school in the United States of any standing. Children buy them and use them, and if you are going to discriminate against anything, strike out this advertising matter in the newspapers and let your children have the choicest sayings of Lincoln, of Longfellow, of Scott, and of all the other great men who have gone before us. Now, what did this man Farrelly say? In reply to the question of the gentleman from California [Mr. LOUD] he said:

The daily newspapers do use the mails.
Then they have testified falsely—

Said Mr. LOUD.

No; they testified as to the percentage of their circulation. They did not say how many copies.

Mr. LOUD. If the gentleman will permit, he will see by the very statement of Mr. Farrelly that the statement which you have just made is not correct. You stated that I said the daily newspapers did not use the mails. Now, you can see from the remark of Mr. Farrelly that you are mistaken.

Mr. BELL. I should be glad to yield to the gentleman, but my time is going.

Mr. LOUD. But you can see there is an error. I never said anything of the kind.

Mr. BELL. This is from the hearings, and I will straighten that out, if not correct; but it is so printed here as a part of the hearing.

Now, then, here is Farrelly's testimony in testifying as to the percentage of their circulation by mail:

They do not say how many copies of the Washington Globe go into the mail, but they tell you what percentage, and it sends thousands of copies through the mail. If all of the daily newspapers went through the mail there would not be postal cars enough to carry them. In the case of the Journal, the World, and the Herald alone, they send to the city of Boston over the line of the New Haven Railroad every Sunday morning ten cars packed and loaded with the daily press.

Ten cars on Sunday morning to Boston!

In place of having 400,000,000 pounds, if all the daily press was thrown into the mails it would increase it more than tenfold.

Now, I do not wonder that one not familiar with these things would be confounded.

I have told you about the serials and so-called books, where they get their figures for 50,000 tons, mentioned by Mr. Wanamaker. I do not know, but, to the best of my knowledge, the figures I gave you—5,000 tons—

And so the chairman did right to believe that that was really entitled to statement as fact.

Mr. LOUD. I never said it.

Mr. BELL (continuing):

Their figures for 50,000 tons mentioned by Mr. Wanamaker. I do not know, but to the best of my knowledge the figures I gave you—5,000 tons—would come within the mark. Therefore, assuming that everything intended to be excluded by this bill would be excluded, that in place of the Government saving millions of dollars a year the most that could be saved, on a liberal estimate, would not exceed $900,000.

And now we are getting down to a pretty small thing.

If you pass this bill and the Postmaster-General asserts his authority of censorship, you would not save more than $900,000. When you do that you strike at a fundamental principle of abridging the liberty of the press on the plea of relieving the Department of an imposition which I do not think exists.

I want to say to the gentlemen who were here last year—because I see my time is going by very rapidly—that last year we had this same matter up, and we went over it thoroughly and we developed the fact—and if we had time, we would do it again—we developed the fact that not since 1878 has there been a lowering of transportation charges for the mails of the United States growing out of an exposure of that, and as a matter arising out of that exposure there was a committee appointed by this House for the purpose of inquiring into these facts, and that committee hired an expert to look over the figures and to see how the freights and express and how passenger travel had been lowered by the railroads since 1878.

Now, a digest of the evidence of that joint Congressional committee is found in the Chicago Tribune of March 10, 1900. I find the following:

Annual revenues of a passenger car, $10,528.
Annual revenues of a mail car, $15,588.

Now, think of it! He goes on:

Decline in freight rates since 1878, 35 per cent.

This is taken, as I understand, from the Interstate Commerce Commission:

Decline in passenger rates since 1878, 17½ per cent.

Mr. TALBERT. Since the passage of this act?

Mr. BELL. Yes. [Continuing to read.]

Percentage of mail to gross railroad earnings (1878), 1.879.
Percentage of mail to gross railroad earnings (1898), 2.747.

Just the reverse all the way, and against the Government all the time.

Percentage of increase, 1878-1898, $46,000.
What a 25 per cent reduction in pay to railroads last year would have saved the Government, $8,895,009.

That is official information.

Mr. LOUD. What is the gentleman reading from as official information?

Mr. BELL. I am reading from an article in the Chicago Tribune, taken from the digest of evidence before the joint Congressional commission by Professor Adams, the statistician.

Mr. LOUD. The gentleman does not, certainly, claim that that is official?

Mr. BELL. That paper claims that this was the expert employed, and he made the figures, and publishes it as official.

Mr. LOUD. That is simply the publication of some of the figures and not others.

Mr. TALBERT. Did the gentleman get them from an official document?

Mr. BELL. The documents have not been given out. The Chicago Tribune takes the official figures of the expert and publishes them.

Mr. LOUD. Permit me to say they have not seen them, because the report was not published.

Mr. BELL. They are given in an article of three and one-half columns in the Chicago Tribune.

Mr. LOUD. It is not true.

Mr. BELL. As you are so technical about wanting these things under seal, I will take something now that you can not deny.

Mr. LOUD. That is "Cowles."

Mr. BELL. It is Mr. Cowles's language, giving the conclusions of ex-Postmaster-General Vilas, gathered by Cowles, and I will give you the language. If the Government of the United States or the Post-Office Department would require the railroads of the country to lease their cars for a reasonable percentage, and to carry the mails at the same proportionate rate that they carry freight and passengers, there would be an enormous surplus from year to year.

Now, here is what Mr. Cowles, a very eminent gentleman, said in language extracted from General Vilas, which I will quote:

The difficulties of solving this problem do not diminish with the lapse of time; they steadily increase. The peril to the public is not lessened, but augments yearly. There must be legislation adapted to the conditions of time, or this wretched system, with its inequalities, its injustice, unnecessary expenditure, irritating complications, and risk of signal disaster, must remain a reproach to the Department until some serious misfortune awakens decisive action.

When Mr. Vilas was Postmaster-General he made an urgent appeal to Congress that it should take action against the extortion of railroads in the carriage of the mail, and said that until Congress did this these unfortunate conditions would remain a reproach to the Department until some serious misfortune awakened decisive action.

It seems that the disaster has come; that the extortion from the people does not bring a single complaint from the authorities for relief from the railroads, but they appeal to Congress that the people may be deprived of the choicest literature that the poor have enjoyed for the past twenty years at a nominal cost, but never mention the real cause of the deficiency.

November 26, 1887, Postmaster-General Vilas said to Congress that 432 cars then in the postal service—342 in ordinary use, 90 in reserve—could be bought or their duplicates manufactured for

$1,600,000, while the entire annual cost, embracing all necessary labor and ordinary repairs, would not be over $720 for each of the 342 cars in ordinary use, or $246,240, making a total of $1,846,240.

Yet, for the mere use of these cars, including cleaning, etc., the Department was then paying $1,881,580 a year, and the amount demanded for the ensuing year was $2,000,000; this in addition to the 8 cents per pound under the general item of transportation of mails by railroad.

On one line $59,037.75 was annually paid for the use of four cars that could be built and fully equipped in the best modern style for less than $17,500, and this in addition to the full weight pay for transportation, amounting in this case to $504,573.69 annually.

Mr. Vilas estimated that its purchase of its postal cars would save to the Government at least $1,500,000 a year against which the only charge would be the cost of casualties.

It can not be objected—

He said—

that the Department is unable to assume the charge of these cars. The Department can easily discharge these functions. It might receive the custody of all the cars in the service and thenceforth care for them on a month's notice.

See general freight and passenger post, page 65 et seq.

In February, 1897, Senator Gorman said, in discussing the railway mail compensation in the Senate:

That the great power of these corporations who control everything, who are powerful enough to make and unmake public men, is so omnipotent that no executive officer has been found in the last twelve years, except in the single case of Postmaster-General Vilas, who has attempted to reduce the compensation for mail transportation, and within six months after he had left the Department every economy which he introduced had been wiped away and the company received not only what they had received before, but their compensation was increased, and never during my long service in this body—

The United States Senate—

except in this one instance, have I known of a Postmaster-General who had made bona fide effort to control this railroad extortion which everyone knows to exist.

Near about that time there was a considerable scandal about the padding of the mail and the open fraud perpetrated. During the quadrennial weighing season in March, 1896, upon the Seaboard Air Line, from Portsmouth, Va., to Atlanta, Ga., 300 sacks of documents, with Senators' and Representatives' franks upon them, were sent to various stations in Virginia, North Carolina, South Carolina, and Georgia. The sacks weighed from 100 to 125 pounds each, and the railroad agents had slips of paper with franks of Senators and Representatives which they evidently used without authority and kept them going over that line of the road so as to be weighed repeatedly; also great piles of newspapers were bought and they were kept going from place to place for weeks for the sole purpose of being weighed fraudulently, as the weight at that time would establish the weight for four years.

Hon. William L. Wilson, Postmaster-General, turned this over to Attorney-General Harmon to prosecute the railroad officials. However, they were strong enough to prevent prosecution. If this had been some weak individual citizen who had robbed the Government out of $25, he would have been pursued with all the power of the Attorney-General's Office until he would have been safely landed in prison.

Can anyone wonder that the ordinary citizen is losing confidence in the disposition of our governing forces to treat all citizens with equal consideration under the law?

While these things were warm the Post-Office Committee of the Senate made some inquiries into the relations of the Second Assistant Postmaster-General to the railroads. They asked Mr. Nelson, the Second Assistant, what he was doing immediately prior to his appointment to the Post-Office Department. He replied that he was the superintendent of the Cincinnati, Hamilton and Dayton Railroad.

Senator CULLOM asked him if his predecessor, J. Lowery Bell, did not also come from one of the great railroads to the Second Assistant Postmaster-General's office. Mr. Nelson replied:

He is the traffic manager of the Central Railroad of New Jersey.

This explained and does explain the helpless condition of the people of the United States. The special interests of the country intrench their officers and employees in the Departments of the Government, and the interest of the public is sacrificed for private gain.

Now, Mr. Speaker, I would like to extend my remarks in the RECORD, as our time is so short.

The SPEAKER pro tempore. The gentleman asks unanimous consent to extend his remarks in the RECORD. Without objection, that leave will be granted.

There was no objection.

Mr. MOON. Mr. Speaker, I yield five minutes more to the gentleman from Colorado.

Mr. BELL. In addition to paying a rental charge equal to the value of the car per annum, they have to pay 8 cents a pound.

Mr. MOODY of Massachusetts. The gentleman is in error in that.

Mr. BELL. It so states in this book.

Mr. MOODY of Massachusetts. Yes; in Mr. Cowles's book; but that is not authority.

Mr. BELL. Now, another thing. It is shown by all good judges that in greater portions of the United States you pay many times as much to carry the mails as you do to carry the express. Why? The express companies, as I understand, give the railroad company 40 per cent of their earnings for the carrying.

Now, our friends say that the express companies underbid the second-class post-office rate for all the short distances. The express companies do underbid them. They carry the express all through New England for from 35 to 47 cents a hundred, and the express companies carry from Ohio and Pennsylvania to the Rocky Mountains for the same price that the railroads will carry the mail. They have underbid them everywhere. Bear in mind that the express companies underbid in their zones. They do not underbid clear across the continent, but for 600 or 1,500 miles they will underbid your 1 cent. The express companies pay a big dividend, and they pay out of this underbid to the railroad just 40 per cent for carriage. Now can you see?

Mr. HILL. Is not that on particular shipments?

Mr. BELL. Yes; where it is necessary for them to bid on this second-class matter to get it. There are two great express companies to be benefited by this bill—the Southern and Adams express companies. They come in and bid against us when we put it down to 1 cent a pound, and they will get your newspapers to carry, and carry them from New York into Chicago for less than 1 cent, and they only get 40 per cent of that—that is, for fourtenths of a cent a pound they carry them from New York to Chicago. When you pass this bill and put these republications on the 8-cent rate, the express will go up with it.

A few days ago I wrote to James Lewis Cowles, of Farmington, Conn., the author of that splendid book, A General Freight and Passenger Post, a graduate of Yale College and an accomplished authority on transportation, for his views on the relation of the express companies to the transmission of the mails, and the following is his reply:

The Loud postal bill should be entitled "A bill in behalf of the express companies and against the public weal."

"Adams Express Company list of offices and tariff from Boston."

This on the front page, and on the rear the following:

Adams Express Company and Southern Express Company constitute the largest express organization in the world; over 50,000 miles and 12,000 offices. And please note the following advertisement: "Business for the offices of the Southern Express Company is forwarded on through waybills on through passenger trains, and at one through rate, and in all respects is treated as though handled by one company."

Now, turning over to page 211 of this most interesting pamphlet, we find, under the heading "Freight classification," this advertisement:

"Newspapers, daily, forwarded on the day of issue, between all points, except in New England, where present local rates (35 to 37 cents per hundred) will be continued. When no wagon service is rendered either in receipt or delivery"—

That is to say, in cases similar to the ordinary mail service—

"and when special mail or newspaper trains are not used, one-half cent per pound for each company carrying."

And since the Adams and Southern express companies handle all express "at one through rate and in all respects as though handled as one company," of course this half a cent a pound covers all the 50,000 miles of this largest express organization in the world "and all its 12,000 offices."

The business manager of the Boston Globe acknowledged to me, indeed, no longer ago than on Thursday, March 15, that this rate of one-half a cent a pound carried Boston dailies all the way through from Boston to Chicago.

And when wagon service is rendered—that is to say, when these daily newspapers are collected and delivered, yes, and insured—even then the tax is but 1 cent a pound.

Newspapers other than daily, which are registered in the United States Post-Office as second-class matter, shipped by publishers and news dealers (other than daily papers) are not so kindly treated as are the dailies by this greatest of all express organizations.

The combined Adams and Southern Express Company find it profitable, however, to carry such papers, provided they are registered in the United States Post-Office as second-class matter, at the following rate: "Between points west of the Ohio and Pennsylvania line"—that is to say, covering all the district between the Ohio-Pennsylvania line and the Pacific Ocean—"for 1 cent a pound"—this, of course, covering collection and delivery as well as insurance, for this is the usual express custom, and there is no extra charge for insurance up to $50—"for 1 cent a pound," the only restriction being that the "minimum charge per package be 5 cents."

And similar rates prevail for all the district in the zone east of the Pennsylvania-Ohio line, including distances all the way from Eastport, Me., to Charleston, S. C.

And then comes this further provision: "Newspapers returned by dealers to shippers may be taken at the same rate, prepaid, applied when forwarded to dealers."

And now we come to that particular portion of second-class matter concerning which the honorable chairman of the House Postal Committee has so much solicitude—periodicals, paper-covered books. (Page 212, Adams Express Company Tariff Book.) "Periodicals which are registered in the United States post-office as second-class matter, shipped by publishers or news-dealers."

On this kind of matter the Adams Express Company makes the following rate:

"Between points west of the Ohio and Pennsylvania line, covering the entire district between the west line of Pennsylvania and the Pacific, 1 cent a pound; minimum charge per package, 5 cents; charges prepaid (as are postal charges); and the only restriction on this service or on the corresponding service for any other kind of registered second-class postal matter is this, the

above rates, 1 cent a pound, and the minimum charge are for each company carrying."

And, of course, since the Adams and the Southern Express are one and the same organization, this 1 cent a pound rate covers all the offices of this organization west of the west line of Pennsylvania, and a similar rate of 1 cent a pound covers all the eastern zone east of the west line of Pennsylvania. And please remember that this cent a pound rate covers collection and delivery, and, since no provision is made to the contrary, it also covers an insurance on all the packages carried at 1 cent a pound up to $50.

And there is this further provision, that "periodicals returned by dealers to shippers may be taken at the same rate, prepaid, that applies when forwarded by dealers." And now please bear in mind that these provisions cover all kinds of sample copies and all such works as Messrs. Houghton & Mifflin's Riverside Series.

The only differences between these profitable express rates—for our American express companies are not eleemosynary institutions and they do not advertise for unprofitable business—the only differences between these profitable express services and the corresponding postal services are as follows: While the express companies carry daily newspapers, station to station, within their respective jurisdictions anywhere between the Atlantic and the Pacific coasts (according to their advertisements) for one-half a cent a pound, the Government is not permitted to handle the daily papers at all for less than 1 cent a pound; and as to other second-class matter, the minimum charge of the post-office is 1 cent for the whole country, while that of the express companies is 5 cents for the service of each company within either of the two zones into which the country is divided by the Pennsylvania-Ohio State line.

But this 5-cent minimum charge of the express companies is not always adhered to, and this is a very great advantage to the express companies and to the railroads, who can reduce their rates to even less than 1 cent a pound if they please, as Mr. LOUD says they do please within zones of 500 miles.

On the occasion of the meeting of the Mississippi Valley Medical Association at Louisville, Ky., October 4–8, 1897, the minimum charge was but 1 cent, and this included both collection and delivery between all points covered by the Ohio-Pennsylvania line on the east and the Rocky Mountains on the west and the city of Louisville.

Again, let it be remembered that the express rates cover insurance. The post-office, on the other hand, insures only first-class matter and that only up to $10; it makes no collections and only delivers in the free-delivery cities.

It may be seriously questioned whether, on the whole, the express companies do not perform the greater service on second-class matter. They must do so, indeed, or they would not get the business. The advantage of the uniform cent-a-pound rate of the post-office is this, that it places the whole country in one zone and it treats everybody alike, and most of all, it is stable—not changeable at the whim of a single individual. It gives equal service to all news dealers and publishers.

The one grand cause of the prevailing postal deficiences is the unconscionable tax levied by the railroads on the Government through their agents in Congress. The railroads tax the Government, in addition to their charge for the rental of postal cars, over 5 cents a pound for a service which the express companies advertise to render the daily newspapers for 5 mills a pound, and which the Eastern railroads render to the daily newspapers for a charge 20 per cent less than this express rate.

If Congress will force the railroads to serve the post-office on the same terms which the express companies serve the daily newspapers, instead of deficiency in the postal revenues there will be a large surplus, and the cent-a-pound rate on second-class matter will largely contribute to that surplus.

The truth is that so long as postal cars continue to be owned by private railroad corporations the basis of compensation should be space, not weight. This was the contention of Vice-President Clough, of the Great Northern Railroad, last winter, and Mr. Clough is right.

"What costs the company in the performance of the mail service," said Mr. Clough, "is not the weight of the mail hauled, but the car space afforded. The expense for running a passenger train or a car in a passenger train is almost exactly the same to the company whether it be full or empty. Whatever occupies space in a car or train puts the same cost upon the company, whether it be light or heavy, up to the limit of weight which the space is able to safely carry."

The adoption of Mr. Clough's suggestion as a basis for railway mail pay would be a very great improvement upon the present system. It would practically put an end to such frauds as those discovered on the Seaboard Air Line in 1896. And as to the right basis for the payment for car space we have some very interesting testimony.

Mr. Hoar, counsel for the New York Central, Boston and Albany syndicate, tells us that a rate of about 6 cents a car mile, $30 a car for the haul of 500 miles, Buffalo to Boston, yields a profit of $5 a car (one-half a cent a bushel on a thousand bushels of grain) on grain carried by the great fast freights of that combination. If this be true, and Mr. Hoar ought to speak the truth when he speaks before a legislative committee, then surely 12 cents a car mile ought to be good pay for a railway postal car, and a corresponding payment for any amount of space used would be good payment for that space.

According to the estimates of Edward C. Boynton, given in the Railway Review, of Chicago, of March 10, 1900, page 136, the cost of operation of a three-car passenger steam train under the best conditions ought not to be over 30 cents per mile or 10 cents per car mile, and of course if there were more cars in a train, the cost would be proportionately lower. And Mr. Boynton goes on to say that with electricity applied to this service this cost may be reduced to 14 cents, or less 5 cents per car mile.

I hope the members of this House will fully realize the injury they are doing to every stationery store in every struggling country settlement in this land when they vote for this bill.

I hope they will realize the injury they are doing to every ambitious boy and girl in every class of English literature in every high school in every country settlement in the United States when they raise the price to them on every paper-bound book that is used in the class room.

I hope they will realize what they are doing to every poor lover of literature in the country settlements when they raise this tax on them needlessly while at the same time sitting here and knowingly permitting the great railroad combinations of the country to extort every nickel that they add to these books when they raise the price which will in many cases equal the price now charged for the publication; and every cent of that raise will go into the well-filled coffers of these express companies, who will not carry these paper-covered and stitched books at 1 cent a pound, but will immediately raise the rate to the same as they now charge for bound books.

You will be entitled to the thanks and plaudits of the express companies and to none others.

Mr. F. M. Lupton, of New York, says he sells certain works of Bulwer, Scott, Thackeray, Hawthorne, and George Eliot now at 3 cents each, and if this bill passes that the increase on the transportation alone will amount to more than the present cost of these publications.

One of the protesting publishers very cogently says:

The passage of this bill will render it impossible to mail the bulk of publications which now enjoy the privileges of second-class matter at 1 cent a pound, unless the prices of the same are increased to the public to cover the extra postal charges which will be involved under the proposed law, and of course increased prices to the public will necessarily mean a large curtailment in the output.

At the present time the news dealers of the country are enabled, by the liberality of the postal laws, to maintain agencies in every community where the popular journals and magazines can be procured, a convenience which can scarcely be estimated highly enough to the residents of the small towns, full of intelligent and reading people, scattered over the Eastern, Western, and Southern States. Any blow at these news agencies is a blow at the cheap magazines, the daily press, and the illustrated journals, which, outside of great cities, make their way to the homes of the people through the local agents and the mails.

Mr. MOON. I now yield ten minutes to the gentleman from Mississippi [Mr. HENRY].

Mr. HENRY of Mississippi. Mr. Speaker, this bill is hostile to the educational interests of the country. There is here such a restriction placed upon the press and educational interests that I feel that every man ought to assert himself and show to the country where he stands on this question. We have received protests, Mr. Speaker, from the presidents of colleges, from newspaper men, and from historical associations throughout the entire land protesting against the passage of this bill. The argument of the advocates of this bill, and it is about the only argument that they have offered, is that it is expensive and brings a deficit to the Government.

Mr. Speaker, I hold that the advantages that the present law offers to the people are paramount to the expenditures which are brought to the Government, and on that account it should receive from us such consideration as it deserves. I am not one of those who believe that educational interests should be stifled because a department is not paying expenses; but when you can send literature throughout the land, put choice literature within the reach of the common people, and by that I mean the poor people of the country, it is, in my opinion, money well spent. The educational advantages offered are paramount to the expenditure. It goes to the people and builds up the educational interest of the country.

And we had better spend it in that way than by making free donations to Puerto Rico, a part of our territory, from whom we withhold constitutional rights. This literature goes into every household and is read by many people who are unable to buy the more costly bound books. Thousands of people read these books who could not enjoy them if they had to purchase them in costly bindings of morocco or cloth.

But the advocates of this bill claim that much which is bad and of no merit is carried through the mails with the good literature under the present law. This I grant. Almost every law is abused. But the question is, Does this bill relieve this trouble? Under it the "yellow" literature may be carried at second-class rates—the Police Gazette and other objectionable papers to which reference has been made by the gentleman who preceded me—while we are to exclude from the mail that class of healthy literature which goes into the homes and colleges of our people.

Mr. Speaker, I want to know—and I have asked the question of the chairman of the committee—upon what theory did the committee, in section 4 of this bill, grant the second-class privilege to benevolent or fraternal societies, trade unions or orders organized on the lodge system, and withhold this privilege from historical associations and institutions of learning? The gentleman fails to give me a reply. I beg him to tell me why it was the committee had seen fit to grant benefits in favor of these associations and withhold from educational institutions that to which they are equally entitled. I propose at the proper time to offer an amendment to that section of the bill; and on this subject I ask the Clerk to read a letter which I have received from the chancellor of the University of Mississippi.

The Clerk read as follows:

UNIVERSITY OF MISSISSIPPI, CHANCELLOR'S OFFICE.
University, Miss., March 5, 1900.

DEAR SIR: I beg to call your attention and, through you, the attention of other members of Congress from this State to a bill now pending, introduced by Mr. LOUD on January 20, 1900 (H. R. 6071), to amend the postal laws relating to second-class postal matter. This bill affects institutions of learning and will seriously hamper them in carrying out a policy which many have inaugurated for the benefit of the public.

Many universities are publishing quarterly or oftener magazines which include much of the best thought of the professors and advanced workers in the university. Such publications are issued for the purpose of disseminating useful information, and serve to carry the best thought of the institution to thinkers outside of its walls. At the same time, of course, the work of the institution is shown and commended to the public.

As far as such institutions are affected, and as far as "historical or scientific societies" are affected, a blow is aimed at the dissemination of knowledge and the means of culture which I am sure would not be intended if the matter were thoroughly understood. Our State historical society, which has its headquarters here and to which our legislature has just voted $2,000 for the issue of bulletins and papers, will be seriously hampered in its work if this bill becomes a law.

We are planning at the University of Mississippi to issue quarterly or oftener a periodical which shall commend the work of this institution to the public and be the means of giving publicity to the best thought of our professors. Many universities are doing the same thing. All such work will be seriously crippled if the above-mentioned bill should become law.

I beg, therefore, that you will look carefully into the matter and will urge your colleagues from this State to do the same, and that you will be able to prevent the injury to the dissemination of learning which is threatened.

Yours, very truly,

R. B. FULTON.

Hon. PAT. HENRY, *Washington, D. C.*

Mr. HENRY of Mississippi. That comes to me from the chancellor of the University of Mississippi; a great institution of learning; an institution which sends out through the country papers undertaking to show the educational advantages offered by that institution, undertaking to show why the people should send their children there to be educated; a State university; yet, sir, under this bill the papers issued from that university are excluded from second-class matter, while the bill permits trade unions to send through the mails any matter which they seek to promulgate.

I do not understand—and while I was on the floor I begged the chairman of the committee to inform me, but he refused or failed to do so—why he makes a discrimination against institutions of learning in behalf of benevolent associations, trade unions, and other associations instituted under the lodge system. I have never gotten any reply. Before we embarked upon the sea of imperialism America and American statesmen paid more attention to education, to its advantages and to its dissemination, than they did to the circulation of articles and doctrines promulgated by benevolent institutions and trade unions or orders organized under the lodge system.

[Here the hammer fell.]

Mr. MOON. Does the gentleman from Mississippi desire more time?

Mr. HENRY of Mississippi. Yes; only a few moments.

Mr. MOON. I yield the gentleman five minutes.

Mr. HENRY of Mississippi. I thank the gentleman.

Mr. Speaker, I asked the gentleman from California, the chairman of the committee, whether he would accept an amendment to insert in that part of the bill, section 4, page 3, line 16, after the word "persons," the words "or historical societies or incorporated institutions of learning." He said he would not do so; and he asked me whether I would support the bill if he did. I replied that I would not say I would unless he would accept other amendments which I desired to offer at the proper time. Now, as to the restrictions on the press.

Mr. Speaker, there is no man here who has not recognized the potency of the country press. There is no man here with any experience of newspaper matters who does not know that newspaper editors can not afford to be hampered by a 50 per cent restriction in the circulation of sample papers, nor by the 500-copy limitation provided by this bill. I want to know, how can you build up a country paper without sending out sample copies? This is necessary in order to get subscribers. Yet you restrict them, and require a voluntary subscription list. I will, therefore, at the proper time move an amendment to strike out that section pertaining to "sample copies," believing, as I do, that it is an unnecessary restriction and tending to cripple the country press.

I believe the law should stand as it is and that each paper should be permitted to send out as "sample copies" as many of its papers as it deems proper. The country newspaper is the educator of the community where it circulates. It goes into every home. It enlightens the community in regard to the current issues of the day. The people look forward to its coming with eager expectation.

Now, I appeal to you, Mr. Chairman, to know for what reason you propose to stifle this institution. The newspaper is the very bulwark of our liberty, and any restriction placed upon its dissemination but retards our progress and fetters our people. Mr. Speaker, in the name of these papers, I protest, and I will, at the proper time, offer an amendment to strike out that part of this bill restricting sample copies.

Now, so far as the cost is concerned, it goes to our people. They are satisfied with it, they are not complaining against it, and it is better for us that these educational advantages should go forth among the people than that we should cut them off in their hour of usefulness. This bill should be defeated.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOON. I yield ten minutes to the gentleman from South Carolina [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I am opposed to this bill upon the broad ground that in its operation, if enacted into law, it will necessarily prove destructive to large vested interests in this country—interests that have been built up under the provisions of the law as it now exists. The law as it stands was enacted upon the idea that the Government of the United States could not adopt any policy which would be more contributory to the development of the material and intellectual interests of this country than by encouraging in every way the circulation of news and literature. What are these large vested interests that have grown up under the fostering care of the law as it stands?

We have the large publishing houses of this country presenting to the school interests of the United States the choicest specimens of American and English literature. This has been demonstrated over and over again in this discussion and in previous discussions, and samples of these works have been exhibited upon this floor. They are doing a legitimate work. It is a profitable work, a work that has been developed by the best brain and nerve, the ripest scholarship and thought, of the universities and publishing houses of the country. There is scarcely a school in the United States that is not the direct beneficiary of the system built up under the existing law.

Not only that, Mr. Speaker, but the great rural press of this country owes its existence as a potent factor in the politics and progress of the country to the provisions of the existing law. I want to say, in behalf of that great factor in the advancement and progress of the nation, that it has contributed more, I believe, to the material upbuilding of the country than perhaps any other one agency throughout our broad land. The country newspaper published weekly, under the privileges accorded by the existing law, has been enabled to reach down into the very remotest sections of our country, districts that before were rarely visited by any newspaper at all, and rarely, if ever, brought in touch with the broader, better thought of the world. I say that has become a vested right, just as the privilege enjoyed by the great publishing houses has become a vested right, and the vested right in each case has inured to the benefit of the great reading masses of the country, the poor people who are not able to buy bound volumes, in most cases.

Not only that, Mr. Speaker. We come now to consider the reasons why this existing law should be changed, if it should be changed. We are told by the chairman of the committee who presents this bill——

Mr. McPHERSON. Will the gentleman yield to me for a moment?

Mr. STOKES. Yes.

Mr. McPHERSON. I wish you would tell the House wherein the country newspaper in any twelve months, if this bill becomes a law, will be injured to the extent of a 5-cent piece? Will you, upon the other hand, not tell wherein the country newspaper will be very much benefited by the passage of this bill? The gentleman seems to think the country newspaper will be ruined by this bill if it becomes a law. I challenge every word of the gentleman's statement.

Mr. STOKES. Does not the gentleman admit that it takes away certain privileges that the country newspaper now enjoys?

Mr. McPHERSON. Not a thing on this earth, and no man who has read this bill carefully will make that statement.

Mr. STOKES. Why, the gentleman has evidently not read the terms of the bill.

Mr. McPHERSON. I have not only read it, but I was on the committee that reported it and have studied it carefully, and I challenge every word that the gentleman says when he says this bill is an attack upon the country newspapers.

Mr. STOKES. If I had the time, I should like to read the terms of the bill for the instruction of the gentleman.

Mr. McPHERSON. I will give you thirty minutes of my time to answer that question.

Mr. STOKES. In the first place, it limits the sample copies which these papers are allowed to send out. It seems to me that is taking away a privilege that they now enjoy.

A MEMBER. Only a part.

Mr. STOKES. Only a part, but to that extent it impairs the privilege which they now enjoy.

Mr. DOLLIVER. How many does it allow?

Mr. STOKES. It limits it to 500 at the outside, and to 50 per cent of the bona fide subscription list. On the other hand, as to the circulation of newspapers inside of the county of publication, as I understand, that is also limited.

Mr. MOODY of Massachusetts. The gentleman is mistaken about that.

Mr. STOKES. Then it is the circulation outside of the county. That is what I meant to say.

Mr. MOODY of Massachusetts. The gentleman has stated all the curtailments of the privileges of newspapers under this bill—the limitation of the sample copies.

Mr. STOKES. That is sufficient to establish the contention that

I make. It does discriminate; it does take away privileges which the newspapers now enjoy.

Mr. MOODY of Massachusetts. Simply as to the sample copies. It limits the number to 500.

Mr. STOKES. That is a very valuable privilege, and hence it is a discrimination against the country newspaper. I want to say, Mr. Speaker, that there are other vested rights which have accrued to the people who read the country newspapers, to the people who read the Riverside Press, to the people who read the choice literature that is sent out and has been sent out under the auspices of existing law. I say it is a vested right, because the people have been taught to look to the Government to convey this choice literature at a very cheap rate, by allowing its transmission through the mails at a nominal rate of postage. What is the proposed reason for the change? As I was saying, the able chairman of this committee has given us the reason, and I want to say as a tribute to that gentleman that his conduct on this floor on many occasions has been such as to secure for any proposition that comes from him the respect of every member, or at least command our careful examination.

But what is the reason which he offered? He says it is because there is a deficit in the Post-Office revenues. He says that this deficit is due to abuses existing under the present law.

Mr. LOUD. If the gentleman will excuse me, I did not raise that question at all. I do not consider it an argument of any particular value. I did not deal with that phase of the question.

Mr. STOKES. I beg the gentleman's pardon. I respect him too much to misrepresent him. That position has been taken by others who occupy the same relation to this measure that the chairman of the committee does. I want to ask, Mr. Speaker, how long it has been, and why it should be under any circumstances, that the Post-Office Department alone, of all the Departments of this Government, should be selected to be made self-sustaining?

You do not ask that of your War Department. You do not expect the Navy Department to be self-sustaining. You do not expect the Department of Agriculture to be self-sustaining. But when you come to the Post-Office Department, that Department alone of all the Departments of this Government which comes into direct touch with every individual citizen of the Government, then you want to apply the rule which will compel it to be self-sustaining. For my part, Mr. Speaker, I can not see the justice of that proposition. I believe that the Post-Office Department should be run in the interest of the entire people of the country, that they are entitled to the best possible service, and that the question of cost is secondary. I believe that the test which should be required in every Department should be a universal test, and that should be the attainment of the best possible service to accomplish the end which the Government had in view in the establishment of that service.

As I was saying, Mr. Speaker, when interrupted by the gentleman from California, there is no reason why that department of the Government which touches every individual citizen, the humblest citizen in the remotest hamlet, should be held up and required to pay its way.

There is a deficit in the revenues of the Post-Office Department, but it is an annually decreasing deficit; and now, when the vanishing point of that deficit is well-nigh in sight, it is proposed by this bill to wipe out at one stroke the accrued benefits of a generation of beneficent administrations.

I am here to assert that there is no justification for this radical action, even if that deficit were due, demonstrated to be due, to the abuses practiced under the privilege of second-class mail matter. But is it due to that privilege? Is the deficiency complained of due to the abuses of the second-class matter privilege? Right here, Mr. Speaker, I want to say that there are none of the abuses complained of that require radical general legislation of the sweeping character proposed by this bill. There is not an abuse now practiced upon the Department that can not be eradicated by a departmental order. Why, then, disturb general conditions which are generally conceded to be beneficial?

But I contend that the deficiency of the postal revenues is not due exclusively to second-class mail matter. More than that, I am sure that there are other leaks far more potent in a contributory way to the result. Chief among these is the enormous demands made by the railroads of the country. I ask the attention of the House to some figures.

The railroads of the country are drawing from the Treasury of the United States for carrying mails something like $38,000,000 a year in the aggregate. This means that the Government is paying at the rate of $40 per ton per 100 miles for transportation of its mails. Do they earn it? Certainly not, when we compare this rate with the rates which the same railroads charge for other classes of transportation.

The most carefully compiled statistics demonstrate that these same railroads are carrying passengers at the rate of $20 per ton for the same unit of distance. These same railroads charge the express companies only $4 per ton per 100 miles, while they carry the freight for an average of 82 cents per ton. This, in turn, means 6.58 cents per pound for mail, while the charge for express is only 6 mills per pound. This is a bad enough showing by comparison, surely.

But this is not all, Mr. Speaker. Besides all this, not content with drawing twice as much for transportation of mail as they do for passenger transportation and ten times as much as they charge for express transportation, they draw $6,250 a year rental for postal cars, cars which cost to build not exceeding $4,000 apiece at the outside, and some not more than $2,500. It seems incredible, Mr. Speaker, but that is the frozen truth.

Now, I maintain that if this single leak is stopped, there would be no deficit in the postal revenues. If the railroads were compelled to carry the mails at the same rates they carry other classes of matter, the saving in the one item alone would wipe out the only respectable excuse for this legislation. Why attack this minor abuse, if it be an abuse, and ignore the greater abuse? Why the anxiety to stamp out that entire branch of the system which touches in a beneficent way the great masses of the poor people, while no attempt is made to choke off the vampire railroads that are sucking the substance of the people and impoverishing the system?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STOKES. I ask leave to extend my remarks in the RECORD.

There was no objection.

Mr. MOON. I desire to yield ten minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Speaker, I had not thought of making any remarks at this time upon this bill, but the challenge of the gentleman from Iowa [Mr. MCPHERSON], so vehemently made to the House, so defiantly thrown out, induces me so say a word at this moment. I understand that the gentleman from Iowa called upon any member of the House, and particularly upon the gentleman from South Carolina [Mr. STOKES], who was then on the floor, to show how this bill, if enacted into law, would do any harm whatever to the country newspaper.

Now, Mr. Speaker, I have been hunting a way to support this bill, because I recognize the fact that here is a considerable abuse, perhaps we ought to say a great abuse, that ought to be remedied, but so far I can not find the way; and when the gentleman from Iowa so defiantly challenged any member here to show how this bill, if made a law, will be a detriment to the country newspapers, I felt like accepting his challenge and responding to it at once.

Mr. MCPHERSON. I should be glad to have the gentleman do so.

Mr. BROWN. If the gentleman is as fair a man as I take him to be, I think I can satisfy him that here is a proposed injury to the country newspaper. I do not care to indulge in any fulsome eulogy of the country newspaper. The country newspapers and their editors will take care of themselves. They are entirely competent to do so.

But it is a fact, Mr. Speaker, that the editors of the country newspapers are not pleased with this proposition. One of the reasons is the curtailment of the number of sample copies which they may transmit in the mails. Now let us see about the challenge of the gentleman from Iowa. Let us take the case of a country newspaper that has only 300 subscribers; and, Mr. Speaker, unfortunate as it may be, there are a great many country newspapers that do not have more than three or, say, five hundred subscribers. What is it that is given by this bill to the publisher of that kind of a newspaper, if he has 300 subscribers and is publishing his little paper out in some nice village? What is he told? He is told that the utmost limit of sample copies that he may circulate through the mails is 150 copies.

Now, I submit to the gentleman from Iowa [Mr. MCPHERSON] whether or not that may not operate to that publisher as an injury. I claim that it can, and that it will. It is not often, perhaps, that a country publisher, with an issue of 500, would desire to print more than 250 extra copies; but sometimes, as I undertook to point out once before, in the last Congress, when this bill or a similar proposition was before the House, the country publisher wants free access to and free use of the mails for all the sample copies he desires to send out; and he does not want to be limited to 50 per cent of his regular subscription list. That is one place where this bill would be an injury to the country publishers in the district so ably represented by the gentleman from Iowa who hurled over our heads this fierce challenge a few moments ago.

Mr. MCPHERSON. It was not fierce. I simply wanted you to hear it.

Mr. BROWN. I was sitting close by the member, and it shook me up considerably. I do not know what effect it had on the balance of the House. [Laughter.] I want to call attention to another thing that I have not heard referred to in this discussion,

and I say that it is another instance where an injury is liable to be done to the country publisher. I would like to have the attention especially of the gentleman from Iowa to this matter. This bill defines the conditions upon which a publication may be admitted to the second class. There are a number of these conditions.

Now, I call the gentleman's attention to the fourth condition, one of the conditions on which a publication may get into this second class. One of the things which the publisher must show when he buys his little hand press or his cylinder press, as the case may be, and rents an office in the gentleman's district and buys new type and starts out to publish a good little newspaper—one of the things he must do, one of the conditions he must comply with before he can get into this second-class rate, is to show that his newspaper has a legitimate list of subscribers. Now, I want to say, Mr. Chairman, that it seems to me that the gentleman who framed this bill and the committee reporting it had a very erroneous and inadequate appreciation of the manner in which a newspaper is ordinarily started.

Mr. LOUD. Will the gentleman yield to me right there?

Mr. BROWN. Why, certainly.

Mr. LOUD. Do you not know we only repeat the present law? The language is very specific that he can not be admitted unless he has a legitimate list of subscribers; and the Department refuse utterly to admit any paper to that privilege that circulates more than 50 per cent of sample copies.

Mr. BROWN. I do not know at this moment what the language of the present law is. I know what the practice has been, and I understand it is a practice that the gentleman is trying to reform.

Mr. LOUD. No paper was ever admitted under this privilege since the privilege was extended that did not have a list of subscribers.

Mr. BROWN. I will say to the gentleman from California, with all respect for his honesty, his age, his great ability, and his devotion to the public interests, that he has provided in this bill that the new newspaper must have a list of legitimate subscribers before it can be admitted to the second-class privilege.

Mr. MOODY of Massachusetts. If the gentleman will permit me, this is the language of statute law, and under the practice of the Department he must have a subscription list.

Mr. BROWN. I know what the practice has been, because I have been part of the practice myself.

Mr. SPERRY. Then you have laid yourself liable to a penalty?

Mr. BROWN. I have not. I have started new newspapers, unfortunately for myself.

Mr. PAYNE. Would it have been more unfortunate for the people if you had not?

Mr. BROWN. Under provisions like this I could not well have made a beginning.

Mr. PAYNE. Oh, I think you could.

Mr. BROWN. No; I think not. I want to call the attention of the gentleman to this further: Here is a man who has already commenced work in the publication of a new newspaper. Now, he is to be told by this bill that he is not entitled to second-class privilege until he has a legitimate list of subscribers. When does a man subscribe for a newspaper? He does not do it unseen, as the boys trade jackknives. He subscribes after he sees the paper.

Mr. PAYNE. In my locality, when a man wants to start a newspaper, he first goes around and gets a list of subscribers.

Mr. BROWN. Oh, a man's personal friends will subscribe, but he can not go out among the public and get subscribers to a paper not yet issued.

Mr. PAYNE. Very often they can get subscriptions better before it is issued than they can afterwards. [Laughter.]

Mr. BROWN. That may be so of some of the newspapers in the gentleman's district, but it is not so in all districts. Now, I say, Mr. Speaker, whether this is old law or new law, it is wrong; it is unfair; and the tendency is to prevent the starting of new and legitimate newspapers.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LOUD. I will yield the gentleman five minutes more to answer this question.

Mr. BROWN. Very well.

Mr. LOUD. The gentleman is familiar with newspaper business, and I ask him if he ever got a paper admitted without subscribing to an affidavit or statement setting forth certain answers to questions asked by the Department?

Mr. BROWN. I never did.

Mr. LOUD. And you swore to it, did you not?

Mr. BROWN. I did swear to it, and I told the truth every time. [Laughter.]

Mr. LOUD. And you swore to this statement that every newspaper man has been compelled to fill out for a generation?

Mr. BROWN. What statement?

Mr. LOUD. Well, one is as to the list of subscribers.

Mr. BROWN. Well, suppose I answered "Ten."

Mr. LOUD. Then you would have ten subscribers, would you not?

Mr. BROWN. Yes; I would have ten; but who is to determine whether ten is a "legitimate list?" What do you say in this bill? You say that the publisher shall not be entitled to admission to second-class rates until he has a "legitimate list" of subscribers. What on earth is a "legitimate list" of subscribers? Is it ten, or fifty, or five hundred, or a thousand? While the gentlemen are establishing with much travail and labor an act that is to cover these defects and deficiencies, why leave a provision like that in the bill? A legitimate list! Will not the gentleman from Massachusetts [Mr. MOODY] tell me what a "legitimate list" is for a newspaper?

Mr. MOODY of Massachusetts. It is just what it has been for a generation—since the law has been in effect.

Mr. BROWN. Your bill does not reform the law much. I say it with great regard for the gentleman, but it seems to me an absurdity. I say this ought to be the rule in relation to the admission of newspapers to second-class privileges, that the Post-Office Department ought to be satisfied, and the publisher ought to be willing to satisfy the Post-Office Department, that he is going to publish a legitimate newspaper; but to say to him that he must have a legitimate list of subscribers to an unborn newspaper seems to me to be a very ridiculous thing.

Mr. MOODY of Massachusetts. Will the gentleman permit a question?

Mr. BROWN. Certainly.

Mr. MOODY of Massachusetts. Why is it any more difficult to prove a legitimate list of subscribers than it is to prove a legitimate newspaper?

Mr. BROWN. Well, we know what a legitimate newspaper is. It shows for itself. It is one that has news or literature in it. It has matter in it that constitutes it a legitimate newspaper. But here is a range between one and one million as to what shall constitute a legitimate list of subscribers.

Now, I want to say to the gentleman from Iowa here is another place in this bill where it is proposed to do an injury to the country publisher of a legitimate newspaper. Mr. Speaker, I did not intend to take part in this discussion at all, and I only speak now upon these two points; but I say to you that the country publisher is jealous of his rights, as he ought to be; he is jealous of the privileges he has enjoyed, as he ought to be, and he looks with some concern upon this proposition to curtail the number of sample copies he may issue, and upon this section which provides that if he wants to go out into a new field and start a newspaper he is to be held up and made to show, first, before he has demonstrated what he can do, before he has sent forth a single issue, that he has already a legitimate list of subscribers. I think this is unjust and absurd.

Mr. LOUD. Mr. Speaker, I now yield to the gentleman from Michigan [Mr. HENRY C. SMITH] such time as he may need.

Mr. HENRY C. SMITH. Mr. Speaker, the general principles of the Loud bill are right and should pass into law. There are some changes which I think should be made and which I shall urge. At the same time I want to speak for the general bill also.

We are advised that the post-office departments in other countries yield a surplus instead of shortage. The net profit of the department in the British Kingdom is about $18,000,000, while the deficit here is seldom less than $7,000,000. The reports of the Postmaster-General for the past several years, regardless of political affiliation, show that all the shortage originates in the carrying of second-class matter; that it costs the Government about 8 cents per pound to carry mail matter of the second class, and a charge of only 1 cent per pound is made; that it costs the Government somewhat over $20,000,000 a year to carry the second-class matter, which yields an income to the Government of only about $4,000,000, which would leave a shortage of, in the neighborhood of, $15,000,000 per year on the transportation of mail matter of the second class. The deficit is not this much from year to year, because this is made up from the profits on mail of the first, third, and fourth classes.

There has been a unanimous desire by the representatives of this Department to bring the Department to a paying business basis. The claim for many years was made that if the Post-Office Department were removed from the domain of politics and conducted like any ordinary business, that the result would be a surplus instead of a shortage.

In the course of time public sentiment brought about civil-service reform. For the past several years no complaint has been heard that the service was injured or harmed by reason of being controlled by politics. Indeed this Department has been even almost entirely removed from the domain of politics, until its servants hold their positions at pleasure. Yet the civil service, with all its efficiency and inefficiency, has failed to decrease the growing deficit.

Postmaster-Generals, in each report from 1887 down, have insisted and shown that the shortage occurs in the loss upon the carrying of second-class matter. Indeed, we do not find this statement anywhere denied. It seems to be conceded that here is the fault; the claim is made, and persistently has been made, that the trouble largely exists from an advantage received by certain classes under the existing law.

Postmaster-General Smith in his last report states as follows:

For this costly abuse, which drags on the Department and weighs down the service, trammels its power and mars effective advancement in every direction, involves a sheer wanton waste of $20,000,000, or upward a year. The postal deficit for the ensuing year is $6,610,770.

But for this wrongful application of the second-class rates, instead of a deficit there would be a clear surplus of many millions. The wrongs, which have proved so injurious, were never contemplated by Congress; they are wholly outside the intent of the law; they are directly in contravention of its spirit, and have become possible only through the evasion and distortion of its letter.

Careful inquiry has been made through experienced postmasters and by examination of the records of the Department, and it is believed that fully one-half of all the matter mailed as second class and paid for at the pound rate is not properly second class within the intent of the law and ought justly to be paid for at the third-class rate.

It is a gross and manifest wrong that a particular and limited group of private interests, using the mails solely for their own business ends and with no public object, direct or incidental, should thus succeed in eluding the plain purpose of the law and should thus carry on their mail transactions, not at their own expense, but at the expense of others. If there is to be a favored class, let it embrace all the people.

Postmaster-General Wilson and others have taken substantially the same position. The trouble seems to be that by degrees the officials of the Department have placed constructions upon the existing law and have sanctioned and overlooked evasions thereof so long and to such extent that the aim of those using the mail in the second class seems to be to evade rather than obey the law.

This has gone on to that extent that one publisher, in his arguments submitted against this bill, insists and states that the present law was enacted for the sole purpose and with the view single to the furthering and assisting of his business of publishing serial libraries. It seems to me that this is a bad example to place before the rising generation, the fact that certain publishers can evade the law and obtain a favorable construction thereof, thus robbing the multitude of $20,000,000 a year. And it is strange that petitions should be filed urging the continuation of such a law. There can be but one reason for this, and that a lack of understanding of the situation.

A law that can not be enforced, either because in advance of sentiment or because of its indefiniteness or uncertainty, should be wiped from the statute books. Good laws, fairly interpreted and vigorously enforced, are the safeguards of the nation.

I was led to investigate this bill, first, by having my attention called thereto by the honorable Third Assistant Postmaster-General, who comes from my State and who is my good neighbor, and, second, by a circular which I received, giving nine reasons why the bill should not pass. This came to me from a classmate, a man of high standing and ability, the editor and proprietor of a leading newspaper in my State, and a man high in the councils of his party. He remarked and commented upon such of the reasons as he thought valid. Since then all members have received many similar circulars, numerously signed.

The time and place of birth and the parentage of this protest are surrounded with as much mystery, if not gloom, as the authorship of the "Payne Puerto Rican bill." The man who signed the protest alone fathers it. There is nothing upon it to show from whence it came, where it was printed, or in whose interest. While there is a claim therein that this bill is harmful to labor, still this fatherless waif has not even the union label upon it, and is a "scab" sheet making appeal to honest toil.

For my own information, I submitted this circular to Mr. Madden and asked him what answer could be made thereto. His answer to the positions taken is so complete that I adopt the same as a part of my argument, as follows:

First. In citing objections to the passage of the bill the petition says:

"It excludes from the mails as second-class mail matter all 'books or reprints of books,' by which is meant all paper-covered books issued periodically, which have done so much to popularize cheap and good literature among the masses of the people, placing the choicest works of literature and science within the reach of the humblest schoolboy, and according to our people an intellectual privilege such as was never enjoyed by the citizens of any other country. The bill, if enacted, will crush out of existence this class of periodicals most completely and effectually."

Comment: This claim will not stand reason. The effect of the bill on books and reprints of books will be merely that of increasing the postage rate 7 cents per pound. Now, assuming that the alleged periodicals (books) average four copies to the pound, which is believed to be a fair estimate, the increased cost to the consumer on account of increased cost of transportation in the mails can not be more than 2 cents per copy. This increase of 2 cents in the cost of a book is scarcely likely, in this day of prosperity and plenty for the people of our country, to deprive the "humblest schoolboy," or for that matter any other person, from obtaining such literature if he wants it. No rational person can believe that an increase of 2 cents in the price of a book which can now be purchased at from 10 cents to 25 cents will "crush out of existence this class of periodicals," as claimed in the petition.

As a matter of fact, the passage of the bill is not at all likely to affect in the least the price of such books. The effect will be to reduce the profits of the publishers, but scarcely enough to cause them to raise the price to the people. On the other hand, the cost of transportation will be lifted from the Department and placed upon the publisher.

The magazines of the day, which are devoted to miscellaneous current topics, should not be confused with these book serials which are intended to be excluded from the second class of mail matter by the terms of the Loud bill. In the case of the first mentioned, the present law and the Loud bill both intend to foster them by continuance of the favored postage rate. The latter, by technical compliance with the requirements of the law, have crept in and taken advantage of a rate of postage intended for miscellaneous current literature.

Not one reader in a dozen knows that these books belong to a "library series" as distinguished from other books that do not purport to be issued as periodicals. They are story books, usually one story to each book. The name of the book, The Life of Jesse James, for instance, is how the public knows it; but in some out-of-the way corner is the name, "Union Library Series—Published monthly," under which title only it is known in the Post-Office Department records. Prominence is given the name of the book and not the series to which the publication belongs; and they have few or no subscribers such as exist in the case of magazines. They are sold like other books, over the newsdealer's counter.

In the case of a popular story 100,000 copies may not supply the demand for the issue, while 10 per cent of that number may supply the demand for the next issue which contains a less popular story. There is no steady circulation to regular subscribers, as in the case of magazines. If the publisher has misjudged the public appetite for his book, and supplied the news agents throughout the country with 10 for 1 that can be sold, the Government must, under the present law, transport them first to news agents and then back again to the place of publication, at a considerable loss upon every pound on every mailing. It is the fashion of those publishers to reason that the great public is benefited wonderfully by the cheap rate at which they are enabled to transport books throughout the country to news stands. If they do not sell them at one place, they can, without much cost, be shipped to another in search of a purchaser, and perhaps several are tried before they are returned "unsold" to the office of publication through the news agency.

It may not be inappropriate to say that it is by no means a limited judgment that the public morals would be promoted and the intellectual education of the masses advanced by the enactment of any law which will tend to limit or restrict the circulation of this alleged "good literature." Those who favor the maintenance of the pound rate of postage to cheapen and facilitate the circulation of "good literature" overlook the fact that the proportion of impure, harmful, and unwholesome matter comprised in this so-called "cheap and good literature" greatly exceeds the pure matter. Although there are a few "pure literature" library series, there are legions upon legions of the veriest trash; and if the passage of the Loud bill will place such beyond the reach of the "humblest schoolboy," the author of the bill must go down to history a public benefactor.

Second. The petition says:

"It excludes from the mails as second-class mail matter all 'sample copies' of newspapers and periodicals, thus depriving all publications of one of the most valuable means, not only of extending their circulation, but of securing new subscribers to take the place of those who die or drop out for various causes. It will, therefore, cause the general depletion of newspaper circulation by subscription."

Comment: If a poll could be taken, it is believed that a majority of the bona fide newspapers and magazines of the country would vote for the entire elimination of the sample-copy privilege. Standard publications seldom avail themselves of it. Investigation would disclose that those publishers who object to the bill because it proposes to deprive them of sending samples live and thrive upon heavy free circulation; and this free-matter privilege, and the abuse of it which is constantly perpetrated, injures the bona fide, standard, and established publications by diverting both subscriptions and advertising, especially the latter. There might be less reason for cutting off the sample copies if all publishers would deal honestly with the Department.

One of the abuses of the sample-copy privilege is that some publishers will give to advertising patrons and purchasers of their publications the pound rate of postage, which belongs to them only by virtue of their being publishers, by accepting lists of names from advertisers and purchasers and sending out alleged "samples" to the names so furnished at the pound rate. The purpose is to secure the circulation of an advertisement or a "write-up" of the purchaser or of his business and not to furnish to the addressee a bona fide sample copy of the publication, with a view to securing his subscription, as contemplated by law. The copies so sent out by the publisher are as much the property of the purchaser as though he took them away from the office of publication and offered them for mailing himself, when the rate of postage would be 1 cent for each 4 ounces, or 4 cents a pound—four times what the publisher pays the Department.

A false statement is stamped on the face of the paper in the words "sample copy;" but being offered for mailing by the publisher it must, under the practice, be accepted by the Department at the pound rate of postage. Thus the purchaser has conferred upon him by the publisher the pound rate, to which, under the law, he is not entitled. The publisher should feel in honor bound to protect the Department from the very abuse which he himself perpetrates. The sample copy abuse is vast, and the Department is, under the present law, powerless to check it. It should be said in this connection, however, that the Department is not averse to a limited number of sample copies of each issue under proper regulations. The bill now contains a provision for such, and the Department certainly favors the allowance of a sufficient number of sample copies to meet the needs of the country papers.

Third. The petition says:

"It increases the rate of postage upon 'returns' to news agents from 1 cent to 4 cents per pound, thus seriously crippling the circulation of that large class of periodicals that are sent out 'on sale.'"

Comment: It is well known that this return privilege, which, under the present law, is given to news agents but not to publishers, is as greatly abused by the news agents as the sample-copy privilege is by some publishers. The law provides that unsold copies of second-class publications may be returned to the news agency from which they were sent; but when such unsold copies are returned directly to publishers, they must be paid at the rate of 1 cent for each 4 ounces—4 cents a pound.

Why should the publisher be discriminated against in favor of the news agent? This favored return privilege for news agents enables them to command the patronage of publishers of that class of literature which it is the custom to place on the counters of news agents for sale. The privilege promotes monopoly by compelling publishers to deal through the news agents in order to get unsold copies returned at the pound rate.

The abuse of the privilege by news agents is in the practice of taking large quantities of periodicals (library series etc.) for distribution among the subagencies with the express provision that the copies which are unsold shall be returned to the publishers, in direct contravention of law. Thus they give to the publishers the benefit of the pound rate for the return of unsold matter, which the law denies, and so deprive the Department of its lawful revenue. The fiction of addressing the unsold "return" matter to the news agent and not to the publisher, although it is actually for him, is the practice by which they defeat the law.

Frequently, however, before unsold matter of this kind is returned to the central agency, it has been in the mails a number of times, from agency to agency, in a fruitless search for a purchaser; and on every mailing the Department paid the principal part of the freight, and this should satisfy the agents without the having of the return privilege.

When a news agent accepts a publication to be placed on sale with the proviso that the unsold copies shall be returned to the publisher, he should be deprived of all pound-rate privileges for that publication at least, for he is nothing more than a local agent. An instance of the wrong in this practice is that some publishers make use of the post-office pound-rate receipts, showing the weight of their issues, as evidence of large circulation when soliciting advertising patronage. The main part of any edition may be returned as unsold through the news agents, and thus the Post-Office Department is made a party to a fraud upon the advertiser, who accepted the post-office receipt as establishing the bona fide circulation which induced his patronage.

Fourth. The petition says:

"It permits the mailing of periodicals at the pound rate to subscribers only, and defines subscribers as those who 'voluntarily order and pay, or agree to pay for the same.' Under this definition a person whose subscription has lapsed and has not been renewed is not a subscriber, and copies of a periodical sent to other than advance-paying subscribers could be excluded. This is a direct blow at the local country newspaper."

Comment: The sending of a notification to the publisher, if the subscriber desires to have the paper continued, is such an easy matter that the enactment of the bill would not be liable to materially affect the list of bona fide subscribers. It would, however, be a protection to parties to whom papers are sent against their wishes, as well as shield them from the blackmailing processes of a threatened prosecution for failure to pay for publications not ordered. However, the merit of this bill would not be affected if the words "voluntarily order and pay, or agree to pay for the same," were stricken out, leaving the law in that respect as it now is.

Fifth. The petition says:

"It requires publishers who are permitted to mail matter of the second class to separate the same, before mailing, into United States mail sacks or bundles by States, cities, towns, and counties, as the Postmaster-General may direct, thus forcing every publisher to establish in his office a miniature post-office, and entailing great extra expense."

Comment: The separation of mail matter of the second class by publishers, as contemplated by the bill, is now practiced by many of the larger publishing houses, and would be a means of expediting the dispatch and distribution of the publications to their readers, a great advantage over present practices in many cases, but it is not at all vital to the reform sought that this feature be retained.

Sixth. The petition says:

"It will throw out of employment hundreds of thousands of working men and women engaged in the printing, paper-making, electrotyping, and allied trades, entailing distress and calamity the extent of which can hardly be estimated."

Comment: This claim is so senseless as to merit no notice. The passage of the bill will not reduce the number employed one jot.

Seventh. The petition says:

"The advocates of the bill maintain that its purpose is to reduce the deficiency in the postal revenues. They claim that there is a heavy loss to the Government in the carriage of second-class matter. This claim is untenable, because whatever loss there may be upon the carriage of second-class matter is fully offset by the gain upon the carriage of the two profitable classes, the first and fourth, which are a direct outgrowth of the mailing of second-class matter. Every publisher receives large numbers of letters, and mails large quantities of 'premiums' (fourth-class matter) to his subscribers and club raisers, and almost every advertisement is a bid for correspondence by mail and the consequent mailing of merchandise in filling orders. There are other causes than the carriage of second-class mail matter to account for the annual deficiency in the postal revenues which would still be operative should the bill become a law. How, then, could the enactment of this measure reduce the deficiency?"

Comment: The claim that the increase of revenue arising from the mailings of other classes of matter, which are the direct outgrowth of the mailing of second class matter, counterbalances the loss on the matter transmitted at the pound rate of postage rests upon no good foundation. It can readily be seen that a single copy of a paper frequently exceeds the weight of matter incidentally mailed—say, once a year, in connection with correspondence and premiums—while the paper, if a weekly, is sent fifty-two times, at a loss to the Department. There may be causes for the actual deficiency in the revenue other than the carriage of second-class matter; but it is a demonstrable fact that if such matter paid the cost of carriage, estimated to be 8 cents a pound, there would be no deficit; a big surplus would be the result, and penny postage, which would benefit all the people of the land, might be practicable.

Eighth. The petition says:

"The real beneficiaries of the measure are the express companies. By cutting off competition with the postal service they would be enabled to increase their rates, and thus reap a rich harvest."

Comment: If the reduction in quantity of printed matter should be as large as claimed, the surplus over that sent at the pound rate would hardly enrich the express companies, as assumed would be the result. Under existing conditions the express companies underbid the mails on short hauls, especially when large quantities are sent.

Ninth. The petition says:

"Lastly, it creates a virtual censorship of the press, by giving to post-office officials the absolute right to determine what newspapers and periodicals shall have the advantage of the rates of second-class mail matter. It confers on the post-office the power to determine what is and what is not a periodical; and since there is not a single newspaper or magazine published in the United States which in some issue is not amenable to this authoritative discrimination against advertising, supplements, premiums, extra editions, and extra free matter, and which, therefore, may be relegated to mail matter of the third class, it literally places them at the mercy of any postmaster's mandate."

Comment: The "virtual censorship of the press," which it is claimed this bill will create, is already exercised by the Department, and has been exercised for twenty years without complaint upon the part of those affected. No different condition in that regard will exist if the Loud bill becomes a law, for there would be no likelihood of a change of practice in that direction. In framing this and many other paragraphs of this petition, an attempt is made to work upon the credulity of those publishers who have not and who can not, from the very nature of things, make an intelligent investigation of the subject for themselves. It is believed that if the publishers of the bona fide publications of the country could be made to thoroughly understand the provisions of this bill and its effect, they would support it generally.

Claim is made that this bill is harmful to the country newspaper. This claim is without foundation when it is once known that under section 374 of the law the country paper shall go free through the mails to actual subscribers residing in the county where the same was printed, in whole or in part, and published. So it will be seen that the only manner in which the country paper is affected is through the sample copies, of which I shall have occasion to speak later on.

So far as I can learn, the only persons who seriously make opposition to this bill are the publishers of serial stories, circulating libraries, and news agents. I shall not take the position but what many of these publications are valuable, stimulate reading of a better class, and lead to much good. There are others, of the "Dick Deadeye" and "Jesse James" kind, histories of local heroes, admired principally in the territory of their nativity, which can not result in any general good. But it is the principle of assisting one class of business at the expense of another which I combat, and the creating and fostering of favored classes.

Under the construction of the present law, Dickens and Scott and even Shakespeare, not to mention Pilgrim's Progress, are published as newspapers and periodicals, and local postmasters, high officials, and even legal departments wink at the iniquity and permit the sinning; while stories two hundred years old are published with a mark upon the cover, giving a known place of publication and date, also serial number, and are then permitted to pass through the mails upon the payment of 1 cent a pound; yet under the classifications of the Post-Office Department I find that the following articles are third-class matter and must pay a postage of 1 cent for each 2 ounces or fractional part thereof, viz: Almanacs, assessment notices (wholly in print), calendars, and catalogues, copy books (used in schools, with printed lines and instructions for use), grain in its natural condition (samples of), books (printed), music books, price lists (wholly in print), printed maps on paper, printed valentines, seeds, and sheet music.

And I find the following articles classified as fourth class, required to pay postage of 1 cent an ounce or a fraction thereof: Cut flowers, dried fruit, envelopes (printed or unprinted), letter heads, maps (printed on cloth), pills, fancy soap, etc., napkins (paper or cloth), paper bags and wrapping paper (printed or unprinted), samples of cloth, samples of flour or other manufactured grain for food purposes, stationery, and wall paper.

It will be seen from the foregoing that a discrimination is made of from 7 to 15 cents per pound in favor of these circulating library books as against other books and even against the necessaries of life. It costs 16 cents a pound to send soap through the mail, but Jesse James can go for 1 cent, The Scarlet Letter for 1 cent, Sapho for 1 cent, and The Cricket on the Hearth at the same price. This is a good thing for the large publishing houses, but it does not tend to stimulate the soda-ash factories of my district.

Then, too, another thing which should not be overlooked is the vast advantage to the news dealers. Under the present law they have the advantage over the publisher. In other words, the American News Company, a great combination or trust, or whatever it is, fairly controlling the price and the market of these serial libraries, has a right which the publisher has not—to send by mail these publications to one city and all at the pound rate. If the taste is not found to be sufficiently cultivated or sufficiently highly seasoned there, then this company ships the volumes to still another city, and so they make the circuit of the Union, seeking readers and buyers, and finally, when none are found, they are returned in the United States mails to the news company at the pound rate. And so this present law is again evaded and loses its force and effect.

The bill itself does not make war against any newspaper or any other periodical or publication which is honest and put forth in good faith, but it is simply designed to meet and keep from the second-class rate publications which are, in the language of the bill, "purported" to be issued periodically and sent to subscribers, but which are merely books, or reprints of books, whether they be purported to be premiums, or supplements, or parts of regular newspapers, or periodicals. So the law only reaches those publications which are purported and pretending to be that which in reality they are not; publications which are a fraud and deception, sailing behind a mask and under false colors. No honest publication, capable of taking its place in competition with its fellows, need have any fear from the enacting of this law.

As I before said, there are things about this law which I think should be changed, and amendments which I propose. I think the sample copies alluded to should be 100 per cent of the bona fide subscription list. I also think that clause 4 should be amended by reenacting the present law, permitting, as the law now does, all publications of strictly professional, literary, historical, or scientific societies, including bulletins issued by State boards of health and the bulletins issued by the State dairy and food commissions, to be mailed at second-class rates. There is no reason why these should not be allowed at the pound rate. Their purpose is entirely to aid the public and bring valuable information to the people. However, they contain no advertising matter; there is no manner in which the privilege can be abused. The postage

is paid by the State, and the State in turn collects it from the people, so it is equitable that these publications should bear this nominal rate.

The SPEAKER. Does the gentleman from California desire to occupy the floor any further to-night?

Mr. LOUD. I have nothing further to-night.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1804. An act granting an increase of pension to Rida B. Haskell;

S. 3441. An act for the relief of Louis A. Yorke;

S. 2683. An act to provide for the construction of a revenue cutter for use in St. Marys River, Michigan;

S. 3024. An act for the erection of a new public building at Burlington, Vt.;

S. 1772. An act for the payment of the claim of M. M. Defrees for the construction of a sewer adjacent to the lands of the United States, known as the "arsenal grounds," in the city of Indianapolis, Ind.;

S. 2799. An act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th day of December, 1898;

S. 2388. An act to increase the limit of cost for the purchase of a site and the erection of a public building at Boise City, Idaho;

S. 2268. An act to carry into effect a finding of the Court of Claims in favor of Pamella B. Finney, administratrix of T. C. Finney, deceased;

S. 227. An act for the relief of the Continental Fire Insurance Company and others;

S. 2866. An act permitting citizens of the United States, bona fide residents of the State of California, Oregon, and Washington, to fell and remove, for building, agricultural, mining, and other domestic purposes, timber growing or being upon the mineral lands of the United States in the States aforesaid;

S. 3148. An act to correct the military record of William Lapoint;

S. 1475. An act to complete the establishment and the erection of a military post near the city of Sheridan, in the State of Wyoming, and making an appropriation therefor;

S. 3149. An act for the erection of a public building at Atlanta, Ga.; and

S. 1023. An act to authorize the Secretary of the Navy to loan naval equipment to certain military schools.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed 25,000 copies of so much of the report of the First Assistant Postmaster-General for the fiscal year ended June 30, 1899, as relates to the rural free-delivery service, of which 10,000 shall be for the use of the House of Representatives, 5,000 for the use of the Senate, and 10,000 for the use of the Post-Office Department.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 32:

Resolved by the Senate (the House of Representatives concurring), That there be printed 7,000 copies of the Annual Report of the Major-General Commanding the Army for 1899, with accompanying documents, of which 2,000 copies shall be for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the War Department and Headquarters of the Army.

Senate concurrent resolution 20:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to cause a survey to be made and an estimate submitted of the cost of constructing a ship canal to connect Puget Sound with Grays Harbor via the Chehalis River, in the State of Washington, in accordance with recommendations heretofore made and filed with the War Department, and to report whether or not, in his judgment, it is advisable to construct such canal.

The message also announced that the Senate had agreed to the conference asked by the House on the bill and amendments to the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain and revenues hereafter to be collected on such importations under existing law, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 5139) for the relief of Joseph Bacigaluppi; in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes; in which the concurrence of the House of Representatives is requested.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 1040. An act to amend section 4445, of Title LII, of the Revised Statutes of the United States, relating to the licensing of officers of steam vessels; and

H. J. Res. 159. Joint resolution to amend joint resolution to furnish the daily CONGRESSIONAL RECORD to members of the press, etc., approved February 17, 1897.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to joint resolution (S. R. 28) relating to the use of the rooms lately occupied by the Congressional Library in the Capitol, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPOONER, Mr. ELKINS, and Mr. COCKRELL as the conferees on the part of the Senate.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 2956. An act to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. I am directed by the Committee on Appropriations to ask unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, and to ask that the House nonconcur in the amendments of the Senate, and ask for a conference committee.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM], by direction of the Committee on Appropriations, asks unanimous consent that the legislative, executive, and judicial appropriation bill be taken from the Speaker's table, that the House nonconcur in the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

The SPEAKER. The Chair announces as conferees on the part of the House the gentleman from Pennsylvania [Mr. BINGHAM], the gentleman from Indiana [Mr. HEMENWAY], and the gentleman from Georgia [Mr. LIVINGSTON].

USE OF OLD LIBRARY ROOMS.

The SPEAKER. The Chair also lays before the House Senate resolution 28, to which the House has offered certain amendments, in which the Senate has nonconcurred and asked for a conference.

Mr. DALZELL. I move to insist on the action of the House and agree to the conference asked for.

Mr. RICHARDSON. We should like to have the title of the resolution read; we do not know what it is.

The SPEAKER. The motion of the gentleman is that the House insist upon the House amendments and agree to the conference asked by the Senate. The Clerk will report the title of the resolution.

The Clerk read as follows:

Joint resolution (S. R. 28) relating to the use of the rooms lately occupied by the Congressional Library in the Capitol.

The motion of Mr. DALZELL was agreed to.

Accordingly the House nonconcurred in the amendments of the Senate and agreed to the conference; and the Speaker announced as conferees on the part of the House Mr. DALZELL, Mr. GROSVENOR, and Mr. RICHARDSON.

Mr. BELL. Mr. Speaker, I noticed that the Speaker appointed the gentleman from Georgia [Mr. LIVINGSTON] one of the conferees on the legislative bill. He is in Georgia and, as I understand, will be for some time.

The SPEAKER. The Chair appointed, as is the custom, the conferees suggested by the gentleman in charge of the bill.

CUSTOM-HOUSE AT BALTIMORE.

By unanimous consent, the Committee on Public Buildings and Grounds was discharged from the further consideration of the joint resolution (H. J. Res. 189) appropriating unexpended balance of appropriations for additional land for custom-house at Baltimore, Md., for immediate use; and the same was referred to the Committee on Appropriations.

And then, on motion of Mr. LOUD (at 5 o'clock and 15 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, recommending an appropriation for range lights in St. Mary's River, Michigan, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from Committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5044) to establish the Fredericksburg and Adjacent National Battlefields Memorial Park in the State of Virginia, reported the same without amendment, accompanied by a report (No. 717); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9497) to amend an act providing for the construction of a light-ship to be located near Cape Elizabeth, Maine, reported the same without amendment, accompanied by a report (No. 719); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2679) declaring certain trestles of the Washington County Railroad Company to be lawful structures, reported the same without amendment, accompanied by a report (No. 726); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9713) permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minn., across the Mississippi River, reported the same without amendment, accompanied by a report (No. 727); which said bill and report were referred to the House Calendar.

Mr. BARHAM, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8128) to establish light-house and fog signal at Browns Point, in Puget Sound, reported the same with amendment, accompanied by a report (No. 728); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the House bill 6249, reported in lieu thereof a bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams, accompanied by a report (No. 731); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WEEKS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4367) granting a pension to Mary L. Stotsenburg, reported the same with amendment, accompanied by a report (No. 716); which said bill and report were referred to the Private Calendar.

Mr. EDDY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 5552) for the relief of Northrup & Chick, and also of Thomas N. Stinson, reported the same with amendment, accompanied by a report (No. 718); which said bill and report were referred to the Private Calendar.

Mr. RIXEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 188) for the relief of the estate of Charles M. Roberts, deceased, reported the same without amendment, accompanied by a report (No. 720); which said bill and report were referred to the Private Calendar.

Mr. UNDERHILL, from the Committee on Claims, to which was referred the bill of the House (H. R. 573) for the relief of Arthur Connell, reported the same without amendment, accompanied by a report (No. 721); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 9499) for the relief of the Brooklyn Ferry Company, of New York, owner of the steam ferry-boat *New York*, reported the same with amendment, accompanied by a report (No. 723); which said bill and report were referred to the Private Calendar.

Mr. BOUTELL of Illinois, from the Committee on Claims, to which was referred the bill of the House (H. R. 860) for the relief of William H. Wanamaker, reported the same without amendment, accompanied by a report (No. 724); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 192) granting an increase of pension to Anna H. Tupper, reported the same with amendment, accompanied by a report (No. 729); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 527) granting a pension to Lucy D. Young, reported the same with amendment, accompanied by a report (No. 730); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5553) to correct the military record of William T. Pratt, reported the same without amendment, accompanied by a report (No. 732); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 3548) for the relief of W. R. Austin & Co., reported the same adversely, accompanied by a report (No. 722); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of joint resolutions of the following titles; which were thereupon referred as follows:

Joint resolution (H. J. Res. 197) for the relief of heirs of S. A. Belden & Co.—Committee on Foreign Affairs discharged, and referred to the Committee on Claims.

Joint resolution (H. J. Res. 189) appropriating unexpended balance of appropriation for additional land for custom-house at Baltimore, Md., for immediate use—Committee on Public Buildings and Grounds discharged, and referred to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RIDGELY (by request): A bill (H. R. 9776) providing for the distribution of the judgment in favor of the New York Indians—to the Committee on Indian Affairs.

By Mr. CURTIS: A bill (H. R. 9777) providing for the payment of the award of the Secretary of the Interior in favor of the Cherokees, made under the provision of the act of Congress of March 3, 1893—to the Committee on Indian Affairs.

By Mr. BURTON, from the Committee on Rivers and Harbors: A bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams—to the House Calendar.

By Mr. GIBSON: A bill (H. R. 9825) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain—to the Committee on War Claims.

By Mr. HAWLEY: A joint resolution (H. J. Res. 209) relative to the sending of newspapers, periodicals, and so forth, to the soldiers in the Philippines, Guam, Cuba, Puerto Rico, or Hawaii—to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: A resolution (H. Res. 188) directing the Commissioners of the District of Columbia to furnish the House with information relative to all telephone companies doing business in the District of Columbia—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRUNDIDGE: A bill (H. R. 9778) for the relief of Charles T. Hyde, Clarendon, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 9779) for the relief of J. S. Sidall, of White County, Ark—to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 9780) for the relief of the Bank of Attalla, a corporation organized and doing business under the laws of Alabama—to the Committee on Claims.

By Mr. CUSHMAN: A bill (H. R. 9781) granting an increase of pension to Thomas Sanford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9782) granting a pension to Benjamin Gilham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9783) granting an increase of pension to Benjamin F. Dennis—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 9784) granting an increase of pension to Henry Parks, Company H, Forty-second Wisconsin Infantry—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 9785) granting a pension to Catherine A. McClenathan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9786) granting an increase of pension to Samuel J. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9787) granting a pension to Marion M. Stone—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 9788) granting an increase of pension to Silas W. Harding—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 9789) for the relief of M. C. Leech, of Warren County, Va.—to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 9790) for the relief of Bayles E. Cobb, of Jefferson County, Ark.—to the Committee on War Claims.

By Mr. LANE: A bill (H. R. 9791) to remove the charge of desertion against Cornelius Cahill—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: A bill (H. R. 9792) for the relief of William C. Man—to the Committee on Claims.

By Mr. LINNEY: A bill (H. R. 9793) for the relief of Mrs. Nancy Gnagg, a loyal citizen of the county of Caldwell, State of North Carolina—to the Committee on War Claims.

Also, a bill (H. R. 9794) for the relief of Elizabeth Hartgrove, Martha S. Bowles, and John W. Fulk, of Ruralhall, N. C.—to the Committee on War Claims.

By Mr. McCULLOCH: A bill (H. R. 9795) for the relief of Theophilus M. Hamilton, of Cross County, Ark.—to the Committee on War Claims.

By Mr. MARSH: A bill (H. R. 9796) to grant an honorable discharge to Roger N. Cunningham—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 9797) for the relief of the estate of Lewis W. Mann, deceased, late of Frederick County, Md.—to the Committee on War Claims.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 9798) for the relief of Mrs. Lucy Moore, of Latanache, La.—to the Committee on War Claims.

Also, a bill (H. R. 9799) for the relief of the estate of Francis Jean, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9800) for the relief of the estate of J. R. Gayle, deceased, late of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9801) for the relief of Moise Dormenon, administrator of the estate of Francois Dormenon, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9802) for the relief of the estate of John East, deceased, late of East Feliciana Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9803) for the relief of the estate of Jean Baptiste Malvean, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9804) for the relief of the estate of Jean Louis Malvean, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9805) for the relief of the estate of Louis Malvean, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9806) for the relief of Robert Bowmaker, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9807) for the relief of the estate of Robert M. Morrow, of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9808) for the relief of Josephine Roberts, of East Baton Rouge Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9809) for the relief of the estate of Francis Meuillon, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9810) for the relief of the estate of Leroy C. Morris, deceased, late of Baton Rouge, La.—to the Committee on War Claims.

Also, a bill (H. R. 9811) for the relief of the estate of Louis Delatte, of East Baton Rouge Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9812) for the relief of Stephen E. Beauchamp, East Feliciana Parish, La.—to the Committee on War Claims.

By Mr. RANSDELL: A bill (H. R. 9813) for the relief of Eugenia and W. B. Duffy and John Elzey—to the Committee on War Claims.

Also, a bill (H. R. 9814) for the relief of L. C. M. McIntosh, Richland Parish, La.—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 9815) granting a pension to Mrs. Martha A. E. O'Neal—to the Committee on Pensions.

Also, a bill (H. R. 9816) granting a pension to William H. Huggins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9817) for the relief of the legal representatives of Dennis Mahoney, deceased—to the Committee on War Claims.

By Mr. RIDGELY: A bill (H. R. 9818) granting an increase of pension to Charles R. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9819) granting arrears of pension to Jared N. Fancher—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 9820) granting an increase of pension to Lewis H. Soule—to the Committee on Invalid Pensions.

By Mr. STEWART of Wisconsin: A bill (H. R. 9821) for the relief of Angus A. McPhee—to the Committee on Claims.

By Mr. SMALL: A bill (H. R. 9822) for the relief of Zaddock Meadors—to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 9823) granting an increase of pension to John Roop, late engineer, United States Navy—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 9826) granting an increase of pension to Russell L. Moore—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of E. C. Little Post, No. 54, of Independence, Iowa, Grand Army of the Republic, favoring the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of L. Mathews and 121 citizens of Manchester, Iowa, favoring House bill No. 3717, relating to dairy and food products—to the Committee on Agriculture.

By Mr. ADAMS: Petition of the Commercial Exchange of Philadelphia, Pa., urging liberal appropriations for the support of the Hydrographic Office of the Navy Department—to the Committee on Appropriations.

Also, petition of Colonel Fred Taylor Post, No. 19, Department of Pennsylvania, Grand Army of the Republic, indorsing House bill No. 7094, for the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the American Trade Press Association of New York, against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. BARNEY: Petition of William Kirkhefer and other farmers in the State of Wisconsin, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BERRY: Petition of retail druggists of Campbell County, Ky., for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. BOUTELLE of Maine: Papers to accompany House bill granting a pension to Mrs. Clara E. Calbath—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Amos W. Felker—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Petitions of citizens of Iola, De Soto, Lawrence, and Fort Scott, Kans., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of William H. Lytle Post, No. 32, of Fort Scott, Kans., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BRICK: Remonstrance of J. A. Sibley and 87 business firms of South Bend, Ind., against a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. BROSIUS: Resolutions of General Heinzelman Post, No. 300, of Manheim, Pa., and Post 353, of Bainbridge, Pa., Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BURKETT: Petition of H. W. Smith, of Lincoln, Nebr., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, affidavits of Allen W. Edwards and others, in support of House bill No. 9684, for his relief—to the Committee on War Claims.

By Mr. BURNETT: Petition, affidavits, and pay rolls to accompany House bill for the relief of the Bank of Attalla, Ala.—to the Committee on Claims.

By Mr. BURTON: Petitions of William Ormiston and others, of Cleveland, Ohio; Francis Lichey and others, of Olmsted Falls, Ohio, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: Petition of Ida E. Webster and others, of Kennett Square, Pa., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDWELL: Petitions of David I. Ryan and others, of Lincoln; R. H. Adams and others, of Lloyd; R. B. Ruh, of Tallula, Ill., and others, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CANNON: Papers to accompany House bill No. 9304 granting a pension to Sarah E. Fugett—to the Committee on Invalid Pensions.

By Mr. CHANLER: Resolution of the New York Board of Trade and Transportation, in opposition to the McClellan bill, providing for the acquiring of New York State's canals by the General Government—to the Committee on Railways and Canals.

Also, resolution of the New York Board of Trade and Transportation, urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

Also, petition of John McKesson, M. Foster & Co., Fairchild Bros. & Foster, of New York, for the improvement of Trinity River from the Gulf of Mexico to the city of Dallas, Tex.—to the Committee on Rivers and Harbors.

Also, petition of George A. Crenshaw, of New York, in favor of House bill No. 6872, to print the label of the Allied Printing Trades on all Government publications—to the Committee on Printing.

Also, petitions of L. B. Miller & Son, of New York, and of the Union Dairy Company, of Cleveland, Ohio, in relation to the manufacture and tax on oleomargarine—to the Committee on Agriculture.

Also, petition of Muhlens & Krupff, of New York; Henry Dalley, chairman of committee of manufactures, and James V. Donohue, of New York, favoring the passage of the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

Also, petition of Carpenter, Wallinger & Co., and others, druggists of New York City, for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. CONNELL: Petition of E. Barker and others, of Schultzville, Pa., against the passage of the Loud bill, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS: Petition of Grand Army of the Republic post of Lancaster, Kans., favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Wiard & Wiard, of De Soto, Kans., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. J. Davis and others, of Centralia, Kans., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, resolution of the Commercial Club of Topeka, Kans., in relation to the reclamation and settlement of public land—to the Committee on the Public Lands.

Also, protests of Warren Miller and others, of the State of Kansas, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of James Stevenson and others, of Topeka, Kans., in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. DE ARMOND (by request): Petition and papers relating to the claim of Henry Parks, for increase of pension—to the Committee on Invalid Pensions.

By Mr. DENNY: Petition of the Woman's Christian Temperance Union of Baltimore, Md., favoring the bill which forbids the selling of beer, wine, or any intoxicating drinks on premises used for military purposes by the United States—to the Committee on the Territories.

Also, petition of W. P. Wheeler and other citizens of Bishopville and the eastern shore of Maryland, in favor of a canal through Indian River, etc.—to the Committee on Rivers and Harbors.

By Mr. EMERSON: Petition of citizens of Stony Creek, N. Y., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. GAYLE: Petition of William McCracken, of Lexington, Ky., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GORDON: Petition of Frank Weller and others, of Elgin, Ohio, against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of certain posts, Grand Army of the Republic, Department of Ohio, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of J. H. Windker and others, of Ohio, favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. GRAHAM: Petition of George A. Custer Post, No. 38, Etna, Pa., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of James B. Murray, of New York, urging the passage of House bill No. 5475, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

Also, protest of the Merchants' Association of Illinois, against the passage of the Grout, Tawney, or other bills to increase the tax on butterine—to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania: Petition of O. C. R. Bastian, of Wescosville, Pa., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. GRIFFITH: Resolution of Davis Post, No. 214, of Patriot, Ind., Grand Army of the Republic, indorsing the bill to establish a Branch Home for Disabled Soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, papers to accompany House bill granting an increase of pension to Silas W. Harding—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petition of Grand Army of the Republic Post 146, of Guttenburg, Iowa, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HEMENWAY: Memorials of Post No. 139 and Post No. 34, Grand Army of the Republic, Department of Indiana, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: Resolutions of the Connecticut State Association and Branch No. 589, of Rockville, Conn., National Association of Letter Carriers, favoring the passage of House bill No. 4911, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Connecticut State Association of Letter Carriers, against proposed change in civil-service laws—to the Committee on Reform in the Civil Service.

By Mr. HILL: Petition of G. Hermann and others, of Bridgeport, Conn., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petitions of William Livingston and citizens of Thompson, Creston, Durand, Caledonia, Rockford, and Shirland, State of Illinois, urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of T. F. Haller, of Forreston, and citizens of Galena and Willow, Ill., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOFFECKER: Petition of Lodge No. 6, Independent Order of Good Templars, of Marshallton, Del., to prohibit the sale of intoxicating liquors in Army canteens—to the Committee on Military Affairs.

Also, petition of the Woman Suffrage Association of Delaware, in favor of a constitutional amendment giving the right of franchise to women—to the Committee on the Judiciary.

By Mr. HULL: Protest of W. R. Sartor and 15 other citizens of Des Moines, Iowa, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. JACK: Petition of J. L. O'Neill Post, No. 537, of Cookport, Grand Army of the Republic, Department of Pennsylvania, indorsing the bill to establish a Branch Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of J. B. Adair and others, of Indiana, Pa., favoring the Grout bill relating to oleomargarine—to the Committee on Agriculture.

Also, petition of Samuel Young, of Rimer, Pa., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Washington: Petitions of L. F. Austin, of Equality; Mrs. E. M. Satterthwaite, of South Bend, and D. C. Britt, of Chelan, Wash., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. JOY: Petition of William Dwyer and 20 others, of St.

Louis, Mo., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KLUTTZ: Petition of J. W. Edwards and others, of Statesville, N. C., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOX: Petition of Colonel W. B. Greene Post, No. 100, of Methuen, Mass., Grand Army of the Republic, indorsing the bill to establish a Branch Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Jennie C. Smith and 13 citizens of Lowell, Mass., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Petitions of Nellie Lawless and others and John Leiberth, of Grinnell, Iowa, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. O. Dean and citizens of Tunis and Kirksville, Iowa, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. LANDIS: Paper to accompany House bill for the relief of Miss Laura A. Van Wye, of Lebanon, Ind.—to the Committee on Invalid Pensions.

Also, petition to accompany House bill for the relief of David H. Drake—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Margaret Thornberry—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Malissa A. Trulock—to the Committee on Invalid Pensions.

By Mr. LANE: Resolution of Post 403, of Williamsburg, Grand Army of the Republic, Department of Iowa, in favor of House bill No. 7094—to the Committee on Military Affairs.

By Mr. LITTAUER: Protests of citizens of East Pitcairn, De Peyster, and Winthrop, N. Y., against the passage of House bill No. 6071, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE: Petition of H. F. Austin and other citizens of the State of Arkansas, in relation to bills known as Southern cotton claims—to the Committee on War Claims.

By Mr. LITTLEFIELD: Petition of C. H. Garland and 14 others, of Franklin County, Me., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. H. Adams and 9 other citizens of Franklin County, Me., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Petition of the Arlington Drug Company, of Arlington, Kans., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petitions of Victor Post, No. 293, of Fort Dodge, Kans., and B. H. Baker Post, No. 432, of Macksville, Kans., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of fourth-class postmasters of Finney County, Kans., praying for the passage of the Cummings bill, increasing the compensation of postmasters of fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petitions of E. P. Barber, J. M. McClaren, C. Fenton, W. S. Ward, and other citizens of Kansas, against the passage of the Loud bill, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of John Elliott and 24 citizens of Meade, Kans., against the alienation of public lands by the United States to any but actual settlers—to the Committee on the Public Lands.

Also, petition of H. L. Cole and 13 citizens of Great Bend, Kans., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Sherman Post, No. 30, and Joe Hooker Post, No. 17, Grand Army of the Republic, Department of Kansas, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petition of the Baptist Church of Daretown, N. J., to prohibit the sale of liquor in canteens—to the Committee on Alcoholic Liquor Traffic.

By Mr. McDOWELL: Protest of Moses Van Winkle, W. H. Lane, Chester Priest, J. F. Martley, and others, in the vicinity of Newark, Ohio, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. MEYER of Louisiana: Petition of the Equal Rights Association of Louisiana, in favor of woman suffrage in Hawaii, Cuba, Puerto Rico, and the Philippines—to the Committee on the Territories.

Also, petitions of Grand Army of the Republic Posts Nos. 10, 12, and 13, Department of Louisiana and Mississippi, in support of House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Papers to accompany House bill No. 4085, to correct the military record of Edward Smith—to the Committee on Military Affairs.

Also, petition of the Political Equality Association of Indianapolis, Ind., favoring a sixteenth amendment to the Constitution, granting suffrage to women—to the Committee on the Judiciary.

Also, petition of citizens of Worthington, Ind., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of miners of South Linton, Ind., T. A. Chapman, secretary, favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

Also, petitions of International Business College of Fort Wayne, Ind.; Catharine Dennis, Vincennes; W. B. Akin, Sullivan, Ind., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of citizens of the Second Congressional district of Indiana, favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. MOODY of Massachusetts: Petition of J. H. Chippewa Post, No. 89, Grand Army of the Republic, of Beverly, Mass., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. NEVILLE: Petition of citizens of Banner County, Nebr., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Petition of International Association of Machinists of Milwaukee, Wis., urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

By Mr. PAYNE: Petition of W. P. Roger and others, of Williamson, N. Y., for legislation relating to the transportation of dairy or food products—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. W. Smith and others, of Union Springs and vicinity, and Courtland County, N. Y., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petitions of Julia Hall, Philander Potter, Fred Weber, and others, of Courtland County, State of New York, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. POLK: Petition of citizens of Sullivan County, Pa., against the passage of the Loud bill relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Grand Army of the Republic Post at Danville, Pa., in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of Grand Army of the Republic posts at Millville and Bloomsburg, Pa., favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Northumberland County, Pa., urging the passage of House bill No. 6634, enlarging the powers of the Department of Agriculture, prohibiting the transportation of game killed in violation of local laws, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. RAY of New York: Petitions of citizens of Harpersfield, Binghamton, Vestal Center, Harpersville, Coventryville, and Oxford, N. Y., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RIDGELY: Petition of Tyler Post, No. 489, Grand Army of the Republic, of Shaw, Kans., favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. ROBINSON of Nebraska: Petitions of sundry citizens of the Third Congressional district of Nebraska, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, papers to accompany House bill No. 9235, granting a pension to Peter Lundberg, of Wayne, Nebr.—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Papers to accompany House bill for an increase of pension to William G. Hempstead—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: Petition of the Denver Chamber of Commerce and Board of Trade, urging the passage of House bill No.

7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of the Equal Suffrage Association of Utah, in favor of a constitutional amendment giving the right of franchise to women—to the Committee on the Judiciary.

Also, resolutions of the Lincoln County Cattle Growers' Association and the Elbert County Wool Growers' Association, of Colorado, opposing grants of public lands to any parties but actual settlers, and favoring irrigation of arid lands, etc.—to the Committee on the Public Lands.

Also, petition of the Woman's Christian Temperance Union of Silver Plume, Colo., favoring a new code of laws for Hawaii, against the manufacture and sale of intoxicating liquors, and prohibiting the importation and sale of opium, etc.—to the Committee on the Territories.

Also, petitions of citizens of Boulder, Kiowa, and Douglas counties, Colo., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. SHERMAN: Protest of citizens of Little Falls, N. Y., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SPALDING: Petitions of Posts 11, 14, 31, and 41, Grand Army of the Republic, Department of North Dakota, urging the passage of Senate bill No. 1716 and House bill No. 4742, to amend section 1225 of the Revised Statutes, to provide for the detail of active and retired officers of the Army and Navy to assist in military instruction in public schools—to the Committee on Military Affairs.

By Mr. SPRAGUE: Protest of Henry Lowther and other citizens of Massachusetts, against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Grand Army of the Republic Post No. 6 of Massachusetts, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of the Massachusetts State Board of Trade, in favor of a commission to study and report upon the industrial and commercial conditions of China and Japan and Senate bill No. 1439—to the Committee on Interstate and Foreign Commerce.

By Mr. STARK: Protest of Tobias J. Aden and others, of Thayer County; N. E. Bottom, of Deshler; C. E. Van Patten, of Tobias; Mrs. Ellen Jackson and others, of Belvidere; Conoway Leedom, of Hebron, and others, in the State of Nebraska, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Elliott Post, No. 88, of Davenport, Nebr., and C. W. Hayes Post, No. 306, of Lushton, Nebr., Grand Army of the Republic, in favor of a bill locating a Branch Solders' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of Company B, First Regiment Nebraska National Guard, of Wilber, Nebr., favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on Militia.

By Mr. STEPHENS of Texas: Petition of Mittenthal Bros. and other merchants of Graham, Tex., protesting against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. W. Bailey and other citizens of Eagle Cove, Tex., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Post 66, of Abilene, Tex., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Protest of E. E. Stevens, publisher, of Minneapolis, Minn., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Minnesota State Historical Society, in favor of the proposed national park in northern Minnesota; also for the establishment of a park at Fort Ridgley, Minn.—to the Committee on the Public Lands.

By Mr. STEWART of Wisconsin: Petitions of citizens of Edgar, Naugart, Stiles, Chaseburg, Mayville, and Poniatowski, Wis., favoring the Grout bill relating to oleomargarine—to the Committee on Agriculture.

Also, resolution of the Milwaukee Chamber of Commerce, praying for legislation to build up the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Milwaukee Chamber of Commerce, favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Interstate and Foreign Commerce.

Also, petitions of P. A. Baden, of Oconto, and citizens of Fifield and Ashland, Wis., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Chamber of Commerce of Milwaukee, Wis., relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolution of Cigar Makers' Union No. 287, of Marinette, Wis., favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

Also, resolutions of the Wisconsin Humane Society, protesting against the passage of the bill extending the time that live stock may be permitted to be confined in cars, boats, or vessels—to the Committee on Interstate and Foreign Commerce.

By Mr. SUTHERLAND: Petition of Mrs. Axel Anderson and others, of Minden, Nebr., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. THAYER: Petition of H. H. Legge Post, No. 25, of Uxbridge, Grand Army of the Republic, Department of Massachusetts, in favor of House bill No. 7094—to the Committee on Military Affairs.

By Mr. VREELAND: Protests of citizens of Chipmont, New Albion, Poland Center, Perrysburg, Sinclairville, Stockton, and vicinity, State of New York, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Chautauqua County Pomona Grange, New York, Patrons of Husbandry, asking for the extension of rural free mail delivery service—to the Committee on the Post-Office and Post-Roads.

Also, petitions of R. A. Walker, H. F. Blood, and others: also Pomona Grange, Chautauqua County, N. Y., favoring the Grout bill, relating to oleomargarine—to the Committee on Agriculture.

Also, petitions of First Congregational Church, Woman's Christian Temperance Union, and First Baptist Church, all of Jamestown, N. Y., for the passage of a bill giving prohibition to Hawaii—to the Committee on Insular Affairs.

By Mr. WADSWORTH: Resolutions of the National Live-Stock Association, for new and suitable national quarantine buildings and grounds for imported live stock, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEKS: Petition of J. N. Henry and others, of Columbus, Mich., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WEYMOUTH: Petition of Mrs. J. B. Delany and 13 citizens of Waltham, Mass., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill No. 8616, granting a pension to Mrs. Lucy Lilley Johnson—to the Committee on Pensions.

Also, petitions of Joe Johnson Post, No. 96; Reno Post, No. 9, and Colonel Prescott Post, No. 18, Grand Army of the Republic, Department of Massachusetts, favoring the passage of a bill to establish a Branch Soldiers' Home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WHITE: Sundry petitions of citizens of New York and other States asking for legislation against lynching—to the Committee on the Judiciary.

By Mr. JAMES R. WILLIAMS: Petition of Thomas Bruce and others, of Ridgeway, Ill., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Arizona (by request): Resolution of Negley Post, No. 1, Grand Army of the Republic, Tucson, Ariz., favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also (by request), petition of the Equal Suffrage Association of Arizona, favoring a sixteenth amendment to the Constitution, granting suffrage to women—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *March 21, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. TILLMAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

METHODIST EPISCOPAL CHURCH, ARLINGTON, VA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings filed by the court in the cause of the Board of Trustees of the Methodist Episcopal Church at Arlington, Va., known as Hunter's Chapel, *vs.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendment to the joint resolution (S. R. 28) relating to the use of the rooms lately occupied by the Congressional Library in the Capitol, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DALZELL, Mr. GROSVENOR, and Mr. RICHARDSON managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 1040) to amend section 4445 of Title LII of the Revised Statutes of the United States, relating to licensing officers of steam vessels; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of Local Union No. 305, Typographical Union, of Newburgh, N. Y., praying that the Government Printer be authorized to print the label of the Allied Printing Trades upon all publications of the Government; which was referred to the Committee on Printing.

He also presented a petition of 12 citizens of Saratoga Springs, Ballston, and Sandy Hill, N. Y., and the petition of Edward J. Nesbitt, of Poughkeepsie, N. Y., praying for the establishment of an Army veterinary corps; which were referred to the Committee on Military Affairs.

He also presented memorials of the Music Trades, of New York City; the Wall Street Review, of New York City, and the News, of Copenhagen, all in the State of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the New York Board of Trade and Transportation, remonstrating against the enactment of legislation providing for the removal of the canal district on the East River, near the Battery, to some place on North River; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Binghamton, N. Y., praying for the enactment of legislation to provide against nuisances; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Lager Beer Brewers Board of Trade of New York, praying for the enactment of legislation to amend certain sections of the Revised Statutes relative to the internal-revenue tax on fermented liquors; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Perry, N. Y., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented petitions of J. D. Murray, of New York City, the congregation of the First Baptist Church of Jamestown, and the congregation of the First Congregational Church of Jamestown, all in the State of New York, praying for the enactment of legislation to abolish the sale of liquor in the canteens of the Army; which were referred to the Committee on Military Affairs.

Mr. ALLEN presented a petition of sundry cattle raisers of Gandy, Nebr., praying for a continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Enterprise, of Fairbury, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MCLAURIN presented a memorial of Black River Grange, No. 419, Patrons of Husbandry, of South Carolina, and a memorial of Dumford Grange, No. 396, Patrons of Husbandry, of South Carolina, remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition by Black River Grange, No. 419, Patrons of Husbandry, of South Carolina, and a petition of Dumford Grange, No. 396, Patrons of Husbandry, of South Carolina, praying for the election of United States Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Dumford Grange, No. 396, Patrons of Husbandry, of South Carolina, and a petition of Black River Grange, No. 419, Patrons of Husbandry, of South Carolina, praying for the enactment of legislation to secure protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented petitions of Dumford Grange, No. 396; Black River Grange, No. 419, all Patrons of Husbandry, in the State of South Carolina, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented petitions of Black River Grange, No. 419, and Dumford Grange, No. 396, all Patrons of Husbandry, in the State of South Carolina; of Hayward Grange, No. 121, Patrons of Husbandry, of Tennessee; of Lyon Grange, No. 1343, and the State Grange, all Patrons of Husbandry, in the State of Missouri; of Newark Grange, No. 2018, Patrons of Husbandry, of Iowa; of Swedesboro Grange, No. 5, and Sergeantsville Grange, No. 101, all Patrons of Husbandry, in the State of New Jersey; of Badger Grange, No. 541, Patrons of Husbandry, of Wisconsin; of Springvale Grange, No. 576, and Meadowvale Grange, No. 582, all Patrons of Husbandry, in the State of Minnesota, and of Napa Grange, No. 307; Glen Ellen Grange, No. 299, and Sebastopol Grange, No. 306, all Patrons of Husbandry, in the State of California, praying for the enactment of legislation to secure adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of Dumford Grange, No. 396, and Black River Grange, No. 419, Patrons of Husbandry, in the State of South Carolina, praying for the extension of free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Dumford Grange, No. 396, and Black River Grange, No. 419, Patrons of Husbandry, of the State of South Carolina, praying for the enactment of legislation to secure protection against the adulteration of pure-food products; which were referred to the Committee on Manufactures.

Mr. DAVIS presented the memorial of Robert W. Wilcox, of Hawaii, relating to the crown lands of that island; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. FAIRBANKS presented memorials of the Home Journal, of Lafayette; the News, of Ridgeville; the Laporte Bulletin, of Laporte; the Journal-Gazette, of Fort Wayne, and the Medical and Surgical Monitor, of Indianapolis, all in the State of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of William Patterson and 37 other members of the Veteran Association of Haughville, Ind., praying for the enactment of legislation granting a pension of $1 per day to all honorably discharged soldiers of the civil war; which was referred to the Committee on Pensions.

He also presented a petition of Pomona Grange, No. 22, Patrons of Husbandry, of Jefferson, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. ROSS presented a petition of the Young People's Society of Christian Endeavor of Barnet, Vt., and a petition of the Woman's Christian Temperance Union of Jamaica, Vt., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors and opium in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

Mr. MCMILLAN presented a petition of the Board of Trade of Grand Rapids, Mich., praying for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

Mr. SEWELL presented the petition of George G. Green, of Woodbury, N. J., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented memorials of sundry members of the District Medical Society for the County of Mercer, N. J., remonstrating against the passage of the bill for the further prevention of cruelty to animals in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a memorial of the New York Canal Forwarders' Association, remonstrating against the enactment of legislation to amend the act creating the office and defining the duties of the supervisor of the harbor of New York, and to regulate towing within the limits of that harbor and adjacent waters; which was referred to the Committee on Commerce.

Mr. COCKRELL (for Mr. VEST) presented memorials of the Commercial, of Rocheport; the Times, of Waverly; the News, of Clearmont; the Democrat, of Hickory County, and the Zion's Ensign, all in the State of Missouri, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. THURSTON presented a memorial of the Enterprise, of Fairbury, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Indian Association

of Newark, N. J., praying for the enactment of legislation providing for the early civilization of the Indians; which was referred to the Committee on Indian Affairs.

Mr. FRYE presented a petition of Company F, Second Regiment Infantry, National State Guard of Maine, praying that an increase in the appropriation be made for the maintenance of the militia of the several States and Territories; which was referred to the Committee on Military Affairs.

He also presented a petition of the Federal party of Puerto Rico, praying for the establishment of free trade with American soil and a Territorial government; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (H. R. 445) for the relief of Clare M. Ashby, widow of W. W. Ashby, late United States consul at Colon, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4686) for the relief of J. A. Ware; and

A bill (S. 1567) referring to the Court of Claims the claim of the legal heirs of John Harper, deceased, to certain lands in the State of Virginia.

Mr. MCCUMBER, from the Committee on Claims, to whom was referred the bill (S. 3060) for the relief of James C. Drake, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 3453) for the relief of J. C. Williams, administrator of Haller Nutt, deceased, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. KEAN on the 8th instant, relative to the claim of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting United States mails between July 1, 1878, and February 21, 1892, intended to be proposed by him to the sundry civil appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. TALIAFERRO, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2469) for the relief of the Allaire Works of New York; and

A bill (S. 3080) for the relief of Salvador Costa.

NICHOLAS LOCHBOEHLER.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 2054) for the relief of Nicholas Lochboehler, submitted a report thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2054) entitled "A bill for the relief of Nicholas Lochboehler," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ESTATE OF JOHN KELLY, DECEASED, ETC.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 780) for the relief of the heirs and legal representatives of John Kelly, deceased;

A bill (S. 850) for the relief of Mrs. A. M. Hollingsworth, of Ocean, Allegany County, State of Maryland;

A bill (S. 888) for the relief of Amire R. Hertzog, of Natchitoches, La., for stores and supplies taken from her by the military forces of the United States during the war for the suppression of the rebellion;

A bill (S. 1092) for the relief of the estate of Alice Hardaway, deceased, late of Benton County, Miss.;

A bill (S. 1137) for the relief of Joseph Tagg, of Memphis, Tenn.;

A bill (S. 1166) for the relief of George W. Rosenberger, of Newmarket, Va.;

A bill (S. 1381) for the relief of Louise Stewart;

A bill (S. 1414) for the relief of the Protestant Orphan Asylum of Natchez, in the State of Mississippi;

A bill (S. 1520) for the relief of the estate of Patrick Gilfoil, deceased;

A bill (S. 1990) for the relief of Paul Pecot, administrator of the successions of Adrien Frere and Joseph A. Frere, deceased;

A bill (S. 2364) for the relief of Anna F. Polk and the heirs or legal representatives of Allen J. Polk, deceased;

A bill (S. 2573) for the relief of Carolina Carter;

A bill (S. 2973) for the relief of Francois L. Bouillotte, Louisa L. Bouillotte, Mary A. Crowley, born Bouillotte, and Lausa M. Price, born Bouillotte, children and only heirs at law of Joseph Bouillotte, deceased, late of Rapides Parish, State of Louisiana;

A bill (S. 3587) for the relief of the estate of O. P. Newby, deceased; and

A bill (S. 3684) for the relief of the owners of certain cotton shipped from Natchez, Miss., in August, 1863, on the steamer *Gladiator*—

Reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims represented by the following bills, to wit: S. 780, 850, 888, 1092, 1137, 1166, 1381, 1414, 1520, 1990, 2364, 2573, 2973, 3587, and 3684, for the relief of the heirs and legal representatives of John Kelly; for the relief of Mrs. A. M. Hollingsworth; for the relief of Amire R. Hertzog; for the relief of the estate of Alice Hardaway; for the relief of Joseph Tagg; for the relief of George W. Rosenberger; for the relief of Louise Stewart; for the relief of the Protestant Orphan Asylum, Natchez, Miss.; for the relief of Patrick Gilfoil; for the relief of Paul Pecot, administrator of Adrien and Joseph A. Frere; for the relief of Anna F. Polk and heirs of Allen J. Polk; for the relief of Caroline Carter; for the relief of Francis L. Bouillotte et al.; for the relief of the estate of O. P. Newby; and for the relief of the owners of certain cotton shipped from Natchez, Miss., in August, 1863, on steamer *Gladiator*, be, and the same are hereby, referred to the Court of Claims, under the provisions of the act of Congress "to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, with all the accompanying papers. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3733) to provide for the distribution of surplus books, pamphlets, charts, maps, pictures, public documents, or other works in the possession of the Librarian of Congress and the Superintendent of Documents; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 3734) to authorize Commander James M. Miller, United States Navy, Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan, formerly secretary of Samoan Commission and now secretary of the legation of the United States at Seoul, Korea, to accept presents tendered to them by His Majesty the Emperor of Germany; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MORGAN introduced a bill (S. 3735) for the relief of William M. Fussell; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3736) for the relief of Sarah Autrey; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 3737) for the relief of the Cumberland Presbyterian Church, at Mount Comfort, Washington County, Ark.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MCLAURIN introduced a bill (S. 3738) for the relief of James L. Roane; which was read twice by its title, and referred to the Committee on Claims.

Mr. KENNEY introduced a bill (S. 3739) for the relief of Mrs. A. McD. Morris; which was read twice by its title, and referred to the Committee on Claims.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3740) granting an increase of pension to Sebald V. Schlessinger;

A bill (S. 3741) granting a pension to John N. Fitch; and

A bill (S. 3742) granting an increase of pension to Abel Fleming.

Mr. HALE introduced a bill (S. 3743) for the relief of certain enlisted men of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CLAY (by request) introduced a bill (S. 3744) referring the claim or claims of the several bands or tribes of Indians of the Colville Indian Reservation, in the State of Washington, to the Court of Claims, and authorizing the said Indians to bring suit in the said Court of Claims against the United States on account of lands alleged to have been unlawfully taken from them without compensation by the United States by an act of Congress and proclamation of the President in pursuance thereof; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CARTER introduced a bill (S. 3745) authorizing the Secretary of the Treasury to execute a certain deed to the city of Helena, Mont.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3746) granting a pension to George W. Bodurtha; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 3747) for the relief of John Schuh; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3748) granting an increase of pension to Washington Baker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3749) for the relief of Gustav A. Hesselberger; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 3750) granting a pension to

Paulina Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BUTLER introduced a bill (S. 3751) to appropriate and distribute the court-martial forfeitures collected from soldiers in the Volunteer Army to the States for the benefit of indigent soldiers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. THURSTON introduced a bill (S. 3752) authorizing the Secretary of the Treasury to pay to the State of Nebraska certain moneys in liquidation of its claims on account of suppressing Indian hostilities from 1861 to 1868; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULBERSON (for Mr. CHILTON) introduced a bill (S. 3753) for the relief of George S. Thebo, assignee of Charles F. Thebo; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 3754) for the erection of a public building at Florence, Ala.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

GOVERNMENT FOR PUERTO RICO.

Mr. LINDSAY submitted two amendments intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which were ordered to lie on the table and be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which was ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES of Arkansas submitted an amendment relative to the payment of warrants issued by the principal chief of the Cherokee Nation under an act of the national council of said nation of December 16, 1899, intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed.

Mr. KENNEY submitted an amendment proposing to pay to the State of Delaware $6,341.99, being the several sums of money reported to the Senate in the letter of the Secretary of the Treasury dated December 17, 1890, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN submitted an amendment proposing to appropriate $25,000 for grading and paving Connecticut avenue (extended) between Columbia road and Kalorama avenue, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $10,000 for the improvement of Connecticut avenue west of Rock Creek, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 toward the construction of a bridge across Rock Creek on the line of Connecticut avenue extended, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. THURSTON submitted an amendment proposing to appropriate $5,000, or so much thereof as may be necessary, for printing and binding in two volumes, not exceeding 2,000 copies of the digest of decisions relating to Indian affairs, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HAWLEY submitted an amendment proposing to appropriate $5,000 for the equipment and maintenance of an industrial institution for the employment of the blind of the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

COMPILATION ON INTEROCEANIC CANAL AND RAILWAY ROUTES.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed, for the use of the Senate Committee on Interoceanic Canals, 300 extra copies of the List of Books and of Articles in Periodicals Relating to Interoceanic Canal and Railway Routes, compiled by Hugh A. Morrison, jr., of the Library of Congress.

SCHEDULE OF CERTAIN POSTMASTERS' SALARIES.

Mr. MORGAN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Postmaster-General be, and he hereby is, directed to return to the Senate certain schedules of salaries of postmasters in the States of Alabama, Arkansas, Kansas, and Kentucky computed under the act of March 3, 1883, which schedules were before the Committee on Post-Offices and Post-Roads of the Senate, but which were temporarily recalled by the Postmaster-General on the 30th day of September, 1890.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it be printed and lie over.

The PRESIDENT pro tempore. The resolution will be printed and lie over.

MINING RIGHTS NEAR CAPE NOME, ALASKA.

Mr. TURNER. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War be directed to inform the Senate whether any concessions or grants to excavate the gold-bearing bed of the sea at or in the vicinity of Cape Nome, in Alaska, or in other Alaskan waters have been made to any individual or individuals or to any corporation or association of individuals by the Secretary of War or by any other official of the War Department; and if so, to inform the Senate upon what theory of power or authority, if any, such concessions or grants were made.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. CARTER. Mr. President, I do not wish to be understood as objecting to the present consideration of this resolution. I should like to ask the Senator from Washington upon what theory the resolution is framed or upon what basis of fact or information. I understand the resolution to present an inquiry as to whether the Secretary of War has issued permits to any company or individual or individuals, giving the right, presumably, upon the theory of the resolution, the exclusive right, to mine under the waters of the sea near Cape Nome. That is my understanding of the resolution. I should like to know of the Senator upon what theory or for what reason such a resolution is here presented.

Mr. TURNER. Mr. President, I am reliably informed that the War Department has granted exclusive rights to mine the beds of the sea at and in the vicinity of Cape Nome, and I think it exceedingly important that the Senate shall be authoritatively informed whether that is true or not. One of my informants is the governor of Alaska, who is present in the city, and who informed me that such a concession has been made by the War Department.

The Secretary of War, of course, as is well known, has jurisdiction over the navigable waters of our harbors and our navigable rivers in order that navigation may not be obstructed; and pursuant to that authority he has been in the habit of giving private individuals the authority to excavate for certain purposes within such waters where it will not obstruct navigation. I wish to say that if this authority has been stretched to the extent of endeavoring to give concessions to individuals to mine the gold-bearing beds of the sea in Alaska, it is a shame, a reproach, and a scandal, especially in view of the fact that the Senate and House of Representatives are now engaged in the task of formulating legislation concerning the mining of the sands of the sea in that vicinity.

My resolution is offered with a view of producing an authoritative declaration from the War Department whether or not any such concessions have been granted.

Mr. WOLCOTT. Mr. President, in view of the extraordinary statement of the Senator from Washington, I have not a doubt that the Secretary of War will be just as anxious to answer the inquiry as the Senator from Washington is to make it.

Such a grant would be a clear violation of law, and it is so utterly impossible that the Secretary of War should have attempted it that I trust the resolution may be adopted without going over for a day.

Mr. CARTER. Mr. President, my inquiry was prompted by the same thought which actuated the Senator from Colorado, to prosecute the inquiry further. The sands under the sea and the waters of the sea, and likewise the space between low and high tide in the vicinity of Cape Nome, are said to be gold bearing. The space between low and high tide has been, in the parlance of the mining camp, the prospectors' grub-stake ground in that country. Persons have gone forth upon that ground, which was held in common by all the miners. It was held by the individual without dispute during the time he actually occupied it; and when the occupant elected to move on, under the common rule which prevailed among the miners, anyone else could proceed to mine over the same ground.

It certainly can not be in contemplation that the Secretary of War, in the exercise of any jurisdiction vested in him to control the waters for navigation purposes, including the bays and harbors and the water within the 3-mile limit, would proceed to the innovation of executing mining leases or mining privileges without any semblance of law, without any consultation with or authority from Congress. I think the resolution should pass, and I have no doubt the answer will show that the Secretary has not arrogated to himself that authority.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. STEWART. Let the resolution be read again.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none. Will the Senate agree to the same?

The resolution was agreed to.

ELECTION IN CUBA.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, directed to inform the Senate of the qualifications required to entitle a person to vote at the coming election in the island of Cuba, the purpose for which said election is held, who has charge of the same, and who prescribed the qualifications of voters.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the following acts:

An act (S. 240) granting a pension to Nancy Ellen Bessom;
An act (S. 1003) granting a pension to Julia M. Johnson;
An act (S. 1058) granting a pension to John Bailey;
An act (S. 1059) granting a pension to Silas B. Hensley;
An act (S. 1295) granting a pension to Louisa Hale;
An act (S. 1329) granting a pension to Mary Jackman;
An act (S. 1712) granting a pension to Arminda D. Davis;
An act (S. 1771) granting a pension to Ellie Kee;
An act (S. 2158) granting a pension to Joseph B. Presdee;
An act (S. 2367) granting a pension to Susan Stratton;
An act (S. 236) granting an increase of pension to Mary Ellen Lauriat;
An act (S. 237) granting an increase of pension to Cutler D. Sanborn;
An act (S. 266) granting an increase of pension to William Hamley;
An act (S. 526) granting an increase of pension to Joseph M. Waddell;
An act (S. 548) granting an increase of pension to John F. McMahon;
An act (S. 872) granting an increase of pension to William H. H. Nevitt;
An act (S. 899) granting an increase of pension to Mary A. Dennis;
An act (S. 917) granting an increase of pension to Sarah E. Campbell;
An act (S. 992) granting an increase of pension to Frederick Auer;
An act (S. 1469) granting an increase of pension to Philip P. Getchell;
An act (S. 1711) granting an increase of pension to Charles L. Green;
An act (S. 1796) granting an increase of pension to Rebecca P. Quint;
An act (S. 2219) granting an increase of pension to Mary F. Hopkins; and
An act (S. 2223) granting an increase of pension to John M. Morse.

The message also announced that the President of the United States had on this day approved and signed the joint resolution (S. R. 91) authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I ask the Senate to proceed to the consideration of the bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, that the bill be read, and that the committee amendments be disposed of as they are reached in the reading of the bill.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first in order. Is there objection? The Chair hears none. The Secretary will read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Treasury Department," on page 2, after line 5, to insert:

Office of Auditor for the War Department: For the purpose of restoring and repairing the worn-out and defaced rolls and vouchers in the Office of the Auditor for the War Department, the following additional force from March 15 to June 30, 1900, inclusive, 10 clerks, at the rate of $1,000 each per annum, $2,944.40.

The amendment was agreed to.

The next amendment was, on page 3, after line 5, to insert:

WAR DEPARTMENT.

MILITARY POSTS.

That the provisions of section 355, Revised Statutes, are waived so far as they prohibit the expenditure of public money for the purpose of erecting public buildings on a tract of land recently acquired as a site for necessary buildings at Fort Du Pont, Del., before the consent of the legislature of the State of Delaware to the purchase has been given, it being impracticable to apply to the State legislature for consent to its purchase until its next session in January, 1901, and the buildings being urgently required for the shelter of troops.

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to insert:

Bureau of Equipment.

And under the head of "Naval Establishment," on page 4, after line 2, to strike out:

Bureau of Equipment.

The amendment was agreed to.

The next amendment was, at the top of page 8, to insert:

PUBLIC BUILDINGS.

For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, $7,200.

The amendment was agreed to.

The next amendment was, on page 8, after line 4, to insert:

GEOLOGICAL SURVEY.

For engraving and printing the geological maps of the United States, $2,500

The amendment was agreed to.

The next amendment was, on page 8, after line 7, to insert:

For gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections, and the preparation of reports upon the best methods of utilizing the water resources of said sections, $20,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 13, to insert:

DEPARTMENT OF STATE.

For stationery, furniture, fixtures, and repairs, and for the purchase of passport paper, $500.

The amendment was agreed to.

The next amendment was, on page 8, after line 16, to insert:

For contingent expenses, namely: For care and subsistence of horses, to be used only for official purposes, and repairs of wagons, carriage, and harness, rent of stable, telegraphic and electric apparatus and repairs to the same, and miscellaneous items not included in the foregoing, $1,000.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 8, after line 23, to insert:

SENATE.

For miscellaneous items, exclusive of labor, $20,000.

The amendment was agreed to.

The next amendment was, at the top of page 9, under the subhead "Senate," to insert:

For purchase of furniture, $5,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 1, to insert:

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, $2,500.

The amendment was agreed to.

The next amendment was, on page 9, after line 4, to insert:

For repairs of Maltby Building, $500.

The amendment was agreed to.

The next amendment was, on page 9, after line 5, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $7,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public printing and binding," on page 10, after line 9, to insert:

For printing and binding for the War Department, $10,000.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ADDITIONAL SENATE MESSENGERS.

Mr. ALLISON. I should be glad to call up the conference report on House bill 9080.

The PRESIDENT pro tempore. The report is not at the desk at present, the Chair informs the Senator.

Mr. CARTER. Without prejudice to the conference report, which will be found in a few minutes, I suppose, I call up for consideration the motion entered by me yesterday evening to reconsider the vote by which the resolution submitted by the Senator from Mississippi [Mr. SULLIVAN] was passed.

The PRESIDENT pro tempore. The Senator from Montana moves to reconsider the vote by which the resolution which will be stated was passed.

The SECRETARY. A resolution by Mr. SULLIVAN providing for

the employment of additional messengers for the service of Senators.

The PRESIDENT pro tempore. The question is on agreeing to the motion to reconsider.

Mr. SULLIVAN. I desire, before the motion is put, to ask a question of the Senator from Montana, and that is whether yesterday he voted in the affirmative on the adoption of the resolution?

The PRESIDENT pro tempore. There having been no yea-and-nay vote taken on the adoption of the resolution, the Chair recognizes the right of the Senator from Montana to move a reconsideration.

Mr. HOAR. Let the resolution be read before the vote is taken.

The PRESIDENT pro tempore. The resolution will be read in full. The resolution should have been referred under the law originally to the Committee to Audit and Control the Contingent Expenses of the Senate.

The Secretary read the resolution submitted by Mr. SULLIVAN on the 16th instant, as follows:

Resolved, That each Senator other than the chairmen of the standing and select committees of the Senate, and having as such a messenger, be, and he is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

The PRESIDENT pro tempore. The question is on agreeing to the motion to reconsider.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. Under the law the resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

DIPLOMATIC CORRESPONDENCE WITH COLOMBIA, ETC.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

In response to the resolution of the Senate of January 23, 1900, requesting the President, "if in his opinion it is not incompatible with the public interest, to furnish the Senate with copies of the correspondence with the Republic of Colombia in relation to the Panama Canal and to the treaty between this Government and New Granada concluded December 12, 1846, not heretofore communicated," I transmit herewith a report from the Secretary of State, with accompanying papers.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *March 21, 1900.*

PUERTO RICAN REVENUES.

Mr. ALLISON. I now call up the conference report on House bill 9080.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report submitted yesterday by the Senator from Iowa, which will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain and revenues hereafter collected on such importations under existing law, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, and 5.

That the House recede from its disagreement to the amendment of the Senate numbered 3 and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment, and insert in lieu thereof the following: "now existing and which may hereafter be established in Puerto Rico, and for the aid and relief of the people thereof, and for public education, public works, and other governmental and public purposes therein until otherwise provided by law;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
Managers on the part of the Senate.

J. G. CANNON,
W. H. MOODY,
Managers on the part of the House.

Mr. COCKRELL. Mr. President, I wish simply to state that as one of the conferees I could not——

Mr. BACON. As the Senator from Missouri is going to discuss the merits, if he will pardon me, I was going to suggest that this is a matter of such importance that we ought to have an opportunity to examine it with more care than it is possible to give to it simply from hearing it read at the desk. I would prefer that the matter should lie over and that the report may be printed.

The PRESIDENT pro tempore. It has been printed.

Mr. BACON. I did not know the fact.

Mr. ALLISON. I offered the report last evening and asked that it be printed. It will be found in the RECORD, on page 3084, and it is also printed as a document.

Mr. BACON. It is possibly my fault that I did not know the fact. I recollect that yesterday evening, while I was on the floor, the Senator asked permission to interrupt me that a conference report might be submitted, but I did not know it was this report, and I prefer that we should have an opportunity to examine it.

Mr. COCKRELL. I suggest to the Senator from Iowa to let the report go over.

Mr. ALLISON. Does the Senator prefer that it shall go over until a later hour to-day? I think there is a rather pressing necessity for the adoption of the report.

Mr. BACON. I did not hear the Senator?

Mr. ALLISON. There is a pressing necessity for the early consideration of the report, but of course if Senators desire further time to look into it, I shall be glad to give such time as may be necessary.

Mr. BACON. The Senator will remember that there is an order to go into executive session at 3 o'clock to-day, and I shall therefore ask that it lie over until to-morrow.

Mr. ALLISON. If it can be understood that this matter will be taken up to-morrow morning after the routine business I will allow it to go over.

Mr. COCKRELL. There will be no objection to that course.

Mr. HOAR. I should like to call up a bill for consideration.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order. The Senator from Massachusetts asks for the present consideration of a bill which he will indicate.

DISTRICT COURT STENOGRAPHERS.

Mr. HOAR. I ask the Senate to proceed to the consideration of the bill (S. 2352) to authorize the judges of the district courts of the United States to appoint stenographic reporters, fix the duties and compensation thereof, and for other purposes.

The Secretary read the bill, and by unanimous consent the Senate, as in the Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, page 1, after the word "courts," at the end of line 9, to insert "within the district of the judge making the appointment;" in line 12, after the word "take," to strike out "down;" and on page 2, line 2, after the word "directed," to strike out "by either party to a suit or;" so as to make the section read:

That every judge of the United States district court may, for the purpose of perpetuating the testimony and proceedings therein, appoint a competent stenographic reporter, who shall be known as the reporter of the United States courts, and who shall hold office during the pleasure of the judge appointing him, or of the successor of said judge. Such reporter shall attend all sessions of the district and circuit courts within the district of the judge making the appointment, and shall, upon the direction of the court, in any civil or criminal action, suit in equity, or other proceeding, take in shorthand the testimony and all proceedings had upon the trial or hearing; and shall, when directed by the court, transcribe the same within such time as the court may designate, and file the same with the clerk of the court.

The amendment was agreed to.

The next amendment was, in section 4, on page 2, line 14, before the word "dollars," to strike out "four hundred;" in line 16, before the word "cents," to strike out "twenty," and insert "ten;" in line 17, before the word "cents," to strike out "ten" and insert "five;" and after the word "charge," at the end of line 20, to strike out "but in case such transcript is ordered by the court in any civil case the same shall be paid for by such party or parties as the court may direct;" so as to make the section read:

SEC. 4. That each reporter appointed as above provided shall receive for his services an annual salary of $2,000. In addition thereto the reporter shall be entitled to receive from any party desiring a transcript from his notes the sum of 10 cents per folio of 100 words, and for each carbon copy the sum of 5 cents per folio. But in criminal cases, and actions and suits in which the United States is a party, the reporter shall furnish such transcripts as the district attorney may require without charge.

The amendment was agreed to.

Mr. COCKRELL. I should like to ask the Senator how many officials this bill will create; how many districts there are, and what will be the annual burden imposed upon the country?

Mr. HOAR. I have forgotten the number of districts in the United States now, but I should think about 90; that is, I think there is an average of about two district courts to a State. It is not within my memory at this moment. But the salaries of these officials, which were originally provided at $2,500 per year, are now made $2,000. On the other hand, it is an immense necessity, and practically this service now has to be obtained and paid for by the Government at a rate at which contracts are made for particular cases with stenographic experts. The Senator's experience is as good as mine in that particular, but I suppose there will not be any serious addition to the burden on the Treasury. At any rate, it is an enormous security for the parties in the administration of justice to have stenographic reports in all important causes, and the States very generally, though not universally, have made similar provisions, not only for their supreme courts, but for their courts of second rank. In my own State we have stenographic reporters not only in the supreme court, but in the superior court.

Mr. COCKRELL. We have the same in Missouri in the State circuit courts, as they are called. Will this bill dispense with any expenditures which are made now by the various courts for the employment of stenographers to take down everything, especially cases where they are paid at very heavy rates?

Mr. HOAR. Entirely. My belief is that it will save money to the Treasury.

Mr. SULLIVAN. I should like to ask the Senator from Massachusetts a question. I do not understand that this would at all relieve of any expense in that respect. I understand the purpose here now is simply to pay for a stenographer for each district judge in criminal matters, and that it does not apply to other causes, although the stenographer may have a salary by the year.

Mr. HOAR. In all matters, not merely criminal matters, the stenographer to the court is to take down, for his salary, everything the judge requires him to do, and everything the district attorney requires him to do in all cases where the United States is a party.

Mr. ALLISON. What is the salary?

Mr. HOAR. The salary is $2,000. Then the stenographer is to make his transcripts for private parties; and, as to those, the committee have cut down the proposed allowance by one-half.

Mr. SULLIVAN. The point I was trying to get at is this: At present there is no provision for a stenographer to take down testimony or anything of that sort in the district courts, and the private individuals who have litigation have to pay the expense themselves. What good reason is there why the stenographer should not take down the testimony in civil as well as in criminal cases? He is paid so much per annum.

Mr. HOAR. The bill provides that the stenographer shall—

upon the direction of the court, in any civil or criminal action, suit in equity, or other proceeding, take in shorthand the testimony and all proceedings had upon the trial or hearing—

That is what he does for his salary—

and shall, when directed by the court, transcribe the same within such time as the court may designate, and file the same with the clerk of the court.

Then—

In criminal cases, and actions and suits in which the United States is a party, the reporter shall furnish such transcripts as the district attorney may require without charge.

This is to be done for the salary of $2,000 a year; and it secures the taking down of testimony in all cases upon the direction of the court, and the transcribing of and filing the testimony with the clerk of the court. Then the stenographer furnishes such further transcripts as the district attorney may require without charge in all criminal cases and all cases where the United States is a party; and the private party gets the transcript by paying for it at the price fixed in the bill. Therefore, the reporter furnishes for the salary the proper stenographic service in all cases where the Government finds it necessary to now have a stenographic report.

One member of the committee mentioned a case within his experience where the fees of a stenographer had amounted, I think, to $30,000. I am not quite sure whether that was a Government or a private case; but take the great Brant case we had in Boston a few years ago, which was tried twice. I do not know what the Government paid for the stenographic service in that case; but I have no doubt, from my general knowledge of such cases, that it must have been for that single case fivefold the year's salary of the stenographer.

Mr. ALLEN. Mr. President, as I understand the purpose of this bill, it is to furnish stenographers to the Federal judges the same as they are furnished to the nisi prius judges of the supreme courts. There is no method of preserving evidence of trials in the Federal courts at this time unless it be done by a stenographer employed by one or both of the parties in litigation. That amounts to a practical hardship in many instances, especially in the Northwest, where the litigants are poorer than they are in some other sections of the United States. I know of many cases where the stenographer's fees have amounted to a very considerable sum, and to a considerable portion of the amount in litigation. They are extortionate in many instances, sometimes being five or ten dollars a day for the mere taking of the stenographic notes, and then extra compensation for transcribing the notes for forming the bill of exceptions. So I think this bill is demanded by the situation.

While I am speaking of this matter, I wish to call the attention of the Senate and of the Judiciary Committee to another very gross abuse, in my judgment, in the practice before the Federal courts. The practice is constantly becoming looser than formerly. There was a time in the history of the administration of jurisprudence when no jury was permitted to separate after it had been sworn to try a cause in either a civil or a criminal case; but we are relaxing in the State courts, and, I regret to say, Mr. President, we have relaxed in the Federal courts to the extent of absolutely imperiling meritorious causes. For instance, litigants who have a cause to try before a jury in the Federal courts are required in many sections of the country to make a deposit with the marshal of a sum of money to pay for the lodgings and food of the jurors if they are kept together pending the determination of the case. That is wrong. It ought to be in the power of the Federal judge, and he ought to exercise the power, to require a jury to be kept together in an important criminal matter or in an important civil matter where outside influences may affect the litigation.

Mr. HALE. Does the Senator mean to say that he thinks that a jury ought to be kept together from the time the trial begins?

Mr. ALLEN. Not in all cases, but in some cases. There are a great many cases which excite great public interest, even civil cases which excite much outside comment, and where the influences surrounding the court, the influences of the community, are not the best for the production of a verdict that reflects the evidence in the case.

Mr. HALE. Does the Senator think it would be practical to keep a jury together, separated from all the rest of the world, day and night during the trial of a case which would, perhaps, take a week or ten days?

Mr. ALLEN. Oh, Mr. President, I have done that myself repeatedly; and there was hardly a term while I was on the bench that I did not do that.

Mr. SPOONER. In a civil case?

Mr. ALLEN. Yes, in a civil case where the excitement was intense and where the outside influences were dangerous. In our States west of the Mississippi River we have provision for paying the expenses of a jury when kept together by order of the court.

Mr. HALE. I know that is done in certain States; but in my own State we do not keep the jury together at all, even in criminal cases; and I do not know that there has ever been any scandal about it; but I ask the Senator from Nebraska, in holding court as a judge, where would he send a jury of twelve men so as to keep them together?

Mr. ALLEN. There is scarcely a place where a court is held that you can not find two or three or four rooms where a jury can be accommodated for sleeping purposes when they have to sleep. They are also taken together to their meals by one or more bailiffs. They are escorted from the court to and from their rooms, and of course are always under the charge of a bailiff when in their room deliberating upon their verdict.

Mr. HALE. And that is kept up and maintained during the trial?

Mr. ALLEN. Yes, sir; and that is not a hardship.

Mr. WOLCOTT. If the Senator from Maine will permit me, in Colorado that is done in the State courts, and in long and extensive mining suits of great importance the Federal judge is almost invariably in the habit of keeping the jury together, getting quarters for them at some hotel, and appointing bailiffs to take charge of them. They are often kept isolated and separate from the rest of the world for two or three weeks at a time.

Mr. ALLEN. Yes, and that ought to be done. For instance, when a jury at the adjournment of the court are permitted to dissolve and scatter over a town or city they necessarily come in contact with men who are talking about the case they are trying if it is of sufficient importance to provoke general comment. Men may be very honest in expressing their opinions, but they sometimes express their opinions to a juryman or in his presence and hearing, and it may imperceptibly influence him in determining or in shaping the verdict that is ultimately to be found. All these influences ought to be kept from juries. If a juryman is predisposed to listen when he goes outside the court he ought not to be on the jury; but unfortunately he is there as part of the jury before that fact is discovered.

Mr. SPOONER. I ask the Senator from Nebraska if that is not a matter entirely within the discretion of the judge?

Mr. ALLEN. I think that is true; but what I am complaining about is the practice of the Federal court in some localities where, without a single exception, the jury is permitted to separate in all cases, unless the parties interested in the litigation come forward and place enough money in the hands of the marshal to cover the expense of the jury while kept together. That ought not to be so. It ought to be within the discretion—and it is a discretion that ought to be exercised wisely—of the judge to determine when a jury shall be kept together; and a sufficient amount ought to be provided in the appropriation bill to pay these exceptional expenses.

Mr. SPOONER. In civil cases?

Mr. ALLEN. In any kind of a case where justice is liable to miscarry if there is a failure to keep the jury together.

Mr. SPOONER. Does the Senator mean that the Treasury of the United States ought to provide the funds to keep juries together in civil cases?

Mr. ALLEN. I do not see why it should not. The State bears those expenses. I do not know of a Western State—I know nothing about the Eastern States—but I do not know of a State west of the Mississippi River where that is not the rule and where the State or county does not pay the expenses of the jury.

Mr. HOAR. There is nothing about that in this bill.

Mr. ALLEN. I know there is nothing about that in this bill; but this is a matter I wanted to call to the attention of the Committee on the Judiciary.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I move that the Senate now proceed to the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes. The bill has been read.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. BATE. Does the Senator from Montana want to take up the bill regularly, or for the purpose of offering certain committee amendments?

Mr. CARTER. I have proposed to take up the bill regularly, and I ask that the formal amendments made by the committee may be considered as agreed to.

Mr. BATE. I understood from the Senator from Montana that he did not want to take up the bill for discussion now, but to get through with the amendments reported by the committee.

Mr. CARTER. Most assuredly the bill must be taken up for consideration. I should like to have an understanding that it shall be finally acted upon not later than Saturday.

Mr. BATE. There are a good many amendments to the bill. I wish to present some myself, and I am not prepared to do so now.

Mr. CARTER. We can proceed with the consideration of the bill, I assume. There are certain amendments which I desire to offer; the Senator from Tennessee [Mr. BATE] has offered certain amendments, and the committee amendments are pending.

Mr. BATE. I am not prepared to vote on those now. I so stated to the Senator yesterday. I did not know the bill was to be called up for that purpose. I understood it was to be called up so that the formal amendments of the committee which were not objected to could be acted upon.

Mr. CARTER. There are certain amendments which a number of Senators desire to present, as well as amendments to be presented later on by the Senator from Tennessee. My motion was to proceed to the consideration of the bill and amendments.

Mr. BATE. It is not proposed to put the bill on its passage, I suppose.

Mr. CARTER. If the Senator is not prepared to offer his amendments or to debate them to-day, they can be presented and debated to-morrow or next day, I assume. We can not delay the consideration of the bill until every Senator is ready to present every conceivable amendment he may have, and to proceed with its discussion. The committee desire to make such progress to-day as they can.

Mr. BATE. I do not want to be in the way; but I suggest that the bill be taken up at some other time.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

Mr. CARTER. I ask unanimous consent that the committee amendments may be considered as agreed to without reading. Those amendments are merely formal and are scattered through the bill.

The PRESIDENT pro tempore. Can the Senator point out where the amendments occur?

Mr. CARTER. They are merely the renumbering of sections and formal matters.

The PRESIDENT pro tempore. There are amendments on pages 444 and 445, which will be stated.

The SECRETARY. On page 444, line 1 of chapter 106, after the words "section 1069," it is proposed to strike out "a."

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that amendments as to the numbering of sections may be agreed to?

Mr. CARTER. Yes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and those amendments will be made by the Secretary.

Mr. BATE. As this bill has come up rather suddenly and there are Senators who want to offer amendments who are not present, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Foraker,	McComas,	Simon,
Bacon,	Foster,	McCumber,	Spooner,
Bard,	Frye,	McLaurin,	Sullivan,
Bate,	Gear,	McMillan,	Thurston,
Burrows,	Hanna,	Martin,	Tillman,
Carter,	Hawley,	Morgan,	Turley,
Clay,	Hoar,	Perkins,	Warren,
Cockrell,	Kean,	Pettus,	Wetmore,
Culberson,	Kenney,	Pritchard,	Wolcott.
Cullom,	Lindsay,	Ross,	
Deboe,	Lodge,	Sewell,	
Fairbanks,	McBride,	Shoup,	

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. There is a quorum present. The amendments as to renumbering the sections will be considered as agreed to.

Mr. CARTER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. There is a committee amendment on page 445.

Mr. WARREN. I should like to ask the Senator from Montana if it is his intention to call the bill up for early consideration? I ask the question because I have some amendments to be printed, which I desire to present, and I do not wish to present them to-day unless it will be too late to do so to-morrow.

Mr. CARTER. It is desired, of course, to have the bill finally disposed of at the earliest practicable date. The Senator from Tennessee [Mr. BATE] has certain amendments which he desires to present, but which he is not prepared to present to-day; and I am now informed that the same is true with reference to the Senator from Wyoming [Mr. WARREN]. I suggest at this point, in order to give all Senators who desire to present amendments ample opportunity to do so, that we arrange to finally dispose of the bill and amendments on Saturday next.

Mr. BATE. I do not know that the bill can be disposed of at that time, but it can be taken up for consideration then as the regular order. I do not know how long the discussion may take.

Mr. WARREN. I hope the bill may receive early consideration. I only want to have time enough to offer the amendments which I desire to submit.

Mr. CARTER. To-morrow will be time enough for the Senator's amendments. There are certain formal amendments which I wish to offer to-day for consideration, and if other Senators are not prepared to proceed, the bill can then go over until to-morrow.

I should like to have an arrangement for a vote on the bill and the amendments at an early date. The difficulty of perfecting a piece of legislation as extensive as this must be obvious to all Senators; and inasmuch as the bill is in as good condition at the present moment as the committee could place it, it is desirable that it should be passed by this body at as early an hour as possible. I have no disposition to press for a final vote to-day, but will let the matter go over, after such amendments as are ready for presentation shall have been disposed of.

Mr. BATE. The Senator from Montana said something about Saturday. That will be agreeable, I reckon.

Mr. CARTER. Then I ask unanimous consent that the bill and amendments shall be voted on at, say 5 o'clock p. m. on Saturday.

Mr. BATE. Excuse me. I did not understand that the bill was to be voted upon, but that it was to be taken up for consideration. We do not know how long it will take. There may be amendments offered which will require discussion for some length of time.

Mr. CARTER. It is well known, and the Senator from Tennessee realizes fully, that the business of the Senate within a week from now will become somewhat congested, and it will be difficult to secure consideration for this bill. It is ready for consideration now. The Senate is ready to consider it. All Senators are prepared except those who have certain amendments, already prepared, confessedly, that can be presented to-morrow, considered and disposed of. If their consideration leads to debate, well and good. We should occupy the attention of the Senate which is not otherwise occupied in the consideration of the bill and amendments that may be presented to it.

The PRESIDENT pro tempore. The condition of the bill before the Senate is this: It is up on motion, by order of the Senate, and by unanimous consent the committee amendments were first to be acted upon. That is all that the unanimous-consent agreement covered.

Mr. BATE. It went only to that extent.

Mr. SHOUP. After the present committee amendments have been acted upon there will be other committee amendments to be offered.

The PRESIDENT pro tempore. The Chair simply stated that the unanimous-consent agreement merely extended to the committee amendments.

Mr. BATE. As they are now presented.

The PRESIDENT pro tempore. The first amendment is on page 445.

Mr. BATE. It extends only to the amendments from the committee which are now presented. The chairman of the committee has just announced to the Senate that there are other amendments which he wants to put in.

The PRESIDENT pro tempore. Yes.

Mr. WARREN. Before leaving the floor, I wish to state that I am in hearty sympathy with the Senator in charge of the bill and in favor of its early consideration, and if it shall transpire that he gets along faster than he expects I shall be prepared to offer my amendments after the committee amendments are offered—even to-day.

Mr. CARTER. I should be glad to have the Senator present his amendments to-day if he can.

The PRESIDENT pro tempore. The first amendment, reported by the Committee on Territories, is on page 445, section 1071, line 2. It will be reported.

The SECRETARY. On page 445, section 1071, line 2, after the word "of," it is proposed to insert "the transaction and of."

Mr. BATE. After which "of?" The word "of" appears twice in that line.

The PRESIDENT pro tempore. By unanimous consent, all the mere formal section amendments were agreed to.

Mr. BATE. After which "of" is the amendment to be inserted?

The PRESIDENT pro tempore. The words printed in italics are inserted after the word "of" where it occurs the second time.

The SECRETARY. If amended, the clause will read:

The following persons shall not be witnesses: 1. Those of unsound mind at the time of the transaction and of their production for examination.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Territories was, on page 447, section 1077, line 2, before the word "years," to strike out "ten" and insert "fifteen;" so as to make the section read:

SEC. 1077. The uninterrupted adverse possession of real property for fifteen years or more shall be conclusively presumed to be held pursuant to a written conveyance.

The amendment was agreed to.

The next amendment was, on the same page, section 1078, line 3, after the word "continued," to strike out "charge" and insert "change;" so as to read:

SEC. 1078. Every sale or assignment of personal property, unless accompanied by the immediate delivery and the actual and continued change of possession of the thing sold or assigned, shall be conclusively presumed to be a fraud against the creditors of the vendor or assignor.

The amendment was agreed to.

The next amendment was, on page 448, section 1079, line 4, after the word "the," to strike out "parties" and insert "party;" so as to read:

In the following cases an agreement is void unless the same or some note or memorandum thereof expressing the consideration be in writing and subscribed by the party to be charged, or by his lawfully authorized agent.

The amendment was agreed to.

The next amendment was, on page 448, section 1079, line 16, before the word "pay," to strike out "for" and insert "or;" so as to read:

(5) An agreement for the sale of personal property at a price not less than $50, unless the buyer accept and receive some part of such personal property, or pay at the time some part of the purchase price.

The amendment was agreed to.

The next amendment was, on page 591, section 356, line 3, after the word "section," to strike out "four hundred and twenty-eight" and insert "three hundred and fifty-two;" so as to read:

In every action or suit for the recovery of the value of any live stock mentioned in section 352 so killed, or for damages for injury to the same, as hereinbefore provided, proof of such killing or injury shall of itself be deemed and held to be conclusive evidence of negligence upon the part of the person, persons, company, or corporation, or his or their lessees or agents, owning or operating such railroad.

The amendment was agreed to.

The PRESIDENT pro tempore. These are the only amendments reported by the committee when the bill was reported.

Mr. CARTER. I offer an amendment to be inserted on page 13.

The SECRETARY. On page 13 strike out all after line 30 down to and including line 42 and in lieu thereof insert:

Each clerk shall collect all money arising from the fees of his office or on any other account authorized by law to be paid to or collected by him, and shall report the same and the disposition thereof in detail, under oath, quarterly, or more frequently if required, to the court, the Attorney-General, and the Secretary of the Treasury, and all public money received by him and his deputies for fees or on any other account shall be paid out by the clerk on the order of the court, duly made and signed by the judge, and any balance remaining in his hands after all payments ordered by the court shall have been made shall be by him covered into the Treasury of the United States at such times and under such rules and regulations as the Secretary of the Treasury shall prescribe. The clerk may employ necessary clerical help with the approval and at compensation to be fixed by the court to aid him in the expeditious discharge of the business of his office. Any person so employed shall be paid by the clerk on the order of the court, as other court expenses are paid.

Mr. CARTER. The purpose of this amendment is to change the mode of compensating the clerk from a mixture of salary and fees to the salary system pure and simple. It will be observed in the portion stricken out that the clerk is permitted to retain $400 per month of the fees and commissions by him collected, such amount to be retained in addition to his salary of $2,500, which is provided, it being contemplated that this sum of $400 retained from fees and commissions would pay for all the clerical assistance in his office. It is clear, I think, that it would be simpler, the accounts would be in better form and more readily examined and checked up, if he were paid a definite sum for his services and required to account to the Treasury and the court for all fees and commissions collected from any and every source. If so paid and no allowance made for fees or commissions to the clerk, it is necessary that the clerical assistance which may be required in his office shall be paid for, and consequently that provision is made in the latter part of the amendment. In all cases the amount to be paid out is to be fixed by and paid under the order of the court. I think the amendment is an improvement on the bill.

Mr. BATE. The amendment does not name the amount to be paid him or how the money is to be paid.

Mr. CARTER. The amount of the salary or compensation of the clerk will be disposed of by another amendment if this amendment is adopted.

Mr. BATE. It is not named in the amendment.

Mr. CARTER. No; the amount to be paid as compensation is not named. This amendment simply provides that the clerk of the court shall collect all moneys required or authorized by law to be paid to or collected by him; that he shall account for the same in detail under oath to the court, the Attorney-General, and the Secretary of the Treasury, and out of the money so collected he shall first pay such court disbursements as the court may order paid under the law, and that the remainder of such fees or commissions in his hands shall be covered into the Treasury of the United States at such times and under such rules and regulations as the Secretary of the Treasury may prescribe.

Mr. BATE. But this does not settle the amount he is to be paid.

Mr. CARTER. It does not settle the amount he is to be paid. The Senator will observe that that amount is fixed on page 12; and if this amendment is adopted, I shall draw the attention of the Senate to the propriety of another amendment, changing his salary to a larger sum, in order that he may get just compensation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. CARTER. On page 12, line 26, I move to strike out the word "two" and insert in lieu thereof the word "four;" so that the amendment——

Mr. BATE. Read it and let us see how it will read after it is amended.

Mr. CARTER. So that the item will read, in connection with the text:

The clerks, each the sum of $4,500 per annum.

Mr. SPOONER. The clerks of the courts?

Mr. BATE. Yes. This section gives him $2,500, and I do not know why the increase should be made to $4,500, nearly double what the committee agreed upon.

Mr. CARTER. But in addition to the $2,500 under the bill as reported by the committee, the clerk is entitled to retain the sum of $400 per month out of the fees and commissions received in his office.

Mr. BATE. That is, to that extent.

Mr. CARTER. To that extent; and in lieu of the $2,500 salary and the $400 a month of fees and commissions to be retained we provide that the fees and commissions shall be covered into the Treasury and the salary of the clerk shall be $4,500 per annum.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. SPOONER. I should like to inquire of the Senator what does the bill make the salary of the marshals?

Mr. CARTER. The salaries of the marshals the Senator will find on page 12. Probably I might as well answer all questions relating to salaries. The governor, $5,000; surveyor-general and ex-officio secretary of the district, as full compensation, $4,000; the judges, each the sum of $6,000; each marshal the sum of $5,000, and, as amended, the clerks each the sum of $4,500.

Mr. SPOONER. What does the district attorney get?

Mr. CARTER. District attorneys each the sum of $4,000. On page 12, in line 27, I move to strike out all after the word "dollars" down to and including the word "provided," in line 28, at the bottom of page 12.

The SECRETARY. On page 12, section 10, line 27, it is proposed to strike out the following:

And fees and commissions as hereinafter provided.

The amendment was agreed to.

Mr. CARTER. I also offer an amendment relating to the same subject-matter.

The SECRETARY. On page 326, at the end of section 749, it is proposed to insert:

And for all money received by him if his official capacity each deputy clerk shall be entitled to such compensation as the court or the judge thereof may, subject to the approval of the Attorney-General, allow, the same to be paid by the clerk on order of the court as other court expenses are allowed and paid.

Mr. CARTER. This amendment is rendered necessary in order that some provision may be made in the bill for the payment of deputy clerks. The bill provides that deputy clerks may be appointed by the clerk at different places where general or special terms of the court are to be held. The convenience to the public of having a deputy is known to all lawyers, but it is extremely difficult for us to determine here just what would be fair and adequate compensation at different points in the district of Alaska for deputy clerks. So we leave the matter to the judge of the court.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. CARTER. On page 131, line 22, section 266, I move, after the word "personal," to strike out the word "relatives" as it appears in the text and also the parentheses inclosing the word "representatives." The text should read:

The debtor's personal representatives.

Mr. BATE. What is proposed to be stricken out?

The PRESIDENT pro tempore. The word "representatives" stays in?

Mr. CARTER. Yes, sir.

The PRESIDENT pro tempore. The motion is simply to strike out the word "relatives" and the parentheses?

Mr. CARTER. Yes, sir.

Mr. BATE. The Senator said something about "representatives."

Mr. CARTER. The word "representatives" remains in the bill.

The PRESIDENT pro tempore. It remains in the bill. Only the word "relatives" and the parentheses are stricken out. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. SPOONER. I should like to ask the Senator what peculiar significance is attached to the language "or trustee as such?" Is that intended to mean the trustee of an express trust?

Mr. CARTER. The trustee in his official capacity, I should say.

Mr. SPOONER. Why should it be limited to that?

The PRESIDENT pro tempore. What is the next amendment?

Mr. CARTER. The next amendment is on page 152.

Mr. SPOONER. I should like to ask the Senator why it should be limited to trustees in an official capacity?

Mr. CARTER. This section relates to judgments. Upon reading the section the Senator will observe that it is provided—

If it be issued after the death of the judgment debtor, and be against real or personal property, it shall require the marshal to satisfy the judgment, with interest, out of any property belonging to the deceased debtor in the hands of the debtor's personal representatives, heirs, devisees, legatees, tenants of real property, or trustee as such.

Mr. SPOONER. We all know that those words are words of legal, technical signification, and of course the whole clause goes to the collection of the judgment out of property belonging to the deceased debtor.

Mr. CARTER. The deceased debtor.

Mr. SPOONER. There are trustees who might have in their possession property out of which the judgment should be satisfied, if possible, who are not official trustees. They may be holding under an implied trust.

Mr. CARTER. In that event I assume it would be necessary to go into a court of equity and have the trust character first established. This proceeding would only obtain where the character of the trustee was known, admitted, and unquestioned.

Mr. SPOONER. Certainly. But suppose here is a legatee, a tenant of real property. Of course we all understand what the operation of that section would be in such a case as that. Here is a trustee as such. Suppose a man had money in his hands belonging to the deceased debtor.

Mr. CARTER. I should say in that event he would have to account to the administrator for it. A money judgment would not be a judgment against real or personal property. This section relates only to proceedings in the nature of proceedings in rem, I should say, proceedings against the thing itself.

Mr. SPOONER. How about a garnishment? That is pretty nearly a proceeding in rem.

Mr. CARTER. I think a garnishment would abate in the event. It would have to proceed through and be allowed by a probate court.

Mr. SPOONER. A trustee is under the jurisdiction of a court of equity.

Mr. CARTER. Not necessarily; not unless he is a party to some pending action in the court. He is subject to the supervision of the court.

Mr. SPOONER. How is it proposed that the marshal under this section shall collect the judgment out of property in the hands of a trustee as such? Is it supposed he is to do it without suit?

Mr. CARTER. It might well happen in this state of affairs that a trustee had, prior to the death of the individual whose debt is about to be collected, been left as the holder of certain personal property which was to be subjected to execution or sale for the purpose of satisfying the debt. In the meantime the debtor dies. The contract will not be impaired by virtue of his death, but under this section process may issue and the property be sold if in the hands of a trustee as such. The difference in the cases contemplated by the Senator and the case I have cited would be where, for instance, a piece of property had been purchased by an individual for a person who at the time of the action or proceeding was deceased and the character of the trusteeship was denied by the purchaser of the property who held the legal title. It would be necessary in that case to go into a court of equity and first establish the trust.

Mr. SPOONER. Yes; but suppose a man had placed in trust, before the indebtedness was incurred, a sum of money for the support of his widow and children. There would be a trustee as such. The Senator would not consider this as applying to such a case as that?

Mr. CARTER. I should not, because the section reads very clearly on that subject, I think:

If it be issued after the death of the judgment debtor, and be against real or personal property.

It must be directed against specific property in some manner connected with the judgment, by contract or otherwise, prior to the death of the debtor. I think that section is all right, Mr. President. I will, therefore, call attention to page 152, line 26, where I move to strike out the word "sheriff" and insert in lieu thereof the word "marshal;" so as to read:

Fourth. If the redemptioner or purchaser have a lien prior to that of the lien creditor seeking to redeem, such redemptioner or purchaser shall submit to the marshal the like evidence thereof and of the amount due thereon, or the same may be disregarded.

The amendment was agreed to.

Mr. CARTER. On page 315 I move to strike out all after the word "is," in line 1, section 719, at the top of the page, down to and including the letter "a," in line 4, and at the end of that section to insert the following:

And also shall have admiralty jurisdiction.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 315, section 719, line 1, after the word "is," it is proposed to strike out the following:

Established by the act of Congress entitled "An act providing a civil government for Alaska," approved May 17, 1884. It is.

And insert at the end of the section the following:

And also shall have admiralty jurisdiction.

Mr. CARTER. Let the section as proposed to be amended be read.

The Secretary read as follows:

The district court is a court of general jurisdiction, civil and criminal, at law and in equity, and also shall have admiralty jurisdiction.

The amendment was agreed to.

Mr. CARTER. On page 330, section 758, I move to strike out the word "country," in line 2, and in line 3 I move to strike out the word "country" and insert in lieu thereof in each case the word "Territory."

The SECRETARY. On page 330, section 758, line 2, it is proposed to strike out the word "country" and insert "Territory," and in line 3 to strike out the word "country" and insert "Territory;" so as to read:

Whenever it appears that a person of any State or Territory is an attorney of the highest court of record in such State or Territory, etc.

The amendment was agreed to.

Mr. CARTER. On page 368, section 849, after the word "the" where it occurs the first time in line 18, I move to insert the words "commissioner having jurisdiction or to the."

The SECRETARY. On page 368, section 849, line 18, after the word "the," it is proposed to insert "commissioner having jurisdiction or to the;" so that it will read:

The claimant may present his claim to the commissioner having jurisdiction, or to the district court, or the judge thereof, for allowance.

The amendment was agreed to.

Mr. CARTER. On page 381, section 884, line 4, I move to strike out the word "one" and insert "two;" so as to read:

In section 882.

The amendment was agreed to.

Mr. CARTER. There is an amendment on page 436. I will pass it over for the moment because of the absence of the Senator from Nevada [Mr. STEWART], who thinks that chapter should be stricken out, and in that view I am inclined to concur. But I will pass it over for the time being.

Page 446 is the next amendment. In line 22, subdivision 4, section 1072, I move to strike out the word "without" and insert "against;" and in line 23 I move to strike out the word "consent" and insert "objection;" so that it will read:

A physician or surgeon shall not, against the objection of his patient, be examined in a civil action, etc.

The amendment was agreed to.

Mr. CARTER. That amendment is moved at the suggestion of the chairman of the Judiciary Committee. He felt that if the phraseology should be left as it appeared in the text a physician could not be made a witness to prove the incapacity of a person to make a will at a given time. I think the point was well taken.

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CARTER. On page 479, section 108, in line 2, I move to insert, after the word "each" and before the word "precinct," the words "recording district or."

The amendment was agreed to.

Mr. CARTER. These are for the time being all the amendments which I have to offer.

Mr. PERKINS. I desire to present the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, chapter 1, section 1, line 7, after the word "Juneau," add the following proviso:

Provided, That the seat of government shall remain at Sitka until suitable grounds and buildings thereon shall be obtained, by purchase or otherwise, at Juneau.

Mr. PERKINS. Mr. President, the object of this amendment is that the Government may first procure suitable sites in the town of Juneau for the location of the capitol and other buildings before the capital is removed. The population of Alaska is transitory. One day there is a town in southwest Alaska and a few weeks or a few months later a mining excitement has taken place and it is moved perhaps 100 miles farther north or northeast.

The present capital at Sitka has been there for one hundred years or more. The Government owns a large area of land and also many buildings in Sitka, and for the present at least it will be wise on the part of the framers of this bill not to make it mandatory to immediately remove the capital from Sitka to Juneau.

I have made a list of the property owned by the Government in Sitka, and I also have the general order which was issued by Secretary Noble, then Secretary of the Interior, on the 25th of June, 1890, giving also a list of the property owned by the Government in Sitka. I will ask permission to have the statement printed in the RECORD for future reference.

The PRESIDING OFFICER. The Senator from California asks unanimous consent to have a statement printed in the RECORD.

Mr. BATE. Let it be read.

Mr. PERKINS. The Senator from Tennessee desires that it shall be read. Therefore I will ask to have it read.

The PRESIDING OFFICER. The matter sent to the desk by the Senator from California will be read.

The Secretary read as follows:

PUBLIC BUILDINGS AT SITKA AND THEIR USES.

1. Large warehouse, used for storing merchandise from wharf for naval paymaster's stores, for storing coal for use of United States marshal, and for living quarters of United States customs officer.

2. New building on wharf for storing coal and supplies for the United States Revenue-Cutter Service.

3. Large three-story building, with guard room and jail in basement. Second story used for United States marshal's offices and living quarters, also kitchen for jail.

Third story for office of United States judge, court room, and living quarters for judge; also for United States district attorney's office and living quarters.

4. Large new building on Castle Hill for department of agriculture, United States Weather Bureau, etc.

5. Large two-story building for offices of collector of customs and special deputy and living quarters for these officials. Used also for offices of the clerk of the United States district court, to which is attached a new fireproof vault for the safe-keeping of his records.

6. A building used as a residence for the clerk of the court.

7. United States marine barracks for about 50 men, captain, and one lieutenant.

8. Building for governor's offices and quarters.

9. Large building used as sick bay and for naval stores.

10. Building for steam launches, near the parade ground.

11. Shell house on Japonsky Island, Sitka Harbor.

12. Powder house on Japonsky Island, Sitka Harbor.

13. Wharf (new one) on Japonsky Island.

14. Wharf at Sitka.

Mr. PERKINS. Also let the circular which was issued by Secretary Noble, under the head of "Sitka," be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 25, 1890.

SIR: You are hereby notified that on the 21st instant the President, by Executive order, declared certain reservations in the Territory of Alaska, as recommended by this Department in a letter dated the 19th instant.

Copies of said letter and Executive order are herewith transmitted, with directions that you notify the local officers of the district of Alaska, and that proper notation be made on the records as far as practicable.

Very respectfully,

JOHN W. NOBLE, *Secretary.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 19, 1890.

The PRESIDENT.

SIR: I have the honor to transmit herewith a communication from the governor of Alaska, dated April 2, 1890, inclosing the several reports of commissioners appointed by him to examine and report as to what lands in and about Sitka, Juneau, Douglas Island, and Fort Wrangel should be permanently reserved by the Government for its uses for public buildings, barracks, parade grounds, parks, wharves, coaling stations, etc., and recommending that the reservations therein reported upon be made. These reports were made in accordance with the suggestion from this Department that it be ascertained what tracts are needed by the Government, and for what purposes, and that the governor communicate his views to the head of the Department having control of the matters for which the proposed reservation is to be made, in view of the possibility that Congress may, at the present session, extend the public-land laws over Alaska.

I approve of the recommendations of the governor with three exceptions. He recommends that lots 1, 2, 3, 7, and 8 in block 7, Juneau, and all of block "C," in said town, be set aside for garrison purposes; but it is stated by the commissioners that these tracts were declared by the district court for the district of Alaska to have been reserved for garrison purposes by the Navy Department. If this be true, it will not be necessary to declare a further reservation of these tracts. But it appears that there are certain settlers on these tracts, and the commissioners recommend that they be paid for their improvements placed thereon in good faith. In this connection, I call attention to the "Act providing a civil government for Alaska" (25 Stats., 24), which provides, in section 8, that Indians or other persons in said Territory "shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them, but the terms under which such persons may acquire title to such land is reserved for future legislation by Congress." This enactment would seem to debar the Executive from taking any action calculated to disturb any such settlers and, if the tracts had not been reserved for naval purposes, would furnish sufficient reason for disapproving this recommendation of the governor.

The governor recommends that lots 7 and 8, in block 9, as per plat of G. C. Hanus, Juneau, be reserved for court-house and jail purposes, and that a certain unnumbered block on the north side of Douglas City be reserved for like purposes. As it appears these tracts are in the possession of settlers, the recommendation is disapproved. He recommends that certain tracts in Sitka be reserved for a marine or military barracks, on condition that the United States shall erect certain buildings thereon. This reservation I suggest be made without condition. The reservation for a military cemetery, as recommended by the governor, seems to be "claimed" for the Presbyterian Board of Home Missions. The nature of the claim is not stated. However, as Congress has provided in said act of May 17, 1884, supra, that land in said Territory occupied as a missionary station shall be continued in such occupancy, to the extent of 160 acres for each such station, until further action by Congress, I am of opinion this reservation should be declared subject to the rights of said Board of Home Missions therein.

I therefore recommend that the following-described tracts of land be reserved from settlement and disposal and set apart for the purposes hereinafter mentioned.

JUNEAU AND DOUGLAS CITY.

In the town of Juneau, all that tract or block numbered 23, as per plat of said town made by G. C. Hanus, except lots 5 and 6, for public-school purposes; the island, called Juneau Island, situated in Gastineaux Channel, opposite the town of Douglas City, as a coaling station and Government wharf; the unnumbered block on the north side of the town of Douglas City, upon which is situated the public-school building, for public-school purposes.

FORT WRANGEL.

In the town of Fort Wrangle, a tract of land containing about 4 acres, upon which are the buildings now occupied by the civil government, and embraced in the following description: Beginning on the south side of Main street, at the northwest corner of the warehouse occupied by Sylvester & Reid; thence in a northwesterly direction by lands occupied by Rufus Sylvester, 210 feet to a post in picket fence; thence in a northeasterly direction along said picket fence, old stockade blockhouse and lands occupied by Rufus Sylvester, 214 feet to a post; thence in a northwesterly direction at a right angle with aforesaid line by lands of the United States, 240 feet to a post; thence in a southwesterly direction and parallel with the northwest wall of the old fort and 40 feet distant from said wall by lands of the United States, 550 feet to low tide-water mark; thence along low tide-water mark in a southeasterly direction by the sea, 450 feet, to the south side of Main street; thence along south side of Main street to place of beginning.

SITKA.

The following tracts in the town of Sitka, designated by numbers hereinafter referred to as they appear on the map of the settlement at New Archangel, Sitka, accompanying a letter from Gen. Lovell H. Rousseau, commissioner for the United States, and Alexis Pestchouroff, commissioner for Russia, published in House Executive Document No. 125, Fortieth Congress, second session, to wit:

The property designated as a "Wharf," together with the warehouse marked No. 1, situated on the approach to said wharf, for the legitimate uses and purposes of the public.

Also that tract of land described as follows: Commencing at a point 30 feet from the northwest corner of building designated on map and inventories as No. 6, thence along Lincoln street to low-water mark in the bay; thence following the shore line up low-water mark in a southeasterly direction to a point outside of a rocky point running into the bay; thence in a northeasterly direction to a point at right angles from the place of beginning; thence in a northwesterly direction to the place of beginning on Lincoln street, meaning to include with other land all of those lots designated on the map by numbers 2, 3, and 5, and part of lot number 4, for a custom-house, and other uses in the collection of customs.

Also the plot of ground marked No. 20 on the map, but more particularly described as follows: Commencing at the northern corner of that plat of ground, which we hereafter ask shall be reserved as a public common, and now known as the "parade ground," near the Presbyterian church, and running north 33° east 64.68 feet; thence west 35° north 59.73 feet; thence north 39° east 87.79 feet, to a road 26.40 feet wide, crossing this and continuing the line (north 39° east) 59.40 feet; thence east 39° south 104.28 feet; thence south 30° west 46.20 feet, to a road 26.40 feet wide; thence on south side of said road east 30° south 86.46 feet; thence south 29° west 111.54 feet; thence west 4° north 150.40 feet, to point of starting, for a marine or military barracks and garden.

Also all of that plot of ground bounded on the northwest side by Lincoln street from warehouse designated No. 1 on map and inventories and along Lincoln street and the shore line to the southern corner of the fence inclosing house designated No. 24 on the map and inventories; thence along the walk in a northwesterly direction fronting lot No. 20 and Government school No. 2, to the northwest corner of plat designated on map and inventories No. 18; thence in a southwesterly direction to water front, most of which is now known as the parade ground, for a public common.

Also that plot of ground designated on said map as No. 103, now occupied in part by Government school No. 1, and the plot of ground described as follows: Beginning at the southeast corner of lot designated on map and inventories as No. 18, in a northeast direction to the northwest corner of plot marked "I" on map and inventories; thence in a southeast direction to the southwest corner of said plot marked "I;" thence in a southwesterly direction to line of the land herein to be reserved as a public common for school purposes.

Also the blockhouse marked "C" on map and inventories for public services, including a space of ground 100 feet square surrounding the same.

Also the blockhouse marked "D" on said map and inventories, including a space of land described as follows: Beginning at a point on the northwest corner of the street running east and west from the house now occupied by the governor, and the road leading north from said street, to the Russian cemetery; thence north 50° west 660 feet, west 36° south 363 feet, south 50° east 660 feet, east 36° north 363 feet, for public buildings for the civil service.

Also, the land upon which were situated the buildings designated on the map as Nos. 116, 117, and 118, and more particularly described as follows, to wit: Commencing at a point 28 feet from the northwest corner of the main building, situated on American street, now occupied by Reuben Albertstone as a hotel, and running thence in a northerly direction 123 feet to the line of a street or road; thence along said street or road 224 feet in an easterly direction to certain fence posts; thence southeasterly 109 feet to the line of an old fence; thence in a westerly direction 197 feet, to the place of beginning, for a governor's house, or such other occupancy as may be deemed best by the General Government.

Also 10 acres of land, including that now designated on the plat of land as surveyed and claimed by Rev. Sheldon Jackson for the Presbyterian Board of Home Missions, as the same appears of record in the office of the recorder, ex officio, for this district and marked "military cemetery," and more particularly described as follows, to wit: Beginning at corner mark No. VIII on said plat, running northwesterly 660 feet, thence at right angles southwesterly 660 feet, thence southeasterly 660 feet, thence northeasterly 660 feet, containing 10 acres, more or less, for a military and naval cemetery, subject to any rights which said Board of Home Missions may have.

Also 250 feet of land on each side of the stream of water running into Jamestown Bay on the south side thereof on Baranoff Island, now used for watering purposes by the United States Navy and mercantile vessels, for a wharf and such other purposes as may be necessary for the uses of the United States Navy and mercantile marine; also all of that island situated directly opposite the town of Sitka, known as Japonsky Island, for naval and military purposes.

The tract of land bounded on the west by the line as established by the survey made for the Presbyterian Mission, and along the shore line of the bay at low tide to the mouth of Indian River, and across the mouth of said river and along its right bank for an average width of 500 feet, along said bank to the point known as Indian River Falls, and also on the left bank of said river from said falls an average width of 200 feet, from said falls to the eastern line or boundary as shown on the mission plat, for a public park.

Herewith I inclose a copy of the opinion of the Assistant Attorney-General for this Department touching the legal points involved, which meets with my approval.

Very respectfully, JOHN W. NOBLE, *Secretary.*

In accordance with the recommendation of the Secretary of the Interior, the above-described tracts of public land in the Territory of Alaska are hereby reserved for the uses and purposes indicated by the Secretary until otherwise directed by Congress.

BENJ. HARRISON.

Mr. CARTER. With the Senator's permission, I ask that the matter which I send to the desk be read, so as to secure a continuous statement in the RECORD of the official reports relative to the public buildings in Alaska.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. CARTER. Read the parts marked. It is from the governor's report for 1899.

The Secretary read as follows:

PUBLIC BUILDINGS.

The Department of Justice has in hand an appropriation for the erection of a court-house and jail at Juneau, and an examiner was sent out to make a report upon matters connected therewith. Perhaps ere this the necessary steps have been taken to begin the work. The people of Juneau have been anxious about this for some time, for since their court-house burned down they have been left to all sorts of makeshifts to provide suitable quarters in which to hold court. In regard to the public buildings at Sitka no more can be said than has been reported for the past two years. The buildings are old Russian structures made of great logs. The lower courses have decayed, and it is hardly possible to keep the buildings in shape. They have been repaired for years, and the use of any further sums for such purposes is really a waste. It is a wonder that the inmates of the jail keep their health, for they are simply hemmed in by decayed timbers. There should be built a proper penitentiary and suitable office buildings, and for this the sum of $110,000 is asked.

Mr. PERKINS. Mr. President, my only object in having this matter placed in the RECORD is for the information of Senators or others who may hereafter desire to know what property the Government now owns in the present capital of Sitka. The object of my amendment is not to delay or obstruct the removal of the capital from Sitka to Juneau when the Government, through its proper officers, has acquired a proper title to suitable land upon which to erect the buildings.

Now, I do not charge that the people of Juneau are different from those of any other town or city in the great West or in any of the States of the Union; but experience has shown me (and one is wise who learns from his own experience) that in a county where there has been a contest for the removal of a county seat the people promise very much before the question is determined as to what they will do in the county.

The PRESIDING OFFICER. The Senator from California will suspend for a moment. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which the Secretary will state.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. There are some other amendments about which there will be no contest, I believe. I will ask the Senate to consider those at this time.

Mr. CARTER. Will the Senator from Ohio kindly have the unfinished business temporarily laid aside until the disposition of the pending amendment?

Mr. FORAKER. I was not aware that there was an amendment under consideration. If there is, I ask that the unfinished business may be temporarily laid aside until the matter now under consideration may be concluded.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. HALE. Only, as I understand the Senator, until the pending amendment is disposed of.

Mr. FORAKER. Yes.

The PRESIDING OFFICER. Until the pending amendment is disposed of. Is there objection? The Chair hears none.

Mr. STEWART. Allow me to call attention for one moment to a proposed amendment. I wish to submit it for the consideration of the Senate, not to be acted upon now.

The PRESIDING OFFICER. The Senator from California is entitled to the floor.

Mr. PERKINS. I will not attempt to elaborate upon the general proposition. It is well understood by all that it is wise policy and expedient on the part of the Government that we should wait until we have obtained a proper title to land upon which to erect these Government buildings. As I stated before, it is not intended to delay or impede the removal of the capital from Sitka to Juneau. That is left entirely to the discretion of the Attorney-General and the Secretary of the Interior. I do not apprehend, therefore, that there can be any objection whatever to the amendment which I have proposed. I trust the chairman of the committee will accept the amendment and that there will be no objection to it.

Mr. CARTER. Let the amendment be read again.

Mr. HALE. Yes; let it be read again.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. On page 1, chapter 1, section 1, line 7, after the word "Juneau," add the following proviso:

Provided, That the seat of government shall remain at Sitka until suitable grounds and buildings thereon shall be obtained, by purchase or otherwise, at Juneau.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from California.

The amendment was agreed to.

Mr. CARTER. There are several——

Mr. STEWART. Will the Senator give way to me to make a suggestion, not to make a speech?

Mr. CARTER. There were several other small amendments that can be readily disposed of, if the Senator from Ohio will generously consent to allow the unfinished business to lie over.

Mr. STEWART. Before the pending bill goes over, I should like to make just a suggestion in regard to an amendment.

Mr. CARTER. I suggest to the Senator from Nevada that we might at this time, with the consent of the Senator from Ohio, dispose of the amendment he proposes to present.

Mr. FORAKER. I understand that the Senator from Montana has two or three other amendments which he thinks it will take but little time to dispose of, and I am willing that the unfinished business may temporarily go over until they are voted on.

Mr. BATE. It may take some time to consider them.

Mr. FORAKER. I yield with the understanding that there will be no protracted debate.

Mr. HALE. I hope the Senator will not allow the day to be taken up.

Mr. STEWART. I want to occupy but a moment.

Mr. FORAKER. I understand it will require probably but a very few minutes to dispose of the amendments the Senator from Montana wants to have considered. If there is anything presented to which there is any serious objection I will not yield for it.

Mr. STEWART. I desire to call attention to the provisions giving justices of the peace jurisdiction in mining questions. I shall move to strike out——

Mr. HALE. Where is that found?

Mr. STEWART. It commences on page 436. I shall move to strike out those entire provisions. I have had some experience in that matter. In California the first statutes conferred jurisdiction on justices of the peace in mining claims. Afterwards, in about two years, a case went to the Supreme Court, and the court held that that jurisdiction could not be given under the Constitution. During that period there was great disorder. Previous to that time, before California was a State, questions involving title to and possession of mining claims had been determined by arbitration. After California became a State, by the first statute jurisdiction was conferred on justices of the peace in mining cases. Previous to the passage of that statute miners themselves had a general understanding, which extended nearly all over the country, that they would arbitrate their titles. When there was a dispute one of the disputants would select one man, and the other another, and the two a third. These arbitrators had courts, which

were conducted with great dignity, and decided with perfect order cases in which millions of dollars were involved.

Then, when the jurisdictions of the justices of the peace came in, the person who was elected or appointed justice of the peace was not strong enough to conduct the cases. He would not be a man of sufficient moral and intellectual strength even to keep order, and it became a question of physical and moral force. Cases were decided without regard to law or to right, when they had nothing but a justice of the peace between the contending parties. While they had arbitrators between them they had substantial justice, and also after the provision conferring jurisdiction was declared unconstitutional. It went before the higher courts, and then they got justice.

I wish to call attention to the fact that when there are great interests, amounting to probably millions, involved in a case before a justice of the peace, he has not the standing in community and the force to decide such cases. In such a contest up in Alaska the strongest party will win. Some other device must be had to try the possession of mining cases there.

Mr. SHOUP. Will the Senator from Nevada yield to me for a moment?

Mr. STEWART. Certainly.

Mr. SHOUP. The justice of the peace as provided in this bill is a United States commissioner, who can sit as an ordinary justice of the peace, such as they have in——

Mr. STEWART. He will be pretty ordinary if he has jurisdiction as a justice of the peace and has limited power. I do not propose to press the amendment now. I simply move to strike out the sections. I will let the amendment be pending for consideration. I will not occupy the time to-day, but I make the motion now and I shall call it to the attention of the Senate to be considered when the bill is again brought up.

Mr. BATE. Will the Senator give us the sections he proposes to strike out?

Mr. STEWART. It commences on page 436.

Mr. SHOUP. At section 1042.

Mr. CARTER. The Senator's motion is to strike out chapter 104.

Mr. STEWART. Yes, sir; I move that amendment. It may be possible that something else can be devised which will be strong enough to stand between the contestants in mining controversies.

Mr. CLARK of Wyoming. I ask for the consideration of an amendment. I will say in relation to it that it simply provides for the appointment of clerks of courts in the same manner as is provided in other Territories.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 2, section 6, page 7, after the word "remove," insert the words "clerks and."

Mr. HALE. So as to read?

The SECRETARY. So that it will read:

The respective judges of the court shall appoint, and at pleasure remove, clerks and commissioners in and for the district, etc.

And on page 11, line 2, of section 10, strike out the word "clerks;" so that it will read:

The governor, surveyor-general, and ex-officio secretary of the district, attorneys, judges, and the marshals provided for in this act shall be appointed by the President, etc.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wyoming.

Mr. CARTER. Mr. President, this amendment should not prevail. The duties of the clerks of the United States courts and of the courts in the Territories appointed by the judges there are ministerial. They perform their duties under the direction of the court. In the district of Alaska conditions have compelled us to depart somewhat from the ordinary routine work of the clerk by placing additional and very serious duties upon his shoulders. There is a large area of country, and it has seemed to the committee desirable that the execution of the law should be provided for, but that a multiplication of officers ought, if possible, to be avoided.

Therefore, we have placed upon the clerk of the court not only the ordinary duties which attach to that office, but likewise the duty of collecting the licenses and of accounting to the Treasury of the United States for the license fees when collected. We make him ex officio recorder of deeds and instruments under certain conditions. He is the custodian of public funds. He is the paymaster who, under the order of the court, pays all the bills that are to be paid in Alaska except those paid through the marshal's office.

It is not unreasonable to expect, in view of past experience, that the clerk of each division of this court will collect for license fees during the year from $50,000 to $100,000. The license fees thus collected must be accounted for to the Treasury of the United States. He is the collector of internal revenue there to that extent. We provide, on page 14, section 12 of the bill, that—

The clerks of the court shall each, before entering upon the duties of his office, execute a bond, with sufficient sureties, to be approved by the Secretary of the Treasury, or the court or a judge thereof, in the penalty of $20,000, for the faithful performance of his official duties, and file the same with the Attorney-General.

This officer, by virtue of the duty devolving upon him to collect licenses and to account for the license fees to the Secretary of the Treasury, is not, strictly speaking, a court officer. He becomes an ex-officio officer of the Treasury of the United States.

Again, very great power is placed in the hands of the judges in that remote district. The judges appoint the United States commissioners. These commissioners are ex-officio justices of the peace, and likewise ex-officio probate judges, and, in certain instances, recorders of deeds. Very large estates may be settled. These estates are likely to involve portable property—property readily disposed of. The district judges have general supervision over the commissioners in the settlement of estates. The district judges are directly accountable to the circuit court of appeals for the ninth circuit, and in that manner accountable to the circuit court of appeals and likewise to the Department of Justice. We have believed that their feeling of accountability would be sufficiently strong at all times to secure a faithful, honest, and efficient discharge of duty; but, notwithstanding these checks, we thought we would put in another check by making the cashier, the clerk, the collector of internal revenue, a Presidential appointee, and not a creature of the judge, as this proposed amendment would make that officer.

It is a fact, too well known to be debated or controverted for a moment, that the appointing power exercises a certain influence over the appointee. If, by any chance, we should unfortunately have an unworthy person appointed judge of one of those remote districts, and that judge in turn should have the appointment and thereby control over the clerk, we might be merged in great scandals that it would certainly be desirable to avoid, even in the dim and distant prospect. Actuated by such views of the case as these, we thought it better that the clerk should be commissioned by the same authority that commissioned the judge.

We provide, however, that the judge for cause may suspend the clerk and appoint some person to discharge the duties of his office during such suspension; but the judge is thereupon directed to immediately report the cause of suspension to the Attorney-General and await the order of the President. If the clerk has a contention with the judge which is meritorious, he may well encounter temporary suspension, knowing that the judge must justify his action before the Department of Justice. In this way we have a check upon the clerk, however. If he should prove unworthy in the performance of his duty, the court may immediately suspend him, bearing in mind always that this action of the court will be subject to inspection by the Attorney-General and the President.

The tendency of the amendment proposed by the Senator from Wyoming would be to concentrate a still greater power in the hands of the court and lessen the accountability of that officer to the Government, and might open the way to certain abuses which it is earnestly desired should be avoided.

Mr. CLARK of Wyoming. Mr. President, the statement of the Senator from Montana would apply with equal justice to the clerks of every Territorial court within the jurisdiction of the United States. It occurred to me there would be no objection to this amendment, because of the fact that the provision in the bill is the first departure from the time-honored and proved system of judges of the various courts appointing their own clerks.

It seems to me that the President of the United States might as well be called upon to appoint a constable in Montana as to appoint a clerk of a court. It can not be assumed that the judges whom the President will select and this Senate confirm will be unworthy.

I see no occasion for making this extraordinary departure. There may be some reason for it, but I believe the amendment ought to prevail, because I believe every court ought to be surrounded by those who are in strict sympathy with the court; that in that way justice is more apt to be done. The clerk has to give bond. I believe the amendment is right, and I hope it will prevail.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wyoming [Mr. CLARK].

The amendment was rejected.

Mr. PERKINS. I desire to offer a proposed amendment; and I ask that it be printed in the RECORD, and go over until to-morrow, when the bill is again brought up for consideration.

The PRESIDING OFFICER. The Senator from California offers a proposed amendment, which he asks may be printed in the RECORD and lie upon the table. That order will be made in the absence of objection.

The amendment intended to be proposed by Mr. PERKINS is to insert as new sections the following:

SEC. 460. That any person or persons, corporation, or company prosecuting or attempting to prosecute any of the following lines of business within the district of Alaska shall first apply for and obtain license so to do from a district court or a subdivision thereof in said district, and pay for said license for the respective lines of business and trade as follows, to wit:

Abstract offices, $50 per annum.

Banks, $250 per annum.

Boarding houses having accommodations for 10 or more guests, $15 per annum.

Brokers (money, bill, note, and stock), $100 per annum.

Billiard rooms, $15 per table per annum.
Bowling alleys, $15 per annum.
Breweries, $500 per annum.
Bottling works, $200 per annum.
Cigar manufacturers, $25 per annum.
Cigar stores or stands, $15 per annum.
Drug stores, $50 per annum.
Public docks, wharves, and warehouses, 10 cents per ton on freight handled or stored.
Electric-light plants, furnishing light or power for sale, $300 per annum.
Fisheries: Salmon canneries, 4 cents per case; salmon salteries, 10 cents per barrel; fish-oil works, 10 cents per barrel; fertilizer works, 20 cents per ton.
Freight and passenger transportation lines, propelled by mechanical power, registered in the district of Alaska, and not paying license or tax elsewhere, and river and lake steamers, as well as transportation lines doing business wholly within the district of Alaska, $1 per ton per annum on net tonnage, custom-house measurement, of each vessel.
Gas plants, for heat or light, for sale, $300 per annum.
Hotels, $50 per annum.
Halls, public, $10 per annum.
Insurance agents and brokers, $25 per annum.
Jewelers, $25 per annum.
Mines: Quartz mills, $3 per stamp per year.
Mercantile establishments: Doing a business of $100,000 per annum, $500 per annum; doing a business of $75,000 per annum, $375 per annum; doing a business of $50,000 per annum, $250 per annum; doing a business of $25,000 per annum, $125 per annum; doing a business of $10,000 per annum, $50 per annum; doing a business of under $10,000 per annum, $25 per annum; doing a business of under $4,000 per annum, $10 per annum.
Meat markets, $15 per annum.
Manufactories not enumerated herein, same classification and license charges as mercantile establishments.
Physicians, itinerant, $50 per annum.
Planing mills, $50 per annum when not part of a sawmill.
Pawnbrokers, $300 per annum.
Peddlers, $25 per annum.
Patent-medicine venders (not regular druggists), $50 per annum.
Railroads, $100 per mile per annum on each mile operated.
Restaurants, $15 per annum.
Real-estate dealers and brokers, $50 per annum.
Ships and shipping: Ocean and coastwise vessels doing local business for hire, plying in Alaskan waters, registered in Alaska and not paying license or tax elsewhere, $1 per ton per annum on net tonnage, custom-house measurement, of each vessel.
Sawmills, 10 cents per thousand feet on the lumber sawed.
Steam ferries, $100 per year.
Toll road or trail, $200 per annum.
Tobacconists, $15 per annum.
Tramways, $10 for each mile or fraction thereof per annum.
Transfer companies, $50 per annum.
Taxidermists, $10 per annum.
Theaters, $100 per annum.
Waterworks, furnishing water for sale, $50 per annum.

SEC. 2. That section 463 of chapter 44, Title II, of the above-named act be, and the same is hereby, amended so as to read as follows:

"SEC. 463. That the licenses provided for in this act shall be issued by the clerk of the district court or any subdivision thereof in compliance with the order of the court or judge thereof duly made and entered; and the clerk of the court shall keep a full record of all applications for license and of all recommendations for and remonstrances against the granting of licenses and of the action of the court thereon: *Provided*, That the clerk of said court and each division thereof shall give bond or bonds in such amount as the Secretary of the Treasury may require and in such form as the Attorney-General may approve, and all moneys received for licenses by him or them under this act shall be covered into the Treasury of the United States, under such rules and regulations as the Secretary of the Treasury may prescribe."

SEC. 3. That section 468 of chapter 44, Title II, of the above-named act be, and the same is hereby, amended by adding at the end thereof the following, to wit: "*And provided further*, That all moneys collected as a license upon the liquor traffic as herein provided shall be set aside for and devoted to the maintenance of the public schools of the district of Alaska."

Mr. CARTER. Inasmuch as the Senator from Nevada [Mr. STEWART] does not desire to press his amendment to-day, I will state that we have reached a point where, if the Senator from Ohio [Mr. FORAKER] desires to proceed with the bill which he has in charge, we will yield.

Mr. FORAKER. I ask that the unfinished business may be taken up.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. HEMENWAY, and Mr. LIVINGSTON managers at the conference on the part of the House.

STATUE OF OLIVER P. MORTON.

Mr. FAIRBANKS. I desire to give notice that after the close of the routine morning business on Saturday next I shall ask the Senate to consider resolutions accepting a statue of Oliver P. Morton, of Indiana.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate accede to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. CULLOM, Mr. SEWELL, and Mr. TELLER were appointed.

GOVERNMENT FOR PUERTO RICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. Mr. President, when the Senate went into executive session yesterday we were considering a proposition to amend section 32 of the Senate substitute for House bill 8245 by striking out, on page 21, from lines 10, 11, and 12—relating to the district court, or Federal court, as it has been termed, which this bill proposes to create for Puerto Rico—the following language:

Which shall be attached to, and be a part of, the second judicial circuit of the United States.

I hope Senators who wanted time to look into the matter have had an opportunity to do so. If there is no objection made now, I will assume that that amendment is satisfactory. I need not add anything to what I said yesterday on that subject.

Mr. BACON. Mr. President, I understand from the liberal practice of the Senate that the amendments which are now being incorporated in the bill will themselves be open to amendment when we come to consider the bill as a whole if anyone should then desire to make a motion to that effect.

Mr. FORAKER. That is as I understand.

The PRESIDING OFFICER. The amendment will be agreed to, if there be no objection. The Chair hears none, and the amendment is agreed to.

Mr. FORAKER. I now propose to amend section 32 by inserting in line 16, on page 21, after the word "shall," the words "be called the district court of the United States for Puerto Rico, and shall;" so that the sentence will read:

The district court for said district shall be called the district court of the United States for Puerto Rico, and shall have power to appoint all necessary officials, etc.

The amendment was agreed to.

Mr. FORAKER. I propose to further amend section 32 by inserting on page 22, in line 4, before the word "courts," the word "district," and by changing the word "courts" to "court," from the plural to the singular.

The amendment was agreed to.

Mr. FORAKER. I propose to further amend the same section by inserting in line 9, on page 22, after the words "held at," the words "Mayaguez, at;" so that it will provide that a district court may be held at Mayaguez as well as at San Juan and Ponce.

The amendment was agreed to.

Mr. FORAKER. I also offer to amend by inserting in the same line, after the word "other," the word "stated."

The amendment was agreed to.

Mr. FORAKER. I move to further amend in the same section, at the end of line 9, and at the beginning of line 10, by striking out the words "and places in the district."

The amendment was agreed to.

Mr. FORAKER. I propose now to amend by inserting in section 33, page 22, line 21, after the words "Puerto Rico," the words "and the district court of the United States."

The amendment was agreed to.

Mr. FORAKER. I now propose to further amend section 33 by inserting in line 7, on page 23, after the words "judges of," the words "the district and circuit courts of."

The amendment was agreed to.

Mr. FORAKER. I propose to further amend by striking out from line 7, on page 23, the words "in the District of Columbia," and by inserting a period after the words "United States."

Mr. BACON. Before the Senator passes from that section, I desire to call his attention to a little difference of phraseology which may have been intentional and may have been simply an inadvertence from the clause just immediately under consideration, which reads:

And the supreme and district courts of Puerto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States courts in the District of Columbia.

It is not a matter of any consequence, Mr. President, except as to the correctness of the expression. I will ask the Senator whether there ought not to be the same phraseology in referring to the officers in Puerto Rico as there is in referring to the officers in the District of Columbia? In other words, these writs ought to be grantable by the judges of the courts. It is expressed in conjunction: "And the supreme and district courts of Puerto Rico and the respective judges thereof." Writs of habeas corpus are always granted by judges and not by courts in their complete organization. I merely call the attention of the Senator to that difference.

The PRESIDING OFFICER. The Chair will suggest to the

Senator from Georgia to allow the amendment to be stated as it will read if amended as proposed by the Senator from Ohio.

Mr. BACON. Very well; I may be mistaken about it.

Mr. FORAKER. I can explain it to the Senator.

The SECRETARY. As proposed to be amended the clause would read:

And the supreme and district courts of Puerto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district and circuit courts of the United States.

Mr. BACON. As read by the Secretary the clause contains the language to which I desired to direct the attention of the Senator from Ohio.

Mr. FORAKER. I understand what it is of which the Senator from Georgia speaks. The answer to what he suggests is that this applies only to the Territorial courts in this connection. We provide there a supreme court, and we provide for five district courts; and this supreme court for the Territory has five judges, and these five district courts have each three judges. The idea was that the whole court might act when an application is made for a writ of habeas corpus. We thought that would be the better method, because the associate judges are not supposed to be quite so learned in the law as the chief justice.

Mr. BACON. There is no objection to it unless it be simply that of redundancy. There is no objection to the practical effect it may have.

Mr. FORAKER. In the opinion of the committee it is better in the form in which we have put it.

Mr. BACON. Very well.

The amendment was agreed to.

Mr. PETTUS. Before this judicial matter is passed over, I desire to ask the Senator in charge of the bill whether or not the committee has considered that in section 32 we leave this district court of the United States, "in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizant in the circuit courts of the United States." You make a court with a tenure of the judges of four years, and you make the jurisdiction of the court exactly that of the district and circuit courts of the United States, whose judges have a tenure for life. I ask the Senator if that can be done, and I want to know if the committee has considered that question.

Mr. FORAKER. Mr. President, in answer to the Senator from Alabama, I will say that the committee did consider that question. This provision as originally drawn undertook to provide for a constitutional court, and it said nothing about life tenure. We conferred upon the court all the jurisdiction that is conferred upon the circuit and district courts of the United States. Subsequently we changed it in the committee to a tenure of four years, which makes it clearly a Territorial or a legislative court.

Then the question arose as to the jurisdiction. The committee did not see that there was any objection to giving to such court all the jurisdiction that the district and circuit courts of the United States have. That, we understand, has been the practice with respect to the Territorial courts where they have been given both a Federal and a local jurisdiction. The Federal jurisdiction has been given in express language "all the jurisdiction of the circuit and district courts of the United States," the only difference between this legislative court and the legislative courts ordinarily provided for the Territories being that this is entirely separated from the Territorial courts and is given no local jurisdiction, but only a United States jurisdiction.

If the Senator will allow me, I can refer him, by taking a moment's time to look them up, to the various Territorial acts creating Territorial courts and investing them with that jurisdiction.

Mr. ALLEN. Will the Federal courts have any supervisory control or jurisdiction of the matters before the local courts?

Mr. FORAKER. None whatever; but the right to remove from the local courts into the United States court will be the same as it is in the States of the Union.

Mr. ALLEN. In that sense you provide a supervisory control?

Mr. FORAKER. It would not be a supervisory control as to the jurisdiction that is given to the local courts; but where there is a right, in the first instance, because of diverse citizenship, to go into the United States court, a party having a right of removal to the United States court, if the action were pending in a State, might exercise that same right under the provisions of this proposed act.

Mr. ALLEN. Why can not this jurisdiction be vested in one tribunal without creating this distinction between the Federal court proper and the local court?

Mr. FORAKER. It was thought the situation was so different from the situation we ordinarily find in the Territories as to make this very appropriate and even necessary.

Mr. ALLEN. In what respect?

Mr. FORAKER. I can refer the Senator in that connection to what General Davis said about it when he was a witness before our committee. Testifying on this point, he testified that he found it necessary to establish, by Order No. 88, what he calls a "United States provisional court." I have here in the report of the hearings of that committee, which has been printed as Senate Document No. 147, that order. This provision creates a court to be the successor of the United States provisional court, and General Davis's whole testimony as to the necessity for it can be summed up by referring to what he says in the first paragraph of General Order No. 88, creating this court. Allow me to read it in this connection as an answer to the Senator's inquiry:

General Orders, No. 88. HEADQUARTERS DEPARTMENT OF PUERTO RICO, *San Juan, June 27, 1899.*

I. In view of existing and steadily increasing legal business requiring judicial determination which does not fall within the jurisdiction of the local insular courts, such as smuggling goods in evasion of revenue laws, larceny of United States property, controversies between citizens of different States and of foreign states, violation of the United States postal laws, etc., and pursuant to authority from the President of the United States, conveyed by indorsement of April 14, 1899, from the Acting Secretary of War, and after full conference with the supreme court and members of the bar of the island, a United States provisional court is hereby established for the Department of Puerto Rico.

In his testimony before the committee in connection with the production of that order, General Davis says, at page 20 of this Senate Document No. 147, under this order allowing him to do so:

I proceeded to create a tribunal. I appointed a law judge and two associates, a clerk of the court, a prosecuting attorney, and a marshal, and set that court on its feet, with powers and authority very closely analogous to those which Federal courts have in the States and Territories, and it has been since discharging its duties and administering justice. And I feel sure that great benefit to Puerto Rico has been the result. Questions of jurisdiction have arisen, appeals or attempts to take appeals, to the Supreme Court of the United States have been made, but there has been nothing to impede its usefulness and nothing to convince me that it was unwise or inexpedient, and everything to show that it was beneficial and advantageous.

Then he testified further, elaborating that same idea; but the committee, after carefully looking into it, thought in Puerto Rico, by reason of its insular position and important admiralty jurisdiction which some court must have, that it would be wise to have a Federal court pure and simple, not only in order that cases such as he mentions might be taken cognizance and jurisdiction of and settled in that court on the accounts given by him, but generally.

Mr. ALLEN. Mr. President, if the Senator will permit me, I do not see why the whole jurisdiction may not be invested in an ordinary Territorial court.

Mr. FORAKER. It could be; but one trouble is that in the ordinary court the proceedings are yet conducted in the Spanish language.

Mr. ALLEN. Can not that be controlled by this bill?

Mr. FORAKER. Well, it could be; but we thought it better to have a court in which the English language alone is used, and this bill provides that all proceedings in this court shall be in the English language.

Mr. ALLEN. But why should they adopt the Spanish language in their procedure?

Mr. FORAKER. They already have that language, and for the time being it is not interfered with.

Mr. ALLEN. Is there no purpose of changing that?

Mr. FORAKER. Not immediately. It would be practically impossible to change it at once, according to our advices. The people are not familiar with any other than the Spanish language, and the best way, it was thought, was to let them continue with their present codes of procedure and methods of practice and the use of their own language, employing, of course, interpreters where the English language was necessary to be understood; and in the meanwhile creating this court to take jurisdiction of such cases as are mentioned by General Davis and such other cases as may suggest themselves to Senators, in which court there should be used the English language alone.

Mr. ALLEN. Would there not be the same objection in the procedure in this court of which the Senator speaks? That is, if there is difficulty in that island of proceeding in the English language in one court, would that not be the case as to all those tribunals?

Mr. FORAKER. Not so much so in this court. Foreigners and our own citizens and those who are more familiar with the English language would be the litigants according to the jurisdiction given to the court; while in the other courts, which would be purely local, the litigation would be almost necessarily conducted in every instance, if the convenience of suitors is to be regarded, in the Spanish language.

Mr. ALLEN. I think that is one of the things which the committee ought to take into consideration. So long as the proceedings are allowed to be conducted in a foreign language in that island we encourage that kind of practice, but there must come a time when we shall have to change it, and will it not be more difficult to make the change hereafter than to make it now?

Mr. FORAKER. If the Senator will allow me, I wish to say just one word. First, I will remind the Senator from Nebraska

that this bill designs to establish what you might call a civil government temporarily—a temporary civil government—one of the provisions of this bill being that the President shall appoint a commission consisting of three men, one of whom shall be a Puerto Rican, to compile and revise and codify all the laws and codes of procedure in the island, and to report within twelve months from the passage of this act a more permanent frame of government. I have a number of letters which have been written me by lawyers and others who are familiar with the situation in Puerto Rico, strongly urging that they be given a Federal court for such reasons as I have given here.

Mr. ALLEN. If the Senator will permit me, I do not doubt that the inhabitants of that island would like to have a distinct Federal court; but that is not the question we ought to consider. We ought to determine whether the conditions which exist in the island of Puerto Rico require the establishment of a Federal court distinct from the ordinary local courts, which may be invested with Federal jurisdiction.

One remark was made by the Senator from Ohio a moment ago—I do not know that it is particularly germane to the subject—I want to enter my dissent from; and that is, that the chief justice is presumed to know more than the associate justices.

Mr. FORAKER. What I mean by that is that he knows more about the law.

Mr. ALLEN. No.

Mr. FORAKER. Associated with the chief justice of this district court at the present time are two associate justices, who are not selected because of their great learning in the law. I believe one of them is an Army officer. Of course when these courts are set in motion the endeavor will be to get judges all of whom are learned in the law.

Mr. ALLEN. I never heard it asserted before that a chief justice knew more of the law than his associate justices, and yet possibly that may be true. But I will have to take the matter under consideration some time before I believe it is true. Men do not attain knowledge by reason of being elected to some office. If that were true, a great many men would be elected to knowledge that they do not otherwise possess, and a great many men serving in the ranks of public life would be deprived of knowledge in consequence of the failure to be elected to some position.

There ought to be no tampering with this tribunal. There ought to be no namby-pamby work, no hotch-potch work. It is not a great question to solve the judicial situation of the island of Puerto Rico or any other country. They have an island there with practically 800,000 people, such as they are. They have admiralty jurisdiction or must exercise admiralty jurisdiction, and general, civil, and criminal jurisdiction. They must enforce their local laws as well as the Federal laws applicable to that island.

This bill, as I understand it, divides the island into five districts and five judges are appointed for local purposes, and one judge is to be appointed whose duty it will be to exercise Federal jurisdiction alone. Now, no man has given a reason, in my judgment, why the Federal judge, as he is called, should be given original and exclusive jurisdiction in the enforcement of Federal statutes and in the exercise of Federal jurisdiction, with revisory control of the judgments or proceedings of the other court. Men of eminent capacity can be found who can discharge all these duties, Federal and local, and there is no necessity whatever of increasing the pay roll of the Government of the United States by placing upon those people a judge whose duties can be performed by the local authorities.

Of course, this island ought to be attached to some judicial district, with the right of appeal and writ of error to an appellate court and from there to the Supreme Court of the United States in proper cases. One fault I find with this bill is that it seems to desire to create an army of useless officeholders, all of whom of course must be paid out of the taxes wrung from the people.

Mr. FORAKER. If the Senator will allow me, he is mistaken about that. They had eleven district courts in Puerto Rico and have had since time whereof the memory of man runneth not to the contrary; and in lieu of eleven we have provided five, the number provided by General Davis by military order, he testifying before us that he found that five district judges were enough to transact all the judicial business of the island of Puerto Rico belonging to the jurisdiction given to the district courts. We have not increased the number of judges in the supreme court. The only increase is in the provision for this Federal court, and, as General Davis testified, there seems to be a very pressing necessity for it, and we were satisfied by what he said in regard to it before the committee that it was our duty to continue it with a different jurisdiction from that which the provisional court has in some particulars.

Mr. ALLEN. I have not the slightest doubt that five good judges can do the business of that island better than their eleven predecessors.

Mr. FORAKER. I was simply speaking of the Senator's remark that the effort of this bill seemed to be to multiply the number of officials. We have reduced the number of officials about one-half.

Mr. ALLEN. The Senator does not come to the point.

Mr. FORAKER. What is the point? I will be glad to come to it.

Mr. ALLEN. The point is why these duties can be performed by a Federal judge but can not be performed by a local judge.

Mr. FORAKER. They could be; but the supreme court of that island has an abundance to do to attend to the local litigation that will come into it from the five district courts of the island, and it was thought by those who are more competent to judge than anybody here, perhaps, men who are very capable and who are on the ground and have had practical experience——

Mr. ALLEN. Who are they?

Mr. FORAKER. Such witnesses as General Davis and others.

Mr. ALLEN. I would not want to take a military man's opinion on the judiciary.

Mr. FORAKER. General Davis has been there as governor, charged with responsibility, and we take his opinion based on the experience which he gives us. And not only that, but, as I said to the Senator, we have a great many letters and petitions to us praying for the continuance of a United States court there, with jurisdiction of its own. It is a place where a great many foreigners come, as well as a great many citizens of the United States, all of whom are liable to have litigation, and it is a court in which all these controversies which may arise under the treaty, and there is promise of a good many, can be adjudicated.

Mr. ALLEN. If I were going to inquire into some military matters, I would go to a military man. If I wanted to inquire into some intricate subject of medicine, I would go to a doctor; or if as to surgery, to a surgeon; or if as to theology, to a theologian; but I never would go to a man for his opinion upon a subject with which he is not familiar and to which he has devoted no study. I have no doubt General Davis is all right in his position; he is a military man; but of what earthly value is his opinion of the necessities of the judicial situation in the island of Puerto Rico? It is absurd to call upon a military man to devise a judicial system to be adopted by Congress for that island. The Senator from Ohio is a distinguished statesman and lawyer of long years' practice at the bar in his State and elsewhere, and I would infinitely rather trust his judgment to devise a scheme for a judiciary in Puerto Rico than all the generals and colonels and majors and captains in the Regular Army. I think they know nothing about it.

But the Senator does not answer the vital question: Why, if it is within our power to confer upon the local courts jurisdiction of all Federal questions, with a right of appeal to the circuit court of appeals and from there to the Supreme Court of the United States, this extra judge is tacked on to the judiciary of Puerto Rico?

Mr. FORAKER. I do answer the question. The Senator will certainly do me the credit to admit that I have given an answer, whether it is satisfactory to him or not. My answer is that we were of opinion that the supreme court had enough business to do without having this jurisdiction, and that it was necessary to create an additional judge, and we based that opinion upon the experience of General Davis and many others. I do not ask the Senator to take alone the opinion of General Davis, although I am sure if he had met General Davis as we met him he would concede that he is not only a very able officer and a very able man generally, but a very able lawyer as well.

Mr. ALLEN. I do not doubt that he is a very able man.

Mr. FORAKER. Yes, certainly, a man who is very conservative in his statements and a man who based everything he said before the committee upon his practical experience there. But I have a letter sent to me by Mr. F. H. Dexter, who is an American lawyer located in San Juan. He is a very intelligent gentleman. He was here in the city to argue a case before the Supreme Court of the United States a week or two ago. He called to see our committee.

Mr. ALLEN. That simply proves that Mr. Dexter wants an extra judge.

Mr. FORAKER. Mr. Dexter points out the reasons why nearly everybody wants a United States judge, but, of course, it is a question whether or not they assign good reasons.

Mr. ALLEN. I do not know but that if I were a resident of Puerto Rico I should want an extra judge. But that is not the question. The question is whether they need it.

Mr. FORAKER. The committee are of opinion they do need it.

Mr. ALLEN. The Senator has repeated two or three times that the committee were of the opinion they do need it, but the Senator, aside from saying that the local court would have all it could do or all that it was necessary for it to do, fails to answer why the distinction should be made between the local and the Federal judiciary of that island.

If the local judiciary, the five judges selected to administer the local affairs, would be overburdened by giving them Federal

jurisdiction, why not increase their number and make the number six or seven, and confer upon the tribunal as constituted jurisdiction of all local causes and all causes arising under the Constitution and treaties and statutes of the United States, with, of course, appellate power?

Mr. FORAKER. That would not abridge the number of officials, which seems to be the chief objection of the Senator, and would not work so well, in the opinion of the committee, as it would to separate the courts and to separate the jurisdictions. Before we have to go into executive session at 3 o'clock, and it is only a minute of that time, I will ask the Senate to allow me to have this letter from Mr. Dexter, to which I have referred, printed in the RECORD. I will not stop to read it now. We can look it over in the morning.

The letter referred to is as follows:

WASHINGTON, D. C., *March 8, 1900.*

MY DEAR SIR: I beg to submit herewith some suggestions bearing upon the proposed legislation for Puerto Rico from the standpoint of an American lawyer and member of the bar of the provisional court of Puerto Rico and resident in the island for two years last past.

Not less important than the adoption of American laws for the island is the establishment of an American court to construe the same in accordance with American principles. Without reflecting upon the insular courts, I desire to impress upon those intrusted with the adoption of legislation for Puerto Rico the urgent and immediate necessity for the establishment of an American court in Puerto Rico of a permanent character, whose jurisdiction will be fixed and certain and will embrace litigation to which Americans and foreigners may be parties.

There is all the more necessity for determining this matter at this time, for the reason that the claim is made by some of the lawyers of Puerto Rico that, by the provisions of Article XI of the treaty of Paris, Spanish subjects in Puerto Rico are deprived of jurisdiction of American courts in Puerto Rico. The contention is speciously made that the term "courts of the country," employed in the said article with reference to Spanish subjects in Puerto Rico, has exclusive application to the insular courts of Puerto Rico.

This claim is not well founded, for the following reasons:

First. Because such a construction would prevent the prosecution of Spanish subjects in an American court for the violation of a Federal statute.

Second. Because the plain intention of the Spanish commissioners and the necessary construction of the language in Article XI was, and is, to give to Spanish subjects residing in Puerto Rico the privilege of invoking the same courts as the citizens of the United States.

I speak authoritatively and advisedly when I represent that the vast majority of the Spanish subjects now residing in Puerto Rico, agree with me in this construction, and demand, under said article of the treaty of Paris, the privilege of invoking such American courts of competent jurisdiction as may be established in Puerto Rico.

Not only the Spanish subjects in Puerto Rico, but the subjects of other nations and the citizens of the United States, desire the privilege of invoking the jurisdiction of the American court in the same manner that they might do in a Federal court in the United States.

The jurisdiction of the American court to be established in Puerto Rico should substantially embrace the cases provided in Article III, section 2, paragraph 1, of the Constitution, and perhaps a special grant of power may be necessary, so as to include, "All cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction," etc.

Inasmuch as a large amount of the cases which will come before the American court in Puerto Rico will involve the construction of contracts created under the Spanish law, and a determination of the rights of the parties according to Spanish law, I would respectfully suggest the advisability of providing for the appointment of two Puerto Rican lawyers to act as associate judges to advise and consult with the American judge upon such cases, but without having the right of decision. Two such lawyers could be secured at a moderate salary.

I would respectfully suggest, also, that the prosecuting attorney, or district attorney, of the American and insular courts be prohibited from practicing in other cases before the court of which he is an officer.

The American and foreign residents in Puerto Rico strenuously insist upon the establishment of an American court as above outlined, because of the great delay and annoyance experienced by them in litigation in the insular courts, whose methods are exceedingly dilatory, expensive, and the occasion for numerous criticisms. It may be stated positively that without the establishment of such a court, neither American or foreign investors will have confidence in the administration of the laws in the island.

Referring to the provision of the Foraker bill with reference to the functions of the attorney-general of the island, it would seem that some provision should be made for his officiating in both the American and insular courts.

I would respectfully call attention to the provision with reference to the qualification of voters in elections to be held after the adoption of the civil-government bill. The Foraker bill provides that "at such elections all citizens of Puerto Rico shall be allowed to vote who possess the qualifications of voters under the laws and military orders in force on the 1st day of March, 1900." The qualifications provided in existing military orders, among other things, require a two-year residence in Puerto Rico next preceding the date of registration. As there is a substantial body of respectable American citizens who have gone to Puerto Rico within the past year with a bona fide intention of settling there, and have engaged in business there, it would seem only fair that having lost the right of suffrage in the United States, that they should enjoy it in the home of their adoption. Their influence in the elections would prove of advantage to the Puerto Ricans in assisting them to carry out the election laws in accordance with American spirit.

In conclusion, I desire to lay special stress upon the importance of leaving to the local authorities in Puerto Rico the granting of franchises of a local or municipal character. In many of the towns of the island local capital would engage in the construction of electric light, gas plants, and other purely local enterprises involving an expenditure of a small amount of money of from fifteen to twenty-five or thirty thousand dollars, if permitted to do so by the local authorities. To impose upon such enterprises the expense and delay of a reference to the President would defeat or delay for many years their establishment. If the executive council and legislative assembly can be trusted with vastly more important matters, they should certainly be given control of such local concerns.

With reference to railway and other public franchises of general interest throughout the island, it is only proper that they should be referred to some competent authority in Washington for final action.

A word as to the tariff. If a 15 per cent tariff must be levied upon products to and from Puerto Rico, for any reason, legal or politic, it does not seem fair or just that Puerto Rico should be deprived of the "free list" which it now enjoys with reference to necessaries of life and machinery imported into the island, especially in view of the fact that in the treaty recently negotiated with Great Britain relative to trade between the United States and Trinidad, this latter island will enjoy a "free list" twice as large as that now enjoyed by Puerto Rico.

Of equal importance with securing the beneficent results of the legislation substantially contained in the Foraker bill is the necessity of obtaining it soon.

The people of Puerto Rico confidently hope that this legislation, both as to the tariff and civil government, will be adopted before it is too late for them to enjoy its benefits.

Very respectfully, yours,

F. H. DEXTER.

Hon. JOSEPH B. FORAKER,
United States Senate.

Mr. ALLEN. Just one word before the hour of 3 o'clock arrives, in reply to the Senator from Ohio, especially to his last question. The Senator seems to think that my chief objection is to the number of judges. That is an objection. I think three or four men can do the work down there; but it is not the chief objection. The chief objection that I make to the appointment of a distinctly Federal judge is the evident ulterior purpose of absorbing all the jurisdiction of that island in the Federal court, and by that means practically depriving the inhabitants of that island of the benefit of their local court.

Mr. FORAKER. I do not see how there can be any force in that suggestion. You can not deprive them of the right of going into this jurisdiction by establishing this court any more than you would deprive them if you conferred the same jurisdiction on the local court. This court is open equally to all who have the right to invoke its judicial power.

Mr. ALLEN. The Senator announced just a moment ago that this Federal court was to have supervisory control over the local court.

Mr. FORAKER. Oh, no; the Senator misunderstood me.

Mr. ALLEN. It was to be changed from the local court to this court under the proposed statute.

Mr. FORAKER. The Senator from Nebraska is mistaken as to what I said. I said the right of removal from a local Territorial court of Puerto Rico into this United States court would be the same that it would be from a State court into the United States court in Nebraska or any other State.

Mr. ALLEN. Therefore the abuse of that power and the usurpation of that court would be as great as its abuse and usurpation in the United States proper.

Mr. FORAKER. That is to say, the Senator's position is that there are abuse and usurpation of power in the system now in vogue and in practice in the United States courts?

Mr. ALLEN. There is abuse.

Mr. FORAKER. Oh, well.

Mr. ALLEN. And usurpation.

Mr. FORAKER. Now I understand the Senator's objection. I did not understand it before.

Mr. ALLEN. There are abuse and usurpation in the practice of Federal courts in the United States to-day.

Mr. FORAKER. This is the first time I have ever heard it, except in the platform of the Populist party.

Mr. ALLEN. Well, Mr. President, the abuse and usurpation might exist and the Senator be ignorant of it.

Mr. FORAKER. Yes; that is possible.

Mr. WOLCOTT. Mr. President——

Mr. FORAKER. I was about to ask unanimous consent, although it is 3 o'clock, to consider just one other amendment. If there is objection or any debate, we will pass it.

Mr. WOLCOTT. I must leave it to the Senator's conscience; that is all. I make no objection.

Mr. FORAKER. If there is objection to its incorporation as an amendment, I will waive it. On page 19, line 23, after the word "also," where the bill provides for the granting of franchises subject to the approval of the governor and the President of the United States, I move to insert:

As to railroad, telegraph, and telephone franchises,

I did not observe, when I asked that this amendment be now considered, that the Senator from Alabama [Mr. PETTUS] is not in his seat. It was he who made the objection to this. I will not ask for the consideration of the amendment in his absence. I yield to the Senator from Colorado.

EXECUTIVE SESSION.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 22, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 21, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read, corrected, and approved.

ONE HUNDREDTH ANNIVERSARY OF LOUISIANA PURCHASE.

Mr. DALZELL. Mr. Speaker, I submit the following report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania submits a privileged report which will be read by the Clerk.

The Clerk read as follows:

Resolved, That the Speaker of the House of Representatives be, and he is hereby, authorized to appoint a special committee to consist of nine members, to which committee shall be referred a bill this day introduced into the House of Representatives by Mr. JOY, a Representative from the State of Missouri, and entitled "A bill to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri."

The Committee on Rules, to whom was referred resolution of the House No. 155, have considered the same, and respectfully report it with the recommendation that it be amended as follows:

Strike out all after the word "referred," in line 4, and insert the following: "all proposed legislation relating to the celebration, at St. Louis, Mo., of the one hundredth anniversary of the purchase of the Louisiana Territory by the United States."

And that as amended the resolution be agreed to.

The amendment was agreed to.

The resolution as amended was agreed to, and the Speaker announced as said committee Messrs TAWNEY, STEELE, SHERMAN, JOY, CORLISS, BURKE of South Dakota, WILLIAMS of Mississippi, BARTLETT, and OTEY.

SECOND-CLASS MAIL MATTER.

Mr. LOUD. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from California calls up the special order, which is the consideration of the bill (H. R. 6071) to amend the postal laws relative to second-class matter.

Mr. LOUD. Mr. Speaker, I yield one hour to the gentleman from Georgia [Mr. GRIGGS].

Mr. GRIGGS. Mr. Speaker, it is impossible for me to accept the hour at this time. I had already agreed with the gentleman from Ohio [Mr. BROMWELL], on account of peculiar circumstances in this case, to let him precede me for thirty minutes. Therefore, I am obliged to decline the offer of time at this moment and permit the gentleman from Ohio to proceed, even if it be necessary for me to yield to him twenty minutes of my hour.

Mr. LOUD. Mr. Speaker, of course the House must understand that when we make arrangements with gentlemen to proceed, and notify them, that I, as controlling the time on this side, can do nothing else but offer the time to the gentlemen. I will, however, if opportunity presents itself, yield to the gentleman later, and at his request I will yield twenty minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. GRIGGS. I do this, Mr. Speaker, with the understanding that the gentleman from California will yield to me immediately at the conclusion of the remarks of the gentleman from Ohio.

Mr. LOUD. I will do that, Mr. Speaker, unless the other side shall claim the right to proceed, which I suppose they would have the right to do.

The SPEAKER. The gentleman from Ohio [Mr. BROMWELL] is recognized.

Mr. GRIGGS. Just a moment, Mr. Speaker. The gentleman from Tennessee [Mr. MOON] who is controlling the time on this side against the bill is present, and I ask him, is that agreement agreeable to the gentleman from Tennessee?

Mr. MOON. What agreement?

Mr. GRIGGS. That immediately after the conclusion of the remarks of the gentleman from Ohio [Mr. BROMWELL] one hour be yielded to me by the chairman of the Committee on the Post-Office and Post-Roads.

Mr. MOON. I have no objection to any arrangement which gentlemen on that side make as to when they shall take their time.

Mr. GRIGGS. Very well.

The SPEAKER. The Chair will recognize the two gentlemen on the respective sides who control the time, so that arrangements will have to be made with them.

Mr. LOUD. I will yield twenty minutes, Mr. Speaker, to the gentleman from Ohio [Mr. BROMWELL].

The SPEAKER. The Chair will state that when the gentleman from Ohio concludes the two sides will be even in respect to the matter of time.

Mr. BROMWELL. Mr. Speaker, in the twenty minutes that are assigned to me it can hardly be expected that I should enter into a very elaborate argument upon this bill. My record in the past upon this bill has been entirely consistent from the first introduction of the so-called Loud bill until the present time.

I have given the subject of this abuse of second-class mail privilege my very earnest attention, and have made a study of the subject, which has convinced me of the absolute correctness of the position which I took originally upon this bill, and I therefore to-day in the short time that is allotted to me merely follow up, as it were, and indorse what has been said heretofore upon this bill.

Mr. Speaker, the first thought that suggests itself to one who reads the manufactured protests which have been sent out broadcast all over the country, as the chairman of this committee has stated, at the instance of a very few publishers, is that the Loud bill absolutely cuts off all mail privileges from certain second-class publications. The impression that one would get from reading these circulars is that these classes of publications are by this bill to be placed upon the same footing as obscene and similar literature.

In other words, that they are to be excluded absolutely from the mails. That is not the case. The only change that is made by the Loud bill on the present law is that of requiring a certain class of publications to pay more than they are now paying; but they will be still admissible as mail matter, the same as any other publications, the same as they are to-day.

Now, why should this change be made? In the first place, from a business standpoint. This great Post-Office Department service of ours is a business service. It renders certain service to the people of this country which they are expected to pay for. On some classes of its work it charges far in excess of the actual cost; on other classes of the work that it performs it charges far less than the actual cost of the service.

This Loud bill, so called, is for the purpose of equalizing burdens by making certain classes of publications which are now being carried through the mails at an absolute loss to the Government to pay a fairer proportion of the cost of the service than they do now. It is not necessary for me to go into the details of this bill, or to call your attention to the actual cost of first, second, third, and fourth class matter, and what is produced in the way of revenue from each species of mail.

All of these facts are set forth in the report of the committee. They are set forth in the report of every Postmaster-General for the last ten years; and all of them, without exception, whether Republican or Democratic Postmasters-General, have called attention to this abuse, and have asked Congress to give them a remedy. Without citing at any great length, I shall call attention to just a paragraph of the report of the Postmaster-General for this year. Referring to this abuse of the second-class privilege, he says:

> For this costly abuse, which drags on the Department and weighs down the service, trammels its power and means of effective advancement in every direction. It involves a sheer wanton waste of $20,000,000 or upward a year. The postal deficit for the current year is $6,610,776. But for this wrongful application of the second-class rate, instead of a deficit there would be a clear surplus of many millions.
>
> With such an ample margin the possibilities of practical improvements are apparent. If this deadly burden upon the mails were removed, the Department could hopefully enter upon a systematic policy of enlarged and progressive service, with the assurance that sound business management and increasing facilities would bring commensurate returns which would not be swallowed up in the maw of private interests without any public advantage.

That is the same comment that has been made year after year by the various Postmasters-General. But, gentlemen say, why is not this matter entirely in the hands of the Postmaster-General, and can he not under existing law, by proper regulations, exclude a large portion of the matter that is being carried at second-class rates contrary to the spirit of the law?

But gentlemen know how difficult it is for an executive officer, in the face of recommendations which have been made to this body for the correction of abuses, to take upon himself that correction. We see in every bill in which there is a discretionary power vested in a Department a construction placed upon that discretionary power that so long as Congress vests the discretion it is expected that the Executive Department shall exercise the power.

We have an illustration of that on the subject of the fast-mail subsidy. Year after year it has been recommended that the special appropriation be discontinued, and year after year the Second Assistant Postmaster-General says it is for the impairment and not for the betterment of the service that this money is paid out, and yet year after year Congress makes the appropriation and the Postmaster-General feels constrained to spend the money.

We find the same thing is done where, under a construction of the law made by an Assistant Attorney-General for the Post-Office Department many years ago, a certain class of this literature has been allowed to enter the post-office at pound rates, and that state of affairs continues because of the refusal of Congress to pass a bill for the correction of this abuse. He implies—and I think possibly very justly implies—that because we refuse to correct these abuses we want them to continue.

Mr. Speaker, there have been sent out all over the country, and the members of this House have no doubt received, as I have,

dozens or hundreds of so-called petitions against the enactment of the Loud bill. One of these in set form enumerates some nine reasons why this bill should not pass. I do not know that I shall have time in the short space of time allowed to me to discuss all of them, but I would like to run over as many as I can reach and answer them.

This petition professes to protest against this bill, first, because it excludes from the mails as second-class matter all books or reprints of books, and then goes into an argument, which we heard elaborated yesterday upon the floor of the House, that this meant to cut off all good literature from the youth of the country; that it meant to deprive them of an opportunity for an education; that it means that these books would absolutely stop circulating, or that the burdens that would be imposed on their circulation would be so great that the poor young men and young women of this country striving for an education could not obtain it.

How utterly ridiculous! The best books of this country, the books that go into our schools, the books that the boys and girls use in everyday life for a year and for two years, and which they transmit, after they finish them, to their younger brothers and sisters, so that one book may not only be the text-book for the oldest one but for the entire family as they secure an education—these books are books bound in either board or cloth, and these books sent through the mails have to pay the third-class rate.

They are not entitled to any privilege of a cent a pound. And yet this transient matter, paper bound, whether good or bad, just as much a book, differing nothing in weight, differing nothing in composition, differing nothing in paper and printing, or style, except in the binding—this transient matter that is for use to-day and torn up and destroyed and thrown away to-morrow is given the privilege of the rate of a cent a pound. Gentlemen are very solicitous about this good, cheap literature getting to our youth, and yet they say nothing of the vile trash that goes out by tons under this same privilege.

I was informed by the chairman of the Post-Office Committee that he had word from the mailing department of one of the greatest post-offices in the country only last week that two tons of the publication known as Sapho was offered for second-class mail privileges. This for the education of the young men and the young women of the country!

If a great publishing house wants to send out a Bible, or a Testament, or a hymn book, or any other good bound book for public worship for the elevation of the masses, they do not get that privilege at a cent a pound. These books all go through the mail at third-class rates. Why then distinguish? But they say here is a particular series, the Riverside series, which is exceptionally fine, and that ought to be discriminated in favor of.

Gentlemen, I have nothing to say against the publications of Houghton & Mifflin, the Riverside series. It is a most excellent class of literature. But the publications are small; they run about four to the pound, none exceeding 4 or 5 ounces, and the little additional postage that would be required on any one of these books going through the mail, that was put into the third class instead of the second, would be but a trifling sum, whether it is borne by the boy that gets the book or by the publisher that sends it out.

Outside of all this, Houghton & Mifflin, or any other great publishing concern, are not in the business merely for charitable purposes. They are not in the business merely for the purpose of elevating the youth of the country. They are in the business of publication to make dollars and cents, and if their business was not profitable they would go out of it very quickly.

Now, if they are in this business for dollars and cents, how do they differ from you or your constituents who are engaged in business and who want to send out circulars for advertising? They are not allowed a second-class privilege; they must pay third-class rates. The Government does not recognize the fact that a great merchant who wants to send out goods to your and my people is doing as good work as Houghton, Mifflin & Co., who are sending out books for educational purposes, and they make them pay for the circular matter they send out full third-class rates for postage.

In the next place, the circular says that it excludes the sample copies of newspapers, and then it goes on to say further that that means a great detriment to the country press. I say it is the greatest benefit to a country press that you can enact into law. It is owing to this privilege that they secure the advertisements based on their circulation from all parts of the United States.

As the chairman of the committee has said, if they send out a million and a half copies they can get $5,000 a page, and if they only send out half as many $4,000 a page; and they send out these sheets, which are nothing more than advertisements, to every county and to every town and crossroads in the United States.

What effect does that have on the country newspaper? The man that keeps the country store that has something to advertise, instead of giving it, as he should, to his home paper in the county in which he lives, advertises in this so-called newspaper issued from abroad, and those are circulated absolutely free in his county, and the country newspaper loses in that way all the circulation that he would get, and it loses the benefit of the advertising that it would get, by reason of these sample copies. The great magazines and periodicals have no use for sample copies.

The publisher of McClure's Magazine, one of the greatest of our monthly publications, was before the Committee on the Post-Office and Post-Roads, and he showed us that he had no use for sample copies; that his magazine was established, and it advertised itself on its merits. The great daily papers have little or no use for sample copies. The only publications in the country that are to-day demanding the privilege of sending out an excessive number of sample copies are these advertising sheets to which I have referred.

The third objection is that it increases the rate of postage upon newspapers or periodicals returned to news agents. As the law now stands and as the law contemplated this provision being carried out, publications might be sent from publishers to news agents, from the first news agent to another, from him to still another, and so on, the publication passing along the line until it found the place where it had a marketable status.

And under the construction of the Department, in accordance with a ruling of the Attorney-General, this privilege has been broadened so that these publications may not only go out in a continuous line, but may absolutely be returned in a similar line. And every time one of these publications is put in the mails to be returned it entails upon the Government a loss of 6 to 8 cents for its carriage. And yet this journey from one news agent to another can be extended indefinitely.

You can start one of these publications at Boston, send it to New York, from there to Philadelphia, from Philadelphia to Baltimore, to Washington, to Cincinnati, to Cleveland, to Chicago—all over the country—and then start it back on its travels, the Government losing 6 to 8 cents every time it goes into the mails. Yet objection is made to this return privilege being cut off.

Objection is also made that this bill requires the separation of the mail. All the great daily newspapers to-day separate their mail before they take it to the train. Expedition of the mails, that their papers may get into the hands of their customers speedily, demands, as a business proposition, that they shall make this separation. They do not suffer therefor, nor does any other publication which has to be delivered immediately suffer by this provision for separation.

The magazines and other publications, the distribution of which does not require any special promptitude, may easily make this separation without any hardship. It makes no difference whether the publication goes out to-day or to-morrow; but there is saved to the Government a great burden in the handling of this matter.

The SPEAKER pro tempore (Mr. CLARKE of New Hampshire). The time of the gentleman has expired.

Mr. LOUD. I yield one hour to the gentleman from Georgia [Mr. GRIGGS].

Mr. GRIGGS. Mr. Speaker, the affirmative discussion of a bill of the character of that now before the House is necessarily dry. There is no partisan politics in it by which the enthusiasm of one side may be aroused by an attack upon the other. There is no field for invective, for play on the emotions, or appeal to the imagination. It is necessarily a dry discussion of a dry business proposition.

Mr. Speaker, this bill is the most misunderstood and the worst maligned and to my mind the best measure that has been brought before Congress since I have had a seat here. I risk very little when I say that one-half of the gentlemen who propose to vote against it will do so because they do not care to take the time and trouble to investigate it thoroughly and to answer objections offered by constituents, many of whom themselves do not know what is in the bill; and I do not mean by this to reflect on anybody in this House or out of it.

Many gentlemen have said to me—and I refer to this side of the House particularly, because gentlemen on this side are more free to express themselves to me on questions of this character than are the gentlemen on the other side—they have said to me: "Perhaps you are right on this bill; perhaps the committee is right; but I do not care to have to go back to my constituency explaining my vote."

Now, this is the situation of a large number of gentlemen upon this and, I doubt not, on that side of the House. The situation is different with those of us on the committee. As members of that committee this bill was referred by you to us, and it became our duty to investigate it fully, to sit in judgment on it, and to report to you our conclusion on the facts as we understand them. We have been obliged to take a position. You are not necessarily compelled by your situation to take any position upon the question, and no position is a negative position, because it is always safer, as I have often heard, to vote "no."

Now, I am telling plain truths to my friends upon this side of the House. I am not here to advise gentlemen upon the other side of the House. If they would take my advice for thirty days, we would whip them, horse, foot, and dragoons, in November. [Applause on the Democratic side.]

Mr. MILLER. That is why we do not take your advice.

Mr. GRIGGS. You would go out of business entirely and permanently on March 4, 1901. If gentlemen on this side of the House will listen, during the time which has been given me to discuss this bill, I believe I can convince you that it is your duty, as intelligent and honest Representatives of an intelligent constituency, to vote for the bill.

Mr. Speaker, in discussing remedial legislation it is proper to consider first the old law, the abuses, if any, of the old law, and after that the proposed remedy. If the old law is good, it is unnecessary to go any further, because it is our duty then to vote against the proposed new one. If the old law is bad, then it becomes our duty to consider the bill offering the remedy, and, if an improvement, to vote for it.

If the old law is good, but the abuses of it are such that it has been turned from its original purpose and made to serve a purpose entirely foreign to its origin and intention, and so has become too costly to the people of the United States for the good secured, then it becomes our duty in the correction of that abuse to consider whether or not the proposed new law will correct it, and if it will, then to vote for it. In short, if a good law has become diseased and a remedy not worse than the disease is offered, it is our duty to accept that remedy.

Now, that is the way this question presented itself to those of us who are members of the Committee on Post-Offices and Post-Roads. What is the old law with reference to second-class publications? Without going into unnecessary details, the privilege known as the second-class privilege was given originally as a bounty on the dissemination of knowledge. Newspapers were first given certain privileges not accorded to other mail matter in the way of cheapness of postage rates, in order to encourage the spread of information.

In short, it is a law to encourage and promote education among the people. Newspapers then, as now, were recognized as the great educational force of the world. Afterwards these privileges were extended so as to include other periodicals, such as the monthly magazines, quarterly reviews, and periodicals of that character. The rate was finally made 1 cent a pound to all publications of the second class everywhere, and free in the county of publication. This was a beneficent law. It has accomplished more for the diffusion of intelligence and for the promotion of the happiness and prosperity and greatness of the American people than any other agency, or, I might say, all other agencies combined. But it seems impossible, Mr. Speaker, to administer laws granting special privileges without abuse of the same. It is rather the abuse of the old law than the law itself which this bill proposes to correct. In other words, the committee proposes to give a legislative construction to the law at present on our statute books.

Without wearying the House by reading long extracts from the law, I may say that this bill will, if enacted into law, make only two changes of importance in the law as at present construed. The proposed changes will affect large, rich, and powerful interests in certain sections of the country, all with ramifications throughout the length and breadth of the land, and who, having grown rich and powerful under this abuse of special privileges, are naturally fighting to retain them. The interests of these publishers, as I see it, are not the interests of the people, to which conclusion I shall endeavor to lead gentlemen who are kind enough to listen to my argument.

The first substantial objection offered to this bill by anybody is to the proviso in the first section, which reads:

> That nothing herein contained shall be so construed as to admit to the second-class rate publications purporting to be issued periodically and to subscribers, but which are merely books, or reprints of books, whether they be issued complete or in parts, whether they be bound or unbound, whether they be sold by subscription or otherwise, or whether they purport to be premiums or supplements or parts of regular newspapers or periodicals.

The objection to this is that it will cut off from second-class rates—1 cent a pound—a large class of books which, because of their cheapness, appeal particularly to people who are unable to pay the prices for bound books. My friend from Arkansas [Mr. LITTLE] grew eloquent yesterday in his appeal against taking away this privilege from this class of literature. My friend expressed great regret that he lacked in early youth the opportunities of the youths of this generation secured through this privilege.

I am very fond of the gentleman from Arkansas. He is my colleague on the committee, and I have often had occasion to admire his zeal, his faithfulness, his conscientiousness and ability in the consideration of matters before our committee, but I am not prepared to contemplate the dizzy height to which my friend might have ascended if he had been given the opportunities of the youth of to-day, of which he spoke so eloquently on yesterday. [Laughter.] We are all of us inclined to believe that if we had had the opportunity of the other fellow we would have far surpassed him in achievements. But I do not hesitate to say that my friend from Arkansas is man enough as it is. If he feels his limitations it is because of his modesty, and not because of any real lack of accomplishments or opportunity.

My friend from Colorado [Mr. BELL] on yesterday also talked very pathetically against denying to the youth of the country the right to have these books sent to them through the mails at the pound rate. Oh, he was pathetic! There were tears in his voice! You would have thought that the Post-Office Committee was about to persuade this House to deny education to the boys and girls of America, that we were insisting on closing the schoolhouses all over the land, because we propose to shut out this class of literature from the mails at the 1 cent a pound rate. Let my friend possess his soul with serenity. We do not propose to close the schools or to curtail educational advantages. He pleads for the paper-back book, while he knows that books containing the same matter, if bound, are denied the use of the mails at this rate.

How many of these paper-back books that go through the mails as second-class matter are used in the schools of this country? I do not know about other sections, but I do know about the section from which I come. I do not believe that one school in fifty uses books of that class. I say that not one book in five thousand in use in the schools of Georgia is a book of the character referred to by my friend from Colorado [Mr. BELL], and which would be excluded from the mails under the Loud bill.

Now, if gentlemen are so much in earnest about this matter, if they believe that the school children of the United States should have the benefit of the pound rate, why not change the rate now in force against books? Why, gentlemen, it never was intended by the authors of this law, it never was intended in the beginning, or at any time since the beginning, to let books go through the mails at pound rates.

Mr. BELL. Will the gentleman allow a question?

Mr. GRIGGS. Certainly, sir.

Mr. BELL. Were not those books generally going through the mails at pound rates, and was it not admitted on this floor in 1888, when we had the 2-cent rate and reduced it to 1 cent a pound, that that was the fact?

Mr. GRIGGS. I do not know what was admitted upon this floor in 1888.

Mr. BELL. Well, I read yesterday from the speech of the gentleman from Illinois [Mr. CANNON], delivered in February, 1888, when he stated that he had a number of those books, and that but for this cheap rate he would not have had the opportunity of using them. I read that to the House yesterday. Afterwards they reduced the rate to 1 cent a pound, after that practice had been thoroughly understood in this House and in the Department, and so stated.

Mr. GRIGGS. You had your say yesterday. My time is limited; make your question short, please.

Mr. BELL. That was stated as one of the reasons.

Mr. GRIGGS. I want to say in reply to the gentleman that the distinguished gentleman from Illinois [Mr. CANNON] is no authority with me in anything political. He usually admits in such matters whatever is necessary to gain his case.

Mr. BELL. Well, you do not deny that what I state is true.

Mr. GRIGGS. Oh, I do not deny that the gentleman from Illinois [Mr. CANNON] admitted anything that the gentleman from Colorado charges him with admitting. It is strange to see the gentleman from Colorado quoting the gentleman from Illinois [Mr. CANNON] approvingly as authority. I know he differs from him on every other political idea but this.

Mr. BELL. He disagrees with me now; he is with you.

Mr. GRIGGS. I did not know that.

Now, Mr. Speaker, I say it never was intended by the originators of this law that books should be included in it. I repeat the declaration, and it is clear, for had it been the intention of the legislators to permit books to go through the mails at pound rates the law would have said books and would not have confined second-class privileges to "newspapers and periodicals." Who questions that? Not even my friend from Colorado, in his zealous opposition to this bill, questions the statement that periodicals were not intended by the law to include books.

The only way that these reprints of books, these paper backs, have been enabled to get the use of the mails at 1 cent a pound has been by a miserable subterfuge of the publishers. To accomplish this they undertook to issue them at regular intervals, so often as four times a year, and from a known office of publication. In these respects they are like periodicals, but in no other. They are books nevertheless, Mr. Speaker. Gentlemen who are honest with themselves and who are candid with others must admit that Shakespeare in a paper back is not different from Shakespeare in boards and bound in cloth.

Gentlemen must admit that Milton bound in paper is the same as Milton bound in cloth. The gentlemen denounce what they are pleased to call denying to the people of the United States the opportunity of securing cheap literature. Yet they do not insist that books bound in cloth or leather for permanent use shall have the same privilege in the mails as these unbound books. But this bill does not deny anything to the children of the United States. Why, Mr. Speaker, the people will have the same advantages from cheap literature after the passage of this bill as they have now.

Mr. BELL. By paying an extra rate.
Mr. GRIGGS. Without paying extra.
Mr. BELL. Oh, no.
Mr. GRIGGS. Let me get through, and I think you will agree with me.
Mr. BELL. I do not think I will.
Mr. GRIGGS. When this hearing was had before the committee, in answer to a question from me—what has become of my friend from Colorado?
Mr. BELL. I am right here with you; I am not going to leave you. [Laughter.]
Mr. GRIGGS. To a question from me the answer was made by either a publisher or his agent that it would not increase the price of the books; that the bill would not drive them from the mails; that it would simply force publishers to manufacture the books cheaper, and that the people of the United States would have the same opportunities of getting cheap literature as they have to-day.
Mr. BELL. Now, may I suggest to the gentleman?
Mr. GRIGGS. Yes, sir.
Mr. BELL. Mr. Lupton states that he sends out a number of these books at 3 cents, including Dickens, Cowper, and many others, and says to raise from the second to the third class will increase the cost more than they now cost the reading public.
Mr. LATIMER. Will the gentleman allow me to ask him a question right there?
Mr. GRIGGS. Just one moment. Let me get through with my friend from Colorado. If the gentleman is so anxious about this, why does he not insist that all the text-books used in all schools, whether bound with paper or with cloth, shall be permitted to use the mails at 1 cent a pound?
Mr. BELL. May I answer that?
Mr. GRIGGS. If you will not take over half an hour.
Mr. BELL. I will come within a half an hour.
Mr. GRIGGS. All right.
Mr. BELL. For the same reason as stated by the men in the formative period of this postal system—that men who are able to buy library books should pay 8 cents a pound, the cost of transportation. The poor people that use these so-called stitched or paper-back books were to have them under what was called the franking privilege; and Postmaster-General James in 1879 insisted that these cheap books were gotten up for that purpose and with this understanding. I thank the gentleman.
Mr. GRIGGS. You are very welcome. We have free schools in all the States of the Union.
Mr. BELL. And free text-books.
Mr. GRIGGS. In many States of the Union. We have many such in Georgia, and we use cloth or board bound books. A paper-back book would not last a school boy or girl three days.
Mr. BELL. They use them in the high school here.
Mr. GRIGGS. They would not last a Georgia boy three days, or a Colorado boy, either. [Laughter.] Now I will answer, if I can, the question of the gentleman from South Carolina [Mr. LATIMER].
Mr. LATIMER. The gentleman has just stated to the House that in the testimony that was submitted before the committee it was stated that if the additional postal rate was added to the book going through the mail it would only cheapen the cost of production of the book. Now, I want to ask the gentleman if he can give to the House what would be the average weight, or the additional cost, in case there is no reduction in the production of the book, in case the bill becomes a law; what will be the additional cost to the purchaser of books by reason of the additional postage that will have to be paid?
Mr. GRIGGS. I believe the increased rate is 2 cents for every 4 ounces. The testimony before the committee was that these books would average about four to the pound. That is 2 cents a book. They go now under the pound rate. That is 1 cent for four books. Each book is increased in cost of transportation through the mails 1¼ cents. As I have said, to a question by me a representative of these publishing houses answered that it would neither increase the price to the public nor curtail the production of this class of books.
Mr. LATIMER. Your statement is that each book would cost about 1¼ cents additional, if it had to go at third-class rates, if this bill should pass?
Mr. GRIGGS. Yes; and the publishers state that they could reduce the cost of making the books that much and save that cost to the purchaser. Now, gentlemen, that answers that objection.
Mr. BELL. No; it does not.
Mr. GRIGGS. Well, I can not yield to my friend further.
Mr. BELL. Can I not correct you?
Mr. GRIGGS. You can correct me in the time of the gentlemen opposing the bill. I have yielded to you several times already.
Mr. BELL. I know the gentleman has been very liberal, but I was going to ask him whether or not David Copperfield, or some of those works, can be carried for 1¼ of a cent additional?
Mr. GRIGGS. I am not giving the rates for any particular book. I said that the average was four to the pound; not that every book published by these people would require four to make a pound; there are sometimes five, sometimes six, sometimes two, and sometimes three. Mr. Wheeler, of Houghton, Mifflin & Co., of Boston, stated that their books averaged five to the pound. So I have been perfectly fair with the gentleman.
I repeat, Mr. Speaker, that it will not only not curtail the production of these books, but it will simply reduce the cost of manufacture of them by the using of a cheaper quality of paper, and that the people of the country, if there is any advantage in receiving them at all, will by this bill be deprived of nothing. That is all I have to say on that line. The necessity of the enactment of this section seems to me perfectly clear.
Now I come to another point. Gentlemen here appear very solicitous on this floor occasionally about the country newspaper. The newspaper is dear to the hearts of all politicians. There is not a politician in the United States, from Cape Cod to the Golden Gate, who does not profess love for the country newspaper. We all love the country newspaper. It is dear to all when we talk about it on the floor of Congress. [Laughter.]
Mr. Speaker, so far as I am concerned, I never indulge in what appears to me to be fulsome adulation of anybody or anything, and I am not going to do it now with reference to the country press. It is sufficient for me to say that I am the personal friend of every editor in my district and that he is my personal friend. It is sufficient for me to say that I believe I have the confidence of every editor in that Congressional district and that every editor there has my confidenceand all I care to say about the editor of the country newspaper is what I would say about the country lawyer, the country doctor, the country preacher, the country schoolmaster, the country merchant and farmer——
A MEMBER. And the country Congressman.
Mr. GRIGGS. Yes, and the country Congressman; that is, when he does his duty as he understands it, he has done all that earth or heaven will require. He is no object of charity for politicians to weep over; he is not the willing subject of fulsome panegyrics from politicians who want his support. He does his duty as I do mine, as you do yours, and he is entitled to the same credit that you who do your duty here and elsewhere are entitled to; no more, and certainly no less. This is all he asks at the hands of anybody; and so far as I am concerned, I propose always to see that he gets this, if I can secure it for him.
Now, Mr. Speaker, gentlemen complain that this bill proposes to cut off the privileges of the country press.
My friend from South Carolina [Mr. STOKES] on yesterday based almost his entire speech against this bill on the fact that it cut off the privileges of the country newspaper. How? By cutting down the privilege of sending sample copies through the mail at pound rates. Cut it down? This bill proposes to give them greater privileges than they ever had with reference to sending sample copies through the mail. Let me say to you that when this bill came before the committee, and I violate no confidence when I say it, I objected to it because of its failure to provide for the sending of sample copies at the pound rate. The bill was referred to the chairman of the committee and myself to see if we could not agree on that point.
We finally agreed on the amendment allowing a number equal to 50 per cent of the subscription list, in no case to exceed 500 copies, to go through at the pound rate.
As my colleague and friend [Mr. HOWARD] demonstrated to the publishers of his district last summer, it would break every country newspaper in the United States to avail itself to the full extent of the privilege accorded under this bill as it stands now.
But my friend from Missouri [Mr. CLARK], who two years ago defeated this bill by his great speech against it, had a conference with the committee on yesterday. He had until then opposed the bill; but we came together and agreed upon this, that the Post-Office Committee should accept the amendment to be offered by him, which gives the right to newspapers and periodicals to send out a number equal to 100 per cent of their bona fide subscription lists as sample copies—the number in no event to exceed 2,000. Now name to me, gentlemen, the country newspaper in the United States that will want more than this. Tell me, if you can, the name of the legitimate country newspaper that will be hurt by this.
Mr. BOUTELL of Illinois. Will the gentleman yield for a question?
Mr. GRIGGS. Certainly.
Mr. BOUTELL of Illinois. I have no country newspapers in my district, but I have received some protests against this bill from a class of papers that has not yet been mentioned in this debate. There are published in my district daily and weekly newspapers in almost every known language, a large number of them being German and Scandinavian dailies and weeklies.
From the publishers of these papers I have received some inquiries about this bill and some protests against it. I have here a

letter from the proprietor of one of the large Scandinavian papers, a man of high standing and recognized ability as a publisher and editor. In this letter he says:

While I would not attempt to influence your judgment, I must say that the aforesaid bill, if passed, would be a deathblow to the foreign press in the States.

Now, can the gentleman from Georgia explain what effect this bill would have upon that class of papers? The writer may be under some misapprehension; and if so, I would like to have it cleared up.

Mr. GRIGGS. He says "the foreign press." That is, I presume, papers published in foreign languages.

Mr. BOUTELL of Illinois. Yes, sir. The communication I have just read is from the publisher of a Scandinavian paper. There are also a great many German papers. These papers are taken not only by those who are native Germans or Scandinavians, but by others, people who wish to keep up with those languages as well as the English.

Mr. GRIGGS. This bill, if enacted, can not affect papers published in a foreign language differently from papers published in English. I can only make the statement. It is impossible to do more. It can only be demonstrated by going to the bill itself. If the gentleman is unwilling to accept my interpretation of the bill, he may appeal to the chairman of the committee, on his side of the House, who will give him the same answer. My friend is an able lawyer. I have heard of him as a distinguished Chicago lawyer before I came to Congress; and they say that Chicago lawyers are the best lawyers in the world. Of course I except the country lawyers of Georgia. [Laughter.] My friend will indorse all that, I know.

Now, my friend can see by reference to the bill that it can not possibly have any ill effect on Scandinavian or German papers or papers published in any language on earth different from its effect upon papers published in English.

Mr. DRIGGS. Does this bill make any difference with such magazines as Munsey and other 10-cent magazines?

Mr. GRIGGS. Absolutely none.

Mr. DRIGGS. I simply ask for information.

Mr. GRIGGS. I am very glad to be able to furnish information to my friend from New York. Now, may I hope for his support of the bill?

Mr. DRIGGS. I do not say that I will.

Mr. GRIGGS. Well, let him put all his objections to the bill in the form of questions and I believe I can answer every one as easily and as satisfactorily as I did that one.

Mr. DRIGGS. I have a high opinion of the intelligence of my friend from Georgia, but, nevertheless, I will not say that I would be convinced.

Mr. GRIGGS. I thank my friend very much, but I would really be glad to have him state his objections in the form of questions, and I will answer, I believe, every objection he may have to this bill. But, of course, if my friend is afraid I might change his mind, I will excuse him. [Laughter.]

Mr. BOUTELL of Illinois. I just wish to say in reply to the gentleman from Georgia that I can see no difference, of course, in this respect between a newspaper published in the English language and one published in any other language. The Germans of my district are among our most clear-headed and intelligent business and professional men.

Now I want to ask, Is it the intention of the committee to offer or to support an amendment which will allow the sending of a larger number of so-called sample copies than are now provided for in the bill?

Mr. GRIGGS. I have just stated that in a conference yesterday between the gentleman from Missouri [Mr. CLARK] and myself we agreed on this proposition: That newspapers shall be permitted to send out sample copies not exceeding in number 100 per cent of the bona fide subscription list of the paper, and in no event to exceed 2,000.

That is the provision agreed upon between the gentleman from Missouri and myself; which was presented to the Post-Office Committee by myself yesterday morning, was accepted by the committee, and will be agreed to by the chairman on this floor whenever offered by the gentleman from Missouri.

Mr. BOUTELL of Illinois. Will the gentleman from Missouri support the bill?

Mr. GRIGGS. Certainly; he will, because that relieves the bill from its objectionable feature.

Now, Mr. Speaker, I can see no legitimate objections to this bill further on the part of the friends of the country newspaper. That relieves the bill from any objection there, so far as I can see. But some gentlemen object to what they call the censorship of the press by the Post-Office Department, and I have received several circulars and letters protesting against the bill on that ground.

Why, gentlemen, this bill makes no change whatever in the present law on this subject. I will ask the Clerk to read the regulations of the Post-Office Department as they are now as to second-class matter. These are the questions put to publishers under the law as it stands.

The Clerk read as follows:

When a new publication is offered for mailing, the postmaster will proceed as follows:

1. Require the publisher, or one of the publishers, to make and present to him, with two copies of the publication, sworn answers in writing to the following interrogatories:

1. Magazine or newspaper? 2. How often published? 3. Where is the paper printed? 4. Who are the proprietors of the paper or magazine? 5. Are they in any way interested, pecuniarily, in any business or trade represented by the publication, either in the reading matter or in the advertisements; if so, what is the interest? 6. Who are the editors of the publication, and how is their compensation determined? 7. Have the editors any pecuniary interest in any business or trade represented by the publication, either in the reading matter or in the advertisements; if so, what is the interest? 8. Is your publication regarded by the trade which it purports to represent as a general organ of the trade, or is it considered as representing the business interest of a special house in that trade, whose price-current or advertisements appear therein? 9. As a result of the publication of your paper or magazine, is the interest of any business house in the trade especially advanced, notwithstanding your design of making the publication a journal representing the trade? 10. Can any house in good standing advertise in your publication at the regular published rates? 11. Have any of the business houses which advertise in your publication any interest (either by past connection or special contract) therein respecting advertisements or subscriptions; and if so, what is that interest? 12. What is the greatest number of copies furnished to any person or firm who advertise in your publication? 13. On what terms are these papers furnished? 14. What number of papers do you print of each issue? 15. About what number of bona fide subscribers (that is, subscribers who pay their own money for the publication and receive it regularly) have you to the next issue of your paper? 16. What is the subscription price of your publication per annum? 17. How many pounds weight will cover the papers furnished to regular subscribers? 18. What average number of sample copies with each issue do you desire to send through the mail at the pound rate? 19. How are the names of the persons to whom you wish to send sample copies obtained by you?

2. If satisfied by the affidavit, the publication itself, and further proofs offered that the publication is admissible, he will issue a temporary permit, on a form to be furnished by the Department, admitting the publication at the second-class rates, pending the determination of the Department as to its admissibility.

3. If upon such evidence the admissibility appears to be doubtful, he shall require a deposit at the third-class rate and issue a permit admitting the publication conditionally, pending determination; the excess of the deposit over the second-class rates to be refunded if the Department shall decide that the publisher is entitled to the pound rate.

4. If satisfied of nonadmissibility, he will refuse to mail except as third-class matter; but, on request of the publisher, will forward the papers to the Department, stating objections.

Mr. GRIGGS. Now, this bill proposes no change to that. If some gentleman will suggest how this bill changes that law I will thank him. Those are now the regulations of the Post-Office Department with reference to the admission of publications to the second-class privilege—have been for many years—and we propose no change whatever. Then how does this bill establish a censorship of the press? I believe as firmly as any man here in the freedom of the press. I believe as strongly as any man on this floor or elsewhere in its great power for good, which has been demonstrated by the growth of liberty and right and justice and education through the agency of the press of the world during the past one hundred years. I would do nothing to hinder its advancement. On the contrary, I say "God speed you" to all legitimate newspaper enterprise.

Mr. BREAZEALE. Will the gentleman yield for a question?

Mr. GRIGGS. Certainly.

Mr. BREAZEALE. What effect would this bill have upon the business of the ordinary news dealer in the little towns and villages of the country?

Mr. GRIGGS. It would prevent him from returning unsold publications at pound rates, which would amount to the news dealers of the smaller towns and villages of the country to perhaps 20 cents a month to every news dealer. Of course I have no way of calculating this with any degree of exactness.

Mr. LATIMER. In the matter of extra postage?

Mr. GRIGGS. Yes.

Mr. BREAZEALE. In returning these unsold periodicals?

Mr. GRIGGS. Yes; it will amount to from 20 to 50 cents, or perhaps a dollar, a month to every newsdealer in the small towns and no more.

Mr. FLEMING. And they can send them back by freight as far as that is concerned?

Mr. GRIGGS. Yes; they can send them back by freight, and will not have to send them through the mails.

Mr. SIMS. Will the gentleman yield to me?

Mr. GRIGGS. Yes.

Mr. SIMS. Some papers in some towns do not have over 500 subscribers, but occasionally they get out what they call a trade edition to advertise a town, and have pictures of the buildings, and so on, and issue five or ten thousand copies. Will this bill, if it is enacted into law, affect such issues as that?

Mr. GRIGGS. No.

Mr. SIMS. It will have no effect?

Mr. GRIGGS. No. Now I want to be fair——

Mr. SIMS. Not to circulate in the county, but generally in other counties and in other States?

Mr. GRIGGS. This bill will not affect that class of publications, because they are at present prohibited by law from using the pound rates.

Mr. SIMS. Can they not be sent out now?

Mr. GRIGGS. Well, they are sent out, but the sending of them is prohibited by law, and this bill makes no change in the law.

Mr. SIMS. Are they not sent out at the pound rate at present?

Mr. GRIGGS. Yes; but not by law, unless custom long continued has made it law.

Mr. SIMS. That is one of the abuses you refer to?

Mr. GRIGGS. This bill does not touch that matter in any respect whatever. It makes no reference to it, and I presume trade editions and special editions of all classes will continue to circulate as before.

Mr. DRIGGS. I should like to say to the gentleman from Georgia that I dislike exceedingly to break into his speech, but he and I have had trouble over our respective names before in these speeches.

Mr. GRIGGS. Go ahead; you do not trouble me.

Mr. DRIGGS. I hold in my hand a little pamphlet that was sent to most of us, I guess. I do not desire to mention the name of it, because it is an advertising pamphlet pure and simple; but in the first part of this, some fifty pages, is as complete a little history of the American Revolution as it has ever been my good fortune to find, and there are a number of very interesting illustrations. Now, this is an advertising pamphlet, sent here long before the discussion of this Loud bill came up, and I should like to ask if such a pamphlet as that would be excluded from the mails under the second-class rates.

Mr. GRIGGS. That is excluded now.

Mr. COWHERD. That did not come under the pound rate, but under a separate stamp.

Mr. GRIGGS. I recognize the publication which the gentleman has in his hand. "Georgian" is the name of it.

Mr. DRIGGS. That is right. I am asking for information, that is all.

Mr. GRIGGS. It came under a stamp.

Mr. DRIGGS. I understood you to say that such things as that would be excluded from the mails.

Mr. COWHERD. They are not excluded from the mails, but they are excluded from the pound rate.

Mr. GRIGGS. My friend from Missouri [Mr. COWHERD] does not mean to say that that pamphlet would be excluded from the mails, but he means that it would not be entitled to the privileges of the pound rate.

Mr. COWHERD. That is the idea.

Mr. GRIGGS. Now, Mr. Speaker, gentlemen say that there are other and greater abuses in the Post-Office Department, which ought to be corrected before we attack the wrongs against which this bill is directed. Gentlemen ask us vociferously, "Why do you not attack the railroads? Why do you not reduce railroad rates?" A railroad is usually a very popular thing to attack, either in Congress or on the hustings.

So far as I am concerned, I have no unnecessary attack to make on railroads or upon any other legitimate business in the United States. Neither have I any defense to offer for the railroads or any business, corporate or otherwise, in the United States which may be oppressing the people; but I simply want to reply to that method of attacking the bill by saying that the existence of two wrongs does not justify the continuance of both. The fact that there is more than one abuse in our postal system does not justify gentlemen in voting against the correction of one.

Now, you all, of course, have heard the old tale that Lincoln used to tell about the farmer and the skunks. A neighbor called one night, and being disturbed in the region of his olfactory nerves, asked what all that scent around the house meant. He replied, "There are skunks in the yard." "Why don't you kill them?" "Well, I'll tell you; there are seven of them. I went out just now to kill them all; I killed one, and it raised such a devil of a stink I have decided to let the other six alone."

Now, Mr. Speaker, when we present here a bill for the correction of one abuse, one privilege that has been seized upon by people for nothing except private benefit and private gain, such a row is raised about it that the committee is almost afraid to try any further. If you will excuse me for telling it, gentlemen who fight the bill in this way remind me of the old negro preacher down in Georgia who used to belong to the father of a friend of mine, and who lived with the son after the war. He was not a regular preacher. He was what they called a "kerzorter" among the negroes. He finally decided to become a regular preacher, and wanted to get into the Methodist ministry. He went for his examination two or three times, and finally one Saturday, as he came back from his meeting, his employer said: "Well, Uncle Bill, how did you come out to-day?" "Bad, mighty bad, Marse Hamp. I went down dar to meeting last month, and I wasn't up on 'cipline; I was jest up on Scripter, and dey jest 'zamined me on 'cipline. So I went down dar to-day ready on 'cipline, and yer think dey didn't have the whole 'zamination in Scripter. Dey turned me down, sah; and I said to 'em as I left, I did, 'You kin take de whole business and go to the debble so far as I is concerned. When I gits ready on Scripter, you 'zamine me on 'cipline; and when I gits ready on 'cipline, you 'zamine me on Scripter.'" [Laughter.]

That is the way many gentlemen who have discussed this bill heretofore in the House have done. Whenever this committee has presented a bill correcting one abuse, they have insisted that instead of that we ought to have corrected the other; and if we should come in here with a bill lowering the pay of railroads for the carriage of mail matter, there would be plenty of gentlemen, I doubt not, on both sides of the House, ready to insist that we ought to have made the correction of abuses proposed in the Loud bill first. So far as the railroads are concerned, I doubt not that we shall come to that soon.

Now, my friend from Arkansas [Mr. LITTLE] on yesterday devoted a good deal of time in trying to demonstrate that second-class matter breeds first-class matter, and therefore is a source of revenue to the Government.

He said that one of these advertising sheets goes now into a neighborhood, and the ladies look into the back part of it, and say, "Here is a pattern. I want it." And another one would say, "I want one;" and another, "I would like one;" and it would lead, probably, to three or four or a half dozen letters with first-class postage, upon which, as my friend from Colorado says, the Government makes 300 per cent; and therefore the letters excited by the advertising sheet would more than make up the loss incurred in carrying it at the pound rate.

Why, my friend counts very little upon the business sense of the American people when he says it is necessary for the Government to carry that sort of stuff through the mails to get anything advertised throughout the country. Why, when an American has a thing worth advertising he is certain to advertise it, and he will advertise it whether he has the second-class privilege or not. He would advertise in the local newspaper, and that would bring about these inquiries and bring to the mails these letters that pay first-class postage just the same, at the same time helping the local newspaper.

No; gentlemen tell us that we ought to correct one abuse when we offer a bill for the correction of another; and if we were to change the point of attack, gentlemen—not the same gentlemen, perhaps, but gentlemen on the floor of this House—would say we ought to have offered to correct some abuse other than the one attacked.

Now, Mr. Speaker, my friend from Arkansas took a good deal of time in explaining to the House his position, that the Post-Office Department ought not to be required to pay its own expenses, and he cited the War Department and the Navy Department as illustrations of Departments not paying their way. My friend from South Carolina [Mr. STOKES] indulged in the same, and my friend from Colorado [Mr. BELL] indulged in the same sort of argument. They said that the War Department is not required to pay its own expenses. How it could except by plunder I can not conceive. They say that the Navy Department is not compelled to pay its own expenses, and therefore the Post-Office Department should not be required to pay its way.

Why, Mr. Speaker, no gentleman here insists that it should necessarily do so. The people pay the freight, no matter whether they pay it through the stamp tax of the Post-Office Department or otherwise. What this committee insists upon, and which is a correct principle of government in the control of any department, is that there should not be such a discrimination in the use of that department as to require the people of the United States to pay a deficit occasioned by that discrimination in favor of a few individuals.

That is the whole matter. Every person who avails himself of the mails of the United States does it for either pleasure or profit. Every man who uses the mail, whether he be high or low, rich or poor, does it either for his own profit or for his own pleasure. Now, then, if this be true, who should pay the expense of the Department—the man who uses it most extensively or least? If it be true that the Post-Office Department was never intended to pay its way, then I ask you, Mr. Speaker, why it was ever contemplated that there should be a tax placed upon the people for the use of the Post-Office Department?

We are not taxed specifically for the use of the War Department, we are not taxed specifically for the use of the Navy Department, we are not taxed specifically for the benefit of the Interior or any other Department of the Government, but when you come to use the great Post-Office Department the law requires you to pay the tax as you use it, and whenever we stamp a letter we are paying our part of that tax. I insist, Mr. Speaker, that there should be some sort of proportion between the amount expended and the amount paid in, and anything else was never contemplated by the men who founded this Government.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GRIGGS. Very well. I will ask——

Mr. DRIGGS. I ask unanimous consent that the gentleman may be allowed to conclude his remarks.

Mr. LOUD. We can not do that. I will yield the gentleman five minutes more.

Mr. GRIGGS. Nothing else was contemplated, Mr. Speaker,

and it would be preposterous to think for a moment that it was ever contemplated by anybody who had a single idea in connection with government that the War Department should pay its expenses as it goes, that the Navy Department should pay its expenses as it goes.

That would, of course, be an absurdity, but it was intended by the founders of our postal system that the Post-Office Department should pay its way, and that is illustrated and proven by the fact that every man who uses the mails must pay his tax for the using by affixing stamps to matter mailed. It seems to me an incontrovertible proposition when you take the mails in the aggregate. It was never intended that every class of mail matter should be self-sustaining; but plain common sense, it seems to me, compels the conclusion that it is and ought to be the policy of the Post-Office Department to be self-sustaining as a whole.

Now, Mr. Speaker, it is not so much a question of the deficit. That is very small this year, but I insist, and to that fact I want to call the attention of gentlemen from the rural districts of this country, gentlemen who represent districts like my own on this floor, I insist that we want to establish free rural delivery throughout the country. How are you going to do it as long as you have a deficit of from $6,000,000 to $10,000,000 a year? Oh, you say, that will come on in time.

Mr. Speaker, it will require not less than ten to fifteen millions of dollars to establish a rural delivery that will be satisfactory over this country, and I want to tell you that this is the only country in the Universal Postal Union that does not at least once every day deliver mail in every portion of its dominion to the people to whom it is directed.

Of all the countries in that union, of all the so-called great nations of the earth, the United States is the only one that does not deliver its mail anywhere and everywhere throughout its domain at least once every day. Now, gentlemen, you all want to see that done in your districts. Gentlemen from the cities are not so much interested in that, but gentlemen from the rural districts are interested in it. You want to see that come.

Gentlemen, the members of this committee want to see it. We recognize the fact, however, that it is dangerous to attempt it so long as a deficit annually stares us in the face. The committee are willing that right should be done to everybody; we are unwilling that wrong should be done to anybody; but when, for private gain, men seize upon privileges which are accorded by the Government, not to individuals for gain, but for the purpose of disseminating useful knowledge throughout the United States, to all the people—when this abuse brings about annually a large deficit, it is time to limit the privilege.

It is time for this Government through its law-making power to reach out its strong hand and curtail these special privileges, which, intrenched behind years of abuse, now defy Congress and the people. If time permitted, Mr. Speaker, I would endeavor to show to this House the great discrepancy between the receipts for this alleged second-class matter, which is really third-class matter, and the cost of transporting the same. It is enough to say now that the Government gets for it, in round numbers, about $1,750,000 and pays out for handling it over $14,000,000.

If third-class rates were charged, as they ought to be, for all of this stuff outside of legitimate newspapers and periodicals, the Government would receive from it over $26,000,000 annually. The difference between $1,750,000, the amount received, and twenty-six millions represents the annual loss to the Government from the handling of this matter. That amount of money would deliver mail to every home in this Republic every day during the year. The channels for disseminating useful knowledge would be increased thereby a thousandfold, and with increased knowledge would come increased happiness and greater prosperity to all. [Applause.]

Mr. LOUD. I will ask the gentleman from Tennessee [Mr. MOON] if he desires to proceed now?

Mr. MOON. Mr. Speaker, the gentleman from Georgia [Mr. ADAMSON] desires that the circular be read to the House. I pass it to the Clerk for that purpose.

The Clerk read as follows:

Petition against the passage of the bill (H. R. 6071) relating to second-class mail matter.

Hon. W. C. ADAMSON,
House of Representatives, Washington, D. C.

DEAR SIR: I do most respectfully protest against the enactment of the above-entitled measure, for the following reasons, to wit:

1. It excludes from the mails as second-class mail matter all "books or reprints of books," by which is meant all paper-covered books issued periodically, which have done so much to popularize cheap and good literature among the masses of the people, placing the choicest works of literature and science within the reach of the humblest schoolboy, and according to our people an intellectual privilege such as was never enjoyed by the citizens of any other country. The bill, if enacted, will crush out of existence this class of periodicals most completely and effectually.

2. It excludes from the mails as second-class mail matter all "sample copies" of newspapers and periodicals, thus depriving all publications of one of the most valuable means not only of extending their circulations, but of securing new subscribers to take the places of those who die or drop out for various causes. It therefore will cause the general depletion of newspaper circulation by subscription.

3. It increases the rate of postage upon "returns" to news agents from 1 cent to 4 cents per pound, thus seriously crippling the circulation of that large class of periodicals that are sent out "on sale."

4. It permits the mailing of periodicals at the pound rate to subscribers only, and defines subscribers as those who "voluntarily order and pay or agree to pay for the same." Under this definition a person whose subscription has lapsed and has not been renewed is not a subscriber, and copies of a periodical sent to other than advance-paying subscribers could be excluded. This is a direct blow at the local country newspaper.

5. It requires publishers who are permitted to mail matter of the second class to separate the same, before mailing, into United States mail sacks or bundles by States, cities, towns, and counties, as the Postmaster-General may direct, thus forcing every publisher to establish in his office a miniature post-office and entailing great extra expense.

6. It will throw out of employment hundreds of thousands of working men and women engaged in the printing, paper-making, electrotyping, and allied trades, entailing distress and calamity the extent of which can hardly be estimated.

7. The advocates of the bill maintain that its purpose is to reduce the deficiency in the postal revenues. They claim that there is a heavy loss to the Government in the carriage of second-class matter. This claim is untenable, because whatever loss there may be upon the carriage of second-class matter is fully offset by the gain upon the carriage of the two profitable classes, the first and fourth, which are a direct outgrowth of the mailing of second-class matter. Every publisher receives large numbers of letters and mails large quantities of "premiums" (fourth-class matter) to his subscribers and club raisers, and almost every advertisement is a bid for correspondence by mail and the consequent mailing of merchandise in filling orders. There are other causes than the carriage of second-class mail matter to account for the annual deficiency in the postal revenues, which would still be operative should the bill become a law. How, then, could the enactment of this measure reduce the deficiency?

8. The real beneficiaries of the measure are the express companies. By cutting off competition with the postal service they would be enabled to increase their rates, and thus reap a rich harvest.

9. Lastly, it creates a virtual censorship of the press by giving to post-office officials the absolute right to determine what newspapers and periodicals shall have the advantage of the rates of second-class mail matter. It confers on the Post-Office the power to determine what is, and what is not, a periodical; and since there is not a single newspaper or magazine published in the United States which, in some issue, is not amenable to this authoritative discrimination against advertising, supplements, premiums, extra editions, and extra free matter, and which, therefore, may be relegated to mail matter of the third class, it literally places them at the mercy of any postmaster's mandate.

Hoping you will give the above objections to this bill the consideration to which you may deem them entitled, I am,

Very respectfully, yours,

S. H. CHRISTOPHER,
Publisher of Patriot, Buena Vista, Ga.

Mr. MOON. I yield now an hour to the gentleman from Ohio [Mr. LENTZ].

Mr. LENTZ. Mr. Speaker, if I understand the opposition to the postal laws and regulations as they now exist, and if I understand the purpose of the Loud bill now under discussion, it is to meet a deficit in the revenues of the Post-Office Department. In other words, the contention throughout the country, so far as I have been able to listen to it, is that there is a small difference between the revenues and the expenditures of the Post-Office Department. On the one hand it is contended that we must close up this gap; that we must make some kind of an experiment to do it, and do it now. Outside of the dollar-and-cent consideration there seems to remain nothing except the educational proposition.

Now, if we are to deal with this question first as a business proposition, the report from the Postmaster-General strikes me as an exceedingly peculiar one, coming to this House after the facts which have been adduced in the several discussions in the several Houses that have considered this question. The Postmaster-General says that in round figures this second-class matter, which he proposes shall be excluded, costs this Government twenty millions, or, using his own language as found on page 5 of his report, "It involves a sheer wanton waste of twenty millions or upward a year." Now, if that is true, then it might be a question for serious consideration. But, my friends, if $20,000,000 were the deficit in the Post-Office Department, it would not justify the exclusion of any matter that is now passing through the mails with which I am familiar.

Referring to another part of the Postmaster-General's report for the year last past, we find on page 911 a table of the business of the Post-Office Department from 1837 down to this hour. I find that since 1852 there has been only one year in which the figures do not show a deficit; and I find further that when the postal revenues were fifteen millions, sixteen millions, eighteen millions, nineteen millions, and twenty millions, the deficits were four millions, five millions, and six millions a year.

Now that the business has increased and the postal revenues are in the neighborhood of $100,000,000—five times as much—we are here to-day undertaking to make new rules and regulations with reference to second-class matter, with a deficit of only $6,000,000. Last year the deficit was nine millions, and the year before eleven millions.

Taking the Postmaster-General's figures as to the deficit, we have reduced the deficit about $2,000,000 a year with the postal system as now organized. Two years more and we would wipe out the deficit with the law standing as it is. Inasmuch as we have reduced the deficit from eleven millions to six millions in two years, may we not safely count on wiping out the deficit entirely in the next two years by leaving the law as it now stands

rather than by any tampering with it or by any patching up of legislation that may be done here in the next fifteen hours?

A deficit of only six millions! If the gentlemen contending here against the present law in reference to second-class matter insist on their figures, then the Postmaster-General will confound them by the figures on page 640 of his report, which are as follows: In order to save time I shall read the figures in millions. In 1895 we had 265,000,000 pounds of second-class matter. In 1896, 296,000,000 pounds. In 1897, 310,000,000 pounds. It was in 1897 that we had a deficit of $11,000,000. Now, if the second-class matter is the cause and producer of the deficit, what should be the case in 1898 as compared with 1897?

In 1898 we passed through the United States Post-Office 336,000,000 pounds of second-class matter, and the deficit dropped more than $2,000,000 a year. Yet the volume of second-class matter increased 26,000,000 pounds.

In 1899 the second-class matter reached the enormous figure of 352,000,000 pounds and the deficit dropped down to $6,000,000. The more second-class matter you are passing through the mails, if you are going to reason on figures, the less of a deficit you have, and if you will increase the second-class matter a few million pounds more, you will make the revenues meet the expenditures; and if you will add a few million pounds more of second-class matter, you will have revenue enough to be just and fair to the railway clerks, the postal clerks, and letter carriers, and increase their pay in proportion to the service they render and the risks and hardships they assume and endure.

Mr. LATIMER. I want to ask the gentleman, if it will not interfere with his remarks——

Mr. LENTZ. I yield to the gentleman from South Carolina.

Mr. LATIMER. If the Postmaster-General does not account for that in this way, that during the month that they weighed the mails there was not so much mail matter going through the mails, and that since that time there has been an increase, or, in other words, that the average of mail matter passing through the mails has been greater than it was during the month when they weighed the mails.

Mr. LENTZ. I will admit that the Postmaster-General accounts for it in some way, but that is not the only way. For instance, the Postmaster-General says that this $20,000,000 of a deficit due to second-class matter alone is because we are not charging 8 cents or 16 cents a pound. Now, so far as the Postmaster-General is concerned and the weighing up of mail is concerned, he knows and you and I know that the mail is weighed up for four years at a time. He knows and you and I know that the railroads have their contracts for this mail, and a part of it is now weighed for four years, a part of it for three, a part of it for two, and a part of it for one, and the railroads are not complaining of the weight. They are not here protesting against the weight. If you take this mail out, you will go on paying the railroads on the basis as the mail is now weighed for that length of time.

No; the Postmaster-General's figures will not meet the case. The Postmaster-General and the gentlemen here who figure with him make a mistake in their use of figures.

I want to turn now to page 26 of the Report of the Postmaster-General and call your attention to a mathematical demonstration that he is mistaken in his figures. What are the principal items of expenditure in the Post-Office Department?

First, the transportation of the mails on the railroads, $31,000,000. Out of a total expenditure of $101,000,000, we pay $31,000,000, or one-third, to the railroads.

What is the second item of large expenditure? Compensation of postmasters, $18,000,000. Can you change that by this bill?

What is the next? Free-delivery service, $13,000,000. Will you change that by this bill?

Compensation of clerks in post-offices, $11,000,000. Will you change that by this bill?

Compensation of railway post-office clerks, $8,000,000. Will you change that by this bill?

Transportation of mails on star routes, $5,000,000. Will you change that by this bill?

Will you dismiss the horses and wagons, the ponies and buggies that are used for that service?

Railway post-office car service, $4,000,000. Will you change that by this bill?

Transportation of foreign mails, one and one-half million dollars. Will you change that by this bill?

Rent, light, and fuel for first, second, and third class offices, one and one-half million dollars. Will you change that by this bill?

Now, gentlemen, I have read every item of expenditure that involves a million or more of dollars.

The next is mail messenger service, $900,000. Will you change that by this bill?

The next is manufacture of stamped envelopes, $500,000. Will you change that by this bill?

The next is transportation of the mails by regulation screen or other wagon service, $726,000.

The next is transportation of the mails on steamboats, $424,000.

Special-delivery service, $415,000.

Mail depredations and post-office inspectors, $406,000.

Every item below those I have read is only two or three hundred thousand dollars, and many of them sink down to less than a hundred thousand dollars and there are but few of them at that; while all of the large items of this $101,000,000 of expenditure will go on, even if you pass this law, and you are not saving a dollar in any one of the items that I have named. Now, sir, if you are arguing for this bill on the ground that it will save money to the Department, you will have to point out some other place than in any of the items mentioned in the report of the Postmaster-General. Tell me where, if you please, you can save it?

Mr. COWHERD. Will the gentleman yield for a question?

Mr. LENTZ. I yield to the gentleman from Missouri.

Mr. COWHERD. The gentleman says, if I understand him, that you will not save money because of the fact that there has been a weighing, and you will not change the weight for four years under the law. Is that the gentleman's argument?

Mr. LENTZ. I am not arguing that now. I have passed beyond that. I said that some of the mail is weighed for four years, some for three, and we will go on with our weighing each year, of course.

Mr. COWHERD. The question I want to ask the gentleman is, admitting the truth of the statement of the Postmaster-General, based upon the records of the Post-Office Department, that this bill will cut out of the mails as second-class matter 176,000,000 pounds now carried, if this bill had been passed last year just before this weighing, you would have changed it to the extent of $28,000,000?

Mr. LENTZ. Which do you favor—4 cents, 8 cents, or 16 cents for this class of matter?

Mr. COWHERD. I favor cutting out this second-class matter, not permitting the privilege as second-class matter to any mail except such as was intended under the law.

Mr. LENTZ. Then what rate must it pay? What rate will you put upon all of this that you cut out?

Mr. COWHERD. It will fall into the rate provided by law, and most of it will go as third-class matter.

Mr. LENTZ. That is 8 cents a pound.

Mr. COWHERD. Eight cents a pound.

Mr. LENTZ. That would be 7 cents additional.

Mr. COWHERD. On 175,000,000 pounds.

Mr. LENTZ. On 175,000,000 pounds, which is one-fourth of the mail. You do not change your compensation to postmasters, nor the light and heat of post-offices, nor the messenger service, nor the free-delivery service, nor the salaries of clerks. What you will change will be one-fourth of the $31,000,000 paid to railroads. That is the only place that you could save anything, if you absolutely eliminate it; but, on the other hand, if you do get your 7 cents in addition for that, according to the Postmaster-General's figures, it would be $12,000,000.

But would you get it? Would you get your 7 cents? Would you not cut the throats of many of the men who are now making a living sending this second-class matter through the mails? Would you not destroy many a little enterprise? Would you not cut off from the opportunity of building up a printing establishment every young man who wants to start to-morrow?

Mr. COWHERD. In answer to that, will the gentleman permit me?

Mr. LENTZ. I yield to the gentleman, although I can not yield very often.

Mr. COWHERD. Just this point. The gentleman says it would not save except that 7 cents. Has he taken the statement of the Postmaster-General that the average rate on third-class matter is 14¼ cents, for the reason that it does not go by the pound so much as second-class matter?

Mr. LENTZ. I take the figures of the Postmaster-General, but the figures that are more significant are his figures of $20,000,000. Now, if the naked figures of the Postmaster-General are to be taken, I concede that if you do that kind of figuring you can make big figures of an apparent deficit. But in spite of all the Postmaster-General says I do not agree with him on his figures, and, with the indulgence of the House, I propose to read a few figures which I prepared in connection with this bill when it was before this House at a previous session. It will not take long, and these are actual figures, and will show gentlemen here how this second-class matter brings first-class postage.

I have gathered together some actual figures from the experience of one of these journals that you call an advertising journal. I submit the figures of that journal for the months of October, November, and December, 1897. It paid in those three months for second-class postage $1,885. In answer to the matter which this journal sent out as second-class matter, and bearing the advertisements of many advertisers, there came to the office of the journal 162,000 replies, each bearing a 2-cent stamp, which in the aggregate carried to the United States Treasury $3,240.

In answer to these 162,000 letters there were sent from the magazine office 143,000 postal cards, paying to the Government $1,430; also 19,000 letters, each bearing a 2-cent stamp, and in the aggregate paying into the Treasury of the Government $380.

Among the 162,000 letters received there was an average of 110 each day carrying a registered stamp, or 880 registered letters in eighty days. Each of these paid an additional 8 cents to Uncle Sam, and the total receipts of Uncle Sam out of this registered mail were $704. These 162,000 letters which came into the magazine office required the sending out in premiums, in the shape of third and fourth class matter, material that paid Uncle Sam for postage $2,750. As a result of carrying that second-class matter for $1,885 in the first instance, $10,389 was paid into the Treasury in connection with the magazine office alone.

But this is not all. It is estimated that it costs an advertiser in this magazine 15 cents to get the public to write one letter inquiring about his goods or ordering the same. This same magazine received from its advertisers for these three months $15,300. The men who paid that $15,300 did not throw that money away; they paid that sum to get their names and their goods before the public. Now, taking the advertiser's estimate, that for each 15 cents expended in advertising he receives a letter from some one of the public, it follows that the $15,300 paid to this magazine for advertising during the same three months resulted in the public writing 102,000 letters to the advertisers making use of its columns, on each of which letters there must have been a 2-cent stamp.

Now, it is also estimated that the advertisers spend on the letters and circulars they send back to the public—some say 6 cents for every letter received and some say 5 cents; but we will take the least figure and say 5 cents. The men who answered the advertisements paid 2 cents and the advertisers 5 cents, which makes 7 cents for each letter received by them from the public. As a result of this correspondence between advertisers and the public, 7 cents for each 102,000 letters is turned into the Treasury of this Government, or an aggregate of $7,140, which, added to the $10,389 that was paid in connection with the magazine office, makes a grand total of $17,529; and if you allow but a small amount for postage stamps on the third and fourth class matter sent out by the advertisers the sum total will far exceed $18,000 as the result of carrying this second-class matter denominated "trash" for $1,885.

Many men in business transactions waste their time chasing the cent around the dollar, and yet never see the dollar. I do not want Uncle Sam to waste his time here chasing the cent around the dollar and never seeing the dollar in this transaction. How much did I say? More than $18,000 in round figures goes into the Government Treasury directly and indirectly on this one transaction, or $10 for $1 for permitting that kind of literature to go through its mails.

Mr. SNODGRASS. What is the gentleman reading from?

Mr. LENTZ. I was reading from figures I prepared in connection with this subject two years ago, and from the actual figures of a magazine printed at Chicago. It is taken from the figures given for that magazine for the months of October, November, and December in the year 1897; and in connection with that we find that such firms as Montgomery Ward & Co., or Sears, Roebuck & Co. paid into the National Treasury $297,000 of postage in one year on goods which they sent out from their great mercantile establishments, where you can buy anything from a needle to a thrashing machine.

Their business is all conducted by first, third, and fourth class postage, but it began through this second-class mail matter, and leads up to the first, third, and fourth class mail; and if this Congress should cut off this second-class mail, it would just be the same as if we should go down to the business houses on Pennsylvania avenue and take the signs off the fronts of their buildings and their names and advertisements out of the newspapers. It is a part of the great governmental system, giving an income of $65,000,000, which the Postmaster-General says comes as receipt for first-class postage, or, in other words, for the 2-cent stamps that are used by the people of this country $65,000,000 comes into the Treasury.

How do you get that? That $65,000,000 is not paid for by the fathers and brothers and mothers and sisters in writing back and forth to each other. That money comes largely from advertising; and I say to you the Postmaster-General's figures are wrong. He does not allow anything for what is done by this second-class matter. He does not account for it going out and bringing mail, 2-cent stamps, by the thousands and by the millions. He overlooks that proposition.

I see Lippincott lying here on one of the desks in front of me, or take the Review of Reviews, the Outlook, Harpers, Scribners, the Literary Digest, and other magazines, and I will venture the assertion that half of the members of this House when they open such a magazine turn to the advertisements and read them before they read the literary articles that are found between the covers.

Now, why do you, in reading the magazines, read the advertisements first? It is because the American public want to know what science, ingenuity, and invention are doing for our country; and when they find a good thing mentioned in these pages, they are writing to the manufacturer and saying, "I want more information than I can find in the Outlook, or the Literary Digest, in the New York Herald, the New York World, the New York Journal, the Washington Post, or the Star to-day on this subject." These inquiries produce first-class postage. This second-class matter is responsible, I think, for $35,000,000 of the first-class postage receipts.

Here are the Postmaster-General's figures. He says that this second-class matter brought in $3,527,000. My friends, according to the Postmaster-General's figures $3,500,000 was brought in in the first instance on the pound rate. I have demonstrated to you that by the actual doings and experience of one great magazine they get $10 into the Treasury of the United States for postage before a single transaction of the second-class mail matter is complete.

On the same basis, multiply the three and a half millions by ten and it gives you $35,000,000 to be credited to the work of the second-class mail. As a business proposition, gentlemen, cut off one-half of the second-class mail, and if it means anything, in round figures you will have cut off one-half of that postal revenue, which would be about seventeen and a half millions of dollars.

Further, the Postmaster-General has overlooked another thing in this preliminary pamphlet, in the first few introductory pages, and, of course, he could not put it all in there; but in the complete report, if you will turn to page 644 you will find that this objectionable second-class matter, this second-class matter that is put up by the carload, is really the least trouble to handle of any mail that goes over the country. Listen to his own statement:

> In regard to the "fully made-up sacks," the New York post-office shows the admirable increase of 2,834 sacks for June, 1899, over June, 1898. The following are good individual instances: One publication had 8,090 sacks, and only 113 mixed, or less than 2 per cent; one had 9,330 sacks, and only 230 mixed, or less than 3 per cent; one had 2,587 sacks, and only 103 mixed, or about 3 per cent; one had 350 sacks, and only 1 mixed.
>
> Chicago still keeps the lead among the largest cities in the matter of good work done by publishers, there being only 8 per cent of mixed (or unseparated) mail this year, as against 10.4 per cent of the same last year. In the case of one publication there were only 15 sacks of mixed, out of a total of 3,495 sacks; and in another instance only 47 sacks of mixed, out of a total of 8,588 sacks. In respect to this particular feature, however, Baltimore is pre-eminent among the largest post-offices, for its three largest publications having a total of 3,924 sacks, sent in no mixed at all.
>
> In Boston one publication sent in only 207 sacks of mixed out of a total of 5,105 sacks, or 4 per cent.
>
> Elgin, Ill., takes the highest rank in completeness, for one publication sent in 4,731 sacks, all "fully made up;" that is, so made up that it could go at once to the trains without any delay in the post-office of origin for distribution.
>
> In Utica, N. Y., one publication sent in 1,901 sacks, including only 10 mixed.
>
> In Toledo one publication sent in 1,759 sacks, including only 10 mixed.

Gentlemen, will you talk now about striking down the large publications that put the mail in their own sacks, that run a post-office, distributing every article that goes into the mail, those that go to one town in one sack and those that go to another town in another sack, leaving the post-office nothing to do but to carry it as freight? The manufacturers of literature, if you call them that, carry it to the train, carry on a post-office system of their own, distribute it without taking the time of the railway mail clerks or the clerks in the post-office whence they send it, and almost without taking the time of the clerks in the post-office whither they send it.

I remember that the gentleman from Pennsylvania [Mr. BINGHAM], who knows a good deal about post-offices, because he has held the position of chairman of the Post-Office Committee for a good many years, figured the cost of the publications put in the mail in sacks and delivered to the train prepared so that the clerks of the Government did not have to handle it, he figured that it only cost the Government 4 cents, notwithstanding the high rate of 8 cents a pound the Government was then paying to the railroads.

Let us be fair about this. Fair to whom? Fair to the 80,000,000 of American people, fair to their intelligence, fair to the principles of this postal law. Was it devised as a money-making institution?

Mr. LATIMER. Will the gentleman allow me an interruption right there?

Mr. LENTZ. Certainly.

Mr. LATIMER. The gentleman says that we ought to be fair to the American people in dealing with this question, and I agree with him. There are a lot of publications on the gentleman's desk that go through as second-class matter.

Mr. LENTZ. Yes.

Mr. LATIMER. Now, if they had leather backs or were bound in cloth, they would not be allowed as second-class mail matter.

Mr. LENTZ. They would not.

Mr. LATIMER. Then why discriminate against the American people as between a paper-covered book and a cloth-bound book?

Mr. LENTZ. I will tell you. Beside the Bonnie Briar Bush [holding the book up in his hand] can be bought in that form, and have it delivered to the most remote schoolhouse in South

Carolina or Texas or California for 15 cents. The boys and girls who have heard of the Bonnie Briar Bush and want to read it ought to have it at the cheapest opportunity in the world. There are people who are willing to pay for handsomely bound books, and they can have their choice.

The Government has instituted this great university system, using this mail service, so that when a man wants to read the Merchant of Venice, if he will take it in paper, I think we ought almost to carry it to his door and beg him to read it, for God's sake, because every man who reads the Merchant of Venice is a better man morally as well as intellectually. [Applause.] When a boy out in Ohio wants Evangeline, he can get it now for 15 cents, brought to his very home. I could not have got it in my boyhood days for less than a dollar.

I say that the Government ought to do this and not talk about deficits. You and I ought to vote for it. Call this magnificent Library of Congress a deficit if you please! Every day it is a deficit to the man without a soul, except the mercenary soul; every hour it is a deficit to him; it is a continuing deficit to the sordid, with its six millions of cost at the outset for the building and hundreds of thousands of dollars of annual expenditures for books and employees. But, gentlemen, it is not a deficit except, possibly, to the man who can not read or write his own name. He is the only man who should call it a deficit, and I suspect even he will have common sense enough to appreciate the advantage of having educated men around him.

Mr. LATIMER. Now, let me——

Mr. LENTZ. I want to answer your question. The Deserted Village, by Goldsmith [holding it up]; is that causing a deficit? Why does any State in this nation spend thousands and millions of dollars furnishing free schools to every boy and girl in the land? It is not because it is creating a deficit, it is because it is building manhood and lifting up its girls to womanhood to make this the greatest Republic on earth. [Applause.] The Gettysburg speech of Abraham Lincoln, and Essays on Lincoln, by Lowell [holding them up]. These are not creating a deficit; it is producing a larger return to the American Republic than any other enterprise the Government is engaged in.

Mr. LATIMER. Let me ask the gentleman what would be the difference in cost in carrying these books at the third-class rates?

Mr. LENTZ. I do not want it to go through at third-class rates, with an additional cost of 7 cents to the boy struggling to raise his first 15 cents.

Mr. LATIMER. The gentleman is not stating it correctly. The gentleman from Georgia [Mr. GRIGGS] said that it would take four or five of these books to weigh a pound, and it would only make an additional cost of three-quarters of a cent for each book.

Mr. LENTZ. The gentleman from South Carolina will pardon me, my time is running on. I have a number of things to say and can not yield.

Mr. RICHARDSON. Charles Dickens's works in 12 volumes can be had for 50 cents—about 4 cents a volume.

Mr. LENTZ. Yes; there are cheaper publications than those I have mentioned. Here is a Child's History of England, which the boys and girls anywhere in this land can have the privilege of reading, and have it brought to their homes for 25 cents. It is true the Government is carrying it at the rate of a cent a pound; but the boy or the girl in ordering it had to use a 2-cent stamp, and the transaction is completed for 4 cents; that is all it costs the Government, according to the gentleman from Pennsylvania [Mr. BINGHAM].

Let me name other works—Lorna Doone; Ivanhoe; the Poems of William Cullen Bryant; the Book of Golden Deeds, by Charlotte M. Yonge; Reveries of a Bachelor; The Vicar of Wakefield; The Last Days of Pompeii; the Great Debate of Webster and Hayne; Democracy and Other Papers, by James Russell Lowell; Conciliation with the Colonies, by Edmund Burke; Abraham Lincoln, by Carl Schurz; Rules of Conduct, by George Washington; Rip Van Winkle; George Washington: A Historical Biography. [Applause.] Sir, I would be ashamed to have any of the boys or girls of America know that I had registered a vote here against their receiving this literature at the rate of 1 cent a pound.

In 1845 this Government launched out on the policy of carrying county papers to the county boundaries free of charge. Why? To promote reading, to develop the brain and the heart. No such miserable, picayunish consideration as the question of a few millions of deficit entered into the mind of Congress at that time.

Let me tell you something about deficits. The War Department of this country will send in a bill of about $125,000,000; I will not call it a deficit. The Navy Department will send in a bill asking for about $65,000,000; I will not call it a deficit. The Agricultural Department will send in its bill for a large appropriation; I will not call it a deficit. The appropriation bill in due time will carry items for salaries of clerks and other officers of this Congress; I will not call it a deficit. But in fact, according to the theory of gentlemen who are supporting this bill, the Government is doing nothing but creating deficits.

The principal object of the postal system of the United States is educational; and I am not going to quibble about a deficit of five or six million dollars, as gentlemen call it. It is not a deficit. If the Government would pay for its franked matter the regular postage rate, there would not be any deficit.

Postmaster-General Wilson or Postmaster-General Bissell—I have forgotten which—made that statement in one of his reports, i. e., if the Government paid for the matter that goes through the mail under frank and then again would pay out of the Treasury to the men that sent that matter franked the amount of the postage, the two accounts would about equalize and there would be no deficit. In round numbers, the Government is now carrying on a postal system that is self-sustaining.

It has been hinted here that railway clerks and post-office clerks and letter carriers will require additional appropriations. I shall vote for them and say, "God speed those appropriations." These clerks and carriers are not creators of deficits. Call them rather by their proper names. They are a part of our educational system—a part of the greatest American university—our postal system. [Applause.]

I am not going to stand here with the bugaboo on the outside of the window about additional expense, payments for additional service, and better service. You can not make this postal system too good, you can not make it too cheap to the reading public, nor can you afford to be niggardly with the men who perform the service, risking their lives and health on trains and in all kinds of weather.

Now, gentlemen, a pamphlet like this [illustrating] can not, of course, under this proposed law go through the mails as second-class matter. I wish that this kind of material could be sent through the mails free of charge. It ought to go at pound rates. Let any gentleman look at it. There is not in my judgment any matter of this kind that is decent—and none goes through the mails now that is not pretty carefully looked after by the gentlemen in charge of that business—that ought not to go through at the pound rates.

Here is another work [holding it up], Snow Bound, Songs of Labor, and other poems by J. G. Whittier. Here is a poem that was written at a time when this Government had $11,000,000 deficit in its postal system, but nobody raised any cry to stop that deficit or argued that you should stop sending newspapers from the county seat to the county boundary free of postage. It was a time when the question of human liberty was at stake, and these works of Whittier were sent out as they ought to be sent out now throughout the land. Let me read you a few lines from one of these poems:

While there's a grief to seek redress,
Or balance to adjust,
Where weighs our living manhood less
Than Mammon's vilest dust,—
While there's a right to need my vote,
A wrong to sweep away,
Up! clouted knee and ragged coat!
A man's a man to-day!

I want the boys and girls of the United States to get this literature.

And, sir, if men are willing to buy paper at the price fixed by a trust, if they are willing to buy printers' ink at the price fixed by a trust, if they are willing to buy type at the price fixed by the type trust, if they are willing to prepare decent poems and happy stories and put them into the post-office, they must get their pay somehow, even if they donate their publications to the people of the country. How would they do it? In only one way. John Smith, who advertises his buggy or his automobile or his thrashing machine in that journal expects somebody to write him a letter.

That is the way they communicate, and it is in that way alone that these people can keep up this second-class matter. They can not buy the paper and ink and type, they can not hire the labor, they can not produce the publications unless men are using 2-cent postage stamps, writing to the men who put their names in the papers advertising the goods they manufacture, and it is in that very way, my friends, that we have produced the higher intelligence, that we have produced the higher class of skilled labor in this country, because we have got thousands of people who are reading papers and magazines now who would not read them at all under the old-fashioned system of paying four or five dollars a year for a magazine.

I want to say another thing, gentlemen. While you are passing this law you had better look over the Canadian line, and you will find that they can send out their second-class mail matter at half a cent a pound, and you will find that we have an arrangement with them by which we will accept their mail and carry it throughout our country.

In addition to that, you will find that a man can take a printing press and leave New York City, or Bangor, Me., or Augusta, or

Boston, and go over to Montreal or Toronto and establish a publication office there, and under the laws and rules that now obtain between the two countries he can produce his paper at a cost of at least a cent a pound less than it costs him to produce it in this country, with a trust in control of the white paper; and a cent a pound means a good deal, because, taking the average newspapers that go through the mails of this country, it takes only eight of them to make a pound. It means something in the price of the publication, and they can mail it from Toronto. They can do their advertising from that point just as well as from Cincinnati or St. Louis.

Why should we now deprive the great American Republic of a postage rate at least as favorable as that of Canada? They, with their five or six million people, find it profitable to carry second-class matter at half a cent a pound. No, gentlemen; if you will investigate this question, I think you will agree with me, that if anything ought to be done as a good business proposition, it would be to reduce the rate from a cent to half a cent, rather than to multiply it by four.

But there is one feature about this bill of exceeding great injustice, and that is to charge the man who has no paper established a rate four times as high as you charge a man who has got a hundred thousand subscribers. On the theory that these men have been getting the benefit of the mails at less than it costs the Government, you have loaned the Treasury of the United States to the great journals and magazines to build themselves up with a hundred thousand or two hundred thousand or three hundred thousand or five hundred thousand subscribers.

Now consider the young man who can not get into the nail business, nor the sugar business, nor the glass business, nor the pottery business, nor any other business of the two hundred monopolized by the trusts; let him say, "I will try to run a little paper." What can he do? He has no subscription list. How will he start his paper? Do you want him to go around town or travel through the country after he has printed a copy of his paper and deliver it from house to house, and read it to the people? You know that is absurd. But if he sends it out through the mail, you would make him pay four times as much in his effort to get started in business as you make the man pay who has got a hundred thousand subscribers.

Why should not that effort of a young man be encouraged by giving him exactly the same postage rate that we gave the man who has built up an establishment worth a million dollars? Why not still further encourage the dissemination and distribution of literature?

Now, I have heard some urge that these books are mere reprints. Why, there are hundreds of thousands of boys and girls in the United States who, when they read Milton's Paradise Lost tomorrow, in this kind of cheap literature, will find it to be news to them. It will be the first time they ever heard of it.

There are millions of boys and girls in the United States who, when they pick up the Rules of Conduct of George Washington for the first time and read them will consider them as news.

News! Is it not more important for a boy of 14, 15, or 16, to have this little book come into his hands, than any magazine or any newspaper in the United States? You propose to shut out Evangeline. You propose to cut off Mr. Longfellow and let some short fellow in literary ability take his place. [Applause and laughter.]

Now, for the life of me I have never been able yet to find out why we are constantly taking three or four days in each session of Congress to discuss a bill to curtail the rights of second-class mail matter. I think it has been demonstrated by a dozen different men on the floor of this House each time this matter has been discussed, that the second-class mail is the producer, or, if you please, is the advance agent for the 2-cent stamp. It is the little thread that draws the string that draws the rope that draws the cable of the $85,000,000 of postal revenue. I beg of you do not cut down this system.

I do not stand alone in my judgment. Fortunately for this House and for the country, it occasionally happens that we have bills which are not partisan, bills upon which we can certainly agree on great fundamental principles. Here, for instance, is a gentleman who sends in his protest, Mr. Henry A. Reinhard, who is the manager and the president of the Westbote, the largest German paper published in Columbus, Ohio, a Democratic paper.

Almost at the same time with his letter came a letter from Hon. Leo Hirsch, proprietor of the Columbus Express, the most influential German Republican paper in central Ohio. Here, in addition to that, comes another letter from Carl G. Jahn, publisher of the Weekly Law Bulletin, the only weekly summary of the decisions of the courts of the State of Ohio below the supreme court.

In addition to that Dr. C. O. Probst, secretary of the Ohio medical board and in charge of the State board of health, sends in his protest against interfering with the Ohio Sanitary Bulletin. He is not alone, however, in that. Dr. J. U. Barnhill, publisher of the Columbus Medical Journal, is opposed to any change in the law. The editor and manager of the American Insurance Journal puts in his protest. The Columbus Secret Society Publishing Company, of Columbus, publishing journals for Masons, Knights of Pythias, Odd Fellows, and others, sends in their protest.

The Massey Business College and the Parsons Business College, of Columbus, Ohio, and the Commercial College, of Lancaster, three different business colleges, send in their protests. These men are not ignorant of the postal laws. They are the best informed men on the postal laws in the country. They publish your paper and my paper, they publish the paper of every school and every doctrine. They are all against tampering with the law.

Why not listen to the combined judgment of these men? I heard a gentleman say, "Well, were not some of these petitions printed or sent in on blanks?" I answer that in the Roberts case we had millions of petitions sent in on blanks. You scarcely ever get them in any other way.

Somebody is interested in shutting off this second-class matter. Who is it? I want to make this statement. I will not undertake to say who are interested in reducing the privileges of second-class matter, but, as you know, second-class matter has its limitations. You can not publish a daily paper in New York for the people of Chicago. The space limit of a thousand miles, with the telegraph competing between the two, prevents the average daily paper from going more than four or five hundred miles from home. It is the rare, stray exception when a daily paper runs out a thousand miles across the continent.

The time limit in the railway service reduces the daily papers of the country to certain great centers of population, and beyond that they can not hope nor expect to go. But in the 30, 40, 50, or 60 pages of their Sunday issues they are furnishing libraries, they are furnishing reproductions of encyclopedias. They are not producing original matter, they are not furnishing the people with news, but all of these great journals will go on with their Sunday issues and Sunday editions. You do not propose to reach the evil by this legislation. You are tampering and meddling with the law and you will make a botch of it.

I think I have never made a prophecy on the floor of this House, but I am perfectly willing to go upon record as saying that if you put a law on the books here that will reduce your second-class matter from 350,000,000 pounds to 150,000,000 pounds you will have a deficit of $20,000,000 the very first year that you reduce it, provided the railroads or somebody else does not make it up in some way. But unless you cut down the railroad transportation at the same time, you mark my words, you will have a deficit four times as large as you have now.

I want to read a letter from a banker in Chicago with reference to the engineer sent here from England to find why and how the United States could build a bridge more quickly than the English could for the English Government, and at less cost. That is one of the most significant, one of the most important, facts, and every citizen of the United States ought to know it:

CHICAGO, ILL., *March 17, 1900.*

Hon. JOHN J. LENTZ, *Washington, D. C.*

DEAR SIR: With reference to the report of the engineer sent by English manufacturers to the United States to investigate how it was possible for bridge builders in this country to not only construct the Atbara River bridge quicker, but at a less price per ton, than the English bridge builders, I would state that I am in possession of a portion of that report, which I am sure is a great credit to our American labor; also the institutions which have produced this condition.

The engineer reported to those who sent him that the bridge had been built, not only in six weeks, the time specified, but also at a profit, and that it was possible and due to "the intelligence of the American laborer," who worked his head and hands together. In investigating the habits, customs, and homes of the American mechanic and laborer he found that in the homes of 210 men employed in this bridge work there were received during the week 337 different daily, weekly, and monthly publications, either free or subscribed for, while the same number of employees engaged at similar work in England took 32 publications.

Yours, truly,

H. A. HAUGAN,
President State Bank of Chicago.

He was told in person by the individual who was sent here to make this investigation that our men are reading 337 journals, weeklies and magazines, and their men, of the same number, were reading 32. Our men produced a bridge for England in Egpyt at less cost and in less time than those of England could, and the engineer's confidential report was that it was because of the intelligence of the American laborer. Keep up this educational system, gentlemen; go on with the high school and university in connection with your postal service.

Why, you have the Chautauqua Society, which has been a benefactor to hundreds and hundreds of thousands of men and women in this country. Mix this question in any way you please. Talk about this on the financial side, and it is bad policy to change the laws as they now stand. Talk about it on the educational side, and it is criminal to change the law and cut down the right of second-class mail of the post-office system of the United States. [Loud applause.]

You have put barriers enough in spite of yourselves in the way of people who are anxious to read by allowing the paper trust to have the benefit of the tariff on paper, and instead of reducing

postal facilities you should be increasing the postal rights of the people. The postal privileges are about the only advantages that come to the masses from the National Government, and I want you to let the boys and girls have these books. Let them have these art works. I would like to see that magazine entitled "Masters in Art" go through the mails free. They are as handsome as any man wants. They are reproductions of the great art works of the world. You can get one of those for 15 cents.

Why would it not be a magnificent educational department to carry that into every home of the United States? Why not give the people of this country such literature as that and such art as that without taxing it out of the mails? Why put an additional price upon it? I am against it, and I believe every gentleman who will release himself from chasing a cent around the dollar and looking to the dollar of intelligence and the dollar of character, that go to make American life will vote against this bill.

Your arguments remind me of the old story of the man who had some rats in his barn, and in order to get rid of the rats he set the barn on fire. He succeeded in getting rid of the rats, but he got rid of the barn too. It is poor policy to undertake to reduce the educational department of this Government to a mere mercenary establishment in an effort to save $6,000,000 deficit which is not a deficit. Why not call the Government Printing Office a deficit? That would be just as reasonable. Every other Department has a deficit.

There is the Pension Department, with $145,000,000 that some would call a deficit. This is one of the best possible expenditures the people have made, and I shall not call the pension expenditure a deficit, but when it comes to a few dollars difference between the revenue and the expenditure in this one educational department of the postal system you come in and talk about a deficit. I want the system kept as it is. I want the privilege extended.

I want to encourage young men to start printing offices and start all kinds of publications and promulgate their theories and thoughts to the world. It will do more for this country than your military appropriations will do; it will do more for the country than the naval appropriations will do; it will do more for this country than the appropriations for seeds and documents or for horse books and cattle books. If one or the other is to be curtailed, if we are to save a little money here or there, save it in the War Department or anywhere else rather than take from the American people the privilege of reading what now go to their homes as second-class matter. [Loud applause.]

Mr. LOUD. I yield to the gentleman from Iowa thirty minutes.

Mr. McPHERSON. Mr. Speaker, as one of the committee that favorably reported this bill, it will be my purpose to now try and bring the House back to the consideration of the measure upon its merits. There will be no member of this House who investigates this bill, having the courage of his convictions, who will not give it an affirmative vote. This is strong language, but true. My regret is that this House is so slimly attended. I have been impressed, during the short time of my membership in this body, that one of the principal industries on both sides of this House is for members to spend their time upon the sofas in the committee rooms, in the cock lofts or cellar of this building and then come in when great measures are to be voted on, and with captious objections, thinking they are playing to the back seats and their constituencies at home, help defeat a measure of great merit.

I listened upon yesterday to a member of the committee, the gentleman from Arkansas [Mr. LITTLE]; I listened to the gentleman from South Carolina [Mr. STOKES]; I listened to the gentleman from Ohio [Mr. BROWN] yesterday, and now I have listened to a great deal of noise for the last fifty minutes from another gentleman from Ohio [Mr. LENTZ]. Those who oppose this bill remind me of the condition of mind that a candidate for a judgeship in my State once occupied.

A colleague of mine now occupying a seat on this floor was found to be earnestly supporting the candidate, and when interrogated as to why he was giving him such earnest and cordial support, the gentleman, who is now a member of this House, replied that he thought the man would be eminently fair when he became a judge, because he would have no preconceived notions of the law. [Laughter.]

These gentlemen have been eminently fair, and especially has the gentleman from the capital city district of Ohio, who has just taken his seat, because he has no preconceived notions of this bill. [Laughter.] Why all his turmoil and noise in opposition to this bill?

Now, I am going to spend my thirty minutes with reference to the bill, and see what it is, and see how flimsy the objections thereto may be. Everybody wants to wipe out this deficit. Nobody claims that it can be done, but by one or both of two ways. One is to cut down compensation to the railways, a matter that is now under investigation by the postal commission, as I understand it, and the other is to get rid of this great load that is dragging the Department to death under the privileges of second-class mail matter. We are, by this bill, seeking to cure one of these evils.

Mr. VANDIVER. Will the gentleman permit me?

Mr. McPHERSON. Yes.

Mr. VANDIVER. Which one of these methods would you adopt?

Mr. McPHERSON. Either or both if an evil, and not growl at everything that is offered. [Laughter.] I would go to the bottom of this thing, and eradicate the root of all these evils, instead of standing around whining and complaining at every legitimate effort that is made to correct these great abuses that now exist in the postal system of this country.

Now, what is this bill? A little bill of four and a half pages with reference to second-class mail matter. The first section provides, in substance, for a law precisely as it has been for years and is to be reenacted, excepting with reference to the reprinting of books, on which the gentleman from Ohio [Mr. LENTZ] has talked so loudly and to which I will come back after a little while. The second section is now existing law, excepting that it denies news agents the return privileges at the pound rate of 1 cent. The third section limits the issue of sample copies, a matter to which I will allude later. The fourth section provides for taking through the mails the magazines and literature of fraternal society organizations, and the fifth reenacts that these publications must be issued at least four times a year.

The sixth section provides that the proprietor publishing these papers, to have these privileges, must separate them before taking them to the post-office, and not, as represented by the gentleman who has just taken his seat [Mr. LENTZ], that the publishers become a part of the postal system and must take them to the railway train. To be plain about it, and yet brief, there is not a word of truth in the statement as set forth by way of objection to that section in this bill. The remaining section is a repealing clause, to which I need not make reference.

Now, that is the bill about which there is so much complaint. This is the bill about which we hear so much that the deficit must be wiped out by resorting to something else. When the roll comes to be called after the postal commission has made its report, some of the same gentlemen will be making complaint because this second-class matter is not wiped out.

My time is exceedingly limited. I can not discuss all these propositions that I have briefly outlined as covered by this bill. But one of the objections is made pretendedly on behalf of the country newspapers. I challenged the gentleman from South Carolina [Mr. STOKES] yesterday afternoon, and I offered him thirty minutes of my time if he would explain wherein the country newspaper is damaged to the extent of five cents in twelve months.

The gentleman from Ohio [Mr. BROWN] took up the challenge, and said he would explain it. It has not been explained, and can not be. Gentlemen finally take refuge in the subterfuge that this bill hits those country newspapers in the provision with reference to sample copies. Sir, not one time in a thousand issues does any country newspaper ever issue an excess of 500 copies. If some gentleman wants a political speech printed by the thousands and tens of thousands, let him pay for it.

If some Chautauquan assembly or agricultural society or Barnum's show or something else wants a special edition, let them pay for it. It has been already agreed by the Post-Office Committee that the number of sample copies shall be raised by an amendment from 500 to 2,000, which will be offered by the gentleman from Missouri. The exchange list of these papers is left under this bill precisely as it has been for years and years of time. The free distribution through the mails in the county is left precisely as it has been for years and years of time.

Recurring to the question which I asked yesterday, I ask that some man who may follow me shall show wherein the country paper is to be harmed by this bill. Some of the publishers of such papers have sent in petitions asking for the defeat of the Loud bill; but no one of them who has seen the Loud bill has ever made complaint. The gentleman from Maine [Mr. LITTLEFIELD] a few hours ago handed me a couple of letters which he had received, and I want to read them. The first is as follows:

OFFICE OF THE DAMARISCOTTA HERALD,
G. W. SINGER, PUBLISHER,
Damariscotta, Me., March 13, 1900.

DEAR SIR: A careful examination of the "Loud bill," so called, convinces me that its provisions would, if enforced, come near ruining me. As I am conducting a perfectly legitimate business, I protest against being ruined to gratify Loud's desire to give his name to a law.

I beg of you to use all means in your power to kill the Loud bill.

Very truly, yours,

G. W. SINGER.

Hon. C. E. LITTLEFIELD,
Washington, D. C.

The gentleman from Maine [Mr. LITTLEFIELD] tells me that he sent this gentleman a copy of the bill and asked him to define specifically the objections he found to it. Thereupon comes back a letter from the same gentleman. It is dated at the same place, Damariscotta, March 19. The other time it was addressed to

"Honorable C. E. LITTLEFIELD." Now the address is changed to "Dear Mr. LITTLEFIELD." The letter reads as follows:

Thank you for your prompt reply and for copy of the Loud bill.
I see nothing objectionable in the bill as it now appears. Indeed, I can see where it may help the country publisher.
Very truly, yours, GEORGE W. SINGER.

Such is the experience of every member of the House who has received letters objecting to this bill—at least it is my experience. When a publisher protests against the Loud bill, furnish him a copy of the bill, and then he is for it. Why? Because there is no additional burden put upon them. On the other hand, there are a great many benefits given them.

These advertising mediums in the East flood the country and take away from the country paper that which legitimately belongs to it. Do you suppose that these advertisers, if we cut off their spurious papers, will not go to the country paper for their advertising? Why, sir, the $3 Douglas shoe will be advertised one way or another; the Fedora hat will be advertised one way or another; the Lydia Pinkham pink pills for pale men will be advertised some way or another; because barefooted men and baldheaded men and pale men are going to be looked after through some medium or other; and the advertising will go on somehow or other. If we cut off these fellows who issue those advertising sheets, they will go to the country newspapers, where such advertising belongs, and it will redound largely to the benefit of the country paper.

I am a friend of the country paper. If I have to take my choice between the country paper and the city daily, I stand every time for the country paper. It is the city daily that creates the clamor, but it is the country paper which creates a decent public opinion. Within less than two weeks I went to two gentlemen who have the privileges of the press gallery of this House, telegraphic correspondents of two of the great city dailies of this country.

It was shortly after the close of the great debate recently held in this House. I told them that I was a daily reader of the papers for which they corresponded and that I was not surprised to see that in the editorial columns the truth was never told with reference to the measure, but I said "I am amazed that your daily telegraphic correspondence does not occasionally state a truth." The answer was, "We are under instructions; and if we violate our instructions, our dispatches are edited after they are received at the home office of the great city dailies."

It was the country paper that stood by all our great men and all the great measures that have ever passed through this House. In 1858 and 1860 it was the great city dailies that demanded the nomination of somebody else other than Abraham Lincoln. It was the country papers that stood by him when he made the great fight of this century for the principle that Congress could legislate over its Territories as it pleased, governed and controlled by the conscience of this great nation. It was the country papers that stood by Abraham Lincoln when he defied Chief Justice Taney, the author of the Dred Scott decision, when Mr. Lincoln suspended the writ of habeas corpus.

The country paper has been an educator greater than many of the books that the gentleman from Ohio [Mr. LENTZ] has been recently holding aloft in his hand. I remember that thirty-five years ago one-half of the people of this country denounced Abraham Lincoln as a buffoon, as a blackguard, as a teller of vulgar stories. Later, when he undertook to suspend the writ of habeas corpus, they denounced him as a tyrant But the people, through these agencies, have been educated until to-day the same men who then denounced him are all united in their loud praises of the name of Abraham Lincoln in all of his teachings, save and excepting the one to which I have made reference; and in less than five years from to-day they, too, will be filing affidavits that they themselves for a lifetime have been supporters of that great principle.

I am in favor of the educational influences of the country paper, and the Loud bill does not harm them. It benefits them.

The country paper may, and often is for a time, deceived by the great daily papers of the large cities, as they, on the Puerto Rican matter, have been deceived. The country papers are slow to act, but when they do act the country papers are, more than any other agency, the school and church alone excepted, that which forms a public opinion by which the country stands.

But my friend from Ohio [Mr. LENTZ] says that these news agents are being harmed. What is there in all that? The great daily papers and magazines go out to the news agents at a cent a pound. They ask for the return privilege at a cent a pound, and why? Not because the papers are of use after they are returned. It is because the great publishers suspect that the news agents in a distant town are dishonest or may become dishonest, and they want a check upon those news agents.

The news agent orders a hundred copies of a certain paper and sells but 75. He reports that he has 25 left on hand. The publisher doubts him, believes he is dishonest, and you gentlemen who oppose this bill ask this great Government of ours to transport those papers back at a cent a pound in order to furnish proof that the news agent is not dishonest with the publisher. That is all there is in it, and it is all that can be said about it. The American News Company to-day is one of the principal lobbyists against this bill. From that organization, more than any other concern, objections find lodgment against this just measure.

Another gentleman says we ought to have the bulletins of the State boards of health go through the mails at the pound rate. It is a small matter, and personally I care nothing about it. It is a thing that can be segregated and covered by an amendment if one should be desired. But I suggest that while you are doing that in order to help out the States, why not give the franking privilege to every county and State officer, so that this Government can show its generosity to all of these States?

Now, a great deal is said about these colleges and these books, and I can only speak briefly about them. Take Yale and Harvard and Princeton and Ann Arbor and the other great colleges of this country; they do not seek to put these matters through the mail at second-class rates, because it involves perjury and the perpetration of crime under existing laws to do it. It is the unsophisticated and the deceived, who imagine that they ought to have this right, who are here complaining.

We are not striking down a single privilege which these colleges legally possess to-day. Yet they have been prevailed upon by these lobby influences to flood the membership of this House with all kinds of petitions and memorials. If they are publications having subscribers and published at least quarterly they go through the mails now at second-class rates, and in the county of publication they go free of charge. If out of the county they go at the pound rate, and sample copies at the same rate. There is no merit in the contention of any gentleman who imagines that he is reflecting the sentiment of a college of his district to make opposition to this bill.

Now, just a few words with reference to the publications of Houghton, Mifflin & Co. The books of that concern were thrown around our committee room by a most excellent gentleman, Mr. Wheeler, not for any impure purpose, but for the purpose of convincing us of the merits of those publications, as though we needed to be convinced. What is the truth about it, as contradistinguished from the statements made by the gentleman from the capital city district of Ohio [Mr. LENTZ]?

To-day in all of his heartburnings and tears and pathos for the boy whom he wishes to have read these little classics, if you order one of them, what does it cost to go through the mail? If they are ordered in large quantity by a news dealer or a local bookstore this bill will change the rate to 8 cents a pound, a difference of seven-eighths of 1 cent per book. Do you suppose Houghton, Mifflin & Co. are going to stop this publication because of a difference of seven-eighths of a cent per book?

If a single book is ordered, it goes through the mails at this time under existing law at the same rate as provided for under the pending bill. The truth is that these little paper-back books cost about 3 cents each and are sold at 15 cents. But the real reason for their publication is as an advertisement for the great and most reputable house of Houghton, Mifflin & Co. Not that it purports to be an advertisement, but it is done to keep the name of the house before the public.

There is nothing in it, excepting these arguments that we all delight to hear about doing these things that help the boys and the girls of the country. I wish to heaven that some of the books left in our committee room could be circulated everywhere. One mentioned by the gentleman from Ohio a while ago, the great debate of Daniel Webster upon the Constitution, is a book that I wish was not only in the hands of every boy in this country, but in the hands of every Democratic Congressman and of six Republican members of this House. [Applause and laughter.]

Along with that I will agree that they may import into Iowa its twin or companion book, the great argument of John C. Calhoun, upon the same great question. Seven-eighths of a cent per book, when sent at wholesale, is the difference between the Loud bill and the present law, and there is no difference in the world between the existing law and the Loud bill if a single copy of the book is sent. Yet we hear all this noise and all this fuss about the iniquities of the Loud bill as striking down from the boys and girls of this country the reading matter to which they are entitled.

I can not spend much more time upon this; but the gentleman who just preceded me says that he is glad there is no partisanship in this bill. Strictly construed, the gentleman is right; but construed in another way, he is mistaken if he thinks there is no politics in this bill. There are not six members upon this floor but who have said and have written letters stating that they are going to help reclassify the railway mail clerks; that they are going to give relief to the post-office clerks; that they are going to give relief to the letter carriers, and, above all things, to the substitute letter carriers.

But, gentlemen, if this deficit is not stopped by the passage of

this or some similar measure, then the contention is going to be made by these same gentlemen that they can not keep their promises because the deficit is already too large, and we can not strain the credit of the Government further. They may think there is no politics in this. These boys who are organized, and they have your promises now in their hip pockets, will take the scalps of some of you gentlemen who think there is no politics in this, if the expenditures of the Post-Office Department are not reduced so that these great reliefs can be given.

Mr. HILL. Can you not save enough on this bill to give rural free delivery all over the United States?

Mr. McPHERSON. I was just going to add that. I am talking now to gentlemen who live in the cities, but you go to the country where they want rural free delivery, and more can be saved by the passage of this bill than it will cost to take the letters up to the front doorstep of every farmer in the United States who lives east of the Rocky Mountains, and on the coast west of the same range. You say there is no politics in this bill, that economy in Government expenditures, cutting off these extravagances so that the needful things can be done, may not be politics, in the estimation of some of you gentlemen in the month of March, but you will sing a different tune in the month of November.

The boys insist upon this, but they are fair and they are honorable. They do not want these things until the Government is able to carry them out. If we get rid of an expense of six, twelve, or twenty million of dollars, as the Postmaster-General seems to think we can, then these reliefs and these benefits can be accorded. I earnestly and sincerely hope for the passage of this bill, with the amendment that is to be offered, as I understand it, by the gentleman from Missouri [Mr. CLARK]. [Applause.]

[Here the hammer fell.]

Mr. LOUD. I yield fifteen minutes to the gentleman from Texas [Mr. BURKE].

Mr. BURKE of Texas. Mr. Speaker, since I have been a member of this House I have never heard as much discussion over a measure which deserved as little as the measure now before this House. Why, sir, to hear some of the gentlemen who have indulged in this discussion to-day, one would imagine that the issue of life and death to this Republic hung upon the decision of this House upon the question now before us.

Mr. Speaker, I have cast many votes in this House since I became a member. I want to say to the House, and especially to my Democratic colleagues here, that after a thorough investigation of this matter, as far as I have been able to investigate it, I shall never cast a vote with more pleasure and with more absolute belief that I cast the right vote than when I shall cast my vote for this measure to-morrow. [Applause.]

What is this case? Mr. Speaker, it is a tempest in a teapot that has been raised by the opposition here. What is it? I take it, sir, ordinarily when a measure is presented to the House, coming from a committee supported, as this measure is, with practical unanimity by that committee, while it is not conclusive to the membership of the House, it should be, and is, strongly persuasive. This measure comes here with the approval of fourteen members of the Committee on the Post-Office and Post-Roads, as against the opposition of three members of that committee.

I say that if not conclusive, it should be strongly persuasive to the minds of gentlemen who have not given this subject complete investigation by reason of the fact that they were not members of this committee. But the gentleman from Ohio who just took his seat indulged in prophecy. He posed before this House as a new prophet, not as one of the olden time—because, sir, I might say that it would be well for him next year, if this bill passes, that he does not occupy the position of the prophets of the olden times.

We are told that those prophets, false prophets, were sometimes stoned to death; and if the prophecy of the distinguished gentleman from Ohio [Mr. LENTZ] should be measured by the standard of this bill passing, and there is not a deficit, as the gentleman suggested that there would be, of $20,000,000, it might subject him to the same treatment that has been accorded to prophets of old. He might be stoned to death, Mr. Speaker; but he would be heard even while they were stoning him. [Laughter.]

But what is the proposition, Mr. Speaker? I take it that when a measure is brought before this House, it is the duty of the membership to investigate that measure, if they have the time to do it, and they should not content themselves with the idea that they will vote against any measure simply for the purpose of casting a negative vote because such a vote is easily defended hereafter. That does not comport with the standard erected or that should be erected for the membership of this House.

Come up and investigate a question, if you have time to do it, and cast your vote independent of that public clamor which is totally ignorant of the facts as they exist. While gentlemen have said that they have received numerous petitions sent by their constituents asking them to vote against this measure, Mr. Speaker, I have received but two letters from newspaper publishers within my district—and there are possibly 100 publishers of newspapers in that district—and both of these letters, sir, were the stereotyped ones that every member of this House has received; similar to that one which the distinguished gentleman from Tennessee had read at the Clerk's desk as a reply by the gentleman from Georgia to his colleague on this side.

With reference, now, to charges of the opposition. The first that has been made by gentlemen is against the return of sample copies. I do not know, sir, that I can add anything to what has been so well said by the gentleman from Iowa upon that question. What is that proposition, gentlemen? Why should publishers of magazines and other periodicals have the privilege of sending their publications to Texas, for instance, and be carried by the Government at 1 cent a pound, and then, in order to satisfy themselves of the honesty of their agent in Texas, the Government must carry those publications back to the office of publication at the same rate?

Why, it is a monstrous proposition that you should take these various publications and transport them 1,500 or 2,000 miles at a loss to the Government, and then, in order to satisfy the minds of the publishers that their agents in Texas are honest, that the Government should go to the expense of carrying those periodicals that have been unsold back to the office of publication. I want to say this, Mr. Speaker: I received letters from two of these news agents in my own city protesting against this bill on that identical feature.

I wrote to these men and told them that I thought, with their experience in that business in that city, that they could approximate the number of those various publications that they could sell there, and there was no necessity for any larger amount or any greater amount or number being sent from the house of publication than they thought they could reasonably sell upon the market, and that if there should be, surely no publisher ought to object to paying one-fourth or one-fifth of 1 cent a pound for the privilege of returning these unsold publications to the office of such publication.

Mr. Speaker, with reference to the clause of this bill affecting the country publications, the country press, I have seen letters received by other gentlemen on the floor of this House from the country press of their districts in which it was stated that this bill was framed against the interests of the country press and in favor of the interests of the metropolitan press. Why, the proposition identically different from that was urged by the gentlemen before the Committee on Post-Offices and Post-Roads.

It there sought, or became necessary for them in their arguments before the committee to suggest that this was a discrimination in favor of the country press and against the metropolitan press, whereas now they have flooded the country with circulars that it is against the country press and in favor of the metropolitan press. It is now you see it and now you do not. In other words, they are like the dog referred to by my distinguished friend from Virginia the other day. [Laughter.]

So far, Mr. Speaker, as the country press is concerned, already an amendment has been agreed to which will be accepted by the chairman of the committee to-morrow when the gentleman from Missouri shall offer it, an amendment increasing the sample copies from 50 to 100 per cent and raising the limit from 500 to 2,000 copies to be sent out. I want the gentleman from Ohio [Mr. LENTZ], and I want the gentleman from Tennessee [Mr. MOON], my colleague on this committee—I want them to tell me and tell this House wherein that will militate against the country press of the United States. I would willingly yield to-day my time to my colleague on that committee [Mr. MOON] if he will rise in his place now and explain to this House how it is, under this amendment, that the provisions of this bill bear unjustly on the country press of the United States.

[Here the hammer fell.]

Mr. GRIGGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MOON. Mr. Speaker, I now yield ten minutes to my colleague, Mr. SNODGRASS.

Mr. SNODGRASS. Mr. Speaker, I do not know that I shall occupy all the time that my colleague has yielded to me in this matter, but I rise to say that I shall be sorry if the present bill can not be put in such shape as that it will command my support, I do not claim to be especially wise on this subject, Mr. Speaker, nor to have all the information respecting it that is possessed by the committee bringing in this bill, who no doubt have given it their patient consideration, but there are certain features in this bill which I believe ought to be enacted into law and certain other provisions which I think should be stricken out.

I say, Mr. Speaker, it is to be regretted that the good is so mixed up with the bad if we shall not be able to discriminate between the two and accomplish some reform in second-rate postage and

yet at the same time preserve all the benefits that the gentlemen on this side of the House contend that we have under existing law.

Mr. Speaker, there is condensed in a short statement in the report of the Postmaster-General of the principal reasons for urging the passage of this bill, and I shall read from it briefly:

During the year past my attention has been drawn more than ever to the abuses of the law governing the mailing of newspapers and periodicals at the cent-a-pound rate of postage. They grow out of a practice so long standing that it has crystallized into law, allowing to paper-covered books, which are simply numbered and dated and designated as periodicals, though in reality not so, the privileges of genuine periodicals, and out of the bestowal by statute of the right to mail sample copies.

The proprietor of a well-known establishment, in order to secure the lowest rate of postage for his advertising literature, applies to the publisher of a "series" of books enjoying the newspaper rate of postage to have a price catalogue admitted to a place in the "series." The catalogue appears as "Number ——," a date of issue is put on, together with a bogus subscription price, and the book is actually mailed at the pound rate. The interests of legitimate periodicals demand the discontinuance of this abuse. * * *

Now, I say it will be unfortunate if we can not agree upon some line of discrimination between such periodicals that are primarily designed as advertising mediums and such periodicals or publications as are designed for the dissemination of good literature in the country and carry as incident thereto certain advertising features. Section 1 is directed against these serial periodicals denominated circulating libraries. I may say, Mr. Speaker, that I can not hope to add anything to what has already been said, and so well said, by the distinguished gentleman from Ohio [Mr. LENTZ] in advocacy of continuing the present low rate of postage to this class of publications.

But it is not necessary that we should exclude them. My judgment is that we should exclude publications of a purely advertising nature, and to that end I have drawn an amendment which I think will admit these books and exclude others which are now injuring the service and against which our hostility should only be directed.

Mr. Speaker, I have drawn three amendments to the bill fundamental in their nature, and four others which are designed to perfect those mentioned, and I think I can best occupy the limited time I have at my disposal by having them read from the desk, in order that they may go into the RECORD and be examined and analyzed by all those gentlemen who are interested either for or against the bill.

The Clerk read as follows:

Amend by striking out all of section 1 after the word "two," in line 7, and inserting in lieu thereof the following:

"Exclude from the second-class rate publications of a serial nature purporting to be issued periodically and to subscribers and which are not primarily designed as an advertising medium."

Amend by inserting, after the word "seventy-nine" and before the word, "when," in line 5, page 2, the following:

"And except as provided in section 1 of this act."

Amend by striking out all of section 3 after the word "rate," in line 1, page 3.

Amend by inserting, after the word "societies" and before the word "trade," on page 3, section 4, line 14, the words "colleges, institutions of learning," and at the close of said section the following:

"But no publication designed chiefly as an advertising agency shall be admitted to the second-class rate."

Amend by inserting, after the word "first" and before the word "it," on page 3, section 5, line 22, the following:

"Except as provided in sections 1 and 2 of this act."

Amend by striking out the whole of the third specification of section 5 page 4, beginning with line 3.

Mr. SNODGRASS. Now, Mr. Speaker, it will be observed that section 1 of the proposed act is designed to exclude from the mails such publications as have been exhibited here by the gentleman from Ohio [Mr. LENTZ]. Those are publications of a cheap nature, although the quality of the reading matter of which they are composed is excellent.

My first amendment is to change this section so as to admit them, and at the same time so guards their integrity as to absolutely prohibit any change of their character into merely advertising mediums, and the second, fifth, sixth, and seventh amendments simply perfect it—the first.

Persons of means, who are able to pay liberally for their books, will usually buy those which are handsomely bound. The only class of individuals who desire books or publications of this cheaper character are the poor people, to whom a low price is a matter of great importance. If we have a low rate of postage, such books can be sold for prices ranging from 5 to 15 cents, though they contain the same matter perhaps as the bound books, which would cost from $1.50 to $2.50 a volume.

To very many people of this land the question of 5, 10, or 15 cents is often one of material consideration, and by the saving of 5 or 10 cents they may possess themselves of two or three of these books, whereas otherwise they could not expect to buy even one. These facts furnish a strong reason for continuing this low rate of postage, in order that this class of people may be accommodated.

I think, Mr. Speaker, a question of principle is involved here, and may well be applied. I believe we ought not to sacrifice the public revenues to exploit the private business of any individual; but, sir, we are justified in any sacrifice of the public revenues that will promote the dissemination of good literature in this country, the building up of correct sentiment, and the nurture of educational interests throughout the whole land.

The provision which empowers the postal authorities to exercise their judgment and discretion in excluding from the mails such publications as are designed primarily to be advertising mediums will cut off such publications as were exhibited by the gentleman from California, the distinguished chairman of the committee, during his speech in the opening of this debate. At the same time it will preserve intact to the poor people, the common people of this land, the low rate of postage under which the character of literature which has been exhibited before us this evening circulates freely.

My third amendment strikes out the hostile provision of the bill which is leveled at the country press.

Mr. Speaker, there is no business, profession, or enterprise more deserving of our protection and encouragement than the country press, or which labors under more discouraging conditions, or which contributes more to the public weal in the dissemination of information absolutely essential in a Government like ours, based upon popular suffrage. It is the last hope in the battle for public good against private interest. Rarely, indeed, is there found a country paper that can command more than $1 per year as the price of its weekly visitation, and very many of them circulate for even less money.

The paper trust has so raised the price of material that many of them are now facing the probability of being forced out of business, and when that is accomplished as many guardians and friends will be lost to the public. Their subscription list commonly ranges from 500 to 1,000, possibly to 1,500. They sometimes resort to special editions and the sending out of sample copies as a means of increasing their circulation and subscription.

Occasionally, or at rare intervals when something of special importance is transpiring, their columns are demanded in the propagation of sentiment or information of wider interest than the limits of their local circulation, when the opportunity is thus offered them to accomplish the double purpose of advertising their paper and at the same time adding to their not dangerously plethoric exchequer a little more money than the regular income.

I can not bring myself to consent to any curtailment of this privilege. The bill proposes to limit such sample copies or excess of circulation to 50 per cent of their regular subscriptions, or in no case to exceed 500 copies. There is no sufficient reason advanced for it, and it will work a serious inconvenience and hardship upon the country publisher.

No sufficient excuse is given for discriminating against the publications of colleges or other institutions of learning, and the fourth amendment offered by myself is designed to add these important institutions to those provided for in the fourth section of the bill, while at the same time it guards against such publications as chiefly advertise them. If the bill is thus stripped of its objectionable features, I shall vote for it; otherwise I shall have to vote against it.

If this bill is thus amended, among the reforms it will accomplish will be to debar from the second-class rate millions of pounds of publications which are chiefly advertising mediums, and enact a proper and equitable principle of discrimination which it is said was lost in an erroneous construction of the present law. No doubt the error was superinduced to foster the dissemination of cheap, yet excellent, literature. If it has been costly, it has at least shown that such literature is in great demand by its large use of the mails, which should be a matter of congratulation to us all.

Let us not retard the good work by blockading it. Rather let us lop off its abuses while we put the good part of it beyond the reach of an adverse discrimination in the future. I know it is said that trashy literature may be circulated. Possibly it may, but I think we can rely upon the better sentiment of the people, which will and does hunger after good books that broaden our vision and quicken our aspirations and ennoble our sentiments.

Mr. MOON. I yield fifteen minutes to the gentleman from Missouri [Mr. VANDIVER].

THE LOUD BILL A TAX ON INTELLIGENCE.

Mr. VANDIVER. Mr. Speaker, I would be glad if some gentleman on the committee or off of it would inform the House, if he can, just what is the meaning of this bill. I have given it some attention; I have tried to analyze its provisions; but I frankly confess that the more I hear it discussed and the more I study it the more I am in doubt about what it means. And my perplexity is increased when I find that the members of the committee who reported the bill to the House do not agree in their view of what it means.

It reminds me of a circumstance that is said to have taken place away down in Kentucky about the beginning of the civil war. An old Methodist bishop was called on, while presiding over his conference, to decide a question which was agitating the church as well as the country at that time. Taking it under advisement, he

retired to his room and wrote his decision with some care and deliberation. Then submitting it for examination to a friend, a prominent attorney, he received from his counselor this reply: "Bishop, I don't quite understand what you mean by this decision; I seem at a loss to understand what conclusion you have arrived at." "All right," said the good bishop; "then I am perfectly satisfied, my friend, and feel sure now that the opinion will have accomplished its desired end."

I think the same condition of mind must prevail with the author of this bill. He knows that it will accomplish the purpose intended; but just what provision will tend to the desired result I do not think he could himself explain.

Mr. Speaker, it requires no lengthy dissertation nor elaborate argument to settle the question involved in this bill. It proposes a backward step. During all the history of the postal service, both in our own country and in England, the gradual tendency has been to increase the facilities for communication between people. The more rapidly and cheaply the ideas of one man may be communicated to another the greater will be the spread of intelligence. And upon this principle our postal department has been operated for years past, and therefore cheap postage for good literature has been considered one of the most efficient means for the education of the masses.

Up to 1876 the standard works of history, poetry, and fiction were practically out of the reach of the poor boy or girl in the country school; but, availing themselves of the cheap rates of postage, the book publishers about that time conceived the idea of increasing their profits by diminishing their per cent and sending the best books of the world in cheap form to thousands of readers instead of dozens, and the rapid increase of such publications as the Seaside Library, the Franklin Square Library, and the John B. Alden series became the marvel of the country.

Before this movement was started the cheapest copy of Dickens, Bulwer, or Thackeray cost a dollar a volume, but recently a cheap paper-bound edition of Dickens has been issued and sold to the public at 48 cents for the whole twelve volumes, delivered to any post-office in the United States or Canada; while the works of Scott, Thackeray, and George Eliot have been delivered at 3 cents apiece, and whole sets of Macaulay's great work, the History of England, at less than 20 cents a volume.

By admitting these publications to the mails as second-class matter the very best literature of the world has been brought within reach of the poorest youth whose thirst for knowledge is a stimulus to energy and ambition. It would be an interesting and valuable contribution to the statistics of literature if we could learn how many hundreds of thousands of young men and young women throughout the country have had their ideas elevated and their conceptions enlarged by this rapid multiplication of the works of the world's great literary masters. It is safe to say that not only thousands, but millions of these cheap publications of the best thought of the world have been scattered broadcast throughout the country, and their benefit is not to be measured by the deficit in the postal revenues.

But two years ago the gentleman from California [Mr. LOUD], chairman of the Committee on Post-Offices and Post-Roads, made a strenuous effort in this House to exclude these publications from the pound rate of postage. By the earnest efforts of the friends of cheap postage the bill was then defeated. I remember with what telling effect my colleague from Missouri, CHAMP CLARK, leveled his shafts of wit and humor against the proposition of the gentleman from California, and how that eulogy of the country editor, whose business was to be crippled, went the rounds of the country press from Maine to California. I remember, too, that in one of his letters to the American Press Association he did me the honor to quote a paragraph of my remarks in opposition to the bill.

Now we have the same proposition before us again. True it is somewhat modified, a little bit softened down in one or two particulars, but the essence of it is the same, and I am unalterably opposed to it; and I hope we shall have the assistance of my colleague from Missouri and every other friend who opposed it before in opposing it now.

My second reason for opposing it is that it does not accomplish the object for which it is proposed. We are told that it is to shut out trashy literature and objectionable and questionable, if not immoral, publications. Even if it did so, it is bad policy to shut off what is good in order to abolish what is evil. Why not draw the distinction? Why not so frame it as to abolish the evil without crippling the good?

But further than this, the language of the bill will not abolish the evil, though it will succeed in excluding the better class of literature, because it is clear in its language in prohibiting "books and reprints of books," whereas the worst forms of literature, such as detective stories and Indian stories, coming in periodical print, being neither "books" nor "reprints of books," would still go through the mails at the pound rate. So that I must say to the gentleman from California that he is much more skillful in attacking cheap postage for good literature than in his warfare upon the trashy and objectionable kinds of print.

In the third place, this bill is a direct strike at the news agents, by refusing them the privilege of returning unsold copies of regular publications at the pound rate of postage and increasing the rate from 1 cent to 4 cents per pound. This small privilege of the news dealer in the small country town is his only safety; and if you deny him that privilege, you either force him to raise the price of newspapers and periodicals of every kind in order to cover this loss, or else drive him out of this kind of business.

Fourthly, I am opposed to the measure because it puts a heavy burden upon the editor of the country newspaper who wishes to increase his circulation by sending out large numbers of sample copies. In fact, this is the only way a new paper, just starting, can secure a bona fide subscription list. There is no citizen in a small community who does so much for the community without compensation as the country editor. He is the pack horse of the whole neighborhood and is expected to be a walking encyclopedia for all inquirers. I am in favor of giving him every privilege that is possible under the law and throwing as few difficulties in his way as possible.

This bill would not only increase his expenses, but would also add to his difficulties and inconveniences by imposing an additional string of Government red tape to his business of mailing papers from his office, because in the last provision of the bill you require him to separate his mail matter into United States mail sacks by States, cities, towns, and counties before depositing it in the post-office. In other words, you propose to require him, at his own expense, to run a distributing office as a preliminary branch of the post-office business of the country.

In short, sir, this bill seems to me to be a strike at the country editor and the book publisher, a tax on intelligence, and a step backward toward the days of limited education and high-priced books. It fosters the blood-and-thunder stories which inflame the minds and allure the hearts of the youth of the land, while the noblest productions of the human intellect are to be barred out from many a schoolroom and the door of access to the finest literature of the world is to be closed in the face of the aspiring youth who has not the money to pay a dollar a volume for it.

The vile trash of the penny-a-liner, who paints the allurements of vice or the seductive adventures of burglary and assassination in lurid colors for the imagination of embryo desperadoes, may continue to poison the minds of our youth and fill our jails with criminals, educated in this school of vice, scattered broadcast over the land, because, forsooth, it is classed as original or periodical literature. But the best oration of Cicero, the most inspiring poetry of Milton or Byron, the most learned treatise of Hume or Macaulay, the most brilliant imagery of Burke or Webster, and the most profound philosophy of Aristotle or Jefferson is all to be relegated to the realm of forgotten lore, unless paid for at high prices, because it falls under the ban of being a "reprint."

Now, Mr. Speaker, why are these persistent efforts made to cut off the privileges of newspapers and book publishers? We are told that it is to save expenses; that it is to make the Post-Office Department self-sustaining, to avoid a deficit of $4,000,000 in the Treasury. Let me suggest a different line of retrenchment. If a Republican House is really in earnest about retrenchment, let them begin in earnest instead of taxing the publisher and the reader to make up this deficit in the postal revenues. Why not begin where the real wrong is? Everybody knows that the Government is paying the railroads an enormous price for carrying the mails. Here is where the retrenchment should begin.

I repeat here statements that were made on this floor when this bill was under consideration two years ago. It was conceded by every man who spoke on the subject, by the chairman of the committee himself, that the rates which had been fixed years ago were entirely too high.

We have been paying about $30,000,000 per year to the railroads for carrying the mails and then giving them an extra subsidy of $3,500,000 per year for the use of postal cars that cost less than $3,000,000 to build.

In some instances cars that cost less than $6,000 are paid for by the Government at more than $7,000 per year.

Is it any wonder we have a deficit in the Post-Office Department?

Again, Mr. Speaker, if retrenchment is necessary, I suggest that the Administration might cut off some of the President's superfluous commissions. No other President in the history of this country has ever run the commission business on such an extensive scale as the present occupant of the White House. It seems that every disputed question offers an opportunity for the appointment of a new commission with high salaries to settle it, instead of having it settled by the representatives of the people in Congress assembled. Here is an opportunity of retrenchment which I commend to the leaders of the House, and which, I am

sure, the people of the country would approve. Glance at the list of a few of these commissions, as recently published by the New York World:

M'KINLEY COMMISSIONERS COME HIGH—$3,000,000.

[Special to the World.]

WASHINGTON, *March 17.*

It has cost the nation more than $3,000,000 for President McKinley's special commissions, envoys, investigators, experts, secret emissaries, and other strange and fearsome things since he came into office; and the end is not yet.

Some of them were necessary and all have proved a most satisfactory method of paying off political debts. Nearly all of them have given excuse for fine junkets for something like a hundred favorites, and the perquisites have made salaries very comfortable.

The Monetary Commission came first, which gave Senator WOLCOTT and his colleagues a pleasant European tour at a cost of $75,000, showing that they must have enjoyed themselves.

Most people have forgotten about William J. Calhoun, of Illinois, who was appointed a special commissioner to Cuba during the last days of the Weyler regime, and who succeeded in spending $10,000, if he accomplished nothing else.

The Queen's Jubilee Commission cost $60,000, because General Miles and the others felt that a rich nation should spend money royally while attending a royal function.

Moses P. Handy's eloquence as special commissioner to the Paris Exposition cost $20,000.

As special adviser in treaties John A. Kasson has secured $30,000 from the Treasury, and he is still in office and able to draw money.

The first Philippine commission cost the Government $200,000. Congress had no voice in the appointment of the three men who spent this large sum of money. Just try and think of what they accomplished. They brought back a map and some reports, of course.

Then came Charles A. Hamlin, who wanted to go to Japan; so he was sent to find out all about the sealing controversy, and he spent $15,000.

"Calico Charley" Foster, of Ohio, did better. He took the Russian end of the sealing business and held on until he had drawn $30,000 from the Treasury and was made a member of another commission with a salary of $10,000 a year.

The Peace Commission that negotiated the Spanish treaty cost $200,000, although only two members drew salaries as commissioners.

It cost a little matter of $150,000 to coat Secretary Alger with whitewash.

The Cuban and Puerto Rican evacuation commission cost $50,000.

Comparatively cheap was the cost of the commission that represented the United States in the Peace Congress at the Hague, for the bills amount to only $35,000.

The Samoan commission cost $50,000.

Less expensive was the Hawaiian commission to report on a code of laws for the islands; still it cost $30,000;

Up to date the joint high commission to make a treaty with Canada has cost $200,000, and it is still drawing money, with the end not in sight.

The most expensive commission thus far is that appointed to investigate the Nicaragua Canal. It has spent $250,000 and discovered that while the canal can be built for $118,000,000, it should not be built just yet.

There is an insular commission, appointed at the request of Senator ALLISON, of Iowa, Senator MARK HANNA, and Senator MCMILLAN, that may have done something besides spending $50,000.

Robert P. Porter received $10,000 for going to Cuba as a tariff commissioner.

Now the President has placed Judge William H. Taft, of Cincinnati, at the head of a second Philippine commission that is likely to cost another $200,000.

And now, again, Mr. Speaker, as to the matter of Government expense. Can it be that the burden of imperialism is resting so heavily upon us that we must tax the intelligence of the people to support it? Foreign wars have always been burdensome and expensive, but if we can not carry on our postal business and our internal improvements I think you will find it difficult to convince the American people that these enterprises should be abandoned in order to keep up the expense of a foreign war that is waged against the liberty of a weak and suffering people, and to gratify the ambition of a President who aspires to be an emperor. You have refused to pass a "rivers and harbors bill" for important public improvements, and now propose to make the reading public pay the deficit in the Post-Office Department.

In view of these things, it seems to me that your plea for the education of the masses rises no higher than your plea for fair elections. It is a hypocritical pretense, and your profession of superiority in education and intelligence goes along with your pretense of purity and honesty of Republican election laws.

This brings me, Mr. Speaker, to

ANOTHER SUBJECT,

which I wish to mention briefly in conclusion. In the interest of fair elections and for the protection of the American workingman's right to cast his vote as he pleases and according to his own judgment, I have introduced the following bill, which I here insert for the information of members of the House:

A bill to protect the right of suffrage and prohibit corporations from contributing to campaign funds.

Be it enacted, etc., That it shall be unlawful for any officer, agent, manager, superintendent, or other representative of any corporation, company, or trust incorporated under the laws of the United States or of any State or Territory in the United States, either directly or indirectly, through his own act or the act of any other person, to contribute any portion of the money or funds of said corporation, company, or trust to the campaign fund of any political party, or for the purpose of aiding in the election or the defeat of any candidate for President or Vice-President of the United States, or any candidate for Congress or the United States Senate; and any person violating the provisions of this act shall be fined not less than $1,000 nor more than $5,000, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment.

SEC. 2. That it shall be unlawful for any officer, agent, manager, superintendent, or other representative of any corporation, company, or trust, as aforesaid, by words, written, printed, or spoken, by circulars, posters, letters, or in any other way to influence or control the vote or votes of any employee or employees of such corporation, company, or trust, or to intimate, directly or indirectly, to such employee or employees what may be the wish or desire of himself or those composing such corporation, company, or trust as to how such employee or employees should vote in the election of President, Vice-President, or member of either branch of Congress as aforesaid; and every person violating the provisions of this section shall be punished as provided in the previous section.

SEC. 3. That every person who prevents, hinders, controls, or intimidates another from exercising or in exercising the right of suffrage by means of bribery or by threats of depriving such person of employment or occupation, or of ejecting such person from a rented house, lands, or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, shall be punished as provided in section 1 of this act; and for the purposes of this act "bribery" shall be interpreted to mean the offer of any form of reward in money, goods, or position of emolument, and the word "threats" shall be interpreted to mean any method of communicating the idea of deprivation or of harm to person, property, or position.

Mr. Speaker, this bill is based upon the simple principle that a corporation organized to do a certain kind of business has no legal right to go into other kinds of business. Especially has it no right to engage in politics. The corporation has no natural rights, but only exists as a creature of law; has none of the obligations of citizenship; none of the responsibilities of the citizen, and should have none of the political privileges of the citizen. These propositions are undisputed either in law or in morals. Then why not enact them into law?

The silly critic who imagines that this would introduce Federal control of elections is invited to read the bill itself. It carefully avoids any such result. It introduces no new machinery into the elective system. But it would prevent great corporations from introducing their machinery for the control of elections. It is simply an honest effort to remedy an evil which honest men in all parties have recognized as a great and growing menace to our whole elective system. That it would sometimes be difficult of enforcement because easily evaded may be frankly admitted.

But if this objection should always prevail, there would be no laws enacted. The enforcement of any law must depend upon the assumption that a court of competent jurisdiction, by proper testimony, can determine whether the law has been violated or not; and, as in all other cases, if the evidence is not sufficient and doubt exists, the accused must be given the benefit of the doubt.

But pass the law, and you will have taken the longest step ever yet taken in this country toward securing fair elections by protecting the employees of great corporations from the dictation and intimidation of political and industrial bosses.

Mr. LOUD. Now, Mr. Speaker, I am willing that the gentleman from Tennessee should proceed with the debate.

Mr. MOON. Mr. Speaker, I desire to yield to the gentleman from Missouri [Mr. COCHRAN] for ten minutes.

Mr. COCHRAN of Missouri. Mr. Speaker, I assume that this proposal to enact a law in vital respects changing the existing postal regulations proceeds upon the theory that at this time some grave abuses exist, and that it is necessary to amend the law in order to prevent those abuses.

That a very large amount of illicit matter now passes through the mails in this country every day is incontrovertible; but this is not wholly attributable to defects in the statute. The present postal law has been in many respects, for fifteen years within my personal knowledge, a dead letter upon the statute book.

It is said sample copies of newspapers comprise a large part of the second-class matter now passing through the mails. I believe the gentleman from California [Mr. LOUD], who has thoroughly investigated the subject, will agree with me that by the enforcement of the statute now in force this phase of the subject could be adequately dealt with. But, in my opinion, it cuts a small figure. Publications without bona fide subscription lists are mailing thousands and millions of so-called "sample copies" every day in the year, and it is these bogus publications, and not legitimate newspapers, that have abused the privileges conferred upon publishers by the postal laws.

The law provides that newspapers, periodicals, etc., having a paid circulation shall be admitted as second-class matter. In the great city of Chicago, represented in part by the gentleman from Illinois [Mr. BOUTELL], who seems to have attentively followed this discussion, has in it a score of publications that go into the mails by hundreds and thousands every day that are as beneficial to the farmers, merchants, and the traders of this country as any publication could possibly be, and yet under the proposed bill they would be, and probably under the existing law they might be, excluded from the mails. I refer to the commercial publications which print only market reports. They have no subscription lists, and yet they are mailed every day by millions. The commission merchants who buy and sell live stock, grain, and produce subscribe for thousands of these papers, and the publisher mails them to their customers.

Mr. COWHERD. Will the gentleman allow me an interruption?

Mr. COCHRAN of Missouri. Certainly.

Mr. COWHERD. I want to suggest to the gentleman that I submitted this very bill to one of the greatest publishers in the West, publishing that kind of a paper exactly, and he said it did

not change the law as it existed to-day, and he knew the enactment of this law would remedy a great abuse, and he was in favor of it.

Mr. COCHRAN of Missouri. If your friend said that, he needs the attention of a guardian immediately. [Laughter.]

Mr. Speaker, there is not a member of this House who has not received every day of this session matter carried to him as second-class contrary to law. I recall the fact that when the tariff was the prime issue in politics a New York syndicate sent broadcast political campaign literature in the form of magazines and papers that never had a paid subscriber.

It was sent all over the country by the sackful and was received and carried through the mails as second-class matter. The Goldbugs of the country have for three years depended upon a similar publication that is now being circulated, contrary to law, as second-class matter. You gentlemen on the other side of the Chamber doubtless receive the Sound Money regularly. It has come to you regularly for years through the post-office. Did a single one of you subscribe for it? I have received it regularly, and certainly never subscribed for it.

Mr. Speaker, until an attempt is made to enforce the existing postal laws, and we thus find out how much of the matter now illegally carried as second class can be thus excluded, it seems to me unnecessary to tinker with the postal laws; and when the time comes to change them I think they ought to be more liberal instead of more restrictive. These grain and live stock exchange papers about which I have spoken are most valuable publications to the farmers of the country.

Every day, from cities like Chicago, St. Louis, St. Joseph, Kansas City, and Omaha, when the markets close, they are mailed by thousands. They give the prices of wheat, cattle, hogs, and every commodity in which farmers deal. The next morning the farmer receives through the mail, from the commission merchant to whom he usually consigns his produce and live stock, information as to prices in all the markets of the world. These publications should be admitted as second-class matter, as matter of right, and not by at least doubtful interpretation of the statute.

I desire to refer briefly to another class of publications which are sent in large numbers to persons who are not subscribers. When a great invention is made, such as an attachment to a steam engine or other machinery, it is necessary and desirable to familiarize the country with the fact. Frequently this is done by advertising the new invention in certain great scientific publications. The inventor goes to the Scientific American or The Age of Steel, or some such paper, and there appears an elaborate description, with cuts and illustrations.

Copies of the paper are mailed to thousands of persons known to be interested. Is this not an advantage to the people? Can we better serve the public interests than by facilitating every legitimate publication of facts useful to the country and calculated to inform the people upon subjects intimately connected with their everyday business affairs?

What weight are we to attribute to the claim that this bill will be beneficial in that it will exclude from the mail vicious literature? The gentleman from Ohio [Mr. LENTZ] has just exhibited to this House some publications which find their way to the same class of subscribers as newspapers and magazines do. Are such publications as the gentleman has exhibited injurious? This measure would exclude them, as well as matter vicious in its character.

What does the bill exclude? It excludes reprints of books. The cheap, trashy, sensational, detective stories, about which so much has been said, are not reprints. They are issued as original publications. The reprints that go through the mails are the very cream of the world's literature—books which heretofore have been too high-priced to be accessible to the poor or even to many who are in good circumstances. These reprints have, in recent years, placed in the homes of poor men more good books than could be found in all the private libraries in the world in the year 1800.

Every good book added to the family library is as a ray of sunshine. I rejoice in the marvelous work of the modern printing press and in the cheap means of transmitting its precious products to the homes of the people. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LOUD. There is about half an hour left before the time of adjournment. In consequence of the time taken up on the question of privilege, I shall not be able to accommodate as fully as I desired several gentlemen to whom I agreed to yield. I will ask the gentleman from Minnesota [Mr. HEATWOLE], the gentleman from Pennsylvania [Mr. BINGHAM], and the gentleman from South Carolina [Mr. LATIMER] whether they can get along with five minutes each?

Mr. BINGHAM. I can.

Mr. LOUD. I have only fifteen minutes under my control. The best I can do is to divide that time between these three gentlemen. In the first place, I yield five minutes to the gentleman from Minnesota [Mr. HEATWOLE].

Mr. HEATWOLE. Mr. Speaker, the bill under discussion, so far as it affects the country publishers, has been misrepresented. Members of the House tell me they have been almost daily in receipt of circulars and petitions urging them to oppose it, giving as one reason that its passage will seriously affect the business of country publishers.

I have carefully examined the provisions of the bill and am fully convinced that, on the contrary, it will be of benefit to them. I myself am a printer and a country publisher, and have for over twenty years owned and conducted a country weekly; therefore I speak from the standpoint of one who is personally interested in the business and would not advocate the passage of a measure which I believed harmful to the country newspaper.

There is much more to be feared from the flooding of the country with sample copies of cheap advertising sheets. The principal expense in the issuing of a newspaper is the gathering of the material for copy, the setting of the type, the making up of the forms, and making ready for press. After this expense has been incurred, the cost of the production of a newspaper is reduced to the cost of presswork, ink, paper, and mailing. The country publisher sets his type in the old-fashioned way, by hand. He has no typesetting machine to do rapid typesetting and thereby lessen expense. The country printer who has a newspaper with a circulation of 1,000 copies is at more expense in producing the thousand copies than is the manager of the cheap city weekly newspaper in producing a first thousand copies of a like-sized paper. The cheap city weekly, which is often the waste pipe of a daily paper, for the matter can be lifted bodily from the forms of the daily edition and put into the forms of the weekly edition, does much to disarrange and injure the business of the country publisher. The manager of the cheap weekly can print thousands of copies of his paper at the bare cost of presswork, ink, paper, and mailing, and reap a handsome profit from the advertisements.

So far as sample copies are concerned, it is only in rare instances that a country publisher will send out more than 500 copies of any one issue. What builds up a country newspaper builds up the community in which it is published. There is no greater or more effective agency for the development of a community than a live, enterprising local newspaper.

I represent a constituency of over 200,000 people, and in my representative capacity endeavor to reflect their views in my vote on this floor; and I believe that a majority of the people of my district are in favor of this bill with the amendments which I have been assured will be made. A large majority of the country publishers in my district favor its passage, and no district has a more enterprising and intelligent class of editors and publishers than that which I have the honor to represent on this floor. They are alive to the best interests of the people of the country as well as their respective communities, and are thoroughly informed on the issues of the day.

A few weeks ago in order to ascertain their views I sent a copy of the bill and report to each newspaper in my district and asked for any suggestions that the publisher might have to make, and I desire to read a few extracts from letters received; and it is proper to say in this connection that very few replies have been received in opposition to the bill:

H. A. Zettel, publisher of the Shakopee (Minn.) Tribune, says:

I think the bill is all right; I know of no suggestions I might offer that would improve the law toward the weeklies.

H. B. Wakefield, publisher of the Hutchinson (Minn.) Times, writes:

I have read the Loud bill hastily and have glanced over some of the stuff sent out by the book publishers. It seems to me that the latter is not true, and that the Loud bill is a good one. I hope it does not shut off exchange copies. I do not see that it does, but that is what is claimed. I am of the opinion that the bill should be passed.

William O'Brien, publisher of the Eden Valley (Minn.) Journal, says:

I believe the bill a benefit to the country publisher; I see no objectional feature, and it possesses good qualities that I can commend.

John F. Wrabek, publisher of the New Prague (Minn.) Times, says:

I have read the Loud bill and find nothing that would interfere with the country publisher as far as I can understand it. The bill is a good one in my estimation.

Irving Todd, sr., one of the veteran publishers of Minnesota, and publisher of the Hastings daily and weekly Gazette, sends the following:

I have carefully read the Loud bill and am inclined to the opinion that its passage would be beneficial to the country press. As a rule very few sample copies are sent out by us, and if the city weeklies desire to flood our field they should pay for the privilege. Section 5 might possibly be made a little stronger to shut out completely the price currents, mail-order organs, and similar publications issued in car lots to graveyard lists. Section 6 might give us considerable trouble if the Postmaster-General should see fit to strictly enforce it. After all, the act is only intended as a basis for the Department to frame its regulations upon, and it seems worthy of a practical trial.

Hon. A. W. McKinstry, one of the oldest publishers in Minnesota and publisher of the Faribault Republican, has the following:

I do not think there should be any objection coming from the country publishers against it. It cuts down the sending of sample copies to 500, and

this is a surfeit for any country publisher. Of course, the shoe pinches the city publishers, who are accustomed to help out the circulation liar by printing copies far beyond their genuine list and sending them out to agents with the privilege of returning unsold copies; all of which loads down the mails.

The country publishers derive no benefit from this and ought not to be saddled with any part of the opprobrium it causes. The provision of the Loud bill increasing the rate of 'returns' to news agents from 1 cent to 4 cents is a just one, and I hold up both hands for it. Neither should books or reprints of books be sent at reduced rates of postage accorded to newspapers. I believe that unless the overburdening of the mails with second-class matter is corrected, there will be a movement that will raise the rates generally upon that class of matter, which would certainly work to the injury of the country publisher. I am in favor of the bill according to my present understanding of its provisions.

A. L. Shaver, publisher of the Carver County Journal, at Carver, Minn., writes:

I believe that the passage of the bill would be a God-send to the country publisher. It would destroy that competition of city weeklies that has proved so disatrous to the country publisher. I trust you will do all in your power to see the bill passed.

R. W. Irish, publisher of the Pine Island, Minn., Record, says:

After reading the bill carefully I see nothing therein that, in my judgment, would materially injure the country publisher. I recognize that the abuse of the second-class privilege ought to be stopped, and I think the Loud bill, if enacted into law, will be a long stride toward that end.

F. E. Du Toit, publisher of the Chaska (Minn.) Weekly Valley Herald, says:

Have been unable to fully digest the bill; however, I think section 3 to be in the interest of the country publisher. But we country printers feel perfectly safe in leaving the whole matter in your hands, knowing that you will protect us to the full extent of your ability.

H. R. Diessner, of Waconia, Minn., who has had interests in country publications, says:

I heartily approve of House bill 6071, and would favor its passage.

S. H. Farrington, publisher of the Waterville (Minn.) Advance, says:

Do not see wherein the proposed measure can possibly injure the legitimate publisher, and believe it would be a good thing to put some restriction on the cheap publications that are sent out purely for advertising purposes, at 25 cents per year, and with no desire or purpose to collect even that. Their lists are not made up of actual subscribers, but plainly show the names are taken from poll lists, etc.

W. H. Wilcox, manager of the Elysian (Minn.) Enterprise, says:

In my opinion the Loud bill should be enacted into law.

T. H. Prowse, editor of the Chaska (Minn.) Review, says:

After carefully perusing the bill, I come to the conclusion that it contains nothing, as far as I am able to detect, antagonistic or detrimental to the country press, and do not see why it should not be adopted in its entirety. Anent sample copies, my views coincide with yours, and think, like yourself, it would be a benefit to the country publisher.

Capt. E. F. Barrett, editor of the Lesueur (Minn.) Sentinel, at the bottom of one of the ready-made petitions sent out against the passage of the Loud bill, has the following to say:

I most decidedly refuse to indorse the above. I have carefully read the Loud bill and believe it the best measure for the Department, the publisher, and the country that could be devised. I do not believe that the 'sample-copy' clause will be any hardship. Invariably it is 'love's labor lost' for me to send out sample copies. I believe that legitimate newspapers or periodicals alone, to legitimate subscribers, should have the benefit of pound rates.

Express companies should carry the great bulk of the matter now carried by the mails as second-class matter, and I believe that every legitimate publication described by the bill would be benefited if the trash carried now were to be excluded. I believe that advertising fakirs would be in a measure frozen out and advertisers induced to patronize legitimate publications. However, to your own judgment as a publisher and legislator I am satisfied to leave your decision as to your vote and influence.

J. W. Craven, publisher of the Norwood (Minn.) Times, in speaking about enlarged legislation in the direction of newspapers, says:

I agree with you on this bill as a whole and think it all right.

John S. Hamaker, publisher of the Dakota County Tribune, published at Farmington, Minn., writes:

I would say that I believe the measure a good one. I delayed writing you in reference to the matter owing to an uncertainty as to whether it interfered with the free distribution of county papers in county where published, which I understand it does not.

M. M. Shields, publisher of the Pilot, at Faribault, Minn., says:

I will say that in the main I consider it a fair measure, worthy of support. However, I do not like the reading of subdivision fourth of section 5, as it may interfere with country journals who occasionally get out anniversary, special, or 'boom' editions. I think the bill, if it becomes a law, will do much to stop the deluge of trash which cheap periodicals send through the mails under the present law.

C. P. Carpenter, of the Northfield (Minn.) Independent, says:

It seems to me that the amendments offered by the committee have removed the objectionable features of the bill and that as it stands there is no good objection to it. The second-class postal rate has no doubt been greatly abused, and this bill appears to be directed against such abuses. The provision in regard to sample copies, to which you direct especial attention, seems to me to cover the matter in a manner entirely satisfactory to the country publisher.

Certainly 50 per cent of the regular issue would cover any reasonable number of sample copies sent out for legitimate purposes. I think 50 per cent is a liberal allowance, and believe this provision would be helpful to legitimate country papers. It would prevent the establishment of uncalled-for publications and the flooding of the country with large numbers of so-called sample copies for the sake of getting advertisements. I can see no objection to the bill in its present shape. I only note that there appears to be no provision in regard to free circulation in the county where published, as is now the law. This may be covered by the act of March 3, referred to in section 2 of the Loud bill, and if so, would be all right, as that act does not appear to be repealed, if I understand the bill aright.

Sidney T. Huntley, publisher of the Dassel (Minn.) Anchor, says:

I believe the Loud bill will prove a benefit to the country publisher. I agree that the part relating to sample copies is a good thing. But if on page 4 of the bill, lines 20 to 24, it means that we can not mail supplements with our paper without having them pasted in, it would be bad. But I don't think that is the correct interpretation.

W. A. Reid, editor of the Renville Star-Farmer, published at Renville, Minn., says:

I have read the bill over carefully and noted what its effect might be on the country press. The sample-copy feature, in my opinion, would be a benefit to publishers in country towns like ours, as it would have a tendency to cut off the competition of the large city weeklies we are continually wrestling with. Here is where an abuse has crept in. The bill seems all right with the exception of section 6, which I would like to see struck out, as far as country publishers are concerned. The postmasters in small cities and villages have plenty of time to sort the mail for the different points of destination without troubling the publisher to do it for him. In large cities where an enormous amount of paper mail is handled the provision might work all right.

H. B. Brooks, editor of the Renville (Minn.) Record, says:

The honest country publisher recognizes the need of reform in the matter of second-class mail matter, and as long as the privilege of free county circulation is not denied him will favor the effort to rid the postal department of a great burden.

W. D. Joubert, publisher of the Litchfield (Minn.) News-Ledger, says:

I have read over the Loud postal bill, and I see in it no point to be feared by the country publisher.

A. E. Haven, editor of the Faribault (Minn.) Democrat, says regarding the bill:

I have received your letter in reference to the Loud bill. Your position is correct, and I am able to judge, knowing how the mails are lumbered up by free publications sent out under the sample-copy rule. I know that numerous publications without circulation send out tens of thousands of copies every week. It is a great damage to legitimate country weeklies and costs the Government enormously, besides hindering the legitimate work of the post-office.

O. G. Wall, editor of the Red Wing (Minn.) Argus, says of the bill:

I have examined the Loud bill and I see no objection to it in particular in the form inclosed to me. Am inclined to think the passage of this bill in its present form would be for the best interests of the country.

Dr. J. A. Gates, editor of the Kenyon (Minn.) Leader, writes in reference to the bill:

I have looked over the bill and Postmaster-General Smith's excellent report and firmly believe in the proposed amendment, for there is no doubt that the second-class rate is woefully abused and that the law never intended it to be used, as it is used, as a pure advertising scheme. I hope the amendment will be adopted.

It has been said that this bill affects the exchange list of a newspaper. This is another misrepresentation by the opponents of the bill. It should be remembered that exchanges have always been and always will be treated as subscribers by the Post-Office Department. It has also been stated that college publications will be affected adversely by this bill. I can not understand how any such interpretation can be placed on the bill.

As I understand it, a college publication having a regular list of subscribers and issued at least four times during the college year will not be disturbed by this bill. It will have the same rights and privileges that it now enjoys. I believe that this bill is a good one for the publisher of a country weekly.

It will help to take away from the country publisher much of the competition of a paper which is printed solely to derive a revenue from the advertisements it gets on account of an extensive circulation worked up at the expense of the business of the country publisher, who must have a fair price for his paper in order to make both ends meet. Papers that are circulated at nominal rates take from the country publisher much business in the way of advertising which properly belongs to him.

I desire to call attention to an editorial from the Faribault (Minn.) Republican, under date of March 14, 1900. The Republican is one of the leading weeklies of Minnesota, and its editor, Mr. McKinstry, has had an experience as a country editor and publisher extending over a period of nearly half a century. Here is the editorial:

THE LOUD BILL.

Some of the publishers in the large cities are sending out appeals to country newspaper publishers to petition Congress not to pass the Loud newspaper bill, relating to second-class mail matter.

We do not propose to help these gentlemen to pull their chestnuts out of the fire. Their principal objection to the bill is that it cuts off the sending at pound rates of sample copies of newspapers and paper-covered books, which are not newspapers and ought not to come under the classification of second-class matter. The mails are overburdened with this class of matter, which is carried at a heavy loss to the Government.

The country publishers are not materially benefited by the sending of sample copies free, but the large city publishers, who swell their circulation by sending out thousands of copies to news dealers who are privileged to return those that are unsold, making a double loss on the transportation to the Government, are the men who are doing the kicking. The burden is getting to be such a grievous one to the Post-Office Department that the outcome is likely to be an advance all along the line, unless proper discrimination is made by excluding the publications mentioned from the second-class rates. The Loud bill ought to pass.

Also, to editorial paragraphs from other papers in my district. The Lesueur (Minn.) News, under date of March 15, 1900, contains the following editorial paragraph:

The Loud bill at present before Congress is designed for the protection of legitimate publications. The fake publishers are again urging the editors of country papers to oppose it and are meeting with some success through a misunderstanding of the bill. The law proposed will help the country paper and stop the drain on postal funds as well. Two-thirds of the entire number of pounds of mail matter now carried is second class, and a large percentage of this the fake paper that enters into competition with the country weekly. Give us the Loud law; kill off the wolves, and save Uncle Sam thousands of dollars a year.

The Chaska (Minn.) Review has the following under date of March 16, 1900:

By the passage of the Loud bill (H. R. 6071), introduced with the intention of amending the postal laws, it seems to us that the legitimate country newspaper would be benefited, especially so by the adoption of section 3, which limits the number of sample copies to 50 per cent of the bona fide subscription list, provided that in no case shall this number exceed 500 copies.

This would materially decrease the number of samples sent out by cheap weeklies and other publications—which are now mailed at pound rates—and cut off much competition. We feel satisfied that Congressman HEATWOLE will work for the best interests of Minnesota publishers in the matter, for he is an old newspaper man and has his brother newspaper men's prosperity at heart.

The Dakota County Tribune, published at Farmington, Minn., under date of March 16, has the following to say editorially:

The Loud bill, in an amended form, is before Congress and will be voted on in a few days. The Loud bill relates to postal matter of the second class, and we believe is a good measure, as it will shut out a lot of cheap and trashy reading matter, including blood-and-thunder novels, that have gained entrance under the law wholly intended to give the people the benefit of cheap postage on legitimate newspapers.

The Elysian (Minn.) Enterprise, of recent date, says upon this subject:

The passage of the Loud bill, relating to second-class mail, should be indorsed by the press of the country. The provisions of the bill are calculated to cripple the circulation of the cheap periodicals and trashy literature, of which a large portion is printed at Augusta, Me., and which of recent years has caused a considerable deficit in the Postal Department.

For this reason the bill is denounced by that class of publishers of yellow monthly periodicals, and they are standing the expense of a fight against the proposed legislation, which is inimical to their interests. Every publisher of a legitimate newspaper should vigorously indorse the measure, the passage of which would have tendency to improve the class of literature now mailed as second-class matter.

Mr. LOUD. I yield five minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

[Mr. BINGHAM addressed the House. See Appendix.]

Mr. LOUD. I yield to the gentleman from South Carolina [Mr. LATIMER] five minutes.

Mr. LATIMER. Mr. Speaker, there are many speeches made in this Hall by members of this House, and frequently those speeches seem to me to be unnecessary, but occasionally it becomes necessary for members of this House to speak, in order that they may give expression to the reasons which prompt them to cast certain votes that they decide to cast upon measures presented here for their consideration. From the circulars that have been coming to me through the mail, I am satisfied that there is a large class of people throughout this country who feel very much like a certain negro that I heard of down in South Carolina.

The Republican party, the scalawag or carpetbag party that controlled the Southern States for quite a while after the war, came down from the New England States and promised the negroes each 40 acres of land and a mule, and a good many of the negroes had been waiting for a long time. This old fellow had waited about thirty years. He had been to the Lord in prayer asking for the 40 acres and the mule. Finally he went to a lawyer, one of these shrewd fellows, and told him to fix up the papers so he could get his claim. The lawyer said he must have $5 fee. Cuffy had only $3.50. The lawyer took that and fixed up the papers. The old negro went down into his master's farm and began to stake off 40 acres of the best land he had. The old gentleman went down and said, "Cuffy, what are you doing here? What right have you here?" "Oh," said he, "boss, here it is right in my pocket." He said, "Let me see it." He pulled out a paper which read as follows: "As Moses lifted up the serpent in the wilderness, so have I lifted this durned nigger out of three dollars and a half." [Laughter.]

Now, gentlemen, I am satisfied, as I said a few moments ago, from the circulars that are coming through the mails to members of this House, that there is a large class of people in this country to-day who feel that this House is about to lift them out of something that they imagine they had, but on an examination I find they have not under the law the rights they imagine they have, and are now violating the law as to second-class mail matter. I find that the only practical question that presents itself to my mind is this: Shall we continue to send through the mails of the United States about 175,000,000 pounds of second-class matter at 1 cent a pound that cost the Government 8 cents, or will we charge that class of matter the legitimate postage that it ought to pay in order to meet the actual expenses of carrying that mail? This is the proposition as it presents itself to my mind.

Gentlemen on this floor argue that certain publications will be excluded from the mails. They may be excluded as second-class matter, but where is the proof that that matter can not go through the mails at third-class rates? One hundred and seventy-five million pounds of these trashy advertising sheets, that are worthless except as advertising sheets, come in competition with our daily and weekly newspapers, taking their legitimate advertising from them at an actual cost to the Government of $26,000,000 per annum. In a word, we pay the railroads $26,000,000 to carry the matter and get back $1,750,000.

It was stated here this morning that these paper-covered books are a great source of education to the people of this country. This I admit, but their usefulness will not be destroyed because they are not allowed to go as second-class matter. It takes on an average about five of these books to weigh a pound. The additional cost to the purchaser of these books will be about 1 cent on each book. Do you tell me that the young people of this country, that the people who desire education, will fail to buy books because of the additional cost of 1 or even 2 cents on each book, and therefore that all this valuable information that is published will be shut up from the people of this country? It is too absurd a proposition to make to intelligent people.

Mr. LLOYD rose.

The SPEAKER pro tempore. Does the gentleman from South Carolina yield to the gentleman from Missouri?

Mr. LATIMER. I have only five minutes, but I will yield.

Mr. LLOYD. I want to call your attention to the fact that the Postmaster-General in his report has said:

A division of the amount of postage received for third-class matter by the number of pounds of such matter mailed shows that the Department actually derives a revenue of 14.75 cents a pound from this class of mail.

Mr. LATIMER. That is third-class matter. I am talking about second-class matter.

Mr. LLOYD. And you are talking about second-class matter that under this bill can be entered at third-class rates, and you are talking about what would be the additional cost. I am calling your attention to the fact that the additional cost will be the difference between 14.75 cents a pound and 1 cent a pound. [Applause.]

Mr. LATIMER. Let it be as you state. I say that no part of the people of the United States who are doing business for profit have the right to come to the Post-Office Department and demand that their literature shall be carried through the mails at such a loss to the people who have to pay the taxes to meet this deficit. Nor will the passage of this bill have the effect of driving valuable literature out of the market or depriving the people of this country from its use, though it has to go through the mails at the 8 cents a pound rate, or even at 14½ cents per pound, as the gentleman has stated, for this rate will not, upon expert testimony given on the subject, add more than 2 cents apiece for these publications. If the increase in postage be added to the present price, which I do not admit will be done, owing to the competition and profit to the publishers in this business, I believe there will be no perceptible advance in the price.

Now, Mr. Speaker, the law of March 3, 1879, reads as follows:

(1) It must regularly be issued at stated intervals, as frequently as four times a year, and bear date of issue, and be numbered consecutively.

(2) It must be issued from a known office of publication.

(3) It must be formed of printed sheets, without board, cloth, leather, or other substantial binding, such as distinguished printed books for preservation from periodical publications.

(4) It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers: *Provided, however*, That nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates. (Act of March 3, 1879, section 14, 20 Stat. L., 360.)

This law was intended to deprive this very class of advertising sheets, reprints of books, dime novels, tons of series called libraries, purely paper-covered samples of books having no list of subscribers, from the benefit of second-class postage. It is asked why enact this bill that is simply a repetition of that law. The necessity for this bill becoming a law is intensified when we contemplate the tremendous abuses that have crept in under this law and the act of July 16, 1894.

Under these laws an enormous quantity of matter was let in at newspaper rates. Flagrant wrongs, solidly intrenched behind interests that have proven powerful and defiant, demand radical remedies; nothing short of this will rectify an abuse which, as the Postmaster-General says, involves a sheer waste of over $20,000,000 a year. This provision of the law was intended to give low rates, or recognition to legitimate newspapers and periodicals, but has been perverted, through deception and fraud, to the profit of interests wholly outside the plain intent of the law.

There are many of the metropolitan newspapers, like the New York World, that enjoy special privileges under this law, being carried at 1 cent per pound by the Government, while the Government actually pays the railroad 8 cents per pound for the same service; but that paper, not being satisfied with these privileges,

sends out the World Almanac, entering it at the New York office as second-class matter. It is put in as the monthly edition at 35 cents per year, when in fact everybody knows that the World Almanac is not a monthly edition of the New York World, but is published once a year and can be bought at the news stands at 25 cents.

Now, in order to evade the law and get into the mails as second-class matter it is made to appear as a monthly edition with a list of subscribers. This is but a sample of the palpable and flagrant frauds that are being perpetrated by these publishers; and yet men stand on this floor and urge that these publishers must not only be allowed these great privileges of having tons of these dailies carried through the mail at second-class rates, but, in addition, must be allowed to flood the mails with tons of almanacs, paper-covered novels, "house organs," so-called trade journals, advertising sheets, known also as benevolent or fraternal societies, insurance organizations, trades unions, etc.

The gap has been laid down by various rulings of the Department and decisions of the Attorney-General of the United States. This abuse has grown until Postmasters-General Smith, Bissell, Wilson, and others have urged Congress for such legislation as will cure the abuse. Mr. Speaker, it has been claimed by opponents of this bill that it would injure the country newspaper, and yet to this moment no such claim has been backed by one single argument to sustain the contention.

The truth is, the country newspapers not only have all the rights guaranteed under the present law, namely, that they can circulate their paper free in the county in which it is printed, send it through the mails at 1 cent per pound, send out sample copies to the amount of 100 per cent of the subscribed circulation, or to the number of 2,000. What more does this bill do for the country newspapers? It protects them from the metropolitan press flooding their territory with thousands of copies of advertising sheets at 1 cent per pound, and gives them some of the legitimate advertising which their location entitles them to.

This bill, if enacted into law, will not only wipe out the deficit of over $6,000,000 now confronting the Department on this year's business, but it will put a surplus of between ten and thirty million dollars into the Treasury for other useful service by the Department. We need between five and ten million dollars for free rural delivery in the country. Part of this surplus could be used in this way with great profit and benefit to our people who live in the country districts and are denied many of the comforts enjoyed by the city districts. We must pass upon the $36,000,000 now paid the railroads for carrying this mail. I feel sure we are paying exorbitant rates for this service.

Ah, Mr. Speaker, business methods and economy all along the line in this Department will not only wipe out the $6,000,000 deficit and inequalities now existing, but, in my judgment, will result in a few years in giving us a 1-cent postal rate. I can see no just defense for the inequality of the present postal charges, which are as follows: On first-class matter, 32 cents per pound; second-class, 1 cent per pound; third-class, 8 cents per pound; fourth-class, 16 cents per pound. My contention is that these unjust burdens should be nearer equalized. Make the business of the Department self-sustaining, and meet the highest and best interests of the whole people. Therefore I shall give my vote for this measure, believing it to be in the right direction. [Loud applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. SEWELL, and Mr. TELLER as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1804. An act granting an increase of pension to Rida B. Haskell—to the Committee on Pensions.

S. 3441. An act for the relief of Louis A. Yorke—to the Committee on Naval Affairs.

S. 2683. An act to provide for the construction of a revenue cutter for use in St. Marys River, Michigan—to the Committee on Interstate and Foreign Commerce.

S. 3024. An act for the erection of a new public building at Burlington, Vt.—to the Committee on Public Buildings and Grounds.

S. 2388. An act to increase the limit of cost for the purchase of a site and the erection of a public building at Boise City, Idaho—to the Committee on Public Buildings and Grounds.

S. 2268. An act to carry into effect a finding of the Court of Claims in favor of Pamella B. Finney, administratrix of T. C. Finney, deceased—to the Committee on War Claims.

S. 227. An act for the relief of the Continental Fire Insurance Company and others—to the Committee on Claims.

S. 2866. An act permitting citizens of the United States, bona fide residents of the States of California, Oregon, and Washington, to fell and remove, for building, agricultural, mining, and other domestic purposes, timber growing or being upon the mineral lands of the United States in the States aforesaid—to the Committee on the Public Lands.

S. 1475. An act to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, and making an appropriation therefor—to the Committee on Military Affairs.

S. 3149. An act for the erection of a public building at Atlanta, Ga.—to the Committee on Public Buildings and Grounds.

S. 1023. An act to authorize the Secretary of the Navy to loan naval equipment to certain military schools—to the Committee on Naval Affairs.

S. 1772. An act for the payment of the claim of M. M. Defrees for the construction of a sewer adjacent to the lands of the United States, known as the "arsenal grounds," in the city of Indianapolis, Ind.—to the Committee on Claims.

S. 2799. An act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th day of December, 1898—to the Committee on War Claims.

Senate concurrent resolution 32:

Resolved by the Senate (the House of Representatives concurring), That there be printed 7,000 copies of the Annual Report of the Major-General Commanding the Army for 1899, with accompanying documents, of which 2,000 copies shall be for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the War Department and Headquarters of the Army.

—to the Committee on Printing.

Senate concurrent resolution 20:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to cause a survey to be made and an estimate submitted of the cost of constructing a ship canal to connect Puget Sound with Grays Harbor via the Chehalis River, in the State of Washington, in accordance with recommendations heretofore made and filed with the War Department, and to report whether or not, in his judgment, it is advisable to construct such canal.

—to the Committee on Printing.

GENERAL LEAVE TO PRINT.

Mr. MOON. Mr. Speaker, I ask unanimous consent that all gentlemen who speak on this bill may be permitted to extend their remarks in the RECORD for the next five days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee that all gentlemen who speak upon this bill be allowed to extend their remarks in the RECORD for five days? [After a pause.] The Chair hears none.

Mr. MOON. I now yield fifteen minutes to the gentleman from Nebraska [Mr. NEVILLE].

SECOND-CLASS MAIL MATTER.

Mr. NEVILLE. Mr. Speaker, I could not face my constituents with a clear conscience when I return home if I do not now exhaust the power I have, both in speech and vote, to defeat this unholy measure. If this bill is enacted into law and the executive branch to which it relates does not ignore such law, as is frequently done by other executive branches with acts relating to them, another long stride will have been taken toward the final subversion of the people's liberties; and I confess that it is an unsolved question with me whether a people are more to be be pitied when in the hands of a lawmaking body that will enact laws to deprive the people of their rights than when in the hands of an executive who will disobey a law enacted by the people; but when they are at the mercy of both such authorities, they not only need the pity of the human family, but the active interference of a higher power.

This bill, Mr. Speaker, is a long step backward, and one upon reading it can find food for reflection and signs which foretell serious destination unless the fork in the road is soon reached.

The people had the right to assume, when electing the members of this body, that the Administration, having started upon a policy of spreading civilization, education, and Christianity, beginning with the Tagals and Sulus, and evidently intending to wind up with the Mohammedans and Buddhists—that such Administration would surely not attempt to prevent the dissemination of knowledge, religion, and civil government in our own land.

It may be well to remark here, Mr. Speaker, that no corrupt, unjust, or tyrannical power was ever able to dominate a people unless it kept them physically weak or mentally ignorant.

We were taught from our infancy to despise the power of might over right, and our children are yet taught in a half-hearted way that physical strength, as such, has no just claim to dictatorship. If the doctrine taught by the lowly Nazarene is to prevail in the end, as I firmly believe it will, the children of future generations will be taught to despise the cunning, brainy men of this age who despoil a people by enacting law.

I know, sirs, it is claimed this bill is necessary to prevent a deficiency in the Post-Office Department, and while there is such a deficiency the average citizen can not understand why reading matter should be cut off from the people, the public schools, and colleges when such deficiency could be wiped out by refusing to pay railroads prices for carrying the mails enabling them to pocket a large profit on legitimate investment and then some on watered stock.

Government ownership of all the public highways, including railroads, would soon solve the question of deficiencies in the postal service. Right here is one of the points where the shoe pinches. The people under the present facilities for the circulation of information are rapidly becoming acquainted with the great questions of public highways, finance, education, and liberty in their application to governments, and those who desire the Government to aid them in living off the sweat of other people's brows have scented danger to their tyrannical power, and now seek to prevent the light from shining upon their dark intentions.

If I understand this bill correctly, it seeks to deprive the great masses of the people from the privilege of pound rates upon a large class of reading matter which, under the law, now is within their reach. It will exempt reprints of the works of great authors in subdivisions and cheap form from the second-class rates, and thus deprive the poor of access to such information.

I have upon my desk No. 3, Riverside Art Series, "Michelangelo," by Estelle M. Hurll, a collection of pictures with introduction and interpretation, also No. 1, Riverside Literature, "Evangeline," by H. W. Longfellow, with notes and biographical sketches; also No. 6, Riverside Literature Series, "Grandmothers' Stories" and other poems, by Oliver Wendell Holmes; also No. 32, Riverside Literature Series, "The Gettysburg Speech" and other papers, by Abraham Lincoln, and an essay on Abraham Lincoln, by James Russell Lowell. These papers are prepared in form to make them accessible to the poor, and this bill seeks to put them beyond the reach of that class.

While it is no doubt true that the Department is imposed upon and the pound-rate privilege abused, yet the same can be said of every liberty enjoyed in common by the American people. The masses will not complain of an honest attempt to correct the abuse by properly dealing with the offenders. If the proper methods are adopted, yellow-backed literature and disreputable periodicals and papers and all matter carried in violation of law can be excluded not only from the privilege of pound rates, but, if proper, from the mails altogether, without affecting the right of the citizen to that which he is entitled.

Mr. Speaker, this bill not only discriminates against such publications as I have mentioned and all others of like character intended for school and family use, but it would require all publishers of newspapers and periodicals to put a postage stamp upon all exchanges, copies to advertisers, extra copies for campaign committees and candidates, always necessary for election purposes, sample copies to influence subscribers, return copies from agencies and news stands, and special and extra editions for any purpose whatever; besides it would put a new, vicious club in the hands of unscrupulous partisan postmasters to use in the coming and near future elections.

This is not all, Mr. Speaker. By reference to section 5 of this bill it will be seen that under subdivision 1 of said section a publication must be issued as frequently as four times a year to entitle it to the privilege of second-class matter. I very much fear it would be difficult to convince a Postmaster-General under the present Administration that this qualification was complied with until the fact was demonstrated by a year's publication. If so, it would shut out from the privilege all new enterprises.

By reference to the first paragraph of subdivision 4 of section 5 of the bill, which reads as follows:

> It must be originated and published for the dissemination and information of a public character, or devoted to literature, the sciences, arts, or some special industry, and must have a legitimate list of subscribers who voluntarily order and pay or agree to pay for the same—

it will be seen that to start a rural newspaper the projector would be compelled to secure his subscribers without being able first to display the merits of his publication.

Mr. Speaker, this bill would materially injure if not wholly drive the country newspapers out of business, and the city dailies would monopolize the field. Such dailies use carriers and express companies almost exclusively, and would be able to pay increased postage on country delivery if the rural weeklies could be exterminated.

When I turn my memory back to the campaign of 1896 and recall the words of a prominent bishop lamenting the fact that the farmers' children were receiving too much education, because it disinclined them for the drudgery of the farm and complicated domestic and political conditions, I am not at a loss to understand why such a measure as this bill should be urged.

By an examination of the report of the committee it can be readily seen that the table of figures on pages 3 and 4 and committee comments thereon, which I ask to have inserted here in my remarks, and do not read, because the report is before the members, are based upon a false presumption of what will occur if this bill becomes a law:

As strikingly illustrating the extent and effect of the abuses to which reference is made, attention is particularly invited to the appended statements and exhibits. Calculating upon the basis of the count of pieces and the weighing of volume made in 1880, and adhering to the rule of estimating which has been observed in the Department from that time, the weight in pounds and the receipts for postage on the several classes of matter mailed during the year ending June 30, 1899, are as follows:

Class.	Weight.	Postage paid.
	Pounds.	
First class	128,517,992	$65,987,732.98
Second class:		
Paid at pound rate	352,703,226	3,527,032.26
Free	62,241,700	
Transient	25,289,355	1,564,290.00
Third class	68,227,169	10,093,882.50
Fourth class	21,776,347	3,421,181.80
Foreign	5,531,079	2,546,800.44
Total	664,286,868	87,140,919.98

Careful inquiry has been made through experienced postmasters and by an examination of the records of the Department, and it is believed that fully one-half of all the matter mailed as second class and paid for at the pound rate is not properly second class within the intent of the law and ought justly to be paid for at the third-class rate. This gives the enormous quantity of 176,351,613 pounds from which the Department derives only a fraction of the revenue to which it is fairly entitled. The third-class rate of postage is 1 cent for each 2 ounces or fraction thereof, nominally 8 cents a pound, but in reality, through the operation of the fractional provision, the rate is higher.

A division of the amount of postage received for third-class matter by the number of pounds of such matter mailed shows that the Department actually derives a revenue of 14.75 cents a pound from this class. If, therefore, there had been paid, as there should have been paid, the average third-class rate on the 176,351,613 pounds which was wrongfully transmitted at the pound rate, the Department would have received $26,011,862.92, instead of $1,763,516.13, which it actually received, and the postal revenues would have been increased by the handsome sum of $24,248,346.79.

The actual financial exhibit of the Department for the last fiscal year is as follows:

Total expenditures	$101,632,160.92
Total receipts from all sources	95,021,384.17
Deficit	6,610,776.75

Had this 176,351,613 pounds of mail matter, really of the third-class but transmitted at the pound rate, paid as it should have paid, the average third-class rate, the financial exhibit would have been this:

Receipts, as above given	$95,021,384.17
Additional revenue from 176,351,613 pounds third-class matter, at 14.75	24,248,346.79
Total receipts	119,269,730.96
Total expenditures	101,632,160.92
Surplus	17,637,570.04

Or if it be assumed that the matter would pay only the nominal rate of 8 cents a pound, this would be the showing:

Receipts, as given above	$95,021,384.17
Additional revenue from 176,351,613 pounds third-class matter, at 8 cents	12,344,612.91
Total receipts	107,365,997.08
Total expenditures	101,632,160.92
Surplus	5,733,836.16

This is what the financial exhibit of the postal service for the year would be if the matter carried through the mails were classified and rated as the law intended it should be. It would show a large surplus instead of a large deficit. Nor do even these figures present the full case. The first table of this statement shows that the amount of postage per pound actually received on the several classes was as follows:

	Cents.
First-class matter, not free	85.6
Second-class matter	.8
Third-class matter	14.7
Fourth class (seeds, etc.)	9.2
Fourth class (ordinary)	17
Foreign	46
Postal cards	188.2

From these statements it appears:

First. That more than one-fourth of the entire volume and weight of matter carried through the mails is rated and pays as second-class matter, when, under the spirit and intent of the law, it ought to be rated and to pay as third-class matter.

Second. That while this wrongly classed matter amounts to more than one-quarter of the whole volume of mail transmitted, it furnishes only one fifty-fifth part of the postal revenue.

Third. That the expense of transportation being reckoned at 8 cents a pound, the mere carrying of this matter cost $14,108,129.04, while the revenue from it was only $1,763,516.13, involving a loss to the Government of $12,344,612.91.

It must be plain, Mr. Speaker, to every man that the 352,703,226 pounds of second-class matter would not all, nor even any great portion of it, have been mailed if third-class rates had been charged, and therefore the deductions of the committee as to the transformation of a small deficit to a large surplus are without merit.

Again, it would seem to one not well versed in the intricacies of star-route fortunes that a general average by class of 52.6 cents per pound, or the rate in cents for either class for delivering mail matter considering the distributive distances, ought, in a well-regulated service, to prevent a deficit.

The facts are that this bill is another long stride toward the centralization of power. Even now, sirs, there is a bill pending in this Congress to put parcel delivery on a cheaper rate in the postal service than the present rate for second-class matter which will burden the postal department with freight instead of mail, sacrifice intelligence as well as just government to the greed of commerce, and drive out of business the crossroad and small city merchants in the interest of large city department stores.

Thirty-odd years of centralization policy under the domination of a party controlled by corporations, syndicates, and trusts has driven from our villages, towns, and small cities the tailor, the shoemaker, the wheelwright, the blacksmith, the carder, the weaver, the foundryman, the cabinetmaker, the locksmith, the tinner, the tanner, the pottery maker, the plow maker, and in fact almost all classes of mechanics, artisans, and manufacturers, and now the contemplated changes in the postal service will compel the printer and possibly the merchant to follow them.

The argument is advanced by the supporters of this bill that no one class of business should be specially taxed or burdened to benefit another; that no one person should be heavier burdened that another might enjoy greater privileges. It is the same old, old story. Cain is on earth again and wholly indifferent to his brother.

Turning my memory back to the days of subscription schools, when the teacher boarded around, and coming down through the great conflict which was waged to prevent the public-school system from being enacted into law, I note the similarity of argument.

The great subsidized constitutional lawyers of that day pawed the air and burdened the courts and people with ceaseless oratory charging the public-school system to be highway robbery, unjust, and unconstitutional discrimination between citizens; that it deprived the citizen of his property without adequate compensation or due process of law; that it was confiscation of property in times of peace; that it compelled one man against his will to labor for the support of another; that it subverted the doctrine of the survival of the fittest and encouraged the laggard in his idleness.

It is a disgrace to our civilization that greed, avarice, and selfishness should be permitted to dominate the people in their interest, but it is the tendency of the times; the next step will be for the same reason and by the same argument to abolish the public-school system, and the next an educational qualification to vote.

Later on the same argument will be used to urge that an indigent person should not have the right to say when, for what, and how much the property holder should be taxed, and then a property qualification to vote will follow, and thus, one by one, the boasted American liberties will fade from the grasp of the citizen.

It is not difficult to define the menial stages through which a people must pass before becoming slaves.

Now, Mr. Speaker, in conclusion, permit me to say that the second-class rate on mail matter is in the interest of the farmer, the wage earner, and the poor people, and I can not consent to cut off from them the bulk of the benefit it gives because a small deficit, probably caused by unnecessary salaries, exorbitant freight charges, and official mismanagement, exists. [Applause.]

Mr. LOUD. Mr. Speaker, I move that the House do now adjourn.

ENROLLED BILLS SIGNED.

The SPEAKER. Pending that motion, the Chair submits the following report of the Committee on Enrolled Bills:

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles; when the Speaker signed the same:

H. R. 1040. An act to amend section 4445 of Title LII of the Revised Statutes of the United States, relating to licensing of officers of steam vessels; and

H. J. Res. 159. Joint resolution to amend joint resolution to furnish the daily CONGRESSIONAL RECORD to members of the press, and so forth, approved February 17, 1897.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 746. An act to authorize C. R. Dobbins to accept a gold watch awarded to him by the government of the Dominion of Canada in recognition of his humane and gallant service to the shipwrecked crew of the British schooner *Ashton*, of Weymouth, Nova Scotia;

S. 2114. An act to constitute South Manchester, Conn., a port of delivery;

S. 1740. An act to authorize C. E. Marr and E. H. Pierce to accept silver watches awarded to them by the government of the Dominion of Canada in recognition of their services in rescuing British sailors;

S. 68. An act granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas Agricultural College and a western branch of Kansas State Normal School thereon, and for a public park; and

S. 3138. An act to provide for necessary repairs to the steamer *Thetis* for service as a revenue cutter.

URGENT DEFICIENCY BILL.

Mr. CANNON rose.

The SPEAKER. Will the gentleman from California withdraw his motion for a moment?

Mr. LOUD. I withdraw it.

Mr. CANNON. Mr. Speaker, I desire to ask unanimous consent to nonconcur in the Senate amendments to the urgent deficiency bill, and ask for a conference.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, with sundry Senate amendments.

Mr. BELL. What are those amendments?

Mr. CANNON. There are a page or two of them.

Mr. BELL. I would like to ask the Chairman a question.

Mr. CANNON. Yes.

Mr. BELL. Did they put on that amendment for the increase of salary of the principal of the Central High School?

Mr. CANNON. This is the urgent deficiency bill.

Mr. BELL. It is not the bill that we had up the other day?

Mr. CANNON. It is not the District of Columbia appropriation bill. There are several amendments. It would not take a great deal of time to read them.

The SPEAKER. There are two or three pages of Senate amendments.

Mr. RICHARDSON. Why not print them in the RECORD?

Mr. CANNON. They are printed in the RECORD in the Senate consideration.

Mr. RICHARDSON. Then why read them now?

The SPEAKER. The bill as printed will appear in the RECORD, the Chair will state. The gentleman from Illinois asks unanimous consent to take this bill up, to nonconcur in the Senate amendments, and ask for a conference?

Mr. CANNON. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the House nonconcurs in the Senate amendments and asks for a conference. The Chair announces the appointment of the following conferees: Mr. CANNON, Mr. BARNEY, and Mr. PIERCE of Tennessee.

The bill, with the Senate amendments, is as follows:

[Omit the part in brackets and insert the part printed in italics.]

An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year 1900, and for prior years, and for other objects hereinafter stated, namely:

TREASURY DEPARTMENT.

MINTS AND ASSAY OFFICES.

Mint at Philadelphia: For wages of workmen and adjusters, $100,000.

For incidental and contingent expenses, including new machinery and repairs, expenses annual assay commission, melter and refiner's wastage, and loss on sale of sweeps arising from the manufacture of ingots for coinage and wastage and loss on sale of coiners' sweeps, and purchase not exceeding $500 in value of specimen coins and ores for the cabinet of the mint, $45,000.

Office of Auditor for the War Department: For the purpose of restoring and repairing the worn-out and defaced rolls and vouchers in the Office of the Auditor for the War Department, the following additional force from March 15 to June 30, 1900, inclusive, 10 clerks, at the rate of $1,000 each per annum, $2,945.40.

PUBLIC BUILDINGS.

Repairs of public buildings: For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, and post-offices, marine hospitals, and quarantine stations, and other public buildings and the grounds thereof under the control of the Treasury Department, $50,000.

Heating apparatus for public buildings: For heating, hoisting, and ventilating apparatus, and repairs to the same, for all public buildings, including marine hospitals and quarantine stations, under control of the Treasury Department, exclusive of personal services, except for work done by contract, $30,000.

Vaults, safes, and locks for public buildings: For vaults, safes, and locks, and repairs to the same, for all public buildings under control of the Treasury

Department, exclusive of personal services, except for work done by contract, $7,500.

WAR DEPARTMENT.

MILITARY POSTS.

That the provisions of section 355, Revised Statutes, are waived so far as they prohibit the expenditure of public money for the purpose of erecting public buildings on a tract of land recently acquired as a site for necessary buildings at Fort Du Pont, Del., before the consent of the legislature of the State of Delaware to the purchase had been given, it being impracticable to apply to the State legislature for consent to its purchase until its next session in January, 1901, and the buildings being urgently required for the shelter of troops.

NAVAL ESTABLISHMENT.

To meet unforeseen contingencies constantly arising, to be expended at the discretion of the President, $125,000.

BUREAU OF EQUIPMENT.

For the purchase of a water boat for the purpose of supplying ships of the Navy with water, $25,000.

For the purchase of coal barges for supplying coal to ships of the Navy, $150,000.

[BUREAU OF EQUIPMENT.]

For the installation of a suitable equipment plant in the Philippine Islands, $30,000.

BUREAU OF YARDS AND DOCKS.

For general maintenance of yards and docks, namely:

For freight, transportation of materials and stores, books, maps, models, and drawing; purchase and repair of fire engines; machinery; repairs on steam fire engines and attendance on the same; purchase and maintenance of oxen, horses, and driving teams; carts, timber wheels, and all vehicles for use in the navy-yards; tools and repairs of the same; postage on letters and mailable matter on public service sent to foreign countries, and telegrams; stationery; furniture for Government houses and offices in navy-yards; coal and other fuel, candles, oil, and gas; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and apparatus; incidental labor at navy-yards; water tax, tolls, ferriage; rent of four officers' quarters at Philadelphia, Pa.; pay of watchmen in navy-yards; awnings and packing boxes, and advertising for yards and docks and for other purposes; and for rent of wharf and storehouses at Erie, Pa., for use and accommodation of United States steamer *Michigan*, $50,000.

For repairs and preservation at navy-yards and stations, $50,000.

For contingent expenses that may arise at navy-yards and stations, $10,000.

For reconstructing building No. 7, replacing furniture, mathematical and engineering instruments and stationery, and providing temporary offices, rendered necessary by fire on February 11, 1900, $60,000.

BUREAU OF MEDICINE AND SURGERY.

To supply a deficiency in the appropriation for naval hospital fund for the fiscal year ending June 30, 1900, "for maintenance of the naval hospitals at the various navy-yards and stations, and for the care and maintenance of patients in other hospitals at home and abroad," $10,000.

For surgeons' necessaries for vessels in commission, navy-yards, naval stations, Marine Corps, and Coast Survey, and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory, and department of instructions, museum of hygiene, and Naval Academy, $10,000.

BUREAU OF CONSTRUCTION AND REPAIR.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, $100,000.

MARINE CORPS.

Repair of barracks, including repairs, improvements, additions, and rent of barracks, quarters, and grounds; transportation, recruiting, military stores, including ammunition; fuel and contingent expenses, including freight, tolls, cartage, advertising, laundering enlisted men's bedclothes, funeral expenses, stationery and other paper; telegraphing, procurement and maintenance of telephones, and typewriters; apprehension of stragglers and deserters; employment of civilians, per diem of enlisted men employed on constant labor for a period not less than ten days; installation and repair of gas, electric, and water fixtures; office and barracks furniture, camp and garrison equipage and implements; carpenters' tools, tools for police purposes, safes; purchase and maintenance of public horses, wagons, and harness; service of veterinary surgeon, fire hose, fire extinguishers, fire grenades; purchase and repair of cooking stoves, ranges; purchase of ice, toilet articles, books, newspapers, and periodicals; purchase of bedding, mattresses, mattress covers, pillows, sheets, and bedsteads; furniture for Government quarters and repair of same, and for all emergencies and extraordinary expenses impossible to anticipate and classify for naval stations without the United States, $25,000.

DEPARTMENT OF THE INTERIOR.

GOVERNMENT HOSPITAL FOR THE INSANE.

For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, and inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military or naval service of the United States who have been admitted to the hospital and who are indigent, $40,000.

For general repairs and improvements, $10,000.

For furnishing new laundry, $3,080.

PUBLIC BUILDINGS.

For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, $7,300.

GEOLOGICAL SURVEY.

For engraving and printing the geological maps of the United States, $2,500.

For gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections, and the preparation of reports upon the best methods of utilizing the water resources of said sections, $20,000.

DEPARTMENT OF STATE.

For stationery, furniture, fixtures, and repairs, and for the purchase of passport paper, $500.

For contingent expenses, namely: For care and subsistence of horses, to be used only for official purposes, and repairs of wagons, carriage, and harness, rent of stable, telegraphic and electric apparatus and repairs to the same, and miscellaneous items not included in the foregoing, $1,000.

LEGISLATIVE.

SENATE.

For miscellaneous items, exclusive of labor, $20,000.

For purchase of furniture, $5,000.

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, $2,500.

For repairs of Maltby Building, $500.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $7,000.

HOUSE OF REPRESENTATIVES.

For furniture, and repairs of the same, $2,000.

For miscellaneous items and expenses of special and select committees, $20,000.

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents, books of reference, and all the necessary materials which may be needed in the prosecution of the work, $450,000.

For printing and binding for the Department of Justice, $4,000.

For printing and binding for the Navy Department, $25,000.

For printing and binding for the War Department, $10,000.

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office, on account of fiscal years as follows:

For the fiscal year 1900, $15,000, or so much thereof as may be necessary.

To enable the Public Printer to pay employees of the Government Printing Office for leave of absence to which they were entitled during the fiscal year ended June 30, 1899, and which could not be granted to them in consequence of the appropriation for leaves of absence becoming exhausted, $18,000, or so much thereof as may be necessary.

Hereafter there shall be advanced to the Public Printer from time to time, as the public service may require it, and under such rules as the Secretary of the Treasury may prescribe, a sum of money not exceeding at any time the penalty of his official bond, to enable him to pay for work and material.

Passed the House of Representatives March 12, 1900.

Attest:

A. McDOWELL, *Clerk.*

The SPEAKER. The gentleman from California moves that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for establishing boundary line between Texas and Choctaw Nation, Ind. T.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for marine barracks at Annapolis—to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. COOPER of Texas, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 7939) to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, reported the same with amendment, accompanied by a report (No. 735); which said bill and report were referred to the House Calendar.

Mr. BOREING, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 28) for printing 1,000 extra copies of the Report of the Superintendent of Indian Schools for the year 1899 for the use of the Department of the Interior, reported the same without amendment, accompanied by a report (No. 736); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9150) to increase the efficiency of the Subsistence Department of the Army, reported the same with amendment, accompanied by a report (No. 737); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EDDY, from the Committee on Indian Affairs, to which

was referred the bill of the House (H. R. 8876) granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation, in Minnesota, reported the same with amendment, accompanied by a report (No. 738); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 9762) directing the issue of a duplicate of a lost check drawn by E. B. Atwood, lieutenant-colonel and deputy quartermaster-general, United States Army, in favor of Alfred C. Cass, reported the same without amendment, accompanied by a report (No. 734); which said bill and report were referred to the Private Calendar.

Mr. FITZGERALD of New York, from the Committee on Claims, to which was referred the bill of the Senate (S. 189) for the relief of the owners of the British ship *Foscolia* and cargo, reported the same without amendment, accompanied by a report (No. 739); which said bill and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8422) granting a pension to J. B. Wetherbee, reported the same with amendments, accompanied by a report (No. 740); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8415) granting an increase of pension to Jesse F. Gates—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9538) granting an increase of pension to Bethany Simmons—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 9827) to close all alleys in block 3 of the Walbridge subdivision of Ingleside, in the county of Washington—to the Committee on the District of Columbia.

By Mr. RIXEY (by request): A bill (H. R. 9828) to authorize the more rapid drainage of the flood plane of the Mississippi River and its tributaries into the Gulf of Mexico, at private expense—to the Committee on Rivers and Harbors.

By Mr. LANE: A bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri—to the Special Committee on the Centennial of the Louisiana Purchase.

By Mr. SIMS: A bill (H. R. 9830) to regulate the mode and manner of taking proof in all civil cases, both at law and equity, in the circuit court of the United States—to the Committee on the Judiciary.

By Mr. LITTLE: A bill (H. R. 9831) to establish a National Soldiers' Home hospital at Hot Springs, Ark.—to the Committee on Military Affairs.

By Mr. BURKETT: A bill (H. R. 9832) to pension the Nebraska Territorial Militia—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 9833) to prevent the unlawful placing of signs for sale or rent upon private property in the District of Columbia—to the Committee on the District of Columbia.

By Mr. YOUNG: A bill (H. R. 9834) providing for the restoration to the legal representatives any money, personal property, and so forth, of any inmate who may die while in a soldiers' home under the control and management of the United States Government—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 9835) to establish a code of law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. DALZELL: A bill (H. R. 9872) to authorize the transportation of distilled spirits to general bonded warehouses and the removal therefrom—to the Committee on Ways and Means.

By Mr. DINSMORE: A resolution (H. Res. 189) requesting the Secretary of State to furnish the House with the correspondence between the United States Government and Great Britain relating to the retention, etc., of the correspondence addressed to Charles E. Macrum, consul of the United States at South Africa—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELLAMY: A bill (H. R. 9836) for the relief of Thomas McBryde, of Robeson County, N. C.—to the Committee on War Claims.

By Mr. CALDWELL (by request): A bill (H. R. 9837) to increase the pension of William T. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9838) granting an increase of pension to Ebenezer Dunn—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 9839) granting an increase of pension to Emily H. Wood—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 9840) to increase pension of William Snider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9841) granting a pension to Andrew J. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9842) to correct military record of James A. Crouch—to the Committee on Military Affairs.

Also, a bill (H. R. 9843) granting an increase of pension to John A. Hardy—to the Committee on Pensions.

By Mr. DRIGGS: A bill (H. R. 9844) to increase the pension of Catherine Burns—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of New York: A bill (H. R. 9845) for the relief of James E. Kelsey and others—to the Committee on Claims.

By Mr. GRIFFITH: A bill (H. R. 9846) removing the charge of desertion against Theodore Werner, of North Vernon, Ind.—to the Committee on Military Affairs.

Also, a bill (H. R. 9847) granting a pension to Joseph W. Evans, of Clarksburg, Decatur County, Ind.—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: A bill (H. R. 9848) removing the charge of desertion from the military record of David Truman Hayton—to the Committee on Military Affairs.

Also, a bill (H. R. 9849) granting a pension to Mary A. Wood—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 9850) to carry out the findings of the Court of Claims in favor of R. L. Pritchard & Co., of Page County, Va.—to the Committee on Claims.

By Mr. HENRY of Mississippi: A bill (H. R. 9851) for the relief of Mrs. Ann M. Brown, Claiborne County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9852) for the relief of the estate of William R. Tinsley, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. MERCER: A bill (H. R. 9853) granting an increase of pension to Edward Yarton—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 9854) for the relief of Mrs. M. J. Bagley, of New Orleans, La.—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 9855) granting a pension to Joseph H. Cosgrove—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 9856) for the relief of James I. Friend, of Kentucky—to the Committee on Claims.

Also, a bill (H. R. 9857) for the relief of the estate of Thomas W. Robinson, late of Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 9858) for the relief of F. M. Head, of Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 9859) for the relief of the estate of Harrison Cox, late of Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 9860) for the relief of James G. Queen, of Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 9861) for the relief of the estate of Charles Darnell, late of Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 9862) for the relief of the estate of William H. Routt, late of Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 9863) for the relief of Thomas J. Pattinger, of Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 9864) for the relief of Isham Richardson, of Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 9865) for the relief of E. T. Dram, of Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 9866) for the relief of the estate of Franklin Le Grand, late of Kentucky—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 9867) for the relief of the estate of

Mrs. C. Williamson, deceased, of Madison County, Tenn.—to the Committee on War Claims.

By Mr. TERRY: A bill (H. R. 9868) for the relief of the estate of John A. McDaniel, Pulaski County, Ark.—to the Committee on War Claims.

By Mr. UNDERHILL: A bill (H. R. 9869) granting an extension of Letters Patent No. 336546—to the Committee on Patents.

By Mr. VAN VOORHIS: A bill (H. R. 9870) granting a pension to Caroline Moore—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 9871) for relief of John Breen, lately postmaster at Gladwyne, Pa.—to the Committee on Claims.

By Mr. HITT: A bill (H. R. 9873) to correct the military record of G. W. Rand—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana: A bill (H. R. 9874) granting an increase of pension to Anna F. Johnson—to the Committee on Invalid Pensions.

By Mr. RIDGELY: A bill (H. R. 9875) granting a pension to Eliza A. Mann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9876) granting an increase of pension to Joel V. Garrison—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 9877) for the relief of Cyrus D. Hottenstein—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Merchants' Club of Chicago, Ill., relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of "citizen of Philadelphia," favoring arbitration in the settlement of international disputes—to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Petition of the Niagara Woman's Christian Temperance Union, of Buffalo, N. Y., urging the enactment of a law forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade in our new possessions—to the Committee on the Territories.

By Mr. ALLEN of Kentucky: Petition of J. H. Wood and others, of Henderson, Ky., against the passage of House bill No. 6071, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BENTON: Resolutions of Captain J. M. Baird Post, No. 322; Baker Post, No. 271, and Liberal Post, No. 515, Grand Army of the Republic, Department of Missouri, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BOUTELLE of Maine: Petition of J. A. Snow and others, of Snow Corner, Me., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BOWERSOCK: Petition of citizens of Lawrence, Kans., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Washington Post, No. 12, and Major Rankin Post, No. 439, Grand Army of the Republic, Department of Kansas, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BRUNDIDGE: Petition of citizens of Monmouth Springs, Ark., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. BURKE of South Dakota: Petition of members of Letcher Church, Sanborn County, S. Dak., favoring a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. BURKETT: Petitions of George L. Towne, Henry Barrows, and Charles L. Graves, of Kansas, against the passage of the Loud bill relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: Protest of the Western Quarterly Meeting of Friends at Westgrove, Pa., against the sale of liquor in Army canteens, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of Russellville, Pa., to prohibit the manufacture and sale of intoxicating liquor in Hawaii—to the Committee on Alcoholic Liquor Traffic.

By Mr. CALDERHEAD: Petition of the Mercantile Club of Kansas City, Kans., for the passage of a bill for the equalization of the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, protest of the Chamber of Commerce of Quincy, Ill., against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Mercantile Club of Kansas City, Kans., favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of the United States Maimed Soldiers' League of Philadelphia, urging the passage of House bills Nos. 4477 and 4478, relating to pensions of limbless soldiers and sailors—to the Committee on Invalid Pensions.

Also, petitions of the Mercantile Club of Kansas City, Kans., and Commercial Club of Kansas City, Mo., protesting against the passage of certain bills relating to the butterine industry—to the Committee on Agriculture.

By Mr. CLARK of Missouri: Resolutions of E. E. Kimball Post, No. 453, Middletown, Mo., protesting against the passage of the Cullom bill to remove disqualifications of certain ex-soldiers of the civil war—to the Committee on Military Affairs.

By Mr. CLARKE of New Hampshire: Petition of Mrs. Kate Morrill and others, of Stark, N. H., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Welby W. Corbett and others, of Colebrook and Lyman, N. H., favoring the Grout bill relating to oleomargarine—to the Committee on Agriculture.

Also, petition of Post No. 11, Grand Army of the Republic, of Milford, N. H., favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. COX: Protest of citizens of Tennessee, against the passage of the Loud bill relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CROWLEY: Papers to accompany House bill No. 3016, increasing the pension of Mary A. Ryon—to the Committee on Pensions.

Also, papers to accompany House bill No. 3468, for the relief of William Bowling—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 3017, granting a pension to Martha Ann Cheyne—to the Committee on Invalid Pensions.

By Mr. CURTIS: Petition of Sarah Richmond and others, of Topeka, Kans., and vicinity, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolution of Major A. M. Harper Post, No. 181, of Braddock, Pa., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DOLLIVER: Petition of James C. Taylor Post, No. 165, Grand Army of the Republic, of Algona, Iowa, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Charles Stover and other citizens of Havelock, Bradgate, and county of Crawford, Iowa, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of O. A. Weaver and others, of Curlew, Havelock, Lake City, and Coon Rapids, Iowa, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of W. H. Pruter and other citizens of West Side, Crystal Lake, Algona, and Renwick, Iowa, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. GRAHAM: Petition of R. G. Shaw Post, No. 206, Department of Pennsylvania, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the American Society for the Prevention of Cruelty to Animals, for the passage of House bill No. 1144, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Commercial Club, Kansas City, Mo., against any legislation increasing the tax on oleomargarine—to the Committee on Ways and Means.

Also, petition of J. B. Atherton and other citizens of the Hawaiian Islands, urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade, and other measures relating to the government of Hawaii—to the Committee on the Territories.

Also, petition of Letter Carriers' Fraternal and Benevolent Union, urging the passage of a bill for the retirement of letter carriers after a specified number of years in service—to the Committee on the Post-Office and Post-Roads.

By Mr. GREEN of Pennsylvania: Petitions of citizens of Kutztown, Allentown, and Reading, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GREENE of Massachusetts: Petition of sundry citizens of Nantucket, Fall River, Mass., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the New Bedford Typographical Union, No. 276, favoring the passage of House bill No. 6872, providing that the Allied Printing Trades label be used on all Government publications—to the Committee on Printing.

Also, resolutions of the executive council of the Massachusetts State Board of Trade, of Boston, Mass., in favor of the appointment of a commission to study the industrial and commercial conditions of China and Japan—to the Committee on Foreign Affairs.

Also, resolutions of the Boston (Mass.) city government, for the construction of gunboats and cruisers in the Charlestown Navy-Yard—to the Committee on Naval Affairs.

Also, resolutions of Graduate Nurses of Massachusetts, indorsing House bill No. 6879, for the employment of women nurses in military hospitals of the Army—to the Committee on Military Affairs.

Also, resolutions of the Paint and Oil Club, of Boston, Mass., relating to section 61 of the revenue act of 1894, as to the tax on the use of alcohol in the arts or in any medicinal or other like compound—to the Committee on Ways and Means.

Also, petition of Richard Borden Post, No. 46, Department of Massachusetts, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GRIFFITH: Protest of Lawrenceburg (Ind.) Roller Mills Company, against discrimination in freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Pagett Post, Grand Army of the Republic, of Bennington, Ind., in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HOFFECKER: Resolutions of the Woman's Home Missionary Society of the Methodist Episcopal Church, Wilmington Conference, Delaware, protesting against the interpretation put upon the anti-canteen law—to the Committee on Alcoholic Liquor Traffic.

By Mr. HOPKINS: Petition of citizens of Ringwood, Naperville, Sycamore, and Somonauk, Ill., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of Mrs. Kate Yeo and others, of Elgin, Ill., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. JACK: Petition of W. S. Weaver Post, No. 32, Grand Army of the Republic, of Freeport, Pa., favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of J. B. Kimmel and others, of Elderton and Homer City, Pa., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. KNOX: Resolutions of citizens of Sitka, Alaska, regarding the removal of the capital to Juneau—to the Committee on the Territories.

By Mr. LACEY: Petition of C. A. Stevens and others, of Bland, Eagle, Abiquiu, San Pedro, and other parts of New Mexico, for the establishment of a reservation in New Mexico for the preservation of the American bison—to the Committee on the Public Lands.

By Mr. LONG: Petition of C. J. Mackey, George W. Van Worden, and other citizens of Wichita, Kans., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petitions of General George Crook Post, No. 337; South Haven Post, No. 407, and Rush Post, No. 448, Grand Army of the Republic, Department of Kansas, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of R. H. Brown and 10 other citizens of Ness County, Kans., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McPHERSON: Petition of Fred Hickman and others, of Hamlin, Iowa, favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. MANN: Petitions of Frank P. Hale and other druggists, Chicago, Ill., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. MEEKISON: Petitions of Grand Army of the Republic posts at Melrose and Liberty Center, Ohio, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana: Petition of W. W. Howe and other members of the bar of the Supreme Court, for better quarters for the law library of Congress—to the Committee on the Library.

Also, paper to accompany House bill for the relief of the heirs of Patrick Dooling—to the Committee on War Claims.

By Mr. OVERSTREET: Resolution of John F. Rucker Post, No. 165, of Indianapolis, Ind., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. RICHARDSON: Petition of editors, United States officers and soldiers, favoring the passage of a bill for the establishment of a national military park on the battlefield of Stone River, Rutherford County, Tenn.—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of J. H. Hoffman, of Ligonier, and F. R. Tollman, of Wolcottville, Ind., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Typographical Union No. 78, of Fort Wayne, Ind., in favor of the passage of House bill No. 6872, to print the label of the Allied Printing Trades on all publications of the Government—to the Committee on Printing.

Also, petition of Mrs. Kate Kinseley and other citizens of York, Ind., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL: Petitions of citizens of Westminster and Voluntown, Conn., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY C. SMITH: Sundry petitions of citizens of the State of Michigan, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Petition of Mrs. Sallie Boyce and others, of Taylor County, Tex., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of Mrs. Daisy Newlin and others, of Gypsum, Tex., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLOWAY: Petition of Dodge & Laing and other retail merchants of Manchester, N. H., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. SUTHERLAND: Protests of C. F. Wheeler, of Beaver City; A. M. Hargis, of Grand Island, and J. W. Hann, of Wauneta, Nebr., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of A. Garber Post, No. 138, of Guide Rock, Nebr., and Post No. 217, of Benkelman, Nebr., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Church of Christ of Hastings, Nebr., favoring a new code of laws for Hawaii, against the manufacture and sale of intoxicating liquors, and prohibiting the importation and sale of opium, etc.—to the Committee on the Territories.

By Mr. TERRY: Petition of W. P. Dixon and others, of Little Rock, Ark., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of M. J. Brinson and others, of Ard, Ark., against the passage of House bill No. 6071, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. THAYER: Petition of the Woman's Christian Temperance Union of Leicester, Mass., and District Lodge, No. 1, Independent Order of Good Templars, South Worcester, Mass., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. VAN VOORHIS: Papers to accompany House bill for the relief of Caroline Moore—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of Charlotte A. Cleveland and other citizens of Wyoming County, N. Y., favoring a sixteenth amendment to the Constitution granting suffrage to women—to the Committee on the Judiciary.

Also, petition of certain citizens of Wyoming County, N. Y., in favor of woman suffrage in Hawaii, Cuba, Puerto Rico, and the Philippines—to the Committee on the Territories.

By Mr. WANGER: Resolutions of Major E. L. Rogers Post, No. 489; General S. K. Zook Post, No. 11, and Colonel Croasdale Post, No. 256, Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WEEKS: Petition of citizens of Port Sanilac, Mich., against the passage of the Loud bill relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of retail druggists and citizens of Port Huron, Mich., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. WEYMOUTH: Petition of G. A. Osborn and 12 citizens of Leominster, Mass., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Arizona: Petition of Fremont Post, No. 9, of Yuma, Ariz., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WRIGHT: Resolutions of Phelps Post, No. 124, and

Gustin Post, No. 154, Department of Pennsylvania, Grand Army of the Republic, favoring the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of 31 citizens of the Fifteenth Congressional district of Pennsylvania, asking for the passage of House bill No. 5475, in regard to the Army canteen—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Retail Merchants' Association of Illinois, protesting against the passage of pending oleomargarine bills—to the Committee on Agriculture.

Also, petition of the Commercial Exchange of Philadelphia, Pa., urging liberal appropriations for the support of the Hydrographic Office of the Navy Department—to the Committee on Appropriations.

Also, petition of the Commercial Exchange of Philadelphia, Pa., urging legislation in aid of American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of retail druggists of Philadelphia, Pa., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of Vail Brothers and others, of Philadelphia, Pa., urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

Also, resolutions of E. D. Baker Post, No. 8; Winfield Scott Post, No. 114, and Post No. 77, of Philadelphia, Pa., Grand Army of the Republic, favoring the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of C. S. Garrett & Co., Philadelphia, in relation to the tariff on paper—to the Committee on Ways and Means.

Also, petitions of the Business College of Allentown and certain citizens of Philadelphia, Pa., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ZENOR: Petition of Post No. 288, Grand Army of the Republic, of Ireland, Ind., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. ZIEGLER: Papers to accompany House bill No. 9665, for an increase of pension to Chambers C. Mullen—to the Committee on Pensions.

Also, petition of Post No. 371, Grand Army of the Republic, of Newville, Pa., favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

SENATE.

THURSDAY, *March 22, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

BRIGANTINE OLIVE BRANCH.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of law and of fact filed under the act of January 20, 1885, in the French spoliation claims set out in the findings of the court relating to the vessel brigantine *Olive Branch*, John Edwards, jr., master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BARNEY, and Mr. PIERCE of Tennessee managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 68) granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas Agricultural College and a western branch of the Kansas State Normal School thereon, and for a public park;

A bill (S. 746) to authorize C. R. Dobbins to accept a gold watch awarded to him by the government of the Dominion of Canada, in recognition of his humane and gallant service to the shipwrecked crew of the British schooner *Ashton*, of Weymouth, Nova Scotia;

A bill (S. 1740) to authorize C. E. Marr and E. H. Pierce to accept silver watches awarded to them by the government of the Dominion of Canada in recognition of their services in rescuing British sailors;

A bill (S. 2114) to constitute South Manchester, Conn., a port of delivery;

A bill (S. 3138) to provide for necessary repairs to the steamer *Thetis* for service as a revenue cutter; and

A joint resolution (H. J. Res. 159) to amend joint resolution to furnish the daily CONGRESSIONAL RECORD to members of the press, etc., approved February 17, 1897.

PETITIONS AND MEMORIALS.

Mr. HANSBROUGH presented the petition of Flora B. Naylor, president, and Janette Hill Knox, secretary, on behalf of the Equal Suffrage Association of North Dakota, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. PENROSE presented memorials of Spring Mills Grange, No. 158; Kiserville Grange, No. 508; Harmony Grange, No. 68; Exchange Grange, No. 65; Union City Grange, No. 89; Cranberry Grange, No. 908; Cush Creek Grange, No. 573, and Fulton Grange, No. 66, all Patrons of Husbandry, in the State of Pennsylvania, remonstrating against the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Victor Grange, No. 159; Mount Pleasant Grange, No. 68; Farmington Grange, No. 839; Lorenton Grange, No. 1095; Harmony Grange, No. 1112; Spring Mill Grange, No. 158; Kennett Grange, No. 19; St. Augustine Grange, No. 1128; Warner Grange; Union City Grange, No. 89; Cush Creek Grange, No. 573; Pleasant Valley Grange, No. 1074; Scandia Grange No. 1042; Middleburg Grange, No. 705; Mount Bethel Grange, No. 1100; Exchange Grange, No. 65; Summit Grange, No. 1155; Penn Grange, No. 534; Concord Grange, No. 570; Cranberry Grange, No. 908; Eastlemon Grange, No. 400; Bald Eagle Grange, No. 303; Meshoppen Grange, No. 926; Penn Grange, No. 1135; Randolph Grange, No. 190; Columbus Grange, No. 875; Summit Grange, No. 1079; Covington Grange, No. 1029; Valley Grange, No. 846; West Branch Grange, No. 1149; Open Hand Grange, No. 153; Whittier Grange; Sebring Grange, No. 1047; Beech Grove Grange, No. 1088; Franklin Grange, No. 998; Wattsburg Grange, No. 106; Burrell Grange, No. 515; Kiserville Grange, No. 508, and Corry Grange, No. 55, all Patrons of Husbandry, in the State of Pennsylvania, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Beech Grove Grange, No. 1089; Corry Grange, No. 55; Eastlemon Grange, No. 400; Burrell Grange, No. 515; Penn Grove Grange, No. 534; Troupe Creek Grange, No. 981; Pleasant Valley Grange, No. 1074; Covington Grange, No. 1029; Open Hand Grange, No. 153; Hopewell Grange, No. 424; Hopewell Grange, No. 524; Scandia Grange, No. 1042; Middleburg Grange, No. 705; Mount Bethel Grange, No. 1100; Goshen Grange, No. 623; Wattsburg Grange, No. 106; Randolph Grange, No. 998; Wattsburg Grange, No. 313; Concord Grange, No. 570; Summit Grange, No. 1079; Bald Eagle Grange, No. 303; Meshoppen Grange, No. 926; Columbus Grange, No. 875; Kennett Grange, No. 19, and St. Augustine Grange, No. 1128, all Patrons of Husbandry, in the State of Pennsylvania, remonstrating against the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Chestnut Ridge Grange, No. 1133; West Branch Grange, No. 1149; Moosic Grange, No. 1041; Sebring Grange, No. 1047; Rome Grange, No. 1138; Trough Creek Grange, No. 44; Penn Grange, No. 534; Pleasant Valley Grange, No. 1074; Fulton Grange, No. 66; Spring Mills Grange, No. 158; Wattsburg Grange, No. 106; Summerhill Grange, No. 880; Kennett Grange, No. 19; Franklin Grange, No. 998; Exchange Grange, No. 274; Eulalia Grange, No. 1088; Farmington Grange, No. 839; Harmony Grange, No. 1112; Cranberry Grange, No. 908; Concord Grange, No. 570; Troups Creek Grange, No. 981; Bald Eagle Grange, No. 303; Sabinsville Grange, No. 989; Mount Bethel Grange, No. 1100; Woodcock Center Grange, No. 1034; Thompson Grange, No. 868; Stony Fork Grange, No. 1033; Barr Grange, No. 1121; Summit Grange, No. 1155; Enterprise Grange, No. 1118; Cambria Grange, No. 1116; Union City Grange, No. 89; North Warren Grange, No. 1025; East Great Bend Grange, No. 940; Paradise Grange, No. 854; Arcadia Grange, No. 176; Greenbrier Grange, No. 1148; North Elk Run Grange, No. 913; Salem Grange, No. 291; Cross Roads Grange, No. 1124; Corry Grange, No. 55; Spencertown

Grange, No. 1035; Allegheny Grange, No. 1154, and Pampack Grange, No. 1027, all Patrons of Husbandry, in the State of Pennsylvania, praying for the election of United States Senators by the popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Victor Grange, No. 159; Covington Grange, No. 1029; Farmington Grange, No. 112; Corry Grange, No. 55; St. Augustine Grange, No. 1128; Union City Grange, No. 89; Cush Creek Grange, No. 573; Cranberry Grange, No. 908; Center Road Grange, No. 502; Valley Grange, No. 846; Randolph Grange, No. 190; Penn Grange, No. 534; Hills Grange, No. 212; Sebring Grange, No. 1047; Summit Grange, No. 1155; Summit Grange, No. 1079; Kennett Grange, No. 19; Concord Grange, No. 570; West Branch Grange, No. 1149; Open Hand Grange, No. 153; Burrell Grange, No 515; Golden Rule Grange, No. 860; Franklin Grange, No. 998; Columbia Grange, No. 875; Goshen Grange, No. 623; Fairview Grange, No. 1135; Bald Eagle Grange, No. 303; Meshoppen Grange, No. 926; Middleburg Grange, No. 705; Mount Bethel Grange, No. 1100; Fairview Grange, No. 1060; Troups Creek Grange, No. 981; Pleasant Valley Grange, No. 1074; Eastlemon Grange, No. 400; Scandia Grange, No. 1042; Exchange Grange, No. 65; Mount Pleasant Grange, No. 68; Keiserville Grange, No. 508; Lorenton Grange, No. 1095; Harmony Grange, No. 1112; Spring Mills Grange, No. 158; Beech Grove Grange, No. 1089; Fulton Grange, No. 66, and Wattsburg Grange, No. 106, all Patrons of Husbandry, in the State of Pennsylvania, praying for the extension of rural free mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Stony Fork Grange, No. 1033; Sabinsville Grange, No. 989; Woodcock Center Grange, No. 1034; Barr Grange, No. 1121; Clearmet Grange, No. 370; Moosic Grange, No. 1041; Thompson Grange, No. 868; Trough Creek Grange, No. 444; Penn Grange, No. 534; Zion Grange, No. 642; Mount Bethel Grange, No. 1100; Rome Grange, No. 1138; Pleasant Valley Grange, No. 1074; Harmony Grange, No. 1112; Cranberry Grange, No. 908; Union City Grange, No. 89; Kennett Grange, No. 19; Lamar Grange, No. 274; Franklin Grange, No. 998; Fulton Grange, No. 66; Allegheny Grange, No. 1154; Spring Mills Grange, No. 158; John Corners Grange, No. 1110; Comfort Grange, No. 620; Exchange Grange, No. 65; Concord Grange, No. 570; North Warren Grange, No. 1025; Panpack Grange, No. 1027; Bald Eagle Grange, No. 303; Troups Creek Grange, No. 981; Farmington Grange, No. 839; Abestant Ridge Grange, No. 1133; West Branch Grange, No. 1149; Eulalia Grange, No. 1088; Sebring Grange, No. 1047; East Great Bend Grange, No. 940; Cambria Grange, No. 1116; Enterprise Grange, No. 1118; Cross Roads Grange, No. 1124; Corry Grange, No. 55; Spencertown Grange, No. 1035; Salem Grange, No. 291; North Elk Run Grange, No. 918; Arcadia Grange, No. 176; Greenbrier Grange, No. 1148; Wattsburg Grange, No. 106, and Summerhill Grange, No. 880, all Patrons of Husbandry, in the State of Pennsylvania, praying for the enactment of adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of Summit Grange, No. 1155; St. Augustine Grange, No. 1128; Union City Grange, No. 89; Sommit Grange, No. 1079; Pleasant Valley Grange, No. 1074; Forest Grange, No. 853; Eastlemon Grange, No. 400; Scandia Grange, No. 1042; Lyon Grange; Middleburg Grange, No. 705; Mount Bethel Grange, No. 1100; West Branch Grange, No. 1149; Columbus Grange, No. 875; Cush Creek Grange, No. 573; Exchange Grange, No. 65; Mount Pleasant Grange, No. 68; Harmony Grange, No. 1112; Lorenton Grange, No. 1095; Kennett Grange, No. 19; Fairview Grange, No. 1135; Penn Grange, No. 534; Concord Grange, No. 570; Spring Mills Grange, No. 158; Valley Grange, No. 846; Sebring Grange, No. 1047; Meshoppen Grange, No. 926; Bald Eagle Grange, No. 303; Franklin Grange, No. 998; Burrell Grange, No. 515; Wattsburg Grange, No. 106; Meadow Grange; Corry Grange, No. 55; Covington Grange, No. 1029; Burch Grove Grange, No. 1089; Star Grange; Open Hand Grange, No. 152, and Cranberry Grange, No. 908, all Patrons of Husbandry, in the State of Pennsylvania, praying for the enactment of legislation to prohibit the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented petitions of St. Augustine Grange, No. 1128; Kennett Grange, No. 19; Summit Grange, No. 1079; Union City Grange, No. 89; Mount Pleasant Grange, No. 68; Exchange Grange, No. 65; Cranberry Grange, No. 908; Mount Bethel Grange, No. 1100; Fulton Grange, No. 66; Middleburg Grange, No. 705; Stark Grange; Pleasant Valley Grange, No. 1074; Eastlemon Grange, No. 400; Meshoppen Grange, No. 926; Scandia Grange, No. 1042; Bald Eagle Grange, No. 303; Fairview Grange, No. 1135; Penn Grange, No. 534; Concord Grange, No. 570; Open Hand Grange, No. 153; Line Grange; West Branch Grange, No. 1149; Beech Grove Grange, No. 1089; Covington Grange, No. 1029; Sebring Grange, No. 1047; Columbus Grange, No. 875; Wattsburg Grange, No. 106, and Franklin Grange, No. 998, all Patrons of Husbandry, in the State of Pennsylvania, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented a memorial of the Trades League of Philadelphia, Pa., remonstrating against any reduction being made in the appropriation for the improvement of the navy-yard at League Island, in that State; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry druggists of Beaver Falls, New Brighton, and Rochester, all in the State of Pennsylvania, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of sundry railway mail clerks of Harrisburg, Pa., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a petition of the Woman's Christian Temperance Union of Plainwell, Mich., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented petitions of Sherwood Grange, No. 96; Burns Grange, No. 109; Cleon Grange, No. 633; Rural Grange, No. 566; Star Grange; Northburn Grange, No. 662; Bellevue Grange, No. 134; Glass Creek Grange, No. 425; Macon Grange, No. 167; Line Grange; Lawrence Grange, No. 32; Wadsworth Grange, No. 668; Elsie Grange, No. 202; Batavia Grange, No. 47; Silica Grange, No. 546; Kinney Grange, No. 754; Cedar Springs Grange, No. 736; Berlin Center Grange, No. 276; Sunset Grange; Lake Grange, No. 34; Fruit Ridge Grange, No. 276; Huron Grange, No. 1335; Tallmadge Grange, No. 639; Verona Mills Grange, No. 667; Gram Grange, No. 528; Fairfield Grange, No. 278; Clinton Grange, No. 750; Tipton Grange, No. 165; Debbitts Grange, No. 459; W. W. Carter Grange, No. 776; Four Town Grange, No. 775; Nontine Grange, No. 49; Fremont Grange, No. 654; Ogden Grange, No. 260; Orion Grange, No. 259; South Riley Grange, No. 450, and Sunfield Grange, No. 265, all Patrons of Husbandry, in the State of Michigan, praying for the extension of rural free mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Sherwood Grange, No. 96; Burns Grange, No. 160; Cleon Grange, No. 633; Rural Grange, No. 566; Star Grange; Northburn Grange, No. 662; Bellevue Grange, No. 134; Glass Creek Grange, No. 425; Macon Grange, No. 167; Line Grange; Lawrence Grange, No. 32; Wadsworth Grange, No. 668; Elsie Grange, No. 202; Batavia Grange, No. 47; Silica Grange, No. 546; Kinney Grange, No. 754; Cedar Springs Grange, No. 736; Berlin Center Grange, No. 276; Sunset Grange; Lake Grange, No. 84; Fruit Ridge Grange, No. 276; Huron Grange, No. 1385; Tallmadge Grange, No. 639; Verona Mills Grange, No. 667; Gram Grange, No. 528; Fairfield Grange, No. 278; Clinton Grange, No. 750; Tipton Grange, No. 165; Debbitts Grange, No. 459; W. W. Carter Grange, No. 776; Four Town Grange, No. 775; Mantine Grange, No. 49; Fremont Grange, No. 654; Ogden Grange, No. 260; Orion Grange, No. 259; South Riley Grange, No. 450, and Sunfield Grange, No. 265, all Patrons of Husbandry, in the State of Michigan, remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Sherwood Grange, No. 96; Burns Grange, No. 160; Cleon Grange, No. 633; Rural Grange, No. 566; Star Grange; Northburn Grange, No. 662; Bellevue Grange, No. 134; Glass Creek Grange, No. 425; Macon Grange, No. 167; Line Grange; Lawrence Grange, No. 32; Wadsworth Grange, No. 668; Elsie Grange, No. 202; Batavia Grange, No. 47; Silica Grange, No. 546; Kinney Grange, No. 754; Cedar Springs Grange, No. 736; Berlin Center Grange, No. 276; Sunset Grange; Lake Grange, No. 84; Fruit Ridge Grange, No. 276; Huron Grange, No. 1385; Tallmadge Grange, No. 639; Verona Mills Grange, No. 667; Gram Grange, No. 528; Fairfield Grange, No. 278; Clinton Grange, No. 750; Tipton Grange, No. 165; Debbitts Grange, No. 459; W. W. Carter Grange, No. 776; Four Town Grange, No. 775; Mantine Grange, No. 49; Fremont Grange, No. 654; Ogden Grange, No. 260; Orion Grange, No. 259; South Riley Grange, No. 450, and Sunfield Grange, No. 265, all Patrons of Husbandry, in the State of Michigan, praying for the enactment of adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of Sherwood Grange, No. 96; Burns Grange, No. 160; Cleon Grange, No. 633; Rural Grange, No. 566; Star Grange; Northburn Grange, No. 662; Bellevue Grange, No. 134; Glass Creek Grange, No. 425; Macon Grange, No. 167; Line Grange; Lawrence Grange, No. 32; Wadsworth Grange, No. 668; Elsie Grange, No. 202; Batavia Grange, No. 47; Silica Grange, No. 546; Kinney Grange, No. 754; Cedar Springs Grange, No. 736;

Berlin Center Grange, No. 276; Sunset Grange; Lake Grange, No. 84; Fruit Ridge Grange, No. 276; Huron Grange, No. 1385; Tallmadge Grange, No. 639; Verona Mills Grange, No. 667; Gram Grange, No. 528; Fairfield Grange, No. 278; Clinton Grange, No. 750; Tipton Grange, No. 165; Debbitts Grange, No. 459; W. W. Carter Grange, No. 776; Four Town Grange, No. 775; Mantine Grange, No. 49; Fremont Grange, No. 654; Ogden Grange, No. 260; Orion Grange, No. 259; South Riley Grange, No. 450, and Sunfield Grange, No. 265, all Patrons of Husbandry, in the State of Michigan, praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented petitions of Sherwood Grange, No. 96; Burns Grange, No. 160; Cleon Grange, No. 633; Rural Grange, No. 566; Star Grange; Northburn Grange, No. 662; Bellevue Grange, No. 134; Glass Creek Grange, No. 425; Macon Grange, No. 167; Line Grange; Lawrence Grange, No. 32; Wadsworth Grange, No. 668; Elsie Grange, No. 202; Batavia Grange, No. 47; Silica Grange, No. 546; Kinney Grange, No. 754; Cedar Springs Grange, No. 736; Berlin Center Grange, No. 276; Sunset Grange; Lake Grange, No. 84; Fruit Ridge Grange, No. 276; Huron Grange, No. 1385; Tallmadge Grange, No. 639; Verona Mills Grange, No. 667; Gram Grange, No. 528; Fairfield Grange, No. 278; Clinton Grange, No. 750; Tipton Grange, No. 165; Debbitts Grange, No. 459; W. W. Carter Grange, No. 776; Four Town Grange, No. 775; Mantine Grange, No. 49; Fremont Grange, No. 654; Ogden Grange, No. 260; Orion Grange, No. 259; South Riley Grange, No. 450, and Sunfield Grange, No. 265, all Patrons of Husbandry, in the State of Michigan, praying for the election of United States Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Sherwood Grange, No. 96; Burns Grange, No. 169; Cleon Grange, No. 633; Rural Grange, No. 566; Star Grange; Northburn Grange, No. 663; Bellevue Grange, No. 134; Glass Creek Grange, No. 425; Macon Grange, No. 167; Line Grange; Lawrence Grange, No. 32; Wadsworth Grange, No. 668; Elsie Grange, No. 202; Batavia Grange, No. 47; Silica Grange, No. 546; Kinney Grange, No. 754; Cedar Springs Grange, No. 736; Berlin Center Grange, No. 276; Sunset Grange; Lake Grange, No. 84; Fruit Ridge Grange, No. 276; Huron Grange, No. 1385; Tallmadge Grange, No. 639; Verona Mills Grange, No. 667; Gram Grange, No. 528; Fairfield Grange, No. 278; Clinton Grange, No. 750; Tipton Grange, No. 165; Debbitts Grange, No. 459; W. W. Carter Grange, No. 776; Four Town Grange, No. 775; Mantine Grange, No. 49; Fremont Grange, No. 654; Ogden Grange, No. 260; Orion Grange, No. 259; South Riley Grange, No. 450, and Sunfield Grange, No. 265, all Patrons of Husbandry, in the State of Michigan, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Sherwood Grange, No. 96; Burns Grange, No. 169; Cleon Grange, No. 633; Rural Grange, No. 566; Star Grange; Northburn Grange, No. 663; Bellevue Grange, No. 134; Glass Creek Grange, No. 425; Macon Grange, No. 167; Line Grange; Lawrence Grange, No. 32; Wadsworth Grange, No. 668; Elsie Grange, No. 202; Batavia Grange, No. 47; Silica Grange, No. 546; Kinney Grange, No. 754; Cedar Springs Grange, No. 736; Berlin Center Grange, No. 276; Sunset Grange; Lake Grange, No. 84; Fruit Ridge Grange, No. 276; Huron Grange, No. 1385; Tallmadge Grange, No. 639; Verona Mills Grange, No. 667; Gram Grange, No. 528; Fairfield Grange, No. 278; Clinton Grange, No. 750; Tipton Grange, No. 165; Debbitts Grange, No. 459; W. W. Carter Grange, No. 776; Four Town Grange, No. 775; Mantine Grange, No. 49; Fremont Grange, No. 654; Ogden Grange, No. 260; Orion Grange, No. 259; South Riley Grange, No. 450, and Sunfield Grange, No. 265, all Patrons of Husbandry, in the State of Michigan, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented petitions of Sherwood Grange, No. 96; Burns Grange, No. 169; Cleon Grange, No. 633; Rural Grange, No. 566; Star Grange; Northburn Grange, No. 663; Bellevue Grange, No. 134; Glass Creek Grange, No. 425; Macon Grange, No. 167; Line Grange; Lawrence Grange, No. 32; Wadsworth Grange, No. 668; Elsie Grange, No. 202; Batavia Grange, No. 47; Silica Grange, No. 546; Kinney Grange, No. 754; Cedar Springs Grange, No. 736; Berlin Center Grange, No. 276; Sunset Grange; Lake Grange, No. 84; Fruit Ridge Grange, No. 276; Huron Grange, No. 1385; Tallmadge Grange, No. 639; Verona Mills Grange, No. 667; Gram Grange, No. 528; Fairfield Grange, No. 278; Clinton Grange, No. 750; Tipton Grange, No. 165; Debbitts Grange, No. 459; W. W. Carter Grange, No. 776; Four Town Grange, No. 775; Mantine Grange, No. 49; Fremont Grange, No. 654; Ogden Grange, No. 260; Orion Grange, No. 259; South Riley Grange, No. 450, and Sunfield Grange, No. 265, all Patrons of Husbandry, in the State of Michigan, praying for the enactment of legislation to secure protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

Mr. ALLEN presented a petition of sundry farmers and stock raisers of Dawson County, Nebr., praying for a continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the News, of Danbury, Nebr., and a memorial of the Cedar County Waechter, of Hartington, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Omaha Bee and sundry other newspaper publications in the State of Nebraska, praying for the passage of Senate bill No. 2283, relating to section 61 of the revenue act of August 28, 1894; which was referred to the Committee on Finance.

Mr. THURSTON presented a petition of sundry citizens of Lincoln, Nebr., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of Post No. 147, Grand Army of the Republic, Department of Nebraska, praying for the enactment of legislation to provide for a detail of active and retired officers of the Army and Navy to assist in military instruction in the public schools; which was referred to the Committee on Military Affairs.

He also presented memorials of the Ledger, of Union; the News, of Danbury, and the Cedar County Waechter, of Hartington, all in the State of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Epworth League, the Woman's Christian Temperance Union, and the congregation of the Methodist Episcopal Church, all of Wauneta, in the State of Nebraska, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors and opium in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented petitions of Miriam M. Burnham and sundry other citizens of Hamilton, N. Y.; of sundry citizens of Ithaca, N. Y.; of the Woman's National Indian Association, of Allentown, Pa.; of the Woman's Branch of the National Indian Association, of Lancaster, Pa.; of Rev. Robert R. Morson and sundry other citizens of Winthrop, Me.; of sundry citizens of Wheeling, W. Va., and of the Woman's National Indian Association, praying for the reorganization of the classified service in the Indian departments; which were referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Bixby, Ind. T., praying for the allotment of necessary land for a town site at that place, to be known as Bixby; which was referred to the Committee on Indian Affairs.

Mr. PETTIGREW presented the petition of Rev. C. F. De Groff, pastor of the Letcher Church, of Sanborn County, S. Dak., praying for the enactment of legislation to prohibit the manufacture, sale, and importation of intoxicating liquors and opium in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. ELKINS presented a memorial of the Monroe Watchman, of Union, W. Va., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Red River Millers' Club, of North Dakota and Minnesota, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Geuder & Paeschke Manufacturing Company, of Milwaukee, Wis., and a memorial of the Schlitz Brewing Company, of Milwaukee, Wis., remonstrating against the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 374) for the relief of William A. Starkweather, of Oregon, reported it without amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 3333) authorizing Hugh T. Reed to be placed on the retired list with the rank of captain, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CARTER, from the Committee on Military Affairs, to whom was referred the bill (S. 2397) to correct the military record of John Shelton, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 1369) removing the charge of desertion from the name of John Brinkworth, submitted an adverse report

thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. McCUMBER, from the Committee on Indian Affairs, to whom was referred the bill (S. 161) to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians, in the State of North Dakota, and to make appropriation for carrying the same into effect, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 624) referring the claim of the Turtle Mountain band of Chippewa Indians to the Court of Claims under the provisions of the Bowman Act, approved March 3, 1883; and

A bill (S. 1932) to provide for the relinquishment by the Turtle Mountain band of the Pembina Chippewa Indians of their unceded lands, and for other purposes.

Mr. ROSS, from the Committee to Examine the Several Branches of the Civil Service, to whom was referred the bill (S. 283) in reference to the civil service and appointments thereunder, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1340) in reference to the civil service and appointments thereunder, reported adversely thereon, and the bill was postponed indefinitely.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (S. 3215) granting an increase of pension to Andrew F. Dinsmore, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2154) granting an increase of pension to William A. Owens, reported it with amendments, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3679) granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain land in the city of Newport, R. I., reported it without amendment, and submitted a report thereon.

Mr. THURSTON, from the Committee on Indian Affairs, reported an amendment proposing to appropriate $48,000 to enable the Secretary of the Interior, on approval of agreements by him, to pay settlers for improvements within an addition to the Navajo Indian Reservation, as recommended by United States Indian Inspector James McLaughlin in his report to the Secretary of the Interior, etc., intended to be proposed to the Indian appropriation bill; which was ordered to lie on the table and be printed.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 1890) granting an increase of pension to S. E. Treadway, reported it with an amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Military Affairs, to whom was referred the bill (S. 3270) for the relief of Nathan S. Jarvis, reported it without amendment, and submitted a report thereon.

USE OF THE ROENTGEN RAY.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. HAWLEY February 1, 1900, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of a document entitled "The use of the Roentgen ray by the Medical Department of the United States Army in the war with Spain (1898)," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the War Department.

REPORT OF THE GOVERNOR OF ARIZONA.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 108) providing for the printing of the report of the governor of Arizona for 1899, to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It proposes to print 4,000 additional copies of the report of the governor of Arizona for 1899, of which 1,000 copies shall be for the use of the Department of the Interior, 1,500 copies for distribution by the governor of Arizona, 500 copies for the use of the Senate, and 1,000 copies for the use of the House of Representatives.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT AND FOG STATIONS AT BUFFALO, N. Y.

Mr. DEPEW. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 4008) to establish light and fog stations to mark the main southern entrance of the new breakwater at Buffalo, N. Y., to report it favorably without amendment, and I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole. It provides that there shall be established, to mark the main southern entrance of the new breakwater at Buffalo, N. Y., suitable light and fog-signal stations, at a cost not to exceed $45,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PENROSE (by request) introduced a bill (S. 3755) to inquire into the reorganization of the Northern Pacific Railroad Company and the disposal of the lands belonging to the said Northern Pacific Railroad Company by the Northern Pacific Railway Company; which was read twice by its title.

Mr. PENROSE. I ask that the bill and accompanying paper be referred to the Committee on Pacific Railroads.

Mr. HANSBROUGH. It has been the rule to have those bills go to the Committee on Public Lands, if I am not mistaken.

Mr. PENROSE. I will state for the information of the Senator that I have introduced the bill by request, and personally I do not care to which committee it goes.

Mr. HANSBROUGH. Nor I, particularly. I wish simply to observe the rule; that is all. I think bills of that character have gone to the Committee on Public Lands heretofore.

The PRESIDENT pro tempore. The bill and accompanying paper will be referred to the Committee on Public Lands.

Mr. PENROSE introduced a bill (S. 3756) to correct the military record of Francis Fox; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3757) granting an increase of pension to Alexander Robertson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3758) granting an increase of pension to W. I. Miller; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 3759) for the relief of homestead settlers who died while in the military and naval service of the United States in the Spanish-American and Philippine wars; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3760) to authorize the construction of a bridge across the Red River of the North at a point on said river where the section line extending east and west between sections 8 and 17, in township 157 north, of range 50 west, in Marshall County, State of Minnesota, intersects said river; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GEAR (by request) introduced a bill (S. 3761) relating to compensation of fourth-class postmasters; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BERRY introduced a bill (S. 3762) granting a pension to Amos W. Daugherty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 3763) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. MORGAN introduced a bill (S. 3764) for the relief of Julia Rebecca Holt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 3765) to correct the military record of Arthur J. Steele; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN introduced a bill (S. 3766) for the relief of the Bank of Attalla, Ala.; which was read twice by its title, and referred to the Committee on Finance.

Mr. THURSTON introduced a bill (S. 3767) to appropriate money for rental of a building at Manila, Philippine Islands, to be used as a library, and for salary of a librarian for period of one year; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3768) granting a pension to William B. Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3769) to increase the pension of William T. Evans; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LINDSAY introduced a bill (S. 3770) for the relief of Clement Calhoon, of Larue County, on the border of Nelson County, State of Kentucky, for supplies and stores taken from him by the military forces of the United States for their use during the war for the suppression of the rebellion; which was read twice by its title, and referred to the Committee on Claims.

Mr. THURSTON introduced a joint resolution (S. R. 109) to restore the status of the Nebraska Militia who served during the late war; which was read twice by its title, and referred to the Committee on Pensions.

INTERNATIONAL EXHIBITION AT ST. LOUIS.

Mr. COCKRELL introduced a bill (S. 3771) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri; which was read twice by its title, and referred to the Select Committee on Industrial Expositions.

Mr. COCKRELL. I move that the Select Committee on Industrial Expositions, to whom was referred the bill (S. 2747) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri, be discharged from its further consideration and that the bill be postponed indefinitely.

The motion was agreed to.

PAY OF CERTAIN NAVAL OFFICERS.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 3422) to adjust and equalize the rank and pay of certain officers of the Navy; which was referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. JONES of Arkansas. I submit an amendment intended to be proposed to the Indian appropriation bill in lieu of the one I presented a few days ago providing for the appointment of a commission for each town in the Choctaw, Chickasaw, Creek, and Cherokee nations, to consist of one member to be appointed by the executive of such nation, etc. I move that the amendment be printed and lie on the table.

The motion was agreed to.

Mr. WARREN submitted an amendment proposing to appropriate $750 as an additional payment for the last three quarters of the fiscal year ending June 30, 1900, at the Union Agency, Ind. T., intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table and be printed.

UNIVERSITY OF THE UNITED STATES.

Mr. DEPEW. I move that the Committee on Education and Labor, to whom was referred the bill (S. 3330) to establish the University of the United States, be discharged from its further consideration and that the bill be referred to the Committee to Establish the University of the United States.

The motion was agreed to.

INSULAR TARIFF COLLECTIONS.

Mr. ALLEN. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and is hereby, directed to transmit to the Senate complete tariff schedule now in force in Puerto Rico, Cuba, the Philippine Islands, and the island of Guam, together with statements of the amounts of tariff duties collected therein, respectively, since the occupancy of said islands by the Government of the United States of America, and inform the Senate in what manner the money has been disbursed, and whether any portion thereof, and if so, how much, has been covered into the Treasury of the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALLISON. I do not object to the resolution, but I would prefer that the Senator should merely provide in the resolution for a statement of the original duties, and then afterwards, in a separate resolution, ask for the disbursements. I think it might be important to have a statement of the rates of duties. It will not take long to prepare such a statement, but it might take some little time to give a detailed statement of the disbursements. I merely make that suggestion to the Senator. I shall make no objection to the resolution.

Mr. ALLEN. I will state to the Senator that I do not ask for an itemized statement. I want to know the sum which was collected in each country and the sum which was disbursed.

Mr. ALLISON. Very well.

Mr. ALLEN. And if any balance has been covered into the Treasury I desire to have that fact stated.

Mr. ALLISON. I shall not object to the resolution.

The resolution was considered by unanimous consent and agreed to.

EXPENSES OF THE PHILIPPINE COMMISSION.

Mr. PETTIGREW. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to send to the Senate an itemized statement of the expenses of the Philippine Commission, together with a statement of the amount paid to each commissioner for his services and individual expenses.

Mr. DAVIS. Let the resolution go over.

The PRESIDENT pro tempore. Objection being made, the resolution goes over.

NATIONAL BANKS.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate of—

1. (a) The number of applications for charters of national banks that have been received since July 1, 1899; their capitalization; and (b) the number and capitalization of banks whose charters have terminated during said time; also (c) the applications for the same period of the previous year; the capitalization; and (d) the number and capital of national banks the charters of which have expired during said time.

2. (a) The number of national banks that have increased their capital stock since July 1, 1899; and (b) the increase in capitalization; also (c) the same data for the same period of the preceding year.

3. (a) The circulation that has been applied for from July 1, 1899, to March 14, 1900, and (b) from March 14, 1900, to the present time; also (c) the same data for the same periods in the preceding year.

4. (a) The amount of the United States bonds that have been tendered in exchange for those provided for under the new currency law.

5. (a) The amount of cash paid out of the Treasury for premiums on the bonds now refunded, and (b) the total amount that will be paid for premium on the refund of the bonds.

6. (a) The amount of Government funds on deposit with national banks at the present time, (b) March 14, and (c) the largest amount on deposit since July 1, 1899.

7. The territorial distribution of the increase in the volume of (a) bank notes and (b) money paid as premium on bonds refunded.

URGENT DEFICIENCY APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, and asking for a committee of conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

SCHEDULES OF CERTAIN POSTMASTERS' SALARIES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved, That the Postmaster-General be, and he hereby is, directed to return to the Senate certain schedules of salaries of postmasters in the States of Alabama, Arkansas, Kansas, and Kentucky computed under the act of March 3, 1883, which schedules were before the Committee on Post-Offices and Post-Roads of the Senate, but which were temporarily recalled by the Postmaster-General on the 30th day of September, 1899.

Mr. WOLCOTT. Is this a resolution for which immediate consideration is asked?

The PRESIDENT pro tempore. The resolution came over from yesterday.

Mr. WOLCOTT. I should like to have some explanation of the resolution. It goes back ten years.

Mr. MORGAN. The object of the resolution is merely to get before the Committee on Post-Offices and Post-Roads a paper that was there authentically which was temporarily withdrawn for rearrangement in some way and which has never been sent back. I want to get the paper so as to send it before the Committee on Post-Offices and Post-Roads to see if they have got anything to do about it.

Mr. WOLCOTT. All right.

Mr. COCKRELL. I ask that the resolution may lie over again. That is an old question. It has been up here for the last seventeen years.

Mr. MORGAN. I make no question except to get a paper.

Mr. COCKRELL. I have had I suppose half a dozen resolutions of the same kind sent to me, and that is the reason why I want to examine it.

Mr. MORGAN. I have no objection if it goes over without prejudice.

Mr. COCKRELL. Yes; without prejudice.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the resolution may go over, retaining its place on the table.

Mr. MORGAN. Yes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

CHANGE OF NAME OF STEAMSHIP PARIS.

Mr. PENROSE. I ask unanimous consent to call up the bill (S. 3587) to grant authority to change the name of the steamship *Paris*.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. D. WISWELL.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 2166) granting a pension to Charles A. D. Wiswell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Charles A. D. Wiswell, of Ainsworth, Nebr., and to pay him a pension of $72 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HITT, Mr. ADAMS, and Mr. DINSMORE managers at the conference on the part of the House.

PUERTO RICAN REVENUES.

Mr. ALLISON. I move that the Senate proceed to the consideration of the conference report on House bill No. 9080.

The PRESIDENT pro tempore. The Chair lays the conference report before the Senate.

The SECRETARY. Report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain and revenues hereafter collected on such importations under existing law.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference. Is the Senate ready for the question?

Mr. COCKRELL. Let the report be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain and revenues hereafter collected on such importations under existing law, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, and 5.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following: "now existing and which may hereafter be established in Puerto Rico, and for the aid and relief of the people thereof, and for public education, public works, and other governmental and public purposes therein until otherwise provided by law;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
Managers on the part of the Senate.
J. G. CANNON,
W. H. MOODY,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report.

Mr. BACON. Mr. President, I had not expected to take the lead in this matter at all. I addressed the Chair only because the question was about to be put. I supposed, of course, the members of the conference committee upon the minority side would proceed with the discussion, and I only now go on at the request of the Senator from Missouri [Mr. COCKRELL] who was a member of the conference committee.

Mr. President, this report when read would indicate that there had been mutual concessions; that the Senate had surrendered some features and that the House had surrendered some features, and that there was a compromise agreement. An analysis of the report will show that the Senate has practically yielded everything to the House, and that the House has yielded nothing.

The bill came from the House and went to the Committee on Appropriations. The Committee on Appropriations reported back the bill with certain amendments which they recommended to the Senate, and the bill as passed by the Senate is exactly the bill which was reported back to the Senate by the Committee on Appropriations, composed, the majority of it, of Republicans.

Now, what were the changes? I desire to say that the object I have in calling attention to this matter is not for the purpose of simply stickling as to the right of the Senate to maintain its position; it is not for the purpose of making any captious objection; but it is for the purpose of showing that beneath what may appear to be a very harmless difference, the purpose in maintaining the House bill practically in its entirety is one of a very radical character, one which will be not slight in the extent to which it will reach.

Now, what was the difference between the bill as it passed the House and the bill as it passed the Senate? As the bill came from the House it contained a provision for the appropriation of all the revenue which had been received upon importations from Puerto Rico up to January 1, 1900, and, in addition thereto, all other revenue which had up to the present been received from the same source, and all revenue which in the future should be received from the same source.

That was really the most radical feature upon which the Senate disagreed with the House and to correct which it amended the House bill. But I will say that there was still a further objection that the Senate committee took to the House bill, and that was that the appropriation as expressed in the House bill was too indefinite; it simply put it in the power of the President to dispose of this large sum of money practically in his discretion for the benefit of the people of Puerto Rico. I am not pretending now to quote the exact language, though I probably had better do so. I find it quoted in the RECORD.

Mr. COCKRELL. Here is the bill itself.

Mr. BACON. Yes; I have already spoken of one amendment. The other amendment, as made by the Senate under the recommendation of the Appropriations Committee, was as to the phraseology with reference to the beneficiaries of this bill. The language found in the bill as it passed the House was, "to be used for the government and benefit of Puerto Rico until otherwise provided by law." The general phraseology was considered by the Senate as too vague and indefinite, and that it was the duty of Congress in making this appropriation to be more specific. Therefore the Senate struck out that phraseology and introduced a clause in lieu of the words "and benefit of Puerto Rico until otherwise provided by law." I will read it in the connection in which it was. Speaking of the appropriation, the House bill said:

Shall be placed at the disposal of the President, to be used for the government and benefit of Puerto Rico until otherwise provided by law.

That was the phraseology which came from the House. The Senate struck that out and used this language:

Shall be placed at the disposal of the President, to be used for the government now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein.

Now, the House conferees appear to recede from their disagreement to the Senate amendment, but they do it with an amendment which restores practically the provision so far as the unbridled latitude and discretion are concerned, with the exact powers to the President which were in the House bill.

While it is expressed in the report that the House recedes from its disagreement to that amendment, it in fact, in receding from the disagreement, puts an amendment upon the amendment which it disagrees to, which practically restores it to the meaning which it had when it came from the House—not to the full extent, but in large part.

The amendment, however, which is of vital character is the one agreed upon in the conference report which proposes to restore to the bill the provision which the Senate, under the recommendation of the Committee on Appropriations, struck out of the bill. That is the Senate amendment which limited the appropriation to such revenues as had been received up to January 1, 1900. The House conferees, in disagreeing to the amendment of the Senate in striking this out, and the Senate conferees, in receding from the amendment, restore the provision by which not only the revenues up to January 1, 1900, are appropriated for this purpose, but by which all revenues since then received and hereafter to be received from the same source are to be appropriated, and indefinitely, without the expression of any amount or any limitation of time, all revenues hereafter received from that source are thus appropriated.

Now, Mr. President, this indefinite appropriation is wrong. An appropriation should definitely specify amounts. It ought to give at least a limit. It is common to appropriate such an amount or so much thereof as may be necessary, but as to indefinitely appropriating all the money which may be received from a certain source without a limitation either as to amount or as to time, even if there is a precedent for it, which I doubt, it is certainly an improper way to legislate.

But, Mr. President, it is not that criticism which induces me to oppose the adoption of the conference report. It is one still more grave. What is the purpose of the House in insisting not only that the appropriation shall cover the revenues received from importations from Puerto Rico up to January 1, but that they shall cover all subsequent revenues? I do not think I can do injustice when I say that the purpose is to provide for the contingency that the bill now pending in the Senate looking to the regulation of tariff relations between Puerto Rico and other territories within the jurisdiction of the United States may fail, and that if it does

fail this revenue may be continued under the rates of the Dingley tariff on all products coming from Puerto Rico.

I say that that is the legitimate conclusion of the purpose. What other purpose can they have? Is it for the purpose of enlarging an amount deemed otherwise to be insufficient? Is it because it is thought or contended that the amount specified in the bill, which is the revenue received up to January 1, 1900, will be insufficient for the needs of the people of Puerto Rico, and that, therefore, this additional amount shall be put upon it?

If so, Mr. President, there is no question about the fact that the amount of $2,000,000 and upward which is specified in the bill is more than sufficient for any present needs, more than sufficient for any needs which can possibly be developed prior to such time as it may be determined whether or not we will have the general legislation with reference to Puerto Rico which will settle the tariff question.

Now, Mr. President, it is instructive to see what has been the history of this legislation. I had occasion to remark a few days ago that up to a very short period in the past there was no manifestation of this great solicitude that there should be money appropriated for this purpose. There was no realization of the fact that there was such suffering in Puerto Rico that there must be this immediate and large appropriation for this relief.

At the time when this Congress assembled everything which had been indicated by the Administration and by the dominant party as the policy which it intended to pursue with reference to Puerto Rico was in harmony with what would generally be recognized as a proper course to be pursued toward this new acquisition. It was a policy which indicated that our institutions were to be extended to that island. It was a policy which indicated that they were to have no burdens except such as we bore, and that we would not exact from them, either directly or indirectly, any tribute.

We were told by the President of the United States in his message that they had been cut off from other markets; that by their cession to this country the ports of Spain were closed to them; that there was no place in the world to which they could go for a market but to the United States, and that it was our plain duty to put them upon the same platform that all other parts of the United States were put upon—that there should be absolute free trade between Puerto Rico and all other parts of the United States.

In pursuance of that, in the House of Representatives a bill was introduced by the chairman of the proper committee, in which there was no suggestion of any purpose to establish tariff relations between Puerto Rico and the rest of the United States—a bill which provided for absolute free trade. In the Senate a like bill was introduced by the chairman of the committee charged with Puerto Rican affairs.

If the utterance of the Republican press is to be credited—I am not speaking now about what Democrats have said or what the Democratic press has said—but if the Republican press is to be credited, it was not until certain protected industries and interests came to this Capitol and represented that free trade with Puerto Rico would be detrimental to those interests that the Administration and the dominant party, both in the other House and in this, awoke to the necessity of establishing a tariff wall between Puerto Rico and the United States. They soon claimed that the purpose in imposing a tariff on imports from Puerto Rico was to raise a revenue for Puerto Rico, but everybody knows that this proposition to impose this tariff was in response to the demands of those protected interests.

In obedience to these peremptory demands, a new bill was introduced in the House, in which a tariff was proposed to be levied upon the products of Puerto Rico coming to the United States and also a tariff on products of the United States going to Puerto Rico. That bill progressed through its various stages, and after a most heated debate passed the House of Representatives and came to the Senate. Before it did so the bill which had previously been introduced in the Senate and which recognized that there should be free trade between Puerto Rico and the balance of the territory of the United States was practically withdrawn, and in its place one was substituted which also proposed to recognize and to erect a tariff wall between Puerto Rico and the United States.

It was well known how those who were in the minority stood upon that issue. We were, as we are still, all opposed to the tariff wall between Puerto Rico and the rest of the United States. But the outcry which arose in this country was not limited to those who belong to the Democratic party. All over this country, regardless of party, there went up the greatest and most spontaneous outcry that has ever come from a people upon a question of simple justice or injustice to a small, helpless, dependent territory which had fallen under our care and into our keeping.

Mr. President, I am relating this not for the purpose of the criticism which what I am saying necessarily conveys, but for the purpose of tracing the reason why the bill upon which the conference report now under consideration has been submitted was introduced in the other House, why it was passed, and why the particular feature in it which I am now combating was put into that bill.

The outcry that went up was one sufficient to startle our friends who are responsible for legislation in this Congress, and the question was how should they shelter themselves from the storm of indignation which rose up all over this country, and which reached not only the House of Representatives and this Chamber, but also the White House, not in an echo, but in a great uproar.

How should they shelter themselves from such a tornado of popular indignation? There had been a physical storm, a hurricane, in Puerto Rico six months ago. It had created great devastation. It had wrecked the agricultural interests. It had almost paralyzed business. Nobody heard anything during all those long weary months about any large appropriation to be made out of the United States Treasury to relieve the misery and desolation it had wrought, from whatever source the fund might come. They were deaf to the cries of distress; they were blind to the nakedness and want of the Puerto Ricans.

There was not a word uttered in this Chamber; there was not a suggestion in the other House; there was not a suggestion from the Administration that there should be this appropriation to relieve this distress; there was not a thought of any appropriation to relieve this distress until after the passage in the House of the Puerto Rican tariff bill, until after the furious storm which it created arose, and when in a frenzied panic the Republicans cried out to each other, What shall we do to protect ourselves from its fury? In their dismay the answer was that as we have done this thing, as we have imposed upon the Puerto Ricans an unjust tariff, we will repair it; we will endeavor to appease the wrath of the public by returning to them the money which we have improperly taken from them.

Mr. President, what other motive could there have been? Aside from the fact that the sudden manifestation of this benevolent purpose has been without premonition, why was that the particular amount named in this bill; why was it that this two million and odd thousand dollars, the exact amount which had been received in duties from Puerto Rican imports, was adjudged to be the particular amount necessary to relieve the suffering in Puerto Rico? Could it have been by any chance that the exact amount needed was the amount which had been received from those duties?

Of course that is not so; and there is but one suggestion in reply, and that is that the party that had stirred up the indignation of the people by proposing to exact tariff duties from the Puerto Ricans proposed to present a peace offering to appease the indignation of the people—the amount which had been illegally and unjustly wrung from the Puerto Ricans—a peace offering to your own consciences, a peace offering to the Republican Senators and Representatives who rebel against this unjust tariff. It is a conscience fund to restore what has been illegally taken, and as the purpose is to continue the plunder, the atonement must continue, and the conscience fund must also continue to be paid. But, as I shall show, this conscience fund is not returned to the individuals who have been illegally and unjustly plundered by the illegal collection of this tariff. It was a practical confession that the tariff duties ought not to have been collected; and while they obeyed the command of the protected interests in their purpose to continue to collect the tariff, while they intended to continue the sin, they would endeavor to make atonement by returning what they illegally exacted. Why should provision be made to return every dollar collected by tariff laws from Puerto Rico except upon the recognition that every dollar thus collected has been unjustly and illegally collected, and therefore every dollar must be returned.

This unjust imposition of tariff did not simply stir up trouble in the country at large, but it stirred up trouble in this Chamber. If we are correctly informed, and if the utterances in the public press are to be credited, we have had among our brethren in the majority the institution of a committee, the like of which I never heard before in a political body, a peace committee—a peace committee to make peace among our friends upon this question, upon which not only they are divided, but upon which the country at large, including the Republican party, is also divided.

Mr. President, what is the purpose of the insistence on the part of the House of Representatives of the continuance in this bill of the provision that not only the money which has been received from imports from Puerto Rico up to January 1, 1900, shall be devoted to this benevolent charity, but that indefinitely in the future not only that which has been received up to the present time, but that which shall be received in the future shall be devoted to a like purpose?

Under existing law, as the Senator from Washington [Mr. TURNER] suggests to me, the revenues which are now being collected, and which will continue to be collected on Puerto Rican products if there is no legislation on the subject of Puerto Rico, are 100 per cent of the Dingley law, and this rate will continue, in the absence of legislation, to be collected upon all products of Puerto Rico coming to the United States.

What, I say, is the purpose of the insistence of the House of

Representatives that this shall be done? Mr. President, of course we can not prophesy with certainty what is to occur; but what is said by Senators generally finds a correct expression in the outgivings of the press; and we are told—I hope it may not be so—but we are told that it is a common utterance now that the passage of this bill will relieve the necessity of the passage of any revenue law with reference to Puerto Rico. As a consequence, instead of 15 per cent of the Dingley tariff rate, if the present status is to remain and if there is to be no tariff legislation, the effect is to be that, so far from having free trade with Puerto Rico, we are to continue to have the tariff duties levied by the Dingley law collected upon all products of Puerto Rico coming into the United States.

Mr. President, there has been read here the decision in 9 Howard, in the case of Fleming *vs.* Page, which I have here, but can not refer to just at this moment, and it is not necessary that I should, in which there are some expressions under which it is claimed that the United States has the right to levy and to continue to collect the duties of the Dingley law upon all products of Puerto Rico coming into the United States until there has been a collection district organized for Puerto Rico.

Whether that is right or wrong—and I think it is certainly wrong, but I shall not stop to discuss that now—that was a case which originated and had reference to a question of tariff between Tampico, a port in Mexico, and the United States; and the other expression in it had no reference to any particular issue made in the case as to the right to collect tariff duties between any part of the territory which had been acquired by the United States. But aside from the question whether it is right or wrong, those now in power took that as the rule, and from the time of the acquisition of Puerto Rico up to this good day we have not only been collecting from those poor people all the rate of tariff prescribed in the Dingley law, but we have been making them pay, if I understand it correctly, the rate of tariff on goods going from the United States to Puerto Rico—a regular whipsaw arrangement.

Mr. President, it is important that Senators should bear this matter in mind; that they should meet the responsibility, and that responsibility should be clearly kept in view and recognized, that to adopt this conference report recognizes the continuance of a tariff wall between Puerto Rico and the United States; recognizes and contemplates not only a tariff of 15 per cent, but a tariff of 100 per cent of the Dingley law.

Senators who do not believe that there should be a tariff between Puerto Rico and the United States must not close their eyes to the fact that if the conference report be adopted, and if no legislation thereafter is enacted by this Congress relative to the question of tariff between Puerto Rico and the United States, and this Congress adjourns without any such legislation—I say Senators who recognize and believe that there should be no tariff wall between Puerto Rico and the United States must not close their eyes to the fact that they go away from here leaving in existence the tariff wall of the Dingley law, not only under the sanction of the construction which is put by the supporters of this tariff upon Fleming *vs.* Page, but under the sanction of its implied recognition in the terms of this bill.

What is past, Mr. President, we can not undo. If there has been an illegal tariff collected from those people, the least we can do is to restore to them the money, although, as I shall endeavor to show, if I do not trespass too long upon the time of the Senate, our effort to restore it is to a large extent futile, because it is impossible to restore the money to those who have really paid it. Not only under the construction of that case as contended for by the tariff supporters, but under the express terms of this bill, not only disposing of that which has been collected, but recognizing and contemplating and thus affirming and approving the continuance of the Dingley law, this tariff will be continued between Puerto Rico and the remainder of the United States. And that, I submit, Mr. President, is the direct purpose of those who have insisted on restoring this feature of the House bill which was stricken out by the Senate.

Mr. President, what other purpose can the House of Representatives have in insisting upon it? Is it because of their eagerness to relieve this great distress? Is it because of the haste to which we were so eloquently urged in this Chamber, and which, with equal eloquence, was urged in the other House—the haste that we should make to relieve this storm-swept, this devastated, this suffering island?

If so, Mr. President, why was it when the House bill went back to the House with the Senate amendment, and when it was perfectly practicable for the other House in twenty minutes or less time to have passed that bill and made it a law—why was it that it was a matter of such great importance that this amendment should be kept in, that, in spite of all the adjurement that we had had that we should not be slow to relieve this distress, in order to keep this simple provision here there has been caused a delay which, with the time consumed by the conference committee and with the utmost expedition this Senate can give it, and without there being any purpose or effort of delay, there must be at least the lapse of a week in loss of time?

Mr. President, there was a great purpose in it; and I insist upon it that the purpose was that if mayhap the dominant party in this Chamber can not agree upon legislation with reference to a tariff between Puerto Rico and the balance of the United States, and if, perhaps, it should so fall out that we should adjourn without any such legislation, these interests which had come here, and which had demanded that there should not be free trade between Puerto Rico and the United States, would still have the protection of the tariff of the Dingley law to be levied and collected upon the products of Puerto Rico coming to the United States.

Mr. President, I insist upon it that there never was a higher duty upon a people, never a more sacred obligation upon a people, than that which now rests upon the people of the United States not only to give free trade to Puerto Rico with the United States, but to do it quickly.

All of this talk about charity and about benevolence is an afterthought. It is done for the purpose, as I said, of making peace with an outraged people; and Senators must not close their eyes to the fact that what is brought in here, while appearing to be a mere innocent report of a conference committee, is one which involves the question whether or not there shall continue not only a moderate tariff law, but whether we shall continue, under the contention of the Administration, in the absence of any legislation, the present Dingley law between Puerto Rico and every other part of the United States.

I insist upon it, Mr. President, as we have heard from the Puerto Ricans themselves that, while it is all right and proper for us to relieve the present distress—and I voted for the bill when in the Senate, although it went much beyond that, because I would include something which is not entitled to relief rather than to deny it to those who are entitled—I say, as we have heard from the Puerto Ricans that, while the relief of distress is all right and proper, their great need is that we shall by legislation put them in a position to help themselves.

Senators have said—and I return to that, although I have passed it—that the money which has been collected from the imports from Puerto Rico has been paid by our own people, and that the Puerto Ricans have not suffered thereby. That raises the question as to whether or not tariff duties are practically paid by the producers in another country or whether they are paid by the consumers in our own country. That is no new question, and it is one about which there should be no difficulty. There are some instances under which tariff duties necessarily fall upon the consumers in this country, and there are other instances under which they undoubtedly fall upon the producers in other countries.

What is the rule? Where does the line run? The simple test is this: Wherever a tariff is levied the effect of which is to raise prices in this country, necessarily that increase is paid by our own people; but wherever duties are levied which do not raise prices in this country, necessarily the difference must be paid by the producer in the other country, because our people pay no more for the article than they did before. Somebody must lose, as the goods are sold for no more in this country by reason of the tariff, and necessarily the producer must sell for less in the country where the article is produced. That is in the hornbooks; it is in the elementary principles of political economy, the A B C's. The only question is, to which class does this belong?

Does the levying of a tariff upon Puerto Rican sugar raise the price of sugar in America? Certainly not. Why? Because the tariff upon sugar has already fixed the price, and the additional amount of sugar coming Puerto Rico into this country under the tariff is so insignificant compared to the whole amount that it does not make any difference in the cost of sugar in this country; and yet if the Puerto Rican could bring his sugar here without paying any duty, he would sell it at as high a price as the German sells his sugar when he brings it here, and without any deduction on account of the tariff. But as his sugar is to be sold here, and as the tariff duty on his sugar does not appreciably raise the cost of sugar in this country, therefore our people pay no more for sugar on account of the Puerto Rican tariff.

Somebody has got to pay it, and consequently there is no possible escape from the proposition that it is taken out of the pockets of those poor devils over there whom we have taken to our breasts to protect, to love, and to advance. What is true of sugar is true of tobacco and true of all other products of Puerto Rico upon which we levy a tariff. There is no product of Puerto Rico which comes into this country the tariff upon which raises the hundredth part of a mill the cost of that article in this country. The tariff must be paid, and as our people pay no advance, those who produce it and sell it in the island must necessarily receive that much less for their goods.

So I say, Mr. President, as I undertook to say in the beginning, that while we are proposing to return this money to Puerto Rico, we are not returning it to the people from whom it has come; it

is impossible to do so. It has not only come out of the man who produced the sugar, but it has affected the wages of every man by whose labor the sugar was produced, a little here and a little there, all over that island. These $2,000,000 have been collected from the scanty store and the scanty wages of those poor people heretofore so downcast, whom we were so suddenly to lift up into a life of civilization and into the blessings of our advanced institutions. Therefore, the benevolent device by which the Republican party in control of the Government undertakes by this bill to return the money unjustly collected from the people of Puerto Rico is, so far as that object is concerned, an unmitigated fraud. It is not returned to those who have paid it. To continue this system is to continue this unmitigated, inhumane, and indefensible fraud, plundering a helpless people under a pretense of making a restitution which is not made and which can not be possibly made.

Mr. President, a few days ago I made some remarks to the Senate upon this subject, and I certainly did not expect this morning to make any extended speech. I then sent to the Secretary's desk and had read an address by the merchants and manufacturers and agriculturists of Puerto Rico, in which they said they did not need charity. It was an address made to the Congress of the United States and which is on its way here now, but has not yet been received, stating that they did not need charity.

They said they did not, as had been contended in the other House and has been contended here, need revenues from a tariff upon their goods to be collected by the United States and then sent to them as a charity, and they pointed out the different ways in which on that island, under the laws of the United States, there could be collected ample, and more than enough, to pay all the expenses of that government and leave them the great boon which they desired, of free intercourse and free trade with the great American people, with whose destiny their lot had been so recently cast. That is in the RECORD, Mr. President. I have forgotten the date, but it was a few days ago, and any Senator can read it there who wishes.

Since that time there has been a great mass meeting of 10,000 people, 10,000 suffering people, 10,000 people downcast and helpless because their industries have been strangled and paralyzed by the failure of the American Government to do its duty by them. Ten thousand of those people assembled in San Juan, in Puerto Rico. Here is a cable dispatch dated March 19, with the resolutions adopted.

Before the cablegram is read, I wish to state that I have only a few more words to say in regard to this question, although I am very frank to say that there would be no difficulty in continuing the discussion of it almost indefinitely. The more one thinks about it the larger the subject appears, the greater the injustice, the absolute inhumanity, and the more the necessity that we should act promptly and act properly.

I now ask that the address which has been cabled may be read from the Secretary's desk. It is the address of a large gathering of 10,000 people at San Juan, headed by the San Juan Chamber of Commerce, assembled at the palace of the Governor-General, to submit a petition with reference to the needs of the island. From the reading of this, if Senators will give heed to it, they will see how utterly paralyzed is the business of that island by reason of the fact that we have erected this tariff wall between Puerto Rico and the United States, and by reason of the further fact that this matter is left in utter doubt as to the shape in which we are going to leave it at the end of this session of Congress. I ask that the paper be read; and I request that Senators will listen to it in order that they may appreciate the gravity of the situation in which those unhappy people are now placed.

The Secretary read as follows:

ASK STABILITY, NOT RELIEF—NEEDS OF PUERTO RICANS PRESENTED BY PETITION AT SAN JUAN—DISTRESS AND ALARM DAILY BECOMING MORE HARASSING FOR WANT OF A FIXED POLICY—UTTERLY UNABLE TO HOLD OUT MUCH LONGER.

SAN JUAN, PUERTO RICO, *March 19, 1900.*

A large gathering of 10,000 people, headed by the San Juan Chamber of Commerce, assembled at the palace of the Governor-General to-day to submit a petition with reference to the needs of the island. The deputation selected to present it was received, in the absence of General Davis, who was indisposed, by Lieutenant-Colonel Hall, adjutant-general. On behalf of General Davis, Lieutenant-Colonel Hall expressed pleasure at seeing so many people who were interested in a question of such importance, and assured them that Puerto Rico would receive justice. An account of the proceedings will be transmitted to Washington.

The crowd was orderly and dispersed without confusion amid "vivas" for the United States and the Governor-General. Following is the text of the petition:

"The people of Puerto Rico, of all classes, represented by the mayor of this city and by the chamber of commerce, in peaceful assembly convened, call upon Governor-General Davis respectfully to direct his attention, and through him the attention of Washington, to the following most salient points of the present critical condition of the island:

"First. The consternation into which the business community in general has been thrown on account of recent cabled news from the United States, setting forth the negative attitude of the Senate as regards the tariff question.

"Second. The utter inability of the island to hold out much longer under existing conditions, as the Senate's delay in coming to a decision on the tariff simply aggravates the almost absolute state of penury throughout the island.

"Third. The urgent necessity of a final settlement of the question as a means of saving to their owners, mostly men of small means, the sugar and tobacco crops, which would pass under the control of speculators if a conclusion is not soon reached, this being the time for planting new crops, and a failure to act promptly being also calculated to have most prejudicial results.

"Fourth. The distress and alarm that are daily becoming more harassing in all branches of trade, owing to the virtual lack of a fixed and definite standard for transactions and the grave apprehensions as to the future, now so generally entertained by all merchants.

"Fifth. The absence of buyers for products, which, with the loss of their former markets, as a consequence of the new régime, are now at a practical standstill.

"Sixth. The enormous depreciation of property, more especially on plantations, and the ruin staring a majority of the planters in the face as the result of the unnatural uneasiness which has made itself felt among capitalists and loan institutions, leading them to curtail or to shut off entirely the credit necessary in moving crops.

"Seventh. The lack of power as well as the absence of credit to contract a loan for the relief of most of the present necessities and the development of resources.

"Eighth. The need of undertakings of a public nature, instead of relief supplies, which, although necessary, tend to make paupers of the working classes.

"These statements, respectfully made, your petitioners respectfully request the Governor-General to bring to the knowledge of the Government at Washington, trusting that a favorable solution may speedily be found.

"ANDRES CROSAS,
"*President of the Chamber of Commerce of San Juan.*
"M. IGOZCUE,
"*Mayor of the City of San Juan.*"

Mr. BACON. Mr. President, it seems to me that this presentation of that condition of affairs in the island of Puerto Rico is an appeal to which the Congress of the United States should not turn a deaf ear, but to which it should make a most immediate response. The incorporation of Puerto Rico into our political system ought not to be a difficult thing to do. They are practically if not technically a part of this continent.

Their people, except an element of colored people, such as we have in this country, are Caucasians. They are a people capable of being assimilated with ours. They are a people capable, after a reasonable tutelage, of being fully invested with civil government so far as we have ever granted it to a Territory; and it does seem to me that the pressing duty of the hour on the part of Congress, not of the month or of the week, but of the day, is to make a declaration which shall put an end to a condition of affairs such as is portrayed in that address of this unhappy people.

The duties which are now being collected are collected under the authority of the President of the United States as the Commander of the Army—the duties being collected from Puerto Rico here.

Mr. TILLMAN. And in Puerto Rico, too.

Mr. BACON. And in Puerto Rico; certainly those which are being collected there.

Mr. SPOONER. The Senator will not claim that those which are being collected here are.

Mr. BACON. I will not say that, but I will say, and I challenge the Senator to dispute it——

Mr. FORAKER. I remind the Senator, if he will allow me——

Mr. BACON. Let me finish the sentence and I will yield with pleasure. I do say that so far as the collection of duties in Puerto Rico is concerned, it is under the military order of the President as Commander in Chief.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. SPOONER. The Senator from Georgia challenged me. I accept the challenge, and agree with the Senator.

Mr. BACON. I like that sort of a challenge and that sort of agreement. There is no fight in it.

Mr. FORAKER. I rose merely to remind the Senator from Georgia that the President informed us in his message recommending the appropriation of the $2,000,000 that he had reduced the tariff and had put some articles on the free list going into Puerto Rico, but that he had no authority to change the tariff upon articles coming from Puerto Rico into the United States.

Mr. BACON. That is true. The President can entirely relieve them. He can not only relieve them in part, but entirely; and it ought to be done immediately. They ought to be relieved from tariff duties upon articles going into Puerto Rico, and this Congress ought this day to relieve them of duties upon articles coming from Puerto Rico to the balance of the United States, and we ought not to linger here day after day and week after week until questions of differences may be settled between those among whom there should be no difference upon the great question of this people who have been deprived of all other markets; and, outside of the constitutional question and constitutional obligations, having the highest claim upon us that we should give them free access to our own markets.

Mr. President, I think if the dominant party in Congress were to agree upon that, there would be no difficulty in passing a bill, not after a short time, but immediately. We think, or I myself think—I am not authorized to speak for anybody else—that the government to which Puerto Rico is entitled is a Territorial government, a free Territorial government; that it should be put upon the same basis as Oklahoma or Alaska or New Mexico or Arizona;

that it should have every right and every privilege granted to any citizen of any one of those Territories, and that above all, in order that it may be lifted up out of its condition of absolute depression and impending destruction, it should enjoy the unlimited right of free trade with the other parts of the United States.

Mr. President, I know that the Senator from Ohio [Mr. FORAKER] has been as anxious as any of us that there should be a conclusion to the legislation on that subject with which he is charged. I recognize the difficulties with which he is confronted. I want to say to him and to those with whom he is acting that whenever they are ready to present a bill of that kind which shall give to Puerto Rico a Territorial government such as Oklahoma enjoys to-day, with all the rights under that Territorial government, including free trade with this country, we will vote with him upon that bill without one word of discussion and without one minute's delay.

Mr. FORAKER. Will the Senator from Georgia allow me to interrupt him?

Mr. BACON. Certainly.

Mr. FORAKER. I rise to ask the Senator if he will agree as to a time when we can vote on the bill that is now pending?

Mr. BACON. Yes, sir; so far as I am concerned.

Mr. FORAKER. To fix a time.

Mr. BACON. I am not authorized to speak for anybody else; but so far as I am concerned—others can speak for themselves, but I have no doubt that what I say will be agreed to—we will be more than happy if the Senator will fix just as early a day to vote on the bill as is compatible with a reasonable examination of the many amendments.

Mr. FORAKER. I suggest, in view of what the Senator from Georgia has said, that we fix a time to vote on these bills.

Mr. COCKRELL. Let us get through the vote on the bill now pending before we agree upon a time to vote on any other bill.

Mr. FORAKER. If there is objection, of course I can not do more than to say that I am ready to meet the suggestion of the Senator from Georgia——

Mr. BACON. The Senator will not find any objection.

Mr. FORAKER. And to say that I was going to suggest an early day for taking a vote and would ask unanimous consent for that purpose.

Mr. BACON. The Senator will not find any objection unless it comes from his side of the Chamber. There may be objection to fixing a time for a vote that will not give opportunity to examine the very many amendments which the Senator himself is proposing. The bill has not yet been presented in the shape in which his own committee desires it to be presented to the Senate, but I will assure the Senator that just so soon as he gets the bill in shape, and says, Here is the bill our committee wants, and just so soon as he gives opportunity for a very few days of consideration of those various amendments, we will not only be ready, but anxious that it may be acted upon, because we are disturbed, if the Senator will permit me, by the whisperings which are going around that it is not the intention of the dominant party to bring to a vote a bill which shall settle the question of the tariff relations between Puerto Rico and the other parts of the United States.

Mr. FORAKER. I should like to relieve the Senator of the disturbance to which he refers by assuring him that I have not heard anything of that kind on this side of the Chamber. While I would not, of course, ask any Senator to vote until he has had a full opportunity to examine all of the many amendments referred to, yet at an early day I shall ask, acting upon the suggestion which the Senator from Georgia makes, that a date be fixed for a vote.

Mr. BACON. The Senator will find very prompt and cordial cooperation on this side of the Chamber. Mr. President, I must apologize to the Senate. I rose thinking I would probably be upon my feet five or ten minutes. I have been led, I fear, to trespass unduly upon its time.

Mr. COCKRELL. Mr. President, this is the first time in nineteen years' service upon the Committee on Appropriations and upon conference committees that I have been compelled to decline to sign a conference report. I did it because the report agreed upon reversed the entire policy which had been outlined in the bill as passed by the Senate, and, in my judgment, is morally, politically, and from a Christian standpoint wrong, in violation of the plighted faith and solemn pledges of the United States, and in violation of the noblest and first and best impulses of the whole Republican party.

The bill as passed by the Senate appropriated a specific sum of money for the relief of Puerto Rico, leaving in the clause that that sum of money had been collected from duties imposed upon articles imported from Puerto Rico. We stated then, and the Senate so held, that that mere description amounted to nothing. There the Senate bill stopped. I voted for it. I believed that there was an emergency which justified the expenditure.

Then the bill went into conference, and it comes back to us wholly changed. Not only does this bill appropriate the specific sum named in the amended bill as it passed the Senate, but it also appropriates an indefinite sum for an indefinite time to come, and necessarily and unavoidably and directly imposes upon all articles imported from Puerto Rico for all time to come, until there shall be further legislation, all the duties imposed by the Dingley tariff act. It is a new declaration, that the Dingley tariff duties shall be continued indefinitely upon all articles imported from Puerto Rico, and under this proposed law, if no additional legislation is enacted, the Dingley tariff duties will be imposed and collected for the remainder of this year and for the remainder of the time that Puerto Rico may remain in the condition in which she is now.

This is practically a declaration by the Senate of the United States of an imposition of the Dingley tariff duties upon Puerto Rican imports, because we authorize by this bill the continued collection of those duties upon imported products from Puerto Rico and thereby affirm, confirm, and carry out the Dingley tariff law by direct action.

Mr. SPOONER. Will the Senator from Missouri allow me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. SPOONER. Suppose the House had concurred in the Senate amendments to the House bill; what effect would that have had upon the Dingley tariff law?

Mr. COCKRELL. None on earth.

Mr. SPOONER. None on earth?

Mr. COCKRELL. None on earth so far as that is concerned—so far as continuing it is concerned. It would not have been any declaration in favor of it. It would have been no recognition of the right to continue it—none on earth. It would not have modified the Dingley tariff law, so far as that is concerned, but it would not have been a declaration in continuance of it, a Congressional continuance of it, as this bill is.

Mr. SPOONER. If the Senator will permit me, he will agree that the Dingley tariff law would have remained in force just the same until changed by Congress. The only difference, then, between the bill as it comes to the Senate now and as it was when we sent it back would have been that the duties collected under the Dingley law upon products coming in from Puerto Rico would have gone into our Treasury, while under this amendment they are to go to the Puerto Ricans. That is the difference, and the only difference.

Mr. COCKRELL. Mr. President, it is far different from that. The Senator may ease his conscience by that makeshift, by resort to the supposition that the Puerto Rican people are to be the beneficiaries of these tariff duties which are to be collected. They are not. Take off the duties from articles imported from Puerto Rico, admit them free of duty, and then the producers of those articles in Puerto Rico would get the benefit of it in the increased price which they would get for their products.

Mr. FAIRBANKS. Will the Senator from Missouri be good enough to permit me to interrupt him for a moment?

Mr. COCKRELL. Certainly.

Mr. FAIRBANKS. Do I understand the Senator's apprehension to be that the bill is for the purpose of continuing in force indefinitely the rates fixed by the Dingley law?

Mr. COCKRELL. It is a recognition of it beyond any question.

Mr. FAIRBANKS. A recognition?

Mr. COCKRELL. Certainly it is; a Congressional recognition.

Mr. FAIRBANKS. And a continuance of it in force?

Mr. COCKRELL. A Congressional recognition of the continuance of that.

Mr. FAIRBANKS. I will ask the Senator if he is not unduly apprehensive? He is a member of the Committee on Pacific Islands and Puerto Rico. As such member does he not know that that committee has reported to the Senate a bill which is now pending here and which has for its purpose at least a very substantial reduction of the Dingley rates?

Mr. COCKRELL. Oh, I know that, and I know other things about that matter; and if the Senator will just be patient I will go over them before we get through with this subject. That is not the only little secret there is in the Foraker bill, as I will show before I get through.

Mr. FAIRBANKS. But the fact is that that bill seeks a very substantial reduction of the Dingley rates.

Mr. COCKRELL. It seeks a great many things.

Mr. FAIRBANKS. It seeks that one thing.

Mr. COCKRELL. There is no question about that, as a matter of course. The House bill as it came to us sought to impose 25 per cent. I believe that in the Foraker bill it has been brought down to 15 per cent, but I will analyze both of those measures before I get through.

Mr. TILLMAN. I call the Senator's attention to the fact——

Mr. COCKRELL. Please let me finish.

Mr. TILLMAN. I was going to call the Senator's attention to an error which he has just made. He said the House bill came here with duties of 25 per cent, whereas the House could not pass a bill providing for 25 per cent, and they had to reduce it to 15 per cent in order to get support for the measure.

Mr. COCKRELL. I knew the rate was discussed there, but I had forgotten that the House changed it.

Mr. President, I want to go back to first principles. I am opposed to these impositions of duties upon products imported from Puerto Rico for the reasons I have stated. Now, I want to go into some other facts. I hold in my hand the report of the Secretary of War, dated the 29th day of November, 1899. I want to read an extract from this report of the Secretary of War. This is not Democratic authority. I am not discussing this question from a Democratic or Republican standpoint, but from the standpoint of right, of justice, of patriotism, and of the very best interests of the people of the United States and of Puerto Rico. I will read from the report of the Secretary of War. Speaking of the island, he says——

Mr. JONES of Arkansas. From what page is the Senator about to read?

Mr. COCKRELL. Page 32, third subdivision.

The question of the economic treatment of the island underlies all the others. If the people are prosperous and have an abundance of the necessities of life, they will with justice be easily governed, and will with patience be easily educated. If they are left in hunger and hopeless poverty, they will be discontented, intractable, and mutinous. The principal difficulty now in the island of Puerto Rico is that the transfer of the island from Spain to the United States has not resulted in an increase of prosperity, but in the reverse. The industry of the island is almost entirely agricultural. The people live upon the products of their own soil and upon the articles for which they exchange their surplus products abroad. Their production is in the main of coffee, sugar, and tobacco. The prosperity of the island depends upon their success in selling these products.

So long as the island was a part of the Spanish possessions there was substantially free trade with Spain and with Cuba. The total exports from Puerto Rico for the four years preceding 1897 averaged about $18,000,000, of which an average of less than one-sixth part ($2,630,000) was sold to the United States, and an average of one-half ($8,025,000) was sold to Spain and Cuba. Immediately upon the transfer of the island from Spain to the United States Spain erected a tariff barrier against the introduction of Puerto Rican products. The interests of Cuban agriculture led to the erection of a similar barrier in the tariff adopted for Cuba, so that Puerto Rico was debarred from the principal markets which she had previously enjoyed, and at the same time this country has maintained its tariff against Puerto Rican products just as it existed while the island was Spanish territory. The result is that there has been a wall built around the industry of Puerto Rico.

Even before the hurricane of August 8, 1899, two crops of tobacco lay in the warehouses of Puerto Rico, which the owners were unable to sell at prices equal to the cost of production. Their sugar shared the prevailing depression in that commodity, arising from the competition of bounty-fed beet sugar. Their coffee was practically unknown in the United States and had no market here. It is plain that it is essential to the prosperity of the island that she should receive substantially the same treatment at our hands as she received from Spain while a Spanish colony, and that the markets of the United States should be opened to her as were the markets of Spain and Cuba before the transfer of allegiance. Congress has the legal right to regulate the customs duties between the United States and Puerto Rico as it pleases, but the highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

That is from the report of the Secretary of War on the 29th day of November last. The commanding general and acting governor of Puerto Rico, General Davis, well known to many members of this body, after surveying the entire field over, a man of broad and liberal and generous views, reported to the Secretary of War substantially the same thing that the Secretary of War here stated, recommending that no duties be imposed upon products from Puerto Rico.

Now, I go a little further. I come to the message of the President of the United States of December 5, 1899. None of our friends can accuse the President of not being a Republican and an advocate of Republican principles and policies. He stands to-day at the head of the Republican organization, at the head of the Executive Administration of this Government, Republican in all its branches, and that he is to be the standard bearer of the Republican party in the coming political contest in November next seems absolutely certain now. I read what he said in his message to Congress, what advice and information he gave us in regard to this question. On page 49 of the pamphlet form of the message he says:

It must be borne in mind that since the cession Puerto Rico has been denied the principal markets she had long enjoyed and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. Her coffee was little known and not in use by our people, and therefore there was no demand here for this, one of her chief products. The markets of the United States should be opened up to her products. Our plain duty—

I would that I could inscribe this upon the tablets of the sleeping and dreaming memories of the majority upon the opposite side of the Chamber—

Our plain duty—

No mistaking it, no evading it—

Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

That was the Republican doctrine on the 5th of December, 1899, proclaimed by the President of the United States, indorsing the recommendations of his Secretary of War and his commanding general in the island of Puerto Rico, and carrying out the plighted faith of this great nation to the inhabitants of Puerto Rico when they so quickly and so mildly and generously yielded to American domination there.

Mr. President, the views that I have read of the Secretary of War and of the President of the United States, not one of which has yet been repudiated, were not only their views, but they were the views of many other distinguished Republicans; and now I want to hold up before the Senate of the United States no less a distinguished personage than the senior Senator from Ohio [Mr. FORAKER]. I want to show the Senate what he thought of this matter, what he believed was the right and duty of the people of the United States and of the Senate in regard to the duties on imported articles from Puerto Rico.

I hold in my hand Senate bill No. 2264, a bill to provide a government for the island of Puerto Rico, and for other purposes, and I read from section 8 of that bill, presented on the 9th of January, 1900, and referred to the Committee on Pacific Islands and Puerto Rico:

SEC. 8. That on and after the passage of this act all merchandise coming into the United States from the island of Puerto Rico, and all merchandise going from the United States into the island of Puerto Rico, shall be admitted into the respective ports of entry free of all tariffs, customs, and duties, all laws and parts of laws to the contrary notwithstanding.

That was the view of the distinguished Senator at that time. There was no dissenting from that principle at that time. It was not only held by so distinguished a Republican Senator as Senator FORAKER in this body, but it was also held in the House of Representatives by no less a distinguished Republican than Mr. PAYNE, chairman of the Committee on Ways and Means in the House of Representatives. I hold in my hand House bill 6883, introduced in the House January 19, 1900, by Mr. PAYNE, to extend the laws relating to customs and internal revenue over the island of Puerto Rico ceded to the United States. In that bill not one solitary duty is imposed upon any article imported from Puerto Rico into the United States. Under that bill all imports from Puerto Rico into the United States would come in free of duty.

Now, here are the distinguished leaders in the Senate and the House—Senator FORAKER, January 9, and Representative PAYNE, January 19—introducing bills permitting and authorizing all the products of Puerto Rico to come into the United States free of all tariff duties of all kinds. Did not the country have a right to believe, in view of all these facts, that the Republican party had pledged itself to this course and this policy; that it had done it because it was right, because it was the duty of our Government to treat the island of Puerto Rico as kindly and humanely as Spain had done? Was it not the sentiment of the people of the United States, the sentiment of the patriots in the Senate, in the House, that we should at least permit the Puerto Ricans, who had so kindly surrendered, so submissively yielded to the authority and jurisdiction of the United States and asked to be made a part of our country, to receive the beneficent blessings and influences of our laws by the admission of their products free of all duties?

Now, here is the situation. Here this question, the freedom from all duties, was presented to the country, to the Senate, and to the House by representative men, by the head of the Republican party, by the head of the War Department, by the governor of the territory, by the Senator from Ohio and the leader of the Republican members in the House of Representatives.

But all at once some mysterious influence and power unknown to us began to operate, began to work and to ferment, and to produce results. Step by step has been taken until now it is proposed by this bill that we shall permit by legislative sanction a violation of what the President and the Secretary of War have recommended, and what has been sanctioned by the Senator from Ohio and the leader of the Republicans in the House.

Now, my Republican friends, I want to appeal to you as honest, patriotic citizens, Do you intend to place your President in the position of stultifying himself by compelling him to sign this bill? In his message when legislation was here recommended he has told you that he had no power to suspend or relieve American products from the payment of import duties, but he had to some extent relieved the Puerto Ricans from the payment of some duties upon articles imported into their country from the United States.

Now, Mr. President, in view of this entire record, in view of the principles involved in this matter, I can not vote for this conference report. I shall take pleasure in recording my vote "nay" against the whole measure now, although I was heartily in favor of the appropriation of the sum that was defined in the bill, which was not contingent and did not control the future.

Mr. President, I desire to read in conclusion the resolutions passed by a very distinguished body, and I will say a body largely Republican, the Chamber of Commerce of the great State of New York, at the monthly meeting held Thursday, March 1. They are as follows:

Whereas in accepting the cession of the island of Puerto Rico, and in assuming the control of the destinies of this new territory, the people of the United

States have undertaken a solemn duty and obligation toward the people of that island, and are in good faith bound to recognize the welfare and the interests of its inhabitants as identical in every particular with our own; and

Whereas the President of the United States in his message to Congress unequivocally declares that the markets of the United States should be opened to Puerto Rico's products, and that our plain duty is to abolish all customs tariffs between the United States and Puerto Rico, and to give to her products free access to our markets; and

Whereas the Secretary of War, in his last report to the President, states that the highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own, and should remove the customs duties between Puerto Rico and the United States: Now, therefore, be it

Resolved, That the Chamber of Commerce of the State of New York records its emphatic opinion that every consideration of honor, justice, and humanity demands that trade between the United States and the island of Puerto Rico shall be unrestricted by any customs duties whatever; and be it further

Resolved, That early and prompt action should be taken by the Congress to redeem the good faith and the implied pledges of this nation as sponsor for the future welfare of Puerto Rico.

Mr. SULLIVAN. Mr. President, I desire to say a few words in respect to the pending bill. Having voted to ratify the treaty with Spain, believing as I did that that was a proper thing to do, believing still to-day that that was the right and proper thing to do, it only emphasizes to my mind the impropriety on the part of this Government, after having thus obtained possession and control of that territory, Puerto Rico, and those people inhabiting the island, that we should treat them as aliens, as strangers, and worse than the people who live in any one of our Territories.

There can be no doubt about the question as to what is right and fair. Suppose you say technically it is true; that ex proprio vigore the Constitution does not go there because the flag does; suppose you grant that as a matter of truth, as a matter of abstract right, yet the conscience of the people of the United States does not adopt and will not agree to that view. Our people do not believe that the people in Puerto Rico should be treated in this way. I do not believe that any man, when it comes down to a matter of justice and right, believes that the Puerto Ricans ought to be taxed any more than the people of Louisiana or Florida upon their products, exported or imported.

Suppose you were to undertake to put a tax upon the sugar that is raised in Louisiana and brought into New York or some other State. It would be just as fair, just as honest as a tax put upon any product raised in the island of Puerto Rico. It is immaterial whether you have the abstract right now by law to require those people to pay 15 per cent of the Dingley tariff rates on the products brought from there to this country. When those people were incorporated as a part of the United States it followed that we should treat them justly and fairly and not discriminate against them in such a way as to destroy and to ruin their enterprises and their business there in that part of our own territory.

I listened some days ago to the discussion of the senior Senator from Missouri [Mr. COCKRELL], in which he showed very clearly that the people of Puerto Rico who lost the tax would not get the benefit of this money provided by this bill if paid back to those who nominally paid the duties on goods brought from Puerto Rico, because those who produced the exported property received less to the extent of the tax than the property was fairly worth, and yet such producer would not get the money. I believed all the way long that this money that we were to give back for the purpose of relieving their immediate necessities should be put plainly and flatly upon the ground of a gratuity. I never have thought that it was proper or right to say we gave it back because it represented the amount of dollars and cents that had been extracted from them under this tariff. The fact is that if it was wrong to collect these dues, we should wipe that out entirely and hand back the whole sum, not as a matter of gratuity, a matter of kindness, a matter of grace, but a matter of absolute justice. Yet it should be paid to those who really lost it—the producers.

We have been appealed to here time and again. The argument has been that those people had greatly suffered by reason of the storm that prevailed there and for that reason we ought to give them something out of our abundance as matter of charity. Giving them this is one way to put it, but not the way this bill puts it, and the same moment we return this money so wrongfully collected we ought to wipe from the statute book or take from the United States the right to collect any part of any tariff there. I say it is immaterial to me whether or not technically we have a right to collect it or not, common fairness forbids it. It is wrong, and we should here and now emphasize our objection to the collection of any part of any duty from any goods either coming from Puerto Rico or going there. We can never explain that it is right to claim Puerto Rico as part of our possessions and subject to our control and at the same time deny them the rights of the meanest citizens of our Territories.

There can not be one law for one part of our land and another law for another.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. ALLEN and Mr. ALLISON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nebraska.

Mr. ALLEN. I yield to the Senator from Iowa.

Mr. ALLISON. Mr. President, I desire to say only a word or two in defense of the conference report.

The PRESIDENT pro tempore. The Senator from Iowa asks that the unfinished business be temporarily laid aside in order that the discussion of the conference report may continue.

Mr. ALLISON. I thank the Chair for that suggestion.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLISON. Mr. President, it points a moral and adorns a tale as well. Here we have an appropriation of money to relieve the present situation and condition of the people of Puerto Rico, and yet Senators occupy time on the other side—my good friend from Missouri [Mr. COCKRELL] not very much time—in insisting that we shall proceed to deal with every question relating to Puerto Rico, and without delay, when it is well known by all in this Chamber that those in the majority, having the control of the order of business here, agreed with the President of the United States, with the Secretary of War, and those in charge of the administration of the affairs of Puerto Rico that the situation there is so exigent that the bill looking to dealing with every question involved in Puerto Rico shall stand in the forefront of the business of the Senate. It has been the order of business, if I remember rightly, for more than two weeks, and it has been taken up day by day here.

The Senator from Ohio [Mr. FORAKER] in charge of that bill rose in his place a few minutes ago and asked Senators on the other side to fix a day when every question involved in the bill just now laid aside temporarily might be disposed of, including all the questions respecting tariff, internal revenue, civil government, and all the details now in that bill; and no one of them can get out of that bill except by a majority vote in this Chamber. Now, what those on this side of the Chamber desire to do, so far as I know, is to go on with the details of that bill and ascertain the best judgment of the majority of this Chamber upon every detail. But all Senators on the other side and on this side know that it is a bill of details and that it involves many questions that are not to be settled by haphazard and perfunctory statements respecting free trade.

The situation as respects the island of Puerto Rico, its productions, and its trade relations to the United States requires the most careful consideration. The Senator from Georgia [Mr. BACON] says, "Let us have free trade with Puerto Rico." Very well; but in making up an arrangement with regard to the trade with Puerto Rico we must take into consideration the relations of the productions of Puerto Rico with the productions of other parts of our country, assuming Puerto Rico now to be a part of our country.

The Senator from Georgia read a few days ago a statement made at a public meeting in the city of San Juan whereby they desired to shift this question of taxation to internal revenue wholly, and suggested that we should apply there our internal-revenue laws; that we should collect taxes in Puerto Rico from distilled spirits and tobacco and the other specific articles that come within the purview of our internal-revenue laws. I submit that that alternative is not a wise one to apply at this time, nor is it one that will yield revenue sufficient to carry on the government which is provided for in the Territorial bill now upon our table and now being considered.

Therefore it is that when we take up the question of our relations with the island of Puerto Rico, we must see whether or not we are to place the products of Puerto Rico, as respects rum and tobacco, upon the same basis that we apply to other Territories of the United States without at the same time placing an obstacle in the way of collecting the necessary revenue in our own country.

I take it there is not a Senator on this floor who proposes to destroy our internal-revenue system, as applied to distilled spirit in all its forms and as applied to tobacco in all its forms. Here are a people who have lived for three or four hundred years without the kind of impositions that we would have to put upon them, without their having any ability to pay, as all the statements and reports disclose the fact that the property of the island of Puerto Rico is in the hands of a few people and that the great body of the people there are in poverty practically. They have their system of use as respects the articles I have named; yet I have not heard in this debate a single suggestion that we should take up the question of the taxation of Puerto Rico, internal and external, and deal with it as Senators having the responsibility of caring for the people of Puerto Rico and caring for the revenues of the United States.

I do not disagree with Senators on the other side, and I know of no Senator on this side who does not agree that we must adjust our relations with the island which by the accident of war we have taken into our possession in such way as to make those

people prosperous, and thereby contribute their portion of their prosperity to our prosperity. We must deal with them generously. We must deal with them in such a way as will enable them, according to their condition and situation, to support the dense population upon that island. After hearing these arguments you would suppose that we could in five minutes prepare a law governing that territory of ours, unique in its nature, special in its interests, and special in its productions, by simply spreading a blanket over it, so far as our laws prevailing in this country are concerned.

I submit to Senators that the questions in detail as respects those people are questions which deserve consideration, and that they ought to have consideration now. We are obliged to make such laws here as will provide a revenue for the support of that government in the main, a revenue which will not oppress those people, but a revenue that can be easily collected for the purposes of their local government. I venture the prediction that no laws we will pass at the present session or within a year or two will be sufficient to maintain the government which we propose to set up and establish there. It is as inevitable to my mind as that two and two make four that there will be a deficit in the support of the government which we are about to establish, no matter what system of revenue we provide for them.

Mr. MORGAN. May I ask the Senator a question?

Mr. ALLISON. Certainly.

Mr. MORGAN. Suppose we should tax the vast amount of mortgage indebtedness that is there. We are informed that there is a great amount of mortgage indebtedness hanging over Puerto Rico. Suppose we should impose either a specific tax or an income tax upon it, would not that support the government of the island?

Mr. ALLISON. I believe there is a mortgage indebtedness upon a large portion of the property. How large that debt is or where it is held I do not know. This is the first suggestion I have heard made that we shall enact a provision of law which will specifically destroy that debt in the hands of those who may hold it. I do not believe that that will restore the prosperity of Puerto Rico. I believe that what we want to do is to so adjust those affairs as to establish the credit of Puerto Rico in such way as that they can create for the time being more debt, and that we may provide for them roads and means of conveyance. But I do not wish to enter into that discussion at all.

I rose only to call attention to these questions for the purpose of showing that we ought to dispose of this measure and then go on immediately with the measure that is under consideration as the unfinished business. I will assure the Senator from Georgia that he need not be disturbed concerning what he calls differences on this side of the Chamber. Whatever those differences may be as respects details, one thing is certain, that we will go on and deal with this question and be content, as we must be, with the majority of the votes in this Chamber.

Now, Mr. President, I want to say just one word more. We have enlarged the uses to which this money may be applied. That was consented to for two reasons by the Senate conferees. First, most of the speeches made on the other side of the Chamber insisted that because we limited the expenditure to governmental purposes they were indifferent to it, and they wanted an opportunity to vote such relief as was absolutely necessary to the people in Puerto Rico who have not the ability and the means to support themselves. That very discussion on the other side of the Chamber threw a doubt, as the Senator from Missouri will agree with me, upon the phraseology which we had employed. Therefore it might be said that as it had been stated in the debate in this Chamber over and over again that no part of this money could be used to furnish seed to the farmers, or used for the purpose of reinvigorating and renovating temporarily the soil, or for the purchase of implements, etc., to enable those people to continue their agricultural operations during the present spring, we ought to so enlarge it that General Davis, in command there, would so exert his power and so utilize this money as to put the people of Puerto Rico at work.

I have in my drawer here, but I will not stop to read it, a statement from him that what he needed was an opportunity to put the people at work there in order that they might earn their own living for the next ninety days, and that if they had such an opportunity, they would be self-sustaining thereafter. So we enlarged the uses to which this money may be applied, as I have stated.

I submit to my friend the Senator from Missouri [Mr. COCKRELL], who disagreed to the conference report, that it does not change in the slightest degree the law as it now exists, nor does it in any degree legislate at all. In all that we did in the Senate we impliedly provided—not by express statute—that the customs duties should continue to be collected, because we did not undertake to modify or repeal the provisions of the Dingley Act. Therefore that law is to continue in force until further legislation by Congress. That is not changed at all by the House provision to which we finally assented; but, on the other hand, it distinctly states that these appropriations shall be made under existing law; and the moment the law is changed this appropriation ceases.

I can not for the life of me see—and I should be glad to learn, and I tried to learn, from the Senator from Georgia [Mr. BACON]—what difference there can be in appropriating a sum of money which has already been paid into the Treasury, or which may hereafter be paid into the Treasury, if we establish the principle, which the bill as agreed to by the Senate did establish, that the receipts from customs collected from the island of Puerto Rico put into our Treasury should be restored to those people. So I see no difference in principle in the bill as it stands upon the report of the conference committee and the bill as it was amended in the Senate.

All I desire now is, if we are in earnest in endeavoring to relieve those people from the situation in which they are placed and to start them on the pathway of improvement in the island, that we shall pass this bill to-day and then take up the bill of the Senator from Ohio and go on with it until that bill becomes a law as well as this bill.

Mr. BERRY. Will the Senator permit me to ask him a question?

Mr. ALLISON. Yes, sir.

Mr. BERRY. When the House bill was before the committee the Senator thought it important to change that bill so as not to dispose of the customs revenues received hereafter. Now, I ask the Senator if he himself thought it important that that provision should go in and voted to put it in why he has yielded that proposition to the House? If he wanted to have the bill passed, why did he not insist upon passing it with that amendment and have the matter concluded?

Mr. ALLISON. That, Mr. President, of course is a very proper question for the Senator to ask, but it was suggested in the committee of conference, and I suppose the Senator in making this inquiry wants to know what happened in the committee——

Mr. BERRY. Not necessarily. I only wanted to know why the Senator yielded to the other House.

Mr. ALLISON. It was suggested in the committee that we should make this appropriation specific, so far as possible, and that there would be no objection to making a specific appropriation, so far as the amount collected had been ascertained; and, as a member of the committee, desiring, as I always do and as members of such committees generally do, to secure harmony in the committee, I was perfectly willing to appropriate a specific sum, so as not to delay the final passage of the bill, and then at another time appropriate another specific sum, but there was no principle involved in it, or it did not occur to me that there was a principle involved in it.

Mr. BERRY. Will the Senator permit me one more question?

Mr. ALLISON. Certainly.

Mr. BERRY. Does not the Senator believe that the specific proposition to appropriate the revenues hereafter received from customs duties recognizes that the Dingley law shall continue and remain in force and the right to impose taxes therein?

Mr. ALLISON. Certainly not; no more than the original bill did. They both recognize the Dingley law as in force, and that we shall continue to collect revenue under it.

Mr. BERRY. If the Senator will permit me, the bill as passed by the Senate was a simple disposition of the money already received; which was given back to those people, thereby recognizing, as I conceive, that we had no right originally to collect it—that is, no right in morals, whatever the law might have been. The Senate committee, recognizing that, when the House bill was pending here confined it to the amount we had already collected, and struck out the House provision that we should refund the duties hereafter collected. Now, the Senator from Iowa has, without a struggle or without coming back to the Senate for instructions, after having put that amendment on the bill, yielded to the House members of the conference committee, thereby, as I believe, meaning to recognize the right and the principle that we impose a tax upon the people of one of the Territories of this Government.

Mr. ALLISON. Now, let me ask the Senator a question.

Mr. BERRY. Certainly.

Mr. ALLISON. The Senator states that he favored the original proposition because it returned the money we had collected.

Mr. BERRY. Wrongfully.

Mr. ALLISON. Suppose this conference report provided for the return of all the money that had been collected up to this day at 12 o'clock noon, would the Senator vote for it?

Mr. BERRY. That is a very different proposition.

Mr. ALLISON. But let me ask the Senator this question: If we had collected up to 12 o'clock to-day $50,000 from those people under our tariff laws; if he was in favor of returning this $2,000,000, would he be in favor of returning the $50,000?

Mr. BERRY. I would be in favor of returning every dollar we had collected immorally, if not illegally, but I would not put a provision in a bill which recognized the right to still collect duties from those people when we had no authority to do so.

Mr. ALLISON. Then I understand the Senator to say that he would now vote to refund all the revenues collected up to noon to-day?

Mr. BERRY. And then stop collecting any more. That is exactly what I would want to do.

Mr. ALLISON. Yes, I know you do; but you want to do that without doing anything else. This is not a bill for Puerto Rico or its government, but an appropriation bill. The Senator now says he would be willing to vote to return all we had collected up to noon to-day; and if it were to-morrow, he would be willing to vote to return all we collected up to noon to-morrow; and so every day we should be refunding to those people the duties which would be collected. The conferees believed that it was an easier way and a more simple method to provide in this bill for the return of all the duties which have been collected up to date and all that may be collected for ten or fifteen days or two months during the pendency of the Puerto Rican bill.

It is a distinction without a difference; it is the difference between tweedledum and tweedledee; and the sooner we quit debating this question the sooner we shall get to the business of Puerto Rico.

Mr. BERRY. Mr. President, I only want to say a word or two more, and then I shall yield.

The Senator says that there is no difference between these propositions; that it is only the difference between tweedledum and tweedledee. It is remarkable that the Senator did not think that way three or four days ago when he voted to put in the House bill the Senate amendment. The Senator may say that he has changed his mind; he may be like the President was when he said it was our "plain duty" to take off these taxes from the people of Puerto Rico. He has a right to change his mind, but it seems strange to me that the Senator, who had that amendment put upon the bill, who insisted upon having it put on, and thought it important then to do so, should now come in three days afterwards and say it is immaterial and there is no more difference between the one proposition and the other than the difference between tweedledum and tweedledee.

Mr. President, this whole proposition is under the pretext of hurrying to relieve those people, when a bill could have been passed purely to appropriate this two million and odd thousand dollars days and days ago if they had desired to do so and if they had been anxious to extend that relief. On the contrary, they are attempting to put in this bill indirectly what some of the members on the other side of the Chamber are unwilling to vote for directly.

The Senator talks about the delay of the Puerto Rican bill in charge of the Senator from Ohio [Mr. FORAKER]. He knows that that Senator has not yet got his bill perfected in such a way that he is willing to have it passed. The responsibility for the failure of its passage rests not with us, but upon the majority in this Chamber.

Mr. FORAKER. My suggestion was to fix a time when the vote could be taken on the bill and all pending amendments.

Mr. BERRY. I ask the Senator if the bill is in the shape he wants to have it when the vote is to be taken upon it?

Mr. FORAKER. Pretty nearly.

Mr. BERRY. Pretty nearly.

Mr. FORAKER. It is as nearly ready as any bill in the Senate ever is when it is asked that a time be fixed to vote upon it.

Mr. BERRY. But it is not in such a shape that the Senator is willing to put it upon its passage, as I understand him.

Mr. FORAKER. It is usual for a number of amendments to be pending when we fix a time to vote on a bill. What I wanted to do was to fix a time when the vote could be taken on the bill and all the pending amendments. I will call that up later, when the pending matter is concluded.

Mr. JONES of Arkansas. Mr. President, I wish to say that it is not usual to fix a time for a vote upon a bill. The usual practice is to fix a time when the debate upon a bill shall be concluded.

While I am upon my feet I want to repel the insinuation of the Senator from Iowa [Mr. ALLISON] that the failure to vote on the bill in charge of the Senator from Ohio [Mr. FORAKER] rests with this side of the Senate Chamber. The reason why the vote has not been had on the bill of the Senator from Ohio is because the majority have not been ready to take the vote; they are not now ready to take it, and they have not been ready a single day from the time the bill was first taken up until now. When, days ago, some of us on this side of the Chamber were asking when there would be a vote on that bill, we were told that some Senators wished to make speeches hereafter. The bill has been delayed and delayed by the majority from day to day and from time to time to accomplish a purpose of their own. It has not been delayed one hour by the action of the minority in this Chamber.

Mr. FORAKER. Nothing has been said by myself, I am sure the Senator will concede, indicating that there has been any delay by his side of the Chamber.

Mr. JONES of Arkansas. Of course not.

Mr. FORAKER. I have not found any fault with anybody.

Mr. JONES of Arkansas. Of course not. I was not criticising the Senator from Ohio, but I was criticising the Senator from Iowa, who distinctly insinuated that the reason the vote could not be had was because unanimous consent could not be obtained.

Mr. FORAKER. I simply suggested a moment ago that a time might be fixed when the vote may be taken upon the bill and amendments—not at this time. I will call that up later.

Mr. HALE. Mr. President——

Mr. ALLEN. I rise to a parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. ALLEN. I had the floor and addressed the Chair before the Senator from Ohio [Mr. FORAKER] or the Senator from Arkansas [Mr. JONES] or the Senator from Maine [Mr. HALE] were recognized, and, under the rules, I was entitled to recognition.

Mr. HALE. I make no question with the Senator from Nebraska.

Mr. ALLEN. No, sir; I will yield to the Senator.

Mr. HALE. If the Senator from Nebraska desires to proceed, I hope he will do so.

The PRESIDENT pro tempore. The present occupant of the chair was not aware that the Senator from Nebraska had addressed the Chair.

Mr. BERRY. I desire to say that I was not aware that the Senator from Nebraska had addressed the Chair.

Mr. ALLEN. I did not mean the junior Senator from Arkansas [Mr. BERRY].

Mr. JONES of Arkansas. I want to say, in justice to myself, that I did not know the Senator from Nebraska had the floor. I should not have interfered with him if I had the slightest idea he wished to say anything; but the Senator from Iowa had just raised a question upon which I had been trying to get the floor for fifteen minutes to reply to a remark made by that Senator.

Mr. ALLEN. I have nothing to say about that.

Mr. HALE. I am entirely willing the Senator from Nebraska should go on.

Mr. ALLEN. I have been on the floor for some time.

Mr. HALE. Let the Senator proceed.

Mr. ALLEN. No; let the Senator from Maine proceed. I will yield.

Mr. HALE. No; I will follow the Senator from Nebraska.

Mr. BACON. Allow me one moment.

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. ALLEN] is recognized.

Mr. BACON. I merely want to say a word.

Mr. ALLEN. I yield temporarily to the Senator from Georgia.

Mr. BACON. I am informed by a Senator on the floor that a statement made by me in the course of the remarks I submitted to the Senate may be construed into meaning that I was going to vote for the conference report. If any such language fell from me, I am sure what I said in the argument will indicate my entire opposition to it. What I intended to say, and what I will ask permission to insert in the RECORD, if the report shall not show it, is that I would vote for the bill, and did vote for the bill as it was in the Senate and went from the Senate, but under no circumstances would I vote to agree to the conference report.

Mr. ALLEN. I shall be more than pleased to yield to the senior Senator from Maine if he desires the floor.

Mr. HALE. No; let the Senator go on.

Mr. ALLEN. Mr. President, this measure was before the Senate a few days ago, and it was advocated and pressed by our Republican friends on the ground that it was a charity which ought to be extended to the suffering people of Puerto Rico. It was placed wholly upon that ground. It was said that the people of Puerto Rico were storm stricken; that great devastation had taken place in the island; and that they were in a condition requiring Congress to speedily and promptly extend them some aid. It was not claimed at that time by our friends on the other side of the Chamber, what I believe to be really the truth of the matter, that it is a measure to enable the Republican party to escape from an unpleasant dilemma.

It now develops, Mr. President, that such is its purpose; that it is being advocated upon one ground and for one reason, while the real reason actuating its advocacy and passage has been obscured as far as possible from the American people.

I do not believe there was an instance in the history of this country where a sum of money has been placed at the disposal of the President of the United States without requiring him to account for it before we voted in the Fifty-fifth Congress $50,000,000 to the President to prepare the country for defense against Spanish invasion. I voted for that measure, and I rejoice now that I did so, for I had the utmost confidence in the integrity of the President, as I have now, and believed that that was a wise and a patriotic thing to do. But that was exceptional, Mr. President; that was at a time when we knew that war would be declared within a very few days at most.

It was a thing that occurs very rarely in the history of a nation; it was a bad precedent; but here we propose to place a sum of money at the disposal of the Chief Executive of the nation in a time of profound peace, without requiring him to account for its distribution or without directing the methods of its distribution. It is to be wholly in his hands, and much, Mr. President, as I regard the President of the United States, highly as I regard him, much as I believe in his integrity—and I do believe in it—there is no man who occupies or who will ever occupy or ever has occupied the office of Chief Executive of this nation who ought to be intrusted with this power except in those rare cases such as the one I have mentioned.

But one of the vices of this bill, and its chief vice, is that it is to be continuing in its effect. We are not only to return to the Puerto Ricans—who are now our fellow-citizens to all intents and purposes except they are debarred from the elective franchise—$2,095,000; but by the terms of this bill we are to continue to pass over to them from time to time the money we may collect for an indefinite period; it may be one year, two years, ten years, or fifty years, for this portion of this bill is permanent in its character and not merely tentative.

Mr. President, in my judgment that is wrong. It is wrong in principle; it sets a bad precedent for the future. It will be pointed out, no doubt, in after years by those who are to succeed us as a precedent to be followed; and it is doing no injustice to any President of the United States or any gentleman who may be President to say that it is a precedent that Congress ought not to encourage.

I voted for this measure upon the supposition that it was a charitable measure. I did not want our friends to stand here and say to the country that the people of Puerto Rico were suffering for something to eat and something to wear and that we refused to relieve them. I did not want to be guilty of inhumanity, and I will not be, consciously at least; but when we analyze the situation as it is developed from day to day we discover that the Republican ship is leaking and is about to founder, that it is hedged in between a Puerto Rican tariff on the one hand and a United States tariff or a Dingley law upon the other, and that it must be rescued and repaired.

But a few days ago a measure appeared elsewhere in accordance with the recommendation of the President in his annual message, a free-trade measure, a measure that practically extended the Constitution and all of its provisions over the island of Puerto Rico and its inhabitants; and it was hailed with great acclaim by those who introduced it and by those who were to pass it. Like Blind Tom, they cheered their own act. A short time after that silence fell upon the Republicans. There were whispered gatherings and hurried gatherings and hurried consultations; and within a short time another measure appeared at that same place, imposing a duty of 25 per cent of the Dingley tariff law; and that was to be a permanent measure. It was not to be repealed the next day or the next week or the next year; but it was to establish a permanent policy between the United States and the people of Puerto Rico. Then there burst upon the country throughout its length and breadth a storm of indignation from Republicans and from all other classes of the people against the proposed imposition of a tariff upon those people. So, from day to day, we have been passing along here waiting for developments. The bill of which the Senator from Ohio [Mr. FORAKER] has charge has been permitted to drift like a rudderless ship. It is to drift along, Mr. President, for weeks yet, until the temper of the American people can be ascertained and until the road out of this difficulty is discovered.

Mr. President, I think the Republican party, as a political organization in its machinery, is the greatest party known in the history of the world. There never was a political organization in its compactness, in its discipline, equal to it. Whatever the head of that party thinks, it makes no difference who he may be, every man rolls his eyes to heaven, and says "Amen;" he bows his own convictions and his own will in subordination to the wishes of the chief. That party is like a vast and well-disciplined army, and it is a powerful political machine. There is not that cohesion in party politics either among Democrats or among the members of the party to which I owe allegiance.

But a day or two ago we were told that the Senate was to listen to the fervid eloquence of the junior Senator from Indiana [Mr. BEVERIDGE] and that the intelligence of the Senate was to be entertained by his exposition of the Constitution and constitutional principles. To-day was the time set apart; and yet the Senator from Indiana does not appear upon the scene. The newspapers have announced that his amendment to the Puerto Rican bill is to be withdrawn, or it is to sleep the eternal sleep; that the bill is to be permitted to drift along from time to time, and that the policy, after all, is to have a tariff wall between Puerto Rico and the United States.

Mr. President, the bill the people are now thinking about, a bill that was railroaded through another branch of this Government so speedily, will not be taken up or considered here. The honorable Senator from Iowa [Mr. ALLISON], who, in my mind, is the greatest political general of the age and who in the domain of politics compares favorably with Napoleon as a military chieftain, never will permit that bill to see daylight in this Chamber. It is doomed, Mr. President. A road out of the difficulty must be found; and how is it to be found? We have an average tariff duty of 50 per cent against the Puerto Ricans. Everything they ship to this country must pay an average duty of 50 per cent under the existing law. Everything we ship there, with certain exceptions, must also pay an average duty of 50 per cent.

What general would disturb a situation of that kind and reduce it to 25 or 15 per cent? The status quo is to prevail. It is to go on until after the election. The Republican party to-day in both branches of Congress is looking more to the election than it is to the interests of the country. This is to continue until after the election; and we are informed the question is now before the Supreme Court, or will be shortly after the ides of November, after the people have been deceived again, if they can be deceived—the Supreme Court will reaffirm the doctrine of the Dred Scott case, will reaffirm that which I believe no man conscientiously disbelieves, that the Constitution by its own operation extends to the island of Puerto Rico and that the citizens of that island are constitutionally entitled to free trade with us. But the danger point will then have been passed, and the Moses of the party will have led the children of Israel out of the wilderness.

Mr. President, according to the press dispatches this morning the Republican party is more concerned to-day in raising a campaign fund for the election of 1900 than in anything else. We are told that $30,000,000 is to be wrung by the Republican party from the trusts; that in 1896 they paid $18,000,000 into the funds of that organization, and that in 1900 they are to pay $30,000,000; and the $30,000,000 is to be taken by that party to violate the ballot box and to corrupt weak voters, if they can be corrupted, into voting that ticket. The press is particular, Mr. President; it names the gentlemen who are now engaged in collecting this revenue. I shall not call their names. They are well known in the political history of the country.

Mr. FAIRBANKS. Will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. ALLEN. Yes, sir.

Mr. FAIRBANKS. To what press does the Senator refer?

Mr. ALLEN. If the Senator will read the morning papers he will discover.

Mr. FAIRBANKS. That is a little general. I read a portion of the morning press, and I have not seen any such statement.

Mr. ALLEN. I will send the statement to the Senator, if he has not seen it and wants to see it. I do not care to be any more specific at this time. I will send out and buy a paper and give the Senator a marked copy, if he desires.

Mr. FAIRBANKS. The Senator from Nebraska is usually so precise and accurate in his information that I did not suppose my inquiry would lead to any embarrassment. I supposed he had the information before him.

Mr. ALLEN. It is no embarrassment whatever, Mr. President—not the slightest—and the accuracy of my information is sufficient for my purposes at all times.

Mr. FAIRBANKS. Just so the Senator keeps the information to himself——

Mr. ALLEN. No. My information has guided me for fifty-three years, and it will guide me the remainder of the time allotted me upon earth. I shall not ask the Senator from Indiana whether he approves or disapproves of my information or my conduct, and it will not concern me, either, whether he does or does not.

Mr. FAIRBANKS. I rose for a polite inquiry, and I am sorry to see that the Senator is somewhat irritated.

Mr. ALLEN. Not at all.

Mr. FAIRBANKS. I had no intention of irritating him.

Mr. ALLEN. I am not irritated in the slightest degree, but I simply wanted to convey to the Senator from Indiana, as politely as I could, the intimation that his assumed superiority of knowledge and information was not acceptable to me. I say "assumed." Perhaps I had better withdraw the word "assumed."

Mr. FAIRBANKS. I confess my humility when I ask the distinguished Senator for information.

Mr. ALLEN. Perhaps I should withdraw the word "assumed" and say the real superiority. So I will send the paper to the Senator if he expresses a desire to see it. This is the report. It is current. Everybody, I presume, has read it but the Senator from Indiana, and I presume he is in a situation where he does not need to read that fact in the press. I think he is in the sanctum sanctorum, and perhaps knows more about it than the press itself.

Mr. President, I am not a prophet or the son of a prophet, but I predict the time will never come in the history of this Congress, or before the election in November, when a measure of any kind

will be introduced or pressed here to relieve the situation. Inactivity, delay, procrastination constitute the policy of the dominant party in this Chamber at the present hour. What does the bill of the Senator from Ohio have to do with this measure? Nothing. When questioned a few days ago about the adjustment of the tariff in that bill, the Senator from Ohio said to the Senate, in reply to a question that I put to him, that that question would be taken up at another time and in another measure. So we have the distinct announcement from the Senator from Ohio that the tariff question as respects the relations of the United States and Puerto Rico is not to be touched in this measure.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. ALLEN. I do.

Mr. FORAKER. I did not make any such statement as I understand the Senator from Nebraska to be attributing to me. When this bill was under consideration, if I recall correctly, the Senator offered an amendment and was proceeding to discuss it, and I did join with other Senators on the floor of the Chamber in requesting that that question go over until our bill, the one of which I am in charge, providing a civil government for Puerto Rico, and also embodying the question about the tariff, should come up for consideration, when we would have plenty of time to discuss that question. But there was no remark made by me which indicated that the question was not to be reached at all, as I now understand the Senator from Nebraska to say.

Mr. ALLEN. The RECORD will show whether the Senator is correct or whether I am correct, and I am perfectly willing to leave it to history, as already written.

Mr. FORAKER. I am quite willing to leave it there, too.

Mr. ALLEN. So, whenever the Puerto Rican bill is touched we are told by those in charge of it that the question of tariff will be settled by another measure, and whenever we turn to the leadership of the Republican party in this Chamber and ask them what they propose to do respecting the tariff, they inform us that the question is under consideration. As one distinguished Senator said here some time ago, they are pondering over it. But there is nothing tangible; nothing has been said and nothing will be said, in my humble judgment, about this measure, and the Republican party will not be smoked out into the open upon it if there is a possibility of secreting the question from the Senate and from the country.

You do not dare to bring the House measure before the Senate and put it upon a vote to-day or at any time in the future during this session of Congress. But you expect to deceive the people by the attitude you are now taking. You will go to the people and say, "We did not touch the tariff. It is true the House of Representatives hastily passed a bill. When it came to the Senate the combined wisdom of our party thought it was not advisable to put it before the Senate or to recommend it or to put it upon its passage, and we let it sleep in one of the numerous caverns around the Capitol. We did not do anything." But you will never tell them that you suffered a tariff that averages 50 per cent upon everything that is imported from and exported to Puerto Rico to remain as the law of the land.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. ALLEN. Certainly.

Mr. FORAKER. I understand the Senator from Nebraska to say that we will not dare, to use the language employed by him——

Mr. ALLEN. Yes, sir, that is my language.

Mr. FORAKER. To bring the House bill to a vote in the Senate to-day as a House bill.

Mr. ALLEN. Yes, sir.

Mr. FORAKER. I ask the Senator if he will agree, on behalf of the other side, they consenting, that we may withdraw the substitute reported from our committee for the House bill and vote on the House bill before we adjourn to-day at any hour to be named?

Mr. ALLEN. I represent nobody but myself in this Chamber. I am not a Democrat, I repeat for the fifth or sixth time. I represent myself alone.

Mr. FORAKER. In view of what the Senator has said, I ask unanimous consent that I may withdraw the amendment which was offered as a substitute for the House bill, and that the House bill may be brought to a vote to-day before we adjourn.

Mr. ALLEN. The 15 per cent bill?

Mr. FORAKER. Yes.

Mr. ALLEN. I join in that request. I ask unanimous consent.

Mr. FORAKER. I ask unanimous consent.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that the tariff measure contained in the Puerto Rico bill may be separated from the bill itself and that a vote be taken upon it as it came from the House of Representatives.

Mr. ALLEN. I desire to place myself on record as joining in that request.

The PRESIDENT pro tempore. And that a vote be taken to-day.

Mr. FORAKER. I suggest at 5 o'clock, to make it more specific.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Is there objection?

Mr. BACON. I suppose it is absolutely unheard of that unanimous consent should be requested that a committee may bring in a bill and that we shall vote on it——

Mr. ALLISON. The bill is here.

Mr. FORAKER. The bill is here now, under consideration as the unfinished business.

Mr. BACON. The committee is the one which has offered the substitute for the bill.

Mr. FORAKER. Certainly.

Mr. ALLEN. Let us consent to it.

Mr. BACON. Let them put their bill in the shape in which they propose it, and we will then see whether we agree.

Mr. FORAKER. I will put it in that shape immediately.

Mr. BACON. Then do it. Everybody knows such a request is not in order now, while we are proceeding with the consideration of a conference report. As soon as we get through, we will take it up.

Mr. FORAKER. There were challenges one after another that we would not make progress toward taking a vote on the House bill.

Mr. BERRY. The bill of which you have charge.

Mr. FORAKER. The challenge of the Senator from Nebraska was explicit that we did not dare to vote to-day on the House bill.

Mr. ALLEN. I repeat it.

Mr. FORAKER. He repeats it. In response to that, I ask unanimous consent to withdraw the committee amendment, which will leave the House bill pending without any amendment, and that we vote on it at 5 o'clock or at any other hour we may agree upon, so it be before we adjourn for the day.

Mr. ALLEN. In that request I join.

Mr. BERRY. I want to ask whether the House bill is before the committee and not before the Senate?

Mr. FORAKER. Certainly not. It is before the Senate.

Mr. BERRY. Reported back from the committee?

Mr. FORAKER. Yes.

Mr. BERRY. And now on the Calendar?

Mr. FORAKER. Yes, sir.

Mr. ALLISON. Is it now before the Senate?

Mr. FORAKER. It is before the Senate.

Mr. ALLISON. Having been reported.

Mr. FORAKER. It is the unfinished business.

Mr. BERRY. Was not the House bill stricken out and a substitute offered for it?

Mr. FORAKER. The House bill is here with an amendment.

Mr. BERRY. I know it.

Mr. FORAKER. We proposed to strike out the House bill and insert a substitute. My request now is that we withdraw the amendment and vote on the House bill at 5 o'clock to-day.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio?

Mr. BACON. If the Senator will fix a time which will enable us to offer amendments, say to-morrow, I am willing, so far as I am concerned.

Mr. FORAKER. I will fix any time to-morrow.

Mr. ALLEN. That will be satisfactory.

Mr. BERRY. With the right to offer amendments?

Mr. FORAKER. Certainly.

Mr. HALE. That is right.

Mr. MORGAN. I am very much in favor of almost the entire frame and project of the substitute, and I am unwilling to see it withdrawn.

Mr. FORAKER. I will say to the Senator from Alabama that I will not withdraw it except only as an amendment to this bill. I will immediately bring it before the Senate when the House bill has been voted on and disposed of, so that you will then have a bill providing a civil government pure and simple. We will have the two propositions separated, and we can vote upon each.

Mr. MORGAN. I will not object on that understanding.

Mr. ALLISON. I understand that the bill of the Senator from Ohio is already on the Calendar, being Senate bill 2264. The House bill was placed on the Calendar and is now before the Senate. So I understand the Senator from Ohio to propose that we vote upon the House bill with amendments.

Mr. ALLEN. Withdrawing the Senate committee amendment.

Mr. ALLISON. Certainly; withdrawing the Senate amendment. He asks the Senate to proceed to vote upon the House bill and such amendments as may be offered to it.

Mr. BERRY. With the right to offer amendments?

Mr. ALLISON. With the right to offer amendments; and after that is done, he will call up his bill, now on the Calendar.

Mr. FORAKER. Senate bill 2264. I will move the substitute now attached to House bill 8245 as a substitute for Senate bill 2264.

Mr. ALLEN. Let me ask the Senator a question. The understanding is that we shall have a direct vote upon the House bill as it passed the House, without any Senate amendments, except such as may be offered hereafter?

Mr. HALE. Yes.

Mr. FORAKER. Yes, sir; that is what I mean. I can not prevent a Senator from offering amendments.

Mr. ALLEN. We shall have a square vote upon the question whether or not we shall tax these people?

Mr. FORAKER. We shall have a square vote on the question whether or not we concur in the House bill precisely as the House passed it.

Mr. ALLEN. That is the 15 per cent bill?

Mr. FORAKER. Yes, sir; House bill 8245.

Mr. ALLEN. So far as I am concerned, I agree to that.

Mr. BERRY. So do I.

The PRESIDENT pro tempore. At what hour?

Mr. ALLEN. Any time before we adjourn.

Mr. FORAKER. That is, to-morrow?

Mr. ALLEN. Yes, sir.

Mr. PROCTOR. What time is it proposed to vote on the tariff bill?

Mr. FORAKER. It was proposed to vote to-day, but at the suggestion of Senators who are not prepared to vote to-day we have agreed, so far as any agreement has been arrived at, to vote to-morrow.

Mr. ALLEN. Let us vote to-morrow at 3 o'clock.

Mr. FORAKER. Three o'clock, or 4, or 5 o'clock, as Senators may agree.

Mr. ALLEN. Say before we adjourn.

Mr. BURROWS. Let us fix some hour.

Mr. HALE. Fix some hour.

Mr. PROCTOR. This is an unexpected turn of affairs. Those on this side who are opposed to this tariff had not expected that it would be taken up so early. I for one want no unreasonable delay, but as this is a surprise I must object to an agreement to vote this week. I should be willing to take a vote next week, the middle of next week; a week from to-day or Wednesday.

Mr. FORAKER. I hope the Senator from Vermont will not ask that we delay so long.

The PRESIDENT pro tempore. The Senator from Vermont objects. The matter is not before the Senate.

Mr. BURROWS. Regular order.

Mr. FORAKER. I will meet the objection of the Senator from Vermont, if Senators will agree with me. I suggest Monday. Will that meet his convenience?

Mr. PROCTOR. I should prefer a day or two later. I do that on account of some Senators on this side, rather than myself, who desire a day or two.

Mr. FORAKER. Will Tuesday do?

Mr. PROCTOR. I should not object to Wednesday.

Mr. FORAKER. Will not Tuesday do? I have a special reason, referring to my own convenience, for preferring Tuesday to Wednesday.

Mr. PROCTOR. I have consulted with one or two others who are very anxious that it shall be as late as Thursday.

Mr. ALLEN. Mr. President——

Mr. FORAKER. Will the Senator from Nebraska bear with me for a moment? We are making headway.

Mr. ALLEN. I do not like the Senator from Ohio to run away from the proposition and fix some other day. I should like to vote to-day. I knew somebody would rise here to object to this proposition. The Senator undertook to run a bluff, and his own party called him. [Laughter.]

Mr. FORAKER. Mr. President, I ask——

Mr. PETTUS. I ask for the regular order of business.

Mr. FORAKER. Having reached this stage, can we not agree to vote on Tuesday?

Mr. PROCTOR. It is an entire surprise to me and to others. I had only a minute's chance for conference, and those with whom I conferred are very anxious that it shall be postponed until Thursday. I do not feel ready, in view of what they have said, to do more than to split the difference between Tuesday and Thursday and call it Wednesday, at any hour the Senator may fix.

Mr. TILLMAN. Will the Senator from Nebraska yield to me for a minute?

Mr. ALLEN. Certainly.

Mr. TILLMAN. I should like to ask the Senator from Vermont whether he hopes that the peace commission or the peace committee or the steering committee, or whatever other designation you may use in describing it, will probably come to an understanding to relieve the terrible distress that now exists on the other side, because there is a difference of opinion among them for the first time since I have been a member of this body?

Mr. PROCTOR. That is a case beyond my jurisdiction.

Mr. FORAKER. I ask, then, that we may have a vote on the House bill, the substitute being withdrawn, on Wednesday next at 3 o'clock.

Mr. ALLEN. Put it Monday.

Mr. FORAKER. I will gladly put it Monday, but the Senator from Vermont objects.

Mr. ALLEN. Let us put it to-morrow.

Mr. FORAKER. I tried to put it to-morrow.

Mr. WOLCOTT. The Senator from Ohio tried to have it fixed for to-day.

Mr. MORGAN. Regular order.

The PRESIDENT pro tempore. The Senator from Alabama demands the regular order. That is the Senator from Nebraska.

Mr. FORAKER. The Senator from Nebraska yields to me. We shall be making time if we can come to some agreement.

Mr. ALLEN. I did not know whether I or the Senator from Ohio was the regular order.

Mr. FORAKER. Will not the Senator——

Mr. PETTUS. I rise to a point of order. I do not think the gentlemen ought to consume the entire day of the Senate here bragging one against the other. I call for the regular order. I insist that I am entitled to it.

The PRESIDENT pro tempore. The Senator from Nebraska.

Mr. ALLEN. I regret that the Senator from Alabama objects to the Senator from Ohio and myself congratulating ourselves slightly.

Mr. President, I know very well when the Senator from Ohio rose and made his proposition that he was walking into fire farther than he could stand the heat. There was no purpose, and there is no purpose I repeat, upon the part of the Republican party in this Chamber to suffer that bill to come to a vote within any reasonable time. The policy is delay, delay; to see if the country can not be induced or wheedled, in one form or another, to extricate that great political organization from its present unpleasant situation.

I was glad that no Senator upon this side of the Chamber raised his voice against fixing a time to vote upon that measure. We are prepared to meet it at any time, so far as the Populist Senators are concerned. The measure is inexcusable. It is without precedent. It is in violation of the plain letter and spirit of the Constitution and in violation of every decision of the Supreme Court of the United States from the day of Ellsworth down to the present Chief Justice. Of course Senators can sport and make light of it if they see fit, but you have more to deal with than the Senate of the United States.

You have more to deal with than the people of the State of Maine, Mr. President. You will have the people of forty-five States in this Union to deal with in November next. They will speak upon this question in no uncertain sound. The objection came from the proper source. It came from the rock-ribbed Republican State of Vermont, where it would be impossible to elect any man to office except a Republican, where the Senator is in no danger from his people by making this objection. It came from the Republican side of the Chamber. It is a part and parcel of the delay instituted by that side. Every man performs his part, and I suppose that part was assigned to the Senator from whom the objection came.

Mr. President, I have said all I desire to say upon this measure.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I ask the Senator from Colorado to withdraw his motion for one moment.

Mr. WOLCOTT. I do.

Mr. ALLISON. I ask the Senate to vote on the conference report, if there is no desire to discuss it further.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that a vote may now be taken on the conference report. Is there objection?

Mr. MORGAN. I want to make a very brief statement before the vote is taken.

Mr. ALLISON. If the Senator will allow me for one moment, I should be very glad——

The PRESIDENT pro tempore. The Senator from Alabama said he desires to make a brief statement.

Mr. ALLISON. If I can have a vote after the brief statement by the Senator from Alabama, I hope the Senator from Colorado will withdraw his motion.

Mr. TILLMAN. The Senator can not have a vote on the conference report to-day.

Mr. ALLISON. Very well.

Mr. WOLCOTT. Then, if the Senator from Alabama does not care to make his statement for the moment, as I take it, I will move that the Senate proceed to the consideration of executive business.

Mr. MORGAN. I should like to put into the RECORD a tabulated statement by Governor Davis in regard to the mortgage

debt resting upon the people of Puerto Rico, which amounts to 31,046,810.29 pesos.

The PRESIDENT pro tempore. Without objection, the table will be printed in the RECORD.

The table referred to is as follows:

Statement showing amount of mortgages on country and city property in Puerto Rico from 1880 to 1898.

	Without interest.		1 to 6 per cent interest.		6 to 12 per cent interest.	
	No. of loans.	Amount loaned.	No. of loans.	Amount loaned.	No. of loans.	Amount loaned.
COUNTRY PROPERTY.						
		Pesos.		*Pesos.*		*Pesos.*
San Juan	.....	520,244.66	.....	443,357.15	.....	1,081,000.97
Arecibo	423	1,685,273.20	3	4,208.43	363	2,602,597.06
Aguadilla	370	1,440,172.76	2	16,778.00	11	53,635.06
Mayaguez	595	3,190,679.76	31	308,716.60	236	1,344,770.00
San German	279	1,441,773.77	18	87,320.30	80	778,980.48
Ponce	289	1,040,599.35	48	332,679.21	173	1,825,579.09
Guayama	67	192,144.73	5	9,846.91	206	1,036,126.08
Humacao	79	361,676.57	12	62,721.63	68	897,536.24
Caguas	123	295,192.12	11	30,649.04	36	204,574.06
Total	.....	10,167,756.60	.....	1,326,367.27	.....	9,824,799.84
CITY PROPERTY.						
San Juan	.....	93,480.73	.....	388,504.22	.....	1,091,451.64
Arecibo	36	79,851.01	7	27,136.32	49	123,058.70
Aguadilla	46	106,118.22	.....	.....	5	16,309.77
Mayaguez	356	476,326.27	8	9,184.00	100	153,164.45
San German	28	67,515.15	1	4,525.59	5	11,543.00
Ponce	63	119,688.42	13	138,065.95	107	480,808.39
Guayama	11	9,029.11	5	13,000.00	35	47,197.00
Humacao	31	77,193.46	4	3,405.00	24	68,785.96
Caguas	11	6,775.49	1	550.00	4	5,475.00
Total	.....	1,035,977.86	.....	584,371.08	.....	1,907,787.91
Grand total	.....	11,203,734.52	.....	1,910,738.35	.....	11,822,587.75

	12 to 18 per cent interest.		18 to 24 per cent interest.	
	No. of loans.	Amount loaned.	No. of loans.	Amount loaned.
COUNTRY PROPERTY.				
		Pesos.		*Pesos.*
San Juan	.....	828,080.46	.....	345,518.65
Arecibo	365	880,110.49	66	106,694.98
Aguadilla	58	268,563.93	33	125,422.48
Mayaguez	71	241,660.80	5	8,610.00
San German	15	39,654.05	2	1,265.90
Ponce	220	1,245,630.70	23	65,840.37
Guayama	9	14,777.00	1	2,000.00
Humacao	58	278,775.08	26	95,658.65
Caguas	45	96,290.49	7	6,234.88
Total	.....	3,903,543.00	.....	756,245.91
CITY PROPERTY.				
San Juan	.....	611,382.15	.....	226,477.15
Arecibo	59	81,628.75	20	12,263.24
Aguadilla	11	34,069.26	2	2,000.00
Mayaguez	52	59,883.00	8	4,800.00
San German	1	3,000.00	.....	.....
Ponce	104	195,969.00	13	16,010.00
Guayama	3	1,400.00	.....	.....
Humacao	21	27,643.00	7	3,900.00
Caguas	9	19,107.00	3	985.00
Total	.....	1,034,082.16	.....	266,435.39
Grand total	.....	4,937,625.16	.....	1,022,681.30

	Over 24 per cent interest.		Total.	
	No. of loans.	Amount loaned.	No. of loans.	Amount loaned.
COUNTRY PROPERTY.				
		Pesos.		*Pesos.*
San Juan	.....	123,301.00	.....	3,351,502.89
Arecibo	7	4,037.00	1,247	5,282,011.25
Aguadilla	.....	.....	474	1,904,573.03
Mayaguez	.....	.....	938	5,094,436.90
San German	.....	.....	394	2,348,994.50
Ponce	.....	.....	753	4,510,328.72
Guayama	.....	.....	288	1,254,894.72
Humacao	4	2,135.38	247	1,728,503.55
Caguas	1	100.00	223	633,040.59
Total	.....	129,573.47	.....	26,108,286.15
CITY PROPERTY.				
San Juan	.....	17,819.74	.....	2,429,115.63
Arecibo	1	1,200.00	173	325,138.02
Aguadilla	.....	.....	64	158,491.25

Statement showing amount of mortgages, etc.—Continued.

	Over 24 per cent interest.		Total.	
	No. of loans.	Amount loaned.	No. of loans.	Amount loaned.
CITY PROPERTY—continued.				
		Pesos.		*Pesos.*
Mayaguez	.....	.....	524	703,357.73
San German	.....	.....	35	86,583.74
Ponce	.....	.....	300	950,541.76
Guayama	.....	.....	54	70,626.11
Humacao	1	150.00	88	181,077.42
Caguas	2	700.00	30	33,592.49
Total	.....	19,869.74	.....	4,938,524.14
Grand total	.....	149,443.21	.....	31,046,810.29

EXECUTIVE SESSION.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened.

PUERTO RICAN REVENUES.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

The PRESIDENT pro tempore. The question before the Senate is on agreeing to the conference report.

Mr. TILLMAN. I thought the conference report had passed from the consideration of the Senate when we went into executive session.

Mr. ALLISON. It was only passed over temporarily.

The PRESIDENT pro tempore. Unanimous consent was given that the unfinished business should be temporarily laid aside until the discussion of the conference report should be completed.

Mr. TILLMAN. I desired to discuss that report somewhat, and I still want to discuss it; but I am feeling somewhat unwell, and if the Senator from Iowa will agree to put it off until to-morrow, as there is no exigency involved——

Mr. ALLISON. It is important that prompt action should be had upon it.

Mr. TILLMAN. I understand; but I do not think the Senator will press it when I have requested him to please defer action upon it until to-morrow.

Mr. ALLISON. Very well, if the Senator is not able to go on.

Mr. TILLMAN. I do not feel that I could do the subject the same justice now that I can to-morrow. If the Senator insists and will not have that kindness which he generally manifests toward his colleagues, of course I will have to yield.

Mr. ALLISON. I shall not insist under the circumstances, and will consent that the report may go over.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. The unfinished business, being the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes, is before the Senate as in Committee of the Whole.

Mr. CARTER. I ask unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate proceed to the consideration of Senate bill 3419, known as the Alaska bill.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate proceed to the consideration of the Alaskan bill. Is there objection?

Mr. MORGAN. I object.

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. MORGAN. I objected, Mr. President.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

Mr. SULLIVAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana [Mr. CARTER] yield to the Senator from Mississippi [Mr. SULLIVAN]?

Mr. MORGAN. Mr. President, I objected twice.

Mr. COCKRELL. The Senator from Alabama objected twice before consent was announced.

The PRESIDENT pro tempore. The Chair did not hear the Senator object once.

Mr. MORGAN. I am aware of that, Mr. President; but still I objected twice.

The PRESIDENT pro tempore. Objection being made to the request of the Senator from Montana [Mr. CARTER], the unfinished business is before the Senate.

Mr. SULLIVAN. I ask unanimous consent for the present consideration of the bill (S. 1996) revoking and annulling the subdivision of Pencote Heights, in the District of Columbia.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill named by the Senator from Mississippi?

Mr. MORGAN. Mr. President, I want the regular order. I insist on the regular order.

The PRESIDENT pro tempore. Does the Senator object to this bill?

Mr. MORGAN. Of course I do. I insist on the regular order.

The PRESIDENT pro tempore. The regular order is the unfinished business.

GOVERNMENT FOR PUERTO RICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. MORGAN. I now wish to inquire of the Chair what is before the Senate?

The PRESIDENT pro tempore. The unfinished business is the bill reported by the junior Senator from Ohio [Mr. FORAKER], known as the Puerto Rican bill.

Mr. MORGAN. Is any amendment pending to that bill?

The PRESIDENT pro tempore. The Chair is informed that there is an amendment, which will be stated to the Senate.

Mr. MORGAN. What amendment is pending?

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 19, section 30, line 23, after the word "also," it is proposed to insert "as to railroad, telegraph, and telephone franchises."

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has been stated.

Mr. PETTUS. I hope that amendment will not be adopted. These franchises, Mr. President, are very important matters. The bill started out with a limit to them; and the right to grant them is given to the executive council; it is not given to the legislative body under this bill. I have proposed an amendment that it shall be given to the legislative body. This amendment excepts only one or two of the important matters and leaves the others at the discretion of the council.

Mr. MORGAN. That amendment had better be passed over.

Mr. FORAKER. I think in a word I can give such an explanation as that the Senate may pass upon it now as well as at any other time.

It is true, as the Senator from Alabama [Mr. PETTUS] says, that, according to the provision of this section, the authority to grant franchises is given to the executive council and not to the legislative body. The reason for that is that the executive council will be constantly in session, day by day, the year through, from the beginning to the end, while the legislative assembly is not allowed, by the provisions of this bill, to be in session more than sixty days in any one year.

The franchises authorized to be granted are, of course, all kinds of franchises; there is no limitation—franchises for electric lighting in municipalities, franchises for gas lighting, and every other kind of minor as well as important franchises.

The provision as it originally was put in the bill was that no franchises should be granted except only by the executive council on the approval of the governor, and also subject to the approval of the President of the United States. The amendment is to alter that in this way, that only railroad, telegraph, and telephone franchises shall be subject, in addition to the approval of the governor, to the approval of the President of the United States, the idea being that as to those minor franchises, it was hardly worth while to bother the President of the United States with the duty of passing upon them, but that they might be disposed of by the executive council, subject to the approval of the governor.

I think the provision is reasonable and that the amendment ought to prevail.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. PETTUS. I will ask for the yeas and nays on the amendment. I think all these franchises ought to be granted by the legislative body.

Mr. SULLIVAN. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. CHILTON's name was called). I desire to say that my colleague [Mr. CHILTON] is absent on account of illness.

Mr. PETTUS. If in order, I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate do now adjourn.

Mr. FORAKER. Can that motion be made while the roll is being called?

The PRESIDENT pro tempore. The announcement has not yet been made.

Mr. PETTUS. I ask that the result of the roll call be announced.

The roll call having been completed, it appeared that the following Senators had answered to their names:

Allison,	Cockrell,	Hoitfeld,	Sewell,
Bacon,	Culberson,	Lodge,	Shoup,
Bard,	Cullom,	McBride,	Simon,
Bate,	Davis,	McComas,	Stewart,
Berry,	Deboe,	Morgan,	Sullivan,
Beveridge,	Depew,	Perkins,	Taliaferro,
Burrows,	Fairbanks,	Pettus,	Tillman,
Butler,	Foraker,	Platt, N. Y.	Turley,
Carter,	Frye,	Pritchard,	Wetmore,
Clark, Wyo.	Hanna,	Quarles,	Wolcott.
Clay,	Hawley,	Ross,	

The PRESIDENT pro tempore. Forty-three Senators have answered to their names on the roll call; not a quorum.

Mr. SULLIVAN. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 23, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 22, 1900.

CONSUL.

Joseph F. Monaghan, of Rhode Island, to be consul of the United States at Chemnitz, Germany, vice James C. Monaghan, resigned.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Fortieth Infantry.

First Sergt. Lochlin W. Caffey, Company B, Fortieth Infantry, to be second lieutenant, March 20, 1900, vice Fitzpatrick, promoted.

First Sergt. William Winston, jr., Company L, Fortieth Infantry, to be second lieutenant, March 20, 1900, vice Le Crone, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 22, 1900.

COLLECTORS OF CUSTOMS.

George F. Bartlett, of Massachusetts, to be collector of customs for the district of New Bedford, in the State of Massachusetts.

Obed G. Smith, of Massachusetts, to be collector of customs for the district of Nantucket, in the State of Massachusetts.

James Brady, of Massachusetts, to be collector of customs for the district of Fall River, in the State of Massachusetts.

POSTMASTER.

R. S. Hanna, to be postmaster at St. Petersburg, in the county of Hillsboro and State of Florida.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 22, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SECOND-CLASS MAIL MATTER.

The SPEAKER. The special order will come up now, and the Chair understands the gentleman from Tennessee [Mr. MOON] is first to be recognized. At this point it is proper for the Chair to state that each side has consumed an equal amount of time.

Mr. MOON. I understand that to be the fact, Mr. Speaker, and I understand the gentleman from California desires that all his time be taken up in closing the debate by the gentleman from Massachusetts.

Mr. LOUD. This side will occupy the balance of their time in one speech.

Mr. MOON. Then I understand we proceed to take half of the time, and you consume the balance in one argument?

Mr. LOUD. That is correct.

Mr. MOON. Mr. Speaker, it is my intention to speak but a short time. Indeed, I had not intended to speak until an hour ago. Gentlemen upon this side desire to further participate in the discussion, but owing to the absence of my friend from Illinois I will proceed in the time that I had promised to him. I shall refer to a few features of the bill.

When the law was enacted—the law now sought to be amended—it was done clearly with a purpose. That purpose was not solely to raise revenue for the Government upon every class of postal

matter. The Congress of the United States sought the establishment of a correct postal system, and in the same connection the welfare and interest, and particularly the educational interest, of the people. Congress was called upon to establish the different classes of mail matter—necessarily called upon arbitrarily to discriminate with a view to the purposes to be accomplished. They established or classified mail matter as first, second, third, and fourth class matter. They provided by law that all matter that went through the Post-Office Department, carried for the benefit of the Government and the people, should be divided into these four classes. It was thought wise, looking to the public interests, that written matter, letters and matter of that character should be classified as first-class matter; that unbound books, magazines, periodicals, etc., should be classified in the second class, bound books in the third class, and general merchandise should go to the fourth class.

It would seem proper, abstractly speaking, that each one of these classes should bear the proportionate rate of the burden, but Congress had in view another purpose. It desired to disseminate knowledge and information among the people as to public matters. It desired to give some benefit to the literary and scientific institutions of the country. This could not be done if the burden was placed equally upon all; therefore they made an arbitrary discrimination as to postage in favor of second-class matter. It was determined that no deficiency would finally exist in the operation of the postal system if first-class matter was carried at 32 cents per pound, second-class matter at 1 cent per pound, third-class matter at 8 cents, and fourth-class matter at 16 cents per pound.

It will be observed that the discrimination is very marked between the second class and other classes of matter. The first-class matter pays four times the cost of carriage under the present contract, the third-class matter pays the cost of carriage, and the fourth-class matter pays twice the cost of carriage; while the second-class matter, which includes the newspapers and unbound volumes of books and reprints, were to be carried at 1 cent per pound, or at a loss of 7 cents a pound. That is under the present contract and previous contract arrangements with the transportation companies. As a matter of fact, the transportation companies could carry it at a rate less than one-half of the present contract.

The reason for discrimination in behalf of second-class matter is very apparent. The calculation of a profit was not made upon this matter. There was no intent or purpose on the part of the Congress to make a profit on this matter, which affords the means of education to the people upon all great public questions and furnishes light to the rising generation; it was not intended to interfere with this means of education to the people. Therefore it was placed at this low rate in order that publications might go out at a low cost to the people, the Government wisely assuming that in the education of the people upon these great issues more benefit would come to the Government of the United States than if the matter were treated purely as one of revenue. The discrimination was made in the interest of education, and I do not care whether there is a loss of 7 cents or 4 cents, the Government is amply repaid in making this concession to the educational interests of this country. This much, Mr. Speaker, on the subject of the purpose and object of the Government of the United States in the matter of this discrimination.

It was also viewed from a financial standpoint. It was assumed, and correctly assumed, that if this low rate of postage were given to second-class matter, although the bulk of all the mail transportation might be along this line (the great proportion of it), the increase of revenue to be directly derived from first-class matter, which pays four times the cost of carriage, would in part compensate for the loss on the second-class matter; and so as to the fourth-class matter, and the third-class matter, which carries the bound books on the same educational idea.

So we see from the beginning the purpose of the Government in establishing the Post-Office Department, not as a mere source of revenue, but a source of instruction and education of the people of the United States. I believe that from a financial standpoint the purpose of the Congress of the United States in establishing these discriminating figures was wise; because it has occurred since the enactment of this law that notwithstanding the deficiency of sixteen millions six years ago, that deficiency in the operation of law, under the increased carriage of the first and fourth class matter, has nearly made good all the loss that has occurred on the second-class matter, and to-day the deficiency is only a little over four millions as against twelve millions two years ago. So there has been no evil effect resulting from this view of the case, considering the postal system as a whole.

It is insisted here that this deficiency would be wiped out if we change the policy upon this question. Concede, as a matter of argument, that that would be true; then I present the proposition to this House that the policy pursued by the Government in the interest of the education of the people is worth more to the people of the United States than the possible increase of $2,000,000 on second-class matter, when it is already apparent that under the present system, if continued, the deficiency will be totally wiped out in 1902, as shown by the Postmaster-General's report.

Another view of this proposition. Suppose that we enacted that provision into law, and what is the result? This second-class matter will necessarily fall by operation of law into the third class. Assume that it will be placed on the same basis of 8 cents; the contract price between this Government and the transportation companies is soon to be renewed. On the best information to be obtained from the reports of the Department, from hearings before the committee, the transportation companies to-day are receiving twice or three times the cost of actual transportation. Now, raise this matter to 8 cents, and what is the result? It is then immaterial with the transportation companies whether any contract be renewed upon this line of postal matter with the Government, because at once the publishers of these documents will seek the means of transportation cheaper than that which can be afforded by the Government of the United States.

The transportation companies will fall to 7 cents a pound when the Government is demanding 8 cents; they will carry the goods with the same expedition they do now, and the whole second-class matter will fall under the arbitrary control and dictation of the transportation companies. The Government will practically go out of the control of the second-class matter. Then, instead of the Government being enabled to make a contract that will force the transportation companies down to 3 cents, the companies under the existing law will ask nothing from this Government, but the publishers themselves will contract directly with the transportation companies, and the people will lose the difference between the amount that the companies ought to be forced to carry this matter for and the amount they will arbitrarily fix.

The Government under this arrangement and rate would lose the carriage of second-class matter, and the people would lose the excess over the 1-cent rate which the transportation companies would charge, which would amount to many millions of dollars under this item alone. That is all I desire to say upon that view of the case.

Now, this bill is one in which we can have no special feeling. We have no desire in any way to offer a word that would be inimical to the suggestion that this Government, if possible, ought to place the Post-Office Department upon a self-supporting basis. In my humble judgment it can not be done by this bill.

There are features of the bill which I do not oppose, and to which I will refer later, because I think they are wholesome. But when we look at the fact of the enormous cost of carrying these mails, the amount paid for the handling of them, the excessive number of employees in the Department, the prices paid, the establishment of new systems for the transportation of the mails in large cities, we shall find ample room to cut down expenditures and wipe out the deficit.

In this connection I may ask gentlemen on this floor, why the necessity of urging this bill? Have they forgotten that two years ago on this floor, after mature consideration, this bill met a defeat, and that following that defeat this House came to the solemn conclusion that no intelligent action could be taken upon this question by the passage of a bill relating merely to a single class of matter, but that the whole postal system needed investigation? Have they forgotten that a commission was appointed for that purpose? Where is that commission? What have they done? Why have they failed to report to this House? They have heard the proof. Their statistician has made some of the figures and given them to the public. Why not make their report to this House, that we may intelligently act on this question, instead of attempting to rush through this bill defeated in the last Congress?

A MEMBER. Have you seen that report?

Mr. MOON. Mr. Speaker, I have not seen that report, nor is it possible for me to get a copy of it. But I have seen, and I have in my possession, an article prepared by a gentleman whom I understand to be the statistician of that commission—an article which goes into the question of the transportation or handling of these mails under the proof adduced before that commission; and as a net result he shows that by reducing the cost of transportation—and I shall not take time to read the figures—to a legitimate figure, which will still give a fair profit to the transportation companies, there would be an increase in the revenues of $8,825,000, and there would now be a profit to the Federal Treasury upon the whole postal system of more than $2,000,000.

Regardless of that proposition—reverting again to the original policy and theory of the law—it is clear that if the deficiency has gradually, by the increase of business in respect to first-class and fourth-class matter, been reduced from $16,000,000 in four years to $4,000,000, the statement of the Postmaster-General that in 1903 it will be wiped out under the present law is evidently correct. We can not, we must not, for the paltry saving, if any there be, wipe out the advantages given by existing law to second-class matter. We can not afford to reverse the policy of this Government from the beginning upon this great question. We can not afford, by the consideration of a paltry measure of this character, to divert

the attention of Congress and the people from the extravagances and excesses and the partiality shown to private individuals dealing with the Government in the postal system.

Now, Mr. Speaker, there is another proposition going to this bill that I desire to discuss for a few moments. It was announced on this floor that the bill in its present shape would not exclude the publications of colleges, universities, scientific associations, historical associations, literary associations, and State bulletins. The gentleman from Michigan, the gentleman from Ohio, the gentleman from Maine, the gentleman from Georgia—in fact, nearly every gentleman who has spoken on the opposite side of this question—asserted to this House that those publications would not be excluded. I watched with a good deal of interest the effort to draw from the chairman of this committee the admission that such would be the fact.

If I understood him correctly, he has not so admitted to this moment; yet these gentlemen, by reason of a construction which they assume to place on the bill, have perhaps satisfied themselves. Let us see. I say that under this bill they are excluded. Why? Let us look at the bill a moment. The fourth section provides—

That all periodical publications regularly issued from a known place of publication at stated intervals as frequently as four times a year, by or under the auspices of benevolent or fraternal societies, trade unions, or orders organized under the lodge system, and having a bona fide membership of not less than 1,000 persons, shall be entitled to the privilege of second-class mail matter: *Provided*, That such matter shall be originated and published to further the objects and purposes of such society or order.

So far as the section proceeds it is a literal copy of the act of 1894. Let us look at that act and see how much further it proceeded. Following the very language I have just read, it continues:

And that publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, shall be admitted to the mails as second-class matter.

What was the purpose? If they proposed to reenact the law—if they proposed to include the publications of historical, scientific, and literary associations, of colleges and universities—why did they halt when they came to the provision that permitted literature of insurance associations under a lodge system to pass through the mails as second-class matter?

The evident purpose was to permit the continuation of the law to the extent copied in the fourth section and to deny to the other matter, the literary matter of the country, the privileges of second class. The inclusion of the one, by a correct interpretation, is a necessary exclusion of the other.

But if gentlemen differ, and I have heard some gentlemen express a difference on that rule of construction, then there can be no doubt when we come to the seventh section of this bill. It provides that the act of Congress in regard to second-class mail matter, approved July 15, 1894, the very act which I have read, and all parts of acts inconsistent with the provisions of this act, be, and the same are hereby, repealed.

There stands a part of the act inconsistent with the other part of the act. Here comes a bill reenacting in part the provisions of the law, and by construction removing the balance of the provision, therefore repealing the law by implication at least. But that is not all. Listen to the language. The act of Congress in regard to second-class mail matter, approved July 15, 1894, is repealed. There is a direct repeal of this provision of the law. The act is repealed by implication and it is repealed by direct language and designation. There can be no doubt left upon this question.

Now, there is no money made out of this class of matter. It is purely literary. It is intended for the education of the people. Its purpose is for the enlightenment of the citizenship of this land. Why exclude it; why deny the plain interpretation of this law?

For what reason do you discriminate in this way? Why is it that you are willing that associations of a large order—insurance companies (because they fall under that general description when they operate as a lodge)—shall have the benefit of this rate, when your historical associations, your literary associations, your scientific associations, every other instrumentality that goes to the education of the people of this country, are excluded by the express provisions of the bill? I take it that the intelligence of this House will demand that before the bill is passed it be amended in this particular, as it ought to be.

There is another feature of this bill. The act of 1894, providing the conditions upon which mail matter may be rated as second class, is literally incorporated word for word in this bill. Now, what is the reason or purpose of that? Unless a law has become obsolete—and certainly the acts of 1894 are not obsolete—you can not give any more effect to it by its mere reenactment than it originally had. This section is surplusage. I care nothing about it, whether it goes in or goes out. It may be a wholesome section; but it is insisted by gentlemen that the reason for its incorporation grows out of the fact that the Postmaster-General, in construing this law, permits to go under it certain classes of publications which they say the law by express terms excludes.

Now I come to that part of the bill upon which I do not seriously differ with gentlemen on the other side. If a publication is made for the purpose of advertising, if it adds nothing to the sum of human knowledge and intelligence, then the policy foreshadowed by this act on the part of the Government is subverted by that sort of a construction. I do not believe that particular class of matter should be given this privilege. I refer to purely advertising sheets and circulars which are distributed at a nominal cost. That was not the policy of the law. The debate in this House upon that question does but little credit to the administration of the Post-Office Department. It is said that we will reenact it because they have construed that under the provisions of this law this noxious literature can be, and will be, admitted in the mails. If that is the construction, what (if you will pardon the expression) is the sense in reenacting the law with identically the same language which you say has been misconstrued, and upon which you say the Post-Office Department is mistaken? It will give it no more force and effect to repeat the language and to reenact it. You can not give courage to a Postmaster-General who has not the manhood and firmness to enforce a law by merely reenacting the same law.

We suggest to you that if the Department has been derelict in its duty, this section, instead of being reenacted in terms, should contain some provision of legislative construction upon the subject. We do not favor the passage through the mails of this particular class of literature, but we do insist that because you desire to eradicate this system, you desire to break down this construction by the Department, that you shall not at the same time destroy the policy of the Government upon this great and vital issue; and it is no compliment to our intelligence for us to say to that Department, "You have misconstrued the law," and to say it only in the silent terms of a reenactment. Let the provision be amended so as to call the attention of the Department to the intent of the legislative body upon this question.

There is another feature upon which I do not wholly differ with the majority of the committee. That is the return of sample copies of newspapers. Fairness in this contention would impel me to admit that the original policy of the law did not contemplate a construction of that sort. Its language may do so. I have no contention with the Postmaster-General on that question. I seriously doubt if our view is correct. He may be right. Whether right or wrong, let us give the direction that we intend. Those sample copies ought not to come back at the exact rate at which they went out. There ought to be some increase of postage along that line, because they are not accomplishing in their return the purpose of the original issuance.

On yesterday my friend from Texas [Mr. BURKE] proposed to yield time to me (when I had time to spare) to explain to this House any objections that I might have to that provision of the bill that permitted a newspaper to stand upon its original basis under the act of 1894, except that it should be permitted to send out sample copies in excess of 50 per cent of its circulation and in excess of 500. My objection to that provision in this bill is because it retards, without any corresponding benefit to the public, this most beneficent means of public instruction. That is one objection. The other objection arises from the fact that the censorship practically established over the newspapers in the original act, of which no serious complaint has been made, is enlarged by the sixth section of this act, which practically requires every newspaper in the United States to establish a post-office in its own department and prepare the mails to be transmitted in a certain way.

That is a small matter, but if we have the employees of the Government, whose business it is under the present law to perform this duty, why attempt to shift that duty to the editor and publisher of the newspaper? The purpose can be but one. It is to enable the little postmasters throughout the country to determine under the provisions of this act whether it has been complied with or not, and if, in the judgment of a postmaster, the provisions of this act have not been legally and technically complied with, to give that postmaster the power to exclude the publication from the mails. That is all there can be in that, and I say to the gentleman from Texas that I know that his intentions are for the best, but that that is a very serious censorship which he disregards.

Take for illustration the ordinary partisan postmaster, whether he be a Democrat or a Republican, and let a great contest come on in which the party lines are drawn close and party heat is high, and the newspaper containing an argument, a speech, an editorial, or an article strongly denunciatory of the policy of his party, one intended to affect injuriously the political organization to which he may belong, and right under that provision giving him the power to determine these matters, he can say whether that matter has been properly mailed. In accordance with his judgment, whether it be in accordance with the law or not, he can delay it; he can forward it; he can suppress it; and where is the remedy?

There is no appeal. If there was, it would be unavailing, because the time in which the matter might be operative has passed. I insist that we shall not place upon the press of this country any of those means by which its power and effect may be destroyed. It appears to be but a small matter, and yet it may be used to the great detriment of the public interest.

Mr. PIERCE of Tennessee. Will the gentleman allow me to ask him a question?

Mr. MOON. Yes.

Mr. PIERCE of Tennessee. Do I understand that under the construction you put upon this section there is absolutely no appeal?

Mr. MOON. It provides for no appeal. It gives to the postmaster the power in this, that it requires certain things to be done before the matter gets into the mails. The postmaster, in the enforcement of the law and regulations, must and will examine whether the law in that particular has been complied with.

Mr. BURKE of Texas. The present law requires the same thing.

Mr. MOON. No; I think not in the same language.

Mr. BURKE of Texas. I ask the gentleman to read the present law and to point out the difference. The provisions are the same in hæc verba.

Mr. MOON. The present law, as I understand it, does not require any such thing. It is not before me now and I can not read it. It is wrong, in all events.

Mr. BURKE of Texas. Read it and see.

Mr. MOON. Now, Mr. Speaker, I desire to refer to one action. I have incidentally mentioned it before.

It is stated by gentlemen upon this floor that an amendment will be offered to this bill which clears it of all objections—an amendment proposed by the gentleman from Missouri [Mr. CLARK]. You will observe that this committee has made no such amendment. It has been stated that that committee would accept the amendment. I believe it is true that a majority of the committee would do so, but there has been and could have been no formal action on the part of this committee on this amendment, because the amendment was suggested after the bill was under debate.

That amendment is that the total circulation of a newspaper, up to 100 per cent, and in no event to exceed 2,000, may be sent out as sample copies. I do not object seriously to the 2,000 limit, but when the 2,000 limit is coupled with the other provision that the sample copies shall be limited to 100 per cent of the circulation of the paper—that is, 100 per cent of the bona fide circulation of the paper—then I do object, because there are hundreds of newspapers in this country that have only a circulation of from five hundred to a thousand, and yet occasions arise of great public interest when these very newspapers will desire to place before the country very much in excess of 100 per cent.

I think an occasion would hardly arise where they would want to put out more than 2,000, and I might favor an amendment limiting them to 2,000 sample copies; but I doubt very seriously that we ought to attempt to interfere in any way with the provisions of the existing law, from the simple fact that the results of so doing would not be especially beneficial. I would not depart from the policy of the Government upon this question for the insignificant benefits that may arise from it.

When this whole question, Mr. Speaker, is summed up; when this whole controversy is brought down to its narrowest limits—and I would not impute any improper motive to anyone—we find arrayed upon one side of this issue, from one end of this Republic to the other, the young, the middle-aged, the old, with the great institutions of learning, scientific organizations, universities, and colleges demanding the policy of culture, refinement, and education and insisting that the Congress of the United States shall not depart from the well-founded principles upon which it has inaugurated this system. They demand that you shall not, as their representatives, on all occasions look to a question of mere revenue. There is more for this people than money. The education of the people and the means of information which they are entitled to is worth more than the few millions that can be saved by destroying it. [Applause.]

You find aligned in opposition to this bill every sentiment of justice and right; you find there all who believe that government is not inaugurated for taxation, but inaugurated for the benefit of mankind. [Renewed applause.] You find, Mr. Speaker, throughout the length and breadth of this land all who believe that we have come upon those times when it is necessary that every man, woman, and child shall know the doings of this Government and the policies it proposes to pursue, demanding the enlargement of the means of information. [Renewed applause.] Even "eternal vigilance" will not preserve liberty without intelligence and education. Would you destroy the beneficent means that will bring about this result?

And what, pray tell me, do we find upon the other side? The transportation companies. And in making this statement I do it without any prejudice or feeling toward the transportation companies of this country. They have the right, as a matter of business, to seek the carriage of mails upon the very best terms they can get it. If we deprive the people of the benefits and give it to them, it is not their fault. It is our dereliction of our solemn duties. [Loud applause.] You will find them demanding this enactment. Why are they demanding it? Because it will give to them a monopoly of the carrying trade of second-class matter. That is the whole issue; that is the beginning and end of the controversy. Sifted to its last analysis, and it is the welfare and interest of the Government and people of this great Republic against the greed of this corporate power. [Loud applause on the Democratic side.]

Mr. MOODY of Massachusetts. The gentleman from Alabama is not here. I would like to ask the gentleman——

Mr. LOUD. I would like to ask the gentleman from Tennessee if he has gotten through?

Mr. MOON. Have I any more time, Mr. Speaker?

The SPEAKER pro tempore (Mr. CLARKE of New Hampshire). The gentleman has ten minutes more.

Mr. MOON. Does the gentleman from South Carolina desire any time?

Mr. TALBERT. I do.

Mr. MOON. I yield five minutes to the gentleman from South Carolina, and will yield the remaining five minutes to the gentleman from New York.

Mr. TALBERT. Mr. Speaker, in behalf of the constituency I represent I shall cast my vote against the enactment of this measure, it being, in my judgment, against their interests; and, Mr. Speaker, there seems to be in this House a perfect mania for new legislation, any character of legislation that is new, while we already have more legislation than we have any use for. There is the equal desire and mania, it seems, to change existing laws, when the existing laws possibly are much better than they would be if they were amended as gentlemen seek to have them amended. Why pass this kind of law? Who has asked for it? Nobody has asked for it, but I hold in my hand a number of petitions against it from my people.

Now, I have listened carefully to the discussion of this question since it was first opened the day before yesterday, and I have heard no plausible reason given by the proponents and advocates of this measure why it should pass. The distinguished gentleman from Georgia [Mr. GRIGGS] in his eloquent address yesterday stated, in answer to questions from several gentlemen upon this floor, that this bill made no change whatever in existing law. Then, if it makes no change, why is it that they want this law enacted if they do not change any of the laws as they exist to-day?

Why pass a law that is entirely unnecessary? Why pass a law that nobody has asked for, when thousands have protested against it?

Now, the gentleman from Iowa [Mr. MCPHERSON] was asked how he proposed to operate this measure, and he said in both ways. I do not know what he meant by that and perhaps he nor anybody else does. He says it does not affect the county newspaper. It seems to me that that was rather an anomalous condition, an anomalous position, for a man to get up here and stand up and defend the enactment of a measure if it effected no change whatever, and had a kind of double back action, like Mr. OTEY'S dog.

Why, Mr. Speaker, I maintain that whenever there is no necessity for new legislation it ought not to be had, and when there exists no necessity for changing the law as it is, we had better resolve it on the side of the doubt. When legislation is doubtful, we had better let it remain as it is. For this reason alone I shall vote against the Loud bill as it is presented here.

Mr. GRIGGS. My friend certainly misunderstood me if he understood me to say that the Loud bill made no change in the law as it stands at present. I said that to the paragraph I read of the old law it made no change.

Mr. TALBERT. I do not want to do the gentleman any injustice, and accept his version as correct. Yet at the same time I can see no sense, no necessity whatever, in passing a bill which the advocates of it admit in a manner works no change, and I admit I could not keep up with the gentleman in his perambulations. [Laughter.]

Now, a great deal has been said about the country press, the country editors—the editors of the county papers. Men have boldly stood up here and almost abused those country editors. Mr. Speaker, I imagine when these gentlemen go back into their districts that they will be upon their knees begging these very country editors to say something nice during the campaign, although they can talk very big about them here on the floor of the House. They are the poorest-paid public servants (for they are public servants) in any calling in life; and if this bill should pass, they will be deprived of a great many privileges they now enjoy. Their patent backs will be a thing of the past.

I say, Mr. Speaker, that they are the most heavily burdened set of men that we have in our country; they are expected to boom everybody and advertise everybody's goods with very little pay,

and, Mr. Speaker, if this measure should be enacted into law these country editors will be amongst the largest sufferers of any people upon whom the burdens of this law will fall. Its burdens will inevitably fall upon those who are least able to bear it. It is a measure in the interest of the strong and rich against the poor and the weak. It will work hardships upon the schools and colleges of our country. It is really a measure which ought to be termed, "A bill to aid and encourage the railroads and express companies of our country and to oppress and discourage the great mass of the people." [Applause.]

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. TALBERT. I thought I had ten minutes.

The SPEAKER pro tempore. The gentleman had five minutes.

Mr. MOON. Mr. Speaker, I desire to yield the remaining time to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, it will be impossible in five minutes to say what I want to say upon this bill. This is the fourth time it has appeared in the House. I have opposed it every time in the interest of every man and woman who wants cheap literature; in the interest of every typesetter, every bookbinder, every poor girl stitcher in New York and other cities of this Union.

Now, I have heard reference here to my friend, Mr. Lupton, of New York, as a lobbyist. He is hauled over the coals here for daring to send to members of this House circulars explaining the situation, so far as it affects his own business and that of other publishers. Mr. Lupton printed an edition of the works of Charles Dickens in twelve volumes which was sold for 48 cents in every town in the Union and Canada, because of this second-class mail postage.

He says himself that if you pass this bill the price of those books will go up over 100 per cent, putting it out of the power of the farmers' boys and girls throughout the country to buy this cheap literature. Lupton sold David Copperfield at 3 cents, delivered at every town in the Union; he sold the works of Thackeray, Bulwer, and others at 4 cents apiece. These are the rates that will be wiped out by passing this bill.

Mr. Speaker, the city of New York pays net every year to the Postal Department $5,000,000. By the passage of this bill you take work from her printers, her stitchers, bookbinders, stereotypers, papermakers, and thousands of others employed in the production of books. You are killing the hen that lays the golden egg. What do you gain? Nothing. It is actually going to be a loss to the United States instead of yielding revenue. The figures show that under this second-class mail privilege the deficit is being lessened each year, and as years go on, taking the average of the last five years, in 1903 the Postal Department will be established upon a paying basis. I have the figures here, and I will print them in my revised speech in the RECORD.

Now, Mr. Speaker, this morning I received a circular by mail. I presume, according to what I have heard, that the man ought to be horsewhipped for daring to send a circular to a member of Congress. I know that under the orders of the Post-Office Department to-day no letter carrier, no clerk in a post-office, no railway postal clerk is allowed to come to Washington, even during his vacation, and talk to his member of Congress concerning his rate of pay. At one time, as I have been assured, they were forbidden to write to a Representative concerning such a matter. An order issued from the Post-Office Department has forbidden it; and gentlemen on the floor are intimating that men whose interests are endangered have no right to appear in the corridors of the House and have no right to forward circulars.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I will print the circular in the RECORD. It shows that hogs are carried at 5 cents a pound by railroads, while post-office matter is rated at 15 cents per pound. [Laughter.] The cost of freight for literature is three times as much as that for hogs.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. RAY].

Mr. RAY of New York. Mr. Speaker, I submit for information a proposed amendment which I desire to have read at the Clerk's desk.

The Clerk read as follows:

Page 2, line 3, after the word "periodicals," insert the following:

"*And provided further*, That all university, college, and school papers and publications, except those of so-called business and commercial schools and colleges, whether published and circulated or procured to be published and circulated by the authorities of such university, college, or school, or by the students thereof, or by any class, organization, society, or fraternity composed of students of such university, college, or school, shall continue to be received and sent through the mails as second-class matter, in the same manner and with all the privileges heretofore accorded by law as it existed prior to the passage of this act and the same as though this act had not been passed: *And also provided*, That the circulation of such publications through the mails at said rates shall not exceed 2,000 copies of any one issue."

Mr. RAY of New York. Mr. Speaker, in behalf of the proposition contained in this amendment, I desire to say that I have had appeals from all over the country, especially from my own district and adjoining districts, and from the chancellor of the University of the State of New York, asking the adoption of such an amendment. We all know that this bill as it now stands will cut off these papers and publications entirely, and I desire to continue them to the extent of 2,000 copies of each issue and with the same privileges they now have under existing law. We know that our colleges, schools, and universities and the students themselves of these institutions publish from time to time and send out little school or university papers for the information of the people and to the friends of the institution, and these are always an aid to education. It is for that purpose that I propose this amendment now for information and shall offer it at the proper time. I speak of it now that the members may have it in their minds and consider it, and in order that the advocates of the bill may understand what is coming. I trust, Mr. Speaker, there will be no objection to the adoption of this amendment.

Mr. MOODY of Massachusetts. Mr. Speaker, I am not a member of the Post-Office Committee. I am, however, a member of the Postal Commission. I did not seek that honor; it came to me without solicitation. I have spent many days and nights of labor upon its work. I have considered the question presented by the bill, as well as other postal questions, and have come to some conclusions in my own mind upon them. I feel that I should be shirking my duty to the House if, upon a measure of this importance, I did not state plainly and simply my convictions and my reasons for them.

The postal service of this country is one of which the people have a right to be proud. The mails are carried expeditiously; they are carried with accuracy and honesty.

The Department in Washington and throughout the country is well organized. The employees are active and faithful. Every resource devised by American ingenuity is successfully employed. The service to the people far exceeds that of any foreign country and is constantly being extended and improved. But there is one stain on the postal service, and that is the great loss which occurs yearly in its administration. I think few members of the House realize how great that loss is. It is worth our while to ascertain it with all the accuracy which circumstances admit.

I have in my hand tables which show the annual deficiencies during the last ten fiscal years. I will merely state the result and not weary members by reading the tables, which I shall place in the RECORD. Here is a statement of the receipts, expenditures, and deficits of the Department for the last ten fiscal years as shown by the records of the Post-Office Department.

Fiscal year.	Receipts.	Expenditures.	Deficit.
1890	$60,882,097.92	$66,259,547.84	$5,377,449.92
1891	65,931,785.72	73,059,519.49	7,127,733.77
1892	70,930,475.98	76,960,846.16	6,030,370.18
1893	75,096,903.15	81,581,081.33	5,484,748.17
1894	75,080,479.04	84,994,111.62	9,913,632.58
1895	76,963,128.19	87,179,551.28	10,196,423.09
1896	82,499,208.40	90,932,669.50	8,433,461.10
1897	82,665,462.73	94,077,242.38	11,411,779.65
1898	89,012,618.55	98,036,523.61	9,020,905.06
1899	95,021,384.17	101,632,160.93	6,610,776.75
Total	774,903,573.86	854,730,854.13	79,827,280.27

The deficit is more than $79,000,000, according to the imperfect methods of bookkeeping which prevails; but this by no means tells the whole story. There are many expenditures really chargeable to the postal service which are incurred by and charged to the Treasury Department. In order to obtain the real loss we must include them.

First, there is to be noted the railway mail payments to the bond-aided Pacific railroads. The Post-Office Department has not been called upon to pay to these railroads the amount earned by them for transporting the mails, because those amounts have been credited by the Treasury Department upon their debt to the Government. Clearly these amounts should be accounted for as an expense of the postal service. I attach a statement showing these payments during the last ten fiscal years. All told they amount to more than $13,000,000.

1890	$1,207,401.80
1891	1,336,430.91
1892	1,806,154.09
1893	1,697,492.11
1894	1,628,770.09
1895	1,648,997.90
1896	1,558,898.69
1897	1,573,889.98
1898	604,709.42
1899	596,941.97
Total	13,501,007.96

Second, the salaries, contingent expenses, printing, and binding of the Post-Office Department, together with the salaries of the office of the Auditor for the Post-Office Department, which, though a branch of the Treasury Department, is concerned entirely with the postal service, amount, with approximate accuracy, during the last ten fiscal years to sixteen and a half millions of dollars.

I annex a table showing these expenditures in detail.

Appropriations on account of postal service out of the General Treasury, except for Pacific railroads.

Year.	For what appropriated.	Amount.
1890	Post-Office Department, salaries, etc	$840,830.00
	Auditor's Office, salaries	502,090.00
	Printing and binding	289,000.00
	Deficiencies	19,110.72
1891	Same objects	1,644,724.00
1892	do	1,690,670.00
1893	do	1,690,580.00
1894	do	1,693,911.00
1895	do	1,693,151.00
1896	do	1,644,000.00
1897	do	1,645,070.00
1898	do	1,648,840.00
1899	do	1,662,539.00
Total		16,634,605.72

Third. The Post-Office Department uses as post-offices throughout the country, in common with other branches of the public service, many and expensive buildings, erected, repaired, heated, lighted, and otherwise maintained by the Treasury Department. Considerable in excess of $100,000,000 have been expended in the construction of these buildings, and annually a large amount is expended for their repair, care, and maintenance.

These buildings are occupied by the Post-Office Department free of rent. It would be impossible to reckon the annual charge which should be made against the postal service on this account. I do not attempt to do so, and for the reason that I am willing to accept the estimate which was made several years ago by Postmaster-General Wanamaker, that by this loan to the Department free of rent buildings throughout the country the Government pays its postage upon the enormous amounts of free Government matter which is transmitted in the mails.

Thus, by adding to the apparent deficit these sums we have a loss in the last ten years of $110,053,493.05. These figures can not be erased, denied, or disputed. It is difficult to realize them. Why, Mr. Speaker, with that amount of money we might have constructed the canal across the isthmus; with that amount of money we might have built a fleet of battleships which, if they had been in existence, would have avoided the war with Spain.

These figures impose upon every individual member of this House a responsibility he can not escape.

Mr. GROSVENOR. Allow me to ask the gentleman whether it is not true that one hundred and seventy-odd thousand dollars annually goes as an extra subsidy for the expedition of certain mails between here and the Southern coast, over and above the ordinary mail pay of railroad lines?

Mr. MOODY of Massachusetts. Alas, yes; $177,000. The gentleman well knows how strongly I opposed that measure; and I shall continue to oppose it.

Mr. GROSVENOR. I do know it. But would it not be as well to save from this aggregation of losses somewhat at least in that direction?

Mr. MOODY of Massachusetts. Mr. Speaker, the gentleman from Ohio [Mr. GROSVENOR] is quite right. But $177,000 a year would not very much diminish in ten years the loss I have stated. The evil which the gentleman has pointed out requires a remedy. The evil which this bill is intended to meet is not the only evil in the postal service. Each of them in turn requires the attention and intelligent action of Congress, because the postal deficit is largely the fault of Congress.

I sincerely hope that this measure may not be the only one concerning the administration of the postal service which will receive our attention, but to-day we are considering the evils which are claimed to exist in that part of the mail which is called second-class matter and the loss which it is claimed the country sustains in that respect. I think I shall prove that the enormous deficit which I have shown by no means represents the loss in the transmission of second-class matter. If the postage upon that matter equaled the cost of its transmission, the alarming deficit would be converted into a splendid surplus, which, in its turn, might be extinguished by improvements in the service and reductions upon other classes of mail in which the whole people and not a small part of them are interested.

Mailable matter of the second class embraces all newspapers and other periodical publications which are issued at stated intervals as frequently as four times a year, provided they conform to certain conditions not necessary for me now to state. This class of mail is transmitted by the Government at a uniform rate of 1 cent a pound. No other country has a corresponding classification; and not many years ago England, having in mind the experience furnished by this country, declined to establish such a classification. The postal monopoly of the Government which extends to first-class matter is extended over neither second, third, nor fourth class matter.

If I desire to send a letter I must send it in the mails or employ a private messenger for the single occasion. The Government can afford to take my letter to Alaska for 2 cents, although the cost of transmission is perhaps as many dollars, because it compels me to use the mails for the transmission of a letter which I send within my own State or city. But if I wish to send matter of the second class I may lawfully do so by mail, by express, by freight, or by any other method of transportation.

The result of this is that the Government gets the long and unprofitable haul of second-class matter while other agencies get the short and profitable haul. We do not begin to carry second-class matter in great quantities until we reach the distance where it can be profitably carried by no other agency. Under these conditions we should expect a loss and we find it to an enormous amount. The gentleman from California [Mr. LOUD] stated generally the other day that it was $45,000,000 a year. Taking the direct and indirect loss, I do not think that he has overstated it. As far as the statistics avail me, I shall try to demonstrate to the House what the loss incurred in the transmission of second-class matter is.

Mr. SNODGRASS. Does the gentleman think it is right to separate the second-class matter from the balance of the business of the Department, and charge to it the whole deficit of $45,000,000?

Mr. MOODY of Massachusetts. I shall cover the matter in what I am about to say, and I hope that until I complete the statement I am about to make I shall not be interrupted. When that is concluded I will consent to any interruption.

There have been some recent weighings in the Post-Office Department, which showed clearly enough what the proportion of the various classes of mail matter is. It is shown very clearly that about 56 per cent in weight of the mail now being transmitted through the country is second-class matter.

The postal commission was very much troubled by the absence of accurate statistics with regard to the quantity of mail. There had been a weighing for seven days in the year 1890, and all statistics were based upon the results of that weighing. It seemed to the commission that it was desirable that more accurate statistics should be obtained, and the result was that the mail was weighed at every point of origin for thirty-five days in the months of October and November last.

For the information of the House I will place in the RECORD the results of the recent weighing, the estimate made thereon for the full year, and the percentage of the whole which each class of mail matter shows.

Weight of mail carried in current fiscal year according to recent weighing.

	Pounds.	Per cent.
First class	94,888,341	12.42
Second class	394,417,505	51.62
Second class, free	32,750,550	4.28
Third and fourth class	145,874,518	19.1
Government free	96,132,692	12.58
Total	764,063,606	100

The Government accepts for transportation that enormous amount of second-class mail. It hires certain agencies to transport it throughout the country. During the last fiscal year it paid in cash to the railroads, steamboats, cable and electric cars, and the star-route contractors for transportation of the mails the sum of $43,078,259.81. This is what is actually paid to the agencies which I have enumerated, and does not include mail-messenger service, wagon transportation, or pay of railway mail clerks.

Although we undertake the transmission of second-class matter at a cent a pound, while other matter pays largely in excess of that rate, yet when we come to pay for transportation we pay by the pound and uniformly for all classes of matter. A ton of newspapers or books costs us for transportation as much as a ton of letters. If, therefore, the second-class matter were entirely eliminated from the transportation problem, the amount paid on that account would be correspondingly diminished.

Therefore it clearly follows that 56 per cent of the payments on account of transportation (as 56 per cent may be assumed safely for last as well as this year) are fairly chargeable to the transportation of second-class matter. So the first start we make upon second-class matter is to pay out more than $24,000,000 a year for its transportation, or, to be exact, $24,123,825.51. I am not speaking now about anything else that we do. We pay that out to the railroads, the steamboats, the star routes, and the electric cars;

and we receive in postage from that class of matter $3,500,000. To be exact, we received last year $3,527,032.26.

Now, those are facts. There is no escape from them; there is no doubt about them. We lose merely by what we pay for transportation over $20,500,000 every year, based upon last year's experience. As this class of matter increases our loss will increase.

Mr. OTEY. Will the gentleman please tell us what class of citizens or business people in this country the present law as it stands is hurting?

Mr. MOODY of Massachusetts. I will try to tell that; that is what I am going to do in the next forty-five minutes; but, as the gentleman will see, I can not afford to be diverted from the line of my remarks. I want to be courteous. I wish to make myself clear upon that question. I shall try to show that the transportation of second-class matter upon the terms and conditions of the existing law is injuring the whole public except those who are plundering the Treasury for their own self-interest and have been doing so for the last twenty years.

Mr. OTEY. At the same time will you please tell me this——

Mr. MOODY of Massachusetts. If the gentleman really asks anything for information, I should be glad to yield.

Mr. OTEY. I am asking for information. Nobody has answered that question or explained it at all, and you are about the last speaker who is going to speak. I have waited to get the information from somebody. Will you please tell, when you tell the other, what business interest in this country will be specially benefited by the passage of this law?

Mr. MOODY of Massachusetts. I will do the best I can to answer the gentleman's question. In the first place, there is the matter of dollars and cents. We have lost at the very first step over $20,000,000 by our payment for transportation. Gentlemen will say and gentlemen on the floor have said, "You pay too much to the railroads for transportation." When we reach that question we will decide it.

But suppose the railroads were good enough to transport our second-class matter for nothing. Suppose we could persuade them or compel them to take that matter and carry it without a cent of payment. Let us see how the account would then stand upon second-class matter. The total expenditures of the Post-Office Department last year were $101,632,160. These are the figures under the deceptive method of bookkeeping I have described, and are really under the mark. I have accounted for the transportation charges. The balance of the expenses of the Department are $58,553,901.

How much of those expenses are fairly attributable to the second-class matter? Not 56 per cent, I think. Second-class matter does not require an expenditure in quite the proportion of its weight outside of the payments for transportation. You can handle a ton of second-class matter more cheaply than you can handle a ton of letters, because it is divided into a less number of units.

But second-class matter, piece by piece, costs the Government, irrespective of what is paid for transportation, at least as much as first-class matter. It travels farther; it is handled oftener; it is more trouble to the railway mail clerk; it is more trouble to the post-office clerk; in every way it is more expensive. This is the universal testimony of the employees.

Let us see if we can find out how many pieces of second-class matter were transported in the last fiscal year. We have estimates made again and again, based upon actual observation, and they show that the number of pieces of second-class matter is one-third of the total number of pieces that are transmitted in the mails. Then, irrespective of payments for transportation, it costs the Government a third of $58,553,901, or $19,517,967, for the handling of second-class matter, and that sum, added to the loss incurred by transportation, is the loss incurred in the transmission of second-class mail matter, or $40,114,760 annually, based on the experience of last year, without taking into account these expenses which do not appear in the bookkeeping of the Department.

Now, what does that mean? Suppose we could save the whole of that loss. It would mean rural free delivery all over the country. It would mean a reclassification of salaries. It would mean post-offices for the shelter of postal business, constructed and owned by the Government. It would mean in the end 1-cent letter postage. You never can take the first step to any one of these great reforms unless you begin by rooting out this grievous abuse.

Why, the gentleman from New York [Mr. CUMMINGS] has pictured with his usual force and eloquence the evils to the Republic which would follow by increasing the price of cheap literature. It is possible that this bill might increase it; it is possible that that set of Dickens might sell for a cent more per volume under the provisions of this bill; but let me say to the gentleman from New York that the very boy who bought that volume would, if he had 1-cent letter postage, save on the single letter that he wrote to get the book all that he lost by the provisions of this law.

Mr. CUMMINGS. Will the gentleman yield for a question?

Mr. MOODY of Massachusetts. Yes.

Mr. CUMMINGS. If he had to pick up old iron and copper to buy the book, he would not care much about 1-cent postage.

Mr. MOODY of Massachusetts. Well, if he saved a cent in his letter postage, he would not care very much about the additional cent on the price of his book.

Now, who bears the expense; who bears this loss of upward of $40,000,000 a year? It is borne in the first place by the taxpayer, and I will say to the gentleman from Virginia [Mr. OTEY] that the taxpayer is the first man who is injured. His share of the burden is represented by the appropriations which are made annually for the losses of the Post-Office Department.

It is borne, secondly, by those who employ the mails for other classes of mail. Let us see what a burden that is upon the people. Your second-class matter, good, bad, or indifferent, pays a cent a pound. Your third-class matter pays nominally 8 cents a pound; but in reality, because it is not a bulk rate, something over 14 cents a pound. Your fourth-class matter pays nominally 16 cents a pound; but in reality, because there is no bulk rate, it pays 17 cents a pound. And your first-class matter, the matter in which all the people are interested—not merely a few publishers of bogus newspapers or of cheap books, but the whole people, every one of them who can read or write and who receives or sends a letter—pays, nominally, 32 cents a pound, but really 85 cents and a fraction a pound, because 40 or 50 letters go to make up the pound according to the experience of the Department.

In other words, the sender of third-class mail pays fourteen times as much per pound, the sender of fourth-class mail pays seventeen times as much per pound, and the sender of first-class mail pays eighty-five times as much per pound as the sender of second-class matter. These are the men who are injured the most by this great injustice in the classification. These are the men whose backs bend to the burden. These are the men who prevent the Department from exhibiting a loss which would scandalize the country.

These are the men who are paying the great subsidy for the benefit of the few. These are the men who are paying to the Government the great profit which conceals from the country the actual loss incurred upon second-class matter. If these facts could be exposed and understood from one end of the country to the other as they really exist there would be such a cry raised from every city and village and hamlet in favor of this measure that not a vote could be found against it.

I have tried to make clear the evils which this bill is intended to palliate. It does not propose to abolish the second-class rate. The country long ago deliberately determined to enter upon the policy of transmitting to the people newspapers and periodical publications at a cheap and losing rate. Speaking broadly, they are the history of current transactions and the comment of the time upon them. It was determined, and wisely determined, that in a country where the people ruled it was desirable that they should have the fullest information at the cheapest possible price, and that a free and widely extended press was so much a necessity to a free people that it deserved encouragement at the hands of the Government.

No one proposes to take one step backward in that policy. This bill certainly does no such thing. Preserving the policy intended, it proposes to remedy merely the abuses which have grown up under it. To use the language of the current report of the Postmaster-General, the bill proposes "to bring back the law to its original and just scope." It is not expected under the provisions of the bill that the loss in second-class matter will be extinguished. It will be diminished only. It will be diminished by so much as can be effected by driving from the second-class rate those publications which were never originally intended to come within it.

Now, I noticed even yesterday that gentlemen complained that they did not understand the bill. I do not know that I can aid any gentleman if he does not yet understand it; but I have analyzed it with great care, and I will try to state to the House as well as I can exactly what the bill contains. It is a great deal more simple than it seems to be. Nine-tenths of the bill simply reenacts existing law.

There are six changes of the law proposed in this bill, and six changes only. They include both important and unimportant changes, and I will state them and discuss such part of them as seems to me proper.

First. The withdrawal of unbound books or reprints of books from the privilege of second-class matter.

Second. The curtailment of the sample-copy privilege.

Third. The prohibition of the privilege of return of unsold publications by news agents at second-class rates.

Fourth. The repeal of so much of the act of 1894 as admits to the second class the publications of incorporated institutions of learning and of strictly professional, historical, or scientific societies,

including bulletins issued by the State boards of health, unless they conform to the conditions required of newspapers and magazines.

Fifth. The exclusion from the second-class rate of fractional parts of a newspaper.

Sixth. The requirement of sorting contained in section 6.

That is all there is in the bill. Most of those changes are unimportant, and I shall delay the House very little in the consideration of them.

The sorting of second-class matter prescribed in section 6 is very unimportant. The matter is left in the discretion of the Postmaster-General. It ought to be amended so as to apply only to publications having a circulation of over 5,000 copies. It doubtless will be so amended.

In any event the Postmaster-General would never direct the sorting of the mail matter into State, county, city, or town sacks except in the case of very large publications, whose publishers already do what this section requires. For instance, the Youth's Companion has done so for many years.

The prohibition of sending at the pound rate fractional parts of a publication is of little importance, and I shall spend no time upon it.

Upon the partial repeal of the act of 1894 I desire to say a few words, because I think that is the part of the bill which arouses the most opposition, at least upon this side of the Chamber. Under that act the publications of all societies organized under the lodge system, all regularly incorporated institutions of learning, all trades unions, and all professional, literary, historical, or scientific societies, including the bulletins of State boards of health, were admitted to the mails as second-class matter, even though they had no subscribers and were designed primarily for advertising purposes, although both these conditions applied to all other second-class matter.

The change of law proposed by the bill is to exclude from the special privileges of this act the publications of incorporated institutions of learning and of professional, literary, historical, or scientific societies, including the bulletins of the State boards of health, leaving them to go in the mails under the restrictions which are imposed upon second-class matter generally.

The distinction between the publications referred to in the act of 1894, whose privileges are continued and those whose privileges are repealed, is clear. The publications of lodges, fraternal societies, and trades unions are sent to persons who, in effect, are subscribers through the payment of annual dues, while no such consideration arises in the case of the publications whose privileges are repealed by the bill. It may be that some modification should be made in favor of institutions of learning.

The bill is not aimed at the genuine college; it is aimed at the fraudulent college; it is aimed at the use of the mails for purely advertising purposes. It is difficult under the law of 1894 to separate the wheat from the chaff, the good from the bad; and I trust there will be some amendment agreed upon to that provision of the bill which will be satisfactory both to the gentleman from California and to those who oppose that provision.

Mr. HENRY of Mississippi. Would the gentleman accept this amendment?

Mr. MOODY of Massachusetts. Let me say to the gentleman from Mississippi I have no right to accept any amendment. I am not in charge of the bill.

Mr. HENRY of Mississippi. I understand; but you could favor it.

Mr. MOODY of Massachusetts. I am not in charge of the bill, and therefore I can not make any response to the gentleman.

Now, all these matters that I have spoken to are unimportant. The important purposes of the bill are entirely outside of them. There are three important provisions in this bill, which I want to discuss; they are the only important provisions of the bill.

In the first place, that part of the bill which prohibits the return of unsold copies of publications. Well, what is the law about that now? The news agent having unsold publications on his counter can not to-day return them to the publisher unless he pays a cent fer every 4 ounces or fraction thereof.

But somehow or other the great news companies of the country worked into the law an interpretation which gives the news agent the right to return unsold publications to the news agent from whom he receives them. The news agent in my town or your town can not return his unsold publications to the publisher; he can return them to the American News Company, for instance.

The agents of the American News Company realize that it is a valuable privilege and oppose its repeal. But why should it not be repealed? The theory upon which we transmit this second-class matter at a ruinous loss is because it is sent out to be read. But the matter returned to the agent is returned at a ruinous cost simply to be destroyed.

There is no good reason why these returns should not be made by the slower and cheaper method of freight, when all they want of the matter that is returned ordinarily is to sell it as waste paper. I say this provision is a just one, and ought to save the bill. There ought not to be a man on the floor opposed to it.

Now, then, let me come to the sample-copy privilege. Here is where the newspaper press of the land is injured, if it is injured at all. Are they injured here? I say no. I say that the provision is not an injury, but a benefit to the newspapers of the land, whether they are metropolitan or country newspapers. I have had my share of protests coming from the publishers of newspapers. The first time that this bill was before the House, in the Fifty-fourth Congress, I had this stereotyped protest from every newspaper in my district.

But I believed that I was not sent here to shake and shiver like a dry leaf in the November gale whenever a protest came from home, but to exercise my intelligence and to vote for measures according as my best judgment told me that they would benefit or injure my people. [Applause.] I voted for the bill, and by no single publisher to whom I explained my vote and the reasons for it was fault found.

My experience with this bill has always been that the publisher of a country newspaper who at first opposes this bill when it is explained to him does just what that publisher who sent a letter to my friend from Maine the other day did. He not only does not further oppose it, but, on the other hand, becomes its enthusiastic supporter, because he knows that it is in his own true and best interests.

I would risk taking this bill before a jury of country newspaper editors and confidently expect to get a unanimous verdict in its favor from them. Now, what privileges for the newspapers does the bill retain? They can be sent at a cent a pound all over the land; they can be sent to every letter-carrier office for delivery at that same price, except to the letter-carrier office of the place of publication, and even that exception does not exist in the case of weekly papers.

The Government takes and carries the newspaper from the publisher to the reader at a ruinous rate and finds no fault about it, and proposes to continue to do it. It not only does that, but in the county of publication it carries over 32,000,000 pounds a year without charging a cent. It takes over 32,000,000 pounds every year, transports it, handles it, delivers it, and pays the railroad for transporting it, and charges the newspaper man nothing.

Mr. HEATWOLE. Will the gentleman allow me an interruption?

Mr. MOODY of Massachusetts. Certainly.

Mr. HEATWOLE. Does this bill interfere with the free county circulation?

Mr. MOODY of Massachusetts. This bill does not interfere with the free county circulation. It leaves it exactly as it is. Why, Mr. Speaker, no man is bold enough to take away any of the privileges of the American press. No man desires to do it. Those gentlemen sitting above the Speaker's chair, and those whom they represent, wield more power than we who sit below it. They carry along parties to victory or defeat. They make and unmake statesmen. They mold and create public opinion. Why, to be honest about it, we dare not interfere with their privileges, and nobody who had anything to do with the framing of this bill proposes to do any such thing.

The single proposition that touches the newspaper, and that touches the country newspaper alone, is the provision which cuts down the number of sample copies which it can issue to 500, or 50 per cent of the circulation. The gentleman from Missouri [Mr. CLARK] has given notice that he proposes to offer an amendment to raise that to 100 per cent or 2,000 copies of each issue; and I hope it will be adopted. I shall vote for it, because then it will render it absolutely certain that there is not a single line or letter in this bill which by any twisting can be made to count against the country newspaper.

Mr. BROWN. Would it interrupt the gentleman if I were to ask a question about the sample copies?

Mr. MOODY of Massachusetts. It would not.

Mr. BROWN. The gentleman will admit that besides what are called the county papers there are a great many valuable town and village papers that play an important part in educational work.

Mr. MOODY of Massachusetts. I call them country papers. Those are carried free in the county.

Mr. BROWN. Now, suppose a new paper is started, a village paper, and suppose at the end of the month it has 100 subscribers in a little town of three or four hundred people. Now, suppose for the fifth issue the publisher would like to circulate and send out, say, 500 sample copies; would it not be unjust to restrict him to 100 copies, as would be the case if this amendment were adopted?

Mr. MOODY of Massachusetts. I will answer that frankly. Whenever a privilege is susceptible of great abuse, it ought to be granted with great caution. Nobody cares whether that paper circulates fifty, five hundred, or a thousand sample copies. But you have got to have a uniform rule.

It seems to me that if they have the right to issue sample copies

up to 100 per cent of their circulation, to the amount of 2,000 copies, they are getting all they ought to ask for, and that it is ungracious to ask anything further. Perhaps now and then an instance of hardship may exist, but in those few cases the additional postage would not count for much. It is a small thing compared with the abuses which occur under the unlimited privilege of sample copies. This leads me to the question: Why interfere with the sample privilege at all? Is it because the newspapers themselves abuse it? No. Nobody claims that any newspaper abuses this privilege—not any genuine newspaper. But this great privilege of cheap and free circulation brought into existence another class of publications that masquerade under the name and title and appearance of a newspaper, and it is against these publications that this part of the bill is aimed.

Mr. LITTLEFIELD. And they compete with the legitimate newspaper.

Mr. MOODY of Massachusetts. Yes, and they compete with the legitimate newspaper. Let me illustrate. Let me tell you the experience of our commission at one of the cities we visited. We found a lot of very pleasant and agreeable gentlemen publishing a lot of extremely worthless papers. We found great printing offices, with all the modern improvements; we found a post-office filled to overflowing with publications of these printing offices. We found papers with a circulation sometimes of over a million copies of every issue. We looked them over, and while there was nothing especially vicious about their contents or their advertisements, they were simply and purely worthless. The world would have been no worse off if the moment they were taken from the printing press they had been sunk in the sea——

A MEMBER. And no better off.

Mr. MOODY of Massachusetts. And perhaps no better off. They did not do any particular harm except to cause a great loss to the Government. They did no good except to build up a number of great fortunes for a number of very pleasant gentlemen.

Now, what did we find to be the method pursued by those gentlemen to get this great circulation? None of you ever see any of those papers. The publishers do not care to send them to you or to the like of you. They do not care about a steady subscription list, because the oftener they can change their list of readers the better their advertising columns sell; and, as my friend from California said, some of them sell at $4,000 a page.

Now, where do they get this million or million and a half of so-called subscribers? They have some subscribers who are gotten by clubs, large premiums being paid out to those who get up these clubs—perhaps amounting nearly to the subscription price.

Then they have their long lists of sample copies. Who are the people to whom they send their sample copies? I went into one of those establishments and I saw a girl sitting at a table. Spread out before her were bushels of letters. She was copying the signatures of those letters. They were largely in pencil, and many of them appeared to be letters of illiterate persons.

I said to her, "What are you doing this for?" "Well," said she, reluctantly and after some hesitation, "we are getting lists of persons to send out our sample copies to." "Why don't you go to the directory and get your lists there?" "Well, we do not care for that kind of people." "Where did those letters come from?" "Well, they are answers to advertisements." "How did you get them?" "We bought them of a man down in Providence at so much a thousand—a man who has published an advertisement in the newspapers. They are answers to it." "Let me see the advertisement." She handed it to me. I do not remember the advertisement, but this is a general description: "Anybody who will send 25 cents to lock box so and so, will learn how to make $15 a week without leaving home."

A catch-penny advertisement! Why did the publishers of those papers want to reach the kind of people who would answer that advertisement instead of those whose names they could get from the directory of Congress, for instance? Because they wanted to reach people who had proved themselves to be "gudgeons." Those are the men and women to whom it was advantageous to send that class of paper, filled up with cheap catch-penny advertisements.

We are not aiming in this bill at the country publisher; and we do not hurt him. But we are aiming at publications of the character I have just referred to—the worst enemy of the country printer that exists to-day in the land. I trust the House will not be deceived by any counterfeit public sentiment in regard to that matter.

Mr. KLUTTZ. Allow me to ask the gentleman whether each of those letters was not a letter with a 2-cent stamp upon it?

Mr. MOODY of Massachusetts. I can not tell. I think very likely it was.

Mr. KLUTTZ. Every one of them.

Mr. MOODY of Massachusetts. I know very well the old argument, that if we send out this second-class matter through the mails at a ruinous loss, we make up the loss on first-class postage. Nobody knows whether that is true or not. Transactions will get themselves done even if Home Comfort and other bogus newspapers go out of existence. The world will move along just the same; people will buy and sell just the same; they will write just the same number of letters, although they may not write them to the same persons.

To sum up, then, the only part of this bill which can possibly affect the newspapers is the curtailment of the sample-copy privilege. To the honest newspaper with a genuine subscription list the sample-copy privilege is a mere incident. Its main purpose is to reach actual subscribers. It exercises the sample-copy privilege only for the purpose of extending its circulation.

The privilege is retained in the bill, or will be when the bill is amended, to the full extent to which it can be fairly exercised. The bogus newspaper has little genuine subscription list. Its main purpose is to send out sample copies, thereby swelling its apparent circulation to the enrichment of its advertising columns. This privilege the bill effectively denies, and, so far as it accomplishes its purpose, will be to the benefit of the real newspaper.

The only other change of importance is that denying to the so-called serial books the privilege of the second-class rate and classifying them where they really belong, with other books, as third-class matter mailable at 8 cents a pound or fraction thereof. The present law specifies "books" as one of the things that are mailable as third-class matter, but by virtue of an opinion of an Attorney-General of the United States many years ago and by an interpretation which goes even beyond that opinion there have crept into the second-class matter publications which do not belong there. This has been done under the pretense that they were not books, but periodical publications.

Gentlemen have declaimed loudly about the good literature in paper covers which goes through the mails as second-class matter. This is not a question of good or bad literature. It is a question of honest classification. Doubtless there is some good literature which is entered as second-class matter, but there is a great deal of bad literature so entered. The Government can make no distinction between the two classes. It can not act as a literary critic or censor. Literature, whether it is good or bad, must be treated alike provided it conforms to the ideas of decency and morality which have found expression in the criminal law.

The publications of Houghton & Mifflin, which have been so extensively circulated and commented upon, are good literature. There is none better. Yet I am willing to test this bill by its application to those publications. The members of this firm are honorable men, publishers of high-grade literature. They enjoy the privilege of second-class rates, and of course they are very much against any change. Let us see if there is any reason why their paper-covered publications ought to enjoy a privilege denied to their competitors in business.

I hold in my hand a circular which they have sent to me in common with other members. Let me take the first three numbers. They are Addison and Steele, Bunyan's Pilgrim's Progress, Burke's Speech on Conciliation with the Colonies. They do not suggest the idea of continuity which we usually associate with the word "periodical." They are separate units. There is no continuity between one publication and the others. The underlying theory of the cheap second-class rate is to send out the news and literature of the day and month and the comment thereon and not the history or literature of bygone times.

Mr. DAVIS. Will the gentleman from Massachusetts yield for a question?

Mr. MOODY of Massachusetts. I have only a few minutes more, but I will yield; certainly.

Mr. DAVIS. Suppose these publications are of benefit to the people of the whole country and go out to them through the highways and byways, giving to them cheap and wholesome literature which they could get in no other way.

Mr. MOODY of Massachusetts. Well, I am not willing to benefit one class of the people at the expense of the mass of the people.

The statute law provides that "mail matter of the third class shall embrace books," etc. The publications which I am discussing are "books," and nothing else. They differ in no respect from the books which are transmitted as third-class matter except that they are in paper covers. Publishers have been able to have them entered as second-class matter under the pretense (for it is no better than a pretense) that they are "periodical publications." How transparent the pretense is can best be judged by observing the steps by which it is rendered effective.

Second-class matter must have a "legitimate list of subscribers." Often, if not always, the subscriber is a news agent and the subscription becomes a mere sham. The publications are numbered consecutively, though there is nothing consecutive in their nature and the numbering is a mere technical compliance with the provisions of law. Doubtless they are issued at stated intervals, though the purchaser never cares for that. They call them periodicals when they are not periodicals. They call them serials when they are not serials.

Every step in the transaction by which they are taken out of the classification of books and put into the classification of periodicals is a flimsy pretext. The publisher who employs such methods as these ought not to have an advantage over his more scrupulous competitor. All books, whether bound or unbound, should be in the same classification. The original intent of the law was that they should be so.

Mr. MORRIS. Will the gentleman permit a question?

Mr. MOODY of Massachusetts. Certainly.

Mr. MORRIS. Could not the Post-Office authorities under the present law forbid the sending of that kind of matter through the mails at second-class rates?

Mr. MOODY of Massachusetts. Well, I think not, Mr. Speaker. They have acted upon a construction of the present law for more than twenty years, and I think no Postmaster-General would be justified, if Congress declined to change that construction, in adopting any other. I think these things are bound to go on until Congress acts.

Mr. BELL. May I ask the gentleman a question?

Mr. MOODY of Massachusetts. Yes.

Mr. BELL. I notice from one of the Chicago papers this morning that all of these almanacs issued by the newspapers are going through the mails under this rate. Do you think that is lawful?

Mr. MOODY of Massachusetts. Well, I should want to stop and consider.

Mr. BELL. They are published once a year.

Mr. MOODY of Massachusetts. All that I can say to my friend from Colorado is that, so far as I can see, the passage of this bill would make no difference, one way or the other, upon that question.

Mr. BELL. The point I was trying to reach is that it is the failure to execute the present law that makes that difficulty.

Mr. MOODY of Massachusetts. Well, that may be so. There may be imperfections in the execution of the present law. The responsibility for that lies with the Post-Office Department and not with the Congress. Let us make the law so plain that no possibility of misconstruction may exist—so that he who runs may read. Let us put all publishers of all books upon an equality, and thus return to the law its original intent, which has long since been lost sight of.

Mr. Speaker, I must draw my remarks to a close. Who are opposing this bill? No one is doing it intelligently except the men who are profiting selfishly by the abuse of the privileges of the law. Their agents have been circulating misrepresentations from one end of the country to the other and are daily infesting the corridors of the Capitol.

Who are supporting this bill? A long list of Postmasters-General—Wanamaker, Wilson, Bissel, Gary, and Smith. The last two Presidents have urged upon Congress its passage. The American Press Association has unanimously indorsed it. Every intelligent newspaper man who has studied its provisions indorses it, and finally every intelligent man who has considered the question solely in the interest of the Government favors it.

The measure should become a law because it is thus supported and because it is thus opposed. It gains as much strength from its opposition as it does from its support. The people who are fattening upon the largess from the public Treasury, which has been scattered to them with a prodigal hand, are loud in their outcry against it. They are the ones who are heard and who are here. The silent, patient people are dumb. It is the special and selfish interests that are knocking at the door of the Capitol.

A vote against this bill is a vote against the long-delayed classification of salaries, a vote against the extension of rural free delivery, and, above all, a vote against taking the first step toward 1-cent postage.

Mr. Speaker, we ought to pass this bill; we ought to pass it in the interest of the people; we ought to pass it for the relief of the Post-Office Department, which has cried for relief these many years; we ought to pass it as a promise of further reform and of an enlarged usefulness of the postal service, the greatest cooperative undertaking of the whole people. [Applause.]

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I desire to present the diplomatic and consular appropriation bill, which I am instructed by the Committee on Foreign Affairs to present to the House and to ask for a nonconcurrence in the amendments of the Senate and for a conference.

The SPEAKER. The gentleman from Illinois [Mr. HITT], chairman of the Committee on Foreign Affairs, asks unanimous consent that the House consider the diplomatic and consular appropriation bill with a view to a nonconcurrence in the Senate amendments and asking for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

"A bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901," with sundry amendments thereto.

The SPEAKER. Is there objection to the present consideration of the matter?

There was no objection.

Mr. HITT. I move that the House nonconcur in the amendments of the Senate.

The motion was agreed to.

Accordingly the House nonconcurred in the amendments of the Senate; and the Speaker appointed as conferees on the part of the House Mr. HITT, Mr. ADAMS, and Mr. DINSMORE.

SECOND-CLASS MAIL MATTER.

The SPEAKER. The hour of 2 o'clock having arrived, the House, under the order, will now proceed under the five-minute rule to the further consideration of the bill which has been before the House. The Clerk will read:

The Clerk read as follows:

Be it enacted, etc., That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year, and are within the conditions named in this act: *Provided*, That nothing herein contained shall be so construed as to admit to the second-class rate publications purporting to be issued periodically and to subscribers, but which are merely books, or reprints of books, whether they be issued complete or in parts, whether they be bound or unbound, whether they be sold by subscription or otherwise, or whether they purport to be premiums or supplements or parts of regular newspapers or periodicals.

Mr. RIDGELY. Mr. Speaker——

Mr. SNODGRASS. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by striking out all of section 1 after the word "to," in line 7, and inserting in lieu thereof the following: "exclude from the second-class rate publications of a serial nature purporting to be issued periodically and to subscribers and which are not primarily designed as an advertising medium."

The SPEAKER. The gentleman from Tennessee.

Mr. RIDGELY. Mr. Speaker, was I recognized?

The SPEAKER. The gentleman from Tennessee [Mr. SNODGRASS] is recognized on his amendment.

Mr. SNODGRASS. The first section of this bill is directed specifically against publications of a circulating-library character, for which gentlemen who are opposed to the bill have been contending in this debate. The amendment proposes to change the character of this section altogether, and it has a proviso which will protect publications of a literary character from being turned into mere advertising agencies. I move the adoption of the amendment.

The SPEAKER. If any gentleman desires to be heard in opposition to the amendment, the Chair will recognize him.

Mr. LOUD. Mr. Speaker, I have no doubt that the gentleman is sincere in thinking that his amendment may accomplish some results, in the peculiar wording that he has given it; but let me say to the House that none of these books are issued primarily for advertising, or for advertising in any manner whatever, and his amendment would simply leave it as it is to-day, and these books would still continue to go through the mails at pound rates. I hope the House will vote down the amendment, because if it shall be adopted the bill will be totally destroyed.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. RIDGELY. Mr. Speaker, I offer the following as a substitute for the bill—for all after the enacting clause.

The SPEAKER. That is not in order until the bill is perfected by sections.

Mr. RIDGELY. Then I will offer it as an amendment at the present time.

The Clerk read as follows:

Strike out all of the section and insert in lieu thereof the following:

"That in case the Postmaster-General can not in all cases hereafter make contracts with the railroad companies to carry all mail within the United States at an average rate not exceeding 1 cent per pound, he shall immediately take steps to provide one line of Government railroads to connect each and every railroad post-office throughout the United States, said railroads to be secured by condemnation and purchase, under the right of eminent domain, or by constructing new lines: *Provided*, That in no case of purchase shall the price paid be greater than it would cost to construct the road. That the Postmaster-General shall draw upon the Secretary of the Treasury from time to time for the necessary money to purchase or construct such railroads, and the Secretary of the Treasury is hereby directed to prepare, issue, and pay out on said drafts of the Postmaster-General a sufficient amount of full legal-tender Treasury notes, said notes to be redeemable only in payment of all claims and taxes due the United States Government: *Provided further*, That as fast as lines of railroads shall be acquired under this act the same shall be operated by the Postmaster-General in carrying mail, express, freight, and passengers, at such uniform rates to all as will defray the cost of maintaining and operating said roads."

Mr. HILL. Mr. Speaker, I make the point of order that the amendment is not germane.

The SPEAKER. The Chair sustains the point of order.

Mr. RIDGELY. Mr. Speaker, may I be heard on the point of order a moment?

The SPEAKER. The point has been decided. It is clearly out of order, the Chair will state to the gentleman from Kansas.

The Clerk read as follows:

SEC. 2. That publications of the second class, except as provided in section 25 of the act of March 3, 1879, when sent by the publisher thereof, and from the office of publication, excluding sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be entitled to transmission through the mails at 1 cent a pound or fraction thereof, where the distance between the office of mailing and the office of delivery, by the usual route by which mail is transported, does not exceed 1,000 miles, and at 2 cents a pound or fraction thereof where such distance exceeds 1,000 miles; such postage to be prepaid as now provided by law: *Provided, nevertheless*, That news agents shall not be allowed to return to news agents or publishers at the pound rate unsold periodical publications, but shall pay postage on the same at the rate of 1 cent for 4 ounces.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "copies," insert "except as hereinafter provided."

In lines 10 to 15, inclusive, strike out the words:

Where the distance between the office of mailing and the office of delivery, by the usual route by which mail is transported, does not exceed 1,000 miles, and at 2 cents a pound or fraction thereof where such distance exceeds 1,000 miles.

Mr. RIDGELY. Mr. Speaker, we are now working under the five-minute rule, considering the pending bill by sections. I was unable to get time during the general debate, but I have listened with interest to all that has been said by gentlemen on both sides of the question.

This bill is known throughout the country as the "Loud bill," and is intended to increase the rate of postage on certain printed matter which under existing law is permitted to pass through the mails at 1 cent per pound, but which will, should this bill become a law, have to pay 8 cents per pound. The effect of this bill will be to drive the people to patronize the express and railroad companies with all this business, paying them from seven to eight times more than they are now paying; hence this bill should be entitled "A bill to increase the business and profits of private express and railroad companies."

Last year we had this same matter before us, with more time for investigation than we are taking now. It was then proven that there had been no reduction in the rates paid to railroads for carrying our mail since 1878, notwithstanding the fact that the cost of constructing and operating railroads has been materially reduced. A special committee was appointed by this House to investigate the facts. Evidence furnished by the Interstate Commerce Commission established the fact that freight rates since 1878 had declined generally throughout the country 35 per cent. This committee also found that in 1898 the railroads received 50 per cent more of their gross earnings for mail service than they received in 1878.

If our Postmaster-General should contract for railroad mail service at the average reduction of rates since 1878 of 35 per cent, he would save to the Department $12,500,000 annually, and thereby wipe out the present deficiency of a little over $4,000,000 and have a net earning of $8,000,000 left, which would enable him to extend rural free delivery throughout the country; and if it were possible to get the full reduction in charges made for mail service to which the people are justly entitled, instead of increasing the rates on any class of matter, we could reduce letter postage to 1 cent and establish a parcels post, permitting packages of merchandise up to 25 pounds to pass through the mails at a rate not exceeding 1 cent per pound; in fact, 1 cent per pound under proper railroad rates would afford sufficient margin above cost of transportation to fully pay the expense of route agents and local handling. In proof of this I cite the following facts.

Express companies pay to the railroad companies 40 per cent of the rates, retaining 60 per cent to pay their route agents and all local expenses of handling and conducting their business. We know our express companies are competing with the Government and carrying a large portion of this 1-cent per pound mail matter. They are carrying this mail matter from New York to Chicago and all intermediate points and delivering the same at the door of the consignee for 1 cent per pound. We find the combined Adams and Southern Express Company carrying this second-class mail matter to all points between the west line of Pennsylvania and the Pacific coast at 1 cent per pound; we find them making the same rate throughout all the country east of this line and from Eastport, Me., to Charleston, S. C.

These facts clearly prove that we ought to have a uniform rate of mail transportation over all railroads not exceeding one-half cent per pound. The average distance that each package of mail is carried, as estimated by two Postmasters-General, is less than 350 miles. In most cases we put our mail on the car, furnish an agent to handle and care for it while in transit, and take it from the car without any cost to the railroad company. Fifty cents per hundred pounds will cover all of their expenses and leave them a handsome margin. But instead of getting this rate, Mr. Speaker, we find that we are paying an average cost of 8 cents per pound for transportation and handling of our mail. Most of this enormous expense goes in extortionate rates paid to the railroad companies. I am not blaming the Postmaster-General alone for this, but I do blame Congress, for we have the power and it is our duty to meet this problem and see that justice is done the people.

Postmaster-General Vilas, in urging this responsible duty upon Congress, said:

The difficulties of solving this problem do not diminish with the lapse of time. They steadily increase. The peril to the public is not lessening, but augments yearly. There must be legislation adapted to the conditions or this wretched system, with its inequalities, its injustice, unnecessary expenditure, irritating complications, and risk of signal disaster, must remain a reproach to the Department until some serious misfortune awakens decisive action.

On November 26, 1887, Postmaster-General Vilas stated to Congress that the 432 postal cars then in use could be bought or their duplicates manufactured for $1,600,000; yet he stated that the Government was paying for the mere use of these cars a rental each year of $1,881,580, and that the railroad companies were then demanding for the next year $2,000,000 for the use of these cars; that one line of road was receiving $59,037.75 for the use of four cars which could be built in the best modern style for less than $17,500, and that in addition to the rent paid for the use of these four cars the Government paid the full weight for transportation, amounting in this case to $504,573.69 annually. Mr. Vilas then estimated that if the Government would furnish its own postal cars it would realize a net saving of $1,500,000 per year at that time. This amount would be much larger now, as the number of cars have greatly increased.

But, Mr. Speaker, instead of Congressional action to correct these extortionate charges for our railroad mail service our committee brings in this bill, which proposes to increase the rates of postage upon our people and turn over their money to the railroad and express companies. This railroad problem is an evil of such magnitude that the people of the nation will be compelled to deal with it, and, in my judgment, the patience of the public is about exhausted. If Congress will do nothing, the people will by electing new men who will serve the true interests of the people instead of truckling, as this Congress is doing, to the dominating power of these transportation companies and all other trusts and combines.

In speaking of this same matter Senator Gorman stated in the Senate in February, 1897, that—

The great power of these corporations, who control everything, who are powerful to make and unmake public men, is so omnipotent that no executive officer has been found in the last twelve years, except in the single case of Postmaster-General Vilas, who has attempted to reduce the compensation for mail transportation, and within six months after he had left the Department every economy which he introduced had been wiped away, and the railroads received not only what they had before, but their compensation was increased, and never during my long service in this body, except in this one instance, have I known a Postmaster-General who had made a bona fide effort to control this railroad extortion.

Another abuse by these transportation companies to which I call attention is the practice of padding the mails during the weighing season. We find that evidence has been adduced proving that during the quadrennial weighing season of March, 1889, upon the Seaboard Air Line from Portsmouth, Va., to Atlanta, Ga., 300 sacks of documents with Senators' and Representatives' franks upon them were sent to various places in Virginia, North Carolina, South Carolina, and Georgia. The sacks weighed from 100 to 125 pounds each, and the railroad agents had slips of paper with franks of Senators and Representatives which they evidently used without authority, and kept this mail going over the road so as to be weighed repeatedly. It was also proven that great piles of newspapers were bought and kept going from place to place for weeks for the sole purpose of being weighed fraudulently, as the weight at that time would establish the weight for four years, thus repeating this steal forty-eight times.

Hon. William L. Wilson, Postmaster-General, turned this case over to United States Attorney-General Harmon to prosecute these railroad officials. However, they were strong enough to prevent prosecution. About this time the Post-Office Committee of the Senate made some inquiries which developed the fact that the then Second Assistant Postmaster-General, Mr. Nelson, immediately before his appointment, held the official capacity of superintendent of the Cincinnati, Hamilton and Dayton Railroad, and it was also proven that his predecessor, J. Lowery Bell, was traffic manager of the Central Railroad of New Jersey. These facts, Mr. Speaker, show the utter helplessness of the people in dealing with these railroad companies while our railroads are owned by private corporations.

The people are seriously studying this transportation problem, not only in its relation to their mails but in all freight, express, and passenger traffic. There is a rapidly increasing army of people throughout the nation who believe the only remedy possible is that set forth in the platform of the People's Party, "Government ownership and operation of all railroads." I am one who shares in this belief, and in response to this sentiment, with an honest desire to initiate the work of acquiring a system of Government railroads, I offered a few moments ago, as a substitute for section 1 of this bill, the following amendment:

That in case the Postmaster-General can not in all cases hereafter make contracts with the railroad companies to carry all mail within the United

States at an average rate not exceeding 1 cent per pound, he shall immediately take steps to provide one line of Government railroads to connect each and every railroad post-office throughout the United States, said railroads to be secured by condemnation and purchase, under the right of eminent domain, or by constructing new lines: *Provided*, That in no case of purchase shall the price paid be greater than it would cost to construct the road. That the Postmaster-General shall draw upon the Secretary of the Treasury from time to time for the necessary money to purchase or construct such railroad, and the Secretary of the Treasury is hereby directed to prepare, issue, and pay out on said drafts of the Postmaster-General a sufficient amount of full legal-tender Treasury notes, said notes to be redeemable only in payment of all claims and taxes due the United States Government: *Provided further*, That as fast as lines of railroads shall be acquired under this act the same shall be operated by the Postmaster-General in carrying mail, express, freight, and passengers at such uniform rates to all as will defray the cost of maintaining and operating said roads.

The Clerk had scarcely finished reading this amendment, which I offered in good faith, when Mr. HILL, of Connecticut, an advocate of the gold standard, raised the point of order against the amendment, claiming it was not germane. The point of order was promptly sustained by the Speaker, and the amendment was ruled out. I was not permitted to discuss the point of order, and will only say here that in my judgment the amendment is germane to this bill; and if not to the bill, it most certainly is germane to the duty of Congress and to our mail service. Its going out on a point of order is but another of many proofs that the rules adopted by the Republican majority here are like their laws, unfair and deliberately intended to defeat justice, while they carefully shield the great corporations engaged in plundering the people upon every hand.

Mr. Speaker, I have heard the statement that officials of some of the transportation companies are urging members of this House to vote for this bill. It is clearly to their interest to keep up the rates of postage, as this not only enables them to maintain their overcharges for carrying the mails, but high postage enables the railroad and express companies to overcharge the people on this mail matter, if sent by freight or express. The moment this bill becomes law these carriers will advance their rates on all matter affected by this bill.

My amendment provides the necessary money for purchase, construction, and operation of one line of road to each post-office now on the line of any railroad in the nation, this money to be issued by the people's Government, a full legal tender and receivable by the Government for all dues and taxes. This would provide the people with money to do all business on a cash basis and free them from borrowing of the banks, while at the same time abolishing the necessity for Government bonds and gold redemptions. The only proper limit to the volume of such money should be the business demands of the people, based on the total quantities of all property in the nation.

But, Mr. Speaker, such a money system would free the people from paying tribute to bankers and coupon clippers, just as Government railroads would free them from paying tribute to all transportation companies; hence the objection of our gold-standard advocates, who are ever against the people.

Mr. Speaker, we will never get through with this fight until the people, by and through their Government, shall own and operate all the railroad, telegraph, and telephone lines. We have tampered with this question of regulating rates long enough; there is but one way, and that is public ownership.

If this Congress will do nothing whatever in this direction, the people will in the near future send a Congress to these halls that will do something in a practical way for their relief. As an indication of what the people are thinking and doing all along these lines, I will offer here a statement of what one of the great States of this Union is doing in the matter of investigating this and other great problems affecting public interests. I find this article as a recent editorial in the North American, one of the great dailies of this nation, published in Philadelphia. I will read it:

IN THE ANTIPODES.

State Senator Bucklin, of Colorado, who has just returned from Australasia, where he has been investigating the colonial tax system by authority of the Colorado legislature, has brought back an interesting budget of information. He finds that New Zealand is steadily moving in the direction of the single tax. Local option in taxation prevails there, and one district after another is putting its taxes on land values. The advanced social legislation in New Zealand on various lines is so popular that the progressive party has remained in power through several elections, and now is almost without opposition. There are no tramps and no visible destitution in the colony. Land speculation has been killed. Employment is more assured than with us, living expenses are less, and life is "less strenuous and exhausting."

In all the Australian colonies, of course, the governments own the railroads and telegraphs. There is equal service for all, and trusts do not have the assistance of transportation systems in crushing out competitors. There is no disposition anywhere to return to private ownership. On the contrary, the few remaining private roads are going into the possession of the public.

When Senator Bucklin landed at Bluff, on the extreme southern point of the South Island of New Zealand, he sent a telegram to Auckland, 1,100 miles, for sixpence. The message had to go for a considerable part of its journey through a rough and thinly populated country, and it had to travel 50 miles or more by cable.

When Mr. Bucklin got to San Francisco he sent a message to his wife in Colorado, about the same distance, and the cost was 75 cents—just six and a half times the New Zealand rate. The dispatch went by land, over a route that was carrying an immense amount of through business, which was lacking in New Zealand, and the cost of transmitting it must have been much less than in the antipodes.

New Zealand and Colorado have a good deal in common. The women vote in both, for one thing. Perhaps when Mr. Bucklin's report is read Colorado may introduce some more New Zealand experiments in this country.

Mr. Speaker, the fact that one of the greatest States of this Union has, by act of its legislature, sent one of its senators to the opposite side of the earth to study these great problems is significant of the trend of the public mind on these great questions. The people are waking up all over the nation; there is a growing determination to use the government as the adequate and proper power to free the toiling masses from this eternal tribute to transportation lords, money lords, landlords, and trust lords of every kind. The men now on this floor who sneer at these warnings and propositions will soon be called to vacate their seats. [Loud applause.]

Mr. BURTON. Mr. Speaker, I desire to read a telegram which I have just received from the leading agricultural paper of Ohio and one of the leading agricultural papers in the United States:

CLEVELAND, OHIO, *March 22, 1900*

Hon. T. E. BURTON, *House of Representatives:*

Our hundred thousand subscribers ask you to support the Loud bill.

THE OHIO FARMER.

I can not comprehend how any member of this House who favors economy in public expenditures or is opposed to special privileges can oppose this bill. According to the best estimates which can be made, the passage of this bill will save $20,000,000 per annum to the Treasury of the United States. This is a kind of special privilege for which there is no possible justification.

It is high time for us to begin to watch special privileges which have grown up under laws, in themselves not objectionable, but which are subject to such abuses that they redound to the interest of the few and against the interest of the many. We hear a great deal said about the classes against the masses. If there is any existing system that favors the classes, it is the system which has grown up and which this bill seeks to destroy. Let no man come in here and say——

Mr. LENTZ. Will the gentleman yield to me?

The SPEAKER. Does the gentleman yield?

Mr. BURTON. No, I can not yield; I have only a few minutes. Let no man come in here and say he is opposed to class legislation and favor the defeat of this bill.

In my experience in this House there has been no measure which has been subjected to so much misinformation, and I may say misrepresentation, as this bill under consideration. It has been said that it aims at the country newspaper. Gentlemen on the floor who represent city districts regard with the utmost care the interests of the country newspaper, but it is a plain business proposition that this bill will help the country newspaper. The sample copies are provided for in a number sufficient for them; and it will bring to them thousands of dollars of advertising now possessed by blanket sheets, published in some great center, which go all over the country.

It is said that it discriminates against the reprints of valuable books. What is the fact about that? What is the invariable consequence when you grant a special privilege? That the more unscrupulous will derive the greatest advantage from that privilege. We will have, and we have been having, an ounce of good literature to many pounds of trash. We have heard a great deal about the youth of the country and how they need education. Who placed the responsibility of educating the youth of this country on the publishers of such publications as Beadle's dime novels? How much are the youth of this country going to be benefited by the 2 tons of the publication known as "Sapho" that were mailed in New York City a few days ago? It is said that the news dealer should have the privilege of sending back to the news agents, representing a publisher, that which is sent out to him and which he could not sell.

Now, there may be some justification for a lower postal rate on literature which the people do read, but what earthly justification is there for giving special rates on what they do not read? We all know what the practice is—a hundred copies of a periodical, or a thousand, can be sent to some news agent, and he sells but a few of them; then they are sent to the next news agent, and then to the next city, and then, perhaps, back to the original agent; then he may send them out again. While there may be some little hardship imposed on the news dealer by the adoption of this bill, it is in the line of economy and reform.

There is a general fact of great importance involved in the disposition of this bill. I have always noticed that there is a great degree of inertia in adopting any measure that points toward reform. Especially is that true when it aims at any special privilege enjoyed. Those who get their hands into the public Treasury intrench themselves like an army prepared for battle; they claim to be very sensitive as to the rights of the people and raise the cry that there is some monopoly favoring the bill which they for their own selfish purposes want to defeat. Do not let this issue be befogged by saying it is a measure framed for the benefit of the

express companies and railroads. It is nothing of the kind. I would like to see a reduction and readjustment in the compensation paid to railroads for carrying the mails, but the two propositions are distinct. Let us classify the mail matter sent out, and make the rates just in the pay for the different kinds or classes and just to the whole people, and in a separate bill we can take up the other question as to rates to be paid to transportation companies.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON. Mr. Speaker, I do not desire to reply to the gentleman from Ohio [Mr. BURTON] at this time. So far as he has made any points they are fully covered by gentlemen in the general debate. Assuming that these people know best what they want, I will send to the Clerk's desk to be read the resolution from the Pacific Coast Women's Press Association, and see what they think about the matter.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SAN FRANCISCO, *March 12, 1900.*

To the Senate and Representatives in Congress assembled:

The Pacific Coast Women's Press Association, at a regular business meeting, held in San Francisco on March 12, 1900, adopted the following:

"Whereas, having carefully considered House bill 6071, which is 'A bill to amend the postal laws relating to second-class mail matter,' we find said bill opposed to our true interests, unjust to similar organizations throughout the United States, and to the public generally: Therefore,

"*Resolved*, That we earnestly and respectfully pray the members of both Houses of Congress to use their best efforts to prevent the passage of said House bill 6071."

(MRS.) MARIA FREEMAN GRAY,
Chairman of Committee, P. C. W. P. A.

Mr. MOON. Now, Mr. Speaker, I presume that the gentleman from Ohio would not take issue with the ladies under the circumstances. [Laughter.] I desire to send to the Clerk's desk and have read a telegram from the editor of the Manufacturers' Record, in Baltimore, Md.

The Clerk read as follows:

BALTIMORE, MD., *March 22, 1900.*

Hon. PETER J. OTEY, *Washington:*

I trust you can see your way clear to strongly oppose the Loud bill. It seems to me an exceedingly unwise measure and decidedly against the interests of the South, and, in fact, of all country districts. There are many unanswerable objections against it.

RICHARD H. EDMONDS,
Editor Manufacturers' Record.

Mr. MOON. That is a voice from Maryland. Now I desire to pass to the Clerk, to be read also, a letter from Des Moines, Iowa. This letter was written to the Hon. SMITH MCPHERSON, a copy of which has been sent to me, and I desire to have it read to the House. [Laughter.]

The Clerk read as follows:

HIGHLAND PARK COLLEGE,
Des Moines, Iowa, March 15, 1900.

MY DEAR SIR: Please accept thanks for kindness in sending me copy of House bill No. 6071, known as the Loud bill, and the report of the committee thereon.

I am also in receipt of yours of the 3d, relative to said bill, and beg to say that I have received no communication from any Eastern literary bureau on this subject, and have written to yourself and other Iowa members because of newspaper mention of the favorable consideration of the bill by the committee.

You certainly are in error in your suggestion that the bill will not affect the colleges of the country. Prior to the passage of the act of July 16, 1894, the colleges were unable to make their publications second-class matter for two reasons: First, the purposes of the publications were largely to advertise the institutions, their advantages, etc., to awaken an educational desire and spirit in those receiving the same. The advertising character was not consistent with the theory of the old law. Second, from the very nature of the work to be accomplished a list of regular subscribers can not be had because these publications are not sent to subscribers. Indeed, the benefit to the institution is secured and the cause of education advanced most if each issue reaches a new class of prospective students.

The act of 1894 extended the law as to second-class matter to the publications by benevolent or fraternal societies, trades unions, and "regularly incorporated institutions of learning," etc. The wording of the present law is, "under the auspices of benevolent or fraternal societies, trades unions, or orders organized under the lodge system," etc., but leaves out "regularly incorporated institutions of learning." There are other publications included in the act of 1894, but I have quoted sufficient for my present purpose. The contention that college publications would not be excluded by this bill, it seems to me, can not be sustained.

I suppose that it is not necessary for me to show that great harm will result to these institutions if their publications are excluded. That follows as a matter of course. My understanding is that colleges, great and small, avail themselves of these privileges; but if they do not, that is no reason for a repeal of the law. They have the privilege extended, and if not exercised no expense is incurred by the Government on their account. I have personal knowledge of use being made of the privilege by the State universities of Iowa, Illinois, Wisconsin, Minnesota, and by many other institutions of learning in the Mississippi Valley.

I have read with much interest the committee's report and the several Postmaster-Generals' reports embraced therein, and call your attention to the fact that no fact is stated in either of the reports that suggests the propriety or necessity of excluding educational institutions. These reports are all of the same tenor, and the reasons for the present bill are epitomized by Postmaster-General Smith (page 5 of committee's report) as follows: "The first is the paper-covered books put out under pretense of being serial publications." Of this he says, "Their consecutive numbering is a travesty; their issuance at 'stated intervals' a parody; their 'subscription list' a fiction. * * * The second abuse is connected with the advertising 'house organ' and the so-called 'trade journal.' * * * The third abuse grows out of the privilege of sample copies. * * * The simple statement of these great and palpable abuses ought to be sufficient argument for their prompt reform." The Postmaster-General points out that these abuses produce the deficit in second-class matter.

You will observe that college publications are not included in the abuses of the law. Other portions of the postal laws make these things possible. There is no chance for abuse of the mails in the use of college publications. The law is definite and certain as to who may have the privilege. The use, however extensive, is for the public good. The reading of college literature by every young man and woman would greatly increase the attendance at all of the colleges of the country.

Your attention is also called to the fact that the bill retains fraternal societies (under which mutual insurance companies are admitted) and labor unions, but excludes colleges. Can any reason be assigned for this discrimination?

It seems to me that the bill ought to be amended by inserting "a regularly incorporated institution of learning" after the word "by" in the third line of section 4, and the word "such" in the last line of said section.

Yours, very respectfully,

C. C. REARICK.

Hon. SMITH MCPHERSON,
Washington, D. C.

Mr. MOON. I have had that letter read in order that I might be fair to gentlemen on the other side on the subject of this amendment. It is, I think, a very intelligent statement of the case. I send to the Clerk also to be read a telegram received today by Hon. J. K. P. HALL, a member of this House, from the legislative committee of the Pennsylvania State Grange.

The Clerk read as follows:

HARRISBURG, PA., *March 22, 1900.*

Hon. J. K. P. HALL, M. C., *Washington:*

Please present to Congress our protest against the passage of the Loud postal bill. It affects unfavorably weekly agricultural, fraternal, and secular newspapers.

W. F. HILL,
WM. T. CREASY,
LEONARD RHONE,
GEO. G. HUTCHINSON,
Legislative Committee of Pennsylvania State Grange.

Mr. MOON. Hon. B. F. SPALDING, of North Dakota, has sent to me a telegram which I desire to be read to the House. I believe it is from the publishers of the Republican organ of North Dakota.

The Clerk read as follows:

BISMARCK, N. DAK., *March 22, 1900.*

Hon. B. F. SPALDING, *Washington:*

This being campaign year, we need the extra circulation of papers. We believe the Loud bill detrimental in many ways. Hope you can conclude to vote against it.

M. H. JEWELL,
R. N. STEVENS,
Publishers Bismarck Daily Tribune.

Mr. MOON. I have also another telegram, just received, which I ask may be read.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. MOON. Then I ask unanimous consent that this telegram be printed in the RECORD.

There was no objection.

The telegram is as follows:

BALTIMORE, MD., *March 22, 1900.*

Hon. FRANK C. WACHTER,
House of Representatives, Washington:

I trust you can see your way clear to strongly oppose the Loud bill. It seems to me to be an exceedingly unwise measure, and decidedly against the interests of the South, and, in fact, of all country districts. There are many unanswerable objections against it.

RICHARD H. EDMONDS,
Editor Manufacturers' Record.

Mr. BROMWELL. Mr. Speaker, as the gentleman from Tennessee has been having read some extracts and communications, I would like to send to the Clerk's desk and have read, first, an extract from the Journal and Messenger, the great organ of the Baptist Association of the United States, and following that an editorial from the Chicago Chronicle and another from the Chicago Times-Herald.

Mr. SNODGRASS. Are those daily or weekly papers?

Mr. BROMWELL. The two Chicago papers are dailies; the other is a weekly.

The Clerk read as follows:

[From the Journal and Messenger.]

The publishers of advertising sheets and paper-covered books are stooping to every means to defeat the Loud bill. Many circulars come to this office, some of which authors are ashamed to own, and which they sign "Publishers' Committee," or anything that comes handy. Just now they say that the "country publisher" will be the great sufferer. As a matter of fact, all papers are sent free in the county in which they are published. We believe the county papers are entitled to this protection, and the law in this respect will never be changed.

The frantic cry of the New York publishers of objectionable literature, that if they are compelled to pay book postage, Congress will at once take away the privilege of free postage from country papers, will deceive nobody. If the Post-Office Department is once made self-sustaining, there will be even less reason for requiring country papers to pay postage. Another silly argument is that the Government ought to lose on the Post-Office Department for the benefit of the people. Even if this were true, it would be more reasonable to reduce letter postage to 1 cent, which would probably cover its cost, and to make publishers of advertising sheets pay the cost of carriage.

If the Government is to lose in the Post-Office Department, why should it charge letters more than necessary for the sake of giving a bonus to a big publishing house in sending out tons of paper-covered books or to give low postage to some advertising sheet which makes its profits by publishing fraudulent advertisements? These publishers own a number of Congressmen, as was shown in speeches when the Loud bill was up before.

The writer of one of these numerous circulars, which is sent to every newspaper office in the land, is driven to the argument that the Loud post-office

bill would model our system after that of monarchical countries. We doubt if a man who takes American people for fools will succeed in the end. The principles which should govern the business of a postal department are the same the world over. Neither republican France nor monarchical Germany allows private publishers to send their paper-covered books through the mails at a nominal price.

[From the Chicago Chronicle.]

The Chronicle is in receipt of a circular letter from a publisher and bookseller of New York, with an accompanying remonstrance against the passage of the Loud bill to prevent the carrying of all sorts of literary merchandise through the mails at newspaper rates.

The Chronicle is not in the business of raking chestnuts out of the fire for the benefit of publishers of questionable literature. Its position on this question of giving special postal rates to pet classes is clearly defined. It is opposed to giving special rates or gratuitous service to any class of people or any line of business.

Publishing by private individuals, firms, or corporations is not a public business. Nor is it a business which has any claims whatever upon charity, public or private. It is a business carried on for gain, and is no more entitled to aid at the public expense than is the grocer's business or the butcher's business. If anybody wants to have his merchandise carried by mail, whether his merchandise consists of books, beets, or newspapers, let him pay for the service what it is worth. It is not the business of the Government to render gratuitous service to favored persons and make the taxpayers foot the bills.

The principle involved is perfectly simple. Any statesman with the sense of a serpent and the pluck of a canary bird can see it and apply it. There is no good reason why a statesman from the rural districts should be afraid of the magnate of the paste pot, or why a statesman from the city should stand in dread of the displeasure of the man who wants to send cheap and vile literature through the mails at next to deadhead rates. The Loud bill is all right as far as it goes. The trouble with it is that it does not go far enough.

[From the Chicago Times-Herald.]

It is interesting to note the character and source of the protests that are being sent to Washington against the passage of the Loud bill, which proposes to correct the abuses of second-class mail rates. These protests, without exception, are from the various interests that have profited by having the Government haul their product at pound rates in violation of the plain intent of the postal laws.

The special interests that have procured a misapplication of second-class mail rates for the benefit of their own commodities are setting up all sorts of ridiculous pleas in behalf of the "dissemination of popular intelligence" in order to keep Congress from removing this costly burden from the mails.

The people of the United States ought to understand that the real cause of the postal deficit is found in the enormous wrongs which have grown up in the perversion and abuse of the privilege accorded to second-class matter. If any Congressman is in doubt as to the real cause of this deficit, let him read the last official report of Postmaster-General Smith. Commenting upon the flagrant abuses of second-class mail rates, he says:

"For this costly abuse, which drags on the Department and weighs down the service, trammels its power and means of effective advancement in every direction. It involves a sheer wanton waste of $20,000,000 or upward a year. The postal deficit for the current year (1899) is $6,610,776. But for this wrongful application of the second-class rate, instead of a deficit there would be a clear surplus of many millions. This misapplication of a legitimate public object to strictly personal ends not only entails a large loss and taxes all the people for the benefit of a few, but it cripples the Department and obstructs needed improvements.

"The wrongs which have proved so injurious were never contemplated by Congress. They are wholly outside the intent of the law. In the reform which is suggested (in the Loud bill) it is not proposed to restrict the privileges of legitimate publications or to modify the design of the law, but only to bring back its application to its original and just scope."

The Postmaster-General estimates the amount of matter wrongfully transmitted at the pound rate last year at 176,351,613 pounds. If this had paid the average third-class rate, as the law intended, there would have been a surplus in the Post-Office Department in 1899 amounting to $17,637,570. And yet the beneficiaries of this costly abuse are endeavoring to persuade Congress that a loss of $20,000,000 revenue through such abuse is not the real cause of a deficit of $6,610,776.

They are suggesting all sorts of remedies for this deficit except the real and rational one. They urge Congress to cut down the pay for the transportation of the mails on the contention that freight rates and passenger rates have declined while the mail rates have remained stationary. As a matter of fact, any comparison between freight rates and mail rates is absurd.

Hauling the United States mails is a vastly different proposition from hauling corn and cattle. The railway company can not fill a car to the roof with mail as it fills it with corn. Each car is a completely equipped traveling post-office, and the demand of the business interests for distribution is such that only about 2 tons of mail can be carried in one car.

But, even though a comparison were allowable, the contention that there has been no reduction in the rates for hauling the mails is fallacious and is based upon ignorance of the law governing such compensation. It was shown by Professor Adams in his testimony before the postal commission that through "the natural working of the law" the pay for transportation of the mails has declined from 26 cents per ton per mile in 1873 to 12.5 cents per ton per mile in 1898, a drop of 50 per cent.

The law of mail pay to railroads changes automatically, arbitrarily, and radically with increase of the number of pieces of mail required to be handled and corresponding increase of weight. The law, in fact, secures to the Government a constantly falling rate as transactions increase.

The testimony of the Postmaster-General as to the real cause of the postal deficits should outweigh the specious pleadings of those who have profited by the enormous abuses of second-class rates. The first step in the direction of wiping out the deficit is the passage of the Loud bill.

Before the reading of the foregoing was concluded,

The SPEAKER said: The time of the gentleman from Ohio [Mr. BROMWELL] has expired.

Mr. BROMWELL. I ask for additional time sufficient to allow the reading of this article to be finished. There is a good deal of meat in it, and I hope gentlemen will give it their attention.

Mr. MOON. We do not know how long the article is.

Mr. BROMWELL. I think it will not take more than about three minutes to finish the reading.

Mr. MOON. All right.

The SPEAKER. The Chair hears no objection to the request.

The Clerk resumed the reading of the article from the Chicago Times-Herald, but was interrupted by

Mr. CUMMINGS, who said: May I ask the gentleman from Ohio [Mr. BROMWELL] a question? What paper is this editorial from?

Mr. BROMWELL. The Chicago Times-Herald.

Mr. CUMMINGS. Is that the paper which some years ago printed an account of an execution and headed it "Jerked to Jesus?"

Mr. BROMWELL. I do not know anything about what may have been published in this paper some years ago——

Mr. CUMMINGS. I think that is the paper. It was the Chicago Times.

Mr. BROMWELL. But I hope the reading of this editorial will be continued without interruption.

The Clerk resumed and concluded the reading.

Mr. BROMWELL. Mr. Speaker——

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. BROMWELL. I understand that; but I was going to ask for two minutes to call the attention of the House to newspaper comments favorable to this bill to the number of 85 leading newspapers of the United States, representing very nearly every State, if not every State, of the Union. I ask permission that a list of these papers be published in the RECORD in connection with the extracts just read—only the names of the papers.

There was no objection.

The list referred to by Mr. BROMWELL is as follows:

Favorable newspaper comments on second-class mail matter.

State.	City.	Paper.
Alabama	Birmingham	Herald.
	Mobile	(?)
Arkansas	Little Rock	Democrat, Gazette.
California	Sacramento	Record-Union, Call.
	San Diego	Union.
	San Jose	Herald.
	Oakland	Inquirer.
	San Francisco	Call.
	Oakland	Times.
Colorado	Salida	Mail.
Connecticut	Bridgeport	Standard.
	Hartford	Telegram.
	Middletown	Press.
	Naugatuck	News.
	New Haven	Palladium.
	Putnam	Patriot.
	Derby	Criterion.
Delaware	Wilmington	News.
Georgia	Atlanta	Constitution, Journal (3).
	Augusta	Herald, South.
Illinois	Bloomington	Pantagraph (2).
	Chicago	Herald, Inter-Ocean, Living Church, Post (2), PostalRecord, Record (2), Times-Herald (4), Tribune (4).
	Peoria	Journal (2).
	Waukegan	Gazette.
Indiana	Fort Wayne	Gazette.
	Huntingburg	Independent.
	Indianapolis	Journal (2), News (2).
	Lafayette	Courier.
	Newcastle	Courier.
	New Albany	Tribune.
	Richmond	Item.
Iowa	Des Moines	Capital (2).
	Sioux City	Journal, Tribune.
	Mason City	Times-Herald.
	Clinton	Herald.
Kansas	Atchison	Champion, Globe.
	Osawatomie	Graphic.
	Topeka	Capital.
	Winfield	Courier.
	Leavenworth	Times.
Kentucky	Louisville	Courier-Journal (2).
	Shelbyville	News.
Maine	Bath	Enterprise.
	Portland	Press (3).
	Augusta	Journal.
Maryland	Baltimore	American, Herald (2), News (2).
	Frederick	News (2).
	Hagerstown	Globe.
Massachusetts	Boston	Herald (3).
	Greenfield	Courier.
	Newton	Graphic.
	Northampton	Gazette.
	Salem	News (2).
	Worcester	Spy.
	Pittsfield	Journal.
Michigan	Cheboygan	Democrat.
	Grand Rapids	Herald.
	Adrian	Times.
Minnesota	Duluth	Herald (2), Tribune.
	Minneapolis	Times, Tribune.
	Renville	Record.
	St. Paul	Pioneer-Press (2).
	Winona	Republican.
Missouri	St. Joseph	News.
	St. Louis	Democrat, Star.
New Mexico	Albuquerque	Citizen.
Nebraska	Omaha	Bee (2), News, Herald.
	Western	Wave.
	Ord	Quiz.
New Jersey	Jersey City	Journal (2).
	Newark	Advertiser, News.
	Passaic	News.

Favorable newspaper comments on second-class mail matter—Continued.

State.	City.	Paper.
New Jersey	Camden	Courier.
New York	Adams	Journal.
	Albany	Argus (2).
	Brooklyn	Standard-Union.
	Buffalo	Commercial, Courier.
	Elmira	Advertiser.
	Glen Falls	Times (3).
	Kingston	Freeman.
	Newburg	Journal.
	New York	Commercial Advertiser, Fame, Fourth Estate (2), Journal of Commerce and Commercial Bulletin, Mail and Express (2), Newspaper Maker, Morning Press, Times, Tribune, World (2), Commercial, Advertiser.
	North Tonawanda	Argus.
	Poughkeepsie	Eagle.
	Rochester	Express.
	Troy	Times (2).
	Utica	Herald.
	Watertown	Standard.
	Oneonta	Star.
	Wellsville	Reporter.
North Dakota	Jamestown	Capital.
Ohio	Cincinnati	Messenger.
	Cleveland	World, Plain Dealer.
	Dayton	Journal.
	Springfield	Sun.
	Lebanon	Republican.
	Cincinnati	Presbyter.
	Martins Ferry	Times.
	Perry	Forum.
Pennsylvania	Allentown	News.
	Columbia	News (2).
	Erie	Dispatch, News.
	Harrisburg	Star-Independent (2).
	Jersey Shore	Spirit.
	Lancaster	Examiner.
	Lock Haven	Democrat.
	Mauch Chunk	News.
	Glen Rock	Item.
	Shenandoah	Herald.
	Norristown	Herald.
	Reading	Telegram.
	Erie	News.
	Ashland	Telegram.
	Philadelphia	Item (2), Press, Public Ledger (2), Record (2), Star, Times (3).
	Pittsburg	Dispatch.
	Pottstown	News.
	Meadville	Republican.
	Wellsboro	Agitator.
	Westchester	News.
	Wilkesbarre	Record.
Rhode Island	Providence	Journal.
South Dakota	Elkton	Record.
	Watertown	Opinion.
Tennessee	Nashville	American.
Virginia	Lynchburg	News.
Wisconsin	Baraboo	Republic.
	Fond du Lac	Commonwealth.
	Milwaukee	Evening Wisconsin.
	Racine	Journal, Times.
	Waukesha	Democrat.
	Madison	Democrat.
West Virginia	Petersburg	Press.

Mr. CUMMINGS. Mr. Speaker, I have here a letter from the chancellor of the New York University, reading as follows:

NEW YORK UNIVERSITY, UNIVERSITY HEIGHTS,
New York, March 19, 1900.

MY DEAR SIR: Please favor the cause of colleges, schools, and general education by opposing the Loud bill (H. R. 6071) or causing it to be amended so that college and school publications may still be sent through the post-office as second-class matter. As a worker for education for a generation, I know that such periodicals are very useful and are seldom or never self-supporting, but are maintained by students as a rule at considerable cost. It is very unwise for the Government to discourage such papers when it is so liberal in its postage rules in various other directions.

Very truly, yours,

HENRY M. MACCRACKEN, *Chancellor.*

Hon. A. J. CUMMINGS,
House of Representatives.

I have also the following letter from R. W. Massey, president of the Massey Business Colleges, of Columbus, Ga.:

COLUMBUS, GA., *March 9, 1900.*

DEAR SIR: I would respectfully call your attention to the inclosed circular letter, which refers to the Loud bill. Should this bill pass in its present form, it would strike a severe blow at the cause of education. We believe that our worthy educational institutions are certainly entitled to the same privileges granted to trades unions and lodges.

Please consider the excellent reasons stated in the circular letter.

Very truly, yours,

R. W. MASSEY,
President Massey Colleges.

Hon. A. J. CUMMINGS,
Washington, D. C.

An appeal to friends of education—The Loud bill (H. R. 6071) strikes a blow at the cause of education.

To Members of Congress.

GENTLEMEN: Permit me to call your attention to a matter of great concern to the educational interests of the United States. On the 20th instant the Loud bill (H. R. 6071) comes before your honorable body. Section 7 of this bill repeals the Manderson-Hainer act absolutely, while section 4 protects benevolent and fraternal societies, trade unions and lodges, to the exclusion of the school and other beneficiaries of the act of July, 1894.

This is a great injustice to educational institutions, and one I am sure should be prevented. The bill should be amended so as to give educational institutions the same privileges that are granted benevolent or fraternal societies, trade unions, and lodges.

I call your earnest attention to the following facts:

1. Pound-rate postage exists to facilitate the spread of intelligence among the people. It gives the public cheaper newspapers, and if it is accorded to the schools it will tend to popularize and cheapen education.

2. Every good school, public or private, is distinctly beneficial to the general public. The school paper furthers the interests of the school, and, therefore, of the general public. It is a potent influence in persuading our young people to become educated. It is not a self-supporting private enterprise, as is the ordinary newspaper; it is an adjunct of the school and a part of the school's work. It, therefore, does not appeal to support through personal subscriptions, and could not, as a rule, be thus supported. It asks for the cheap mailing privilege in behalf of its educational mission, and the fact that it is issued to the public gratis all the more entitles it to this privilege.

3. Mr. LOUD urges that all periodicals, school papers along with the rest, should be required to have regular paid subscribers; but he departs from this rule in the case of trades unions and lodges. Upon what theory of policy or justice does he grant the cheap mailing privilege to these organizations and not to the schools? Is not a school with its hundreds of students quite as much a public enterprise as is a lodge or an association of carpenters or tailors? Under Mr. LOUD'S proposed measure, an organization of bartenders, or distillers, or cigar makers can distribute their literature through the mails at pound rates, while a college or academy would have to pay the Government twenty times as much for the privilege of sending the school literature to its students and patrons. Is not such discrimination a direct blow at the educational cause?

4. Nearly all school periodicals have local circulation only, being distributed in the immediate vicinity of the school. The cost of distribution is therefore a mere bagatelle as compared with the cost of mailing papers which go to all parts of the country. In nearly all cases the charge of 1 cent per pound actually pays the Government the full cost of transmission. In the case of the country weekly newspaper, the Government effects this local transmission through the mail free. Under these circumstances, to charge the schools 1 cent per copy, or more than 20 cents per pound, is to burden the school with a tax as unjust as it is impolitic. If the Government transmits the country newspaper free, should it not at least carry the school paper at actual cost? It transmits the Police Gazette and all other classes of immoral and sensational publications at pound rates under circumstances that cause a direct loss to the postal revenues of millions of dollars annually, yet Mr. LOUD'S proposed bill refuses to carry educational literature at cost, and proposes to tax our worthy institutions of education, while it pays a bonus to thousands of sensational and advertising sheets that, so far from benefiting the public, are positively harmful in their influence.

5. The schools that issue periodicals in the interests of their educational work are, for the most part, the schools of the common people, situated in small cities and villages, and devoted to supplementing the work of the public schools with more advanced courses of general or special education. They are attended by students who can not afford to attend distant colleges or universities. They consist mainly of academies, normal schools, industrial and business schools, etc. Their rates of tuition are low, and they are not backed by large endowments or public funds. They afford to the farmer or mechanic an opportunity of giving his children technical or preparatory training near at home and at a moderate cost. Surely it is not unreasonable to ask that the Government foster these worthy popular schools to the extent of transmitting their periodicals through the mails at cost.

6. But it is urged that if the pound-rate privilege be allowed to the schools, this privilege will be abused by certain schools that will take advantage of it to circulate advertising matter in no way related to education. In reply to this it may be said that the objection is equally pertinent in the case of periodicals issued by lodges, etc., and of the general newspaper itself. It would be an easy matter to insert a clause in the law restricting the advertising functions of the school paper and other periodicals; but this objection has never been raised in the case of the country newspaper, which often consists almost wholly of advertisements, but which, as before stated, is transmitted through the mails entirely free of charge. Why, then, should this advertising bugaboo be raised up in the case of the school paper?

7. In all the reports of Postmasters-General, and in all the literature sent out by the advocates of the Loud bill, it has not once been charged that the schools have anywhere been guilty of abusing the pound-rate privilege accorded to them through the wise and beneficent act of 1894. We therefore urge that the present attempt to debar them from this privilege is unwarranted, unwise, and entirely unsupported by public sentiment, which is everywhere favorable to the largest and most liberal encouragement of educational interests.

Yours, truly,

RICHARD W. MASSEY.

Now, in reply to what some gentleman has said about the fact that a ton of an edition of Sapho had recently been sent through the mails from the city of New York, I want to say that you of Congress have fastened upon New York City Anthony Comstock, a well-known and respected official, whose duty it is, if this book is pernicious and meretricious in its tendency, to see that its sale is stopped. It is not necessary to pass the Loud bill to do this. You can do it now under the law. I see the performance of Sapho by Olga Nethersole is stopped, and if this is right, the same power invoked might stop the sale of the book. If you favor the Loud bill, why do you not pass a bill preventing all theatrical exhibitions whatever, because a police justice says Olga Nethersole has overstepped the bounds? [Laughter.] I protest against punishing honest men, who are giving us cheap literature under the law as it now stands, because some publisher of pernicious literature violates the law and takes advantage of this second-class rate. [Applause.]

[Here the hammer fell.]

Mr. COWHERD. Mr. Speaker, I did not intend to take up the time of the House, but intended simply to content myself with voting for this measure, but after it has been so vigorously and viciously attacked I feel I owe it to myself as a member of the committee to go unequivocally on record in regard to the measure.

I want to say that I favor this measure, for one reason, because

every man in an official position, Democrat or Republican, who has ever had occasion to give proper consideration to the law, has recommended it to Congress. And I submit, gentlemen, that five Postmasters-General, of all parties, who have given careful study to the extent of from two to four years, are entitled to at least as much consideration as the gentlemen who have rushed into opposition because they have received a protest from some paper or commercial school.

I favor the bill further, Mr. Speaker, because three members of this House, appointed upon a postal commission, men whose superiors in industry, in ability, and in integrity do not sit upon this floor, after two years' study of this question, are each and all, Democrat and Republicans, in favor of the bill. And I submit, again, they are entitled to as much credit and weight and authority as the men who have jumped into opposition to the measure without knowing what it contains, as is proven by the speeches that have been made here against it.

Now, Mr. Speaker, I want to say that the real opposition to the bill was stated by a distinguished gentleman of this House the other day in these words. He said:

> I have been now about a month explaining my vote on the Puerto Rican bill, and I am not going to cast another vote which I have got to explain, and therefore I will vote against this measure.

Mr. CUMMINGS. He is sound.

Mr. COWHERD. I want to say, Mr. Speaker, he is unsound. And we do not propose that the men who vote for this measure shall have a monopoly of explanations. When gentlemen go back to the man who is following the plow or pushing the plane and tell him that the loss on carrying and handling the fake advertising sheets and fraudulent serials is more than twenty-five millions a year, which sum must be gathered from the taxpayer for the benefit of these favored publishers, and that they voted for the continuation of such a policy, they will find opportunity for a little explaining themselves.

When gentlemen say the Post-Office Department ought to be on the same level as the War Department and the Navy Department, which means, if it means anything, to take out of the general revenues of the Government a hundred million dollars a year to carry and handle the mails, and wipe out all charges for postage, there will be another opportunity for explanation. The taxpayer will remember the Government tax is on our consumption and the poor man pays as much as the rich; and when you say to him that he ought to pay as much, and in making up the deficit he does pay as much, as the great business house in Chicago that mails 5,000 letters a day, I want to say that the man who votes against this bill has got to do some explaining himself.

Now, Mr. Speaker, just one other question. My time is so limited I can not attempt a connected argument. The great cry on this floor has been that this bill would stop the sending of the serial to the poor boy in the country, and they say that that will stop a raft of excellent literature; and it would, if it stopped it. It will also stop a raft that is not so good.

But how does the serial get to the poor boy in the country today? It gets there by printing a fraud on the back of the publication and filing a false affidavit with the Postmaster-General. That is according to the Postmaster-General's own statement.

Now, they say that this is for the benefit of the poor boy, and the discrimination is made in favor of unbound books because they are purchased by the poor. I assert that by taking advantage of this abuse of the mails the publishers are enabled to sell their ephemeral works at enormous prices. You have no right to discriminate against a well-bound book to make a market for the paper back. Here is a novel, The Fastest Boy in New York, published in a serial containing The Ubiquitous Yank and The Greatest Detective of the Italian Quarter, and so forth. That sells for 25 cents. How can it sell at that? Because by putting a falsehood on the back and filing another at the Department it can go at the pound rate.

There is a work of Alexandre Dumas, printed on much better paper, with better type, and in permanent form, with a permanent binding; that sells for 15 cents, and it can not go through the mails at the pound rate because it is put up in decent shape. Now, gentlemen, do you want to stand for that kind of legislation?

Here is one of the Beadle series, The Velvet Hand; or, the Iron Grip of Injun Dick. [Laughter.] That can go through the mails because the publisher swore he had a list of subscribers, which the Postmaster-General says in most cases is a false statement, and because the publisher stuck on top of it a serial number. That sells to the poor boy for 10 cents, and finds a market because it is favored in the mails.

There is Rob Roy in permanent form; that sells for 15 cents, and it can not go through the mails because the publisher would not print one falsehood on it and swear to another, and because it has got a good back on it. [Applause.] Do gentlemen on this side of the House want to stand for that kind of legislation? I say the man who votes against this bill has got all the explaining to do.

Mr. RIDGELY. Will the gentleman permit a question?

Mr. COWHERD. I have only five minutes.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. COWHERD. I will ask the House to give me five minutes more.

Mr. STEELE. Make it ten minutes.

Mr. COWHERD. I only care for five minutes.

The SPEAKER. The gentleman from Missouri asks that he have five minutes more. Is there objection?

There was no objection.

Mr. RIDGELY. Now, Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. COWHERD. For a question; yes.

Mr. RIDGELY. The question is, Does not the law as it now stands rule out this very literature?

Mr. COWHERD. The law rules out this literature as it now stands, and the law rules out that literature as it now stands until you put a falsehood on the back of it and file another in the Department.

The law intended to admit what? It intended to admit newspapers, it intended to admit periodicals, such as magazines, and the framers of it evidently thought they were describing magazines when they gave the pound rate to periodicals published at certain stated intervals, numbered consecutively, issued from a known office of publication, formed of printed sheets of paper without board, cloth, leather, or substantial binding, and having a legitimate list of subscribers. Now, this book is not a periodical, it is not published at stated intervals, and, as a matter of fact, it has not a list of subscribers.

Why, Mr. Speaker, the worst thing about the prohibition law, except the fact that you can not enforce it, is that it breeds lawbreakers and liars, and one of the worst things about this postal law is that it makes men sign falsehoods and print them in order to get the advantage of the mails.

Now, there is another book that I found this morning in a bookstall here in Washington. I bought it for 5 cents. It is The Woman in White, written by Wilkie Collins, bound in good shape. That book is shut out from the mails; but the man who wants to help the poor boy, the man who is voting $25,000,000 or more a year out of the pockets of the people of the United States into the pockets of the favored publishers who are sending the protests to your home that are remailed to you; those men, if they publish that novel, publish it and put a paper back on it so that it can not last the poor boy through one reading, and then it can go through the mails, if it has a serial number at the top of it and an affidavit as to its subscription list on file in the post-office.

Mr. CUMMINGS. May I ask the gentleman one question?

Mr. COWHERD. Yes.

Mr. CUMMINGS. You bought that at a secondhand bookstore, did you not?

Mr. COWHERD. I did not. I bought it at what is called the Boston House, Woodward & Lothrop, down here at Eleventh and F streets, one of the biggest retail houses in town. They do not carry any secondhand stuff.

Mr. CUMMINGS. It is auction stock, though.

Mr. COWHERD. No; it is not auction stock, either.

Mr. KLUTTZ. It is a bargain-counter book.

Mr. COWHERD. Whether it is a bargain-counter book or not, you can not find the day when you can not go into these bookstores and buy this kind of literature, many of the best novels, in good binding, for from 15 to 25 cents, and you shut these books out for the benefit of the poor boy and let the paper-back in, if the publisher is sufficiently depraved to perpetrate a fraud.

Mr. SNODGRASS. And you do it even if you pass this bill.

Mr. WILLIAMS of Mississippi. Do you say that book can be bought for 5 cents?

Mr. COWHERD. That is what I paid for it.

Mr. SNODGRASS. You could take off the binding and reduce the weight, and then get it admitted to the mails at second-class rates.

Mr. COWHERD. Now let me answer that. If you are going to let cheap, ephemeral publications of that kind [indicating] go through the mails, if you are going to continue to tax the people for the benefit of the publisher, then by all means extend the law and let the permanent well-bound books go through the mails also. But when you do it, remember the chairman of the committee has said you increase the cost of the service, and instead of losing forty-five millions on the hauling and handling of second-class matter you will lose $100,000,000.

Mr. NEVILLE. Would you change and repeal the laws which grant liberties and privileges to the American people because some criminals violate the laws of the land?

Mr. COWHERD. Liberties and privileges of the American people! Is that a liberty or a privilege to send such publications through the mails [indicating], when every man that sends them out, with the probable exception of one firm, violates the law to

get the privilege? Is the perpetration of a fraud a privilege? Under the construction it now bears, the spirit of the law is always violated; and I claim that no man can stand before the American people and sustain it.

Now, gentlemen have risen again and again and have said, Why, it does not make any difference if there is a deficit in the postal revenues. I contend that it does. I do not agree with the gentlemen that take the other side. I say the postal service is a service rendered for a fee, and as near as is practicable a man pays in proportion to the use he makes of the mails. But a deficit must be paid out of general revenues raised by taxation from all the people. It is taking money out of the pockets of the people for the benefit of the publisher of the fake advertising organ and the fraudulent serial.

The SPEAKER. The time of the gentleman has expired.

Mr. STEELE. I would like the gentleman to have five minutes more, so as to answer his colleagues, who seemed to be a little pressed.

The SPEAKER. The gentleman from Indiana asks that the time of the gentleman from Missouri be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COWHERD. I shall not use it, Mr. Speaker, as other gentlemen desire to be heard.

Mr. CUMMINGS. I do not object; but I think it is a little unfair to me that I should be limited to five minutes while the gentlemen on that side have as much time as they desire.

Mr. COWHERD. I do not ask it.

The SPEAKER. The gentleman from Missouri, after having five minutes yielded to him, declines to use it.

Mr. GREEN of Pennsylvania. Mr. Speaker, the subject-matter of this bill is not of recent date. It has received the earnest consideration and careful scrutiny of the members of a number of Congresses. For some reason it has always failed to be enacted into law. Under these circumstances it will bear the close examination of every member of this body. My attention has been called to the bill by a large number of letters, remonstrances numerously signed, and by newspaper articles, all from the constituency I have the honor to represent.

With a very few exceptions they ask me to vote against the measure, and thus allow the present law to remain in force. Not only do these protests come from Berks and Lehigh counties, but many more come from over the United States. This has caused me to give more than a casual examination to the proposed legislation, and I will admit much has been said in favor of the bill that seemed plausible, and it was only after diligent search and a careful analysis of the arguments for and against that I reached the decision that at the present time this legislation was not needed, and the passage of this proposed curative measure might be exceedingly unwise and perhaps quite injurious to the interests of not only the people I speak for but of the general public.

Two facts have been relied upon by those who advocate its passage. First, the Postmasters-General of the United States for years have recommended a decided modification of the present laws regulating second-class mail matter, and especially the particular changes sought to be made by this proposed legislation. Second, the Committee on Post-Offices and Post-Roads are almost unanimous in their favorable recommendation—only two out of seventeen being opposed.

I have made a careful examination of the reports, with the statistics, criticisms, and recommendations of the Postmasters-General from that of Hon. William L. Wilson for the fiscal year beginning June 30, 1895, and ending June 30, 1896, and of every Postmaster-General from that time down to that of the year ending June 30, 1899, including those of Postmasters-General Gary and Smith. The report made by Postmaster-General Wilson mentions the fact that his predecessors, Bissell and Wanamaker, also took similar action and made similar recommendations.

These officials start with the premise that the mail service should be not only self-supporting but made to pay a handsome revenue. This is certainly a fair business proposition, and, if this Government would be run with an eye single to make money, would be unanswerable. It is pardonable that these ambitious gentlemen should, as they say, make a struggle to establish the mail service on a paying basis.

They seem in their reports to have forgotten two propositions, that while it might be desirable that the service should be made to pay, such a result should not be brought about at the expense of the general public, either by giving them indifferent service or by withholding from them advantages, educational and other, which are of many hundred times more value to the people than the small contribution from the general fund raised by taxation required to pay the annual deficit, as it is called.

Second. These officials seem to forget that there is another way to wipe out this annual deficit and reach the paying basis and that is by economizing in the money they pay railroads and other transportation companies, by lowering the exorbitant rates which they charge for carrying our mail matter.

Large salaries might be reduced and many other departmental expenses. For it is no secret to the people of this country that the Government employs one-third more hands and pays higher salaries than the individual for similar service.

Here let me call your attention to a noticeable fact, and that is, notwithstanding all these extravagances, the volume of mail matter carried has so greatly increased during the last five years that by June 30, 1902, the deficit will be wiped out without changing the law or without changing a single ruling of the Department, through which rulings I firmly believe most of the abuses complained of arise.

Let us examine this much-talked-of and much-lamented deficit. In 1896-97 it was $12,987,585.90; 1897-98, $9,020,905.06; 1898-99, $6,610,776.75; 1899-1900 (estimated), $4,265,888.05, and in 1900-1901 (estimated), $3,000,000.

This latter estimate is high, and on the same ratio of decrease as that in former years would not be more than $2,000,000, and in 1902 there would be a surplus.

So, if there ever was a time when the present law was a crying evil and its change a great necessity that time might have been in 1896-97, and not at this late day, when it is rapidly becoming a paying business under the present most liberal postal laws.

After a careful examination of the arguments, I am inclined to believe that the radical changes proposed by this measure, instead of shortening the time at which this service will become paying, will very considerably postpone that time, and in the meantime may cause many interests, especially those of the publishers of good, cheap literature and those whose labor is employed on it, much suffering and loss.

In changing long-established laws and customs it is generally well to go slow and make the changes gradual, so that the readjustment is but little noticeable.

You ask me on what I base this opinion, and in answer I say that it is agreed by all who know anything about the statistics of the postal service that the great paying service is that of first-class matter—letters paying 2 cents and upward.

This kind of mail is carried at a large profit. One Postmaster-General says that the average cost to carry first-class matter is 18 cents a pound. The average revenue received is 93 cents a pound, or an average profit of 75 cents a pound. Third-class matter, he states, pays its way, and there is a slight profit on fourth-class matter. If we consider for a moment and take our practical experience only, is it not true that a large number of letters are written and sent by reason of the wide distribution of second-class matter?

Remember that second-class matter is made up of newspapers, magazines, pamphlets, periodicals, all containing advertisements—and how many letters are written by reason of the information received from these advertisements? We can safely say at least one-third. Withdraw these feeders to the first-class mail matter and its profit vanishes, or much of it, and with it much of the business of the country, too.

Wants grow with knowledge. With ignorance and rigid economy comforts become few and luxuries pass entirely away.

With knowledge, education, and refinement the wants of mankind increase in direct proportion to the progress he has made. Instead of one coat, which he can shift with and wear patched, he wants two, and he wants them in the prevailing style and of the prevailing fineness of texture. He wants better and a greater variety of food, instead of bread and water. He wants carpets and curtains, handsome furniture, pictures, flowers, musical instruments and jewelry, books, papers, and magazines. He wants machinery to lighten his labors and the thousand and one improvements which mark the life of our plain people in the last two decades and make it pleasant and happy.

A great hue and cry has been raised by these Postmasters-General that second-rate mail matter costs more than it directly pays. That is true and always was true, and that has always been the policy of the law, too, for some kinds of second-class matter now and always has gone through the mail free without paying a penny of postage and freight. Many people, perhaps, do not know that most newspapers go through the mails free.

That is the main reason why they are brought to the doors of the people living outside of the great cities and towns so cheap and for no more than they cost to the people living in the place they are printed. The law is:

Newspapers, one copy to each subscriber in the county where the same are printed in whole or part and published, are carried free.

By a ruling of the Department, exchanges with other papers, are carried free, as they are ranked as subscriptions paid in kind.

The Postmaster-General, in his report of the fiscal year ending 1898, fixes the absolutely free delivery of newspapers mailed free in the counties of publication at 59,316,412 pounds alone; in 1897 it was 52,348,348 pounds; in 1899 it was 62,241,700 pounds.

Again, the right was given to newspapers to send their issue beyond the limits of the county in which published at the nominal rate of 1 cent a pound.

These privileges or concessions, as they are called, are further enlarged by departmental ruling to allow to be shipped by mail sample copies at the 1 cent a pound rate. Great advantage is taken of this ruling and quantities are sent out to nonsubscribers in the hope of interesting them. So, also, when an advertiser or person is interested in distributing an article appearing in the paper, the cent a pound rate is invoked and distribution made through Uncle Sam's mail service. Now, do any of these Postmasters-General complain of the loss of money entailed by the Government by this free distribution of newspapers or this distribution of them at a nominal rate?

Not at all; they seem to fear their political power and excuse or approve of the law, the rulings, and the customs. They admit this is done at a great loss to the United States, as they claim it costs on the average of 8 cents a pound to distribute this matter, while it pays nothing, or at most 1 cent a pound, entailing a loss of 8 cents a pound on nearly 62,000,000 pounds, or $5,000,000, and of 7 cents on over 20,000,000 pounds more, or about $1,500,000; in all, about $6,500,000.

What do they say to this loss? I take the following from the reports quoted above. Postmaster-General Wilson says:

> This grant of free transmission is of long standing and rests on the ground of public policy, which I have no disposition to question.
> So likewise the granting of nominal and losing rates for transmission through the mails of legitimate newspapers and periodicals may be assumed to be a deliberate policy of Congress, in view of the legislation of 1874, 1879, and 1885, though it is doubtful if Congress anticipated the immense loss involved in the grant of the 1 cent a pound rate in 1885.

Postmaster-General Gary, on this subject, says in his report:

> The earliest concession—one to which little or no objection on the ground of public policy has ever been raised—was made to publishers of country newspapers and permitted them to send one copy of their paper free to each subscriber living within the county of publication. This was followed up by granting to publishers of newspapers the right to send out their issues beyond the limits of their county at 1 cent a pound. To this no serious objection was made.

The present Postmaster-General says little on the subject; but that little, and the failure to complain about it and call it an abuse, shows that he too at least is satisfied that this concession continue.

Now, all the objections I have ever heard to the present broad and liberal postal laws comes from these Postmasters-General and those connected with that Department. I have never in a single instance heard the general public complain and ask a change in the law. Nay; when such a change is proposed they invariably protest so strongly that the individual member in Congress listens, hesitates, and votes against changing the law.

For my part, I believe the policy adopted by Congress in framing laws granting these concessions and liberal terms to country newspapers, to newspapers of wider circulation, to magazines, and periodicals of all kinds is wise. They have paid back to this country by spreading education with its attendant civilization and enlightenment in actual dollars and cents an amount infinitely more than it has cost the country.

Uncle Sam has never made a better investment than that represented by the postal deficiency; and if the terms of the investment would be changed and the policy narrowed instead of broadened, I feel sure the change would not pay either the Government nor the people whose immediate interests should be first regarded.

Some men have argued that the general public are not benefited by this governmental liberality. Let us stop a moment and see if they are not only indirectly but very directly benefited.

Suppose the postal laws obliged a 1-cent stamp to be placed on every newspaper or magazine distributed by the mails. Would not the publisher have to raise the price to his subscribers just that much? That would mean $3 a year for each daily newspaper sent by mail to a subscriber. Competition, which is very sharp, controls the price, which is based on the cost.

The cheap rates of the daily and weekly newspapers, magazines, and reading matter of all kinds is due to advertisements and cheap postal delivery. Subscribers alone never by their subscriptions pay for the large majority of publications, and the people get the benefit of every saving, get it directly, and the country and the Government get it also by having better-educated, better-behaved, and broader-minded citizens.

I for one would never by my vote in any way curtail these great and proper privileges for the mere sake of saving a few dollars being paid out of the General Treasury at the expense of these great objects and popular benefits.

But it is argued by the advocates of this legislation that we know the law as it exists to-day creates a favored class. But we think that that favored class has grown too large, and we draw the line at extending the present privileges "to periodicals which are merely books or reprints of books, whether they be issued complete or in parts, bound or unbound, sold by subscription or otherwise, or whether they are premiums or supplements of regular newspapers or periodicals."

Now let us examine this proposition and see whether any good ground exists in drawing this line of distinction, in separating the newspaper sheep from the book goats.

Does the ground of public policy begin and stop at newspapers and magazines, both of which are largely made up of advertising matter? We claim it does not. Cheap books I believe to be every bit as valuable in furnishing educational facilities to the masses as newspapers or magazines.

In fact, if one may be said to be better in spreading education than another, the good book has the advantage. A bad book is neither better nor worse than a bad newspaper. It is easy to guard against the shipping by mail of bad books; we have plenty of laws, with heavy penalties attached, for sending through the mails immoral, obscene, or otherwise injurious literature of any kind.

The carloads of Sapho shipped from New York over the country, to which allusion has been made, should have been refused by the postmaster; they were shipped contrary to law, and the postal authorities are to blame.

So, also, any other book or pamphlet which has not specially been passed upon as second-class matter, and it is no excuse to say the postmasters are imposed upon by false notices printed on the outside covers. Postmasters are paid sufficiently large salaries and given an ample corps of well-paid assistants to be able, without the most culpable negligence, to remedy this abuse. Legislation would not cure the defect, for they would simply close their eyes to new laws, as they do now.

What hirsute appendages are there on reprints which should cause them to be classed among the goats? Reprints are made of the very best books only. There is no sale for an indifferent book which justifies or makes profitable its being reprinted. Reprints are only made of the old masters of literature, the very books which it is most desirable to have extensively circulated and read. Among them are the gems of the English tongue. Most of them are published without a single advertisement appended to them, and must make their way through the world by intrinsic merit alone.

I have carefully gone over the lists published by the great publishing houses of the United States, one of which I have at hand, that of Houghton, Mifflin & Co., of New York. They publish the much appreciated and widely read Riverside Series. This series, without a single exception, is made up of the best works of the best authors—Anderson, Browning, Bryant, Bunyan, Cooper, Dana, Dickens, Franklin, Goldsmith, Hawthorne, Ruskin, Scott, Shakespeare, Stowe, Swift, Irving, Lincoln, Homer, Holmes, Longfellow, Tennyson, Whittier, and many others.

Is there more improving reading published? I would that a copy of each of these publications could be placed in the hands of every boy and girl, man and woman in this broad land. The United States could well afford to send them free. The works of the other publishers are equally choice, and usually from standard writers. The large percentage are English classics, highly interesting, instructive, and improving.

It is urged as an argument that the publishers of these books and reprints make a profit on them at the expense of the United States. This seems to be the principal argument of the friends of this bill. Surely they can not be so blinded to all sense of propriety and logic as to consider this a fair argument. For it could with like force be urged against the concessions made to newspapers, magazines, and periodicals. The publishers of all of them derive a profit.

Yet they—the friends of the bill—admit the benefit is shared by the public. The sheep and the goats stand on the same footing—are subject to the same argument of public policy, and to a member of Congress who wants to be consistent there is no halfway; either all should pay the actual cost of their transmission through the mails or all be granted equal concessions. And it will not do to say that it is all right to give these privileges to the newspaper publishers and deny them to the book publishers. I say give them to both.

The friends of this bill are equally inconsistent in their second proposition, limiting sample copies to 500 or even a larger number. This privilege was never granted by the postal laws; and if it is an abuse, the postal authorities, through whose edicts and rulings it originated, can correct it. How senseless to say that the ruling has been long ago submitted to and approved by an Attorney-General. If that be so, what is there to prevent another Attorney-General and another Postmaster-General modifying or absolutely cutting off the privilege? I call it—they say abuse.

It looks as if they wish to place the responsibility on Congress for abuses of acts which lie at their own door. They are a good deal like the brewers, who were unable to agree among themselves not to sell eighths and sixths of beer, and came to Congress with a bill doing away with beer stamps for eighths and sixths.

But I take the broader ground; if it is public policy to disseminate public information by conceding the free transportation of newspapers to subscribers, is it not equally public policy to increase the number of subscribers by sending specimen copies?

Let the ruling stand, and cease these useless complaints of the present postal laws.

The next particular, or, as they say, reform, aimed at is the taking away from lodges, fraternal and benevolent societies, trade unions, colleges, educational institutions the privilege of sending their papers and publications as second-class matter. They complain of men who for the mere purpose of making money in advertisements are issuing and circulating such papers.

If that be true, the remedy is easy—do not grant them the privilege. Each paper must make application first for the privilege and have it specially granted. How easy it would be to refuse such privilege when it is improperly asked.

Surely this laxity on the part of the postal authorities is no good ground for taking away this valuable privilege from our labor unions, our lodges, educational institutions, and benevolent societies. I have before me a telegram just received from the society of Modern Woodmen located at Allentown. They say the passage of the bill "means a heavy tax on us."

This, no doubt, is the universal verdict of all these organizations, and amendments have been offered which require these society papers to be confined in the matter contained in them to subjects relating to the particular organization alone.

What objection should there be to have printed in them useful and interesting matter which may not be at all connected with the special objects of the society? I see none. Make them all as bright, entertaining, interesting, and instructive as possible, and you will have done a good work, not one upon which a penalty should be inflicted.

All of us no doubt appreciate the value of teaching and preaching and practicing the doctrine of humanity and instilling into the hearts of every citizen a love for his fellow-man. The great growth in recent years of social and beneficial organizations in every State in the Union shows the upward and onward tendency. They teach charity, fraternity, equality, patriotism, and all the Christian virtues. Why place an obstacle in the way of their growth and expansion, all to save a few dollars to the Government?

The policy is a bad one. Nay, rather give them greater facilities and encourage them in other good Christian, humane work by the most generous legislation. Do not strain at a gnat and swallow camels, as you are constantly doing in the voting of appropriations for governmental expenditures. We all know that if there was a surplus ever earned by the postal service it would be frittered away at some place or on some object of much less advantage to the general public.

Such has always been the rule. The Government uses in one way or another all it gets its hands on, and if it is not river and harbor bills, steamship subsidies, and the like, it is such unnecessary and wasteful expenditures as maintaining a war in the Philippine Islands.

The SPEAKER. The time of the gentleman has expired.

Mr. GREEN of Pennsylvania. I ask for a few minutes more.

Mr. LOUD. I call for a vote.

The SPEAKER. The gentleman from Pennsylvania asks for a few minutes more. Is there objection. [After a pause.] The Chair hears none.

Mr. GREEN of Pennsylvania. There is not a single branch of the Government whose running expenses are not entirely paid by the taxes of the people. There is not a single large department in which reforms can not be made which will lower the running expenses to an amount in excess of the amount it is claimed this bill will save the Government. Suppose we begin there, for in that waste the people derive no benefits or privileges.

There is not a college in the land in which the students pay the running expenses. If they were obliged to, few would be able to receive a higher education. Millions have been donated by wise and liberal rich men for buildings, dormitories, instruction halls, and libraries; millions more to pay professors who teach the students, until you find that but a small per cent of the annual expenses of the great institutions of learning are paid by those who receive the direct benefit.

This is so with our hospitals and our many great charitable institutions, and not only do private persons but the State and local governments where they are located also largely contribute. This is for the good of the public, or, to quote the Postmaster-General, "on the ground of public policy."

I see no objection in obliging news dealers to ship back unsold newspapers, periodicals, and books by freight and thus relieving the mails of the matter, expensive to the Government and of no particular use to the public. For such a change I would cheerfully vote, as I believe it an abuse. Yet I am not so sure that this can not be changed by departmental ruling under the law. As I read the postal laws I find no warrant for the practice.

So, also, the requiring of the assortment of mail matter under fair rules and regulations. This should not apply to the shipments of county newspapers sent to post-offices which can, with the present corps of assistants, readily handle all mail matter, but should be limited in its operation to the great distributing centers of miscellaneous second-class mail matter. I am sure the publishers would cheerfully comply with these restrictions.

Amend this bill as you will, you will simply lay snares for the unwary and in no way accomplish any good results to that vast multitude who contribute so largely to the running expenses of this at present extravagantly run Government and receive so little tangible return. Let a halt be called on this legislation by your vote. You may feel assured that no one of your constituents will question the wisdom of your action, and should there be one it is quite easy to show them it was based on a real regard for their interest and a sound public policy.

Mr. LOUD. Mr. Speaker, I ask for a vote.

The SPEAKER. The Chair desires to state that business will be suspended until the House is in order. There are plenty of conveniences for conversation outside. This is the workshop, and the House must be in order before business will be resumed.

Mr. LOUD. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the committee amendments to the second section.

The amendments were agreed to.

The SPEAKER. The Clerk will read the third section.

Mr. BROSIUS. Mr. Speaker, I move to strike out the proviso to the second section.

The SPEAKER. We had passed the second section and the Clerk was ordered to read the third section.

Mr. BROSIUS. But the reading had not commenced.

The SPEAKER. Does the gentleman's amendment apply to the second section?

Mr. BROSIUS. It does.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

In the second section strike out the following proviso:

"*Provided, nevertheless,* That news agents shall not be allowed to return to news agents or publishers at the pound rate unsold periodical publications, but shall pay postage on the same at the rate of 1 cent for 4 ounces."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 305. An act making an additional appropriation for a public building at the city of Seattle, in the State of Washington;

S. 226. An act for the relief of the heirs of Philip C. Rowe;

S. 1008. An act for the relief of William C. Dodge;

S. 2630. An act for the relief of the legal representatives of Merrick, Merrick & Cope;

S. 2035. An act providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by the letters patent;

S. 373. An act for the relief of Avery D. Babcock and wife, of Oregon;

S. 2384. An act to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the Territorial limits of the present State of Nevada;

S. 1231. An act for the relief of Virginia I. Mullan, of Annapolis, Md.;

S. 1759. An act for the relief of William A. Richards, late surveyor-general of Wyoming;

S. 2519. An act for the relief of Mrs. A. C. Wagner;

S. 744. An act for the relief of James Emerson, late a private of Company I, Nineteenth Maine Infantry;

S. 2085. An act for the correction of the military record of Francis A. E. Briot;

S. 2112. An act authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith;

S. 2083. An act for the relief of the children of Matthew J. J. Cagle;

S. 2352. An act to authorize the judges of the district courts of the United States to appoint stenographic reporters, fix the duties and compensation thereof, and for other purposes; and

S. R. 100. Joint resolution for the printing of additional copies of the Report of the Governor of Alaska for 1899.

The message also announced that the Senate had passed without amendment the bill H. R. 4008, "An act to establish light and fog stations to mark the main southern entrance of the new breakwater at Buffalo, N. Y."

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Senate concurrent resolution 24:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of a document entitled "The use of the Roentgen ray by the Medical Department of the United States Army in the war with Spain (1898)," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the War Department.

SECOND-CLASS MAIL MATTER.

Mr. BROSIUS. Mr. Speaker, it has been said that three things suffice for a speech—a fact, an illustration, and a sentiment. In the five minutes I have I can only give one of each. The fact I offer is that under the present law millions of copies of standard literature, the best thoughts of the finest writers that the world has known, find their way to millions of thirsty minds at a cost not beyond the means of the poorest. It is not possible to exaggerate the importance of this fact in a country whose welfare, growth, and greatness must ever depend upon the dissemination of intelligence and virtue among the masses of the people.

The illustration is this: John Swinton was addressing a meeting of Boston transcendentalists. He was interrupted by the question: "What do you think was the greatest thing of the age?" Mr. Swinton replied, "I think the greatest thing of the age was the introduction of Calaban to Cadmus." The Yankee transcendentalists were puzzled. For once they had encountered something they could not penetrate. This elusive parable was too much for them, and Mr. Swinton had to explain that Calaban in the Tempest was an undeveloped, deformed creature, the type of the mentally undeveloped, deformed masses of humanity, and Cadmus was the old Phœnician inventor of letters who, when he taught Calaban to read, led him to think, and that the result was, as a matter of course, the intellectual development of the human race. [Applause.]

Now I add what may pass for a sentiment. Any system of disseminating intelligence that makes knowledge an open letter instead of a sealed book, that makes the best reading accessible to the poorest people, that puts a good book at trifling cost in the hands of an indigent child, that plants the seeds of knowledge at every fireside and adorns with the trophies of learning every home in all the land is the introduction of Calaban to Cadmus

The SPEAKER. The time of the gentleman has expired.

Mr. BROSIUS. Mr. Speaker, I ask for two minutes, to complete a sentence.

The SPEAKER. The gentleman from Pennsylvania asks for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. BROSIUS. Every sale of the cheap reprints of the standard productions in literature and art, every carload, shipload, or wagonload of the best thoughts of the greatest thinkers in all the ages distributed at the smallest cost to those who can ill afford to purchase costlier editions is the introduction of Caliban to Cadmus, and it must be in the nature of things that immeasurable benefits come to the human family from such inexpensive means of feeding the intellectual hunger of the land. I am not willing, by making it expensive, to lessen this stream of beneficence or seal up this fountain of blessing to my country; and therefore I am constrained to vote against this measure. [Applause.] I withdraw the pro forma amendment.

Mr. STEELE. In response to the gentleman from Pennsylvania [Mr. BROSIUS] I desire only to make this suggestion: That if Calaban and Cadmus are sent through the mails, there is no excuse for returning any portion of them as second-class matter.

In this connection I desire to publish in the RECORD a letter from as good a man as ever lived, which bears directly on the question of returning unsold newspapers and periodicals:

PERU, IND., *March 19, 1900.*

MY DEAR MAJOR: Regarding my recent letter to you asking your aid in defeating the Loud bill, will confess that I had only read the passages sent out by the companies and publishers, and, after reading through the report on same, which you kindly sent me, I am "emphatically" of the same opinion as Mr. Wash. Hesing, page 21, and were I in your position should not hesitate to vote for it. Thanking you again for your kind attention in this matter,

I am, very respectfully, ever,

PLINY M. CRUME.

GEORGE W. STEELE, M. C., *Washington, D. C.*

Mr. HENRY of Mississippi. I offer the amendment which I send to the desk.

The Clerk read as follows:

In section 2, line 17, page 2, after the word "shall," strike out "not," and in line 18, page 2, strike out all of section 2 after the word "publications."

The question being taken on agreeing to the amendment, it was rejected, there being on a division (called for by Mr. HENRY of Mississippi)—ayes 54, noes 75.

Mr. LOUD. I now move to close debate on this section.

The motion was agreed to.

The next section of the bill was read, as follows:

SEC. 3. That after the formal admission to the mails as second-class matter of any newspaper or periodical under the conditions prescribed by section 5 of this act, sample copies of any issue thereof, not differing in any respect from the copies sent to regular subscribers, may be mailed at a postage charge of half a cent for every 2 ounces or fraction thereof dispatched to one address, payable by stamps, to be attached.

The amendment reported by the committee was read, as follows:

After the word "mailed," in line 25, insert the following:

"At the second-class rate a number not in excess of 50 per cent of the bona fide subscription list of said newspaper, magazine, or other periodical: *Provided*, That in no case shall the number of sample copies so mailed exceed 500 copies of any one issue: *And provided further*, That all sample copies of any second-class publication mailed in excess of the number allowed herein at second-class rates shall be paid for."

Mr. CLARK of Missouri. Mr. Speaker, I have two amendments which I desire to offer to the amendment of the committee:

In line 1, page 3, strike out "fifty" and insert "one hundred;" so that it will read: "not in excess of 100 per cent of the bona fide circulation."

On page 3, line 4, strike out the words "five hundred" and insert "two thousand;" so that it will read: "sample copies so mailed exceed 2,000 copies of any one issue."

Mr. LOUD. The committee has agreed to accept these amendments.

Mr. CLARK of Missouri. Mr. Speaker, I offer the following amendments, which I send to the Clerk's desk to have read.

The Clerk read as follows:

Strike out the word "fifty," in line 1, page 3, and insert the words "one hundred."

In line 4, page 3, strike out the words "five hundred" and insert the words "two thousand."

Mr. CLARK of Missouri. Mr. Speaker, these amendments mean this: That instead of publishers of newspapers and periodicals having the right to publish sample copies of each and every issue up to "50 per cent" of their regular subscription list, as the original bill provides, and to send them through the mail at the one-cent-a-pound rate, if my amendment is adopted they will have the right to so issue and send through the mails at the 1-cent rate to points outside their counties a number equal to "100 per cent" of their regular subscription list. The other half of my amendment raises the maximum number of sample copies of any one issue from "five hundred," as provided by the bill, to "two thousand." Inside the county of publication as provided by the amendment of the gentleman from Ohio [Mr. BROWN] there is no limit whatever on sample copies.

The committee has agreed with me to accept these amendments. These amendments, together with others to be offered by the gentleman from Minnesota [Mr. HEATWOLE], who is a country editor himself, and by the gentleman from New York [Mr. RAY], and by the gentleman from Iowa [Mr. HULL], take good care of every legitimate paper or publication in the United States, whether daily, weekly, twice a week, monthly, or quarterly, whether published in the city or in the country.

The Loud bill, so called, now before the House is a considerable improvement on the Loud bill of the last Congress. With my amendments and others it is a vast improvement and as good as we are likely to get, if we are ever to pass a law excluding from the 1-cent-pound-rate privilege the fake periodicals which have produced a huge deficit in the postal revenues and which have brought the whole business into disrepute. I helped kill the Loud bill in the last Congress, and will help kill the present bill unless the House adopts my amendments and others which, in my judgment and the judgment of country editors on this floor, fully protect the privileges now enjoyed by legitimate publishers.

In the last Congress I delivered a speech in defense and praise of the country editor, which was the most widely circulated speech that I ever delivered here—circulated by the public press, not by me. I reaffirm here and now every word I said then, and if it were not too great a stretching of the privilege to extend remarks in the Record I would make that speech part of this speech. Then I gave the country editor his meed of praise; to-day I am endeavoring to confer upon him, and through him upon his readers, some practical and substantial benefit, for country editors must be ranked by all rational beings among the most indefatigable and successful of public educators. I once had the honor to be a country editor myself, and my interest in and friendship for members of that fraternity will perish only with life itself.

In my opinion, if the chairman of the Committee on Post-Offices and Post-Roads [Mr. LOUD], whose capacity, courage, and integrity are admitted on all hands, had been as conciliatory on the matter of amendment in the last Congress as he is in this, he would have gotten through his bill cutting off the fake periodicals and curing the deficit, and at the same time legitimate publishers would have been left in the full enjoyment of all their legitimate privileges.

Tuesday morning, before this bill was taken up, I went to the chairman [Mr. LOUD] and to the committee, and proposed to them that if they would accept my amendments and others in my judgment necessary to protect legitimate publishers, particularly country editors, and if these amendments were adopted by the House, I would support the bill. Otherwise I would fight it to the death. I intend to keep my word. The chairman [Mr. LOUD] and the committee agreed to accept my amendments and

certain others, and if the House accepts them I will vote for the bill.

A MEMBER. Was that a trade?

Mr. CLARK of Missouri. Yes, it was a trade—an honest, legitimate trade. You must understand that concession is the only method of accomplishing things here. I get what I think is right for legitimate publishers and the committee cures part of the deficit. I would concede or compromise nothing—not an iota—on a question of principle, but on matters of detail concession or compromise is the secret of securing legislation. The committee concedes to me the principle for which I contend and the details also.

This agreement as to the acceptance of my amendments and others deemed necessary to protect the legitimate press, especially the country press, was brought about largely through the kind offices of my friend from Georgia, Judge GRIGGS, who is not only an able member of the House, but who at all times and under all circumstances has demonstrated that he is the unwavering friend of the country press and of all legitimate publications.

The situation is this: Owing to the large deficit in the postal revenues, either to-day or some other time, a bill like the present one will pass Congress without amendment and cut off the sample-copy privilege of cheap postage rates entirely. For that reason I and others have thought it better to secure by amendment what legitimate publishers need, what they want, and what they must have in order to enable most of them to survive, rather than run the risk of losing all by simply making a stubborn fight against the entire bill, good and bad features alike.

That the deficit in the postal receipts ought to be cured, if it can be done without injury to any legitimate enterprise or pursuit, is admitted by a vast majority of all men of all parties. The deficit is $6,000,000 per annum now.

This bill as amended proposes to do it by shutting out from the 1-cent-a-pound rate fake periodicals and publications. It is suggested that the entire evil could be corrected by scaling down the pay of the railroads for carrying the mails. That may be true. If the rates are too high they ought to be scaled down. I will cheerfully vote for a bill to scale them down if it is shown that they are higher than they ought to be; but there are so many conflicting statements, not only as to whether they are too high but even as to what they are per ton per mile, that nothing short of a patient, careful, thorough examination will throw much light upon that vexed subject. Such an investigation is now being made by the postal commission. Until it makes its report I suppose that question is up in the air. At any rate, it is not before the House now.

The proposition to cut down the railroad mail rates in no way is mixed up with or antagonistic to the pending proposition. The disposition appears to be to play off one against the other. When the fake publications are attacked and an effort is made to cut off their rich perquisites, which no Congress ever intended to confer, in order to cure the deficit, they put on a virtuous air and say:

The deficit is caused by the railroad mail rates. Cut them down.

I suppose when an effort shall be made here to scale down the railroad mail rates the railroads will take the innocent and virtuous tack and say:

Yes, the deficit ought to be cured; but the fake publications produce it. Shut them out and all will be lovely.

If the fake publishers can succeed now, and the railroads then, the deficit never will be cured; and the people, who in the end foot all the bills, will continue to pay the piper.

The Postmaster-General, who ought to know what he is about, and who is the editor of a newspaper himself, estimates that this bill will save $20,000,000 annually to tax-payers. Why not pass it, make that enormous saving, and then proceed to consider the railroad-mail pay when we get the information which the postal commission is accumulating?

Whatever we can save by cutting down the pay of the railroads for carrying the mails we will add to the $20,000,000 to be saved by this bill if it is passed.

But it may be asked:

What will we do with the surplus?

Never bother about that. It is dead easy. Penny postage for letters, rural free mail delivery, more daily rural mail routes, are all demanded by the people; and the answer by the Department to these demands is:

These requests ought to be granted; but there is a large deficiency in the postal revenues now, and we can do nothing.

I am in favor of every proposition to make our mail service more efficient—a thing that can not be done so long as this deficit stares us in the face.

What we are confronted with now is a large deficit in the postal receipts—a part of which deficit is produced by fake periodicals being carried through the mails at the low rate of 1 cent per pound; and it is proposed to cure the deficit, partially, as everybody admits—wholly, as five Postmasters-General have declared—by shutting these fake periodicals and advertising sheets out from the privilege of 1-cent postage.

In addition to the two amendments just read at the Clerk's desk, I have two others, which the committee agrees to accept. One of them substitutes the words "bona fide" for the word "legitimate," as applied to "circulation," in line 10, page 4, and by striking out, in lines 10 and 11, page 4, the words "who voluntarily order and pay, or agree to pay, for the same," thereby clearing up an obscurity as to what constitutes circulation and as to who are subscribers.

Some of our friends appear to think that the 1 cent a pound postage rate under which paper-covered books have been sent through the land as "periodicals" is the sole cause of cheap books. This is a mistake, however. It may be that the 1 cent a pound postage rate has contributed to it; but the prices of all books, no matter how bound and no matter whether sent through the mails or sold over the counter, has come down—not only come down, but come down wonderfully—in these latter days. The real cause of the fall is the multiplication of labor-saving devices and cheaper freight rates.

One of the books which I have owned the longest—bought when I was a mere youth—is Buckle's History of Civilization in England—one of the greatest books ever written—in two large volumes, bound in muslin. I paid $8 for it—nearly one-fourth of my then monthly pay as a country school-teacher. That book, printed in the same sort of type, on the same quality of paper, and in the same kind of binding, can be purchased in any bookstore in Washington for $1 or a dollar and a half. Yet it must always rank among the high-priced books; for, though a marvelous work, it never was and never will be a popular book or have such a tremendous circulation as Macaulay, Dickens, or Scott. The 1-cent postage rate had nothing, absolutely nothing, to do with that fall of price, for no book bound in boards, cloth, muslin, leather, or morocco ever went through the mails at that rate.

Another example: In my library at home I have a nice edition of Thackeray, in 10 volumes, bound in muslin, for which, in 1882, I paid $15—the wholesale price. Just as handsome a set of Thackeray can now be purchased for $3 or $4, perhaps less.

At home I have all the standard poets. They cost me, on an average, about $4 each. During the holidays I ran across a bookstore down on the avenue where I could buy them at 25 cents each, in reasonably good type, on fairly good paper, bound in muslin or cloth, and brand new. I bought a set at that price so as to have them handy and so as not to bother Brother Spofford so much.

These books were not sent by mail at the 1-cent rate or any other rate. The rate of postage had nothing to do with the price.

I am sure that I would not vote to put a tax on knowledge. I sympathize with the poor boy in his aspirations and struggle for information, for I was as poor a boy as ever grew to lusty manhood in the hill country of Kentucky. I am poor yet. My children are poor. I am a lover of books. I can not remember a day when I was not. I am glad paper-covered books are cheap; also muslin-bound books, cloth-bound books, leather-bound books, morocco-bound books, books in every binding. But, to save me, I do not see any reason why paper-bound books—books, mark you—should go through the mails at 1 cent per pound and the same books, printed by the same men, on the same types and presses, should go at 8 cents per pound if they happen to be bound in boards, muslin, leather, etc. It seems to me that what is sauce for the goose is sauce for the gander; that if one sort of books is sent through the mails at 1 cent a pound all sorts should be sent at the same rate. We should go the whole hog or none.

Some of my friends seem to think that publishers would quit printing and sending out paper-covered books if this bill is passed, or would put up the price enormously. Without being a prophet, or the son of a prophet, I predict that nothing of the sort will happen. There will be just as many books published, just as many books sold, and the price will not go up one cent by reason of the passage of this bill. These publishers publish these books, not as a matter of philanthropy and in the cause of education, but to make money for themselves, just as farmers raise corn, wheat, hogs, cattle, and horses to make money. Because we pass this bill, they will not go off in a huff and quit making money. They will simply send the bulk of their books to their agents by freight instead of loading down the mails with them. If they put up the price, other energetic printers will start publishing houses and print these books as cheaply as now.

In my judgment, this bill, with my amendments and the others, instead of hurting the rural press, will help it; because, if the fake periodicals and the mere advertising sheets are shut out of the mails, they are done for; but the advertisers will advertise somewhere—never doubt that—and they will then, of necessity, advertise in the rural press.

Some of these fake concerns, made up essentially of advertisements, but masquerading as magazines, have enormous circulations—that is, the publishers have the names of millions of persons to whom they send "sample copies," carried through the

mails at the expense of the taxpayers, who have to make up the annual deficit in the postal revenues.

One of them, I understand, gets $4,000 a page for advertisements.

Shut them up and the country editor will come into his own again in the advertising business in his own bailiwick—a business which has been taken away from him to a large extent, of late years, by these fake magazines.

Mr. SNODGRASS. I desire to offer an amendment to the amendment.

The SPEAKER. There is an amendment to the amendment now pending. The question is on the amendment offered by the gentleman from Missouri. If no one opposes that amendment, the Chair will put the question.

Mr. COCHRAN of Missouri. I desire to oppose the amendment.

The SPEAKER. The gentleman from Missouri [Mr. COCHRAN] is recognized in opposition to the amendment.

Mr. COCHRAN of Missouri. Mr. Speaker, I oppose the amendment because with or without the amendment I should still be opposed to the passage of this bill.

It has been said here that this or that paper-covered book is admitted to the mails, and this or that book bound in cloth or linen is not to be admitted to the mails. What of it? Comparison of the relative merits of different books may be instructive as a literary exercise, but have speeches dealing with such matters anything to do with the merits of the bill now under consideration? If the arguments that have been made in this vein are of any value, it is in that they show that an unreasonable discrimination is now made between books bound in paper and books bound in cloth and I think the speech of my colleague [Mr. COWHERD] conclusively shows that instead of further restriction we should have greater liberality in the use of the mails, for the purpose of circulating printed literature of all kinds.

How does it happen, Mr. Speaker, that at no time has the proposed retrenchment taken the shape of a proposed reduction of the rates paid for carrying second-class matter? When was the present rate fixed for carrying the mails in this country? A good many years ago. Was it profitable to the carriers then? Gentlemen who favor this bill say that the amount of second-class matter has quadrupled over and over again. If it was profitable, before this large increase took place, to carry it at the rate now paid, would not a lower rate be justified by the larger volume of mail now carried? Why is the same rate paid on the vastly larger volume of traffic?

Rates for carrying all other classes of freight have been lowered. Why should the rates paid by the Government remain unchanged? It has been stated on high authority, and I assume the statement is correct, that there are special trains running on the railroads into the great cities of this country which carry only the milk consumed by the metropolitan populations. Some of them run 100 miles, making the return trip laden with empty milk cans. These special trains are run at a high rate of speed, and the rate paid for carrying the milk is a great deal less than the rate paid by the Government for second-class mail matter.

Gentlemen say that because a linen-covered book is excluded from the mails, therefore we should exclude the paper-covered books. When asked why we might not admit books bound in durable form instead of excluding those bound in paper, we are told that the increase in the weight of the mails would be prodigious. If so, would not so large a traffic warrant a large reduction in the rate paid for carriage?

Mr. Chairman, this discussion has proven that what we want is a revision of the postal regulations as well as a reduction in the rates paid to common carriers; reclassification of the mails and abandonment of the absurd and insane practice of paying the same rates for carrying all classes of what is now termed second-class mail matter. The transmission of letters and daily newspapers calls for lightning express trains, but a large part of the mail now classified as second class could be shipped on freight trains without loss or inconvenience to anybody.

Mr. Chairman, it is assumed generally that the increase in the weight of second-class matter is attributable largely to abuses of the postal laws. The history of the printer's art for twenty-five years furnishes the true explanation of what the friends of this bill regard as a public evil. Twenty-five years ago you could count on your fingers the newspapers that published sixteen-page Sunday editions. At a later period an eight-page country weekly paper was regarded as something extraordinary.

Twenty-five years ago there were only a few literary monthlies of prominence, and they were sold at from three to six dollars a year. What do you find now? Hundreds of monthly magazines, each a beautiful work of art. Modern typography, improved presses, and processes which subsidize photography's miracles to the use of the art preservative now enable publishers to place in the hands of millions of readers magazines at 10 cents apiece excelling in typographical excellence and in some respects in their contents the best periodical literature of the world twenty-five years ago.

The weight of the New York daily papers now probably exceeds the weight of the entire second-class mail of that city thirty years ago. In every county in the United States that has a population of 10,000 people we now find an eight-page weekly, and in every city of 10,000 people we find an eight-page daily, and in every city of 25,000 people Sunday editions of sixteen to thirty-six pages—such as were known only to metropolitan journalism twenty years ago—appear regularly. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. COCHRAN of Missouri. I ask unanimous consent for five minutes more.

The SPEAKER. The gentleman from Missouri asks unanimous consent that his time be extended five minutes.

Mr. McPHERSON. I object.

The SPEAKER. Objection is made.

Mr. LOUD. I move to close debate on this amendment.

The SPEAKER. Debate is exhausted on this amendment.

Mr. COCHRAN of Missouri. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. COCHRAN of Missouri. Who made the objection?

Mr. McPHERSON. I made the objection, so that we can get along with this bill.

Mr. COCHRAN of Missouri. I just wanted to look at you; that is all. [Laughter.]

Mr. McPHERSON. Yes; you can look at me.

The SPEAKER. The House will be in order. The Chair will state that the amendment offered by the gentleman from Missouri [Mr. CLARK] was an amendment to an amendment. There has been a speech in favor of it and a speech against it, and, without limiting debate, the question now is on agreeing to the amendment of the gentleman from Missouri.

Mr. SNODGRASS. I desire to know if it is in order to offer a substitute for the committee amendment and the amendment offered by the gentleman from Missouri?

The SPEAKER. The Chair thinks the amendment to the committee amendment should be voted upon before the substitute is offered.

The amendment to the amendment, offered by Mr. CLARK, of Missouri, was agreed to.

Mr. SNODGRASS. Now, I desire to offer a substitute.

The SPEAKER. The Chair understands the gentleman to offer a substitute for the committee amendment. Let it be reported.

Mr. CLARK of Missouri. Mr. Speaker, a question for information. That amendment which I offered contained two amendments, in one sense. I want to ask the Speaker if they were both agreed to?

The SPEAKER. The amendments were both put and agreed to by the House.

Mr. CLARK of Missouri. That is all right.

The SPEAKER. The Clerk will report the substitute offered by the gentleman from Tennessee [Mr. SNODGRASS].

The Clerk read as follows:

Amend by striking out all of section 3, after the word "rate" in line 1, page 3.

The SPEAKER. The Chair is of the opinion that this amendment will not be in order until the committee amendment is adopted.

Mr. SNODGRASS. I desire to be recognized to offer it after that.

The SPEAKER. The Chair will secure the gentleman his rights. The question is on the amendment reported by the committee.

The amendment was agreed to.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. SNODGRASS. I desire to offer the amendment which I offered a moment ago.

The amendment was again read, as follows:

Amend by striking out all of section 3, after the word "rate," in line 1, page 3.

Mr. SNODGRASS. I can not see, Mr. Speaker, any good reason for this strike at the country press, and I think the law should be left to stand as it is, or as it would be should the substitute be adopted. The amendment secured by the gentleman from Missouri protects them to some extent, but it does not go far enough. It provides that the number of their sample copies shall not exceed their subscription list. Now, under that amendment, if a newspaper is published in a county and has the circulation of only three, four, or five hundred and it should be desirable at any time that a thousand copies should be printed, it would be impossible to do so under that amendment. If there was a paper published in a county and it had a circulation of 1,000 copies, such a paper could publish a thousand extra copies and circulate them.

Now, then, if there are two papers in a county, as is usually the case, one having a circulation of a thousand and the other having a circulation of 500, a discrimination is made in favor of the one having the largest circulation, and there can be no good reason for this. Everyone who is familiar with the conduct of country newspapers knows that they very rarely avail themselves of the privilege of circulating extra copies, and it is only on occasions or matters of importance to them and the people that they do so avail themselves, and the Government is not hurt. The mails probably of the county only are burdened and only burdened for a short time.

I must say that I can see no good reason here why their circulation, if they should desire to occasionally enlarge it, should be limited to the amount of their usual circulation. I think we ought to encourage these institutions; and it is due them that we let the law stand as it is, giving them the privilege they now have, so that if they can increase their circulation we have not put any hindrance upon them. I say I am in favor of the gentleman's amendment if I can not get any other; but his amendment does not go far enough.

There ought not to be any limit put upon this matter at all. No good purpose is subserved by it, and every country newspaper ought to oppose every man in this Congress who offers himself for reelection who shall vote against them having this privilege, which they rarely exercise, and, when they do, is usually for their advantage or to subserve some good purpose; and I say that those papers ought to castigate every man who would not permit them to have this privilege. I hope this substitute will be adopted. There is no danger in adopting it. I think it is an outrage for gentlemen to stand up here and contend that they shall be circumscribed in the privilege which they have had for so long a time. I now ask for a vote on my substitute.

Mr. LOUD. Mr. Speaker, the object the gentleman is seeking to attain is all retained by the section in its present form. I assume that is what the gentleman intends.

Mr. SNODGRASS. No. I want to preserve this law which secures to them the privilege of unlimited circulation. If my amendment is adopted, they can circulate an unlimited number of sample copies. I do not know whether the provisions of the law secure them that, but my substitute will do it.

Mr. LOUD. I will say, Mr. Speaker, that the present law does not, I think, even if it were liberally construed. The gentleman seeks here now, by his amendment, to permit any publication, if it should have but one subscriber, to circulate broadcast over this land 100,000,000 copies. I do not believe the House wants to do it. I do not think this question is worthy of discussion, Mr. Speaker, and call for a vote.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. SNODGRASS. Division, Mr. Speaker.

The House divided; and there were—ayes 77, noes 93.

Mr. SNODGRASS. Yeas and nays, Mr. Speaker.

Mr. LOUD. That will cut off opportunity for amendments.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-two gentlemen have arisen—not a sufficient number, and the yeas and nays are refused. The noes have it, and the amendment is rejected.

Mr. LOUD. I move to close debate on the section, Mr. Speaker.

The motion was agreed to.

The Clerk read as follows:

SEC. 4. That all periodical publications regularly issued from a known place of publication at stated intervals as frequently as four times a year by or under the auspices of benevolent or fraternal societies, trade unions, or orders organized under the lodge system, and having a bona fide membership of not less than 1,000 persons, shall be entitled to the privilege of second-class mail matter: *Provided*, That such matter shall be originated and published to further the objects and purposes of such society or order.

Mr. RAY of New York. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Page 3, line 19, after the word "order," insert the following:
"*And provided further*, That all university, college, and school papers and publications, except those of so-called business and commercial schools and colleges, whether published and circulated by the authorities of such university, college, or school, or by the students thereof, or by any class, organization, society, or fraternity composed of students of such university, college, or school, shall continue to be received and sent through the mails as second-class matter in the same manner and with all the privileges accorded by law as it existed prior to the passage of this act, and the same as though this act had not been passed: *And also provided*, That the circulation of such publications through the mails at said rates shall not exceed 2,000 copies of any one issue except to regular subscribers."

Mr. RAY of New York. Mr. Speaker, I offer these amendments in the interest of the schools, universities, and colleges of this country, and it seems to me there can be no objection to it whatever. It is so carefully limited and guarded that it cares for the interests of the Government, while at the same time it takes care of the educational interests of this great country. I have introduced it at the solicitation and suggestion of some of the best educators in the country. Among others, I have a letter in my hand, a duplicate of which has been read by my colleague from New York [Mr. CUMMINGS]. I have introduced it to meet the objection to this bill suggested by that letter. It seems to me that it is broad enough and comprehensive enough in its terms to care for the interests of these educational institutions.

Mr. KLUTTZ. Have the amendment read again.

Mr. RAY of New York. Mr. Speaker, if I have time enough, I will have the amendment read again.

The SPEAKER. Let the amendment be again read in the gentleman's time.

The Clerk again read the amendment.

Mr. HULL. Mr. Speaker, I desire to offer an amendment to the amendment offered by the gentleman from New York.

The SPEAKER. The gentleman from Iowa offers an amendment to the amendment offered by the gentleman from New York, which the Clerk will report.

The Clerk read as follows:

Strike out in the third line the following words: "except those of so-called business and commercial schools and colleges."

Also strike out the following: "*And also provided*, That the circulation of such publications through the mails at said rates shall not exceed 2,000 copies of one issue except to regular subscribers."

Mr. HULL. Mr. Speaker, I want to say simply a word or two. The commercial colleges in the part of the country I am familiar with are doing an excellent work. If the amendment of the gentleman from New York prevails, they are deprived of the privileges of the mail they now enjoy. I think they are educating a class of young people less able to bear the expense of an education than those attending other and higher institutions of learning.

As to the next part of my amendment, striking out the restriction limiting colleges to 2,000 copies, the idea of sending out this literature at all is to reach the large number of the young people of the country where they would naturally draw students from; and if you limit it to 2,000, you defeat the very object of allowing them to send them out, or at least you limit the good that comes to them much below what would be desirable. I hope the two amendments will be adopted. With the changes made by the amendments I offer, I am heartily in favor of the amendment offered by the gentleman from New York.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. HULL] to the amendment offered by the gentleman from New York [Mr. RAY].

Mr. LOUD. Mr. Speaker——

The SPEAKER. Does the gentleman rise to oppose the amendment?

Mr. LOUD. I do. As far as I am concerned, Mr. Speaker, I am perfectly willing to accept the amendment of the gentleman from New York; but when it comes to extending this privilege to business colleges and flooding this country, as they are now, with five millions at a time, thirty-five or forty to the pound, personally I never can give my consent to that; and I ask for a division of the amendment to the amendment offered by the gentleman from Iowa, as it involves two propositions, and then I move to close debate on this section. We have but fifteen minutes left.

The SPEAKER. The gentleman from California demands a division on the amendment to the amendment.

Mr. MORRIS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MORRIS. I want to know whether a substitute to the amendment offered by the gentleman from New York is in order?

The SPEAKER. The gentleman from Iowa has really offered two amendments to the amendment, and the first thing will be to dispose of these amendments.

Mr. MORRIS. When will a substitute for the amendment offered by the gentleman from New York be in order?

The SPEAKER. The Chair understands the gentleman from Minnesota wants to offer a substitute to the amendment offered by the gentleman from New York [Mr. RAY]?

Mr. MORRIS. Yes, Mr. Speaker, I wish to offer a substitute for the amendment offered by the gentleman from New York.

The SPEAKER. That will be in order after the amendment to the amendment offered by the gentleman from Iowa is disposed of. The Clerk will read the first division of the amendment offered by the gentleman from Iowa, or the first amendment.

The Clerk read as follows:

Strike out, in line 3, the following words: "except those of so-called business commercial schools and colleges."

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. LOUD) there were 109 in the affirmative and 53 in the negative.

So the amendment to the amendment was agreed to.

The SPEAKER. The Clerk will report the second amendment.

The Clerk read as follows:

Strike out of the proposed amendment the following: "*And also provided*, That the circulation of such publications through the mails at said rates shall not exceed 2,000 copies of one issue, except to regular subscribers.

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. LOUD) there were—104 in the affirmative and 59 in the negative.

So the amendment to the amendment was agreed to.

The SPEAKER. The question is now on the amendment as amended.

Mr. MORRIS rose.

The SPEAKER. Does the gentleman from Minnesota [Mr. MORRIS] desire to offer a substitute?

Mr. MORRIS. Yes, sir.

The amendment sent to the desk by Mr. MORRIS was read, as follows:

Insert in line 13, page 3, after the word "year," the following: "by all regularly incorporated institutions of learning and all strictly professional, literary, historical, or scientific societies, including the bulletins issued by the State boards of health and State experimental and scientific stations, or."

In line 19, page 3, after the word "such," insert the word "institution."

In line 19, page 3, after the word "order," insert "*And provided further*, That such publications or any particular issue of any such publication shall not be designed primarily for advertising purposes;" so that the section will read as follows:

"SEC. 4. That all periodical publications regularly issued from a known place of publication at stated intervals as frequently as four times a year by all regularly incorporated institutions of learning and all strictly professional, literary, historical, or scientific societies, including the bulletins issued by the State boards of health and State experimental and scientific stations, or by or under the auspices of benevolent or fraternal societies, trade unions, or orders organized under the lodge system, and having a bona fide membership of not less than 1,000 persons, shall be entitled to the privilege of second-class mail matter: *Provided*, That such matter shall be originated and published to further the objects and purposes of such institution, society, or order: *And provided further*, That such publications or any particular issue of any such publication shall not be designed primarily for advertising purposes."

The SPEAKER. The Chair must hold that this is an independent amendment, and the amendment of the gentleman from New York [Mr. RAY] must first be disposed of. The question is on agreeing to the amendment of the gentleman from New York as amended.

The amendment was agreed to.

Mr. MORRIS. I now move my amendment; and I wish to say only a few words.

Mr. COX. Before the gentleman proceeds I want to ask him one question.

The SPEAKER. Does the gentleman from Minnesota yield?

Mr. MORRIS. Yes, sir.

Mr. COX. As I caught the reading of the amendment of the gentleman from Minnesota, it applies only to incorporated institutions. Now, why should we not confer upon an individual the same authority or privilege that we propose to confer upon a corporation?

Mr. CLARK of Missouri addressed the Chair.

The SPEAKER. The gentleman from Minnesota [Mr. MORRIS] has the floor.

Mr. CLARK of Missouri. I want to ask unanimous consent to have two amendments considered as pending when the bill is voted upon. The chairman of the committee agrees to this.

The SPEAKER. Does the gentleman from Minnesota yield for this request of the gentleman from Missouri?

Mr. MORRIS. Yes, sir.

The SPEAKER. The gentleman from Missouri will state his request.

Mr. CLARK of Missouri. I want to have these two amendments considered as pending when the bill is voted on.

The SPEAKER. The Clerk will read the two amendments which the gentleman from Missouri desires to offer and have pending.

The Clerk read as follows:

In line 10, on page 4, strike out the word "legitimate," and insert in lieu thereof "bona fide."

On page 4, in lines 10 and 11, strike out the words "who voluntarily order and pay, or agree to pay, for the same."

The SPEAKER. If there be no objection, these amendments will be considered as pending.

Mr. GROSVENOR objected, but subsequently said: Mr. Speaker, I thought it best when I objected before that these amendments should be acted on one by one. I now, at the request of the gentleman from Missouri, withdraw my objection.

The SPEAKER. Is there further objection? The Chair hears none; and the two amendments offered by the gentleman from Missouri will be considered as pending.

Mr. HEATWOLE. Mr. Speaker——

The SPEAKER. The gentleman from Minnesota has the floor.

Mr. MORRIS. I yield to my colleague.

Mr. HEATWOLE. I wish to offer an amendment to be considered as pending.

The Clerk read as follows:

In line 2, page 5, after the word "act," insert "having a subscription list exceeding 5,000 copies."

The SPEAKER. If there be no objection, this amendment of the gentleman from Minnesota [Mr. HEATWOLE] will be considered as pending. The Chair hears no objection.

Mr. OLMSTED. I ask unanimous consent that an amendment which I send to the Clerk's desk may be considered as pending.

The Clerk read as follows:

Amend by adding at the end of line 15, page 4, the following:

"Except publications by or under the auspices of benevolent or fraternal societies, trade unions, or orders organized under the lodge system."

The SPEAKER. Is there objection to this amendment being considered as pending? The Chair hears none. Now, the Chair would like to know what the gentleman from Minnesota [Mr. MORRIS] desires to do. Does he hold the floor or yield?

Mr. MORRIS. I ask a vote on my amendment.

The question was taken on the amendment of Mr. MORRIS.

The SPEAKER. The ayes appear to have it; the ayes have it, and the amendment is agreed to.

Mr. COONEY. Division.

Mr. RAY of New York. I call for a division. In the first place, a parliamentary inquiry. As I understood the amendment of the gentleman from Minnesota [Mr. MORRIS], it appeared to be a substitute for the entire section.

The SPEAKER. It was not. It was an amendment to the amendment.

Mr. RAY of New York. I ask to have it reported.

Mr. COONEY. I called for a division.

The SPEAKER. Does the gentleman demand a division?

Mr. COONEY. Yes.

Mr. COWHERD. I make the point of order that it is too late.

Mr. COONEY. I called for it some time ago, but was not heard.

The SPEAKER. If the gentleman says he demanded a division before the Chair announced the result, the Chair will allow the division to be had.

Mr. COONEY. I rose for that purpose.

Mr. GROSVENOR. I rise to a point of order.

The SPEAKER. The gentleman from Missouri [Mr. COONEY] demands a division.

Mr. GROSVENOR. I make the point of order that the hour of 4 o'clock has arrived, and I insist on my point of order.

The SPEAKER. The hour of 4 o'clock has arrived——

Mr. PAYNE. A parliamentary inquiry.

The SPEAKER. Let the Chair state the situation.

Mr. PAYNE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. Not until the Chair states the situation, at 4 o'clock, under the order. The hour of 4 o'clock having arrived, the previous question is ordered upon the bill and all pending amendments. The gentleman from New York [Mr. PAYNE] rises to a parliamentary inquiry.

Mr. PAYNE. When the gentleman from New York [Mr. RAY] offered his amendment, and the gentleman from Iowa [Mr. HULL] offered an amendment to that, which was adopted, then the gentleman from Minnesota [Mr. MORRIS] offered a substitute to the amendment of the gentleman from New York, and then the Speaker held that that was not a substitute, but an additional amendment, to come in after the amendment of the gentleman from New York. He so stated. I ask if that is not the parliamentary situation, and if the amendment of the gentleman from Minnesota is not an additional paragraph added after the amendment of the gentleman from New York?

Mr. WHEELER of Kentucky. A parliamentary inquiry.

Mr. COONEY. I called for a division. Regular order.

The SPEAKER. The House will be in order. The amendment offered by the gentleman from Minnesota as a substitute was held not to be a substitute, but an amendment to the section. The amendment of the gentleman from New York [Mr. RAY] was agreed to after it was amended on the motion of the gentleman from Iowa [Mr. HULL], after which the amendment of the gentleman from Minnesota [Mr. MORRIS] was agreed to as an independent amendment to the section.

Mr. WHEELER of Kentucky. Mr. Speaker, a point of order.

Mr. MAHON, Mr. BROSIUS, and others. Regular order.

Mr. WHEELER of Kentucky. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHEELER of Kentucky. The Speaker, on the suggestion of the gentleman from Ohio [Mr. GROSVENOR], announced that the hour had arrived when the previous question was considered as ordered. But before that was done——

The SPEAKER. The Chair did not make the announcement on the suggestion of the gentleman from Ohio. The gentleman from Ohio merely made the point of order that the hour of 4 o'clock had arrived.

Mr. WHEELER of Kentucky. Well, the Chair, on his own motion, made the announcement. The parliamentary inquiry is this: The Chair had recognized the gentleman from Missouri [Mr.

COONEY] to demand a division and the House was dividing. Now, I submit, sir, is it in order for any business to be transacted, or even for the Chair to announce the hour for the previous question to be considered as ordered, while the House is dividing?

The SPEAKER. The moment that the hour of 4 o'clock arrives the previous question cuts off all debate. There was no division being made. The gentleman stated that he had asked for a division. The Chair did not hear it. All are aware of the confusion which existed, each gentleman having some proposition he desired to get in. The Chair thinks it is too late to take a division on that matter.

Mr. OLMSTED. I ask that the time be extended one hour.

Mr. COX. I call for the regular order under the rule.

Mr. PARKER of New Jersey. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New Jersey now rises to a parliamentary inquiry.

Mr. PARKER of New Jersey. I desire to ask the Speaker, the right to a division having been recognized by the Chair, upon the amendment offered by the gentleman from Minnesota, is not that an amendment which is still pending, so that a vote will be taken upon it under the rule, now that we have got it into the House?

The SPEAKER. It is not shut off by the previous question at all.

Mr. RAY of New York. Now, Mr. Speaker, a parliamentary inquiry, or a request for unanimous consent, if it is proper.

The SPEAKER. The gentleman will state it.

Mr. RAY of New York. There was so much confusion when the amendment or proposed amendment of the gentleman from Minnesota was read that I did not hear it, and I know members around me did not hear it, and we do not know what it was. In the first place, I desire to know whether it was considered as agreed to.

The SPEAKER. It was agreed to by the House.

Mr. RAY of New York. Well, then, if that is true, I now ask unanimous consent that that section be read for information as it stands, with the amendments agreed to.

Mr. MOODY of Massachusetts. Will it not be read when we take a vote upon it, Mr. Speaker?

Mr. RAY of New York. I should like to know what it is.

The SPEAKER. Without objection, the fourth section——

Mr. BURKE of Texas. Mr. Speaker——

The SPEAKER. Nobody will be recognized until the Chair states the parliamentary situation. The fourth section as amended will now be read, if there is no objection.

Mr. MOON and Mr. MAHON demanded the regular order.

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. Is it proper at this time for the House, by unanimous consent, to extend the time for one hour before the previous question shall operate, to permit the completion of the reading of the bill?

Mr. BROSIUS and others demanded the regular order.

The SPEAKER. The regular order is demanded, which shuts off the unanimous consent.

Mr. BURKE of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of Texas. I wish to know if it is competent at this stage of the proceedings to ask unanimous consent of the House that the bill as it now is in the hands of the Clerk be read, in order that we may vote intelligently and know exactly what we are doing?

Mr. KLUTTZ. Mr. Speaker, I demand the regular order.

The SPEAKER. It is not in order, because the regular order is demanded.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The House will be in order. The Clerk will report the first pending amendment.

Mr. PAYNE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. Whether it will be in order, at the third reading of the bill, to have the bill read through from the beginning, with the amendments?

The SPEAKER. The third reading of the bill can be demanded. The Clerk will report the first pending amendment.

The Clerk read as follows:

On page 4, line 10, strike out the word "legitimate" and insert in lieu thereof "bona fide." Page 4, lines 10 and 11, strike out the words "who voluntarily order and pay or agree to pay for the same."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next pending amendment.

The Clerk read as follows:

Amend by adding, at the end of line 15, page 4, the following:
"Except publications by or under the auspices of benevolent or fraternal societies, trades unions, or orders organized under the lodge system."

The SPEAKER. The question is on agreeing to the amendment.

Mr. LOUD. What amendment is that, Mr. Speaker? I do not think that was agreed to.

The SPEAKER. That was the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. LOUD. Unanimous consent was not given as to that.

The SPEAKER. Unanimous consent was given that it be pending.

Mr. LOUD. I hope the House will hear me for a moment. This amendment is not germane to this paragraph.

Mr. OLMSTED. The amendment simply makes the fourth and fifth sections correspond.

Mr. MOON. Regular order.

The SPEAKER. The regular order is demanded. The question is on agreeing to the amendment.

The question being taken, the Speaker announced that the "noes" seemed to have it.

Mr. OLMSTED. Division, Mr. Speaker.

The House divided; and there were—ayes 52, noes 97.

Mr. OLMSTED. The yeas and nays, Mr. Speaker. [Cries of "No!" "No!"]

The question was taken on ordering the yeas and nays.

The SPEAKER. Four gentlemen have arisen—not a sufficient number; the yeas and nays are refused, the noes have it, and the amendment is lost. The Clerk will report the next amendment.

The Clerk read as follows:

On page 5, line 2, after the word "act," insert the following: "having subscription list exceeding 5,000 copies."

The question was taken; and the Speaker announced that the "noes" appeared to have it.

Mr. HEATWOLE. I ask for a division, Mr. Speaker.

Mr. LOUD. The committee accepts that amendment.

The SPEAKER. The gentleman from California accepts the amendment, but it is not within his power to make that the action of the House.

Mr. LOUD. It is just a statement, Mr. Speaker.

The SPEAKER. Does the gentleman from Minnesota demand a division?

Mr. HEATWOLE. I do.

The House divided; and there were—ayes 116, noes 21.

So the amendment was agreed to.

The SPEAKER. That concludes the amendments; and the question is on the engrossment and third reading of the bill.

Mr. COONEY. Mr. Speaker, would it be in order now to ask unanimous consent that the fourth section of the bill be read?

The SPEAKER. The gentleman from Missouri asks unanimous consent that the fourth section of the bill be read.

Mr. MOON. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded.

Mr. MOON. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOON. Is it in order now to move that this bill be recommitted to the Committee on the Post-Office and Post-Roads?

The SPEAKER. Not at this stage. After the third reading of the bill it will be. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. GROSVENOR. I ask that the bill be read the third time.

The SPEAKER. The bill will be read the third time.

Mr. RICHARDSON. Does the gentleman demand the reading of the engrossed copy, Mr. Speaker.

The SPEAKER. No. The gentleman asked for the reading of the bill.

Mr. COOPER of Texas. Will it be read as amended?

Mr. MOODY of Massachusetts. I call for order.

The SPEAKER. Gentlemen are again appealed to to preserve order on the floor.

Mr. CUMMINGS. A parliamentary inquiry.

The SPEAKER. All gentlemen will be seated. A point of order is pending, and it was well taken.

Mr. CUMMINGS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CUMMINGS. I would like to know what became of the amendment in regard to colleges which was introduced by the gentleman from New York [Mr. RAY].

Mr. STEELE. I call for the regular order.

The SPEAKER. It is a part of section 4. The Clerk will proceed with the reading.

The bill was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MOON. Mr. Speaker, I move that this bill be recommitted to the Committee on Post-Office and Post-Roads without instructions; and on that I call for the yeas and nays.

The SPEAKER. The gentleman from Tennessee moves to recommit the bill to the Committee on Post-Office and Post-Roads.

Mr. DALZELL. Mr. Speaker, before that motion is put, there is an amendment to section 6 which was not read by the Clerk—the amendment offered by the gentleman from Minnesota.

The SPEAKER. The gentleman from Pennsylvania is correct about that.

The Clerk read section 6 as amended.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to recommit the bill.

Mr. MORRIS. Mr. Speaker, I call attention to the fact that section 4 has certainly been misread by the Clerk. My amendment was to amend by inserting so and so, "so that the section shall read as follows"——

The SPEAKER. The gentleman forgets the fact that the House has already adopted an additional amendment to that section, so that the part of the amendment would not apply. That has been ruled upon.

The question was taken on the motion to recommit, and the Speaker announced that the noes appeared to have it.

Mr. MOON. Division.

Mr. COX and others. The yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 96, answered "present" 16, not voting 90; as follows:

YEAS—148.

Adamson,	Davenport, S. W.	Little,	Robertson, La.
Allen, Ky.	Davey,	Lloyd,	Rodenberg,
Baker,	Davis,	Lorimer,	Ruppert,
Bankhead,	De Armond,	Lybrand,	Ryan, N. Y.
Barney,	De Graffenreid,	McClellan,	Ryan, Pa.
Bartlett,	Dinsmore,	McCulloch,	Salmon,
Bell,	Dougherty,	McDowell,	Scudder,
Bellamy,	Dovener,	McRae,	Shafroth,
Benton,	Driggs,	Maddox,	Sheppard,
Berry,	Driscoll,	Marsh,	Sims,
Boreing,	Elliott,	Meekison,	Slayden,
Brantley,	Finley,	Mercer,	Small,
Brenner,	Fitzgerald, N. Y.	Mesick,	Smith, Ky.
Brewer,	Foster,	Meyer, La.	Snodgrass,
Brosius,	Gaston,	Minor,	Spalding,
Brown,	Gilbert,	Moon,	Spight,
Brundidge,	Glynn,	Morgan,	Stark,
Burkett,	Green, Pa.	Morris,	Stephens, Tex.
Burleson,	Grosvenor,	Mudd,	Stokes,
Burnett,	Hall,	Muller,	Sulzer,
Caldwell,	Hay,	Naphen,	Sutherland,
Chanler,	Henry, Miss.	Neville,	Talbert,
Clayton, Ala.	Henry, Tex.	Newlands,	Thayer,
Clayton, N. Y.	Jenkins,	Norton, Ohio	Tompkins,
Cochran, Mo.	Jett,	Norton, S. C.	Turner,
Cochrane, N. Y.	Johnston,	O'Grady,	Vandiver,
Cooney,	Jones, Va.	Otey,	Van Voorhis,
Cooper, Wis.	Jones, Wash.	Pierce, Tenn.	Wachter,
Cox,	Kitchin,	Pearre,	Watson,
Crawford,	Kleberg,	Phillips,	Wheeler, Ky.
Crowley,	Klutts,	Rhea, Ky.	Williams, J. R.
Cummings,	Lamb,	Rhea, Va.	Williams, W. E.
Curtis,	Landis,	Richardson,	Williams, Miss.
Cusack,	Lanham,	Ridgely,	Wilson, Idaho
Cushman,	Lentz,	Riordan,	Wilson, S. C.
Dahle, Wis.	Levy,	Rixey,	Zenor,
Davenport, S. A.	Lewis,	Roberts,	Ziegler.

NAYS—96.

Aldrich,	Cowherd,	Hill,	Olmsted,
Alexander,	Cromer,	Hitt,	Otjen,
Allen, Me.	Dalzell,	Howard,	Overstreet,
Bailey, Kans.	Dick,	Hull,	Parker, N. J.
Ball,	Dolliver,	Jack,	Payne,
Barber,	Emerson,	Ketcham,	Ray, N. Y.
Barham,	Esch,	Knox,	Russell,
Bingham,	Fleming,	Lacey,	Shattuc,
Boutell, Ill.	Fletcher,	Lane,	Sheldon,
Bowersock,	Fordney,	Latimer,	Sherman,
Brick,	Foss,	Lawrence,	Sperry,
Bromwell,	Gardner, N. J.	Linney,	Sprague,
Burke, S. Dak.	Gill,	Littlefield,	Steele,
Burke, Tex.	Gillet, N. Y.	Long,	Stevens, Minn.
Burleigh,	Gillett, Mass.	Loud,	Stewart, N. Y.
Burton,	Graff,	McCleary,	Stewart, Wis.
Butler,	Greene, Mass.	McPherson,	Tongue,
Calderhead,	Griggs,	Mann,	Vreeland,
Campbell,	Haugen,	Metcalf,	Wadsworth,
Capron,	Hawley,	Miller,	Wanger,
Clark, Mo.	Heatwole,	Mondell,	Warner,
Clarke, N. H.	Hedge,	Moody, Mass.	Waters,
Cooper, Tex.	Henry, Conn.	Moody, Oreg.	Wise,
Cousins,	Hepburn,	Needham,	Wright.

ANSWERED "PRESENT"—16.

Adams,	Gardner, Mich.	Hamilton,	Miers, Ind.
Brownlow,	Gibson,	Kerr,	Pugh,
Cannon,	Graham,	Mahon,	Underhill,
Fitzgerald, Mass.	Griffith,	May,	Wilson, N. Y.

NOT VOTING—90.

Acheson,	Crump,	Gordon,	McLain,
Allen, Miss.	Crumpacker,	Grout,	Noonan,
Atwater,	Daly, N. J.	Grow,	Packer, Pa.
Babcock,	Davidson,	Hemenway	Pearce, Mo.
Bailey, Tex.	Dayton,	Hoffecker,	Polk,
Bartholdt,	De Vries,	Hopkins,	Powers,
Bishop,	Denny,	Howell,	Prince,
Boutelle, Me.	Eddy,	Joy,	Quarles,
Bradley,	Faris,	Kahn,	Ransdell,
Breazeale,	Fitzpatrick,	Lester,	Reeder,
Broussard,	Fowler,	Littauer,	Reeves,
Bull,	Fox,	Livingston,	Robb,
Carmack,	Freer,	Loudenslager,	Robinson, Ind
Catchings,	Gaines,	Lovering,	Robinson, Nebr.
Connell,	Gamble,	McAleer,	Rucker,
Corliss,	Gayle,	McCall,	Shackleford,
Showalter,	Sparkman,	Taylor, Ohio	Weaver,
Sibley,	Stallings,	Taylor, Ala.	Weeks,
Smith, Ill.	Stewart, N. J.	Terry,	Weymouth,
Smith, H. C.	Sulloway,	Thomas, Iowa	White,
Smith, Samuel W.	Swanson,	Thomas, N. C.	Young.
Smith, Wm. Alden	Tate,	Thropp,	
Southard,	Tawney,	Underwood,	

So the motion to recommit was agreed to.

The following pairs were announced:

On this vote:

Mr. DE VRIES with Mr. DAVIDSON.

Mr. KAHN with Mr. WHITE.

Mr. REEDER with Mr. ROBINSON of Nebraska.

Mr. CORLISS with Mr. HAMILTON.

Mr. WILSON of New York with Mr. GORDON.

Mr. SIBLEY with Mr. SHACKLEFORD.

Mr. TAWNEY with Mr. HOFFECKER.

Mr. GRAHAM with Mr. DAYTON.

Mr. FARIS with Mr. ROBINSON of Indiana.

Mr. BABCOCK with Mr. KERR.

Mr. THOMAS of Iowa with Mr. CANNON.

For this day:

Mr. LOVERING with Mr. FITZGERALD of Massachusetts.

Mr. SHOWALTER with Mr. THOMAS of North Carolina.

Mr. HOPKINS with Mr. ALLEN of Mississippi.

Mr. LITTAUER with Mr. BRADLEY.

Mr. SULLOWAY with Mr. CATCHINGS.

Mr. WM. ALDEN SMITH with Mr. DALY of New Jersey.

Mr. MAHON with Mr. BREAZEALE.

Mr. ACHESON with Mr. MCLAIN.

Mr. YOUNG with Mr. DENNY.

Until further notice:

Mr. GAMBLE with Mr. NOONAN.

Mr. BISHOP with Mr. LESTER.

Mr. HENRY C. SMITH with Mr. RANSDELL.

Mr. PUGH with Mr. TAYLOR of Alabama.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. SMITH of Illinois with Mr. GAYLE.

Mr. SOUTHARD with Mr. NORTON of Ohio.

Mr. FOWLER with Mr. TERRY.

Mr. EDDY with Mr. ROBB.

Mr. TAYLER of Ohio with Mr. FOX.

Mr. GIBSON with Mr. TATE.

Mr. MCCALL with Mr. GAINES.

Mr. PRINCE with Mr. GRIFFITH.

Mr. FREER with Mr. SWANSON.

Mr. BROWNLOW with Mr. CARMACK.

Mr. CRUMP with Mr. UNDERWOOD.

Mr. ADAMS with Mr. MCALEER.

Mr. LOUDENSLAGER with Mr. STALLINGS.

Mr. BULL with Mr. BAILEY of Texas, until Friday.

Mr. GARDNER of Michigan with Mr. ATWATER, until March 24.

Mr. POWERS with Mr. BERRY, until March 24.

Until March 26:

Mr. HOWELL with Mr. THOMAS of North Carolina.

Mr. THROPP with Mr. QUARLES.

Mr. CRUMPACKER with Mr. MIERS of Indiana, until March 27.

Mr. GROUT with Mr. LIVINGSTON, until March 28.

Mr. SAMUEL W. SMITH with Mr. RUCKER, until April 5.

For the session:

Mr. REEVES with Mr. SPARKMAN.

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. MIERS of Indiana. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. CRUMPACKER, on all political questions. I have no means of knowing how he would vote on this question, and I desire to make the parliamentary inquiry whether it is proper that I should vote?

The SPEAKER. That is not a parliamentary inquiry; the gentleman must settle it for himself.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I find that I am paired with my colleague, Mr. LOVERING. I voted "no." I wish to withdraw that vote and answer "present."

Mr. FITZGERALD's name was called, and he answered "present."

Mr. GROSVENOR. I have a general pair with the gentleman from Indiana, Mr. ROBINSON. On the day before yesterday I telegraphed to him, asking him how he stood on this question. He telegraphed me that he was opposed to the bill and desired to be paired with some one who was in favor of it. Therefore I have felt at liberty to vote against the bill.

Mr. GRAHAM. On this question I am paired with the gentleman from West Virginia, Mr. DAYTON, he opposing the bill and I favoring it. Therefore I have refrained from voting.

Mr. RAY of New York. Mr. Speaker, I wish to know whether my name is recorded.

The SPEAKER. It is not.

Mr. RAY of New York. During the first roll call I was in the committee room. During the second roll call I was on the floor of the House and listening, but did not hear my name. I heard

names which I knew were later than mine, and I tried to vote, but could not.

The SPEAKER. Was the gentleman listening for his name?

Mr. RAY of New York. Yes, sir; but some gentlemen were talking to me, so that I did not catch it in time.

The SPEAKER. The Chair will order the gentleman's name to be called.

The name of Mr. RAY of New York was called, and he voted "no."

Mr. SUTHERLAND. My colleague, Mr. ROBINSON of Nebraska, is absent on account of business. If present, he would vote "aye."

Mr. MIERS of Indiana. I withdraw my affirmative vote and ask to be marked "present."

Mr. KITCHIN. My colleagues from North Carolina, Mr. ATWATER and Mr. THOMAS, are both necessarily absent. If they were present and unpaired, they would vote in the affirmative on this particular question.

The SPEAKER. These announcements by gentlemen in connection with a roll call, as to how their colleagues or others would vote if present, is all out of order. If gentlemen have voted, they have a right to change their votes; but announcements of members that, if not paired, they would vote "aye" or "no" are entirely outside the rule and are an unnecessary consumption of time. The practice has been permitted heretofore; but with the growing work of the session another line will hereafter be pursued.

Mr. MCCULLOCH. In view of the ruling just made by the Chair, I will not announce how my absent colleague [Mr. TERRY] would vote; but I ask that he be excused on account of sickness.

The SPEAKER. That request is not in order at this time.

The result of the vote was announced as above stated.

Mr. MOON. On behalf of gentlemen on both sides of the House who desired to speak on this bill and have not had the opportunity, I ask leave that members be allowed to print remarks in the RECORD.

Mr. PAYNE. That leave has already been granted for five days.

Mr. MOON. My proposition was not quite understood. Leave to extend remarks was granted yesterday; but that did not apply to gentlemen who had not spoken at all. What I desire is that leave to print may be granted in all cases.

Mr. PAYNE. I object to that.

The SPEAKER. The Chair understands that yesterday, when the present occupant of the Chair was not presiding, leave was given to gentlemen who had spoken to extend their remarks.

LEAVE OF ABSENCE.

Mr. POLK, by unanimous consent, obtained indefinite leave of absence on account of sickness.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 305. An act making an additional appropriation for a public building at the city of Seattle, in the State of Washington—to the Committee on Public Buildings and Grounds.

S. 226. An act for the relief of the heirs of Philip C. Rowe—to the Committee on Claims.

S. 1008. An act for the relief of William C. Dodge—to the Committee on Claims.

S. 2630. An act for the relief of the legal representatives of Merrick, Merrick & Cope—to the Committee on War Claims.

S. 2035. An act providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent—to the Committee on Naval Affairs.

S. 373. An act for the relief of Avery D. Babcock and wife of Oregon—to the Committee on Claims.

S. 2384. An act to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and in suppressing Indian hostilities within the territorial limits of the present State of Nevada—to the Committee on War Claims.

S. 1231. An act for the relief of Virginia I. Mullan, of Annapolis, Md.—to the Committee on Claims.

S. 1759. An act for the relief of William A. Richards, late surveyor-general of Wyoming—to the Committee on Claims.

S. 2519. An act for the relief of Mrs. A. C. Wagner—to the Committee on Claims.

S. 744. An act for the relief of James Emerson, late a private of Company I, Nineteenth Maine Infantry—to the Committee on Military Affairs.

S. 2085. An act for the correction of the military record of Francis A. E. Briot—to the Committee on Military Affairs.

S. 2112. An act authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith—to the Committee on Ways and Means.

S. 2082. An act for the relief of the children of Matthew J. J. Cagle—to the Committee on War Claims.

S. R. 100. Joint resolution providing for the printing of additional copies of the Report of the Governor of Alaska for 1899—to the Committee on Printing.

S. 2352. An act to authorize the judges of the district courts of the United States to appoint stenographic reporters, fix the duties and compensation thereof, and for other purposes—to the Committee on the Judiciary.

Senate concurrent resolution 24:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of a document entitled "The use of the Roentgen ray by the Medical Department of the Unite dStates Army in the war with Spain (1898)," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the War Department—

to the Committee on Printing.

WITHDRAWAL OF PAPERS.

Mr. FLYNN, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of David H. Mitchell, Fifty-sixth Congress, no adverse report having been made.

And then, on motion of Mr. PAYNE (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the secretary of the Light-House Board submitting an estimate of increase of cost for light and fog signal station at Toledo, Ohio—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of brigantine *Olive Branch*, John Edwards, jr., master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Trueman E. Cole, administrator of John W. Cole, deceased, against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3055) to ratify an agreement between the Commission to the Five Civilized Tribes and the Seminole tribe of Indians, reported the same without amendment, accompanied by a report (No. 744); which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the joint resolution (H. J. Res. 131) suspending proceedings in the courts of the Indian Territory and before the Indian agent pending the enactment of legislation now before Congress wherein the possessory rights of said Indians are involved, reported the same without amendment, accompanied by a report (No. 748); which said joint resolution and report were referred to the House Calendar.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7503) to provide for the construction of a revenue cutter for use in St. Marys River, Michigan, reported the same with amendment, accompanied by a report (No. 749); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7022) to pension Rhoda A. Patman, reported the same with amendment, accompanied by a report (No. 741); which said bill and report were referred to the Private Calendar.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 7140) to authorize the proper accounting officers of the Treasury Department to examine and audit, according to equity, the claim of Grubb & Robinson, a firm consisting of Alfred B. Grubb and William H. Robinson, and of Alfred B. Grubb, for building material sold and delivered to members of the Prairie band of Pottawatomie Indians in Kansas,

reported the same without amendment, accompanied by a report (No. 742); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 533) to remove the charge of desertion against George T. Titcomb and grant to him an honorable discharge, reported the same without amendment, accompanied by a report (No. 743); which said bill and report were referred to the Private Calendar.

Mr. NEEDHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 4849) for the relief of Mary Chambers, widow of Thomas Chambers, reported the same without amendment, accompanied by a report (No. 745); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5181) to increase the pension of John M. Smith, reported the same with amendment, accompanied by a report (No. 746); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 528) granting a pension to Isabel B. Hamilton, reported the same with amendment, accompanied by a report (No. 747); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 8539, reported in lieu thereof a resolution (H. Res. 191) for the relief of John Patterson, accompanied by a report (No. 750); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9455) to carry out the findings of the Court of Claims in the case of the estate of John A. Huff, deceased, reported the same without amendment, accompanied by a report (No. 751); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 3296, reported in lieu thereof a resolution (H. Res. 192) for the relief of Henry Judge, accompanied by a report (No. 752); which said resolution and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3514) granting an increase of pension to Mrs. M. A. C. Kaigler, reported the same with amendment, accompanied by a report (No. 753); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 5880) granting a pension to Jennie A. Kerr—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8835) granting a pension to Sallie A. Coon, widow of Joseph J. Coon—Committee on Pensions discharged, and referred to Committee on Invalid Pensions.

A bill (H. R. 8190) granting a pension to Henry Miller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURKETT: A bill (H. R. 9878) for the improvement of the Missouri River at Nebraska City, in Otoe County, Nebr.—to the Committee on Rivers and Harbors.

By Mr. NEEDHAM: A bill (H. R. 9879) to detach certain counties from the United States judicial district of northern California, and to annex such counties to the United States judicial district of southern California; to divide said southern district of California into two divisions, and to provide for the holding of terms of court at the city of Fresno and city of Los Angeles—to the Committee on the Judiciary.

By Mr. OTEY (by request): A bill (H. R. 9880) relating to the registration of trade-marks so as to include trade-marks used in interstate commerce—to the Committee on Patents.

By Mr. TOMPKINS: A bill (H. R. 9881) to prevent and punish the desecration of the flag of the United States—to the Committee on the Judiciary.

By Mr. RAY of New York: A bill (H. R. 9882) to amend section 1, section 2, subdivision a of section 3, section 4, subdivisions a and b of section 14, section 17, subdivisions a and b of section 18, subdivision a of section 21, section 48, and subdivision a of section 64 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898—to the Committee on the Judiciary.

By Mr. BINGHAM (by request): A bill (H. R. 9883) to inquire into the reorganization of the Northern Pacific Railroad Company and the disposal of lands belonging to the said Northern Pacific Railroad Company by the Northern Pacific Railway Company—to the Committee on Pacific Railroads.

By Mr. SPALDING: A bill (H. R. 9884) authorizing the construction of a bridge across the Red River of the North—to the Committee on Interstate and Foreign Commerce.

By Mr. NAPHEN: A bill (H. R. 9885) authorizing the Postmaster-General to consolidate the Quincy and Wollaston post-offices, in the city of Quincy, in the State of Massachusetts—to the Committee on the Post-Office and Post-Roads.

By Mr. MIERS of Indiana: A bill (H. R. 9886) to restore certain widows to the pension roll—to the Committee on Invalid Pensions.

By Mr. TONGUE: A bill (H. R. 9887) to authorize construction of a revetment on right bank of the Willamette River, near Corvallis, Oreg.—to the Committee on Rivers and Harbors.

By Mr. BINGHAM: A bill (H. R. 9889) to incorporate the National Association of Manufacturers—to the Committee on Manufactures.

By Mr. WISE: A bill (H. R. 9910) making appropriation for the removal of an obstruction in the naval channel of Elizabeth River, Virginia, in the approach to the navy-yard, known as Hospital Point—to the Committee on Rivers and Harbors.

By Mr. MUDD (by request): A bill (H. R. 9911) to cancel the assessment of water-main taxes on Brightwood avenue, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SCUDDER: A bill (H. R. 9912) to establish a light and fog signal on the east breakwater, to mark the main entrance to the inlet of Port Jefferson Harbor—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: A bill (H. R. 9913) to establish a National Soldiers' Home hospital at Hot Springs, Ark.—to the Committee on Military Affairs.

By Mr. WHEELER of Kentucky: A joint resolution (H. J. Res. 210) providing for survey of part of the Mississippi River, and making appropriations therefor—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. SCUDDER: A joint resolution (H. J. Res. 211) directing the Secretary of War to submit plans and estimates for the improvement of the inlet to Port Jefferson Harbor, Suffolk County, N. Y.—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 212) directing the Secretary of War to submit plans and estimates for the improvement of Parsonage Cove, in the town of Hempstead and county of Nassau, N. Y.—to the Committee on Rivers and Harbors.

By Mr. HAWLEY (by request): A concurrent resolution (H. C. Res. 34) relating to the printing of Senate Documents Nos. 47 and 57—to the Committee on Printing.

By Mr. CUMMINGS: A resolution (H. Res. 190) requesting the President to transmit to the House correspondence relating to the "open door" in China—to the Committee on Foreign Affairs.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 193) relating to the payment of legal representatives of soldiers and officers dying in the service of the Government $50 for soldiers and $100 for officers—to the Committee on Military Affairs.

By Mr. SPALDING: A memorial and resolution of the legislature of North Dakota, regarding building a dam in Mouse River and construction of a canal to increase volume of water in Devils Lake—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 9888) to place on the lineal list of first lieutenants the name of William K. McCue and others—to the Committee on Military Affairs.

By Mr. COCHRANE of New York: A bill (H. R. 9890) granting a pension to Rebecca A. Helmstreet—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 9891) granting to Pleasant E. Miller a pension—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9892) granting an increase of pension to Joseph A. McGuire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9893) to remove the charge of desertion from the military record of J. A. Church—to the Committee on Military Affairs.

Also, a bill (H. R. 9894) granting to Thomas J. Tucker a pension—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 9895) granting a pension to Elizabeth Robb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9896) granting an increase of pension to Ross M. Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9897) for the relief of Margaret Davis—to the Committee on War Claims.

By Mr. HEDGE: A bill (H. R. 9898) granting a pension to Edward J. Trussler—to the Committee on Invalid Pensions.

By Mr. MULLER: A bill (H. R. 9899) to remove the charge of desertion from the military record of George Schoenberger—to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 9900) granting a pension to Mark Watts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9901) granting a pension to Samuel Nickel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9902) to increase the pension of William H. H. Sallyards, Ironton, Ohio—to the Committee on Invalid Pensions.

By Mr. RHEA of Virginia: A bill (H. R. 9903) granting an increase of pension to Henry Shell—to the Committee on Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 9904) for the relief of B. Glatt, Baton Rouge, La.—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 9905) granting an increase of pension to Nancy A. Bonds—to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 9906) to remove the charge of desertion from the records of the War Department against Wiley W. Woolard—to the Committee on Military Affairs.

By Mr. SCUDDER: A bill (H. R. 9907) to refer the claim of the owner of the brig *Robert and Mary* to the Court of Claims—to the Committee on Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 9908) for the relief of the estate of Dr. J. P. Davis, deceased, late of Yazoo County, Miss.—to the Committee on War Claims.

By Mr. ZIEGLER: A bill (H. R. 9909) granting an increase of pension to Joseph Glassick—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 9914) granting a pension to Almira A. Scott—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 9915) granting a pension to Madison T. Trent—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 9916) for the relief of Thora Myhre—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of J. W. Harris, of Franklin County, Iowa, favoring the Grout bill relating to oleomargarine—to the Committee on Agriculture.

Also, petition of Henry C. Gardner and other citizens of Buchanan County, Iowa, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ADAMSON: Petition of M. J. Peirce and others, of Temple, Ga., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL: Petitions of numerous citizens of the State of Colorado, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of T. L. Monson, of Denver, Colo., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BOUTELLE of Maine: Petition of D. E. Wilson and others, of Bradford, Me., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BRENNER: Petition of citizens of Germantown, Okeana, Campbelltown, and West Alexander, Ohio, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, resolutions of Post 96 and Post 590, Grand Army of the Republic, Department of Pennsylvania, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BROMWELL: Petition of the National Hay Association, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of First Battalion, Ohio National Guard, of Cincinnati, Ohio, favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the militia of the States and Territories—to the Committee on Militia.

Also, petition of Cincinnati Post, No. 67, and Charles S. Hayes Post, No. 224, Grand Army of the Republic, Department of Ohio, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of A. L. Brochmer, for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of Lizzie Tuckerman and others, of Media, Pa., to abolish the Army canteen—to the Committee on Military Affairs.

Also, petition of the New Century Club, of Westchester, Pa., favoring House bill No. 6634, regulating the shipment of game—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDWELL: Petition of the National Hay Association, in favor of the passage of the so-called Cullom bill, to make certain changes in the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Resolutions of Thomas Post, No. 11, and Budlong Post, No. 18, Grand Army of the Republic, Department of Rhode Island, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, protest of citizens of Rhode Island, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CHANLER: Resolutions of the American Bar Association, for legislation in regard to title to real estate and to remedy certain evils in relation to liens—to the Committee on the Judiciary.

Also, resolution of the Manufacturers' Association of New York, favoring the passage of the so-called Cullom bill, to make certain changes in the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Butler Brothers, of New York, and the Manufacturers' Association of New York, relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petitions of the American Trade Press Association and the American Grocer, urging the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CRAWFORD: Protest of citizens of Asheville, N. C., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of the Soap Makers' Association of Philadelphia, Pa., favoring the passage of the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

By Mr. STANLEY W. DAVENPORT: Petition of citizens of Huntington Mills, Pa., in favor of the the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, resolutions of George F. Moore Post, No. 499; C. B. Cox Post, No. 147; Robinson Post, No. 20, and Captain Arber Gaylor Post, No. 109, Department of Pennsylvania, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Michael Andes and others, of Hazleton, Pa., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DE ARMOND: Affidavits in support of Senate bill No. 3125, to pension Mrs. Emily A. Larimer—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: Protest of the Woman's Christian Temperance Union of Battin Chapel, Ogden, Iowa, against the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. ELLIOTT: Resolutions of Abe Lincoln Post, No. 12, and Hunter Post, No. 8, Grand Army of the Republic, of South Carolina, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. ESCH: Resolutions of Wilson Colwell Post, Grand Army of the Republic, Department of Wisconsin, urging the passage of House bill No. 2583, giving veterans preference in employment—to the Committee on Reform in the Civil Service.

Also, petition of Holmes Creamery Association, Holmen, Wis., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, petition of druggists and others of the city of Eau Claire, Wis.; also of druggists and citizens of Arcadia, Wis., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. FLETCHER: Resolutions of Company C, Fourth Infantry, Company E and Battery A, National Guard, State of Minnesota, in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on Militia.

Also, petition of 979 citizens of Minnesota, in favor of the proposed national park in northern Minnesota—to the Committee on the Public Lands.

Also, petitions of publishers of Minneapolis, Minn., in opposition

to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GAMBLE: Petition of citizens of Yankton, Mitchell, Terry, and Dempster, S. Dak., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Black Hills Wool Growers' Association and Prairie Lodge, No. 170, Brotherhood of Locomotive Firemen, against public-land grants to any but actual settlers, etc.—to the Committee on the Public Lands.

By Mr. GASTON: Petitions of citizens of Titusville, Springboro, Union City, Corry, Wanneta, Wattsburg, Northeast, Cranesville, Linesville, and other towns in Crawford and Erie counties, Pa., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Major W. W. Miles Post, No. 308, of Girard, Pa., Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Nathan Stone and citizens of Corry and Britton Run, Pa., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. GRAHAM: Circular of information of the National Association of Manufacturers, with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Association of United States Government Employees, Philadelphia, urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

Also, petition of the Mercantile Club of Kansas City, Kans., against any legislation increasing the tax on oleomargarine—to the Committee on Ways and Means.

By Mr. HAMILTON: Sundry petitions of citizens of the State of Michigan, against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HEMENWAY: Petition of J. Oscar Martin, of Newburg, Ind., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Robert Mitchell and other citizens of Princeton, Ind., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of Mary D. Allen and other ladies of Boonville, Ind., urging the passage of House bill No. 5457, abolishing the Army canteen—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: Petition of Grand Army of the Republic post at Bristol, Conn., favoring the passage of House bill No. 7094—to the Committee on Military Affairs.

By Mr. HILL: Petitions of Ezra Thompson, Frank Holmes, and others, of the State of Connecticut, against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of a mass meeting at Waterbury, Conn., in favor of American mediation between Great Britain and the Transvaal Republic—to the Committee on Foreign Affairs.

By Mr. KAHN: Petitions of Manufacturers and Producers' Association of California, and of the Chamber of Commerce of San Francisco, and of the San Diego Chamber of Commerce, in favor of House bill No. 7097, for the reorganization of the consular service of the United States—to the Committee on Foreign Affairs.

Also, resolutions of the Chamber of Commerce of San Francisco, against House bill No. 1053, providing representation in Congress for Alaska—to the Committee on the Territories.

Also, petition of the examiner of merchandise at the port of San Francisco, in favor of House bill No. 7843, increasing the maximum compensation of examiner of merchandise of the custom-house at the port of New York, and urging an amendment increasing the maximum compensation of examiners of merchandise of the custom-house at the port of San Francisco—to the Committee on Ways and Means.

Also, resolutions of the San Francisco Chamber of Commerce, in favor of increasing the artillery branch of the United States Army—to the Committee on Military Affairs.

Also, resolutions of the Manufacturers and Producers' Association of California, in favor of House bill No. 8021, to restrict the sale of convict-made goods to the State or Territory in which they are manufactured—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Manufacturers and Producers' Association of California, and of the Merchants' Exchange Association of California, and the Merchants' Association of San Francisco, and of the Chamber of Commerce of San Francisco, in favor of House bill 887, appropriating the sum of $200,000 for a commercial museum at Philadelphia, and requesting the adoption of an amendment appropriating $50,000 for the Pacific Commercial Museum—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the State Board of Trade of California, favoring the leasing of unoccupied public lands for grazing purposes—to the Committee on the Public Lands.

Also, resolutions of the Manufacturers and Producers' Association of California, in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. KERR: Petition of E. A. Johnson and others, of Sullivan, Ohio, against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KETCHAM: Petition of H. A. Holmes and others, of Pawling, N. Y., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, petition of citizens of Carthage Landing, N. Y., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KLEBERG: Petition of citizens of Cameron, Hidalgo, and Starr counties, Tex., in favor of canal between Flower Bluff and Point Isabel—to the Committee on Rivers and Harbors.

By Mr. KNOX: Resolutions of Woburn Post, No. 161, Grand Army of the Republic, of Woburn, Mass., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LATIMER: Paper of John T. Hobbs, of New York, containing information in regard to oleomargarine, butterine, etc.—to the Committee on Agriculture.

Also, paper of John T. Hobbs, of New Hork, relating to the state of the market in regard to food products, etc.—to the Committee on Agriculture.

By Mr. LONG: Petition of E. E. Conrad and 17 citizens of Newton, Kans., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

Also, petitions of C. F. Mouser, of Elbing, and I. F. Stroup, of Nickerson, Kans., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: Paper to accompany House bill No. 7179, for the relief of Clarence S. Hall—to the Committee on Invalid Pensions.

Also, petition of druggists of Cambridge, Ohio, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. McCLEARY: Resolution of Nat. Lyon Post, of Adrian, Minn., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Dr. J. W. Chamberlin, of St. Paul, Minn., protesting against the passage of a bill known as the Gallinger vivisection bill—to the Committee on the Judiciary.

Also, petition of Company E, Fourth Infantry, National Guard of the State of Minnesota, urging the passage of House bill No. 7936, increasing the appropriation for the State militia—to the Committee on Militia.

By Mr. MIERS of Indiana: Petitions of Grand Army of the Republic posts of Elliottsville, Washington, Spencer, Farmersburg, Owensburg, Bloomfield, Koleen, Meroni, Bicknell, Bedford, and Loogootee, Ind., in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Heltonville, Ind., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MOODY of Massachusetts: Petition of Ward Post, No. 90, Grand Army of the Republic, of Danvers, Mass., and Hovey Post, No. 559, of Indianapolis, Ind., favoring the passage of House bill No. 7094—to the Committee on Military Affairs.

By Mr. NAPHEN: Resolution of Armorer's Association of Springfield, Mass., urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

Also, resolution of the Boston Druggists' Association, for reciprocal trade treaty with Canada—to the Committee on Ways and Means.

Also, petitions of the board of aldermen and common council of Boston, Mass.; also petitions of the Columbia and numerous other yacht clubs of Boston, urging the placing of a search light on the City Point life-saving station, at Boston, Mass., and the stationing of a steam launch at said station—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: Papers to accompany House bill No. 9757, to correct the military record of David Campbell—to the Committee on Military Affairs.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., opposing House bill No. 1053, and asking for certain forms of relief in the government of Alaska—to the Committee on the Territories.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., urging the appointment of a permanent general appraiser

at the port of San Francisco—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTON of South Carolina: Resolutions of the Mercantile Club of Kansas City, Mo., against sundry bills taxing oleomargarine and butterine—to the Committee on Agriculture.

By Mr. O'GRADY: Petition of citizens of Fairport, N. Y., in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. PEARRE: Petition of William A. Gordon, administrator of the estate of William D. C. Murdock, deceased, relating to a claim—to the Committee on War Claims.

By Mr. RUSSELL: Petition of Mrs. Sylvanus Reed, regent of Manhattan Chapter, Daughters of the American Revolution, New York City, in favor of House bill No. 2577, to preserve the Fort Griswold property—to the Committee on Military Affairs.

Also, resolutions of Sedgwick Post, No. 1, of Norwich, Conn., Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky: Petition of Posts 212, 11, and 217, Grand Army of the Republic, Department of Kentucky, favoring the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 5251—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 9856—to the Committee on Claims.

Also, papers to accompany House bill No. 9857—to the Committee on War Claims.

Also, papers to accompany House bill No. 9864—to the Committee on War Claims.

Also, papers to accompany House bill No. 9866—to the Committee on War Claims.

Also, papers to accompany House bill No. 9860—to the Committee on War Claims.

Also, papers to accompany House bill No. 9865—to the Committee on War Claims.

Also, papers to accompany House bill No. 9859—to the Committee on War Claims.

Also, papers to accompany House bill No. 9861—to the Committee on War Claims.

Also, papers to accompany House bill No. 9862—to the Committee on War Claims.

Also, papers to accompany House bill No. 9863—to the Committee on War Claims.

By Mr. SPALDING: Petition of Frank Ohman and other citizens of Rutland, N. Dak., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, protest of the Retail Merchants' Association of Chicago, Ill., against the passage of the Grout bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. E. Thompson and other citizens of Cass County, N. Dak., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the San Diego (Cal.) Board of Trade, urging the immediate construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of John A. Spellman Post, No. 13, Grand Army of the Republic, Department of North Dakota, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SPERRY: Resolutions of the Trinity Methodist Episcopal Church, First Methodist Episcopal Church, and Young People's Society of Christian Endeavor of the First Congregational Church of Meriden, Conn., favoring the anti-canteen bill—to the Committee on Military Affairs.

Also, resolutions of a mass meeting in Waterbury, Conn., expressing sympathy to the Transvaal Republic and the Orange Free State in their struggle with England—to the Committee on Foreign Affairs.

By Mr. STARK; Petition of the World-Herald, Bee, and News, of Omaha; State Journal and Post, of Lincoln, Nebr., and Press, of Nebraska City, Nebr., urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of Wallridge & Taylor and 20 others, of Peterboro, N. H., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. SULZER: Petition of the Manufacturers' Association of New York, relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of the Manufacturers' Association of New York, urging the passage of Senate bill No. 1439, known as the Cullom bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SUTHERLAND: Petitions of Ben Franklin Post, No. 136, and S. A. Strickland Post, No. 13, Grand Army of the Republic, Department of Nebraska, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Ben Franklin Post, No. 136, Grand Army of the Republic, Department of Nebraska, against the passage of bill to legalize the detail of active and retired officers of the Army and Navy to assist in military instruction in the public schools—to the Committee on Militia.

Also, petition of Jessup Brothers, of Clay Center, Nebr., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Woman's Christian Temperance Union of Wauneta, Nebr., urging the enactment of a law forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade in our new possessions—to the Committee on Alcoholic Liquor Traffic.

By Mr. VREELAND: Petition of First Methodist Episcopal Church of Jamestown, N. Y., and vicinity, for the suppression of the liquor traffic in the Philippines—to the Committee on Insular Affairs.

Also, petitions of C. C. Durham and others, in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. WILSON of Arizona: Petition of Grand Army of the Republic Post of Phenix, Ariz., in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WILSON of New York: Resolutions of the Manufacturers' Association of New York, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. ZIEGLER: Papers to accompany House bill for an increase of pension to Joseph Glassick—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *March 23, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. STEWART, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MINING RIGHTS NEAR CAPE NOME, ALASKA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 21st instant, certain information relative to whether any concessions or grants have been made to any individual or corporations to excavate the gold-bearing bed of the sea at or in the vicinity of Cape Nome, in Alaska, or in other Alaskan waters, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5390) granting an increase of pension to Maria E. Mailley.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 2,500 copies of the Annual Report of the Director of the Bureau of American Republics.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the foremen, attendants, and laborers employed in the sixth division of the New York custom-house, praying for the enactment of legislation to provide for an increase in their salaries; which was referred to the Committee on Finance.

He also presented memorials of the congregations of the Immanuel, the Presbyterian, the Swedish Zion and Mission, the Swedish Baptist, the Free Methodist, and the Swedish Methodist churches, all of Jamestown, in the State of New York, remonstrating against the sale of liquor in canteens, and also against the sale of intoxicating liquors in the newly acquired possessions of the United States; which were referred to the Committee on Military Affairs.

He also presented a memorial of the American Trade Press Association, of New York City, and a memorial of the Snap Shots Photographic Journal, of New York City, remonstrating against the

passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Union No. 33, Coopers' International Union, of Buffalo, N. Y., remonstrating against the enactment of legislation to abolish the use of revenue stamps on sixth and eighth beer kegs; which was referred to the Committee on Finance.

He also presented a petition of Dolan Lodge, No. 201, International Association of Machinists, of Hornellsville, N. Y., praying for the enactment of legislation to increase the salaries of machinists employed at the Government Printing Office; which was referred to the Committee on Printing.

He also presented a petition of Clinton Lodge, No. 99, International Association of Machinists, of Newburg, N. Y., praying for the enactment of legislation to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States; which was referred to the Committee on Education and Labor.

Mr. ROSS presented the petition of Harry A. Slade and 56 other druggists, of Vermont, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. ALLEN presented a memorial of sundry citizens of Hooker County, Nebr., remonstrating against the sale or leasing of the public lands to individuals or corporations; which was referred to the Committee on Public Lands.

Mr. GALLINGER presented a petition of the New Hampshire Board of Trade, of Manchester, N. H., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the New Hampshire Board of Trade, of Manchester, N. H., praying that an appropriation of $200,000 be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

Mr. McMILLAN presented a memorial of the congregations of sundry churches of Milford, Mich., remonstrating against the manufacture and sale of intoxicating liquors in the islands acquired by the United States, and also against the further sale of liquor by the Government to members of the Army, Navy, or other employees; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of Ashland Grange, No. 545, Patrons of Husbandry, of Newaygo County, Mich., praying for the extension of free rural mail delivery, for the enactment of anti-trust laws, and for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the North Capitol and Eckington Citizens' Association, of the District of Columbia, remonstrating against the diversion of any portion of the city parks and reservations to the use of any railroad company, etc.; which was referred to the Committee on the District of Columbia.

Mr. FOSTER presented a petition of the Chamber of Commerce of Seattle, Wash., praying that a more liberal appropriation be made for the Bremerton Naval Station, on Puget Sound; which was referred to the Committee on Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Sidney, Wash., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. PRITCHARD presented a petition of the Chamber of Commerce of Wilmington, N. C., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Raleigh, N. C., praying for the establishment of a national park in the western portion of that State; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Newbern, N. C., praying for the enactment of legislation to grant to the officers of the Revenue-Cutter Service actual equality with the officers of the Army and Navy; which was referred to the Committee on Commerce.

Mr. McLAURIN presented a petition of sundry citizens of Georgetown County, S. C., praying that an appropriation be made for the improvement of Lynch River, in that State; which was referred to the Committee on Commerce.

He also presented memorials of Richard W. Massey and F. M. Lupton; the Palmetto Pythian, of Sumter; the Keowee Courier, of Walhalla; the Piedmont Headlight, of Spartanburg; the Baptist Courier, of Greenville; Our Monthly, and of sundry citizens of Spartanburg, all in the State of South Carolina, and of the Manufacturers' Record and Southern Farm Magazine, of Baltimore, Md., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented a petition of sundry fourth-class postmasters of Berrien County, Mich., praying for the enactment of legislation to increase the salaries of fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Training School Advocate, of Battle Creek; the Amerikan Untesit, of Calumet; the Times, of Lawrence; the Enterprise, of Fairgrove; the News, of Marshall, and the Gospel Herald, of Battlecreek; of Stella Miller and sundry other citizens of Leonidas, and of Mrs. Lottie Butler and 10 other citizens of Battlecreek, all in the State of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Michigan State Millers' Association; the Valley City Milling Company, of Grand Rapids; the Voigt Milling Company, of Grand Rapids, and the T. S. Gurney Milling Company, of Hart, all in the State of Michigan, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the executive committee on temperance of the Friends' Association of Michigan, Indiana, and Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in canteens, Soldiers' Homes, and all Government buildings; which was referred to the Committee on Military Affairs.

He also presented a memorial of Bowne Grange, No. 219, Patrons of Husbandry, of Bowne, Mich., remonstrating against the enactment of any legislation granting subsidies to shipping; which was ordered to lie on the table.

Mr. FORAKER presented a petition of the survivors of the One hundred and sixth Ohio Volunteer Infantry, praying for the enactment of a per diem service pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Mahoning Valley Drug Association, of Ohio, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Christian Union of Fair Haven, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in canteens and in all Government buildings; which was referred to the Committee on Military Affairs.

He also presented petitions of Logan Grange, No. 3; Champion Grange, No. 738; Canaan Grange, No. 857; Lindale Grange, No. 248; Pleasant Hill Grange, No. 598; Maple Grove Grange, No. 1430; Union Grange, No. 869; Shanesville Grange, No. 1443; Aurora Grange; Salem Grange, No. 1414; Auglaize Grange, No. 347; North Camden Grange, No. 1053; Hope Grana Grange, No. 406; McDonald Grange, No. 669; Trojan Grange; Guernsey Grange, No. 1366; Perry Grange, No. 266; Chatham Grange, No. 1437; Mount Nebo Grange, No. 664; Hampstead Grange; Elm Tree Grange, No. 1407; Trenton Grange, No. 998; Shady Vale Grange, No. 348; Westland Grange, No. 121; Shannon Grange, No. 1418; Bristol Grange, No. 80; Sunset Grange; Jackson Grange, No. 403; Wabash Grange, No. 236, and Lawrence Grange, all Patrons of Husbandry, in the State of Ohio, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Wabash Grange, No. 236; Union Grange, No. 869; Enterprise Grange, No. 472; Oak Grove Grange, No. 1428; Canaan Grange, No. 857; Berlin Heights Grange, No. 345; Logan Grange, No. 8; North Camden Grange, No. 1053; Shady Vale Grange, No. 348; Shannon Grange, No. 1418; Auglaize Grange, No. 247; Laurel Grange; Salem Grange, No. 1414; Pleasant Hill Grange, No. 598; Mount Nebo Grange, No. 264; Perry Grange, No. 266; Lindale Grange, No. 248; Fulton Grange, No. 217; Line Grange; Guernsey Grange, No. 1366; McDonald Grange, No. 669; Mount Carmel Grange, No. 975; Meadow Grange; and Union Grange, No. 1078, all Patrons of Husbandry, in the State of Ohio, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented memorials of Westland Grange, No. 121; Salem Grange, No. 1404; Logan Grange, No. 3; Berlin Heights Grange, No. 345; Oak Grove Grange, No. 428; Shady Vale Grange, No. 348; Elm Tree Grange, No. 1407; Mount Nebo Grange, No. 664; Mount Carmel Grange, No. 975; Shannon Grange, No. 1418; Auglaize Grange, No. 347; North Camden Grange, No. 1053; Hilton Grange, No. 520; Pleasant Hill Grange, No. 598; Hope Grange, No. 324; Maple Grove Grange, No. 1430; Lindale Grange, No. 248; Hilton Corner Grange, No. 600; Guernsey Grange, No. 1366; Angolia Grange, No. 360; Wabash Grange, No. 236; Hope Grange, No. 406; Enterprise Grange, No. 472; Clyde Grange, No. 364; Canaan Grange, No. 857; Perry Grange, No. 266; Garrettsville Grange, No. 1436; Excelsior Grange, No. 650; Fulton Grange, No. 217; Union Grange, No. 1078; McDonald Grange, No. 669; Trenton Grange, No. 998; Stillwell Grange, No. 920, and

Chatham Grange, No. 1437, all Patrons of Husbandry, in the State of Ohio, remonstrating against the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Manchester Grange; Clyde Grange, No. 364; Pleasant Hill Grange, No. 598; Maple Grove Grange, No. 1480; Laurel Grange; Lebanon Grange, No. 1462; Jackson Grange, No. 341; Marlboro Grange, No. 1401; Manchester Grange, No. 47; New London Grange, No. 1422; Champion Grange, No. 738; Jennings Grange, No. 1320; Griggs Grange, No. 1463; Trenton Grange, No. 998; Canaan Grange, No. 857; Oxford Grange, No. 263; Liberty Hill Grange, No. 1087; Paulding Grange, No. 332; Mohawk Grange, No. 1420; Hartford Grange, No. 1479; Straw Camp Grange, No. 1204; Guilford Grange, No. 1423; Franklin Grange, No. 1193; Brunswick Grange, No. 1344; Meadow Grange; Ideal Grange, No. 1346; German Grange, No. 1348; Twin Valley Grange, No. 657; Jefferson Grange, No. 909; Star Grange; Pleasant Grange, No. 399; Union Grange, No. 1470; Shanesville Grange, No. 1443; McDonald Grange, No. 669; Meadow Grange; New Buffalo Grange, No. 1478; Greenwood Grange, No. 1061; Logan Grange, No. 3; Mount Nebo Grange, No. 664; Jackson Center Grange, No. 587; Washington Grange, No. 5; Union Grange, No. 869; Garrettsville Grange, No. 1426; Canaan Grange, No. 1280; Wabash Grange, No. 326; Andover Grange, No. 1468; Buckeye Valley Grange, No. 940; Margaretta Grange, No. 488; Enterprise Grange, No. 472; Harrison Grange, No. 151; Fulton Grange, No. 217; Shannon Grange, No. 1418; Salem Grange, No. 1414; North Lima Grange, No. 1476; O. B. Grange, No. 116; North Camden Grange, No. 1053; North Star Grange, No. 671; Auglaize Grange, No. 347; Little Hocking Grange, No. 873; Wyandot Grange, No. 499; Fulton Grange, No. 217; Westland Grange, No. 121; Plains Grange, No. 469, and Walnut Grove Grange, No. 1429, all Patrons of Husbandry, in the State of Ohio, praying for the enactment of legislation to secure protection against the adulteration of pure-food products; which were referred to the Committee on Manufactures.

He also presented memorials of Canaan Grange, No. 857; Trenton Grange, No. 998; Maple Grange, No. 554; Harrison Grange, No. 151; North Lima Grange, No. 1476; Camden Grange, No. 1053; North Star Grange, No. 671; Auglaize Grange, No. 1349; O. B. Grange, No. 116; Franklin Grange, No. 1193; Alma Grange, No. 424; German Grange, No. 1348; Ideal Grange, No. 1456; Shannon Grange, No. 1418; Little Hocking Grange, No. 873; Brunswick Grange, No. 1344; Champion Grange, No. 738; Wyandotte Grange, No. 549; Westland Grange, No. 121; Fulton Grange, No. 217; Enterprise Grange, No. 472; Salem Grange, No. 1414; Marlboro Grange, No. 1401; Oxford Grange, No. 263; Shanesville Grange, No. 1443; Pleasant Hill Grange, No. 598; Enterprise Grange; Maple Grove Grange, No. 1480; Mount Nebo Grange, No. 664; Walnut Grove Grange, No. 1429; Fulton Grange, No. 257; Griggs Grange, No. 1467; Huron Grange, No. 1389; Todds Grange, No. 1457; New London Grange, No. 1422; Manchester Grange, No. 47; Straw Camp Grange, No. 1204; Plains Grange, No. 459; Guilford Grange, No. 1423; Hartford Grange, No. 1479; Margaretta Grange, No. 488; Mohawk Grange, No. 1420; Paulding Grange, No. 332; Jennings Grange, No. 1320; Liberty Hill Grange, No. 1087; Wabash Grange, No. 236; Sunrise Grange, No. 1220; Garrettsville Grange, No. 1436; Washington Grange, No. 5; Union Grange, No. 869; Logan Grange, No. 3; Andover Grange, No. 1468; Buckeye Valley Grange, No. 640; Surprise Grange; Union Ridge Grange, No. 1470; McDonald Grange, No. 669; Jackson Center Grange, No. 587; Greenwood Grange, No. 1061; Twin Valley Grange, No. 657; Jefferson Grange, No. 909; Goodwill Grange; Pleasant Grange, No. 399; New Buffalo Grange, No. 1478, and Jackson Grange, No. 341, all Patrons of Husbandry, in the State of Ohio, praying for the enactment of adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of Shannon Grange, No. 1478; Little Hicking Grange, No. 873; North Camden Grange, No. 1053; North Star Grange, No. 671; Auglaize Grange, No. 347; Ohio Grange, No. 347; O. B. Grange, No. 116; Twin Valley Grange, No. 657; Pleasant Grange, No. 399; Jefferson Grange, No. 909; North Lima Grange, No. 1476; Salem Grange; McDonald Grange, No. 669; Andover Grange, No. 1468; Wyandot Grange, No. 549; Jackson Grange, No. 341; Shanesville Grange, No. 1443; Logan Grange, No. 3; Enterprise Grange, No. 472; Harrison Grange, No. 151; Canaan Grange, No. 557; Union Ridge Grange, No. 1470; Meadow Grange; Buckeye Valley Grange, No. 940; Greenwood Grange, No. 1061; Jackson Center Grange, No. 587; Margaretta Grange, No. 488; New Buffalo Grange, No. 1478; Straw Camp Grange, No. 1204; Hartford Grange, No. 1479; Guilford Grange, No. 1423, Union Grange, No. 869; Oxford Grange, No. 263; Washington Grange, No. 5; Canaan Grange, No. 1280; Garrettsville Grange, No. 1436; Wabash Grange, No. 236; Jennings Grange, No. 1320; Liberty Hill Grange, No. 1078; Mohawk Grange, No. 1420; Paulding Grange, No. 332; Franklin Grange, No. 1193; Ideal Grange, No. 1456; Olin Grange; Brunswick Grange, No. 1344; Champion Grange, No. 738; Marlboro Grange, No. 1401; Maplegrove Grange, No. 1490; Fulton Grange, No. 217; Mount Nebo Grange, No. 664; Salem Grange, No. 1414; Walnutgrove Grange, No. 1419; Westland Grange, No. 121; Fulton Grange, No. 217; Freedom Plains Grange; Clyde Grange, No. 364; New London Grange, No. 1422; Manchester Grange, No. 47; Huron Grange, No. 1385, and German Grange, No. 1348, all Patrons of Husbandry, in the State of Ohio, praying for the election of United States Senators by the popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Bristol Grange, No. 86; Fulton Grange, No. 217; Perry Grange, No. 266; Chatham Grange, No. 1439; Trenton Grange, No. 998; Elsie Grange, No. 625; Lindale Grange, No. 248; Mount Nebo Grange, No. 664; Maplegrove Grange, No. 1430; Grant Grange, No. 520; Lebanon Grange, No. 1462; Excelsior Grange, No. 420; Champion Grange, No. 738; Enterprise Grange, No. 1407; Pleasanthill Grange, No. 598; Wabash Grange, No. 236; Center Grange, No. 788; Guernsey Grange, No. 1366; Junior Grange, No. 841; Salem Grange, No. 1414; Shady Vale Grange, No. 348; Garrettsville Grange, No. 1436; Union Grange, No. 869; Union Grange, No. 1078; Fairfield Grange, No. 278; Westland Grange, No. 121; Enterprise Grange, No. 472; Buckeye Valley Grange, No. 940; North Camden Grange, No. 1053; Mount Carmel Grange, No. 975; Logan Grange, No. 3; Berlin Heights Grange, No. 345; Hope Grange, No. 406; Oakgrove Grange, No. 1428, and McDonald Grange, No. 664, all Patrons of Husbandry, in the State of Ohio, praying for the extension of rural free mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Salem Grange, No. 1414; Westland Grange, No. 121; Shannon Grange, No. 1418; Shady Vale Grange, No. 348; North Camden Grange, No. 1053; Angelize Grange, No. 347; Mount Carmel Grange, No. 975; Hope Grange, No. 406; McDonald Grange, No. 669; Perry Grange, No. 266; Fulton Grange, No. 217; Magog Grange; Chatham Grange, No. 1437; Mount Nebo Grange, No. 664; Elm Tree Grange, No. 1407; Logan Grange, No. 3; Berlin Heights Grange, No. 340; Bristol Grange, No. 80; Oak Grove Grange, No. 1425; Canaan Grange, No. 457; Union Grange, No. 1078; Prairie Grange; Guerney Grange, No. 1366; Danube Grange; Wabash Grange, No. 236; Line Grange; Champion Grange, No. 1138; Maple Grove Grange, No. 430; Lindale Grange, No. 248; Union Grange, No. 869; Meadow Grange; Jackson Grange, No. 403, and Garrettsville Grange, No. 1436, all Patrons of Husbandry, in the State of Ohio, praying for the enactment of legislation to secure protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

Mr. SHOUP presented resolutions adopted by the National Live Stock Association, held at Fort Worth, Tex., favoring the admission of Oklahoma, New Mexico, and Arizona to statehood; which were referred to the Committee on Territories.

Mr. HOAR presented a petition of Lincoln Division, No. 101, Sons of Temperance, of Lawrence, Mass., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium, and the prohibition of gambling in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of the Woman's Christian Temperance Union of Leicester, Mass., praying for the enactment of legislation to prevent the extension of the liquor traffic in the insular possessions of the United States; to prohibit the sale of liquor in Army canteens, immigrant stations, and all Government buildings; to adopt an amendment to the Constitution to prohibit polygamy; to correct the laws relating to divorce in the several States, and to prohibit the publication of accounts of prize fights; which was referred to the Committee on the Judiciary.

Mr. LODGE presented a memorial of the National Sportsman, of Boston, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 37 citizens of Medford, Mass., and a petition of the congregation of the First Baptist Church of Medford, Mass., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors in any of the new possessions of the United States; which were referred to the Committee on Pacific Islands and Puerto Rico.

Mr. FRYE presented the petition of Stephen F. Weston and 60 other citizens of Cleveland, Ohio, praying for the enactment of legislation to provide that no customs tariffs shall be permitted between the United States and Puerto Rico; which was ordered to lie on the table.

APPOINTMENTS TO NAVAL ACADEMY.

Mr. HALE. I present communications from the Secretary of the Navy, relative to Senate bill No. 3442, proposing to increase the number of cadets to be appointed at large by the President to

the United States Naval Academy. I move that the communications be printed as a document to accompany that bill, and that they be referred to the Committee on Naval Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs; which was agreed to.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 1027) for the transformation of the inner basin of the Potomac flats into a public bathing pool, reported it with amendments, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the bill (S. 2330) to authorize the President of the United States to invite the International Congress of Navigation to hold its ninth session in Washington, D. C., reported it with amendments.

Mr. PROCTOR. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 8466) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," to report it without amendment, and to submit a report thereon.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. PROCTOR. I move that the bill (S. 3190) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," being Order of Business 468 on the Calendar, be postponed indefinitely, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. STEWART. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, to report it with an amendment. The bill belongs to the Committee on Indian Affairs and that committee has investigated it.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. ROSS, from the Committee to Examine the Several Branches of the Civil Service, to whom was referred the bill (S. 2000) regulating appointments to and removals from civil offices in outlying dependencies of the United States, reported it with amendments.

Mr. KENNEY, from the Committee on the District of Columbia, reported an amendment proposing to appropriate $25,000 for grading and paving Connecticut avenue (extended) between Columbia road and Kalorama avenue, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 3369) for the relief of Mary C. Henderson, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. HAWLEY March 21, 1900, proposing to appropriate $5,000 for the equipment and maintenance of an industrial institution for the employment of the blind of the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Pensions, to whom was referred the bill (S. 3619) granting a pension to Mary A. Colhoun, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4047) granting an increase of pension to James S. Jordan; and

A bill (H. R. 6161) granting an increase of pension to John Landegan.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3663) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (H. R. 6243) to amend the charter of the Capital Traction Company of the District of Columbia; and

A bill (H. R. 2826) authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company of the District of Columbia.

Mr. SHOUP, from the Committee on Territories, to whom was referred the bill (H. R. 8463) ratifying an appropriation by the legislature of Oklahoma, out of the Morrill fund, for the use of the university at Langston for colored students, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 3662) granting an increase of pension to Louise D. Smith, reported it without amendment, and submitted a report thereon.

PUBLIC-SCHOOL STUDIES IN THE DISTRICT OF COLUMBIA.

Mr. STEWART. From the Committee on the District of Columbia I beg leave to submit a report under the resolution of the Senate of February 7, and I ask that it be printed and referred to the Committee on Appropriations. Let the resolution be read.

The Secretary read the resolution adopted by the Senate February 7, 1900, as follows:

Resolved, That the Committee on the District of Columbia is hereby directed to make inquiry and inform the Senate what course of study is prescribed for the public schools of the District, and whether a thorough instruction in spelling, reading, writing, grammar, arithmetic, and geography supersede teaching of the higher branches of learning; and if not, why not.

Mr. STEWART. The report is in writing, and I ask that it be printed and referred to the Committee on Appropriations.

The PRESIDENT pro tempore. In pursuance of the resolution the Senator from Nevada submits a report, which will be printed and referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. DAVIS (by request) introduced a bill (S. 3772) to authorize the compilation and revision of the Statutes of the United States; which was read twice by its title, and referred to the Committee on the Revision of the Laws.

Mr. LINDSAY introduced a bill (S. 3773) for the relief of Susan B. Chambers; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLEN introduced a bill (S. 3774) granting pensions to certain prisoners of war; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 3775) authorizing certain officers of the United States Army to appear for reexamination for promotion; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. SHOUP introduced a bill (S. 3776) providing for the rental and preparation in the city of Manila, Philippine Islands, of a suitable building for use as a library for the convenience and use of the American soldiers and sailors; which was read twice by its title, and referred to the Committee on the Philippines.

Mr. FOSTER introduced a bill (S. 3777) making an appropriation for the improvement of the harbor of New Whatcom, in the State of Washington; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PRITCHARD introduced a bill (S. 3778) granting a pension to Martha Ray; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3779) for the relief of Marcellus J. Edwards; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER (by request) introduced a bill (S. 3780) to purchase the portraits of Chief Justices Marshall, Taney, Chase, and Waite; which was read twice by its title, and referred to the Committee on the Library.

Mr. MORGAN introduced a bill (S. 3781) for the relief of Mary S. Thompson; which was read twice by its title, and referred to the Committee on Pensions.

WITHDRAWAL OF TROOPS FROM SHOSHONE COUNTY, IDAHO.

Mr. ALLEN. I introduce a joint resolution, which I ask be read at length and lie on the table subject to call. I shall endeavor to call it up on Monday.

The joint resolution (S. R. 110) requesting the President of the United States to withdraw the Federal troops from Shoshone County, Idaho, was read the first time by its title and the second time at length, as follows:

Joint resolution (S. R. 110) requesting the President of the United States to withdraw the Federal troops from Shoshone County, Idaho.

Whereas on the 29th day of April, 1899, an armed mob destroyed the concentrating plant of the Bunker Hill and Sullivan mines at Wardner, in Shoshone County, State of Idaho, and killed one person and wounded two others, and thereafter dispersed from the scene of riot; and

Whereas on the 3d day of May, 1899, the governor of the State of Idaho declared said county to be in a state of insurrection and rebellion; and

Whereas the President of the United States, upon the request of said governor, sent to the said county of Shoshone Federal troops, under the command of Brigadier-General Merriam, to aid the governor in maintaining law and order therein; and

Whereas the said county was placed under martial law, and has ever since that date been and now is under martial law, and the Federal troops of the United States have at all times since said 3d day of May been, and now are, within said county by virtue of the request of said governor and the order of the President of the United States; and

Whereas at all times since the 3d day of May, 1899, the county of Shoshone

has been in a state of peace and not of war, nor invasion, nor insurrection, nor rebellion; and

Whereas the courts have in said county been at all times since said date in the free and unobstructed administration of the law, save only when interfered with by the military authorities administering martial law in said county, and the process of said courts could at all times since the said 3d day of May, and now can, be legally served and executed; and

Whereas the officers of the United States in charge of said military forces have duly reported to the War Department of the United States that the said county of Shoshone is, and at all times since the 3d day of May, 1899, has been, in a state of peace, and that no opposition has been met by said troops while in the county of Shoshone in exercising any jurisdiction therein; and

Whereas it is not within the power or authority of the governor of Idaho or the President of the United States in a time of peace to continue martial law on account of any fictitious necessity; and

Whereas at all times since said 3d day of May, and now, in violation of the fourteenth amendment of the Constitution, citizens have been arrested without due process of law and held for indefinite periods at the will of the authorities claiming to exercise martial law in said county, without any judicial process or legal warrant; and

Whereas the governor of said State has suspended the writ of habeas corpus in said county of Shoshone, and the same is now within said county suspended as against said martial authorities; and

Whereas the representative of said governor, one Bartlett Sinclair, claiming to be in charge of the Federal troops in said county, after an examination and approval by Brig. Gen. H. T. Merriam, has promulgated an order, edict, and proclamation, preventing persons from working or being employed within the county of Shoshone without first receiving a permit to do so; and

Whereas about 1,000 citizens have been deprived, by reason of said proclamation and order and the rules and regulations promulgated thereunder, from seeking employment in said county and from working therein ever since said 3d day of May, 1899, and have been denied the right to work therein, although their labor was in demand, and have been arbitrarily arrested without warrant and held in imprisonment without bail, and the right of the writ of habeas corpus denied; and

Whereas the right to work is a property right, and the abridgment thereof is a deprivation of the liberty of the citizens, and a taking of property and the liberty thereof without due process of law; and

Whereas such rules, proclamations, and regulations exceed the power exercisable by the State or Federal Government under any conditions of affairs, and is the inauguration of a blacklisting system against labor in violation of the statutes of Idaho and the Constitution of the United States and the Declaration of Independence; and

Whereas innocent citizens have, without any trial, warrant, or legal hearing, during and under martial law, been arrested and imprisoned because they were working within said county of Shoshone from time to time, without permits, a copy of the form of such commitments being as follows:

A copy of the form of commitment follows:

"TO ANGUS SUTHERLAND.

"SIR: You are hereby requested to take and to hold in your custody one ——— who has been arrested for violating the proclamation of the governor of Idaho, declaring martial law, and the rules and regulations of the military district established thereunder, said ——— to be held by you as such military prisoner until further orders.

'HUGH FRANCE,
"*State Representative.*

"WARDNER, IDAHO."

and

Whereas under such authority, without being informed of the nature and character of the charge against them, without being given a hearing before any committing magistrate, and being denied the right to give bail, the said Hugh France, who is not an officer exercising any civil power under the constitution of the said State of Idaho, is causing men to be imprisoned and detained at his will and pleasure, and other unauthorized persons are exercising the right of arbitrary arrest and imprisonment of citizens without any lawful warrant or authority; and

Whereas such form of commitment and warrant of arrest is a revival of the infamous system of lettres de cachet, by which innocent citizens were arbitrarily arrested and held during the reign of Louis the Fourteenth of France and his despotic ministry, resulting in the revolution of the people against such despotic tyranny, and the same is but a repetition of the unlawful arrests made under the warrant of the early kings of England, abolished by the Bill of Rights and the Magna Charta, and such warrants are illegal, unconstitutional, and unprecedented in the United States, and abhorrent to all classes of citizens; and

Whereas a punishment for working without a permit is the establishment of an industrial crime unknown to the law, and abrogates the right of contract, and creates, by virtue of its provisions, a master and a slave; and

Whereas the right of trial by jury is denied to persons held by such military authorities, and new crimes, known as "violations of the governor's proclamation," of vague and undefined character, are deemed to justify the arrest of innocent citizens at the will of such authorities exercising martial law: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the further use of the troops of the United States in aiding or assisting in the maintenance of martial law within the said county of Shoshone is improper, unnecessary, and unlawful, and that the President of the United States be requested forthwith to withdraw said troops now in Shoshone County, unless the said permit system be forthwith immediately revoked, the writ of habeas corpus restored to the citizens of said county, and martial law declared to be at an end.

SEC. 2. That the sense and purpose of this resolution is in no wise to influence the President of the United States in maintaining and keeping said troops within the limits of the said county of Shoshone to aid the proper officers in the execution of the civil law therein.

The PRESIDENT pro tempore. The Senator from Nebraska asks that the joint resolution lie on the table. Without objection, it is so ordered.

Mr. ALLEN. Subject to call. I shall endeavor to call it up on Monday next.

The PRESIDENT pro tempore. Subject to call. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. PROCTOR submitted an amendment proposing to appropriate $25,000 for grading and paving S and Decatur streets from Twenty-third street to Phelps place, and Twenty-second street from Decatur street to S street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House disagreeing to the amendments of the Senate to the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. CULLOM, and Mr. TELLER were appointed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 22d instant approved and signed the act (S. 35) granting a pension to Louise Donath.

The message also announced that the President of the United States had on this day approved and signed the act (S. 2279) declaring Cuivre River to be not a navigable stream.

SCHEDULES OF CERTAIN POSTMASTERS' SALARIES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted by Mr. MORGAN on the 21st instant, as follows:

Resolved, That the Postmaster-General be, and he hereby is, directed to return to the Senate certain schedules of salaries of postmasters in the States of Alabama, Arkansas, Kansas, and Kentucky computed under the act of March 3, 1883, which schedules were before the Committee on Post-Offices and Post-Roads of the Senate, but which were temporarily recalled by the Postmaster-General on the 30th day of September, 1890.

Mr. ALLISON. That resolution was offered by the senior Senator from Alabama [Mr. MORGAN], who is not now in the Chamber. I do not wish to take action in his absence, but I think the resolution itself should be referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. Then make the motion and let it be pending.

Mr. ALLISON. I do not care to make the motion now, but I will make it when the Senator from Alabama comes in.

Mr. CULLOM. Let the resolution lie on the table for the present.

Mr. PETTUS. I ask the Senator to let the resolution go over without prejudice until the Senator from Alabama can return.

Mr. ALLISON. Certainly; that is what I proposed.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the resolution may lie on the table without prejudice.

Mr. ALLISON. That is what I desire.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

EXPENSES OF THE PHILIPPINE COMMISSION.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution coming over from a former day.

The resolution submitted yesterday by Mr. PETTIGREW was read, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to send to the Senate an itemized statement of the expenses of the Philippine Commission, together with a statement of the amount paid to each commissioner for his services and individual expenses.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

CHARLES RIVER BRIDGE.

Mr. HOAR. I ask unanimous consent to call up for present consideration the bill (S. 2882) to authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts.

The PRESIDENT pro tempore. The bill will be read to the Senate in full for its information.

Mr. GALLINGER. I ask the Senator, before the bill is read, to yield to me merely for a request.

Mr. HOAR. Certainly.

Mr. GALLINGER. I rise to request that, after the bill which the Senator from Massachusetts has asked unanimous consent to have considered shall be disposed of, thirty minutes be devoted to the consideration of unobjected pension cases on the Calendar.

Mr. ALLISON. I trust the Senator from New Hampshire will withhold that request until after we shall have completed the consideration of the conference report.

Mr. GALLINGER. I will do so, Mr. President, and if I have an opportunity during the day I will renew the request.

The PRESIDENT pro tempore. The bill called up by the Senator from Massachusetts will be read.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HOAR. I move to amend by adding a proviso, which I send to the desk.

Mr. COCKRELL. Let the amendment of the Committee on Commerce be acted on. There is an amendment by the committee.

Mr. GALLINGER. That is right.

Mr. HOAR. I move to amend by adding the proviso, and then the amendment agreed to by the committee can be acted on. The amendment I propose is agreed on by the committee and by all parties.

The PRESIDENT pro tempore. There is a committee amendment to be acted upon.

Mr. HOAR. It makes no difference.

The PRESIDENT pro tempore. No; it makes no difference.

Mr. HOAR. It is in order to move to amend the amendment of the committee.

The PRESIDENT pro tempore. The Senator from Massachusetts proposes an amendment, which will be read.

The SECRETARY. It is proposed to add to the bill the following proviso:

Provided, That the State of Massachusetts, within a reasonable time after the completion of the said bridge, by legislative enactment, shall provide for adequate compensation to the owner or owners of wharf property now used as such on said river above said bridge for damages, if any, sustained by said property by reason of interference with access by water to said property now and hitherto enjoyed because of the construction of said bridge without a draw.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment of the committee will be stated.

The SECRETARY. The Committee on Commerce report to amend the bill, in line 11, page 1, by adding, after the word "channel," the words:

And the piers and other obstructions to the flow of the tide to be constructed in such form and in such places as the Secretary of War shall approve;

So as to read:

Be it enacted, etc., That the Cambridge Bridge Commission be, and hereby is, authorized to construct a drawless bridge across the Charles River, in the State of Massachusetts, between the cities of Boston and Cambridge, as provided for by chapter 467 of the acts of 1898, and chapter 180 of the acts of 1899, of the legislature of the State of Massachusetts; said bridge to be at least 26 feet above mean high water over the main ship channel, and the piers and other obstructions to the flow of the tide to be constructed in such form and in such places as the Secretary of War shall approve.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUERTO RICAN REVENUES.

Mr. ALLISON. I ask now that the Senate proceed to the consideration of the conference report.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report, which will be stated.

The SECRETARY. Report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain and revenues hereafter collected on such importations under existing law.

The PRESIDENT pro tempore. Will the Senate agree to the conference report?

Mr. TILLMAN. Mr. President, when this bill was before the Committee on Appropriations there was no difference of opinion in that committee as to the propriety and necessity of making the amendments which were afterwards adopted by the Senate, and I took pleasure in helping to report the bill back here by my vote and afterwards in voting for it in the Senate.

I am sorry that the Senate conferees have seen proper to surrender to the House, and even have gone further than that, because they have returned the bill to us with an objectionable feature, to me the most objectionable one there is in the whole provision, and that is that they enlarge the purpose for which this money is to be used by including the words "for the aid and relief of the people thereof."

In the brief speech I made on this question the day the bill was passed through this body I called attention to the danger that would arise in that island by inaugurating a scheme of so-called charity there which would necessarily bring about a repetition of the abuses of the Freedman's Bureau, and I pointed out the inevitable demoralization of labor and the inevitable consequence to the industries of that island by having the Government undertake to feed the people.

Now, there are two motives behind this bill as it is presented here, or as the majority in the Senate have seen proper to present it. One is that the necessity for immediate relief of the starving people requires that the United States Government shall take this extraordinary method of supplying their wants and preventing hunger and starvation; the other is, and that is the one which is not paraded here, that our Republican friends are uneasy about the effect on the political situation in the country and the result in the coming election if this outrage of levying a tariff tax and erecting a tariff wall between one portion of the United States and another is not glossed over or explained away in some way.

Before I present the last phase of this question I will discuss the first. I beg the attention of Senators to a statement of facts taken from General Davis's report. On page 544 of the compilation known as the annual report of the War Department, embracing the reports of Generals Brooke, Otis, and Davis, I find these words. I ask the attention of the Senator from Iowa, if I may have it, to the language used by this distinguished officer, who is the representative of our Government in Puerto Rico and whose words have appeared to have great weight with his party. I am sorry that so few Senators appear to have examined this report and know so little about it. General Davis says:

The greatest difficulty is encountered in discriminating between those who are really needy and those who pretend to be so. While it is possible that every ration has not fed a really needy person, it is also certain that very little food has failed to reach those who were much pinched by hunger. Those who deserved assistance and have failed to receive it are very few, indeed.

Now listen here, Senators:

It has been found to be practicable to cut down the aggregate of food issued from about 1,000 tons per week to less than 500 tons.

This was last October—five months ago.

Constant and progressive reductions are being made in the issues as the people reach better conditions and reproduction of native fruits is accomplished.

I called attention the other day to the fact that, owing to that country being in the Tropics, if any person would go out and plant the vegetables which furnish the main supply of the food in those islands, long ere this the pinch of starvation would be over; that those people now are practically in a normal condition so far as their immediate food supply is concerned; that their present trouble and the condition of paralysis and the destruction of business arise from the fact that they have no market; that they are hedged about by a tariff on imports and a tariff on exports, and that therefore wages have fallen; that everything is in a condition of uncertainty; that the business of that country is paralyzed by reason of the fact that the farmers can not obtain money with which to start the process of rehabilitating their coffee plantations or raising cane and other products that they export—I spell the word "cane" c-a-n-e, and not C-a-i-n, as I see my friend from Wisconsin [Mr. SPOONER] laughing—and that the difficulty there is not that the people are starving, but that they are in a condition of business paralysis, owing to our adverse legislative action or our failure to legislate at all.

Now, I will go further in proving this by reading from the report of Surg. John Van R. Hoff, president of the board of charities, appointed by General Davis last August, in connection with several other officers, to take charge of the distribution of the food that had been contributed and of such relief in money for the purchase of seed as would soonest bring the island back to a normal condition. Surgeon Hoff says:

The responsibility of determining who is indigent is placed upon the local boards of charities, organized in accordance with the letter of August 9, above quoted.

WEAK POINT IN THE ORGANIZATION.

Herein lies the weak point of the organization, and an explanation of its cause would involve a discussion of the sociological conditions obtaining here, which are not pertinent to this report. Suffice it to say that these people are not accustomed to organize for any purpose, particularly charity; that a gift from the charitable people of our country to preserve the natives here from starvation is not regarded as a sacred charge to be honestly administered, but as a public contribution in which all are entitled to share; and, finally, a large proportion of the people are chronically indigent and always on the verge of starvation, so that it is no easy matter to discriminate between degrees of indigency.

The same gentleman further on reports:

The greatest difficulty is found in making the able-bodied men work for food, if they can, as they usually do, get it without work. It requires rather too fine reasoning for these people, and indeed much higher orders of intellect, to appreciate the fact that they are not working for food, but life; that the food is given them to prevent their starving to death, and that if there is no danger of such a result the charity of our people is misapplied.

Further on he states:

Some planting is being done, but not so much as desirable, and it is not likely in any event that the issue of food can be wholly stopped before the end of this year.

Here you have the man placed in charge of the distribution of food and the relief of the distressed telling you that the relief necessary to prevent starvation would have been ended by December.

Now, then, here it is March; and it is evident to any man who will deal honestly with this question that the effort to sustain the

action of the Senate and of the House in passing this bill in its present shape is not due to the necessity for relieving starvation, when your officers, who are there in charge and who have all the knowledge of the case that is necessary, tell you it is not so.

Mr. ALLISON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. TILLMAN. With pleasure.

Mr. ALLISON. The Senator has probably overlooked the fact that within a very few days—within ten days, certainly—General Davis has made a request, which has been granted, that 500 tons of food and necessary supplies be sent to those people, and in that letter he states that such aid will be required for some time to come.

Mr. TILLMAN. I have not overlooked anything of the kind, because I saw a statement of it in the paper a few days ago. I saw also what purported to be a press dispatch from San Juan, proclaiming that some sixty or one hundred ragamuffins, who were on the verge of starvation, had marched to General Davis's headquarters in procession, urging and begging for something to keep them from starving, whereas here we have it stated that you can not discriminate as between those who are chronically on the verge of starvation and those who have been reduced to that condition by the hurricane.

Mr. ALLISON. But the Senator certainly has faith in the statement of General Davis, who made this positive statement to the Secretary of War, and the War Department has acted and is acting upon his statement. He certainly would not make this request if it was not necessary.

Mr. TILLMAN. Can the Senator certify to the fact that that is an official communication from General Davis, or does he merely get it out of the newspapers?

Mr. ALLISON rose.

Mr. TILLMAN. Now, wait, please. I will give the Senator my reasons for asking that. However, he may answer first whether he knows that this letter was a bona fide requisition, an official communication from the general in command there or not?

Mr. ALLISON. I do not know it from having seen the communication, but I know it was stated to me in the War Department that such a communication had been made. I do not see how it could be otherwise than official.

Mr. TILLMAN. Well, Mr. President, then we go back to the other prong of the proposition, or rather to the argument presented by me, that as long as you feed these people you may continue to feed them, because it is inherent in their blood, as we had it demonstrated in the South for two years, as long as the Freedman's Bureau ran, that if you will feed colored people free they will not work.

Now, there it is. The question is whether you propose to have this Government set itself up as an eleemosynary establishment to relieve that sort of distress perpetually to the demoralization of all the labor of the island, to the preventing of the planters from obtaining the necessary labor to restore their coffee plantations, and to the demoralization of our legislation here, because I do not think any man here will deny that while in an emergency such as the Mississippi floods and other devastations of nature that have occurred in this country Congress has stepped forward and felt willing to lend a helping hand temporarily toward preventing suffering and restoring in some degree, by the furnishing of seed and other assistance, a normal condition of affairs, I do not feel that it is possible for this appropriation to be sustained on any such ground; and if our friends would be honest with themselves and with us they would not contend for any such action here.

We all know that while these reports as to the condition of starvation or suffering there were before this body in December, and the President was in full knowledge of the facts, he advised that you give those islanders relief not by appropriating money that you had unlawfully collected from them—I use the word "unlawfully" as my word, not as the committee may, or as you—I say not by giving them out of the Treasury the money that you had unlawfully collected, but by giving them a chance to help themselves by removing the tariff barriers erected between them and us and allowing their products to get into the United States on such terms as would allow profit enough to restore the island to a degree of prosperity. The President declared that; the Secretary of War declared it. The chairman of the committee having this matter in charge brought in his bill for free trade, and the chairman of the committee at the other end of the Capitol brought in his bill for free trade; and there has been no contention that this——

Mr. SPOONER. Will the Senator allow me?

Mr. TILLMAN. Let me get through with my sentence.

There has been no contention that this action was necessary as a matter of charity to relieve the suffering until you Senators found yourselves face to face with a dilemma, and you sought to crawl out of that hole.

Mr. SPOONER. Will the Senator now allow me a question?

Mr. TILLMAN. With pleasure.

Mr. SPOONER. The Senator has referred to a bill for free trade introduced in the House of Representatives by the chairman of the Committee on Ways and Means. Has the Senator read that bill?

Mr. TILLMAN. No, I have not; but our friend from Missouri [Mr. COCKRELL], in whom we all have absolute confidence, yesterday morning explained the matter fully to the Senate.

Mr. SPOONER. But I am asking the Senator from South Carolina if he has read the bill?

Mr. TILLMAN. I say I have not.

Mr. SPOONER. Then the Senator can not say whether he approves that bill or not.

Mr. TILLMAN. I want free trade with Puerto Rico as a general proposition—as a concrete proposition.

Mr. SPOONER. Has the Senator read the provision in the bill introduced by the Senator from Ohio [Mr. FORAKER] on that subject?

Mr. TILLMAN. No, I have not; but that was a free-trade provision.

Mr. SPOONER. Is the Senator in favor of that free-trade provision?

Mr. TILLMAN. I do not know what it is; but I am in favor of free trade with Puerto Rico. I do not believe in one part of the United States taxing another part. There is already on foot in this Capitol an effort to discriminate against the industries in one portion of the United States in favor of the industries in other portions of the United States by incorporating into the Constitution of the United States an amendment allowing Congress to regulate the hours of labor. I do not believe in protecting a part of the Americans against the other Americans. Let everybody have the same rights under the flag. That is the proposition I am advancing here.

Mr. GALLINGER. If the Senator will permit a question for information, will he explain how there is any injustice done his people if uniform labor hours are given to the laborers in this country? I do not know that Congress has the power to enact such legislation; but admitting it to be a fact——

Mr. TILLMAN. We know that Congress has not such power, and so you have got to have a constitutional amendment in order to give it to Congress.

Mr. GALLINGER. Precisely. We will admit that as a starting point. How would that militate against the interests of the people of South Carolina; and what reason has the Senator for saying that there is such a purpose in the minds of those who are advocating uniform hours of labor for the workingmen?

Mr. TILLMAN. I will answer that question with pleasure, but I do not intend to be drawn off from the subject under discussion. Having incidentally mentioned it, however, I have no objection to answering the question of the Senator from New Hampshire. It is because the climate of the United States is not uniform.

In a section of country like mine, where there are only three months in the year when you are compelled to shut the doors because of the cold, and during half of those three months you can leave the doors and windows open with comfort, you can not regulate the hours of labor in the same way that you can where similar conditions do not exist and where you are required to close your doors for six months in the year and live in a hot and foul atmosphere. Therefore, we have the advantage that God gave us of sunshine, and you can not get around it.

Besides that question of labor, in this connection, as I stated, I am opposed to any discriminating features in our legislation under the Constitution, or otherwise, which interfere with local conditions, and I am opposed to having one part of the United States rob another part.

Mr. PERKINS. Mr. President, will my friend permit me to ask him a question?

Mr. TILLMAN. With pleasure.

Mr. PERKINS. He has stated without reservation that he is in favor of free trade with Puerto Rico, our newly acquired colony, where labor is worth from 15 to 20 cents a day. Is he willing that that labor should come into competition with the high-priced labor of California and South Carolina? I also ask him if he is in favor of free trade with the Philippine Islands?

Mr. TILLMAN. If we continue to hold the Philippine Islands, I shall be in favor of letting the trade follow the flag and, likewise, of having no barrier between them and us.

Mr. PERKINS. The question of holding those islands is not under consideration. We have acquired them by a treaty to which the Senate was a party, and my friend from South Carolina, if he did not vote for the ratification of that treaty, was present and had an opportunity to give expression to his views. Those islands belong to the United States as much as Alaska or California or any State in the Union; but whether we are to give them away is a question for future legislation. They belong to us now. Is it right for that cheap labor, that peon, contract labor, to come into competition with American labor?

Mr. TILLMAN. Mr. President, there is an old legal maxim, I believe, that a man can not take advantage of his own wrong; and those who voted to bring into this country and under its jurisdiction and its flag and its citizenship this cheap contract labor, this peon labor, this Malay labor, and other forms of colored labor, were told what the results would be that would follow the ratification of that treaty; and it was very hard to get the votes necessary to make that treaty a law, and I have heard you had to buy some men to vote for it. The question as to whether a wrong is to be done to the American people, as to whether a wrong is to be done to our citizenship, as to whether a wrong is to be done to those suffering people, who have themselves protested by giving up their lives against being subjugated by the American Army—that question is before the American people to-day; and it is almost the only question before them. They will determine in November whether the flag shall mean one thing in the United States and another thing in Puerto Rico and still another thing in the Philippine Islands.

I, of course, must bow to their behests, and if the majority in the election of next November say that they want to have "subjects" and citizens under our flag; that they want "dependencies;" that they want colonies, and have Congress turned loose untrammeled to legislate as it pleases, to rob those people by sending them a new army of carpetbaggers, to be protected by the bayonet, I can not help it; but, so help me God, so long as I have got a voice I shall protest against it.

But, Mr. President, as we have got off on to the Philippines—I intended to get there anyway—as I said the other day, the Philippine fever is in the blood of the country. The question here at stake is not whether we shall have free trade with Puerto Rico, but whether by giving Puerto Rico free trade we shall establish a precedent which will require us to give free trade to the Philippines. That is the issue; that is the ghost that stares you Republicans in the face and warns you to beware of the ides of November. You would willingly give Puerto Rico the same meed of government, the same opportunities, that you gave Hawaii, I presume; but you are afraid of the consequences of that, and therefore you are compelled to raise the cry that you must protect American labor against the pauper labor of the Philippines—the 20-cents-a-day man. You would not let that pauper labor alone. The same obligation to extend your civilization, if you choose, will apply to any other place you may reach out and steal or grab.

Here is Haiti or San Domingo at our doors. Why not go down there if we are under obligations to civilize and educate and rob through our Government every dependency or every other island lying around loose? If we choose to go to Haiti, nobody in Europe will object or dare to say "no;" and when we get ready to go from the Philippines on to the Asiatic mainland, and take a slice of China in furtherance of our commerce, our benefit as a people, and in a money-making way, England and the rest of Europe will be glad to see the so-called free Republic of the United States turn its face backward, carried away from the ideals of this country, reverse its action for one hundred and twenty-five years, and fall in behind the despotisms of Europe in the further enslavement of mankind.

It has been charged that it was the speech of the senior Senator from Massachusetts [Mr. HOAR] which brought on the rebellion of the Filipinos. It is said that speech was cabled over there under the ocean at a cost of $4,000, and that on that speech being read to the Filipinos they rose in rebellion and began to shoot our soldiers to death. That was one of the dodges of the Republican press, the imperialist press, that wanted to try to fix the fault somewhere and throw the blame on some one.

We have had a new story within a week. I am sorry that our young friend from Indiana [Mr. BEVERIDGE] is not in the Chamber. The latest news is that his great speech in the Senate, in which he outlined the policy to be followed by this Government—the kind of tyranny or despotism we were to set up—has been translated into Spanish and has been spread broadcast among the Filipinos. That, no doubt, accounts for the recent renewal of hostilities and the liveliness which the extinct rebellion is now exhibiting again. Instead of the long-promised peace coming, the outlook is that the war will last indefinitely, because those people have found, at last, that all our professions of humanitarianism and of philanthropy and of our intention to raise them up in the scale of citizenship and give them the blessings of American liberty are lies; that we propose to go there in order to exploit them, to get them so as to furnish a new field for a new set of thieves to go and rob and rob and rob under the American flag.

Then comes along another thorn in the side of our unhappy friends on the other side of the Chamber. President Schurman, one of the Filipino Commissioners, who went out to the Philippines and did not succeed in obtaining any conditions of peace or amity with the rebels, warns you that if you are going to treat Puerto Rico in this way with a discriminating tariff, and your refusal to grant them any rights under the flag, that will only increase the determination of the Filipinos to resist to the death. So you are a very unhappy family, and I sympathize with you from the bottom of my heart. I only hope you will come to repentance some day after November, when the American people will have taught you that trade and the flag and liberty and the Constitution all go together.

What is the cause of this sudden change of front, this transformation of the purposes of the President and of Congress, as shown by the withdrawal of the free-trade bill and the introduction of the tariff provisions at the other end of the Capitol and also in this end? What caused all this change? I do not know. I have my suspicions, as I said, it was because you ran up against the proposition that if you treat Puerto Rico in a certain way, you would have to treat the Philippines in the same way; because we hold them under the same deed, and there can not be any differentiation in the treatment of the two, unless you propose to display such brassy and unadulterated and damnable selfishness and greed that you are afraid to trust your cause to the American voters.

I have here an editorial from a leading Republican newspaper, possibly the most influential paper in the West, one that is edited by a bosom friend of the President, one that has had more influence in the party councils than almost any other; and I will let the editor of that paper give his interpretation and explanation of the change of front on the part of the Republican party. If there is any Senator here who chooses to deny the soft impeachment, I will leave the brethren to settle it among themselves. This gentleman says that his paper—

has been besieged by requests "for fuller and definite information concerning the origin of the present folly which has been foisted upon the party by its 'leaders' in the House of Representatives," to use the words of "a lifelong Republican," who writes from Earlville, this State. "If the President has solid base for his change," writes the pastor of a Methodist church in Lake Linden, Mich., "he is in duty bound to make it known to the country." From various sources come queries of the same tenor, all expressing wonder, amazement, regret, and indignation that the Republican party should have been placed in an utterly untenable position by its leaders in Washington, and all with one voice repudiating the action of those leaders.

That this man knows whereof he speaks is shown by the Associated Press dispatch this morning from Iowa, in which we have news of the action of the Iowa legislature yesterday denouncing this proposition to erect a tariff wall between Puerto Rico and the United States, and warning the Republicans from that State that if this course is not changed there will be a day of reckoning. "It never rains but it pours," but it seems that the avalanche of trouble, which up to a month ago no one even suspected to be in existence, has broken loose and it is now tumbling upon the heads of our friends on the other side, and they are each and every one looking for cover and trying to find some place to hide.

Our friend the editor goes on to say that he—

frankly confesses that the reversal of the policy of the leaders of the Republican party in Congress is as inexplicable to-day as it was when the Committee on Ways and Means reported the 25 per cent tariff measure. In both the House and Senate the Puerto Rico bills went in free-trade lambs and came out tariff wolves.

That is Democratic doctrine, is it not?

There is nothing in the testimony before the Senate Committee on Puerto Rico reported February 5 that can in any way explain or justify the departure of that committee from its original bill, which gave free trade to Puerto Rico. True, Henry T. Oxnard, of Oxnard, Cal., the representative of the beet-sugar industry, and Herbert Myrick, of Springfield, Mass., chairman of the "League of Domestic Producers," and claiming to represent the beet-sugar, cane-sugar, tobacco, wool, cotton, fruit, vegetable, rice, and nut producers, appeared before the committee. The latter demanded the defeat "of pending treaties of reciprocity with the British West Indies, whereby sugar and other products are to be admitted into the United States at a reduction in tariff rates, and of the admission to this market of Puerto Rican products duty free."

Mind you, now, two men only appeared here.

This Mr. Myrick fairly threatened the committee with the loss of 500,000 votes to the Republican party if it fulfilled the pledge of the President to give free trade to Puerto Rico. Some idea of what transpired in the committee may be learned from the following question asked by Senator PERKINS (Republican), of California:

"You speak of 500,000 of your subscribers through your publications every week. The question is troubling me."

It seems to be troubling others besides the Senator from California.

"This committee has before it a bill for the government of Puerto Rico. It belongs to the United States to-day—is as much a part of the United States as territory as the Hawaiian Islands or Alaska. How can we, in justice to this people and to the honor of our country, have a different law for the people of Puerto Rico than for those of Hawaii? I see the force of your argument, and I shall be very glad if you can show us a way out."

There is the Senator from California, with his honesty and his patriotism and his sense of fairness, asking that question just like he would in any other business proposition. Now, let us see what the answer was:

Mr. Myrick ducked, confessing that he was not posted "in the matters of social economy," his forte being "doctrines of agriculture."

The Senator from California did not get any answer. Then—

Senator DEPEW tried his hand on Mr. Myrick with this question:

Could any government sustain itself in having one kind of policy in the relations of Alaska to the United States and Hawaii to the United States, and another kind in the relations of Puerto Rico to the United States, those all being purchase places!

Another honest and natural question.

Again Mr. Myrick appreciated "the magnitude and the delicacy of the questions," but excused himself from illuminating the problem. The examination was turned to the "expediency and justice and fair play" of treating Puerto Rico differently from Hawaii and Alaska, and the following colloquy occurred between Senator NELSON and the witness.

Our honest old Norwegian went in to see if he could get any light out of this Mr. Myrick.

Senator NELSON. Are you opposed to free trade in any form with Puerto Rico?
Mr. MYRICK. Yes, sir.
Senator NELSON. Then you are in favor of Puerto Rico placing a tariff on our wheat and flour and meats exported from this country?
Mr. MYRICK. Yes, sir; as they always have.
Senator NELSON. You want them to put a tariff on it?
Mr. MYRICK. Yes, sir.
Senator NELSON. And that is the way you represent the Northwestern farmers?

The chairman of the committee, Senator FORAKER, asked Mr. Myrick this pointed question, which went to the very root of the matter.

As the Senator from Ohio always gets to the root of the matter whenever he tries.

"Leaving out constitutional questions, would you treat it [Puerto Rico] as a foreign country or as belonging to the United States?" What Mr. Myrick would do is enveloped in that dumbness which comes to every man who is cornered between "I dare not and I would."

In these questions and replies the reader has got as near as he is likely to get to the mysterious influence that has pushed the Republican party to the verge of a precipice, over which lie dishonor, injustice, and disaster. The hollow threat made by Mr. Myrick of what he could and would do with his 500,000 subscribers and his associated producers, coupled with the wild talk of cigar makers, stampeded the committees of both Houses of Congress.

I want to finish all of this, although some of it is Republican at the tail; but we have had mighty good Democratic and patriotic doctrine announced here by this leading Republican editor.

We ask the careful perusal of the questions put by Senators PERKINS, DEPEW, NELSON, and FORAKER as demonstrating that up to January 20 no Republican leader in the Senate dreamed that it was either constitutionally or morally possible or expedient to treat Puerto Rico differently from any other territory belonging to the United States.

The truth is that the consistency and honor of the Republican party were sacrificed for cheap and cowardly political reasons, and the moral sense of the party was outraged at the bidding of the smallest fly that ever buzzed around the hub of progress.

Mr. President, I call attention to two or three points in this editorial for purposes of elucidation, if any Senator on that side who is authorized to speak, or who cares to assume the responsibility, will endeavor to explain. The first question asked here by a good old Methodist Republican up in the State of Michigan is: Has the President changed his mind or not? Is the President for free trade with Puerto Rico to-day or is he not? Is he leading his party, or has he surrendered to the dictates of the special interests that are mentioned here; and is he following the triumphal car like a prisoner of war, so to speak, and doing the bidding of those who seek to have certain American interests protected here against this little island in the Caribbean Sea? Will some gentleman please tell me whether the President is for free trade with Puerto Rico or is he not? [A pause.] Again that "dumbness" falls upon us all which fell upon the committee. [Laughter.] You either do not know or you are afraid to say.

The next question is—and I am not at all personal and have not the slightest intention of casting any reflection in any direction—why the Senator in charge of the Puerto Rican bill, the mouthpiece of his party on Puerto Rican legislation, who brought in a free-trade bill, has changed front, or, if he has not, where does he stand? Is he for free trade or is he not? The Senator will no doubt answer when he gets ready, or he can answer now.

Mr. FORAKER. What was the inquiry the Senator addressed to me? I did not hear it, as I was for the moment occupied otherwise.

Mr. TILLMAN. I am sorry that the Senator was so preoccupied; but if he desires me to repeat the question I will take pleasure in doing so.

Mr. FORAKER. I know I ought not to be failing at every moment to give my entire attention to the Senator from South Carolina when he is addressing the Senate, but I was not doing so at the moment.

Mr. TILLMAN. I know how impossible it is to always give attention; and when a dull, a prosy man gets up, I sometimes read or write letters, like other Senators; but if the Senator was not paying attention I thought I would wake him up.

Mr. FORAKER. I can give the Senator from South Carolina a certificate of character as against the character he is now applying to himself of being dull and prosy. The Senator is never that, and I always listen to him with very great interest.

Mr. TILLMAN. I am very much obliged to the Senator.

Mr. FORAKER. But as to the inquiry which has been addressed to me, I did not hear it, because I was trying to find some information which had been requested by a Senator.

Mr. TILLMAN. I was asking, if the Senator was willing to do so, whether he would explain his present attitude, as he was for free trade when he introduced the original bill, as I understand. Now he is either for free trade or he is not; nobody seems to know, and, if he is willing to tell us, I should like to know what is his position.

Mr. FORAKER. I explained that formally in the report made on behalf of the committee to the Senate; and if the Senator will take the trouble to read Senate Report No. 249, he will find that there the whole question is discussed. It is stated on behalf of the committee in that report that we found when we came to make an investigation as to the conditions existing in Puerto Rico, that it was impossible by direct taxation on the property there to raise revenue sufficient to meet the necessary expenditures of the government we were seeking to create, and to relieve the people from that burden, as an act of mercy toward them, we cast about to find some indirect way of raising revenue, and came to the conclusion that the best way would be by tariff duties and by internal-revenue taxation provided by our bill to be levied and collected, and, in addition thereto, that, according to the estimate, amounting to $1,000,000 less than was needed, we provided that there should be a very slight, and not at all burdensome, tax levied on commerce between Puerto Rico and the United States; that being, in the judgment of the committee, within the constitutional power of Congress to do, and a good thing to do in behalf of the people of Puerto Rico.

That is the reason given in the report, and it has been given time and again on the floor of the Senate, certainly as often as I have had occasion to speak upon the subject.

Mr. TILLMAN. I am obliged to the Senator, for he has brought my attention to the fact that I have not had time to read that report; and when we consider that there are a thousand or more subjects coming here every day of every conceivable kind, reports by the score and bills by the hundred, and I have some other duties here besides trying to follow the vagaries of a committee which changes about face every week, it is not surprising that I could not find time to read the report. I wanted to wait until the last thing got in, so as to see if the committee would stand by that for a week or two at least. [Laughter.] I expected the matter would be brought out in the debate, anyhow, and that I would have an opportunity to make it very clear that that is not your position. I do not believe it is, and I have a right to my belief. I do not believe the Senator has tried to deceive anybody.

Mr. FORAKER. The Senator is at liberty, of course, to disbelieve any statement I may make.

Mr. TILLMAN. No; but I do not believe that that is the purpose of this legislation; not that the Senator has made any misstatement of fact. I would not charge the Senator with such a thing, of course. I know he is incapable of anything of that kind. If there is a bold and brave fighter here, the Senator from Ohio is that man.

Mr. FORAKER. That squares the account. [Laughter.]

Mr. TILLMAN. The only thing that astonishes me is the fact that so brave and fair-minded a gentleman should lend himself to this subterfuge in trying to get his party out of the ditch into which it has fallen; and if it were not that he is more of a Republican than he is an American he would not do it.

But I did not intend to get off on that line just here. I wanted to call attention to the fact that I had, in my dull and blundering way, come to some conclusions on that subject myself and that I had interpreted the change of front on the part of the Senator from Ohio, and explained it as arising from an entirely different purpose, or rather from an entirely different power.

The editorial which I have read here happens to be from the Chicago Times-Herald, and everybody knows the brotherly Damon and Pythias like relations which exist between my friend from Ohio and Mr. Kohlsaat, and I felt constrained to believe, knowing the great love that these gentlemen have for each other, and knowing that they are both loyal to Mr. McKinley and the Republican party, that the Senator from Ohio simply got out of the free-trade boat because Mr. Kohlsaat got into it; that he could not live in an atmosphere contaminated by the presence of that person.

Mr. FORAKER. In answer to the Senator's remark, I will frankly confess, in the presence of the Senate, that I have felt since learning of Mr. Kohlsaat's attitude a great deal more confidence in my present position. [Laughter.]

Mr. TILLMAN. Mr. President, I have been right along that road myself. I have in my career come across editorials in papers that had fought and lied on me for years in which my action was commended, and immediately I set about to investigate in order to find out whether I had not been wrong when I got the approval of such papers, and I can understand why the Senator from Ohio should desert his own principles and his own calmly selected position because Kohlsaat took a position alongside of him. But at the same time it does not explain why the President, who was a warm friend and to whom Mr. Kohlsaat is a trusted adviser, has changed front, if he did change front.

Nobody can tell us whether he did or not. I want some gentleman here to explain to me the present attitude of the President. I have been trying to stand by him. I bore testimony the other day to what I said was his patriotism and nobility of character.

I do not hesitate any time to say that I think William McKinley is one of the most lovable men we have had in public life in America, but the trouble is Mr. McKinley will not stand up and have backbone sometimes. Republicans would have been in a heap better fix politically if he had stood by his free-trade proposition and let you gentlemen go on and fight it out among yourselves and pass a free-trade measure or not. "But whom the gods would destroy they first make mad," and confusion of counsel is the beginning of madness. That is my interpretation of the present situation.

We had testimony the other day that God Almighty had given us the Philippines; that the honored President pro tempore of the Senate and his colaborers on the Paris commission had very little or nothing to do with it; that it had come directly from the Almighty; that He had held us in the hollow of His hand; that the glory of our future history was to come from the fact that we were to reach out and grab up that island and this island; that we were to treat the colored races of those islands, not like we treat the colored people in the South, or not like you gentlemen once tried to treat them, but as we of the South have felt constrained to treat them; that you gentlemen have changed front on that subject, and that we were to have a glorious future, with so much money and emoluments and wealth flowing into our coffers in consequence of this new policy that we could not descend so low as to give the credit to the Senator from Minnesota and the Senator from Maine and their brethren on the commission, who had gone over to Paris and demanded the cession of these islands in the Pacific and had enforced that demand to the point that we got them, or got what title Spain had.

Nobody will tell us, as I said a moment ago, whether the President is for free trade or not. I wish I knew. I wanted to have the pleasure of supporting some measure that he had sent here, and that I could indorse honestly as an American without regard to being a South Carolinian or a Democrat, and now I am robbed of that pleasure. You gentlemen are cruel to us. Why do you not let us do something some time as Americans and not force us always back to the narrow rut of Democracy; and why do you not do something some time as Americans and not be such narrow, bitter partisans here?

Mr. PERKINS. My friend the Senator from South Carolina having mentioned my name in connection with the interview, perhaps it is proper that I should reply.

Mr. TILLMAN. Not the interview, but the examination before your committee.

Mr. PERKINS. Of course I am not authorized to speak for the President; but I am inclined to think that his views—I may have imitated them in that respect—were influenced by what was referred to by my friend the Senator from South Carolina, that great trusts were being formed in Puerto Rico for the purpose of controlling the sugar traffic. The Republican party is opposed to trusts and combinations, and knows that the only solution of that problem is the establishment of local beet-sugar factories, such as there are in Nebraska and in Utah and in Iowa and in Michigan and in California—which has some ten or twelve independent beet-sugar factories. They buy the raw product from the farmer, refine it in their own factories, and send it to the mechanics' table. That is the antidote for trusts.

Mr. TILLMAN. You mean the sugar trust?

Mr. PERKINS. For the sugar trust. These beet-sugar factories are buying from South Carolina the cotton cloth that is manufactured from the cotton grown in their fields. We are buying those sacks in which to put the sugar that we may send it out to our mechanics and our workingmen. We are paying from $1.50 to $2 a day for labor in those factories, and each farmer who is cultivating the soil and raising sugar beets is an independent sovereign in this fair land of ours. We are paying $100,000,000 annually for sugar in this country. We want to manufacture it at home, from our beet sugar, raised by American farmers. We do not want the cheap peon contract labor, receiving 10, 15 or 20 cents a day, to come into competition with the labor of South Carolina and California. I think, perhaps, that is one of the reasons which influenced our good President, because his whole life has been devoted to protection to American industries and the elevation and dignity of labor. But this is a longer statement than I was going to make, and I see I am wearying the Senator from South Carolina.

Mr. TILLMAN. Oh, no; I have listened with a great deal of pleasure to the Senator from California.

Mr. PERKINS. I beg pardon.

Mr. TILLMAN. Because he has given us such a far-fetched explanation that it does not explain worth a cent. I have read somewhere that in the Koran there is a description of Mohammed's bridge over hell by which those entering heaven must pass, and I think he describes it as being so attenuated that it is about the breadth of a single hair on a woman's head. That is about the size of the bridge my friend the Senator from California has given the President to crawl out of the hole in which he was put when he sent the free-trade message here and then backed water and changed front on it.

Mr. PERKINS. How about the tobacco industry of South Carolina?

Mr. TILLMAN. Speaking about the allusion which my friend has made, I will say to him, as to the purchase by the sugar producers of the cotton bags in which to put the sugar of the few factories in the United States, that we are very glad to furnish the cotton cloth, if it comes from my State, but the manufacturing industry of South Carolina—the manufacture of cotton principally—which we will say in 1890 showed that there were only 400,000 spindles, has doubled and trebled since, until they have now eighteen hundred thousand spindles and a proportionate number of looms. Since the 1st of January we have organized new mills or given charters to new enterprises to build mills to the amount of $4,000,000, and we are reaching out hand over fist to overtake Massachusetts. We are already the second State in the manufacture of cotton.

Mr. PERKINS. Mr. President——

Mr. TILLMAN. Let me get through. We do not find a bit of protection from the Dingley tariff, because we export all of that cloth to China; and we have to compete with England; and we do it, and we whip them, and make 20 to 40 per cent dividends on our cotton factories.

Mr. PERKINS. May I ask my friend the Senator from South Carolina whether it was the wise Democratic policy administered under President Cleveland, or the progressive policy under McKinley, which brought about this great revolution in his State, as well as in almost every other State of the Union?

Mr. TILLMAN. I do not think either McKinley or Cleveland had a thing in the world to do with it. It was because we had the cotton at our doors, we had the mills, we had the labor, we had the money, or went somewhere and got it; we built mills, and we can spin or weave cloth, and we can beat all creation making the coarser fabrics.

Mr. PERKINS. The Republican Administration gave confidence to the people of this country, Democrats, Populists, and Republicans alike, and it was that confidence which has enabled my good friend and his associates to build these factories, to build up and foster these great industries. I join hands with him and rejoice with him in the prosperity that has come to us under the McKinley Administration. You may call it what you please, but it means sunlight and happiness and joy to every home and family in this land, while before, under my good Democratic friend's Administration, there was a shadow, the sun was always behind a cloud, there was a want of confidence, and we expected that it might rain any time then. Now it is a reign of prosperity and happiness to all our people. May it long continue. It will continue so long as McKinley is President.

Mr. TILLMAN. The Senator imagines that he is before a Republican meeting somewhere in a schoolhouse in California talking to the faithful about the same old religion. [Laughter.]

Mr. PERKINS. It is good religion.

Mr. TILLMAN. When as a matter of fact the impetus to our industries in the way of cotton manufacturing did not begin with McKinley's Administration, but it began ten years ago, and the hard times of 1893 and the panic that followed did not cause any cessation, but only a slight retardation of that development. It was because we have found that we can make more money spinning cotton than we can by raising it and selling it to you to spin. When the Senator tells us that confidence brought all this back, I would tell him that we are still in sackcloth and ashes in South Carolina, because we are still free-silver people to the backbone, and we are still moaning in the outer darkness because of the recent iniquities you have perpetrated upon us in the way of the financial measure and the single gold standard, and all that kind of thing.

But we have decided that we are in the United States and must remain there, and if there is any good to come to us by working we will work and get it, and we do not want any help from outside; but we do not like to see you gentlemen, who proclaim the doctrine of equality of man and that trade follows the flag and that liberty and humanity and all that were the predominating influences in governing your conduct in the Spanish war and in the acquisition of the Philippines and Puerto Rico—we do not like to see you belie your professions. You have grown to be the most arrant hypocrites alive about it, and I am ashamed of you. [Laughter.]

Mr. GALLINGER. Mr. President, I have been unavoidably absent from the Senate during the past five days, and very likely I do not know exactly the status of this discussion. One week ago to-day I yielded the floor, without addressing the Senate as I was intending to do, for the purpose of having a vote on this particular bill, as I remember it, after a very lengthy speech had been delivered by the Senator from South Carolina. I enter the Chamber this morning to find that he is repeating that speech, and I wonder how it happens that this beneficent measure has not before now been sent to the President for his signature.

Mr. TILLMAN. If the Senator will permit just a slight interruption, I suppose it is one of those fortuitous conditions which will enable the Senator to wind up his eloquence and set it going, and I shall listen to him with a great deal of pleasure.

Mr. GALLINGER. I am always glad to yield to the Senator from South Carolina. He has always been courteous to me, and I am always courteous to him. I do not propose to indulge in any eloquence, but I desire to state two or three plain propositions in reference to the matter that is now under consideration.

Under the leadership of the senior Senator from Ohio [Mr. FORAKER], chairman of the Committee on Pacific Islands and Puerto Rico, I sat in the committee room for three long weeks listening to testimony given by Americans, residents of Puerto Rico, by native Puerto Ricans, and by citizens of the Kingdom of Spain in reference to the condition of the people of that little island. In that committee there was only one thought, and that was to do what was best for Puerto Rico. The quality of our mercy was not strained, and no thought, I feel sure, entered the mind of any member of that committee to recommend anything or to do anything that would not be for the best interests of that people, destitute and suffering as they were then and are to-day.

Mr. President, I have been one of the Senators who has voted for all kinds of appropriations during my membership in this body. I have voted for appropriations to build levees on the banks of the Mississippi River, spending millions upon millions of dollars for that purpose—appropriations the constitutionality of which I think might well be called in question—and then I have voted for appropriations to relieve the sufferings of the people of the Mississippi Valley, when those embankments that were constructed largely at public expense did not prove sufficient to protect the people from the overflows of that mighty river. I have never, Mr. President, indulged in technicalities or speechmaking on those occasions, but have come to the rescue of those people with my vote gladly and cordially, feeling that it was a beneficent thing for the Congress of the United States to do.

So, Mr. President, when we propose to make an appropriation from the public Treasury to relieve the sufferings of the people of Puerto Rico, I confess that I regret more than I can express that other considerations are brought into this controversy, and that we are treated to disquisitions on political subjects and the relative position of political parties on public questions. I think we ought to pass this bill promptly and without a moment's delay, and for that reason I yielded the floor one week ago to have the bill immediately acted upon.

The Senator from South Carolina [Mr. TILLMAN] in his speech on Friday last said that Puerto Rico was not being governed any better by the United States than it had been by the Kingdom of Spain. Mr. President, it hardly seems necessary for me to say that that is not so. Spain collected taxes on all the products of Puerto Rico, including coffee. The exports of Puerto Rico are four-fifths coffee, and yet Spain exacted tariff duties upon their coffee when it entered a Spanish port. We admit coffee into our country free of duty to-day, as we did while Puerto Rico was in possession of the Spanish Kingdom. We are treating Puerto Rico better than we are treating any of the Territories of the United States.

We collect internal-revenue taxes in New Mexico, Arizona, and Oklahoma, and those internal-revenue taxes go into the Treasury of the United States; but in dealing with Puerto Rico we propose that the internal-revenue taxes collected there, as well as the import duties collected against the products of that island, shall go back to Puerto Rico for the purpose of helping those people to rise from the degradation and suffering that are upon them at the present time.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. GALLINGER. Certainly.

Mr. TILLMAN. Can you collect taxes without some expense attaching?

Mr. GALLINGER. Presumably not.

Mr. TILLMAN. Very well, then. If you leave with the people the taxes you collect and not put them to the expense of paying them into the Treasury of the United States, so that you may have the benefit of any philanthropy which you may claim for paying the money back to them, would they not be better off? If you leave them alone, would they not be better off than if you take the money out of their pockets and put it into your pockets, and then transfer it with the other hand and give it back to them after you have paid a whole swarm of officers to collect it?

Mr. GALLINGER. That does not answer the suggestion I was making at all. I simply say that we are treating those people better than we are treating the Territories of the United States over which the Constitution of the United States has been extended by direct legislation of Congress; and the few dollars which may be expended in collecting those taxes are certainly not worth considering in this connection.

Mr. President, the Senator from South Carolina last Friday, and I think again to-day, has argued that after all there can not be very much destitution in Puerto Rico. To-day he read an opinion from somebody——

Mr. TILLMAN. I read it from the statement of the surgeon of the United States Army who by General Davis was placed in charge of the board of charities to distribute this food. He is not "somebody" or—well, he is somebody, sure enough.

Mr. GALLINGER. The Senator read an opinion, then, from the surgeon in charge whose duty it was to distribute the alms of the United States among those poor people, given several months ago. I do not know exactly when——

Mr. TILLMAN. October.

Mr. GALLINGER. In October last, saying that in all human probability we would not need to continue helping those people beyond the 1st day of January of the present year. General Davis, who has been governor of that island for a considerable length of time, gave testimony before our committee on the 17th day of January of the present year, and he seems to differ very materially with the gentleman quoted by the Senator from South Carolina.

Mr. TILLMAN. He simply differs with himself. I quoted from General Davis first, and then from the surgeon afterwards.

Mr. GALLINGER. The Senator from South Carolina, of course, will admit that General Davis may have expressed an opinion last July or August or September as to which events at the present time show that he was laboring under a misapprehension.

Mr. TILLMAN. I agree to that.

Mr. GALLINGER. The Senator from Indiana (Mr. FAIRBANKS) suggests to me that in General Davis's second report he expressly makes the statement that he had been laboring under a misapprehension. It will take a few minutes to read it, but I want to put into the RECORD what General Davis said about the island as he found it a very short time ago. He said, in his testimony before our committee:

> This crop of sugar at this year's prices—about 80 pesos per ton—should therefore bring an income to the island of 3,600,000 pesos, or $2,160,000, as a maximum.
>
> In my report of September 5 I stated this at 5,000,000 pesos, and in report of September 30 at 60,000 tons; but revised and better studied figures give but $2,160,000 as the value of the sugar for export.
>
> In September I also estimated this year's coffee crop at 53 per cent of a normal one, or, say, 18,000,000 pounds, or about one-third of a normal output; but it appears that this estimate is not borne out by experience. What the tornado spared has now been harvested, and very careful and close inquiry reveals the fact that the yield varies from 0 to 33 per cent of an ordinary crop. I can find no well-informed person who believes that the total yield for export will exceed 10 per cent of a normal crop, the average having been for last five years of Spanish dominion 23,732,078 kilos, official figures.
>
> Of the crop harvested last winter and exported this year, the custom-house officers report 29,478,329 kilos, which is somewhat above the normal export. It is conservative to estimate the total of this year's growth available for sale abroad at not more than 3,500,000 kilos.
>
> The average prices obtained for coffee during the five years referred to was 51.9 centavos per kilo, or 23.6 centavos per pound, which is equal to 14¼ cents gold. The loss of markets, and especially the Cuban, reduced the value of coffee to the producer to about 9 cents gold; but the restoration of the Cuban market, by recent Executive order, has practically restored the price, so that what remains on hand of the former crop and what may be sold from the one of this year will bring an average of about 12 cents, gold, per pound.
>
> Taking the salvage from the hurricane at 2,273,000 kilos, or 5,000,000 pounds, it is readily seen that for this year the insular income from coffee will be only $600,000 instead of the normal figures of about $7,000,000.
>
> My original opinion that the crop would fall off but two-thirds was based on the opinion that certain somewhat sheltered regions would give a half or two-thirds crop, and that other localities would make a showing of from a quarter to one-half, for enough berries were left on the bushes to justify this opinion; but the hope has proved illusory. The berries that survived were largely blighted, and as the necessary shade was gone, the direct rays of the tropical sun scorched and shriveled the green fruit. Much of what remained was worthless, and the harvest is most disappointing.
>
> There are hundreds of coffee groves, indeed thousands, where no more remains than will suffice for home consumption, or none at all; and in the least exposed groves the quality is poor and the quantity is disappointing.
>
> I shall be agreeably disappointed if the harvest surpasses 10 per cent of a normal crop. A few sanguine persons have expressed the belief that the percentage may reach 15.
>
> The only other crop of magnitude that, exported, yields a revenue to the producer is tobacco. During the last five years under Spain the exports averaged 3,998,052 kilos, selling for 750,809 pesos, or 19.4 centavos the kilo, which is equal to 5.3 cents, gold, per pound. The poorer grades went direct to Europe, netting the producer 4 to 6 centavos per pound, and the better to Cuba, realizing from 25 to 35 centavos; but this market is now closed by a prohibitive import duty of $5 per pound. Exported to the United States, the better grades pay a duty of $1.85 and the poorer 35 cents per pound. Duties on tobacco are high in European countries, and as a consequence of these high taxes in all markets there is little commercial movement for this important Puerto Rican product.
>
> In my cable of August 28 to the Assistant Secretary of War I estimated the tobacco then in the island at 4,000,000 pounds, which is about a normal crop. Since then some of this has been sold in Europe, a little in the United States, in leaf or manufactured, and a little has been exported to Cuba. The American Tobacco Company has lately bought the largest manufactory here, and the new management is understood to be arranging for a larger trade with the United States, the product of manufacture to be in the form of cigarettes.
>
> The ever-recurring hope on the part of the inhabitants that there will soon be free trade with the United States, combined with the fact that some American capital has been invested in this industry, has stimulated the tobacco interests somewhat, and the planting of the new crop now going on will, contrary to my formerly expressed opinion, be of somewhat more magnitude than that of last year, probably yielding at least a normal crop of 4,000,000 pounds; and, at present prices, this would net to the producers about 750,000 pesos.

The custom-house returns show exportation since Spanish evacuation to September 30 of three and a quarter million pounds of tobacco, which includes some old stock of 1898, and this has brought returns to the farmers of about $200,000; while the unsold residue now in the island may raise the total income for the sold and to be sold—i. e., the whole crop of 1899, with residue from 1898—to perhaps $400,000.

* * * * * * *

The foregoing as respects the reasonably certain output for this year of the three great staples, and giving also the average export under Spain for five years ending 1897, we have the following:

Staple.	Estimated value for export, 1899-1900.	Actual average export, 1893-1897.	Reduction.
Coffee	$600,000	$6,080,409	$5,480,409
Sugar and molasses	2,100,000	2,403,963	303,963
Tobacco	450,485	450,485	
Total	3,150,485	8,934,857	5,784,372

Here, then, is a presentation of the facts, as I interpret them, regarding trade conditions. The principal falling off is in coffee, which, as a commodity for considerable export, will not exist. This year's output of the three great products, compared with exports of the last five years of Spanish control, shows a falling off of very nearly 65 per cent of the insular wealth available for current needs.

The island has a few minor resources, but the aggregate of all exports other than the three staples amount to but a few hundred thousand dollars, and some of them are showing greatly diminished quantities and values.

The most important of these are live stock, but the exportation of beef brings another evil, an enhancement in the local value of fresh beef, so that it is quite too costly a food save for the well-to-do classes.

But the appalling diminution in exportable goods is not the worst feature of the existing situation. Credit is absolutely gone for all, save the sugar and tobacco producers, who have visible security. While the present price of sugar yields a margin of profit, there is little confidence that the ruling price will be permanent, unless the trade conditions are changed for the better. The best grades of centrifugal sugar sell for about $50 per ton net to the producer, but not more than half the cane products are of this grade. The muscavado sugar commands but about $40 per ton, or a little less, and at this price there is little or no margin of profit. It is only the large, central establishments that are now prospering.

Suffice it to say that General Davis estimates that the value of the coffee for export the present year is $600,000, against an average export of $6,080,409, and that the sugar exports will be $2,100,000, against $2,400,000, that the tobacco export will be $450,000, against the same amount in former years, making an aggregate for the present year of $3,150,485, as against $8,934,857 in a normal year.

The sugar output—

General Davis says—

touched its maximum in 1879, 170,000 tons, while last year it fell to less than 45,000, or but a little more than one-fourth of the maximum. Very large expenditures in new plants and in restoring cultivation must be incurred before the sugar output can be increased, and this can not be made for the present.

The coffee fields, now smothered in weeds, uprooted trees, and débris of the storm, can not be cleansd and rehabilitated without capital, and this can not be secured. This year's sales of home productions in these commodities will bring returns of but about $3,000,000, whereas the island is accustomed to receive almost $10,000,000 for these same products, and there is nothing to replace them.

The condition of more than half the inhabitants has always been one of abject poverty. It is not difficult to foretell the consequence of the obliteration of two-thirds of former means of subsistence. It is doubtful if any land or district populated by nearly a million souls has, in modern times, been so devastated and overwhelmed as was Puerto Rico in one day of August last.

Heretofore coffee represented 70 per cent of the island's trade, but the next crop will probably not exceed 6 per cent of that value—the average of which, for the last five years, having been over sixteen and a half million pesos, representing the value of exports of the three principal commodities.

Mr. President, I have no disposition to enter into a discussion of the political situation. I will, as one member of that committee and as a Senator of the United States, say that the political exigencies to which the Senator from South Carolina alludes have had no influence whatever upon me. I have acted with the purpose of helping those people in the best possible way that could be devised, and I have no other object or purpose in mind.

The Senator from South Carolina pictures the disaster that is to come to the Republican party in November next because of the action that we have taken in the matter of Puerto Rican tariff duties. That is familiar talk to me. In my State the Democratic party carries the election every year in March, but it never carries it in November, and the Senator from South Carolina will very likely have his mind disabused on that point when the people of the country vote next November, after they have come to understand that we are endeavoring to legislate for the best interests of the people of Puerto Rico; and notwithstanding this clamor which has arisen in the country, the second sober thought will lead them to comprehend the fact that we have no other purpose than to legislate for their benefit and advantage.

Mr. President, we have given Puerto Rico a beneficent rule. The President selected as governor of that island General Davis—in my opinion, the ablest executive officer we have in the Army of the United States—an intelligent, broad-minded, conservative, generous man. Under his administration half a million dollars from the Treasury of the United States has been expended to relieve the sufferings of those poor people, and now we propose in addition to that to vote more than $2,000,000 out of the Treasury of the United States to further relieve their sufferings and their distress.

Mr. TILLMAN. There is a difference of opinion between the Senator from New Hampshire and me in regard to the source from which that money comes, and I confess I am not so certain that I will be disposed to dispute his statement; but if I did not misunderstand General Davis's figures and the sources of the income which he has expended, I think the Puerto Ricans have contributed to their government through such sources of taxation as import duties and local taxes the amount from which that relief fund came. If the Senator is positive, of course I will not dispute it; but I think he is mistaken.

Mr. GALLINGER. Well, Mr. President, I think I am not mistaken. I think we have expended the amount I named.

Mr. TILLMAN. The amount has been expended; there is no doubt about that, and General Davis expended it; at least it was expended under the board of charities which I have mentioned; but what I speak of is that the Senator is mistaken in supposing that it was contributed from the United States Treasury.

Mr. GALLINGER. I think the record will bear out the statement I have made.

Mr. President, a great hue and cry has been raised, and the Senator from South Carolina has added his eloquent voice in that direction, that we are in some way under the dictation of the trusts in this country in the legislation which is proposed for Puerto Rico. In other words, that the representatives of great aggregations of capital have come to Washington and taken this committee by the throat, taken the Republican Senators by the throat, and said to us that we must impose a tariff duty upon the products of Puerto Rico. It is familiar to every man who will recall the fact that when we imported sugar free from Hawaii the same cry was raised that the sugar trust had taken us by the throat; and now that we propose to impose a duty upon Puerto Rican sugar, the same old cry is revived and sent out to the country, that the trusts are dictating the policy of the Republican party.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from New Hampshire yield?

Mr. GALLINGER. With pleasure.

Mr. TILLMAN. Does the Senator recall the fact that his colleague from California [Mr. PERKINS] himself mentioned that what had brought his mind to see that a change in this matter was necessary was the fact that the beet-sugar producers of the United States would be injured by the influx into the United States of additional free sugar, and that he wished to guard against that from the Philippine Islands, and therefore he had altered his opinion. I am not the author of the accusation about trusts at all, but it comes from others. It is true, Mr. Oxnard is in the beet-sugar trust, if there be one, and it is also true that Mr. Claus Spreckels is in the cane-sugar trust in the Hawaiian Islands, where you have given the sugar free access here. And yet you turn around and levy a tariff duty on sugar from Puerto Rico and you have not explained why you do it.

Mr. GALLINGER. Now, Mr. President, the Senator says that Mr. Oxnard is in the beet-sugar trust, "if there be one." I am glad that the Senator qualified his statement, because I think I am safe in saying that there is no such trust; that if a trust exists in sugar it is entirely separate from the beet-sugar industry of the United States.

I only know, Mr. President, that in Nebraska, Iowa, and some other States of our country the people are investing their capital and are trying to raise beet sugar at a profit. I think it is safe to say that they have not made much profit out of the venture as yet. I have been glad to come to the rescue of those people and am willing to take the responsibility that may attach to my action by giving them a chance to invest American capital in the production of beet sugar and giving them a fair profit out of the investment of their capital and of their labor.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield?

Mr. GALLINGER. Certainly.

Mr. TILLMAN. Does the Senator contend that the 40,000 tons of sugar now produced in Puerto Rico, with the 170,000 tons which were produced when the industry was at its maximum growth, would affect the beet-sugar industry in the United States one-quarter of a mill?

Mr. GALLINGER. If the Senator will do me the honor to read the minority report from the Committee on Pacific Islands and Puerto Rico, which I was very happy to have my friend from California sign with me, he will find that I went a little beyond Puerto Rico in my discussion.

Mr. TILLMAN. Oh, the Philippines are the trouble here. That is the whole thing.

Mr. GALLINGER. And I undertook to give a good reason for the dissenting opinion that I wrote.

But, Mr. President, this talk about the trusts in this matter is simply for the purpose of influencing public opinion and nothing else, and I say there is nothing in it whatever. We have had only one trust that has been urging legislation through this committee and upon the American Congress, and that trust is to-day suffering at the Arlington Hotel with a British vice-consul at his head. That trust is composed of the men who bought last year's Puerto Rico sugar output, and who, I am informed, have an option upon the output of sugar in Puerto Rico for the coming year. They are the gentlemen who are raising this commotion to a very considerable extent, and they are the gentlemen whom we are oppressing, if we are oppressing anybody.

The British vice-consul, Mr. Finlay, appeared before our committee, and when I asked him the question as to whether he was engaged in business in Puerto Rico or not, he said, "Yes." "What is your business?" "I am a sugar planter." "Have you a very large sugar plantation, Mr. Finlay?" "Oh, fifteen hundred acres, and 5,000 acres in addition to that which are not very productive." Mr. Finlay and the gentlemen who are operating with him, who, as I say, are suffering to-day at the Arlington Hotel, bought the sugar upon the full Dingley rates, and if we pass the bill imposing a duty of 15 per cent they will get the benefit of 85 per cent and will make a very large fortune. But of course they would like the 100 per cent, because they would make a little more money than they would on 85 per cent.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. GALLINGER. Certainly.

Mr. TILLMAN. Are we to dicker here with our consciences and our obligations as Senators in regard to a great constitutional question and an issue that is so important, and consider whether somebody somewhere may get a little money out of this change of legislation?

You can not levy a tariff at any time anywhere that somebody who has goods afloat or in bond will not get the benefit of it. I recollect that when passing the war-revenue measure I proposed a tariff on tea, and it went through. I asked my friends on both sides of the Chamber if I ought not to propose a tariff on coffee, and everybody said, "There ought to be a tariff on coffee, because there is no difference and it would be purely a revenue tariff, but if you do that the Arbuckles, or somebody else, I have forgotten whom, would make a great sum of money, because they had cornered the coffee of the country." You can not stop that kind of thing or prevent it. We are discussing principles here, not policy or the question whether somebody is going to make a few dollars out of any change in legislation.

Mr. GALLINGER. There may be a difference of opinion as to whether we are discussing principles or not. There might be, I think, a safe criticism offered upon the speeches made by the Senator from South Carolina as to whether or not he confined himself exclusively to the great constitutional principles which he sometimes elucidates.

I have no disposition to engage in any controversy or to make a single suggestion outside of the merits of this case. We propose to give Puerto Rico $2,000,000 out of the Treasury of the United States. The Senator from South Carolina says we stole it from the people of Puerto Rico. Well, that is his opinion. My opinion is different. We collected it under the laws of the United States. It was legally collected. It is our money, it is in our Treasury, and now we propose as a humanity-loving people to put our hands into the Treasury of the United States and take $2,000,000 out of it and send it to Puerto Rico as a humane offering to assist those people in their suffering and distress and poverty.

Mr. TILLMAN. Mr. President——

Mr. GALLINGER. And I will say that we ought not to take, as I did not one week ago, one single moment of the time of this body in getting this bill enacted into a law, so that those people can have the benefit of our generosity at the earliest possible moment.

Mr. TILLMAN. Will the Senator yield?

Mr. GALLINGER. Certainly.

Mr. TILLMAN. The amendments of the Senate to the House bill as it came over here gave the tax back as a specific sum, and for that I voted. The Senate conferees have submitted to the House, by which they continue to give back the taxes collected; and I do not see why you should continue to collect taxes and then turn around and restore them to the people from whom you take them. You have an ulterior purpose here, and you know it. When I say you, I do not mean the Senator from New Hampshire, but I mean the Republican party.

Mr. GALLINGER. Now, I will ask the Senator from South Carolina if he does not know that under the existing law we are compelled to collect those taxes? Has the President of the United States any constitutional power to say to the people of Puerto Rico, We will exempt you from the payment of taxation?

Mr. TILLMAN. I believe not, but this Congress can, in an hour, pass a bill by which Puerto Rico will be relieved, and we will reach our arms around her and take her to our bosom. Instead of that you hold her throat with one arm and then cram charity down her throat with the other.

Mr. GALLINGER. I venture to say, in reply to the Senator from South Carolina, that the Congress of the United States will not pass the bill he alludes to in an hour, because I am sure the Senator would insist on making a speech on that bill.

Mr. TILLMAN. I dare you to bring it in. [Laughter.]

Mr. GALLINGER. I have not the authority, Mr. President.

Mr. TILLMAN. If the Senator will permit me, we had some dares here yesterday; but when the bob-tail flush of my friend from Ohio was sprung on the Senate, the Senator from Vermont came up missing, and therefore you did not win the game. Now, if you want to dare me not to make a speech and pass a bill bringing Puerto Rico within the United States and no limitations under our Constitution, with all its rights, I dare you, I say, to bring in a bill. Nobody on this side will debate it.

Mr. GALLINGER. The Senator has the advantage of me now by his use of language that I do not understand. [Laughter.] I have no authority to bring in any bill. I am not chairman of the committee, and of course the Senator can safely challenge me to do what it is not in my power to do under any circumstances.

Mr. TILLMAN. I beg the Senator's pardon for using the word "you." It is not in the rules for a Senator to use that in a personal sense. When I say "you," I dare the Republican majority here to bring in such a bill.

Mr. GALLINGER. Well, Mr. President, the Republican majority probably will transact its business in its own way, unintimidated and uninfluenced by threats or suggestions from the Senator from South Carolina. He has already relegated the Republican party into a minority party. He has already defeated the Republican party next November; and now I take it for granted that the Republican party, during the few months of life that have been allowed to it by the Senator from South Carolina, will go along in its own way and transact business without any reference to the dictation or suggestions from the distinguished Senator from South Carolina.

Mr. TILLMAN. Mr. President, with the Senator's permission, I beg pardon for having supposed for one moment that anything I would say—because I certainly had no such thought—would influence the majority in any way. They are bound to go their own road, and they are bound to whip in their minority, although they now appear to be in rebellion. You can not get a vote, you dare not come to a vote, for fear you will not have a majority to do your dirty work.

Mr. GALLINGER. Well, Mr. President, that is a matter of taste. Whether it is dirty work or otherwise, I will not enter into a discussion of that point with the Senator from South Carolina. The Republican party can stand on its record. Its legislation is known to the world. When this legislation is accomplished, I have no doubt whatever that while it will confound the Senator from South Carolina, it will be very gratifying to the people of the United States.

However, Mr. President, I did not rise to make a speech, but simply to make a suggestion, which I have endeavored in a desultory way to make, that in my opinion the time has come for us to vote on this report; and if the Senator from South Carolina will now enter into a contract with me, and not take any more time in its discussion, I will yield the floor in the hope that we may have an immediate vote.

Mr. SPOONER. Mr. President, I shall take but a few moments. That would be a very poverty-stricken intellect which could not discover that in all this discussion there has been very little said upon the question before the Senate. The debate, so far as it has been a debate at all, has consisted of political speeches, some of them, I venture to think, not entirely, in dignity, appropriate to this place. I think my friend from South Carolina can with propriety revise some of his remarks.

Mr. TILLMAN. Mr. President, if my kind friend—and I mean that in no perfunctory sense, because I consider myself honored by being able to claim the friendship of the Senator from Wisconsin—will indicate anything that I have said which was not proper for this presence I will take great pleasure in making such revision or recantation as I think would be necessary under the circumstances.

Mr. SPOONER. I have not had any desire that the Senator should recant or revise on my account——

Mr. TILLMAN. I know, but on my own account.

Mr. SPOONER. Or on account of the party to which I belong, but on his own account.

Mr. TILLMAN. I say on my own account. Will the Senator be kind enough to indicate the words to which he takes exception?

Mr. SPOONER. Yes, I will indicate them. When the Senator referred to some contemplated action or possible action by the "other side," as it happens to be from where I am now standing in this Chamber, I am quite unable to see how he can gain his own consent to denominate it as "dirty work." Nor am I quite able to see—and as the Senator asks me I will state it—how the Senator finds it entirely proper to refer to some of the votes upon the treaty as having been "bought." I leave that, however, for him to settle with the Senators who are involved, if there be any, in that suggestion. The Senator, if he desires me to file further a bill of particulars——

Mr. TILLMAN. I should like to hear it all, sir, if it is a dose of apology that I have here to take.

Mr. SPOONER. I ask for no apology.

Mr. TILLMAN. I want to get it all in at one time.

Mr. SPOONER. I doubt somewhat, and I am modest about it, if the Senator should have charged us, on the question of our adherence to the principle "equality among men," with "hypocrisy," with the adjective which he used. The Republican party has always been in favor of equality among men. I can not say the same of the Democratic party, nor can the Senator; but, Mr. President——

Mr. TILLMAN. Now will the Senator allow me? Are you through with this?

Mr. SPOONER. Certainly.

Mr. TILLMAN. I think it is very well to have the amende honorable, if I am to make one, come in immediately after the accusation or the attack. I do not consider it in any personal sense or as displaying any ill feeling on the part of the Senator from Wisconsin.

Mr. President, I am unfortunately one of that class of men who are quite as plentiful as they ought to be, who will sometimes say things in the heat of debate that in calmer moments they would not utter. But I never say anything that I do not mean, and therefore I think when the balance sheet is made up in the next world, as undoubtedly it will be, there will be a good deal to my credit for not having used words to conceal thoughts or taught my tongue to practice deceit.

And now, to come down to particulars. On the matter of dirty work—that is perhaps a bad adjective; it is a Saxon adjective that leaves a little bad taste in the mouth. But the question is, What sort of work is the Republican party engaged in in this Capitol?

The PRESIDENT pro tempore. The Senator from South Carolina will suspend one moment. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. I ask that the unfinished business be temporarily laid aside until the Senator from South Carolina concludes.

Mr. TILLMAN. The Senator from Wisconsin has the floor and has kindly yielded to me to make answer to his catechism.

The PRESIDENT pro tempore. The Senator from South Carolina will suspend one moment. The Senator from Ohio asks unanimous consent that the unfinished business may be laid aside temporarily while the Senator from Wisconsin concludes his remarks. Is there objection? The Chair hears none.

Mr. ALLISON. I trust the Senator from Ohio will allow the consideration of this report to be completed.

Mr. FORAKER. Yes; I ask that its consideration may be completed.

The PRESIDENT pro tempore. The Senator from Ohio asks that the unfinished business may be laid aside temporarily until the completion of the discussion upon the conference report. Is there objection? The Chair hears none. The Senator from South Carolina will proceed.

Mr. TILLMAN. The word "dirty," Mr. President, has various meanings. My purpose in using it a moment ago was to express my feeling as regards the class of legislation upon which we are now engaged. That is, that we are legislating here for an island and its people that came into the United States without any volition on their part, that gladly welcomed our army. The people were pledged by our general in command to all the rights of citizenship and the benefits under the flag.

I speak in general terms. I do not give the exact words. Therefore, if we have any bowels of compassion or any sense of honesty and decency among us as a people, we are in honor bound to see that that island and its inhabitants are not discriminated against or ill used or legislated against or imposed upon in any way possible for us to prevent.

Now, under the guise of charity we are here appropriating money collected under our laws, under the Dingley Act, in our own ports upon their exports to this country. Instead of removing the barrier—taking down the custom-houses as far as they are concerned, admitting their goods to our shores like people from any other part of the United States would have the right to demand—we say to those people, "You are not citizens, you are not our equals, you have not the rights of the Constitution, we do not intend to give them to you except by piecemeal, if at all;" and you go on and you legislate in a way to show that greed and selfishness and party exigency are at the bottom of the legislation you propose here.

Well, "dirty" may be too strong. Will the Senator suggest some adjective that will fit the case? If I have not described it properly, I should like to have a substitute that will not offend his refinement and his good taste. What shall I call it?

Mr. SPOONER. Is the Senator speaking to me?

Mr. TILLMAN. I am speaking to the Senator from Wisconsin. What kind of work are you engaged in?

Mr. SPOONER. If the Senator will take time to consider, I think he will have no difficulty in calling it by some adjective which any gentleman would use in speaking of a matter upon which he differed with others. I think the Senator will have no difficulty when he stops to consider, if he will, in admitting that it may be possible for men to differ from him in opinion upon questions of legislation and public policy without subjecting themselves to any just imputation of dishonesty or trickery or mere party politics.

I will not undertake now to furnish the Senator with the adjective for the reason, among others, that it would not perhaps be proper for me to do it, and for the further reason that the Senator from South Carolina has a fine vocabulary and always uses the proper word when he chooses to use it. I know of no Senator better able to choose appropriate words and to use them than the Senator from South Carolina.

Mr. TILLMAN. Well, Mr. President, I think I am stumped. [Laughter.] The Senator from Wisconsin reads me a lecture, and I confess that in some things it is possibly deserved. I think that Senator and other Senators here will bear me out in claiming that I am not a narrow man. I am not a bitter partisan. Well, I will say that I am no more a bitter partisan than the Senator from Wisconsin, if he will compromise on that. I have been a man who would vote the Democratic ticket without regard to who was the nominee if he got his nomination regularly, but I even got above that once.

Mr. SPOONER. Was that by accident? [Laughter.]

Mr. TILLMAN. No; I got there by argument and in the light of day and by calmness and consideration when I decided that if Grover Cleveland was nominated by the Democrats as President in 1896 I would have to go somewhere else. But that is not the issue here. We are discussing the word "dirty." I confess that if it would offend the Senator, I will take the word out absolutely, and just say "do their work." I can not put any other word in there to express my idea and feeling of the work they are doing except that it is dirty.

But, if it hurts the gentleman's feelings or if it offends his party associates here, I will take it out. I have no desire to leave any sting by any of my words. I do not know what else to say in my idea of the work that is being done or proposed to be done here except to class it as dirty. It may be that that is more comprehensive and covers more points than any other one word would do. I suppose if I were to sit down and get a book of synonyms I would find some other word which would be more euphonious and appropriate; but I will leave it out and let it read that "the Republicans are to do the work."

Mr. GALLINGER. Why not say beneficent?

Mr. TILLMAN. Then that would be a lie, right red-hot. [Laughter.] Now, Mr. President, in regard to the word "hypocrite," which seems to have hurt the Senator's feelings in regard to the equality of the races, I do not know that I can even modify that; because if I have ever seen anything which indicated to my mind hypocrisy, it has been the attitude of the Republican party with regard to the colored races in Hawaii and with regard to the Filipinos, who are nearly all colored so far as we are concerned, and the attitude of the Republican party toward the negroes of the South.

I do not want to bring up the old race issue in this Chamber. I have already had my say on that subject. I have expressed my opinion and feeling as to the inconsistency of the attitude now occupied by the Republicans and their past attitude in the light of their treatment of these other colored people who have come to us by conquest and by acquisition under the Hawaiian joint resolution.

But I say I can not modify that word, because if the Republicans are not hypocrites on that subject, and if they are not hypocrites now in dealing with this Puerto Rican question in pretending that it is a charitable move they are engaged in and that they desire to uplift those people and prevent them from starving, I do not know what else it may be.

If the Senator can justify the taking of taxes by the Dingley tariff from one part of this country and putting them into the Treasury and turning right around and giving them back by Congress, he will have a much more difficult task to convince the people

of the United States—the plain, everyday people—than I think he will be able to accomplish.

If he can succeed in it, while he is one of the most eloquent and persuasive and honey-tongued men in this body, if he can go to Iowa, where the farmers have risen in their wrath and notified their legislators and the legislators have notified you; if he can go to Illinois, where I understand there is more of the anti-Puerto Rican fever than there is in Iowa; if he can go to Indiana, where I understand the fever is also very prevalent, and pursuade those people that they do not understand it, but that you people here know more about it than they do, and that on their sober second thought after they have heard from headquarters their consciences will have to give way to their greed, I think the Senator will be congratulated. If the Republican party can persuade the people of the United States next November that this legislation is honest, that it is not hypocritical, and in some sense it is not dirty, then I will feel that the American people have entered upon a road that is, to say the least, one that does not portend to the glory and good of this country.

Mr. SPOONER. Mr. President, the Senator, when the settlement of accounts to which he refers comes, will, I have no doubt, be credited with a great many good things, a great many kind impulses; and I have no doubt, either, that he will not find it charged against him that an opportunity ever presented itself for him to use his tongue which he did not eagerly embrace. So far as the attitude of the Republican party as to the principle of equality among men is concerned, I take no time to speak of it; but the last place on earth where any impeachment of it should originate, in my judgment, is the State of South Carolina.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes, sir; I yield.

Mr. TILLMAN. I should like for the Senator, as he has particularized my State now, to hear the details. I am ready to give them to him if he wants to raise the issue, and to state how and why that has been able to be charged against us. I am not flinching.

> Lay on, Macduff,
> And damn'd be him that first cries, "Hold, enough!"

It will not be me.

Mr. SPOONER. I based the observation, although it is not at all pertinent, as almost everything else which has been uttered here is not at all pertinent to the conference report, upon the testimony of the Senator from South Carolina as well as upon the history of this country. The Senator stated the other day on the floor of the Senate that they had made a great effort in South Carolina to disfranchise the "nigger;" that they had stuffed ballot boxes, and that they had used the shotgun against them. That is why I say that from South Carolina there ought not to come criticism upon the Republican party as being opposed to equality among men.

Mr. TILLMAN. Is that all?

Mr. SPOONER. That is all for this moment.

Mr. TILLMAN. All for that purpose. Get through with your indictment of my State, and then I will answer.

Mr. SPOONER. I did not indict anyone.

Mr. TILLMAN. You are indicting me as the representative of that State.

Mr. SPOONER. No.

Mr. TILLMAN. Are you through on that point?

Mr. SPOONER. I am through with that sentence.

Mr. TILLMAN. Have you any more? I should like to have you finish and bring in all the counts.

Mr. SPOONER. I will yield to the Senator. That is count enough.

Mr. TILLMAN. Mr. President, in rising here to explain my language, and to justify it, I have not the documents at hand to sustain all the charges I make, but I will, briefly and in the best way I can, recapitulate the conditions which brought about the necessity for stuffing ballot boxes, for shooting negroes, and for using violence and fraud in taking charge of our State government in South Carolina. The Senator, I suppose, did not understand me to say that such conditions exist there now, because I have never made any such acknowledgment.

I proclaimed the fact that in 1876, when we had stood eight years of carpetbag government and there was nothing left us of our civilization unless we rose in our might and took the government back from the carpetbag horde of thieves and scoundrels and their scalawag allies, the native-born rapscallions, who had been foisted upon us at the point of the bayonet—when government ceased to yield protection, when there was semianarchy, when 8,000 armed negro militia were parading up and down the roads, threatening our wives and our children and our homes, when at night burning houses were lighting up the horizon in almost every county, when the conditions were so appalling that any kind of government, any military despotism, was preferable to that, we made up our minds that the fourteenth and fifteenth amendments to the Constitution were themselves null and void; that the acts of Congress under them placing our State under carpetbag rule were null and void; that oaths required by such laws were null and void, we resolved that the intelligence, the wealth, and the patriotism of the State, belonging only to the white people, should seize the government from the horde of ignorance and vice; that we would not longer tolerate bribe-takers on the bench and thieves in our high places; that life was not worth having on the terms and under the conditions forced on us.

We swore by the memories of revolutionary sires that we would redeem our State from the grasp of aliens and negroes, and we did it; and I have no apologies to make for it. If you contend that no indictment of Republicans can come from South Carolina, I will tell you that the Republican party was responsible for that condition of things; I will tell you that Grant, who was then President, sent the army there to hold down the whites and perpetuate the condition of misrule and anarchy and robbery which prevailed, and where the troops were the white majorities, the Democratic majorities, were the greatest—not by reason of the presence of the troops, but because the whites did not hesitate to vote early and often and to carry the elections in any way that was found necessary. The Republican party did all that wrong blindly, but it does not now treat the colored races that have come to us as it treated the Southern negroes, and that is the reason why I charge it with hypocrisy.

Mr. SPOONER. Mr. President, the Republican party was not responsible for it. The Republican party, it is true, after the war had ended, gave to the colored man the right to vote. The Republican party did not enact that legislation upon the theory that it was necessary in order to prevent future Democratic successes. At that day no one dared to prophesy that the old Democratic party of the war times would live very much longer; no one foresaw its wonderful vitality.

The Republican party enacted that legislation, wisely or unwisely, because there had been enacted in the Southern States what were called "black codes," which almost restored the colored man to slavery. The Republican party enacted that legislation in order to give the negro a weapon of defense against such legislation; and they enacted it, Mr. President, in order to maintain in the sight of God and before all the world in good faith, in letter and in spirit, the proclamation of emancipation which had been signed by Abraham Lincoln; God bless his memory forever! [Applause in the galleries.]

Mr. TILLMAN. Will the Senator yield to me for a moment?

Mr. SPOONER. Certainly.

Mr. TILLMAN. In the first place, Mr. President, let it not be forgotten that in dealing with the race question in the South those of the Southern people who were engaged in the civil war, the Confederate war, had inherited those slaves. They had been taught from childhood that the existence of slavery was not wrong, morally or legally. The author of the Declaration of Independence was a slaveholder; the Constitution recognized slavery; and after the strife was over and the issue had been settled by the sword, the question as to the disposition of the emancipated slaves was, of course, a very perplexing one.

The Senator says that but for the enactment by the Southern legislatures of the "black codes," in which there was to be a practical restoration of slavery under the guise of liberty, there would have been no enfranchisement of the ex-slaves; that they would not have been given the ballot. History does not state that, and the condition of politics at the time does not warrant it.

Those who voted for it, or some of them, were no doubt honest in the belief that it was necessary, but there is no earthly doubt but that ulterior and baser motives were at the root of it. There was first a desire of revenge by putting the ex-slaves in control of the Southern States and putting white necks under black heels. There was next a desire to perpetuate the domination of the Republican party in the United States.

Then, when it comes to a comparison of the action of the two parties, I say to the Senator that there are a great many wrongs that the negroes have to suffer in the South, and there will continue to be many. Neither he nor anybody else can help it; we can not help it; and no legislation which can be enacted can help it. It can only cure itself in a better atmosphere, and be solved by the people concerned, because outside influence and outside interference would only aggravate the trouble and more embroil the fray.

But I want to call the attention of the Senate to the fact that we have in the past month had introduced here from a Republican committee a provision upon the Hawaiian bill by which contract slaves in that island were to be governed under a similar black code to that which we enacted in South Carolina and in other Southern States. You sought to perpetuate that condition in your own bill, for the benefit of the sugar planters, until it was stricken out by a motion on the part of the Senator from Massachusetts.

Mr. SPOONER. Oh, it is quite true, Mr. President, that the Hawaiian Committee reported a bill which contained many provisions which were amended by the Senate.

The Senator from South Carolina from my standpoint—doubtless not from his—is mistaken when he attributes the passage of the law giving to the colored man the right to vote to a mere desire for party supremacy or to any motive of revenge.

Mr. TILLMAN. Mr. President——

Mr. SPOONER. Allow me to proceed.

But, after all, that is a matter, perhaps, of little consequence. The negro during the war had won the eternal gratitude and appreciation of his old master. There never was a day during the war, Mr. President, nor a night, on which the negro slaves of the South could not have disbanded the Confederate army. They could have resorted to the torch; they could have resorted to all manner of violence. But they did not. They were left in charge of the plantations; they were left in charge of the wives and daughters, as well as the property there, and I believe it is true that during all those years there was nothing on their part but solicitude for the mistress, and loving, tender care for the children.

Mr. TILLMAN. Now, will the Senator permit me?

Mr. SPOONER. They knew perfectly well, then, that their masters were away in the army engaged in a struggle, the result, if not the object, of which would be to fasten more firmly upon them the shackles of slavery. They knew, even to the humblest of them, that our Army was an army of liberation; they knew that when the flag of the United States came into their vicinity it meant freedom to them; and yet they were a kindly, faithful people, resisting all temptations to remember the past. They had nothing in their hearts of vengeance.

All I mention that for is to say this in regard to it, that when the struggle was made to take by fraud and to take by violence, even to the extent of the shotgun, from the negroes, their participation in the government—whether that participation had been wisely authorized or unwisely authorized; perhaps some other scheme of protection should have been devised for them—it was violence against right.

The colored man had the same right to vote, Mr. President, under the laws of the United States that the white man qualified to vote possessed. The colored man has the same right to come to the Senate of the United States and sit here as a Senator in the place occupied by the Senator from South Carolina as the Senator has under the Constitution and laws of the United States.

I will not talk about a resort to fraud. That is peaceable, at least. I never yet, however, have been able to find justification for the use of the shotgun, for murder, against the man who had a right to vote, and who sought, under our Constitution and our flag, to exercise that right.

Mr. TILLMAN. Will the Senator allow me now?

Mr. SPOONER. Let me finish, please.

But what happened happened. The right was practically taken from them—taken, as the Senator says, by fraud, by violence. Later it was taken by a constitutional provision. All I meant to say—and I say it again—was that, with that history, with that usurpation, with that trampling upon the rights of American citizens by violence and fraud, I am tired of hearing from South Carolina this eternal prating about "equality" as to Puerto Ricans and as to the citizenship of the Tagals.

But, Mr. President, this is all inconsequential. It has nothing to do with the measure before the Senate. If the Senator supposes that he has in his heart any more friendliness, or that Senators on his side of the Chamber have any more friendliness in purpose for the people of Puerto Rico who have recently come under our flag, he arrogates a vast deal to himself and to his associates.

I object, for one, to that persistent assumption. We are as anxious to do what is right and what is generous and what is honest by the people of Puerto Rico as the Senator, although we may differ in our opinion as to the measure which is wise and which is best adapted to the exigency.

Because the Senator differs from me and because his associates upon his side of the Chamber differ from me, I find no warrant for impeaching his integrity of purpose, I find no warrant for denominating his action as an attempt to do the "dirty" work of a political party, as a campaign is approaching or a Presidential election is approaching. Mr. President, I am frank to say that, in my judgment, if this were an "off" year, if it were two years removed from a Presidential election, the debate in both Houses upon this subject, as well as upon the subject of the Philippines, would have been very different from what it is and from what it has been.

I think sometimes it would be a good thing for the people of the United States, save in very great exigencies, if the legislation in a Presidential year could be confined to the necessary appropriation bills. Nothing can come before either branch of Congress without political maneuvering upon it. Hardly anything which is debatable can be discussed upon its merits; and of all the time which has been taken here upon this conference report, which I propose to discuss briefly in a moment, not thirty minutes have been devoted to the conference report itself. We have had political speeches from the beginning of it to the end of it.

The Senator from South Carolina has challenged us again and again to state the attitude of the President upon this subject or that. I am not here to speak for the President. I am here, just as every other Republican Senator is here, loyal, as we are, to the President, loyal, as we are, to our party, to do under our oaths what we think is right in meeting these questions, which are new questions, which are complicated questions, and which, Mr. President, require thought and care and moderation, instead of vituperation and political harangue.

Now, what is the question before the Senate? I understand that Senators on the other side who voted, I think, without a roll call for this appropriation bill will now vote against it. Why? Because the Senator from Iowa [Mr. ALLISON] and his associate conferees, barring the distinguished Senator from Missouri [Mr. COCKRELL], for whom I have very great respect, yielded to the House of Representatives and reported from the conference committee the bill substantially as it passed the House rather than as it passed the Senate. It has been attacked from the Democratic standpoint and from the Populist standpoint, whatever principles that standpoint involves.

The Senator from Iowa has been criticised for changing his mind. He has been asked here to rise and state how it happened that he changed his mind. The Senator from Iowa does not very often have occasion—and it is a just tribute to his wisdom—to change his mind after he has deliberately reached a conclusion; but between the two Houses we are obliged often to make concessions.

I think the bill ought not to have passed the Senate, Mr. President, with the Senate amendment in it. I think, if the Senator from Iowa came to the conclusion that the Senate amendment was ill-advised, he reached a correct conclusion; and I have little respect for a man who can not change his mind. He is either one of those men who thinks he is always right, or who would rather be consistent than to be right. Such a man is too narrow a man, too selfish a man, to be a fit public servant in high places.

I will not say that the opposition to this amendment is a pretext, for that would not be courteous; but I do venture to say, Mr. President, that the objections which are made to it here are as "baseless as the fabric of a dream."

The Senator from South Carolina says we robbed the Puerto Ricans of this money. We did not. He speaks of a constitutional principle involved in this bill. There is none, as I understand the bill. This is not a proposition to put in force a tariff between the United States and Puerto Rico.

Mr. TILLMAN. Will the Senator allow me, as he goes along, to make some points?

Mr. SPOONER. Always.

Mr. TILLMAN. Of course he has got off from the bone upon which he and I have been gnawing; but we shall come back to that after a while.

Mr. SPOONER. I thought I had allowed the Senator many times to interrupt me.

Mr. TILLMAN. I got up three times, but you were so enthused that you absolutely turned your back on me and went on with your speech; but that is neither here nor there. I will discuss the South Carolina case and the negro question just as soon as I get a chance; but right here I want to ask the Senator a question.

Mr. SPOONER. I have never consciously declined to yield to the Senator.

Mr. TILLMAN. I know the Senator did not intend to do it. He would not have been guilty of any intentional discourtesy, but he was so enthused with his speech, and wanted to finish his thought, that he did not yield to me. The Chair will say that I got up and asked to interrupt the Senator two or three times, but he would not yield. However, that is neither here nor there. We shall not dispute about that. I do not charge the Senator with any purpose of showing me any discourtesy or any indignity.

Mr. SPOONER. I disclaim any such intention.

Mr. TILLMAN. I know the Senator would not; but I desire to ask the Senator a question, with his leave. I am only a common farmer, and therefore I suppose it is perhaps presumptuous that I should ask a question of such a great lawyer as is the Senator. The question I wish to ask him is, Where do you get your authority to appropriate this money out of the Treasury of the United States? You do it under the general-welfare clause of the Constitution, do you not?

Mr. SPOONER. Well——

Mr. TILLMAN. Is that true or is it not true?

Mr. SPOONER. I do not care whether it is true or not.

Mr. TILLMAN. I want to know whether, in your opinion as a lawyer, it is true or not?

Mr. SPOONER. We have the power to appropriate, and I think we get it——

Mr. TILLMAN. Under which clause of the Constitution?

Mr. SPOONER. We get it from the same clause of the Constitution that we got the power to appropriate to relieve the sufferers from the floods in the South.

Mr. TILLMAN. That is under the general-welfare clause. Do not let us go to splitting hairs and to run off on these byways.

Mr. SPOONER. We get it under the same clause of the Constitution under which we got the power to govern Louisiana.

Mr. TILLMAN. That is under the general-welfare clause.

Mr. SPOONER. Well?

Mr. TILLMAN. Then is Puerto Rico a part of the United States or is it not?

Mr. SPOONER. We are not sitting in Puerto Rico.

Mr. TILLMAN. But we are sitting here legislating for Puerto Rico, to give her money out of the Treasury of the United States if she is a part of the United States; and if she is not in the United States and if you do not appropriate it under the general-welfare clause of the Constitution, you have no right to appropriate it at all.

Mr. SPOONER. Well, I heard the Senator. [Laughter.]

Mr. TILLMAN. I intended that the Senator should hear me and that everybody else should hear me.

Mr. SPOONER. Mr. President, we derive our power to appropriate money, of course, from the Constitution. Whatever may be said about the question of whether the Constitution follows the flag or not, or whether the Constitution ex proprio vigore—the Senator understands that, I suppose?

Mr. TILLMAN. I believe I know what it means. [Laughter.]

Mr. SPOONER. The Senator says he is "a common farmer." I deny it. He is an uncommon farmer. [Laughter.]

Whether the Constitution ex proprio vigore extends over Puerto Rico or not, there is no question whatever but that in some sense Puerto Rico is a part of the United States. Puerto Rico belongs to the United States. We obtain our right from the Constitution to legislate for Puerto Rico. I do not think the Constitution ex proprio vigore extends over Puerto Rico. I know, however, that it extends over us, and that we are exercising constitutional power here.

Mr. TILLMAN. To take money out of our Treasury and spend it outside of the United States?

Mr. SPOONER. Yes.

Mr. TILLMAN. Or in the United States? I am trying to get the Senator to determine whether Puerto Rico is in or out, and whether the Constitution is there or not. If it is not there, how do you get authority under the Constitution to give it any money?

Mr. SPOONER. I do not think the Constitution is there; nevertheless I think we have the power, as Puerto Rico belongs to the United States and as its people are in a way dependent upon the United States, to appropriate money for their relief, and to subserve their best interests in every way, which we propose to do.

Did the Senator vote for this bill?

Mr. TILLMAN. I did.

Mr. SPOONER. Where did you get the constitutional authority to do it? [Laughter.]

Mr. TILLMAN. It is not a question of my getting any constitutional authority for it at all. I often follow bad examples here; and when your committee brought in that proposition and said it was a humanitarian measure, intended to keep the people of Puerto Rico from starving to death, I voted for it, because I thought it was returning to those people the money you had unconstitutionally taken from them. That is why I did it.

Mr. SPOONER. Then the Senator voted for it believing it was unconstitutional and believing it was founded upon a lie?

Mr. TILLMAN. I believe it was founded upon a lie, undoubtedly.

Mr. SPOONER. Undoubtedly. Well, the Senator is rather suspicious.

Mr. TILLMAN. My associations have not tended to dispel any suspicions I brought into this body. [Laughter.]

Mr. SPOONER. The Senator sees nothing but ulterior purposes and mystery in everything and everybody. I have always found that a man who is suspicious of everybody in the world needed watching.

Mr. TILLMAN. Then watch me. [Laughter.]

Mr. SPOONER. I have watched the Senator from South Carolina, and I have never in my heart for one moment doubted his integrity—never. I must say that in order to make it clear that my remark had no personal application.

Mr. President, when this bill originally passed the Senate, it passed as a bill of mercy, did it not? It passed on the theory that by the fortunes of war a people had come to us out from under the paralysis which the tyranny of Spain brought to every people that Spain governed, a body of men, women, and children in distress, intensified by the forces of nature, by a hurricane which devastated that island; and upon that theory the Senator from South Corolina voted for this bill, and upon that theory all Senators on his side of the Chamber voted for the bill. That was true then, and it is just as true now as it was true when this bill passed the Senate.

Mr. TILLMAN. There is an amendment as the bill is brought back here from the other House which changes the situation.

Mr. SPOONER. Yes, sir; there is an amendment, and I am going now to speak about that; and then I will finish.

What is the amendment to this bill, Mr. President? As the bill passed the Senate it limited the power of application by the President of this $2,000,000 to entirely public purposes—

> To be used for the government now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein.

The only relief that it could bring to those who were in individual distress would be in their ability to earn wages under the Government in the construction of public works, waterworks, sanitary improvements, roads, schoolhouses, and all that which with this money might be inaugurated in Puerto Rico.

It was urged here, among others by the Senator from Ohio [Mr. FORAKER], that it would not reach some cases which were pressing; and he suggested an amendment to it authorizing the President to use a portion of the money for "agricultural" relief. Some thought that it would be discriminating to use it for agricultural relief and not leave the President at liberty to use it for relief in any case where humanity demanded it.

We passed the bill, I think, with a wrong provision in it. We passed the bill because it was a gratuity, because it was a generous act to the people of Puerto Rico, but tying too much the hands of the President in his utilization of it.

I think the Senate conferees wisely yielded to those of the House of Representatives, and the measure is brought back in this situation from the conference committee, providing that the money shall be used for the Government—

> now existing and which may hereafter be established in Puerto Rico, and for the aid and relief of the people thereof, and for public education, public works, and other governmental and public purposes therein until otherwise provided by law.

It can be used now, Mr. President, as it could not have been used as the bill went from the Senate, for the purchase of seed, where necessary to enable men who have not the money with which to purchase seed to plant their fields and rehabilitate their farms and to engage in productive labor. It can be used now, wherever the President finds there is pressing distress, to relieve that distress.

Of course it is without limitation as to the objects of relief. We can not know in detail the necessity for relief. That is a new people to us. This whole proposition is new to us. It is easy to criticise. As Byron says, I think in his "Review of the Scotch reviewers:"

> A man must serve his time at every trade,
> Save censure; critics all are ready-made.

But we who have to act in formulating public policies, who have to study and think about them and every phase of them, have a very much more difficult and complex problem and burden upon our hands than those who are not charged especially with the duty, but who have the utmost liberty, with or without thought, to criticise what we do.

Mr. LINDSAY. I wish to make this suggestion to the Senator: Whether or not, whenever the necessities of any people are so great as to demand at the hands of the governing power intervention to relieve them from their personal distresses, the money appropriated for their relief is appropriated for a public purpose.

Mr. SPOONER. I so regard it in a general sense and in the generous sense. It is a public purpose in one way.

Mr. LINDSAY. If that be true, where is the difference between the two bills in that respect?

Mr. SPOONER. Because of the doctrine noscitur a sociis. I think the President would have had, perhaps, great difficulty in distributing this fund to have reached the conclusion that he was at liberty to use it to alleviate cases of individual distress. If the Senator from Kentucky will permit me—and I am not technical about this at all—it is, under the bill as it passed the Senate—

> To be used for the government now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein.

There was, I think my friend will agree, great danger that the clauses together, applying the doctrine of noscitur a sociis, would have forced the conclusion upon the President that he was limited to these special public and governmental uses.

At any rate, an administrative officer disbursing a fund under such a statute would feel compelled to be very careful to come within the law prescribed by Congress, and he might very well say to himself, as the Senator, I think, would say to himself, and as I know I would say to myself, that if Congress had intended that any portion of this fund might be utilized in cases of individual necessity, might be utilized for the purchase of seed for this farmer or the other, they would have said so in the bill.

Mr. LINDSAY. Does the amendment say so?

Mr. SPOONER. The amendment says so, I think. It says—

now existing and which may hereafter be established in Puerto Rico, *and for the aid and relief of the people thereof*, and for public education, public works, and other governmental and public purposes therein until otherwise provided by law.

All the language that was in the bill as it passed here is in it now, except the conferees have added "for the aid and relief of the people thereof," and I think, especially in view of the discussion, the President will have no doubt of his authority to utilize this money as we intend it shall be utilized, in relieving whatever distress he finds there which it is absolutely necessary to relieve.

Whether he may draw the line between those who are chronically in want and those who are for the time being in want, as suggested by the Senator from South Carolina, I do not know. The Senator says that the experience of the South showed that where the colored man could get support without working he would not work.

Mr. TILLMAN. I say it again.

Mr. SPOONER. "I say it again," too. That is probably true; and I say, too, that I believe where a white man without working can get a living by the aid of colored labor, he will not work very much.

Mr. TILLMAN. Of course not, neither in South Carolina nor in the Hawaiian Islands.

Mr. SPOONER. No. So we not differ much about that.

Now comes the other provision which makes so much trouble here. It is said that by this bill, if it is passed as presented by the conference report, we in effect declare that the Dingley law is to be continued as against Puerto Rico. I deny it.

There is no proposition in this bill to affect the Dingley law at all. There was no proposition in the bill as it left the Senate to change the Dingley law at all. The Dingley law is in force as against Puerto Rico. It is in force because by the acquisition of territory the President acquires no right to repeal or modify an act of Congress. These duties were not "stolen." These duties were lawfully collected, Mr. President.

I read in the hearing of the Senate the other day, not in support of the proposition that we may constitutionally impose duties upon Puerto Rico differing from those which apply to the remainder of the United States, a statement from Fleming against Page, which I will read again only for the purpose of bringing to the attention of the Senate the fact that that proposition may be as our Democratic friends claim it, and yet it be absolutely true that it was lawful to collect these duties. The court says:

The principle thus adopted and acted upon by the executive department of the Government has been sanctioned by the decisions in this court and the circuit courts whenever the question came before them. We do not propose to comment upon the different cases cited in the argument. It is sufficient to say that there is no discrepancy between them. And all of them, so far as they apply, maintain that under our revenue laws every port is regarded as a foreign one unless the custom-house from which the vessel clears is within a collection district established by act of Congress, and the officers granting the clearance exercise their functions under the authority and control of the laws of the United States.

So it is stated by the court that in the Florida case, after Florida had been ceded to the United States, but before a collection district had been established there, the revenue officers, sustained by the Attorney-General, held that the port was a foreign port, and the duties then existing by law should be collected. Now, what is this proposition?

We have collected, and I say lawfully, in my opinion, this money. We are proposing to appropriate it from the public Treasury for the benefit of the people of Puerto Rico, not because we robbed them of it—for we did not—but because we wish to be generous to Puerto Rico, and because it is our duty to be generous to Puerto Rico. I said the other day that of the $2,000,000 collected nearly $1,800,000 were collected from duties on sugar imported; some from duties on tobacco.

I said that a comparatively few men paid that duty. I sought to ascertain how many paid that duty and who paid it. It was paid by the importers. I received this telegram in answer to my inquiry:

TREASURY DEPARTMENT, *March 21, 1900.*

Senator SPOONER:

The following telegram just received from the collector customs, New York: "The principal importers of sugar from Puerto Rico are A. S. Lascoils & Co."—

The gentlemen who are suing to recover it back—

"Lawrence, Turnure & Co., American Sugar Refining Company, L. W. & P. Armstrong, Muller, Schall & Co., John Farr, and Melchor, Armstrong & Dessau."

Mr. TILLMAN. Will the Senator permit me right here? It has been brought into this debate before, but it is just as well to put it in again, if he will allow me.

Mr. SPOONER. Certainly.

Mr. TILLMAN. Those gentlemen paid the import duty on sugar—those five or six firms.

Mr. SPOONER. They are the principal importers.

Mr. TILLMAN. No matter. We may say for our purposes that they alone paid it. Where did they get it? They bought the sugar from men who grew it, who raised the cane and ground it up and manufactured and prepared it for market and sent it to them, did they not?

Mr. SPOONER. Yes, probably.

Mr. TILLMAN. Very well. The importers who paid this duty bought the sugar from the producers. They bought it at the usual price of sugar in New York, minus the tariff which we levy. In other words, the producer had to lose the tariff. Then that producer had to reduce the wages of everybody who had anything to do with raising that cane, and the whole burden fell back on the laborers in Puerto Rico and the owner of the plantation. It did not fall upon these importers at all. They are only the medium by which the money was paid into our Treasury.

The producers of the sugar are the ones who have received a less price for their product by reason of the fact that the duty existed. If it had not existed, if Puerto Rico had been under your construction of the law put in a collection district of the United States, and there had been no barrier between Puerto Rico and the United States, then the price of sugar would have been higher in Puerto Rico, and the wages of the laborer would have been higher, and you would have a benefit extending all along down the line through every person engaged in sugar production.

As it is, you have collected it from five importers over here, and you turn around and send the money back to Puerto Rico, and you make the people in Puerto Rico engaged in sugar production contribute to the support of the government there and to the support of all the other people of that island. I say it is unjust and dirty business.

Mr. SPOONER. Apparently everything with which the Senator from South Carolina does not happen to agree is unjust—that is bad enough—and dirty also.

Mr. FAIRBANKS. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. FAIRBANKS. I wish to say that the Senator from South Carolina is quite mistaken with respect to wages in Puerto Rico. The testimony before the committee is distinct and clear to the effect that wages are not lower in the island to-day than they were when the Government of the United States entered into possession of the island, and that in a large portion of the island the wages are higher to-day than they have ever been.

Mr. TILLMAN. Will the Senator from Wisconsin allow me?

Mr. SPOONER. I have not finished.

Mr. TILLMAN. You will not allow the Senator from Indiana to interpose and then not allow me to get back?

Mr. SPOONER. Proceed.

Mr. TILLMAN. I want to ask the Senator from Indiana if his information extends as to whether or not that increase in wages there has not arisen because of the public works, the building of roads, and other things which the Government has of itself undertaken and for which it has paid? Then, if your statement be true as a general thing, in the name of God, why are not the Puerto Ricans better off than they were before, and why do we want to go down there and establish soup houses to keep the people from starving to death if they can all get work at higher wages than they ever could before?

Mr. FAIRBANKS. I stand corrected by the Senator from New Hampshire [Mr. GALLINGER]. He says there has been a slight increase in wages among agricultural labor, but the people are out of work in many places.

Mr. SPOONER. Mr. President, nearly all of the gentlemen whose names I have read from the telegram are bankers. They are the bankers, I am told, of the American Sugar Refining Company, and they imported this sugar for the American Sugar Refining Company. There is no proposition here, nor has there been, to pay any portion of this money to the laborer who produced at starvation wages this sugar. The Senator from South Carolina has made no suggestion of that. The Senator from South Carolina is in favor, I believe, of a refund of the cotton tax.

Mr. TILLMAN. I am.

Mr. SPOONER. Are you in favor of giving it to the labor which produced the cotton?

Mr. TILLMAN. If you can find it.

Mr. SPOONER. Well, you can not find it.

Mr. TILLMAN. In that connection, as the Senator is trying to rake up all the old sores between the Southern people——

Mr. SPOONER. This is not an old sore.

Mr. TILLMAN. It is an old sore, dragged in here by the horns. You have already gored me all around, and now you come at me from behind.

I call the attention of those whose bowels of compassion have been so stirred here over the terrible condition of the starving Puerto Ricans to the fact that after the Southern States—we will take South Carolina as an example—had been devastated by Sherman's army, and nothing but chimneys were left to mark the homes of our people from Savannah to Cheraw, in a swath 70 miles wide, when there was not enough left in the way of food to

keep a crow alive, in addition to all the ills we had to endure by reason of the disorganization of our labor, you turned around and in your love and kindness for the Southern people levied a tax of 3 cents a pound on cotton, a special product raised in the South only. There was a devastated and ruined country that had borne all the horrors of war, had been burned up, their labor system torn up, their government overturned and everything, and then your compassion and sense of justice put that special tax on. Why did you not put it on wheat and corn and tobacco and other agricultural products? Why did you go to the South only to do it?

Mr. SPOONER. All that that amounts to is that the Senator——

Mr. TILLMAN. That you loved us so, and you did not have any other feeling than love. You loved us so well that you pinned us to the flag with bayonets, and then turned around and took everything you could from us, and when you could not get anything more by law you turned the negroes and carpetbaggers loose to steal what little was left!

Mr. SPOONER. We pinned our flag around you with bayonets, and you ought to thank God for it, for with that flag around you we brought you all back into this Chamber and into your old home to stay.

Mr. TILLMAN. We are here to stay and we demand our rights, and we are not to be trampled on and badgered and patronized any longer. I say that as a South Carolinian I am the equal of any Senator on this floor, and I propose to have my say here, no matter whose feelings it hurts.

Mr. SPOONER. You do not hurt my feelings.

Mr. TILLMAN. Oh, I do not want to.

Mr. SPOONER. And you have not frightened me.

Mr. TILLMAN. I have not tried, and I could not if I did try.

Mr. SPOONER. The Senator from South Carolina is right again.

Mr. TILLMAN. I am nearly always right; at least I am honest.

Mr. SPOONER. I have admitted that, and if it will do the Senator any good I will admit it again. But all that the Senator's observation amounts to is that we are treating the people of Puerto Rico with infinitely more generosity than we have treated a portion of our own people.

Mr. TILLMAN. Indeed you do.

Mr. SPOONER. And yet, in the next breath, he stands here and almost froths at the mouth because we are treating Puerto Rico and its inhabitants with such horrible cruelty. We are treating the people of Puerto Rico with a generosity up to this date absolutely peculiar to the people of Puerto Rico. We have had no such case before.

Mr. TILLMAN. Why do you not wrap the flag around them?

The PRESIDENT pro tempore. The Senator from South Carolina must not interrupt without obtaining leave.

Mr. TILLMAN. I ask the Chair's pardon.

Mr. SPOONER. I stated that this sugar was imported by the American Sugar Refining Company almost entirely, as I understand it. I stated the other day that they paid the duty upon it. I stated that if it were refunded—and I think it has no effect upon the labor over there, and no one has proposed and no one will propose that a refund of it should be distributed among the producers of sugar. The producers of sugar are comparatively few.

One has been here in this city, one who is not a citizen of the United States and was not a Spanish subject. He does not propose to become a citizen of the United States. He produces, I think, or controls, 50 per cent of the sugar raised in Puerto Rico, and he is the only gentleman whose representatives have been to me concerning the tariff between Puerto Rico and the United States, and he asks that the trade shall be free.

Talk about trusts, protected industries! I never understood that this 15 per cent of the Dingley rates was a protective duty. No man on our side of the Chamber, so far as I know, has ever so regarded it—not at all. It is a duty levied solely for the benefit of the people of Puerto Rico. But I did not intend, nor do I now intend, to discuss that bill.

I want to say this, and this only, on that subject, that the only measure which has been proposed in either House of Congress, so far as I know, upon this subject, which could benefit directly or indirectly a "trust" was the amendment offered by the Senator from Arkansas [Mr. JONES] the other day to appropriate this money not to the people of Puerto Rico, but to the importers who paid the duty.

Mr. TILLMAN. He just simply made a mistake.

Mr. SPOONER. He did make a mistake, and he withdrew it.

Mr. BERRY. Which Senator from Arkansas?

Mr. TILLMAN. The Senator from Arkansas, Mr. JONES.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. The Senator from Wisconsin touches me on so many sides.

Mr. SPOONER. I was not referring to the Senator just then. Where did I touch him?

Mr. TILLMAN. I had a good one for you, but I will wait.

Mr. SPOONER. The trouble with the Senator is that he is too "touchy." Under the bill—and I will be through in a moment—we collect these duties and we will continue lawfully to collect these duties until by law we have changed the Dingley rates. This bill provided—

That the sum of $2,095,455.88, being the amount of customs revenue received on importations by the United States from Puerto Rico since the evacuation of Puerto Rico by the Spanish forces on the 18th of October, 1898, to the 1st day of January, 1900.

That was the way it passed the Senate. We were to appropriate for the benefit of Puerto Rico the money collected upon imports from Puerto Rico up to the 1st day of January last. Is there any reason why we should not have included in that appropriation the money collected from those imports since the 1st day of January last?

Mr. TILLMAN. Will the Senator allow me now?

Mr. SPOONER. Yes.

Mr. TILLMAN. The only reason why that provision should not be in there is that you do not accompany it with a provision that then duties shall stop. You ought not to inaugurate a system here of taking money out of those people's pockets with one hand and then handing it back to them with the other, and continuing that perpetually. Why do you not inaugurate a system for Puerto Rico which will have some lasting force to it? Why do you not announce your policy? Right here I have got back to the point which I had forgotten a moment ago.

It is to ask the Senator how he explains his statement that this 15 per cent is not a protective duty, which we know it is not in one sense, in connection with the statement of the Senator from Ohio [Mr. FORAKER] that you have to preserve the principle of the right of Congress to tax these people by import duties, and therefore you did this merely for that purpose and held on to it for that reason?

Mr. SPOONER. I do not square my statement with the statement of the Senator from Ohio as narrated by the Senator from South Carolina, because the Senator from Ohio never made any such statement.

Mr. TILLMAN. What did the Senator from Ohio say, then?

Mr. SPOONER. The Senator from Ohio said this: That this duty was imposed for revenue purposes, not for the purpose of raising revenue for the people of the United States—not a dollar to be appropriated for the use of the people of the United States—but all of it for the benefit of Puerto Rico; and the Senator from Ohio said he was glad that underlying this measure it happened that this question was involved and could be early presented to the Supreme Court of the United States. But my recollection of the utterance of the Senator from Ohio is that he distinctly disclaimed the purpose of introducing the bill or being influenced in any wise in his report on that bill by that question.

Mr. TILLMAN. Will the Senator let me state what I think the Senator from Ohio said?

Mr. SPOONER. If I am wrong, the Senator from Ohio can correct me.

Mr. FORAKER. The Senator from Wisconsin has stated in almost the same language my statement at the time, to which I understand the Senator from South Carolina to allude.

Mr. TILLMAN. If the Senator had allowed me to go on, then possibly he would have found out that he did not understand to what I was alluding. The Senator from Ohio, if I do not forget his language, declared that we had to maintain the open door in the Philippines, and therefore had the right to erect a tariff barrier between the Philippines and the United States, or we would have to abandon the Philippines. That was the inference, although he did not say so.

Mr. FORAKER. Will the Senator from Wisconsin allow me to correct the statement of the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. FORAKER. What I said, to which the Senator must of necessity allude, was that in the committee we learned from the testimony there adduced that there was a commanding necessity for revenue and that the people of that island were unable by direct taxation to raise that revenue, and that we sought to raise it by this indirect method. It is one of the incidents and not the purpose of the case that these questions have arisen. I said in that connection that I was glad they were to be raised, for I thought it was of grave importance that they should be litigated and should be judicially determined. Beyond that point I did not say anything in regard to the matter.

But I want to say to the Senator from South Carolina that I said all that, or practically that, in the formal report filed here early in the session in support of the Senate bill 2264, and disclaimed particularly in that report that we had any idea of fixing a protective tariff, but only the idea of raising revenue.

Mr. TILLMAN. Does the Senator forget what he said in regard to maintaining the open door in the Philippines?

Mr. FORAKER. Not at all.

Mr. TILLMAN. That in order to carry out our implied pledges, our international obligations, or something of that kind; in other words, if I do not misquote him, he said that it would be very hard and difficult for us to demand an open door in China and then refuse the open door in the Philippines, and therefore we ought to welcome an opportunity to have the Supreme Court pass upon this question as to the power of Congress, and that would settle the other matter as well.

Mr. FORAKER. What I said was that we ought to know now, before we granted an open door in the Philippines, as we will undoubtedly be invited to grant one, whether or not we have the constitutional power to levy a duty on imports from this country into the Philippines; that if we did not have that power we can not find it out too soon; that if we do not have that power it would necessitate—that was the remark I made, in almost this exact language; I will have it in a moment, as I have the RECORD now handed to me—possibly a change of policy in respect to the Philippines from that which is now contemplated.

Mr. TILLMAN. Now, if the Senator from Wisconsin will permit me, the purpose of this Puerto Rican legislation is simply to maintain the principle that Congress has the right to legislate for these islands in any way it pleases, and can set up any barrier it pleases between them and us, and that we are now treating Puerto Rico in this way simply to maintain the principle that we intend to enforce in the Philippines hereafter.

Mr. SPOONER. I did not rise to discuss the Puerto Rican tariff bill, which is not before the Senate; but I want to say to the Senator from South Carolina, so far as I know anything about it, that it is not the purpose at all. When that bill comes before the Senate we will be able to make that perfectly plain.

The Senator from South Carolina says, Why do you not change this so as to change the revenue system? The Senator knows why we do not. Amendments were offered to this bill for that purpose, and it was agreed by common consent, upon the request of the Senator from Missouri, I think it was, and upon the request of Senators on the Republican side of the Chamber, that as this bill was one to carry relief to those who presently needed it, and as it was a bill about which there could be no dispute, we would offer no debatable amendments to it.

What I want to call to the attention of the Senate, and then I shall have finished, is that the only difference between this report and the bill as it passed the Senate is that the bill as it passed the Senate would have given to the people of Puerto Rico the moneys collected under the Dingley law up to the 1st of last January, and would have taken into the Treasury of the United States the moneys collected under the Dingley law since the 1st of January and up to the time that we pass some law repealing or modifying the Dingley law as to Puerto Rico.

As the bill is amended, all the money heretofore collected or hereafter collected under the Dingley law, until it is changed as to Puerto Rico, is appropriated to the benefit of Puerto Rico, and not one dollar of the money, as the conference report puts it—it was not so when the bill passed the Senate—goes into the Treasury of the United States for the benefit of our people, but it all goes to the benefit of Puerto Rico.

Now, Mr. President, I intended to speak ten minutes upon a single point in this conference report, but I have been interrupted so frequently that I have occupied the floor much longer. I will discuss the House tariff bill when it comes before the Senate. It is not here now.

Mr. TILLMAN. Mr. President, I regret that I feel the necessity of bringing up again some parts of the speech of the Senator who has just taken his seat. However, he would not allow me to answer or interject an objection as he went along. It has reference to the race question in the South, the question which has been the cause of more sorrow, more misery, more loss of life, more expenditure of treasure than any and all questions which have confronted the American people from the foundation of the Government to the present day. Out of it grew the war, and after the war came the results of the war, and those results are with us now. The South has this question always with it. It can not get rid of it. It is there. It is like Banquo's ghost, and will not down. If I have felt called on to attack the Republican policy of this day and time and to accuse the Republicans in this Chamber with being hypocrites in regard to that issue, I have felt constrained to do so by reason of the facts and of the events of the past few years.

The Senator from Wisconsin—and I hope he will not leave the Chamber, although I do not propose to deal in any sarcasm or in personalities in the slightest, but still I prefer him to remain here if he will——

Mr. SPOONER. The Senator from South Carolina need not have any anxiety about that. I have not the slightest intention of leaving the Chamber.

Mr. TILLMAN. Mr. President, I shall only advert briefly this evening in what I shall say now to the phases of this question which were alluded to so eloquently by the distinguished Senator from Wisconsin.

He gave us a picture of the condition of the slave during the war, and of the debt of gratitude which the Southern people owe to those slaves, who had charge of our wives and children and homes, and, to their everlasting credit, during those four long and bloody years not one solitary crime was reported against them of the kind that is now reported every week. I say that he can not exceed me in appreciation of the fact that the Southern people did owe and do owe and will everlastingly owe a debt of gratitude to their slaves for their behavior.

But I would call the Senator's attention to the absolute and inevitable corollary, that if the slaves of the South, with the opportunities which were afforded them during those years when all the men were at the front, and when their wrongs, if they had any, would have prompted revenge, were guilty of no crime against their mistresses and their children, it in thunder tones gives the lie to the charges as to the cruelty of the slave system in the South.

There were numerous instances, possibly too numerous, of cruelty and wrongdoing, and I shall not apologize for the system, for, thank God, it is gone—torn up by the roots at a great cost of life and sacrifice of property. I would not restore it if I could by the waving of a hand. But I say to him when he parades that as a reason why we ought to be grateful—and I acknowledge that we ought—he at once convicts himself and those of his fellows who went on that crusade of blood and destruction for the purpose of liberating those people of having been misled and of having given Harriet Beecher Stowe's Uncle Tom's Cabin undue weight in inaugurating that crusade. I have already given due credit on this floor to the North for patriotism and honesty of purpose, and I realize that the love of the Union was a mighty factor in that great struggle. But it can not be denied that the slaves of the South were a superior set of men and women to freedmen of to-day, and that the poison in their minds—the race hatred of the whites—is the result of the teachings of Northern fanatics. Ravishing a woman, white or black, was never known to occur in the South till after the reconstruction era. So much for that phase of the subject.

* * * * * * *

As to the rights of the negroes in the South, of which he now claims to be the champion——

Mr. SPOONER. No.

Mr. TILLMAN. Well, I do not understand the Senator. I am very unfortunate in being unable to gather his meaning. He speaks clearly, and I usually have the means of interpreting language that is plain and unmistakable; but he did say something about the rights of those people.

Mr. SPOONER. I did.

Mr. TILLMAN. And he said we had taken their rights away from them. He asked me was it right to murder them in order to carry the elections. I never saw one murdered. I never saw one shot at an election. It was the riots before the election, precipitated by their own hot-headedness in attempting to hold the government, that brought on conflicts between the races and caused the shotgun to be used. That is what I meant by saying we used the shotgun.

I want to call the Senator's attention to one fact. He said that the Republican party gave the negroes the ballot in order to protect themselves against the indignities and wrongs that were attempted to be heaped upon them by the enactment of the black code. I say it was because the Republicans of that day, led by Thad Stevens, wanted to put white necks under black heels and to get revenge. There is a difference of opinion. You have your opinion about it, and I have mine, and we can never agree.

I want to ask the Senator this proposition in arithmetic: In my State there were 135,000 negro voters, or negroes of voting age, and some 90,000 or 95,000 white voters. General Canby set up a carpetbag government there and turned our State over to this majority. Now, I want to ask you, with a free vote and a fair count, how are you going to beat 135,000 by 95,000? How are you going to do it? You had set us an impossible task. You had handcuffed us and thrown away the key, and you propped your carpetbag negro government with bayonets. Whenever it was necessary to sustain the government you held it up by the Army.

Mr. President, I have not the facts and figures here, but I want the country to get the full view of the Southern side of this question and the justification for anything we did. We were sorry we had the necessity forced upon us, but we could not help it, and as white men we are not sorry for it, and we do not propose to apologize for anything we have done in connection with it. We took the government away from them in 1876. We did take it. If no other Senator has come here previous to this time who would acknowledge it, more is the pity. We have had no fraud in our elections in South Carolina since 1884. There has been no organized Republican party in the State.

We did not disfranchise the negroes until 1895. Then we had a constitutional convention convened which took the matter up calmly, deliberately, and avowedly with the purpose of disfranchising as many of them as we could under the fourteenth and fifteenth amendments. We adopted the educational qualification as the

only means left to us, and the negro is as contented and as prosperous and as well protected in South Carolina to-day as in any State of the Union south of the Potomac. He is not meddling with politics, for he found that the more he meddled with them the worse off he got. As to his "rights"—I will not discuss them now. We of the South have never recognized the right of the negro to govern white men, and we never will. We have never believed him to be equal to the white man, and we will not submit to his gratifying his lust on our wives and daughters without lynching him. I would to God the last one of them was in Africa and that none of them had ever been brought to our shores. But I will not pursue the subject further.

I want to ask permission in this connection to print a speech which I made in the constitutional convention of South Carolina when it convened in 1895, in which the whole carpetbag régime and the indignities and wrongs heaped upon our people, the robberies which we suffered, and all the facts and figures there brought out are incorporated, and let the whole of the facts go to the country. I am not ashamed to have those facts go to the country. They are our justification for the present situation in our State. If I can get it, I should like that permission; otherwise I shall be forced to bring that speech here and read it when I can put my hand on it. I will then leave this matter and let the dead past bury its dead. I make the request, Mr. President, to have permission to print the speech delivered by me in the constitutional convention in South Carolina in 1895 in the RECORD.

The PRESIDING OFFICER (Mr. QUARLES in the chair). The Senator from South Carolina asks unanimous consent to print matter which he has just described as part of his speech. Is there objection?

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska rise to this question?

Mr. ALLEN. No, sir; there is no objection on my part. I rose to another matter of business.

The PRESIDING OFFICER. The Chair hears no objection, and leave is granted.

[Mr. ALLEN introduced a joint resolution, which appears elsewhere in to-day's RECORD.]

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BERRY and Mr. PETTUS called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. I suggest to the Senator from Florida [Mr. TALIAFERRO] to transfer his pair with the Senator from West Virginia to the senior Senator from Louisiana.

Mr. TALIAFERRO. I will be pleased to do so.

Mr. BURROWS. That will enable us both to vote. I vote "yea."

Mr. GALLINGER (when Mr. CHANDLER'S name was called). My colleague [Mr. CHANDLER] is out of the city, and I understand that he is paired with the Senator from Louisiana [Mr. MCENERY] on all questions.

Mr. CULBERSON (when Mr. CHILTON'S name was called). My colleague [Mr. CHILTON] is paired with the Senator from Minnesota [Mr. DAVIS]. If my colleague were present, he would vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. HANNA (when his name was called). I have a pair with the Senator from Utah [Mr. RAWLINS]. I do not see him in the Chamber. If he were here, I should vote "yea."

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL]. If he were present, I should vote "yea."

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT]. If he were present, I should vote "nay."

Mr. JONES of Arkansas (when his name was called). I have a pair with the Senator from Connecticut [Mr. PLATT] who is absent from the Senate. If he were present, I should vote "nay" and he would vote "yea."

Mr. DAVIS (when the name of Mr. PLATT of New York was called). The Senator from New York [Mr. PLATT] was called away on an important matter, but he is paired. I desire to say in his behalf that if he were present he would vote "yea."

Mr. PROCTOR (when his name was called). I am paired with the senior Senator from Florida [Mr. MALLORY]. I will transfer that pair to the Senator from South Dakota [Mr. KYLE] and vote. I vote "yea."

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MASON]. As he is not present, I withhold my vote.

Mr. WARREN (when his name was called). I have a pair on political questions with the senior Senator from Washington [Mr. TURNER]; and unless I am assured by some of his colleagues to the contrary, I shall presume that he would vote "nay" on this question. If permitted to vote, I should vote "yea." I will withhold my vote, being paired.

The roll call was concluded.

Mr. WETMORE. My colleague, the senior Senator from Rhode Island [Mr. ALDRICH], is absent. A pair has been arranged on this question with the Senator from Louisiana [Mr. CAFFERY]. If the senior Senator from Rhode Island were here he would vote "yea."

Mr. CLARK of Wyoming. I have a general pair with the junior Senator from Kansas [Mr. HARRIS]. I suggest to the Senator from Idaho [Mr. HEITFELD] that we exchange pairs, so that each of us can vote.

Mr. HEITFELD. That is agreeable.

Mr. CLARK of Wyoming. I vote "yea."

Mr. HEITFELD. I vote "nay."

Mr. TILLMAN. I have a general pair with the Senator from Nebraska [Mr. THURSTON]. At the suggestion of his colleague [Mr. ALLEN] I transfer that pair to him and I will vote. I vote "nay."

Mr. ALLEN. On this question I stand paired with my colleague [Mr. THURSTON].

Mr. PRITCHARD. My colleague [Mr. BUTLER] is unavoidably absent. I understand that he is paired with the senior Senator from Maryland [Mr. WELLINGTON].

Mr. HANSBROUGH. I transfer my pair with the senior Senator from Virginia [Mr. DANIEL] to the Senator from Connecticut [Mr. PLATT] and vote. I vote "yea."

Mr. CLARK of Montana (after having voted in the negative). I have a general pair with the junior Senator from Indiana [Mr. BEVERIDGE]. I see that he has not voted and I withdraw my vote.

The result was announced—yeas 35, nays 15; as follows:

YEAS—35.

Allison,	Foraker,	Kean,	Ross,
Bard,	Foster,	Lodge,	Sewell,
Burrows,	Frye,	McComas,	Shoup,
Carter,	Gallinger,	McCumber,	Simon,
Clark, Wyo.	Gear,	McMillan,	Spooner,
Cullom,	Hale,	Perkins,	Stewart,
Deboe,	Hansbrough,	Pritchard,	Wetmore,
Depew,	Hawley,	Proctor,	Wolcott.
Fairbanks,	Hoar,	Quarles,	

NAYS—15.

Bacon,	Cockrell,	McLaurin,	Taliaferro,
Bate,	Culberson,	Martin,	Tillman,
Berry,	Heitfeld,	Morgan,	Turley.
Clay,	Lindsay,	Pettus,	

NOT VOTING—37.

Aldrich,	Davis,	Mallory,	Sullivan,
Allen,	Elkins,	Mason,	Teller,
Baker,	Hanna,	Money,	Thurston,
Beveridge,	Harris,	Nelson,	Turner,
Butler,	Jones, Ark.	Penrose,	Vest,
Caffery,	Jones, Nev.	Pettigrew,	Warren,
Chandler,	Kenney,	Platt, Conn.	Wellington.
Chilton,	Kyle,	Platt, N. Y.	
Clark, Mont.	McBride,	Rawlins,	
Daniel,	McEnery,	Scott,	

So the report of the committee of conference was agreed to.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, the junior Senator from Ohio [Mr. FORAKER], in charge of the unfinished business, has kindly consented to allow me to ask for the consideration of the unobjected pension bills on the Calendar, which I now do.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent for the consideration of the unobjected pension cases on the Calendar. Is there objection? The Chair hears none.

JOHN E. HIGGINS.

The bill (S. 1918) granting an increase of pension to John E. Higgins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a member;" in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" and in the same line, before the word "he," to strike out "which;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Higgins, late of the band, Third United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

Mr. GALLINGER. I move to amend, in line 6, after the word "late," by striking out the words "of the band" and inserting "musician."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY HILL.

The bill (S. 2651) granting a pension to Henry Hill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hill, late body servant to Gen. W. T. H. Brooks, United States Volunteers, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. GALLINGER on the 13th instant, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2651) granting a pension to Henry Hill, have examined the same and report:

This bill proposes to pension Henry Hill, of Tennallytown, D. C., late body servant to Gen. W. T. H. Brooks, United States Volunteers.

From the evidence filed with this committee the following facts appear: Claimant was not an enlisted man, but was employed in the summer of 1861 as cook for the band of the Third Regiment Vermont Volunteer Infantry. He then became body servant to General Brooks, commanding the "Old Vermont Brigade," with whom he remained until July 1, 1862. On that day, in the battle of White Oak Swamp, Virginia, he was severely and dangerously wounded in the face, and, as one witness states, it looked as though half of his head had been shot away. He was sent to Cliffburne Hospital, Washington, D. C., and there treated for his wound.

Reports from the Auditor for the War Department showing claimant's service and from the Acting Chief Record and Pension Office, War Department, showing his hospital treatment, are appended hereto. He made claim for pension under the act of June 27, 1890, but his claim was rejected February 3, 1892, on the ground that he was not an enlisted man.

The claimant is now 63 years of age, and badly disfigured by the wound he received in battle. If he had been an enlisted man there could be no question about his title to pension. His case is an exceptional one and is not covered by existing law.

In view of all the circumstances of the case your committee believe the claimant should be allowed a pension for his wound.

The bill is therefore reported back favorably with a recommendation that it pass when amended as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hill, late body servant to Gen. W. T. H. Brooks, United States Volunteers, and pay him a pension at the rate of $12 per month."

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,
Washington, March 5, 1900.

SIR: Referring to your letters of the 21st and 28th ultimo, relative to obtaining information as to the service of Henry Hill as cook for the band, Third Vermont Infantry, during the summer of 1861, and as body servant to General (W. T. H.) Brooks, United States Volunteers, I have to inform you that the rolls of the band, Third Vermont Infantry, from its organization in June, 1861, to its muster out in August, 1862, and also pay vouchers of its leader, Nelson D. Adams, for the same period, have been examined and the name of Henry Hill, or a similar name, has not been found thereon.

The pay vouchers of W. T. H. Brooks, brigadier-general, United States Volunteers, from October 6, 1861 (date promoted to brigadier-general), to December 31, 1862, have also been examined with the result that on all the vouchers from November 1, 1861, to latter date, except for the month of July, 1862, the name of "Henry" appears, without surname, as a servant, described on same as follows: Complexion, colored; height, 5 feet 10 inches; eyes, dark; hair, dark; and on others as "black man" and "colored man." For July, 1862, another name appears in his stead as servant.

Respectfully,

F. H. MORRIS, *Auditor.*

Mr. JOHN H. WALKER,
Clerk to the Committee on Pensions, United States Senate.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, February 16, 1900.

SIR: Referring to your letter of the 14th instant, in which you request, for the use of your committee in connection with Senate bill No. 2651, the complete medical history of Henry Hill, who alleges that he was the body servant to General Brooks, commanding the Second Brigade, Second Division, Sixth Army Corps, and that during the summer of 1861 he cooked for the band of the Third Regiment Vermont Volunteer Infantry, I beg to state that an examination has been made of all records on file in this office deemed likely to afford information in the case, and the only record of his service or disability found on file consists of an unsigned report of John S. Billings, assistant surgeon, United States Army, showing the treatment of Henry Hill in Cliffburne Hospital, Washington, D. C. A copy of that report is as follows:

"Fractured bones of face. Dr. Otis. Recovery.

"Henry Hill (negro), cook to Brigadier-General Brooks. Age 27. Stout and healthy man. Was wounded at the battle of White Oak Swamp, July 1, 1862. Was standing behind a frame house when a large solid shot passed through the house, and one of the fragments of wood struck him on the right side of the face, producing a large lacerated wound. On his admission to Cliffburne Hospital, July 5, 1862, a wound was found extending from the internal canthus of the right eye perpendicularly downward to the mouth, crossing and comminuting the nasal bones and left superior maxilla, separating the nasal bones, and then tearing open the cheek from the left corner of the mouth to the angle of the jaw. The eye was depressed, the upper lid falling with it, having been cut across horizontally—the ethmoid bone fractured horizontally, and the lower fragment, including the middle turbinated bones, being driven downward.

"This was removed, together with the left nasal bone and the fragments of the vomer, also the lachrymal bone, and with some difficulty the shattered jaw and malar bone restored to their normal position. The flesh wounds were then closed with the twisted suture silver wire being used to unite the wound of the eyelid, and all the parts were fixed in position by isinglass plaster and collodion. The lower jaw was used as a splint, corks being placed between the teeth to support the shattered bones and a firm bandage applied from chin to vortex. Milk, beef essence, and eggnog were administered at short intervals by means of a tube. The pins were removed on the third day and the plaster on the seventh, the wounds of the face having united perfectly. July 30—has been going on well and presents but little deformity. The septum of the nose has united well; vision, which was at first destroyed in the left eye, is now rapidly returning, and his general health and strength is perfect."

[Indorsement.]

"Washington, D. C., July 30, 1862. John S. Billings, assistant surgeon, U. S. A.

"Lacerating wound of face, comminuting nasal bone and left superior maxilla. Recovered."

It is proper to add that it was not customary to enter the record of the body servants of officers or civilian cooks on the military records on file in this office, and it is probable that additional information relative to the service of the man mentioned may be obtained upon application to the Auditor for the War Department, in whose office the vouchers containing the names of officers' body servants are filed.

Very respectfully,

JOHN TWEEDALE,
Acting Chief Record and Pension Office.

Hon. JACOB H. GALLINGER,
Chairman Committee on Pensions, United States Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS ADAMS.

The bill (H. R. 5180) granting an increase of pension to Thomas Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Adams, late of Company F, Seventh Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $24 in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN NORWOOD.

The bill (H. R. 541) granting a pension to Ellen Norwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen Norwood, as widow of Alfred Norwood, late of Company K, Second Regiment Massachusetts Volunteer Heavy Artillery, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA S. WILSON.

The bill (H. R. 539) granting a pension to Louisa S. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa S. Wilson, widow of George A. Wilson, late of Company I, Second Regiment Massachusetts Volunteer Heavy Artillery, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD BOYLE.

The bill (H. R. 2389) granting an increase of pension to Edward Boyle, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Boyle, late of Company D, Sixth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. CAMPBELL.

The bill (S. 1578) granting a pension to George W. Campbell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Campbell, alias George W. Smith, late of Battery I, Second Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George W. Campbell, alias George W. Smith."

CHARLES A. PERKINS.

The bill (S. 1246) granting a pension to Charles A. Perkins, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Perkins," to strike out "of Omaha, Nebr., at the rate of $36 per month, in lieu of the pension he is now receiving," and insert "late of United States

Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Perkins, late of United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. GALLINGER. I move to amend the amendment, after the word "of," in line 8, by inserting the words "U. S. S. *Antona* and *Carrabasset;*" so that it will read: "late of U. S. S. *Antona* and *Carrabasset*, United States Navy." This will identify him.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles A. Perkins."

OLIVER DOMON.

The bill (S. 1245) granting a pension to Oliver Domon, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver Domon, late a member of Company A, Eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of the pension he is now receiving.

Mr. GALLINGER. In line 8, after the words "in lieu of," I move to strike out the words "the pension" and insert the word "that;" so as to read: "in lieu of that he is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES RICHARDSON.

The bill (S. 2290) granting a pension to James Richardson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment in line 7, after the word "Volunteers," to insert "and pay him a pension at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Richardson, late of Company B, Nineteenth Regiment Kansas State Militia Volunteers, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID H. MOREY.

The bill (S. 2753) granting an increase of pension to David H. Morey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Seventeenth," to insert "Regiment;" and in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David H. Morey, late of Company F, Seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES ROSS.

The bill (H. R. 3538) granting an increase of pension to Charles Ross was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Eleventh," to insert "Regiment;" and in line 7, after the word "Infantry," to insert "and pay him a pension;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Ross, late private, Company B, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN THORNTON.

The bill (S. 1601) granting an increase of pension to John Thornton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Thornton, late of Company D, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES KAUFFUNG.

The bill (H. R. 2597) granting an increase of pension to Charles Kauffung was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Kauffung, late of Company G, First Wisconsin Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. I move to further amend in line 8, after the words "lieu of," to strike out "the pension" and insert "that."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

JOHN W. KAUMP.

The bill (S. 1603) granting an increase of pension to John W. Kaump was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Kaump, late of Company K, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES WEITFLE.

The bill (S. 3078) granting a pension to Charles Weitfle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Weitfle, late of United States Navy, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

Mr. GALLINGER. In line 6 I move to strike out the word "of," where it occurs the second time, and to insert the words "landsman, U. S. S. *Bainbridge;*" so as to read: "late landsman, U. S. S. *Bainbridge*, United States Navy."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILTON H. DANIELS.

The bill (S. 2539) granting an increase of pension to Capt. Milton H. Daniels was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Capt. Milton H. Daniels, late of Company C, Seventeenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

Mr. GALLINGER. I move to amend, in line 6, after the word "of," where it occurs the first time, by striking out the word "Captain;" and in the same line, after the word "late," by striking out "of" and inserting "captain;" so as to read: "late captain,

Company C, Seventeenth Regiment Connecticut Volunteer Infantry."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Milton H. Daniels."

ELI C. WALTON.

The bill (H. R. 1944) granting an increase of pension to Eli C. Walton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli C. Walton, late of Company B, Fifty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORYDEN BEVANS.

The bill (S. 258) granting a pension to Coryden Bevans was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a member;" and in line 7, after the word "Illinois," to strike out "Volunteers" and insert:

Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving: *Provided*, That no deduction shall be made on account of any former payments of pension to the beneficiary under this bill—

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Coryden Bevans, late of Company F, Fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving: *Provided*, That no deduction shall be made on account of any former payments of pension to the beneficiary under this bill.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Coryden Bevans."

JAMES L. WHIDDEN.

The bill (H. R. 4854) granting a pension to James L. Whidden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Whidden, late of Captain Hooker's company, Florida Seminole Indian war of 1856, 1857, and 1858, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. WEEDEN.

The bill (H. R. 3470) granting an increase of pension to George W. Weeden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Weeden, late captain Company F, Second Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. PARKER.

The bill (H. R. 7114) granting an increase of pension to John S. Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Parker, late of Company G, One hundred and seventh Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL LYBARGER.

The bill (H. R. 7896) granting an increase of pension to Samuel Lybarger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Lybarger, late a private in Company I, Tenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $35 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET GANGLOFF.

The bill (H. R. 4961) granting an increase of pension to Margaret Gangloff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Gangloff, widow of Henry D. Gangloff, late a private of Company B, Third Regiment Missouri Volunteer Cavalry, and to pay her a pension of $24 per month in lieu of that she now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELI OVERHULTZ.

The bill (H. R. 2382) granting an increase of pension to Eli Overhultz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Overhultz, late of Company I, One hundred and first Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAMILTON K. WILLIAMS.

The bill (S. 3380) granting an increase of pension to Hamilton K. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hamilton K. Williams, late of Company E, Sixteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. BLAKE.

The bill (S. 2335) granting an increase of pension to Maj. John W. Blake was considered as in Committee of the Whole.

Mr. GALLINGER. In line 6, before the word "sergeant," I move to strike out the article "a" and to insert the word "late;" in line 10, after the word "Infantry," to strike out the words "in the war of the rebellion;" and in line 11, before the word "month," to strike out the article "a" and insert the word "per;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Blake, late sergeant in Company E, Fourth Regiment Wisconsin Volunteer Infantry, captain of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and major of the Forty-second Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John W. Blake."

HANNAH G. HUFF.

The bill (S. 2900) granting a pension to Hannah G. Huff was considered as in Committee of the Whole. It proposes to place on the pension roll at $12 per month, the name of Hannah G. Huff, dependent mother of the late John D. Huff, private, Company D, Seventh Regiment Iowa Infantry Volunteers.

Mr. GALLINGER. I move to amend, in line 5, after the word "laws," by striking out the words "at the rate of $12 per month;" in line 7, after the name "Huff," to strike out the word "private;" and to add to the bill the words "and pay her a pension at the rate of $12 per month."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIE WIERSANG.

The bill (H. R. 1989) granting a pension to Marie Wiersang was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marie Wiersang, widow of Erick Wiersang, late of Company E, First Regiment Minnesota Volunteer Mounted Rangers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID TALMON.

The bill (H. R. 3966) granting an increase of pension to David Talmon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Talmon, late of Company H, Sixth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. M'CORD.

The bill (H. R. 4298) granting an increase of pension to John M. McCord was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. McCord, late a member of Company A, Sixth Regiment Missouri State Militia Cavalry, and also a member of Company A, Thirteenth Regiment Missouri Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL S. WHITE.

The bill (S. 351) to increase the pension of Samuel S. White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel S. White, late of Captain McMurtry's company, Illinois Mounted Volunteers, Black Hawk Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel S. White."

WILLIAM LYMAN CHITTENDEN.

The bill (S. 1400) granting a pension to William Lyman Chitten den was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Lyman Chittenden, late of Capt. L. J. Powell's company Minute Men Oregon Volunteers of 1856, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM MURPHY.

The bill (S. 2764) granting an increase of pension to William Murphy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the words "rate of," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Murphy, late second lieutenant Company F, First Delaware Volunteers, at the rate of $50 per month in lieu of the pension he is now receiving.

Mr. GALLINGER. I move to amend the amendment by reducing the amount to $30 per month.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I move to further amend, in line 8, by striking out the words "the pension" and inserting "that."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. HINSLEY.

The bill (S. 3200) granting a pension to John P. Hinsley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Hinsley, late of Company G, Sixth Regiment Delaware Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH KERSEY.

The bill (S. 3352) granting a pension to Sarah Kersey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Kersey, widow of William Kersey, late of Company G, Sixth Regiment Delaware Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC D. SMITH.

The bill (H. R. 206) granting an increase of pension to Isaac D. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac D. Smith, late of Company A, Fifteenth Regiment United States Infantry, and to pay him a pension of $35 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER CUMMINGS.

The bill (H. R. 2792) granting a pension to Peter Cummings was considered as in Committe of the Whole. It proposes to place on the pension roll the name of Peter Cummings, late a private in Company D, Eleventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL C. KRICKBAUM.

The bill (H. R. 4441) granting an increase of pension to Samuel C. Krickbaum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel C. Krickbaum, late of Company B, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK WEBER.

The bill (H. R. 5949) granting a pension to Frederick Weber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Weber, late a private in Company C, Second Potomac Home Brigade, Maryland Volunteer Infantry, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET A. PORTER.

The bill (H. R. 6144) granting an increase of pension to Margaret A. Porter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret A. Porter, widow of James R. Porter, late colonel One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUKE H. MONSON.

The bill (S. 3300) granting an increase of pension to Luke H. Monson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Luke H. Monson, late of Company I, First Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS C. BEARD.

The bill (S. 2483) granting an increase of pension to Lewis C. Beard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis C. Beard, late of Company D, Sixteenth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT J. KOONCE.

The bill (S. 2215) granting an increase of pension to Robert J. Koonce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert J. Koonce, late of Company B, Eighty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. RAGLAND.

The bill (S. 2276) granting an increase of pension to George W. Ragland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Ragland, late captain of Company H, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA ADELAIDE BALL.

The bill (S. 3418) granting an increase of pension to Eliza Adelaide Ball was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the words "rate of," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Adelaide Ball, widow

of Edward Ball, late a major in the Seventh United States Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. GALLINGER. I move to further amend, in line 6, by striking out the article "a," before the word "major;" so as to read "late major in the Seventh United States Cavalry."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELISHA B. SEAMAN.

The bill (H. R. 3809) granting an increase of pension to Elisha B. Seaman was considered as in Committee of the Whole. It proposes to pension Elisha B. Seaman, late of Company A, Sixty-sixth Ohio Volunteer Infantry, at the rate of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES J. M'MAINS.

The bill (H. R. 5126) granting an increase of pension to James J. McMains was considered as in Committee of the Whole. It proposes to pension James J. McMains, late of Company F, Thirty-sixth Regiment Ohio Volunteer Infantry, at the rate of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. MEEKER.

The bill (H. R. 6028) granting a pension to John H. Meeker was considered as in Committee of the Whole. It proposes to pension John H. Meeker, late first-class pilot, U. S. S. *Oriole* and other vessels, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA ANDREWS.

The bill (H. R. 6700) granting an increase of pension to Maria Andrews was considered as in Committee of the Whole. It proposes to pension Maria Andrews, widow of George Andrews, late private, Company K, Eighty-fifth Illinois Volunteers, at the rate of $30 per month in lieu of that she is now receiving.

Mr. GALLINGER. In line 8 I move to strike out "thirty" and insert "twenty-four;" so as to read "$24."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SERELDA C. M'GREW.

The bill (H. R. 6701) granting a pension to Serelda C. McGrew was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the words "United States," to strike out "ship *Carondelet*, in the late war of rebellion" and insert "steamer *Carondelet*, United States Navy;" and in line 9, before the word "pay," to strike out "to;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Serelda C. McGrew, widow of James A. McGrew, late pilot and seaman on the U. S. S. *Carondelet*, United States Navy, and pay her a pension at the rate of $12 per month.

Mr. GALLINGER. Let it be further amended by substituting "steamship" for "steamer."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SARAH POTTER.

The bill (H. R. 5229) granting a pension to Sarah Potter was considered as in Committee of the Whole. It proposes to pension Sarah Potter, permanently helpless daughter of Andrew Potter, deceased, late of Company K, Eighth Michigan Volunteer Cavalry, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BRISBOIS.

The bill (H. R. 2802) granting an increase of pension to John W. Brisbois was considered as in Committee of the Whole. It proposes to pension John W. Brisbois, late private of Company A, Third Iowa Volunteer Infantry, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES R. SAWTELL.

The bill (H. R. 6911) granting an increase of pension to James R. Sawtell was considered as in Committee of the Whole. It proposes to pension James R. Sawtell, late of Company F, Ninth Regiment Minnesota Volunteer Infantry, at the rate of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHERMAN D. PLUES.

The bill (H. R. 7368) granting an increase of pension to Sherman D. Plues was considered as in Committee of the Whole. It proposes to pension Sherman D. Plues, late corporal, Company A, Fourth Regiment Michigan Volunteer Infantry, at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH CLAGGETT.

The bill (H. R. 3012) granting a pension to Sarah Claggett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Claggett, former widow of Michael Dye, late of Company A, Seventy-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LOUA A. MORGAN.

The bill (H. R. 5544) granting a pension to Loua A. Morgan was considered as in Committee of the Whole. It proposes to pension Loua A. Morgan, dependent son of Alfred V. Morgan, late a private in Company I, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WHITE.

The bill (H. R. 5546) granting an increase of pension to George White was considered as in Committee of the Whole. It proposes to pension George White, late a private in Company B, Fifteenth Regiment Indiana Volunteer Infantry, at the rate of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. CARMODY.

The bill (H. R. 6031) granting an increase of pension to James W. Carmody was considered as in Committee of the Whole. It proposes to pension James W. Carmody, late a seaman on the U. S. ship *Wabash*, at the rate of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. SEARS.

The bill (S. 2296) granting an increase of pension to John J. Sears was considered as in Committee of the Whole. It proposes to pension John J. Sears, late of Company C, First Regiment Illinois Volunteer Infantry, in the war with Mexico, and who also served as captain Company K, Twelfth Regiment Kansas Volunteer Infantry, and as major of the Sixty-seventh Regiment United States Colored Infantry, and as lieutenant-colonel of the Eighteenth Regiment United States Colored Infantry, in the war of the rebellion, at the rate of $35 per month in lieu of that he is now receiving.

Mr. GALLINGER. In line 9 let the words "in the war of the rebellion" be stricken out. They are unnecessary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUANN A. PERRY.

The bill (S. 316) granting an increase of pension to Louann A. Perry, of Wallace, Kans., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "captain," to strike out "who was" and insert "late;" in the same line, before the word "company," to strike out "of;" in the same line, before the word "cavalry," to insert "Volunteer;" in line 8, after the word "pension," to insert "at the rate;" and in line 9, before the word "she,"

to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louann A. Perry, widow of T. J. R. Perry, late captain Company C, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Louann A. Perry."

JANE DYKES.

The bill (H. R. 470) granting a pension to Jane Dykes was considered as in Committee of the Whole. It proposes to pension Jane Dykes, mother of John B. and George Dykes, late privates of Company B, Third Regiment Tennessee Volunteer Mounted Infantry, at the rate of $12 per month.

Mr. GALLINGER. Let the bill be amended by inserting the word "dependent" before the word "mother," in line 6; so as to read "dependent mother."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA STEARNS.

The bill (H. R. 6092) granting a pension to Louisa Stearns was considered as in Committee of the Whole. It proposes to pension Louisa Stearns, widow of Lewis Stearns, late a private in Company A, Seventh Regiment Iowa Volunteer Cavalry, at the rate of $12 per month, and to pay her $2 per month additional for each of the minor children of the soldier under 16 years of age.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER M. HEATON.

The bill (H. R. 7622) granting an increase of pension to Peter M. Heaton was considered as in Committee of the Whole. It proposes to pension Peter M. Heaton, late a private in Company I, Forty-second Regiment Missouri Volunteer Infantry, at the rate of $15 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISABELLA UNDERWOOD.

The bill (S. 3289) granting a pension to Isabella Underwood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Second," to insert "Regiment;" in the same line, after the words "North Carolina," to strike out "Volunteers" and to insert "Volunteer Infantry;" and in line 9, before the word "of," to insert "at the rate;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabella Underwood, widow of George W. Underwood, late a private of Company F, Second Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLA F. SYDNOR.

The bill (H. R. 1763) granting a pension to Ella F. Sydnor was considered as in Committee of the Whole. It proposes to pension Ella F. Sydnor, a nurse in the hospital of the Army of the United States at Winchester, Va., during the late war of the rebellion, at the rate of $12 per month.

Mr. GALLINGER. I move to strike out in line 7 the words "during the late war of the rebellion."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LUCINDA HAGGARD.

The bill (H. R. 6139) granting a pension to Lucinda Haggard was considered as in Committee of the Whole. It proposes to pension Lucinda Haggard, widow of Warren Haggard, late of Company H, Sixth Regiment Kentucky Volunteer Cavalry, at the rate of $8 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW F. DINSMORE.

The bill (S. 3215) granting an increase of pension to Andrew F. Dinsmore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew F. Dinsmore, late of Company E, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. OWENS.

The bill (S. 2154) granting an increase of pension to William A. Owens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to insert "and pay him a pension;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Owens, late of Company I, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. TRADEWELL.

The bill (S. 1890) granting a pension to S. E. Treadway was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Tradewell, widow of Benjamin W. Tradewell, late of Captain Elmore's company, South Carolina Volunteers, Seminole Indian war, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sarah E. Tradewell."

PENCOTE SUBDIVISION.

Mr. SULLIVAN. I ask for the present consideration, by unanimous consent, of the bill (S. 1996) revoking and annulling the subdivision of Pencote Heights, in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. A. WARE.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (H. R. 4686) for the relief of J. A. Ware. It was passed by the House, and is unanimously recommended by the Committee on Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to J. A. Ware $3,718.52, in full for all claims for extra expenditures incurred by him in the construction of the Mound City National Cemetery roadway.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RAFTS ON THE PACIFIC OCEAN.

Mr. PERKINS. I ask unanimous consent to call up the bill (S. 2926) to prevent dangers to navigation from rafts on the Pacific Ocean. The bill has been read, and I think there is no objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. The bill has already been read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT FOR PUERTO RICO.

Mr. FORAKER. I ask unanimous consent that the unfinished business, being the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes, may be temporarily laid aside without prejudice until Monday at 2 o'clock. The Senate, as I understand, will immediately after the routine business to-morrow enter upon the exercises in connection with the presentation by Indiana of the statue of Governor Morton, and there will, perhaps, be no other legislative business transacted anyhow.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that the unfinished business may be temporarily laid aside until Monday at 2 o'clock. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 24, 1900, at 12 o'clock m.

NOMINATION.

Executive nomination received by the Senate March 23, 1900.

ASSISTANT COMMISSIONER OF PATENTS.

Walter H. Chamberlin, of Chicago, Ill., to be Assistant Commissioner of Patents, vice Arthur P. Greeley, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 23, 1900.

CONSUL.

Joseph F. Monaghan, of Rhode Island, to be consul of the United States at Chemnitz, Germany.

PROMOTIONS IN THE ARMY.

Ordnance Department.

Capt. James Rockwell, jr., Ordnance Department, to be major, March 5, 1900.

First Lieut. George Montgomery, Ordnance Department, to be captain, March 5, 1900.

Artillery arm.

Second Lieut. Thomas Q. Ashburn, Seventh Artillery, to be first lieutenant, March 1, 1900.

Cavalry arm.

Second Lieut. Elvin R. Heiberg, Sixth Cavalry, to be first lieutenant, March 13, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant commissary of subsistence, with the rank of captain.

First Lieut. Frank H. Lawton, Twenty-first Infantry, United States Army, March 12, 1900.

Twenty-seventh Infantry.

Sergt. Charles E. Carpenter, Company D, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant.

To be assistant surgeon with the rank of first lieutenant.

Stanley Mac C. Stuart, of the District of Columbia, acting assistant surgeon, United States Army, March 16, 1900.

Thirty-fifth Infantry.

Sergt. Selwyn D. Smith, Company C, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, March 16, 1900.

Puerto Rico Regiment of Infantry.

TO BE FIRST LIEUTENANTS WITH RANK FROM MARCH 1, 1900.

Second Lieut. William W. Bessell, Puerto Rico Battalion.

Louis E. Bennett, late major, Fourth Illinois Volunteers.

A. Owen Seaman, late first lieutenant, Fourth Illinois Volunteers.

Morris E. Locke, of Ohio.

John O. Steger, of Virginia.

W. W. Ballard, jr., of Virginia.

TO BE SECOND LIEUTENANTS WITH RANK FROM MARCH 1, 1900.

First Sergt. Torence Hamill, Troop L, Fifth Cavalry, United States Army.

Jean S. Oakes, of Ohio, late sergeant, Company F, Two hundred and first New York Volunteers.

PROMOTIONS IN THE VOLUNTEER ARMY.

To be surgeon with the rank of major.

Capt. Alexander D. Ghiselin, assistant surgeon, Eleventh Cavalry, United States Volunteers, March 14, 1900.

To be assistant surgeon with the rank of captain.

First Lieut. Shadworth O. Beasley, assistant surgeon, Eleventh Cavalry, United States Volunteers, March 14, 1900.

Fortieth Infantry.

Second Lieut. William E. Utterback, Fortieth Infantry, United States Volunteers, to be first lieutenant, February 23, 1900.

PROMOTIONS IN THE NAVY.

Commander Washburn Maynard, to be a captain in the Navy, from the 9th day of March, 1900.

Maj. Benjamin R. Russell, to be a lieutenant-colonel in the United States Marine Corps, from the 31st day of January, 1900.

Capt. Charles A. Doyen, to be a major in the United States Marine Corps, from the 31st day of January, 1900.

Mr. Thomas H. Brown, a citizen of Maryland, to be a second lieutenant in the United States Marine Corps, from the 19th day of March, 1900.

Paymaster Josiah R. Stanton, to be a pay inspector in the Navy, from the 20th day of January, 1900.

P. A. Surg. John F. Urie, to be a surgeon in the Navy, from the 25th day of October, 1899.

Asst. Surg. William M. Wheeler, to be a passed assistant surgeon in the Navy, from the 27th day of May, 1899.

APPOINTMENTS IN THE NAVY.

Frank Lester Pleadwell and Dudley Newcomb Carpenter, to be passed assistant surgeons in the Navy, from the 24th day of October, 1899.

APPOINTMENTS IN THE MARINE CORPS.

Frank C. Lander, a citizen of Indiana, to be a second lieutenant in the United States Marine Corps, from the 15th day of March, 1900.

William H. Pritchett, a citizen of Georgia, to be a second lieutenant in the United States Marine Corps, from the 2d day of March, 1900.

INDIAN INSPECTOR.

J. George Wright, of Rosebud Agency, S. Dak., to be an Indian inspector, to take effect March 27, 1900.

POSTMASTER.

Ellef K. Myhre, to be postmaster at Valley City, in the county of Barnes and State of North Dakota.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 23, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

THE LOUISIANA PURCHASE.

Mr. BOREING. Mr. Speaker, I am directed by the Committee on Printing to present a privileged report, and I ask for its present consideration.

The SPEAKER. The gentleman from Kentucky, from the Committee on Printing, by direction of that Committee, calls up for consideration a resolution which will be reported by the Clerk.

The resolution (H. C. Res. 16) was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies of the work entitled The Louisiana Purchase, by the honorable Commissioner of the General Land Office of the United States, 3,000 copies for the use of the Senate and 7,000 copies for the use of the House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

REPORT OF DIRECTOR OF BUREAU OF AMERICAN REPUBLICS.

Mr. BOREING. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The resolution (S. Con. Res. No. 6) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Bureau of American Republics 2,500 copies of the annual report of the Director of the Bureau of American Republics.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

LIGHT AND FOG SIGNAL AT BROWNS POINT, PUGET SOUND.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8128) to establish a light-house and fog signal at Browns Point, in Puget Sound.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That a light-house and steam or hot-air fog whistle be established and constructed at Browns Point, on Commencement Bay, in Puget Sound, being at the entrance of the harbor of the city of Tacoma; said light-house and fog signal not to exceed the cost of $35,000.

The following amendments, recommended by the Committee on Interstate and Foreign Commerce, were read:

In line 3, after the word "a," strike out "light-house" and insert "light;" after "and" strike out "steam or hot-air fog whistle" and insert "fog signal."

In line 6, after "said," strike out "light-house" and insert "light."

In line 7 strike out "thirty-five" and insert "six."

Amend the title so as to read: "A bill to establish light and fog signal at Browns Point, in Puget Sound."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. We should like to have some explanation of this measure. We should like to understand why it should be taken up out of order, and why it should not take its regular course under the rules of the House.

Mr. CUSHMAN. It is a very important matter, we having already lost one vessel on this point, a vessel worth about half a million dollars, and another one having come very near being lost a short time ago. The cost of the proposed light and fog signal is a minimum.

The bill has been reported favorably by the entire Committee on Interstate and Foreign Commerce, and there is a very urgent necessity why the bill should pass at the present time. This bill provides for no appropriation. It simply authorizes a light-house and fog signal to be placed at this point. The appropriation will have to be made later.

Mr. RICHARDSON. That follows, does it not, and, as I understand it, calls for about $35,000?

Mr. CUSHMAN. The bill does not ask for $35,000. The amount asked for is $6,000.

Mr. RICHARDSON. The Clerk read something about $35,000.

Mr. CUSHMAN. Yes; but an amendment has been proposed limiting the cost not to exceed $6,000.

Mr. CANNON. Let me say to the gentleman from Tennessee that this is a public work not authorized, and that it would be subject to a point of order on the sundry civil bill. The original bill proposed $35,000. After investigation we provide for a different kind of light and for an expenditure not exceeding $6,000. I have given the matter some attention, because it was brought to my attention in connection with the sundry civil bill, and is reported favorably from the committee. In my judgment it is an apt authorization.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The amendment to the title was agreed to.

On motion of Mr. CUSHMAN, a motion to reconsider the last vote was laid on the table.

LIGHT-SHIP, CAPE ELIZABETH, ME.

Mr. ALLEN of Maine. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9497) to amend an act providing for the construction of a light-ship to be located near Cape Elizabeth, Me.

The SPEAKER. The gentleman from Maine asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the act approved February 4, 1899, entitled "An act providing for the construction of a light-ship to be located near Cape Elizabeth, Me.," is hereby amended so that the limit of the cost for the said light-ship and fog signal shall be increased from $70,000 to $90,000, and the Secretary of the Treasury is hereby authorized and directed to proceed with the construction of the said light-ship and fog signal, as directed by the original act as modified by this act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. Mr. Speaker, we should like very much to understand something about this measure. I do not like to object to a matter of this kind. I do not like to object if these things are necessary, nor do I make any formal complaint about recognitions; but it seems to me that recognitions ought to be uniform and equally divided between the two sides, especially where appropriations are carried. I should like to have some reason stated, at any rate, for the emergency suggested by this bill. It seems to carry an appropriation of about $20,000.

Mr. ALLEN of Maine. Mr. Speaker, this light-ship was authorized by the last Congress, and an appropriation of $70,000 was made. The estimates were made about a year ago; and when the bids were called for and received, the lowest bid was about $80,000. There were four bids, ranging from $80,000 to over $90,000. Now, this light-ship is very necessary for the protection of vessels approaching Portland Harbor, because Cape Elizabeth is a very dangerous point. Therefore it is necessary to have authority for an appropriation sufficient to cover the bid; and also, as the Secretary of the Treasury says, to cover some other details, including a towing machine. The citizens, merchants, and business men of Portland are very anxious that this light-ship be provided as soon as possible. There is at this time a large vessel possibly wrecked near Portland Harbor, on a ledge near it. The gentleman from Tennessee [Mr. RICHARDSON] can see in the report the letter of the Secretary of the Treasury recommending this bill.

Mr. CANNON. As I understand it, this light-ship was appropriated for in the appropriation bill for the current year at a limit of cost of $70,000. Now, it is alleged that owing to the advance of labor and material it can not be constructed for $70,000, but that it will take $90,000.

Mr. ALLEN of Maine. That is the case.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. ALLEN of Maine, a motion to reconsider the last vote was laid on the table.

FLOATING LOOSE TIMBER AND LOGS ON CERTAIN RIVERS.

Mr. BURTON. Mr. Speaker, I am directed by the Committee on Rivers and Harbors to ask unanimous consent for the present consideration of the bill H. R. 9824.

The Clerk read as follows:

A bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the prohibition contained in section 15 of the river and harbor act, approved March 3, 1899, against floating loose timber and logs, or sack rafts, so called, of timber and logs in streams or channels actually navigated by steamboats, shall not apply to the St. Croix River above Stillwater, Minn.; the Nemadji and Chippewa rivers in Wisconsin; the Red Lake River in Minnesota, or the Mississippi River above the St. Paul Boom, and between the mouth of the Chippewa River and the head of West Newton Slough, so called.

SEC. 2. That the Secretary of War shall have power, and is hereby authorized and directed, to prescribe rules and regulations, which he may at any time modify, to govern the floating of loose timber and logs, and sack rafts, so called, of timber and logs, and general navigation, on the streams and waterways specified in section 1 of this act, and shall publish the same; and such regulations when so prescribed and published shall have the force of law, and any violation thereof shall be a misdemeanor, and every person convicted of such violation shall be punished by a fine of not exceeding $2,500 nor less than $500, or by imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in the case of crimes against the United States.

SEC. 3. That the right to alter, amend, or repeal this act at any time is hereby reserved.

SEC. 4. That this act shall not, nor shall any rules or regulations prescribed thereunder, in any manner affect any civil action or actions heretofore commenced and now pending to recover damages claimed to have been sustained by reason of the violation of any of the terms of said section 15, as originally enacted, or in violation of any other law.

Mr. LLOYD. Mr. Speaker, I do not wish to be captious at all——

The SPEAKER. Is there objection?

Mr. LLOYD. Yes, sir.

The SPEAKER. Objection is made.

Mr. BURTON. I suggest that the gentleman withhold his objection until I explain the bill.

Mr. LLOYD. I do not know that I am opposed to it if I have an opportunity to investigate it, as the gentleman knows I am not disposed to interfere with the passage of proper legislation; but if you pass the bill for the present perhaps I may not object to it at all.

Mr. BURTON. I understand the gentleman asks time to consider, and objects so far as present consideration of the bill is concerned.

Mr. LLOYD. I may not object later on if I have time to investigate the bill.

Mr. BURTON. I will ask the gentleman if he thinks this bill affects his own locality?

Mr. LLOYD. It affects my own locality, and it may be I may desire the passage of the bill.

Mr. BURTON. This bill affects the States of Minnesota and Wisconsin.

Mr. LLOYD. But is affects constituents of mine.

Mr. BURTON. It applies to conditions that exist only in those States.

Mr. LLOYD. Citizens of my own district are concerned in rafting logs in Minnesota and in that locality, and perhaps I am in favor of the measure if I could carefully investigate it. Why is the gentleman so demonstrative?

Mr. BURTON. I want to remonstrate with the gentleman for objecting. It is likely to cut off the consideration of the bill for a considerable time. This is for the protection of an important interest in those States.

Mr. LLOYD. Can not you pass it to-morrow morning?

Mr. BURTON. I suppose we might; but I am not certain about it. It is a very important interest, and it is important that this question should be decided at once and the bill passed.

Mr. RICHARDSON. I would like to ask the gentleman from Ohio if this matter can not come up in the regular river and harbor bill?

Mr. BURTON. It would destroy for one year one of the most important interests in the States of Minnesota and Wisconsin if it were postponed.

Mr. RICHARDSON. Why not bring it forward in the river and harbor bill?

Mr. BURTON. There is to be no general river and harbor bill at this session.

Mr. RICHARDSON. Is that true? Why not have one at this session as well as any other session?

Mr. BURTON. Do I understand the gentleman advocates a river and harbor bill at this session?

Mr. RICHARDSON. Yes, sir.

Mr. BURTON. That is a question that has been decided by the committee.

Mr. RICHARDSON. The gentleman emphasizes the fact that we will not have a river and harbor bill at this session, and I think possibly there is something in connection with this session that we should not have it at this rather than some other session.

Mr. BURTON. The main reason was the very large amount already appropriated in river and harbor bills that has been unexpended, being thirty millions at the present time, and then there is a probability of fifteen million more being appropriated in the sundry civil bill. That was the main ground that influenced the committee not to bring forward any general bill.

Mr. RICHARDSON. The elections of this year have nothing to do with it?

Mr. BURTON. Nothing to do with it. [Laughter.]

Mr. LLOYD. After examining the bill, I think it a good measure and hope it will pass. I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading.

Mr. GROSVENOR. Mr. Speaker, I want to ask the gentleman in charge of this bill a question in regard to it. I want to ask the chairman of this committee if the second section of this bill applies to any other water than the waters described in the first section of the bill?

Mr. BURTON. It does not, except it is the same provision as to penalty as that which is in the existing law.

Mr. GROSVENOR. But it does not undertake to settle the rights of towage and other matters?

Mr. BURTON. The first part of the section provides for an exception to the general law in the regulations for the rivers included in the bill. The second part of the section provides penalties for violations of these regulations. The penalties are the same as those imposed under the general law.

Mr. GROSVENOR. I feared that the language of the second section might be broad enough to affect waters other than those described in the first section.

Mr. BURTON. It is not.

The bill was read a third time, and passed.

On motion of Mr. BURTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ADAMS was recognized.

Mr. BURTON. Mr. Speaker, a bill in that same line——

The SPEAKER. The gentleman from Pennsylvania has been recognized.

SOUTH AFRICAN REPUBLIC.

Mr. ADAMS. Mr. Speaker, I am instructed by the Committee on Foreign Affairs to report House resolution 178 with Senate amendments, with the recommendation that it do pass.

The Clerk read the joint resolution, as follows:

Resolved, That the Secretary of State is hereby directed to send to the House of Representatives, if not incompatible with the public welfare, copies of any and all letters on file in the Department of State from citizens of the United States resident in the South African Republic from January 1, 1892, to the present time.

With the following amendments recommended by the committee:

In line 6, strike out the word "two" and insert "nine," and at the end of the resolution add the words "making complaints of treatment by the South African Republic;" so that the same shall read "from January 1, 1899, to the present time making complaints of treatment by the South African Republic."

Mr. ADAMS. Mr. Speaker, I move that the resolution be adopted; and I wish to say that in its present shape it is perfectly satisfactory to the gentleman from New York [Mr. SULZER], who introduced it, and has the approval of the full committee.

Mr. SULZER. Mr. Speaker, as the introducer of the resolution I accept the amendments.

The committee amendments were agreed to.

The resolution was agreed to.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole to consider pension bills on the Private Calendar, according to the special rule.

MARIA E. MAILLEY.

The SPEAKER. Pending the motion of the gentleman from New Hampshire, the Chair lays before the House the bill (H. R. 5390) entitled "An act granting an increase of pension to Maria E. Mailley," with Senate amendments.

The Senate amendments were read and concurred in.

The SPEAKER. The gentleman from New Hampshire moves that the House resolve itself into Committee of the Whole to consider private pension and other bills, under the rule.

The question was taken; and on a division (demanded by Mr. TALBERT) there were 151 yeas and 6 nays.

Mr. TALBERT. I make the point that no quorum is present, Mr. Speaker.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-three gentlemen are present; a quorum. The ayes have it; and accordingly the House resolves itself into Committee of the Whole, and the gentleman from Iowa, Mr. LACEY, will take the chair.

Accordingly the House resolved itself into Committee of the Whole House, with Mr. LACEY in the chair, for the consideration of pension bills under the rule.

The CHAIRMAN. The Clerk will read the rule.

The Clerk read as follows:

Resolved, That during the remainder of this Congress the second and fourth Friday in each month, after the disposal of such business on the Speaker's table as requires reference only, shall be set apart for the consideration of private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion.

The CHAIRMAN. The Clerk will report the first bill.

WILBUR F. LOVELAND.

The first bill on the Private Calendar was the bill (H. R. 4836) for the relief of Wilbur S. Loveland, of Company E, Seventh Pennsylvania Cavalry Volunteers.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Wilbur F. Loveland, late of Company E, Seventh Regiment of Pennsylvania Cavalry Volunteers, and pay him at the rate of $50 per month in lieu of the pension he is now receiving.

The committee amendments were read, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on;" in the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6 strike out the words "of" and "Volunteers," and after the word "Pennsylvania," in the same line, add the word "Volunteer." In the same line, after the word "him," add the words "a pension."

Strike out the word "fifty" in line 7 and insert in lieu thereof the word "forty;" also strike out the words "the pension" in line 7 and insert in lieu thereof the word "that."

Amend the title of the bill so as to read: "A bill granting an increase of pension to Wilbur F. Loveland."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JAMES CHAPMAN.

The next business on the Private Calendar was the bill (H. R. 857) for the relief of James Chapman, late surgeon Eighth New

York Cavalry, assistant surgeon Ninetieth New York Infantry, and surgeon One hundred and twenty-third New York Infantry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of James Chapman, who was surgeon of the Eighth Regiment of New York Cavalry Volunteers, assistant surgeon of the Ninetieth New York Infantry Volunteers, and surgeon of the One hundred and twenty-third New York Infantry Volunteers, and pay him a pension at the rate of $72 per month in lieu of that which he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on;" in the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "who was" and insert in lieu thereof the word "late."

In line 6 strike out the words "of" and "Volunteers," and before the word "Cavalry," in the same line, insert the word "Volunteer."

In line 7, after the word "Ninetieth," insert the word "Regiment."

Strike out the word "Volunteers," in the same line, and before the word "Infantry," in the same line, insert the word "Volunteer."

In line 8, after the word "twenty-third," insert the word "Regiment," and in the same line and in line 9 strike out the word "Volunteers."

In line 8 strike out the word "Infantry" and insert the word "Volunteer."

In line 9 strike out the words "seventy-two" and insert in lieu thereof the words "twenty-four."

In line 10 strike out the word "which."

Amend title so as to read: "A bill granting an increase of pension to James Chapman."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MARY M'CARTHY.

The next business on the Private Calendar was the bill (H. R. 856) for the relief of Mary McCarthy, mother of John E. McCarthy, Sixth Company, First Battalion, New York Sharpshooters.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Mary McCarthy, mother of the late John E. McCarthy, who was a member of the Sixth Company, First Battalion, New York Sharpshooters, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on;" in the same line, after the word "roll," add the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "the late."

In line 6 strike out the words "who was a member" and in lieu thereof insert the word "late."

In line 7, after the word "York," insert the word "Volunteer."

Amend the title so as to read: "A bill granting a pension to Mary McCarthy."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

SARAH ROBINSON.

The next business on the Private Calendar was the bill (H. R. 4335) granting a pension to Sarah Robinson, guardian of William H. Edmonds, helpless and idiotic minor of Joseph C. Edmonds.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Sarah Robinson, guardian of William H. Edmonds, the helpless and idiotic minor of Joseph C. Edmonds, late of Company I, Twelfth Wisconsin Volunteer Infantry, and pay her a pension of $14 per month.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the word "upon" and in place thereof insert the word "on;" in the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "of Sarah Robinson, guardian."

In line 6 strike out the word "minor" and insert in place thereof the word "son."

In line 7 strike out the letter "I" and insert in lieu thereof the letter "E;" in the same line, after the word "Twelfth," insert the word "Regiment."

In line 8 strike out the word "her" and insert in place thereof the word "him;" in the same line, after the word "pension," insert the words "at the rate;" and in the same line, after the word "month," insert the following: "such pension to be paid to his duly constituted guardian."

Amend title so as to read: "A bill granting a pension to William H. Edmonds."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

HARRISON CANFIELD.

The next business on the Private Calendar was the bill (H. R. 7323) granting an increase of pension to Harrison Canfield.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harrison Canfield, of Minneapolis, Kans., late of Company C, Thirty-fifth Regiment New York Infantry Volunteers, and pay him a pension of $12 per month in lieu of the pension he is now drawing.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Minneapolis, Kans."

In line 7 strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8, after the word "pension," insert the words "at the rate;" in the same line strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

In line 9 strike out the words "the pension" and insert in lieu thereof the word "that;" in the same line strike out the word "drawing" and insert in lieu thereof the word "receiving."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOHN WHITE.

The next business on the Private Calendar was the bill (H. R. 8397) for the relief of John White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John White, late of Company I, Fourteenth Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 4 strike out the word "upon" and insert the word "on;" in the same line, after the word "roll," add the words "subject to the provisions and limitations of the pension laws."

In line 5, after the word "Fourteenth," insert the word "Regiment."

In lines 6 and 7 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

In line 7, after the word "month," insert the words "in lieu of that he is now receiving."

And amend the title so as to read: "A bill granting an increase of pension to John White."

The bill as amended was laid aside to be reported favorably to the House.

CATHERINE E. O'BRIEN.

The next business on the Private Calendar was the bill (S. 1254) granting a pension to Catherine E. O'Brien.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine E. O'Brien, widow of George M. O'Brien, late major Seventh Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The bill was laid aside to be reported favorably to the House.

On motion of Mr. SULLOWAY, House bill 3202, granting a pension to Catherine E. O'Brien, was laid aside to be reported with a recommendation that it lie on the table.

EMMA B. REED.

The next business on the Private Calendar was the bill (H. R. 7445) granting a pension to Emma B. Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma B. Reed, permanently helpless daughter of Edgar C. Reed, late of Company I, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 6, after the word "Reed," insert the word "the."

In line 9, after the word "month," add the words "such pension to be paid to the duly constituted guardian or trustee of such child."

The bill as amended was laid aside to be reported favorably to the House.

AMELIA TAYLOR.

The next business on the Private Calendar was the bill (H. R. 7594) granting a pension to Amelia Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Amelia Taylor, widow of Reuben Hendrickson, late member of Company F, Thirty-seventh Regiment Indiana Volunteers, on the pension roll, and pay her a pension $20 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 4, after the word "place," insert the words "on the pension roll, subject to the provisions and limitations of the pension laws."

In lines 5 and 6 strike out the word "member."

In line 7 strike out "Thirty-seventh" and insert "Twenty-seventh."

Line 8, strike out "Volunteers, on the pension roll" and insert "Volunteer Infantry."

Line 9, strike out "twenty" and insert "at the rate of twelve."

The bill as amended was laid aside to be reported favorably to the House.

WILLIAM SHEPPARD.

The next business on the Private Calendar was the bill (H. R. 3085) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Sheppard, late private of Company A, Sixteenth Regiment Indiana Infantry Volunteers, and grant him a pension of $50 per month.

The amendments reported by the committee were read and agreed to, as follows:

In line 7 strike out the word "Volunteers," and before the word "Infantry" insert "Volunteer."

In line 8, before the word "of," insert "at the rate;" and in same line strike out "fifty" and insert "thirty;" and in same line, after the word "month," insert "in lieu of that he is now receiving."

Also amend title so as to read: "A bill granting an increase of pension to William Sheppard."

The bill as amended was laid aside to be reported favorably to the House.

GEORGE J. STEALY.

The next business on the Private Calendar was the bill (H. R. 1768) granting an increase of pension to George J. Stealy, of Clarksburg, W. Va.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George J. Stealy, late captain and assistant quartermaster in the United States Army (volunteers), and pay him a pension of $60 per month, the same to be in lieu of the pension now drawn by him.

The amendments reported by the committee were read and agreed to, as follows:

In line 7 strike out the words "in the United States Army (volunteers)" and insert in lieu thereof the words "United States Volunteers."

Before the word "of," in line 8, insert the words "at the rate;" in the same line strike out the word "sixty" and insert in lieu thereof the word "forty;" also strike out in the same line the words "the same to be."

In lines 8 and 9 strike out the words "the pension" and insert in lieu thereof the word "that."

In line 9 strike out the words "now drawn by him" and in lieu thereof insert the words "he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to George J. Stealy."

The bill as amended was laid aside to be reported favorably to the House.

LENA E. PATTERSON.

The next business on the Private Calendar was the bill (H. R. 156) granting a pension Lena E. Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Lena E. Patterson, dependent daughter of Washington Patterson, Company B, Nineteenth Maine Volunteers, and to pay her a pension at the rate of $12 per month, subject to the provisions and limitations of the pension laws.

The amendments reported by the committee were read and agreed to, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6, before the word "Company," insert the words "late of;" in the same line, after the word "Nineteenth," insert the word "Regiment;" in the same line strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry;" in the same line strike out the word "to."

In line 7 strike out all after the word "month."

The bill as amended was laid aside to be reported favorably to the House.

LEWIS R. ARMSTRONG.

The next business on the Private Calendar was the bill (H. R. 6356) to grant an increase of pension to Lewis R. Armstrong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Lewis R. Armstrong, late a private in Company E, One hundred and fifty-seventh Regiment Ohio Volunteer Infantry, from $12 to $24 per month.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all after the word "to," in line 4, and insert in lieu thereof the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis R. Armstrong, late of Company E, One hundred and fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Also that the title be amended so as to read: "A bill granting an increase of pension to Lewis R. Armstrong."

The bill as amended was laid aside to be reported favorably to the House.

JOHN O'CONOR.

The next business on the Private Calendar was the bill (H. R. 4795) granting an increase of pension to John O'Connor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John O'Connor, late of Company G, One hundred and tenth Regiment Ohio Volunteer Infantry, at the rate of $12 per month in lieu of the pension which he now receives.

The amendments reported by the committee were read, and agreed to, as follows:

In line 6 strike out the word "O'Connor" and insert the word "O'Conor."

In line 7, before the word "at," insert the words "and pay him a pension."

In lines 7 and 8 strike out the word "seventy-two" and insert the word "forty."

In line 8 strike out all after the word "of" and insert the words "that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John O'Conor."

The bill as amended was laid aside to be reported favorably to the House.

LUTHERIA H. MAYNARD.

The next business on the Private Calendar was the bill (H. R. 1800) granting a pension to Hulda L. Maynard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hulda L. Maynard, widow of John Tye, late a private of Company A, Second Regiment Minnesota Volunteer Infantry, and pay her a pension of $12 a month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 6 strike out the words "Hulda L." and insert in lieu thereof the words "Lutheria H."

In line 8, after the word "pension," insert the words "at the rate."

And amend the title so as to read: "A bill granting a pension to Lutheria H. Maynard."

The bill as amended was laid aside to be reported favorably to the House.

FRANKLIN M. BURDOIN.

The next business on the Private Calendar was the bill (H. R. 7799) to grant an increase of pension to Franklin M. Burdoin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Franklin M. Burdoin, late a private in Company I, One hundred and third Regiment Ohio Volunteer Infantry, from $12 to $30 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 4, after the word "to," insert the words "place on the pension roll, subject to the provisions and limitations of the pension laws, the name;" in the same line strike out the words "increase the pension."

Strike out all in line 6 after the word "Infantry" and insert the following: "and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Also amend title so as to read: "A bill granting an increase of pension to Franklin M. Burdoin."

The bill as amended was laid aside to be reported favorably to the House.

EMILY BURKE.

The next business on the Private Calendar was the bill (H. R. 4089) granting a pension to Emily Burke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Emily Burke, widow of John Burke, late first lieutenant Company F, Seventy-third Ohio Volunteer Infantry, and pay her a pension of $30 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6, before the word "Ohio," insert the word "Regiment."

Strike out all after the word "pension," in line 7, and insert in lieu thereof the words "at the rate of $12 per month, and $2 per month additional for each of her minor children until such children shall arrive at the age of 16 years."

The bill as amended was laid aside to be reported favorably to the House.

JOHN S. DUKATE.

The next business on the Private Calendar was the bill (H. R. 3214) to increase the pension of J. S. Dukate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls the name of J. S. Dukate, late a member of Company —, —— Regiment Indiana Volunteer Infantry, and pay him a pension of $50 per month in lieu of any pension he may now be receiving.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all after the word "place," in line 4, and in lieu thereof insert the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Dukate, late assistant surgeon, Fifty-third Regiment of Indiana Volunteer Infantry, and pay him a pension at the rate of $17 per month."

And amend the title so as to read as follows: "A bill granting a pension to John S. Dukate."

The bill as amended was laid aside to be reported favorably to the House.

MELVILLE OLIPHANT.

The next business on the Private Calendar was the bill (H. R. 2623) for the relief of Melville Oliphant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Melville Oliphant, and pay him a pension of $36 a month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "place," in line 4, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melville Oliphant, late of Company G, Erie Regiment Pennsylvania Militia, and pay him a pension at the rate of $24 per month."

Also amend title so as to read: "A bill granting a pension to Melville Oliphant."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CATHARINE A. SCHWUNGER.

The next business on the Private Calendar was the bill (H. R. 4791) granting a pension to Catharine A. Schwunger, of Berks County, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine A. Schwunger, widow of Henry Schwunger, a private of Company A, Fifth Pennsylvania Cavalry, late of Berks County, at the rate of $12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "upon" and insert the word "on."
In line 6 strike out the letter "a" and insert the word "late."
In line 7 strike out the word "of."
In the same line, after the word "Fifth," insert the word "Regiment."
In the same line, before the word "Cavalry," insert the word "Volunteer."
Strike out, in lines 7 and 8, the words "late of Berks County."
In line 8, before the word "at," insert the words "and pay her a pension."
Amend the title so as to read: "A bill granting a pension to Catharine A. Schwunger."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN C. RAY.

The next business on the Private Calendar was the bill (H. R. 7488) to pension John C. Ray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension law, the name of John C. Ray, late of the U. S. steamers *Champion* and *Springfield*, in the civil war, and pay him a pension at the rate of $25 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, after the word "late," insert the word "pilot."
In line 7 strike out the words "in the civil war."
In line 8 strike out the words "twenty-five" and insert in lieu thereof the words "twenty-four."
Also amend the title so as to read: "A bill granting a pension to John C. Ray."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES T. DONALDSON, JR.

The next business on the Private Calendar was the bill (H. R. 301) for the relief of James T. Donaldson, jr.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and he is hereby, directed to place upon the pension rolls the name of James T. Donaldson, jr., lieutenant, Company A, Eighth Kentucky Volunteer Cavalry, United States Army, and pay him at the rate of $30 per month from the date of the approval of this act.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "*assembled*," in line 2, and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Donaldson, jr., late second lieutenant Company A, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $15 per month."

Amend the title so as to read: "A bill granting a pension to James T. Donaldson, jr."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ORANGE F. BERDAN.

The next business on the Private Calendar was the bill (H. R. 6486) to increase the pension of Orange F. Berdan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, the name of Orange F. Berdan, late of Company C, Fifth Michigan Volunteer Cavalry, and pay him such pension on and after the passage of this act.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."
Strike out, in lines 4 and 5, the words "at the rate of $72 per month."
In line 6, after the word "Fifth," insert the word "Regiment."
Strike out, in line 7, all after the word "him" and insert in lieu thereof the following: "a pension at the rate of $30 per month in lieu of that he is now receiving."
Also amend the title so as to read: "A bill granting an increase of pension to Orange F. Berdan."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARIA V. SPERRY.

The next business on the Private Calendar was the bill (H. R. 4991) granting a pension to Maria V. Sperry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, the name of Maria V. Sperry, widow of William Sperry, late member of Company K, Fifth Regiment West Virginia Volunteer Infantry, and pay her a pension of $15 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."
In line 5 strike out the word "member" and insert the word "private."
In line 7, after the word "pension," insert the words "at the rate of."
In the same line strike out the word "fifteen" and insert in lieu thereof the word "eight."
In the same line, after the word "month," insert the following: "Such pension, however, to cease upon proof that the soldier named in the bill is living."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ROBERT BOSTON.

The next business on the Private Calendar was the bill (H. R. 3775) granting an increase of pension to Robert Boston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll of the United States the name of Robert Boston, of Wilkesbarre, Pa., late a captain of Pennsylvania Cavalry and Twenty-fourth United States Infantry Colored Troops, and pay him a pension of $50 a month in lieu of the pension which he now receives.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on." In the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws." In the same line strike out the words "of the."
In line 5 strike out the words "United States." In the same line strike out the word "Wilkesbarre."
In line 6 strike out the word "Pennsylvania." In the same line strike out the word "a." In the same line, after the word "of," insert the words "Company F, First Battalion." After the word "Pennsylvania," in the same line, insert the word "Volunteer."
In line 7, before the word "Twenty-fourth," insert the words "Company A." Strike out the word "Infantry" in the same line. After the word "Colored," in the same line, insert the words "Volunteer Infantry." Strike out the word "Troops" in the same line.
In line 8, after the word "pension," insert the words "at the rate." In the same line strike out the word "fifty" and insert the word "thirty." Strike out all after the word "of" in line 8 and insert the words "that he is now receiving."

Mr. STANLEY W. DAVENPORT. I move to amend by striking out the word "thirty" and substituting the word "fifty."

The CHAIRMAN. That motion would not be in order, because that is the amount stated in the original bill; but if the amendment is voted down the result would be the same. The gentleman can call for a separate vote on that proposition if he wishes. There are several amendments and a separate vote on this amendment would accomplish the same purpose. If this amendment of the committee as read is voted down the amount would stand at $50.

Mr. STANLEY W. DAVENPORT. Then I make that motion, Mr. Chairman.

The CHAIRMAN. A separate vote will be had upon the amendment striking out "fifty" and inserting "thirty."

Mr. STEELE. There ought to be some very good reason for this if the committee have taken different action. We certainly ought to know why this man should have more than the committee propose to give.

Mr. STANLEY W. DAVENPORT. Mr. Chairman, with the permission of the committee, I should like to make a brief statement with reference to this case.

The CHAIRMAN. The gentleman from Pennsylvania will be recognized.

Mr. STANLEY W. DAVENPORT. Mr. Chairman, I have known Capt. Robert Boston for the past twenty-five years. He has been a near neighbor of mine. I am familiar with all the circumstances surrounding this case.

Captain Boston for the past nine years has not been out of the house, and for the past two or three years he has been lying upon a sick bed. More than that, Mr. Chairman, Captain Boston, during the last three years, has lost his mind and is insane.

Further than that, the wife of Captain Boston is an invalid. These people are poor. I know these facts of my own personal knowledge.

Captain Boston is now receiving $17 a month. If it were not for some technical defect in the testimony he would be entitled to $50 per month. I beg leave to read from the report of the committee in verification of this proposition:

From testimony filed by the pensioner and that obtained upon special examination, it appears that the soldier had an attack of pneumonia in May, 1864, while he was not in the service of the United States; that while serving in the Twenty-fourth United States Colored Troops he was crippled up and could hardly walk around some times on account of rheumatism, and that he had been under treatment for rheumatism ever since his final discharge from the service, and that he had so-called fainting fits ever since 1866.

This proof as to existence of rheumatism and disease of heart from 1865 to 1879 is, however, conflicting, some witnesses who were associated with the soldier in business not possessing any knowledge of any disability during said period.

I may say, Mr. Chairman, that there was some little testimony to the effect that the heart disease that this soldier had was hereditary. In answer to that, I merely submit this proposition, that Captain Boston's father and mother lived to be over 80 years of age. I think that proposition is a refutation of this slight testimony.

It is clearly shown, however, that since about 1890 the soldier has been a physical wreck; that he has not been able to leave his house without an attendant; that he has during said years been a constant care to his wife, who is troubled with an affection of the spine caused by an injury some years ago; that the soldier at one time was a very successful business man, accumulating some money, but which he lost subsequently, and what means he had left had since been expended during his illness.

These facts, Mr. Chairman, I personally know to be true.

The medical examination of 1892 rated him $30 for disease of heart, $10 for injury to ankle, and $10 for malarial poisoning.

Medical examination of 1897 rated him $4 for malarial poisoning, $8 for injury to foot, $6 for rheumatism, $17 for disease of heart, and $17 for insanity; and this certificate of medical examination shows further that he has irregular periodical attacks of insanity, during which time he has homicidal and suicidal tendencies; that he shot himself in the chest during one of these attacks several years ago; that he has not worked in nine years, and has not left the house unless accompanied by an attendant, and that he requiries such attendance half of the time.

That was in 1897, three years ago, and that would have given him a total rating of about $54.

There has been filed with your committee the statement of the wife of the pensioner to the effect that owing to the death of comrades her husband had failed to establish his claim in the Pension Bureau; that she had been his only attendant all of the time since such aid was required; that her own health is giving away under the constant strain, and that his present pension is inadequate for his support.

A petition and letters signed by judges of the orphans', common pleas, and other courts of Wilkesbarre, Pa., have also been filed asking for Congressional relief, and stating that the case is a much more deserving one than many which have received the approval of the Government.

A petition was presented to the committee, Mr. Chairman, signed by a hundred names of some of the best citizens of our community. The judges of our court, many leading attorneys at our bar, and many of our representative business men who have personal acquaintance with these facts, signed that petition.

Mr. Chairman, I make this appeal and offer this amendment with some apologies to the Committee on Invalid Pensions. Ordinarily I am disposed to sustain their reports, because I am a member of the Committee on Pensions, and I know that usually the committee have better knowledge of all the circumstances than the House can possibly have, and their report ought generally to be sustained. But I am satisfied that had I come before the committee at the proper time the committee would have granted this man $50. I feel satisfied, Mr. Chairman, that this committee, having heard these statements, will allow this amendment to pass.

Mr. MIERS of Indiana. Mr. Chairman, I have great sympathy with the position taken by the gentleman from Pennsylvania. The claimant was a worthy soldier. There is no question about that. There is no doubt either that he is in a very precarious condition. Yet the law can only give him $17. He has a pensionable status of $17. If we were to stand by the law as it is, he would only get $17; but in view of the fact of his necessitous condition, in view of the fact of his good record, and in view of the further fact that probably the diseases of which he is now complaining had some connection with his service, the committee thought, as a gratuity, as a kind recognition of a brave soldier, they were justified in going beyond the law and making it $30.

If his condition were traceable to his army service, then he would be entitled to $50. But not being entitled to $50, because of the fact that his condition can not be proved to be the result of his army service, we thought we would have to establish some rule of action for all these cases, and where we found a good soldier who could prove his disabilities to be above $17 and we found him poor and necessitous, that we would reach out the hand of mercy and give him something more. The committee would be glad to give this old soldier $50 but for the fact that if you establish the principle that you will come here and pension every old soldier to the point of his full disability without his being able to prove it to be of service origin, then there is no limit at all.

So, Mr. Chairman, much as I personally would like to accommodate the gentleman from Pennsylvania, much as I would like to see this or any other good American citizen taken care of by the public, unless he can prove the service origin of the disability I do not feel, either as a member of this committee or as a member of the Invalid Pensions Committee, that I could sit by and see $50 voted to this man, because we can not give it to every other one in similar condition.

I believe we can afford to give him $30, and in doing so it is generous of the Government to do it; but when you undertake to raise it to the limit of his disability when it is not traceable to service origin, then you go beyond the amount you should give, not only as dictated by humanity, but you deplete the Treasury without good excuse. Not only to standing by the committee, but as a matter of justice to this old soldier and to every other citizen of the Republic, I hope this House will stand by the committee report. If you strike out thirty and make it fifty in this case, the same argument can be made in nearly every other one; and I hope, gentlemen of this House, the committee will be supported and the motion of the gentleman from Pennsylvania will be voted down.

Mr. BARBER. Mr. Chairman, I desire to corroborate what has been said by my colleague in relation to this case now pending. I have had personal knowledge for many years of the condition of this man, not only of his previous record, but of his mental and physical condition. To me, as representing certain societies, it was reported several years ago that this man was totally unable to earn a livelihood; that his mental faculties were deranged to such an extent that he was not able even to help himself, much less those dependent upon him, and from my hands have gone out for several years regularly moneys in payment of bills and indebtedness incurred by his wife in supporting this man; and only last week, when I was at home, I was called upon to pay out an indebtedness amounting to $40 or $50 for this man's sustentation and to keep him from becoming a public charge.

It seems to me if there is a case worthy and deserving of consideration, it is a case like this; and, with all due respect to the committee and the report of the committee, it does seem to me that this is a case that appeals to our humanity, where a man is deprived not only of ability to work, but where he is also a helpless and hopeless invalid, dependent upon charity. If there ever was a case that appeals to us on account of merit, I think it is this one, and therefore I think this man should have the amount asked for by the gentleman from Pennsylvania.

Mr. SULLOWAY. Mr. Chairman, this whole matter is in a nutshell. There is nothing sacred about the report of this Committee on Invalid Pensions. The difficulty about this is in this direction: This man is a total wreck, in a pitiable and deplorable condition, beyond any question, but not traceable to service origin. The difficulty with which he is now suffering is such that while under the act of 1890 he would be entitled to $12 a month, we have added $18, which is the amount given, under the rule that we have adopted, to a man who is in the condition that this man is. If this committee, however, after hearing the statements made by gentlemen who are familiar with the individual case, thinks proper to raise it to $50, we shall not be offended. That is the rule we have adopted. If you stay with us on this line, this amount should not be increased; and if you choose to increase it, all well.

Mr. TALBERT. Mr. Chairman, the gentleman from Indiana, if I did not misunderstand his remarks, claimed that he is opposed to voting for the amendment offered by the gentleman from Pennsylvania [Mr. STANLEY W. DAVENPORT] to raise the pension of this old soldier from $30 to $50, because the disability can not be traced to service origin. I understand that is the position, too, that the chairman of the committee took.

Mr. MIERS of Indiana. I did not say it was not traceable, but that it was not certainly traceable.

Mr. TALBERT. I do not wish to misrepresent either one of those gentlemen; but I understood their opposition to this increase asked for by the gentleman from Pennsylvania is because the soldier had not received the disability from any service he rendered in the Army.

Now, Mr. Chairman, if you will take the list of bills that they have brought in here, you will find that of about three-fourths of the bills on the Calendar the claimants can not trace their

disability to service origin; and we have passed bills of that class time and again, after they have appealed their cases to the Bureau and it has turned them down because the disability could not be traced to service origin. Now, it seems to me that this old soldier should receive this pittance which is asked for by the gentleman from Pennsylvania. [Applause.] But for fear of some favoritism, the gentleman from New Hampshire, the chairman of this committee, and one of the members of the committee stand up here and say, "Oh, his disability can not be traced to service origin, and he ought not to have it."

Why make this discrimination; why make this distinction, when three-fourths of the bills here give pensions to men who possibly received some hurt or some disability years after the war was over? I recollect one case where a man had his pension increased where he was getting $12 under the act of 1890, especially one who was hauling wood and was hurt by a stick falling on him; another fell off the cars, and another was kicked by a horse when he was drunk, and the appeal was made because they were old. They said that they were old and poor. While they did not incur the disability in service, they were poor old soldiers, and they did not want the old soldier to go to the workhouse. Why do you attack this case and refuse to give this pittance to this old soldier, who is poor and disabled, and who, according to the best account, will not live long? Why are you so parsimonious in this case and so liberal in so many other cases? Why be so inconsistent? I hope the proposition of the gentleman from Pennsylvania will prevail, and I will give it my hearty support.

Mr. SIMS. Is it not a fact that on the last pension Friday we passed a bill increasing a private soldier's pension from $12 to $50 over my amendment to make it $30?

Mr. TALBERT. And the very strenuous opposition of the gentleman from California, who had the manhood to stand up here and offer objections.

Mr. DRIGGS. Mr. Chairman, I absolutely deny that there has been any inconsistency in the reports of this Committee on Invalid Pensions, or in this particular case under consideration. Here we find in the report, what? That this man is not under the necessity of requiring personal attention at all times. He requires such attendance about half of the time.

Mr. STANLEY W. DAVENPORT. Has the gentleman read the testimony which was sent up from the Pension Department?

Mr. DRIGGS. No; but I have read the report here and the report as it was written by the gentleman from Michigan [Mr. SAMUEL W. SMITH] who reported the bill for the committee.

Mr. STANLEY W. DAVENPORT. The gentleman from New York will remember that there is a statement made by myself to the effect that this man has not been out of his bed for the past three years. That is corroborated by a half a dozen witnesses. Does the gentleman from New York stand up here and say that the man does not need constant attention when he is insane and has not been out of his bed for three years? That is absurd. I know this to be a fact, and there is a petition sent to the committee, signed by the best people in our community, stating these facts. We are all personally cognizant of the facts.

Mr. DRIGGS. There is nothing to that effect shown in this report, and it has been the rule and practice of this committee——

Mr. FINLEY. Mr. Chairman, will the gentleman allow me an interruption?

Mr. DRIGGS. If it is for a question.

Mr. FINLEY. I would like to ask the gentleman from New York this question: In the event that his disability was directly traceable to the time when he was in the service of the United States, would there be any objection to the amendment offered by the gentleman from Pennsylvania [Mr. STANLEY W. DAVENPORT]?

Mr. DRIGGS. There would be, unless it was absolutely shown by the fact that he required the constant attention of another party.

Mr. FINLEY. If the gentleman will pardon me, that is outside of my question. My question is this: If this soldier could trace his disability to the time when he was in the service, would there be any objection to the amendment offered by the gentleman from Pennsylvania?

Mr. DRIGGS. If he could trace this to service origin, there would be no necessity for a special law.

Mr. FINLEY. Is there not some evidence that he did receive injuries while in the service, and to which this disability might be attributed?

Mr. DRIGGS. I believe there is; otherwise the committee would not have reported the bill.

Mr. FINLEY. In that view, why not give him the benefit of the doubt?

Mr. DRIGGS. Simply because, as I have stated, of the report of the committee, and that is what we have to go by; in that report none of these facts are set out. The gentleman from Pennsylvania [Mr. STANLEY W. DAVENPORT] says this man has been three years in bed, but it does not appear in the report.

Mr. STANLEY W. DAVENPORT. Did the gentleman read my personal statement——

Mr. DRIGGS. I did not.

Mr. STANLEY W. DAVENPORT (continuing). To the effect that he has been in bed for the last three years, and requires constant attention and care, and has lost his reason?

Mr. DRIGGS. The report says that he is temporarily insane.

Mr. STANLEY W. DAVENPORT. He is insane, and if it were not for his devoted wife he would have been taken to the asylum years ago.

Mr. DRIGGS. Now, Mr. Chairman, unless this can be absolutely shown, I am satisfied that the recommendations of the committee are correct, and he should not receive more than $30 a month. That is the stand we have taken in every one of these cases, and the committee reports should be upheld. That is what we are trying to do—deal out equal justice to every man that presents a bill to us for consideration.

Mr. SIMS. Mr. Chairman, I want to call attention to the conduct of the committee at our last session. There was a bill brought in to raise the pension of a soldier from $24 to $50. I believe it was a Senate bill and had passed the Senate. The report stated that he had first been pensioned at $4, and on numerous applications—more than twice, I believe—it had been raised as high as $24. It was shown by the report that the medical experts of the Bureau stated that it was not traceable to service origin; and yet the distinguished chairman of this committee said he could not find it in his heart to deny the old soldier $50 a month, and he criticised the action of the Bureau by saying that the experts were not as infallible as Almighty God; and the committee, almost to a man, stood up and supported that bill for $50 in the face of the fact that the medical experts showed that he was pensioned to the highest figure that he would be entitled to if his disabilities arose from service origin.

Now, Mr. Chairman, I am in favor of sustaining the reports of the committee because I think they report their bills as high as they ought to be, and in many instances too high, in view of the fact that they only hear one side of the case and are very kind-hearted gentlemen.

And I do not know but that they have given in this case everything that they ought to give. But I am now calling attention to the danger of such a precedent as we have established here. I got up and moved to amend that bill so as to make the pension $30 a month; but my motion was opposed successfully by the chairman of the committee, and the bill was rushed through at $50. Now, here comes a man asking for $50, and the proof shows that his present condition is certainly as bad as that of the other gentleman. It is further admitted that while he does not show that his disability is of service origin, the case does not show that it is not.

Now see the position in which this House has placed itself by voting a pension of $30 in the teeth of the report of the medical experts of the Bureau. You are now asked to vote a pension of the same amount in a case which appeals to the feelings of compassion and pity in the breast of every member of this House. I am not advocating the passage of the present bill; but if I had advocated the other one, I certainly would be in favor of this one. But I ask gentlemen to observe what they are doing—filling the House with precedents allowing extravagant pensions for disabilities not of service origin; and I do not know where it will end. I have called attention to this matter simply to show that my objections in the former case were well founded; and such objections ought to be made in all such cases.

Mr. GIBSON. I move to close the debate on the amendment.

The CHAIRMAN. Debate on the amendment is exhausted. It has been proceeding by unanimous consent. The question is on the amendments of the committee. The Chair will first put the question on the amendment as to the rate—to strike out "fifty" and insert "thirty."

Mr. NORTON of Ohio. Before that question is put, if the debate on the amendment is exhausted, I ask unanimous consent to be heard as a member of the committee.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. NORTON of Ohio. Mr. Chairman, I regret very much that this bill should have precipitated any debate at all; but I notice from the argument of the gentleman from Tennessee and also the gentleman from South Carolina, and perhaps others on the floor, that there is a misunderstanding in regard to this matter. I want to make this statement, and to make it upon honor, that the committee has always tried, as best it could upon the information laid before it, to arrive at a just conclusion. It is true that our conclusions can not always be correct. If this case had been laid before the committee with the same statement that has been made here on the floor by the gentleman from Pennsylvania, I have no doubt what the result would have been. New light has come to me on this case within the last ten minutes; information which I knew nothing about has been presented. It appears also that the case was prejudiced in the Department by evil-minded persons, whose evidence having been placed there once was afterwards eradicated, as is often the case.

For myself I want to stand by the action of the committee so

far as the evidence is brought to my attention. But when an honorable member of this House rises in his place and on his honor makes a statement such as has been made here, from personal knowledge, that this man is insane and confined to his bed, and when another gentleman on the floor assures me that he and other people of his neighborhood have out of their private purses been aiding and supporting this man—when a case like this is presented, I, as one member of that committee, have no hesitancy in casting my vote for right and justice. [Applause.] The evidence presented before the committee does not bind me imperatively. Ordinarily I act on the light presented to me there; but I hold that there can be presented here better evidence than can be found by the Department sending out its secret agents—better evidence than that filed in the Department by prejudiced and evil-minded persons—better evidence than this is the testimony of a man who stands on this floor, the peer of any man here, and states upon his personal honor what he knows to be the facts of the case.

The question of service origin does not bind my judgment and my action infallibly; for I say if every soldier now living is compelled to prove his disability to have been of service origin, he may have to go under the earth or above it to find his testimony.

Justice is what this House wants to do—fairness, equity to the very last limit. But when we have presented here a case like this, with information that did not come before the committee—and I do not hold the gentleman blameless because he did not appear—but I say if he had appeared before that committee and made the statement that he makes here now there would have been a different report on this bill.

I hope this House will understand that the members of this committee will have no hard feelings—they will not construe the action of the House as a reflection on them—if the judgment of the House should reverse the judgment of the committee. If this amendment is sustained, it will certainly be done with my approval, and not in opposition to my opinion, as the matter now stands.

Mr. STANLEY W. DAVENPORT. I would like unanimous consent to occupy two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STANLEY W. DAVENPORT. Mr. Chairman, in answer to the proposition just made by the gentleman from Ohio [Mr. NORTON] that had I appeared before the Committee on Invalid Pensions a different conclusion might have been reached, I have this to say: That one morning I met the gentleman from Pennsylvania [Mr. GASTON], a member of this committee, and had a conversation with him in reference to the facts of this case. He asked me to appear before the committee. I went down to the committee room; I knocked at the door; I went into the room. The committee were busy. Nearly all the members were present, and they had a bill under discussion; they were busily employed.

I said to the chairman of the subcommittee on Pensions [Mr. SAMUEL W. SMITH] that I desired to say a word before the committee in reference to this case of Robert Boston. The subchairman [Mr. SAMUEL W. SMITH] said to me that the committee were then engaged and it would be just as well if I submitttted to the committee a personal statement in writing in regard to all of these facts. I said, "If a written or typewritten statement is sufficient, why, gentlemen, I am just as well satisfied. I would not like to disturb your committee. I know you are very busy."

Thereupon I withdrew. Gentlemen, I went before the committee to make a personal statement, and I am perfectly well satisfied that had I had an opportunity—and it was through no fault of the committee that I did not have the opportunity—to say what I have said upon this floor, and what I could say if I had the time, I am satisfied the committee would have given this man $50.

In answer to the gentleman from Indiana [Mr. MIERS] I have this to say: He says that the injuries are not clearly traceable to service origin. This man is receiving $17 for injuries that are traceable to service origin, and if all the injuries were clearly traceable to service origin he would not be here before this committee. He would get his $50 down at the Pension Bureau. Now, in answer to the gentleman from Indiana, I merely call your attention to the facts. You will find in the report of the committee that it is stated that the injuries are not "clearly" traceable to service origin. In answer to that I told you a moment ago that there appeared certain testimony that this soldier had heart disease. I will tell you how this came about. You know the practice down in the Department of sending letters of inquiry up to people in the neighborhood to find if the testimony can be corroborated. Some evil-disposed person injected into this case some testimony to this effect, that his heart disease was hereditary. In answer to that I stated a moment ago that this man's father and mother lived to be over 80 years of age. Is not that a sufficient refutation of the charge that the heart disease was hereditary? I think you will agree with me that it is.

I am very much in earnest in this case, gentleman, and I have offered this amendment with due apologies to the Committee on Invalid Pensions. I am on the Committee on Pensions and I sympathize with them, but I am very certain that I am right about this case, and I have felt it to be my duty to ask that this report be amended and that this man be granted $50. I sincerely hope, gentlemen, that you will pass this bill in that form.

The question being taken on the amendment to strike out fifty and insert thirty, the chairman announced that the ayes appeared to have it.

Mr. STANLEY W. DAVENPORT asked for a division.

The committee divided; and there were—ayes 32, noes 32.

Accordingly the amendment was rejected.

The other amendments recommended by the committee were agreed to.

WILLIAM G. WILLOUGHBY.

The next business on the Private Calendar was the bill (H. R. 5088) granting a pension to William G. Willoughby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place the name of William G. Willoughby, late a private in Company B, Twenty-fifth Wisconsin Infantry, and also in Company I, Twelfth Wisconsin Infantry, on the pension roll and pay him a pension of $72 per month in lieu of the pension that is now received by him.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "instructed" and in lieu thereof insert the word "directed." In the same line, after the word "place," insert the words "on the pension roll, subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "a" and "in." In the same line, after the word "Twenty-fifth," insert the word "Regiment." After the word "Wisconsin," in the same line, insert the word "Volunteer."

Strike out in line 6 the words "and also in," and insert in lieu thereof the word "and." In the same line, after the word "Twelfth," insert the word "Regiment." After the word "Wisconsin," in the same line, insert the word "Volunteer."

In line 7 strike out the words "on the pension roll;" in the same line, after the word "pension," insert the words "at the rate."

Strike out the word "seventy-two," in lines 7 and 8, and insert in lieu thereof the word "thirty."

Strike out in line 8 the words "the pension;" after the word "that," in the same line, insert the word "he."

Also amend title so as to read: "A bill granting an increase of pension to William G. Willoughby."

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report in that case.

The report (by Mr. CALDERHEAD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5088) granting a pension to William G. Willoughby, submit the following report:

This beneficiary, now 60 years of age, served as a private in Company B, Twenty-fifth, and Company I, Twelfth Wisconsin Volunteers, from December 14, 1863, to July 16, 1865, and was under treatment at various dates for measles, chronic diarrhea, sprain of ankle, and hypertrophy of heart.

He applied for pension in September, 1882, and was pensioned under the general law in 1886 at $4 per month on account of disease of kidneys and bladder, and increased to $6 from August 20, 1890.

He is now a pensioner at $12 per month on account of said diseases and disease of heart and nervous system.

A claim under the general law on account of partial paralysis as a result of the causes for which pensioned under that law was rejected in 1887 upon the ground that such paralysis was not shown.

He filed medical testimony as to treatment for nervous prostration in 1887, as a result of his pensioned causes, but such condition was not found upon medical examination until January 14, 1899, which showed existence of disease of heart, rheumatism, and paralysis of left side, and rated him $50 for said disabilities, as periodical aid and attendance was necessary by reason of same.

This board of surgeons found no disability from disease of kidneys or bladder.

The paralysis came on as a result of apoplexy, which claimant had June 10, 1898.

There has been filed with your committee a statement of Dr. Farnham, of Lincoln, Nebr., a physician of good standing in his profession, stating that the soldier belongs in that class for whom the law provides a rating of $50 per month; that his physical condition at the present time is such that his attendants had to take off his pants and wring them out at short periods; that his condition will, of course, grow worse until such time as he will be entirely helpless; also, a statement of the Hon. Mr. BURKETT, a member of this House, to the effect that he is personally acquainted with the soldier, and that he knows that his condition is very serious, and that financially he is unable to care for himself and is dependent upon others.

It is not shown as a fact that this soldier's present helpless condition is of service origin; yet, in the light of all the circumstances stated above, your committee believe that he should have some relief, and therefore recommend that the bill be amended as follows:

In line 4 strike out the word "instructed" and in lieu thereof insert the word "directed." In the same line, after the word "place," insert the words "on the pension roll subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "a" and "in." In the same line, after the word "Twenty-fifth," insert the word "Regiment." After the word "Wisconsin," in the same line, insert the word "Volunteer."

Strike out, in line 6, the words "and also in" and insert in lieu thereof the word "and." In the same line, after the word "Twelfth," insert the word "Regiment." After the word "Wisconsin," in the same line, insert the word "Volunteer."

In line 7 strike out the words "on the pension roll;" in the same line, after the word "pension," insert the words "at the rate."

Strike out the word "seventy-two," in lines 7 and 8, and insert in lieu thereof the word "thirty."

Strike out, in line 8, the words "the pension;" after the word "that," in the same line, insert the word "he."

Also amend title so as to read: "A bill granting an increase of pension to William G. Willoughby."

And when so amended your committee recommend that the bill do pass.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILFORD COOPER.

The next business on the Private Calendar was the bill (H. R. 8045) granting a pension to Wilford Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Wilford Cooper, late of Company D, Fourth Missouri Cavalry, also of Missouri State Militia, and pay him a pension of —— dollars per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6, before the word "Cavalry," insert the words "State Militia Volunteers;" in the same line strike out the words "also of Missouri State Militia."

In line 7, after the word "pension," insert "at the rate;" in the same line, after the word "of" and before the word "dollars," insert the word "twenty-four;" after the word "month," in the same line, insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Wilford Cooper."

Mr. RIDGELY. Mr. Chairman, I do not wish to precipitate a discussion here, but, by consent of the chairman of the subcommittee [Mr. CALDERHEAD], I would state this in support of an amendment which I wish to offer to the committee amendment to raise the amount from $24 to $30. After the committee had made its report and acted upon it, additional information was received from the neighbors of this claimant, and I call the attention of members to the fact that were it not for the doubt that exists as to whether certain disabilities can be traced to service origin or not, the claimant would be entitled to $40. I simply ask to amend by making the amount $30 instead of $24, and instead of $50, as I had first intended. I have the support of the subcommittee, and, with the consent of the chairman, I offer an amendment to strike out $24 and insert $30.

The CHAIRMAN. The gentleman offers an amendment to strike out "twenty-four" and insert "thirty." This is an amendment to the committee amendment.

Mr. CALDERHEAD. Mr. Chairman, in reference to this bill, I will say that the facts are as stated by my colleague. After the bill had been considered by the committee and reported at $24, additional information was presented which, if it had been before the committee at the time the bill was acted upon, I have no doubt would have induced the committee to recommend $30. I now agree to it for my own part, and I think the other members of the committee would do the same thing.

The amendment to the amendment, striking out "twenty-four" and inserting "thirty," was agreed to.

The other amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES A. HAUSMAN.

The next business on the Private Calendar was the bill (H. R. 5961) to authorize and direct the Secretary of the Interior to reissue the pension certificate of Charles A. Hausmann and increase the rate of his pension.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to reissue the pension certificate of Charles A. Hausmann, late first lieutenant of the Thirtieth Independent Battery of New York Light Artillery Volunteers, and grant him a pension of $30 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "to," in line 4, and insert in lieu thereof the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Hausman, late second lieutenant Thirtieth Independent Battery New York Volunteer Light Artillery, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Charles A. Hausman."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FRANCES D. BEST.

The next business on the Private Calendar was the bill (H. R. 3821) granting a pension to Frances D. Best, widow of Lieut. Col. Joseph G. Best.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Frances D. Best, widow of Joseph G. Best, deceased, late lieutenant-colonel of the Twenty-first Missouri Infantry Volunteers, at the rate of $30 per month, from and after the passage of this act.

The following amendments recommended by the Committee on Invalid Pensions were read:

In line 6 strike out the word "deceased."

In line 7 strike out the words "of the;" in the same line, before the word "Missouri," insert the word "Regiment;" before the word "Infantry," in the same line, insert the word "Volunteer."

Strike out the word "Volunteers" in lines 7 and 8.

Before the word "at," in line 8, insert the words "and pay her a pension."

Strike out all after the word "month," in line 8, and insert in lieu thereof the following: "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Frances D. Best."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

AUSTIN J. PICKETT.

The next business on the Private Calendar was the bill (H. R. 4180) granting an increase of pension to A. J. Pickett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll of the United States the name of A. J. Pickett, late second lieutenant of Company B, Osage County Home Guards, and to pay him a pension of $50 per month in lieu of the pension which he now draws.

The following amendments recommended by the Committee on Invalid Pensions were read:

In lines 4 and 5 strike out the words "of the United States" and add after the word "roll," in line 4, the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the letter "A" and insert in lieu thereof the word "Austin." In the same line strike out the word "of."

In line 6, before the word "Home," insert the word "Missouri." In the same line strike out the word "to."

Strike out all after the word "pension," in line 7, and in lieu thereof insert the words "at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Austin J. Pickett."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HORACE N. BRACKETT.

The next business on the Private Calendar was the bill (H. R. 2076) granting an increase of pension to Horace N. Brackett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Horace N. Brackett, late a private in the Seventeenth Regiment Maine Volunteers, from $36, the amount now received by said Brackett under pension certificate No. 45365, to $45 per month.

The following amendment recommended by the Committee on Invalid Pensions was read:

Strike out all after the word "to," in line 4, and in lieu thereof insert the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace N. Brackett, late of Company H, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALICE S. JORDAN.

The next business on the Private Calendar was the bill (S. 1713) granting an increase of pension to Alice S. Jordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice S. Jordan, widow of John W. Jordan, late paymaster in the United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY JOHNS.

The next business on the Private Calendar was the bill (H. R. 8395) to increase the pension of Henry Johns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension roll the name of Henry Johns, late corporal of Company C, Twelfth Illinois Volunteer Infantry, at the rate of $50 per month instead of the rate he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5, after the word "Twelfth," insert the word "Regiment."

After the word "Infantry," in line 6, insert the words "and pay him a pension;" in the same line strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

In line 6 strike out the word "instead" and insert "in lieu."

In line 7 strike out the words "the rate" and insert the word "that."

Amend the title so as to read: "A bill granting an increase of pension to Henry Johns."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JANE M'MAHON.

The next business on the Private Calendar was the bill (S. 265) granting an increase of pension to Jane McMahon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane McMahon, widow of Bernard J. McMahon, late captain Companies F and C, Seventy-first Pennsylvania Infantry, and sergeant, Company G, Fifth United States Artillery, and pay her a pension at the rate of $12 per month in lieu of the pension she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY J. FREEMAN.

The next business on the Private Calendar was the bill (S. 343) granting an increase of pension to Mary J. Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Freeman, widow of David Freeman, late of Company H, One hundred and sixty-eighth Ohio (National Guard) Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

AMBROSE J. VANARSDEL.

The next business on the Private Calendar was the bill (S. 495) granting a pension to Ambrose J. Vanarsdel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ambrose J. Vanarsdel, late of Company F, Forty-ninth Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

SOPHRONIA SEELY.

The next business on the Private Calendar was the bill (H. R. 8405) granting a pension to Sophronia Seely.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Sophronia Seely, dependent daugbter of Jonas Seely, late captain of Company M, Fourth Regiment of Indiana Cavalry, and pay her a pension of $30 per month.

The following amendments recommended by the Committee on Invalid Pensions were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6 strike out the word "of" before the words "Company" and "Indiana;" in the same line, after the word "Indiana," insert the word "Volunteer."

In line 7, after the word "pension," insert the words "at the rate;" in the same line strike out the word "thirty" and insert the word "twelve."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY SCHNETBERG.

The next business on the Private Calendar was the bill (H. R. 2748) granting an increase of pension to Henry Schnettberg, of Indiana, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Henry Schnettberg, late a private in Company B, Second Pennsylvania Volunteers (Mexican war), and pay him a pension of $50 per month.

The amendments recommended by the committee were read, as follows:

Change the title of the bill and the spelling of the claimant's surname so as to read: "A bill granting an increase of pension to Henry Schnetberg."

In line 5 strike out the word "otherwise."

In line 8 strike out the word "fifty" and substitute therefor the word "twelve," so as to allow the same rating as is granted by the general laws to destitute and dependent Mexican soldiers.

Add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CALVIN E. MYERS.

The next business on the Private Calendar was the bill (H. R. 3654) for the relief of Calvin Myers, of Overton County, Tenn., a soldier of the Mexican war.

Be it enacted, etc., That the benefit of an act entitled "An act granting increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893, be, and the same is hereby, extended to Calvin Myers, of Overton County, Tenn., a soldier of said Mexican war, in Company E of the Fourth Tennessee Volunteers, whose claim was pending at the time of the passage of said act, the certificate thereon issuing shortly thereafter; and the Secretary of the Interior is hereby authorized and directed to increase the pension of said Calvin Myers to the rate of $12 per month, the rate provided for in said act, and said increase shall be paid to him as of the date of the passage of said act.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and substitute therefor the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin E. Myers, late of Company E, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES J. WHEELER.

The next business on the Private Calendar was the bill (H. R. 7400) for the relief of James J. Wheeler, Lagrande, Union County, Oregon Volunteers.

Mr. LOUDENSLAGER. Mr. Chairman, I ask that the bill S. 1752 be substituted for this bill.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the bill S. 1752 be substituted for this bill. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

A bill (S. 1752) granting a pension to James J. Wheeler.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Wheeler, late of Capt. Thomas H. Foster's company of citizen soldiers, Bannock Indian war, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. Without objection, a similar House bill will be reported to the House with the recommendation that it lie on the table.

There was no objection.

JANE E. AUGUR.

The next business on the Private Calendar was the bill (S. 1592) granting a pension to Jane E. Augur.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane E. Augur, widow of Christopher C. Augur, late brigadier-general of the United States Army, and pay her a pension at the rate of $50 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WESLEY REED.

The next business on the Private Calendar was the bill (H. R. 625) granting a pension to Wesley Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Wesley Reed, late a private in Company E, Thirty-eighth Massachusetts Infantry, and pay him a pension of —— dollars a month.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

In line 5 strike out the word "otherwise."

In line 7, before the word "Massachusetts," insert the word "Regiment;" in the same line, before the word "Infantry," insert the word "Volunteer."

In lines 7 and 8 strike out all after the word "pension" and in lieu thereof add the words: "at the rate of $30 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES WEED.

The next business on the Private Calendar was the bill (H. R. 5169) granting an increase of pension to Charles Weed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Charles Weed, of Company E, Twenty-seventh Massachusetts Volunteer Infantry, from $17 to $20 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "to," in line 4, and insert in lieu thereof the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Weed, late of Company E, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC PRICE.

The next business on the Private Calendar was the bill (H. R. 4805) for the relief of Isaac Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Isaac Price on the pension roll of the United States, as a private soldier, at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

Strike out preamble to bill.

Strike out all after the word "place," in line 4, and insert the following: "on the pension roll, subject to the provisions and limitations of the pension

laws, the name of Isaac Price, late of Company F, Third Regiment North Carolina Mounted Infantry, and pay him a pension at the rate of $12 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ZEDOCK C. ANDREWS.

The next business on the Private Calendar was the bill (H. R. 741) increasing the pension of Zedock C. Andrews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Zedock C. Andrews, of Washington County, Ky., late a private in Company F, Seventeenth Ohio Volunteer Infantry, later a sergeant in Company C, in the Forty-sixth Ohio Volunteer Infantry, and from September, 1861, to March 21, 1865, captain of Company I, in the One hundred and ninety-sixth Ohio Volunteer Infantry, and afterwards, from the 7th of September, 1866, until September 7, 1871, first sergeant in I Troop, Seventh United States Cavalry, all of which services were in the Army of the United States, from $6 per month to $50 per month, and to issue to said Andrews a certificate for said increased pension in lieu of the one now held by him.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "to," in line 4, and insert in lieu thereof the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zedock C. Andrews, late of Company C, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PHEBE S. RILEY.

The next business on the Private Calendar was the bill (H. R. 5970) for the relief of Phebe S. Riley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to place the name of Phebe S. Riley, blind and helpless daughter of L. S. Riley, late of Company D, One hundred and ninety-fifth Ohio Infantry, upon the pension roll and to pay her a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "place," insert the words "on the pension roll, subject to the provisions and limitations of the pension laws."
In line 5 strike out the letter "L." and insert in lieu thereof the word "Lucas."
In line 6, before the word "Ohio," insert the word "Regiment." In the same line, before the word "Infantry," insert the word "Volunteer."
In lines 6 and 7 strike out the words "upon the pension roll."
In line 7 strike out the word "to."

The amendments were agreed to.

The CHAIRMAN. The Chair calls the attention of the gentleman from New Hampshire to the fact that the printed bill reads "that the Secretary of the Treasury be, and he is hereby, authorized," etc.

Mr. SULLOWAY. I move to amend by striking out the words "Secretary of the Treasury" and inserting "Secretary of the Interior."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALANSON C. EBERHART.

The next business on the Private Calendar was the bill (H. R. 3962) granting an increase of pension to Alanson C. Eberhart, of York, York County, Nebr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws of the United States, the name of Alanson C. Eberhart, late of Company D, Tenth Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of the amount he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 5 and 6 strike out the words "of the United States."
In line 7, after the word "Tenth," insert the word "Regiment."
In lines 8 and 9 strike out the words "the amount" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN F. CRAWFORD.

The next business on the Private Calendar was the bill (H. R. 7399) granting an increase of pension to John F. Crawford.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Crawford, late a private of Company B, One hundred and twenty-third Regiment Indiana Volunteers, and pay him a pension of $12 per month in lieu of the pension he is now receiving.

The committee amendments were read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In line 8, after the word "pension," insert the words "at the rate;" in the same line strike out the word "fifty-two" and insert in lieu thereof the word "forty."
In line 8 strike out the word "the."
In line 9 strike out the word "pension" and insert in lieu thereof the word "that."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

THOMAS T. GARRISON.

The next business on the Private Calendar was the bill (H. R. 2728) to pension Thomas T. Garrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Thomas T. Garrison, late of Company D, Forty-second Regiment Indiana Volunteers, at a rate proportionate to the degree of such disability as may be shown to the satisfaction of the Secretary of the Interior to have been incurred subsequent to his enlistment and while awaiting muster into said organization.

The committee amendments were read, as follows:

In line 5, after the word "the," strike out the word "limitations" and insert in lieu thereof the word "provisions." In the same line strike out the word "provisions" and insert in lieu thereof the word "limitations."
In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In line 9, after the word "incurred," add the words "by him."
Amend title so as to read: "A bill granting a pension to Thomas T. Garrison."

Mr. MIERS of Indiana. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

In line 8 strike out all after the word "act" to and including the word "organization," in lines 11 and 12, and insert the words "at the rate of $12 a month."

The amendment by Mr. MIERS of Indiana was agreed to.

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

HENRY H. NEFF.

The next business on the Private Calendar was the bill (H. R. 6784) granting a pension to Henry H. Neff, of Winchester, Randolph County, Ind.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Neff, of Winchester, Randolph County, Ind., late colonel of the One hundred and twenty-fourth Indiana Volunteer Infantry, during the civil war, from and after the passage of this act, at the rate of $100 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "of Winchester, Randolph County, Ind.
In line 8, before the word "Indiana," insert the word "Regiment." In the same line strike out all after the word "Infantry" and insert in lieu thereof the words "and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."
Amend title of bill so as to read: "A bill granting an increase of pension to Henry H. Neff."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOSHUA RICKETTS.

The next business on the Private Calendar was the bill (H. R. 3758) for back pay and increase of pension to Joshua Ricketts.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua Ricketts, late second and first lieutenant in companies B and C, Engineer Regiment of the West, Missouri Volunteers, first lieutenant and adjutant of the One hundred and ninth Regiment Indiana Minute Men, first sergeant Company A, One hundred and forty-third Regiment Illinois Infantry, and to pay him a pension at the rate of $30 per month from January 1, 1890, in lieu of the pension he now receives.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "second and first lieutenant in companies" and in lieu thereof insert the words "of Company."
In line 7 strike out the words "and C." In the same line, before the word "Engineer," insert the word "Bissell's."
In lines 8 and 9 strike out the words "first lieutenant and adjutant of the One hundred and ninth Regiment Indiana Minute Men."
In line 9, before the word "first," insert the word "and."
In line 11, before the word "Infantry," insert the word "Volunteer."
In the same line strike out the word "to."
Strike out all after the word "month," in line 12, and insert in lieu thereof the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Joshua Ricketts."

The committee amendments were agreed to.

Mr. SIMS. Mr. Chairman, did I hear something read in the bill about back pay?

The CHAIRMAN. I am informed that that was in the title and by the amendment has been stricken out.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ABBIE E. WEBSTER.

The next business on the Private Calendar was the bill (H. R. 6372) granting a pension to Abbie Webster.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Abbie Webster, widow of Byron G. Webster, of Barker's Illinois Dragoons, on the pension roll of the United States, subject to the provisions and limitations of the pension laws now in force, and to pay to the said Abbie Webster a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "place," insert the words "on the pension roll, subject to the provisions and limitations of the pension laws."

In line 4, after the word "Abbie," insert the letter "E."

In line 5, before the word "of," insert the word "late;" before the word "Barker's," in the same line insert the word "Captain;" before the word "Illinois," in the same line, insert the word "Company."

In lines 6 and 7 strike out the words "on the pension roll of the United States, subject to the provisions and limitations of the pension laws now in force."

In line 8 strike out the words "to pay to the said Abbie Webster" and in lieu thereof insert the words "pay her."

In line 9 strike out the word "twelve" and insert in lieu thereof the word "eight."

Amend the title so as to read: "A bill granting a pension to Abbie E. Webster."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOSEPH F. ALLISON.

The next business on the Private Calendar was the bill (H. R. 5134) granting an increase of pension to J. F. Allison.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. F. Allison, late of Company H, Fifteenth Illinois Infantry, and pay him a pension of $72 a month in lieu of the pension of $30 a month which he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and in lieu thereof insert the word "Joseph;" in the same line, after the word "Fifteenth," insert the word "Regiment;" in the same line, after the word "Illinois," insert the word "Volunteer."

Strike out all after the word "pension," in line 7, and insert in lieu thereof the words "at the rate of $40 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Joseph F. Allison."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOHN N. BREED.

The next business on the Private Calendar was the bill (H. R. 7177) granting a pension to John N. Breed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John N. Breed, late of Company K, Fifth Massachusetts Volunteers, from April 17, 1861, to July 30, 1861, and of Company I, Thirty-second Massachusetts Volunteers, from July, 1862, to January 4, 1864, and from January 5, 1864, to July 15, 1865, and pay him —— dollars a month.

The amendments recommended by the committee were read, as follows:

Strike out, in line 4, all after the word "roll" and insert in lieu thereof the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "of Company K, Fifth Massachusetts Volunteers."

Strike out all of the sixth line and all of line 7 except the word "of" at the end of seventh line.

In line 8, after the word "Thirty-second," insert the word "Regiment."

In the same line strike out the word "Volunteer" and insert in lieu thereof the words "Volunteer Infantry."

Strike out the word "from," in line 8, and all in lines 9, 10, 11, and 12 and insert in lieu thereof the words "and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John N. Breed."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the house with a favorable recommendation.

CAROLINE V. ENGLISH.

The next business on the Private Calendar was the bill (S. 39) granting an increase of pension to Caroline V. English, widow of Lieut. Col. Thomas C. English.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions of the pension laws, the name of Caroline V. English, widow of Lieut. Col. Thomas C. English, Second United States Infantry, and pay her a pension at the rate of $50 per month in lieu of the pension she is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE M. BROWN.

The next business on the Private Calendar was the bill (H. R. 2999) granting an increase of pension to George M. Brown.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of George M. Brown, late major of the First Maine Cavalry, upon the pension roll at the rate of $50 per month, such amount to be in lieu of the pension now received by him.

The amendments recommended by the committee were read, as follows:

Strike out all after the word "place," in line 4, and insert in place thereof the words "on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Brown, late major, First Maine Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MARIA EAGAN.

The next business on the Private Calendar was the bill (H. R. 6785) to increase the pension of Maria Egan, widow of Michael Egan, late captain Company G, Eighty-eighth New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Maria Egan, widow of Michael Egan, late captain Company G, Eighty-eighth New York Infantry Volunteers, on the pension roll of the United States at the rate of $20 per month under the rules and regulations of the Pension Bureau, in lieu of the pension she now receives.

The committee amendments were read, as follows:

In line 4, after the word "place," insert the words "on the pension roll, subject to the provisions and limitations of the pension laws."

In line 5, before the word "New York," insert the word "Regiment."

Strike out the word "Volunteers" in line 6; and in the same line, before the word "Infantry," insert the word "Volunteer;" in the same line strike out the words "on the pension roll of the United States" and in lieu thereof insert the words "and pay her a pension."

In line 7 strike out the word "twenty" and insert in lieu thereof the word "seventeen." In the same line and in line 8 strike out the words "under the rules and regulations of the Pension Bureau." In the same line strike out all after the word "of" and insert in lieu thereof the following: "that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Maria Egan."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOSEPH CHAMPLIN STONE.

The next business on the Private Calendar was the bill (H. R. 8605) granting a pension to Joseph Champlin Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Champlin Stone, late captain and assistant adjutant-general of volunteers, and pay him a pension at the rate of $50 per month.

The bill was laid aside to be reported favorably to the House.

ALFRED BIGELOW.

The next business on the Private Calendar was the bill (S. 2346) granting an increase of pension to Alfred Bigelow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Bigelow, late of Company A, Nineteenth New York Volunteer Cavalry, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably to the House.

RUTHVEN W. HOUGHTON.

The next business on the Private Calendar was the bill (H. R. 4696) granting an increase of pension to Ruthven W. Houghton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruthven W. Houghton, late captain of Company I, Third Regiment New Hampshire Infantry, at the rate of $30 per month in lieu of the pension he is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

In line 7, after the words "New Hampshire," insert the word "Volunteer;" in the same line, after the word "Infantry," insert the following: "and pay him a pension."

In line 8 strike out the words "the pension" and insert in lieu thereof the word "that."

The bill as amended was laid aside to be reported favorably to the House.

FRANCIS S. WOLFE.

The next business on the Private Calendar was the bill (H. R. 4247) granting a pension to Francis S. Wolfe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, at the rate of $30 per month, Francis S. Wolfe, late chaplain Ninety-fifth New York Volunteer Infantry, the same to be in lieu of any pension now drawn by said chaplain, and subject to all conditions and limitations of the pension laws.

The amendments reported by the committee were read and agreed to, as follows:

Strike out all after the word "place," in line 4, and in lieu thereof insert the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis S. Wolfe, late chaplain Ninety-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Francis S. Wolfe."

The bill as amended was laid aside to be reported favorably to the House.

ELLEN V. MYER.

The next business on the Private Calendar was the bill (H. R. 3312) for the relief of Ellen V. Myer, widow of George V. Myer, late of Company K, Fiftieth Pennsylvania Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Ellen V. Myer, widow of George V. Myer, late of Company K, Fiftieth Regiment of Pennsylvania Infantry Volunteers, and pay her a pension at the rate of $20 per month in lieu of the pension she is now receiving.

The amendments reported by the committee were read and agreed to, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on;" in the same line, after the word "roll," insert the following: "subject to the provisions and limitations of the pension laws."

In line 6 strike out the word "of" and the word "Volunteers" in the same line, and before the word "Infantry" insert the word "Volunteer."

In line 7 strike out all after the word "of" and insert in lieu thereof the following: "$15 per month, and $2 per month additional for the minor child Cecil D., in lieu of that which he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Ellen V. Myer."

The bill as amended was laid aside to be reported favorably to the House.

MATILDA HENNESSY.

The next business on the Private Calendar was the bill (H. R. 3307) for the relief of Matilda Hennessy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Matilda Hennessy, widow of Daniel Hennessy, late of Company F, Fourteenth United States Infantry, upon the pension roll at the rate of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 4, after the word "place," insert the following: "on the pension roll, subject to the provisions and limitations of the pension laws."

In line 6 strike out the words "upon the pension roll" and in lieu thereof insert the words "and pay her a pension."

In line 7 strike out the word "twelve" and in lieu thereof insert the word "eight."

And amend title so as to read: "A bill granting a pension to Matilda Hennessy."

Mr. SULLOWAY. I move further to amend by inserting after the word "Fourteenth," in line 7, the word "Regiment;" so as to read "Fourteenth Regiment United States Infantry."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

FRANCIS A. KITCHEN.

The next business on the Private Calendar was the bill (H. R. 657) granting a pension to Francis A. Kitchen, late surgeon, United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place upon the pension roll of the United States the name of Francis A. Kitchen, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

Strike out all after the word "roll," in line 4, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Francis A. Kitchen, late first lieutenant Company A, and assistant surgeon, One hundred and seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Francis A. Kitchen."

The bill as amended was laid aside to be reported favorably to the House.

CATHARINE HARRIS.

The next business on the Private Calendar was the bill (H. R. 6995) to pension Catharine Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Catharine Harris, as the mother of Mathias Harris, late of Company I, Seventeenth Ohio Volunteer Infantry.

The amendments reported by the committee were read, and agreed to, as follows:

In line 5 strike out the word "general."

In line 6 strike out the word "as."

In line 7, after the word "Seventeenth," insert the word "Regiment."

After the word "Infantry," in line 7, insert the following: "and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Catharine Harris."

The bill as amended was laid aside to be reported favorably to the House.

ELLEN J. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 8599) granting a pension to Ellen J. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Ellen J. Williams, widow of the late William F. Williams, late of Company D, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments reported by the committee were read and agreed to, as follows:

In line 6 strike out the word "Mrs."

In line 6 strike out the words "the late."

The bill as amended was laid aside to be reported favorably to the House.

ELIZA WIGHT.

The next business on the Private Calendar was the bill (H. R. 7596) granting an increase of pension to Mrs. Eliza Wight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Eliza Wight, widow of Albert Wight, deceased, late of Company K, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments reported by the committee were read and agreed to, as follows:

In line 6 strike out the word "Mrs." In the same line strike out the word "deceased."

In line 9 strike out all after the word "month" and insert in place thereof the following: "and $2 per month additional for the soldier's minor child in lieu of that she is now receiving."

Also amend the title so as to read: "A bill granting an increase of pension to Eliza Wight."

The bill as amended was laid aside to be reported favorably to the House.

JOHN C. BRADLEY.

The next business on the Private Calendar was the bill (H. R. 6624) granting an increase of pension to John C. Bradley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John C. Bradley, late of Company F, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension of $30 per month in lieu of the amount he now receives under certificate No. 12201.

The amendments reported by the committee were read and agreed to, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on;" in the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6, after the word "pension," insert the words "at the rate."

Strike out all after the word "of," in line 7, and insert in lieu thereof the words "that he is now receiving."

The bill as amended was laid aside to be reported favorably to the House.

SAMUEL A. GREELEY.

The next business on the Private Calendar was the bill (H. R. 5209) granting an increase of pension to Samuel A. Greeley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. Greeley, late of Company F, First Regiment New Hampshire Heavy Artillery, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments reported by the committee were read and agreed to, as follows:

In line 7, after the words "New Hampshire," insert the word "Volunteer;" in the same line, after the word "pension," insert the words "at the rate."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The bill as amended was laid aside to be reported favorably to the House.

JOHN VOGLER.

The next business on the Private Calendar was the bill (H. R. 8112) granting a pension to John Vogler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of John Vogler, late a private in Company B, Tenth United States Infantry, and in Company A, One hundred and thirty-second New York Volunteers, and in

Company K, First United States Cavalry, and in Company D, Twenty-third United States Infantry, and pay him a pension of —— dollars a month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."
In line 5 strike out the word "otherwise."
In line 8, before the words "New York," insert the word "Regiment."
In the same line strike out the word "Volunteers" and in lieu thereof insert the words "Volunteer Infantry."
In line 11, after the word "pension," insert the words "at the rate."
In the same line, before the word "dollars," insert the word "twelve."
In the same line strike out the word "a" and in lieu thereof insert the word "per."

Mr. SULLOWAY. Mr. Chairman, in lines 7, 9, and 10 the word "Regiment" should be inserted.

The amendment was agreed to.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH KEIFF.

The next business on the Private Calendar was the bill (H. R. 4681) granting a pension to Elizabeth Keiff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Elizabeth Keiff, widow of Patrick Keiff, late corporal in Company A, Sixth Regiment Kentucky Infantry Volunteers, at the rate of —— dollars per month in lieu of the pension of $8 per month which she now receives, subject to the rules and limitations prescribed by law.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pensions laws."
In line 5 strike out the word "in."
In line 6 strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In line 7, before the word "at," insert the words "and pay her a pension."
In the same line, after the word "of," insert the word "twelve."
Strike out all after the word "of" in the same line and insert in lieu thereof the words "that she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Elizabeth Keiff."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY STEFFENS.

The next business on the Private Calendar was the bill (H. R. 8378) for the relief of Mary Steffens, widow of Henry Steffens, deceased, Company F, Ninth Ohio Infantry Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations of the pension laws, the name of Mary Steffens, widow of Henry Steffens, late a private in Company F, Ninth Ohio Infantry Volunteers, at the rate of $50 per month in lieu of the pension now paid her.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 5, before the word "limitations," insert the words "provisions and."
In line 7, before the word "Ohio," insert the word "Regiment."
In line 7 strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry;" in the same line, before the word "at," insert the words "and pay her a pension;" in the same line strike out the word "fifty" and insert in lieu thereof the word "twelve."
In line 8 strike out the words "the pension now paid her" and insert in lieu thereof the words "that she is now receiving."
Also amend title so as to read: "A bill granting an increase of pension to Mary Steffens."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LUKE H. COOPER.

The next business on the Private Calendar was the bill (H. R. 1147) granting an increase of pension to Dr. Luke H. Cooper, now totally blind.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Dr. Luke H. Cooper, late assistant surgeon of the Seventeenth Michigan Volunteer Infantry, on the pension roll at an increase of $72 per month in lieu of the amount now being drawn by him.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "place," in line 4, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luke H. Cooper, late assistant surgeon Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."
Also amend the title so as to read: "A bill granting an increase of pension to Luke H. Cooper."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN LAFOLLETT.

The next business on the Private Calendar was the bill (H. R. 5127) granting a pension to John Lafollett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lafollett, late of Company A, Ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of — dollars per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."
In line 8, after the word "of," insert the word "twelve."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH A. HYATT.

The next business on the Private Calendar was the bill (H. R. 4138) granting a pension to Elizabeth A. Hyatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Elizabeth A. Hyatt, of Lenox, Mich., who served as a nurse during the late war, and pay to her a pension of $24 per month in lieu of the pension now received by her.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "roll," in line 4, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Hyatt, widow of Asa W. Hyatt, late of Company K, Fourth Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $18 per month in lieu of that she is now receiving."
Amend title so as to read: "A bill granting an increase of pension to Elizabeth A. Hyatt."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ADOLPHUS LAVINE.

The next business on the Private Calendar was the bill (H. R. 3642) granting an increase of pension to Adolphus Lavine, late captain of Company I, One hundred and sixty-ninth New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject otherwise to the limitations and provisions of the pension laws, the name of Adolphus Lavine, late of Company I, One hundred and sixty-ninth Regiment New York Volunteers, and pay him a pension of $30 per month in lieu of that which he now receives.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 5 strike out the word "otherwise."
In line 5, after the word "the," strike out the word "limitations" and insert in lieu thereof the word "provisions."
In line 5, after the word "and," strike out the word "provisions" and insert in lieu thereof the word "limitations."
In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In line 8, after the word "pension," insert the words "at the rate."
In line 8 strike out the word "thirty" and insert in lieu thereof the words "twenty-four."
Strike out all in line 9 and insert in lieu thereof the words "he is now receiving."
Also amend title so as to read: "A bill granting an increase of pension to Adolphus Lavine."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN R. EGGEMAN.

The next business on the Private Calendar was the bill (H. R. 4276) granting a pension to John R. Eggeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Eggeman, late of Company G, Fourteenth Michigan Volunteer Infantry, and U. S. S. *Brooklyn* (navy service), and to pay him a pension of $50 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, after the word "Fourteenth," insert the word "Regiment."
In line 8, after the word "pension," insert the words "at the rate;" in the same line strike out the word "fifty" and insert in lieu thereof the word "thirty."
In line 9, after the word "month," insert the words "in lieu of that he is now receiving."
Also amend title so as to read: "A bill granting an increase of pension to John R. Eggeman."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HORACE B. DURANT.

The next business on the Private Calendar was the bill (H. R. 6885) granting an increase of pension to Horace B. Durant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Horace B. Durant, late assistant surgeon, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM H. LANE.

The next business on the Private Calendar was the bill (H. R. 5886) granting a pension to William H. Lane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of William H. Lane, late a member of Company D, Second Regiment United States Infantry, and pay him a pension of $30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

In the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6, before the word "of," insert the words "at the rate."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

BENJAMIN F. KURTZ.

The next business on the Private Calendar was the bill (H. R. 6900) to increase the pension of Benjamin F. Kurtz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Kurtz, late of Company A, Fifth Regiment of West Virginia Cavalry Volunteers, and pay him a pension of $40 per month in lieu of the pension he now receives.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

In line 6 strike out the word "Fifth" and insert in lieu thereof the word "Second."

In line 7 strike out the word "of." In the same line strike out the words "Cavalry Volunteers" and in lieu of those words insert the words "Volunteer Cavalry."

In line 8, before the word "of," insert the words "at the rate." In the same line strike out the word "forty" and insert in lieu thereof the word "thirty."

Strike out all after the word "of," in line 8, and insert in lieu thereof the words "that he is now receiving."

Mr. GRAHAM. I desire to offer an amendment to strike out "thirty" in line 8 and insert "forty."

I have consulted with the committee and they approve this change. This man is totally blind. This merely restores the amount to that originally stated in the bill.

The CHAIRMAN. The gentleman's motion would not be in order, then; but the same result would be arrived at by voting down the committee amendment.

Mr. GRAHAM. There are other committee amendments.

The CHAIRMAN. The gentleman can call for a separate vote on this amendment.

Mr. GRAHAM. I do that.

The other committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the amendment upon which a separate vote is desired.

The Clerk read as follows:

In line 8 strike out the word "forty" and insert "thirty."

Mr. GRAHAM. I wish to state very briefly, for the benefit of the House, that this case came under my own personal observation. The soldier served with me for three years and four months, enlisting at the beginning of the war. He was out in the first battles of the war, served through the entire term of his enlistment, and came home crippled. Since then he has become totally blind. It was impossible to prove that this blindness occurred from service origin, so we are compelled to bring in the bill in this manner. I would state that the man is helpless. For his other troubles he is pensioned at the rate of $12 a month; but he requires constant attention; and I can say that no better, braver soldier served during the war. He was in every engagement of his regiment and was captured with a detachment in which all in that detachment were either killed or captured and fell into the hands of the enemy. He was imprisoned for five or six months and came home a physical wreck, but this blindness can not be directly proved to be of service origin. For that reason I ask for this special pension, and I hope the House will grant it.

The question being taken on the amendment recommended by the committee, it was agreed to.

The bill as amended was ordered to be laid aside to be favorably reported.

Subsequently,

Mr. GRAHAM said: I move to reconsider the action which the House has just taken on the bill H. R. 6900. That action was a mistake.

The CHAIRMAN. That would not be in order in committee, but would be in order in the House. The bill has been laid aside.

Mr. GRAHAM. I ask unanimous consent to recur to the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to return to and again take up the bill H. R. 6900, an act granting an increase of pension to Benjamin F. Kurtz.

Mr. GRAHAM. There was a misunderstanding in the vote on the amendment.

The CHAIRMAN. By unanimous consent the order of the committee can be vacated. The gentleman asks unanimous consent that the order laying the bill aside with a favorable recommendation be vacated. Is there objection?

There was no objection.

The CHAIRMAN. The amendment to which the gentleman refers having been agreed to, he desires to ask unanimous consent that the amendment as to the rate, fixing it at $30 instead of $40, be vacated.

There was no objection.

The CHAIRMAN. The question recurs on the committee amendment to strike out "forty" and insert "thirty."

Mr. OLMSTED. A parliamentary inquiry. If we vote "no," we vote to restore the rate to $40?

The CHAIRMAN. The bill provides a forty-dollar rate, but the Committee on Invalid Pensions recommend an amendment to strike out "forty" and insert "thirty."

Mr. OLMSTED. And we are all in favor of the original amount.

The CHAIRMAN. The action of the committee on that amendment having been vacated, the question now recurs on the committee amendment.

Mr. PAYNE. I think there ought to be some explanation why this amendment should be voted down.

Mr. GRAHAM. It was explained while the gentleman was absent.

Mr. OLMSTED. I understand the committee are willing that the amendment shall be voted down.

Mr. PAYNE. I think there ought to be some more specific reason stated than that.

The CHAIRMAN. The question is upon the committee amendment.

Mr. SIMS. I would like to have the gentleman make some explanation, as I was not in a while ago. Does the gentleman say that the committee have agreed to this?

Mr. GRAHAM. They have agreed to the change. That is, the chairman has, and I have spoken to members of the committee.

Mr. SULLOWAY. Mr. Chairman, I would suggest that facts have been presented that were not before the committee. This case is somewhat similar to that which was passed a few moments ago. And after the statement was made I stated that I would make no opposition. I bind no one but myself.

Mr. RICHARDSON. What are the facts in the case?

Mr. GRAHAM. The party is totally blind. He served in the Army with myself for three years. We slept under the same blanket; and no better or braver soldier ever served the flag. He is totally blind and has to be helped along.

Mr. SIMS. Why do you not make it $50?

Mr. GRAHAM. We make it $40. He deserves $50, though.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the committee amendment was rejected.

The bill was ordered to be laid aside with a favorable recommendation.

CARRIE L. DALE.

The next business on the Private Calendar was the bill (H. R. 6952) to pension Carrie L. Dale, widow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie L. Dale, widow of Nicholas H. Dale, deceased, late lieutenant-colonel of the Second Wisconsin Volunteer Cavalry during the civil war, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "L," after the word "Carrie," and insert in lieu thereof the letter "P;" in the same line strike out the word "deceased."

In line 7 strike out the words "of the;" in the same line, after the word "Second," insert the word "Regiment."

In line 8 strike out the words "during the civil war."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. CLARA L. HARRIMAN.

The next business on the Private Calendar was the bill (H. R. 457) granting a pension to Mrs. Clara L. Harriman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Clara L. Harriman, widow of Stephen F. Harriman, late of Company E, First Maine Heavy Artillery, and to pay her a pension of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."
In line 5 strike out the word "Mrs."
In line 6, after the word "First," insert the word "Regiment."
In line 6, after the word "Maine," insert the word "Volunteer."
In line 6 strike out the word "to."
In line 7, after the word "pension," insert the words "at the rate;" in the same line strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATILDA O'CONNOR.

The next business on the Private Calendar was the bill (H. R. 3131) to restore to the pension roll the name of Matilda O'Connor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll the name of Matilda O'Connor, who was heretofore granted a pension as the widow of Joseph Rhiel, late of Company K, Thirty-first Iowa Infantry, to take effect on and after the passage of this act.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "to," in line 4, and insert in lieu thereof the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda O'Connor, widow of Joseph Rhiel, or Richell, late of Company K, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL B. WEEKS.

The next business on the Private Calendar was the bill (H. R. 3941) to restore the pension of Samuel B. Weeks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Samuel B. Weeks, late of Company L, Ninth Indiana Cavalry, at the rate of $12 per month, and to pay him the same under the provisions of the act of Congress approved June 27, 1890.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "to," in line 4, and insert in lieu thereof the following: "pay to Samuel B. Weeks, late of Company L, Ninth Regiment Indiana Volunteer Cavalry, subject to the provisions and limitations of the pension laws, the pension at the rate of $12 per month granted to him by certificate No. 581146, under the act of June 27, 1890, without any further deduction or rebate on account of former overpayments or erroneous payments of pension."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SIMON VAN DER VAART.

The next business on the Private Calendar was the bill (H. R. 4654) granting a pension to Simon Van Der Vaart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Simon Van Der Vaart, late a surgeon of the Twenty-sixth Regiment of Wisconsin Volunteer Infantry, at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the word "upon," and in lieu thereof insert the word "on."
In line 6 strike out the word "a."
In the same line strike out the words "of the."
In line 7, after the word "Regiment," strike out the word "of."
In line 7, after the word "Infantry," insert the words "and pay him a pension."
In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CYRUS JOHNSON.

The next business on the Private Calendar was the bill (H. R. 5170) granting a pension to Cyrus Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the invalid pension roll, the name of Cyrus Johnson, substitute for Elijah S. Coat, private in Company H, One hundred and fifty-fourth Ohio Infantry Volunteers, and pay him a pension at the rate of $12 a month, subject to the limitations of the pension laws.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."
In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."
In line 5, before the word "private," insert the word "late."
In line 6, before the word "Ohio," insert the word "Regiment."
Strike out, in lines 6 and 7, the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In line 8 strike out the words "subject to the limitations of the pension laws."

The amendments were agreed to.

Mr. SULLOWAY. Mr. Chairman, I move to strike out the word "invalid" in line 4.

The Clerk read as follows:

Strike out the word "invalid" in line 4.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABNER S. CRAWFORD.

The next business on the Private Calendar was the bill (H. R. 8610) granting a pension of $50 per month to Abner S. Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abner S. Crawford, late musician of Company D, Fourteenth New York Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of the $12 per month that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the words "New York," insert the word "Regiment."
In the same line, before the word "Heavy," insert the word "Volunteer."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."
In lines 8 and 9 strike out the words "the $12 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID L. WENTWORTH.

The next business on the Private Calendar was the bill (H. R. 8120) granting an increase of pension to David L. Wentworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David L. Wentworth, late of Company G, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of Company G" and insert in lieu thereof the words "ordnance sergeant."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 108. Joint resolution providing for the printing of the report of the governor of Arizona for the year 1899;

S. 3537. An act to grant authority to change the name of the steamship *Paris;* and

S. 2166. An act granting a pension to Charles A. Wiswell.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. CULLOM, and Mr. TELLER as the conferees on the part of the Senate.

CLARE H. BURLEIGH.

The committee resumed its sitting.

The next business on the Private Calendar was the bill (H. R. 7535) granting an increase of pension to Clare H. Burleigh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Clare H. Burleigh, widow of Henry M. Burleigh, late captain of Company B, First Regiment of New York Volunteer Infantry, and assistant adjutant-general of United States Volunteers, in the war of the rebellion, and to pay her a pension at the rate of $30 per month, the same to be in lieu of that she now receives.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."
In line 7, before the word "Company," strike out the word "of."

In line 7 strike out the letter "B" and insert in lieu thereof the letter "D."
In the same line, after the word "Regiment," strike out the word "of."
In line 8, before the word "United," strike out the word "of."
In line 9 strike out the words "in the war of the rebellion."
In line 9 strike out the word "to."
Strike out all after the word "month," in line 10, and insert in lieu thereof the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FANNY M. HAYS.

The next business on the Private Calendar was the bill (H. R. 493) granting a pension to Fanny M. Hays.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Fanny M. Hays, widow of John R. Hays, late brevet major, United States Army, and to pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the following: "subject to the provisions and limitations of the pension laws."
In line 5, after the word "late," insert the words "captain and."
In line 6 strike out the words "United States Army" and insert in lieu thereof the words "Nineteenth Regiment, United States Infantry."
In line 6 strike out the word "to."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEN. C. C. DOOLITTLE.

The next business on the Private Calendar was the bill (H. R. 642) to increase the pension of Gen. C. C. Doolittle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of C. C. Doolittle, late brigadier-general, United States Volunteers, upon the pension roll at the rate of $50 per month in lieu of the pension which he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "be," in line 3, and insert in lieu thereof the following: "and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Doolittle, late colonel Eighteenth Regiment Michigan Volunteer Infantry, and brigadier-general United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC M. LOCKE.

The next business on the Private Calendar was the bill (H. R. 1681) granting an increase of pension to Isaac M. Lock.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Isaac M. Lock, late a sergeant in Company F, Fifteenth West Virginia Volunteer Infantry, in the war of the rebellion, a pension at the rate of $20 per month, in lieu of the one at the rate of $10 per month which he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all after the word "to," in line 4, and insert in lieu thereof the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac M. Locke, late of Company F, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Isaac M. Locke.

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JULIUS VOGT.

The next business on the Private Calendar was the bill (H. R. 4398) to grant a pension to Julius Vogt.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and instructed to place the name of Julius Vogt, late of Company C, Seventy-first Regiment Enrolled Missouri Militia, upon the pension roll and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the word "instructed," and insert in lieu thereof the word "directed."
Strike out all after the word "place," in line 4, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius Vogt, late of Company C, Seventy-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month."
Also amend the title so as to read: "A bill granting a pension to Julius Vogt."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

REBECCA J. JONES.

The next business on the Private Calendar was the bill (H. R. 1172) granting a pension to Mrs. Rebecca J. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Rebecca J. Jones, formerly widow of William J. Comstock, late private in Company F, Twenty-first Regiment Iowa Infantry, and to pay her, the said Rebecca J. Jones, subject to the provisions and limitations of the pension laws, the sum of $12 a month from and after the passage of this act.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."
In line 5 strike out the word "formerly."
In line 6, after the word "Iowa," insert the word "Volunteers."
In line 7, after the word "and," strike out the word "to."
Strike out all after the word "her," in line 7, and insert in lieu thereof the words, "a pension at the rate of $12 per month."
Also amend title so as to read: "A bill granting a pension to Rebecca J. Jones."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

LOIS A. FIELDS.

The next business on the Private Calendar was the bill (H. R. 4562) for the relief of Lois A. Fields, widow of George W. Fields, late of Company I, Forty-seventh Pennsylvania Militia Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, the name of Lois A. Fields, widow of the late George W. Fields, late of Company I, Forty-seventh Regiment Pennsylvania Militia Volunteers, and pay her at the rate of $12 per month.

The amendments recommended by the committee were read as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."
In the same line, after the word "roll," insert the following: "subject to the provisions and limitations of the pension laws."
In line 5 strike out the words "the late."
In line 6, before the word "Militia," insert the word "Volunteer."
In line 7 strike out the word "Volunteers;" in the same line, after the word "her," insert the words "a pension;" in the same line strike out the word "twelve" and insert in lieu thereof the word "eight."
In line 8, after the word "month," insert the following: "and $2 per month additional for the child of said George W. Fields, until said child shall arrive at the age of 16 years."
Amend the title so as to read: "A bill granting a pension to Lois A. Fields."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ARNOLD BLOOM.

The next business on the Private Calendar was the bill (H. R. 7159) granting a pension to Arnold Bloom, of Curwensville, Pa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions of the pension laws, the name of Arnold Bloom, of Curwensville, Pa., late a private in Company K, Forty-second Regiment Pennsylvania Volunteers, and pay him a pension at the rate of $30 per month in lieu of the pension he is now receiving.

The committee amendments were read, as follows:

In line 5, after the word "provisions," insert the words "and limitations."
In line 6 strike out the words "of Curwensville, Pa."
In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
In line 9 strike out the words "the pension" and insert in lieu thereof the word "that."
Also amend the title so as to read: "A bill granting an increase of pension to Arnold Bloom."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MARGARETT L. COLEMAN.

The next business on the Private Calendar was the bill (H. R. 4030) for the relief of Minnie and Lotta M. Coleman, helpless children of Thomas R. Coleman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $30 per month, the names of Minnie and Lotta M. Coleman, respectively, helpless children of Thomas R. Coleman, late private, Company B, Sixteenth Regiment Kansas Volunteer Cavalry, and pay them a pension on and after the passage of this act.

The committee amendments were read, as follows:

Strike out all after the word "roll," in line 4, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Margarett L. Coleman, widow of Thomas R. Coleman, late of Company B, Sixteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month, and $12 per month additional for each of the two helpless children of the soldier, namely, Minnie and Lotta M., such additional pension to continue to each of said children during their natural life in the event of the death of said Margarett L. Coleman, and such pension to be in lieu of that she is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Margarett L. Coleman."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ALEXANDER P. BAUGHER.

The next business on the Private Calendar was the bill (H. R. 5435) to increase the pension of Alexander P. Baugher, of Company G, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the pension now granted to Alexander P. Baugher, late a private in Company G, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, in the late war for the Union, be, and the same is hereby, increased to the sum of $24 per month; and the Secretary of the Interior is hereby directed to pay him a pension at the above rate instead of the pension now paid him.

The committee amendments were read, as follows:

Strike out all after the word "*assembled*," in line 2, and insert in lieu thereof the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander P. Baugher, late of Company G, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Also amend the title so as to read: "A bill granting an increase of pension to Alexander P. Baugher."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ELIZA H. GETCHEL.

The next business on the Private Calendar was the bill (H. R. 3021) granting a pension to Eliza H. Getchell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza H. Getchell, widow of Samuel F. Getchell, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Getchell" and insert in lieu thereof the word "Getchel;" in the same line, before the word "and," insert the words "late of Company F, Second Regiment United States Sharpshooters."

Also amend the title so as to read: "A bill granting a pension to Eliza H. Getchel."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ELIZA S. REDFIELD.

The next business on the Private Calendar was the bill (H. R. 2397) granting a pension to Eliza S. Redfield.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza S. Redfield, formerly widow of Freeman R. Gardner, late private, First Regiment New Hampshire Cavalry Volunteers, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "formerly."

In lines 7 and 8 strike out the word "Volunteers," and in line 7, before the word "Cavalry," insert the word "Volunteer."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARTHA E. GRAVES.

The next business on the Private Calendar was the bill (H. R. 4832) granting a pension to Martha E. Graves.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Graves, widow of Anthony B. Graves, late a private of Company E, One hundred and thirtieth Regiment of New York Volunteer Infantry, and pay her a pension at the rate of $12 per month, and $2 per month additional for each minor child of said Anthony B. Graves under the age of 16 years.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."

In line 8 strike out the word "of."

In line 10 strike out the word "each" and insert in lieu thereof the word "the."

In line 11, after the word "years," insert the following: "in lieu of that she is now receiving."

Also amend the title so as to read: "A bill granting an increase of pension to Martha E. Graves."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

LIVINGSTON B. GREGORY.

The next business on the Private Calendar was the bill (H. R. 6195) granting a pension to Livingston B. Gregory, formerly private, Company F, One hundred and eighty-ninth Regiment New York Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Livingston B. Gregory, formerly private in Company F, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

After the word "roll," in line 4, insert "subject to the provisions and limitations of the pension laws."

In line 6 strike out "formerly private in" and insert "late of."

In line 8, after "pension," insert "at the rate."

Amend the title so as to read: "A bill granting a pension to Livingston B. Gregory."

The bill as amended was laid aside to be reported favorably to the House.

WILLIAM F. TAIT.

The next business on the Private Calendar was the bill (H. R. 6731) granting a pension to William F. Tait.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll of the United States the name of William F. Tait, of Company G, Eighty-ninth Illinois Infantry, and pay him during his natural life a pension of $50 per month.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all after the word "hereby," in line 3, and insert in lieu thereof the following: "authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Tait, late of Company G, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Also amend the title so as to read: "A bill granting an increase of pension to William F. Tait."

The bill as amended was laid aside to be favorably reported to the House.

JOHN M. GARRETT.

The next business on the Private Calendar was the bill (H. R. 2203) to increase the pension of John M. Garrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Garrett, of Company E, Eleventh Regiment Indiana Volunteer Infantry, and pay to him the sum of $72 per month in lieu of any pension that may now be paid him.

The amendments reported by the committee were read, as follows:

Strike out, in line 4, the word "upon" and insert in lieu thereof the word "on."

Strike out all after the word "pay," in line 7, and insert in lieu thereof the following: "him a pension at the rate of $40 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John M. Garrett."

Mr. MIERS of Indiana. I move to amend the amendment of the committee by striking out the word "forty," in line 9, and inserting in lieu thereof the word "fifty."

The amendment was agreed to.

The amendments of the committee as amended were adopted.

The bill as amended was laid aside to be reported favorably to the House.

ABRAHAM SANFORD.

The next business on the Private Calendar was the bill (H. R. 3693) granting an increase of pension to Abraham Sanford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham Sanford, late a private in Company K, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension of $30 per month in lieu of the pension he is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

In line 8 strike out "of thirty" and insert "at the rate of twenty-four."

In line 9 strike out "the pension" and insert "that."

The bill as amended was laid aside to be reported favorably to the House.

HENRY M'MILLEN.

The next business on the Private Calendar was the bill (S. 3129) granting an increase of pension to Henry McMillen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry McMillen, late of Company I, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably to the House.

EDWARD HARRIS.

The next business on the Private Calendar was the bill (H. R. 548) granting a pension to Edward Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Harris, who was summoned as a deputy by the United States marshal of the State of Minnesota, and while serving as such deputy was wounded in a battle between the said United States marshal with a detachment of United States soldiers and the Indians at Sugar Point on Leech Lake, in the State of Minnesota, on the 5th day of October, 1898, and pay him a pension of $30 per month.

The amendment recommended by the committee was read, and agreed to, as follows:

Strike out all after the word "who," in line 6, and substitute therefor the following: "was wounded while assisting the United States marshal and a detachment of United States troops in an engagement with Bear Island Indians, Minnesota, October 5, 1898, and pay him a pension at the rate of $12 per month."

The bill as amended was laid aside to be reported favorably to the House.

MARY A. RANDALL.

The next business on the Private Calendar was the bill (S. 2368) granting a pension to Mary A. Randall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Randall, dependent mother of Frank B. Randall, late chief engineer of the United States revenue cutter *McCulloch*, and pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported favorably to the House.

JOSEPH H. HAMRICK AND ELLA G. HAMRICK.

The next business on the Private Calendar was the bill (H. R. 3869) granting a pension to Joseph H. Hamrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Joseph H. Hamrick, blind and otherwise helpless child of Maj. Thomas H. Hamrick, late of Company K, Twenty-third Regiment of Kentucky Infantry Volunteers, on the pension roll and pay him a pension of $12 per month.

The amendments reported by the committee were read and agreed to, as follows:

Strike out all after the word "place," in line 4, and insert in lieu thereof the following words: "on the pension roll, subject to the provisions and limitations of the pension laws, the names of Joseph H. Hamrick and Ella G. Hamrick, the blind and helpless children of Thomas H. Hamrick, late of Company K, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay them each a pension at the rate of $12 per month."

Also amend title so as to read: "A bill granting a pension to Joseph H. Hamrick and Ella G. Hamrick."

The bill as amended was laid aside to be reported favorably to the House.

ALFRED T. MORELAND.

The next business on the Private Calendar was the bill (H. R. 6089) to pension Alfred T. Moreland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred T. Moreland, of Company L, Thirteenth Tennessee Cavalry Volunteers, and pay him a pension at the rate of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 6, after the word "Moreland," insert the words "late recruit;" in the same line, before the word "Tennessee," insert the word "Regiment."

In line 7 strike out the word "Volunteers," and in the same line, before the word "Cavalry," insert the word "Volunteer."

Amend title so as to read: "A bill granting a pension to Alfred T. Moreland."

The bill as amended was laid aside to be reported favorably to the House.

CYNTHA A. MIDDLETON.

The next business on the Private Calendar was the bill (H. R. 737) granting a pension to Cyntha A. Middleton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Cyntha A. Middleton, of Rowletts, Hart County, Ky., widow of Samuel V. Middleton, a private in Company F, Second Kentucky Cavalry of the United States Army in the late civil war, at the rate of $20 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 4 strike out the words "of the" and insert in the same line, after the word "roll," the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "United States;" in the same line strike out the words "of Rowletts, Hart County, Ky."

In line 6 strike out the words "Hart County, Ky.;" in the same line strike out the word "a."

In line 7 strike out the words "private in" and insert in lieu thereof the words "late of;" in the same line, after the word "Second," insert the word "Regiment;" in the same line, before the word "Cavalry," insert the word "Volunteer;" in the same line strike out the words "of the."

In line 8 strike out the words "United States Army in the late civil war" and insert in lieu thereof the words "and pay her a pension;" in the same line strike out the word "twenty" and insert in lieu thereof the word "eight."

The bill as amended was laid aside to be reported favorably to the House.

JOSHUA MITCHELL.

The next business on the Private Calendar was the bill (H. R. 8390) granting an increase of pension to Joshua Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua Mitchell, late of Company D, Eighth Regiment Kansas Infantry Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment reported by the committee was read, and agreed to, as follows:

In line 7 strike out the word "Volunteers," and before the word "Infantry," in the same line, insert the word "Volunteer."

The bill as amended was laid aside to be reported favorably to the House.

WILLIAM R. WALLACE.

The next business on the Private Calendar was the bill (H. R. 5171) to increase the pension of William R. Wallace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the invalid pension roll of the United States the name of William R. Wallace, late of Company E, Seventieth Ohio Infantry Volunteers, and pay him a pension at the rate of $30 a month in lieu of the pension he is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

In line 3, after the word "Interior," insert the words "be, and he."

In line 4 strike out the word "invalid;" after the word "roll," in the same line, insert "subject to the provisions and limitations of the pension laws;" in the same line strike out the words "of the United."

In line 5 strike out the word "States."

In line 6, after the word "Seventieth," insert the word "Regiment;" in the same line strike out the word "Volunteers" and insert, before the word "Infantry," in the same line, the word "Volunteer."

In line 7 strike out the word "thirty" and insert in lieu thereof the words "twenty-four;" in the same line strike out the words "a pension" and insert in lieu thereof the word "that."

Also amend title so as to read: "A bill granting an increase of pension to William R. Wallace."

The bill as amended was laid aside to be reported favorably to the House.

GEORGE W. WAKEFIELD.

The next business on the Private Calendar was the bill (H. R. 240) granting an increase of pension to George W. Wakefield, of Pawtucket, R. I.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of George W. Wakefield, of Pawtucket, R. I., late a private in Company I, Twenty-seventh Regiment Maine Infantry, and Company L, Second Regiment Maine Cavalry, and pay him a pension of $30 per month in lieu of the pension he is now receiving on certificate No. 211491.

The amendments reported by the committee were read, and agreed to, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "of Pawtucket, R. I.;" in the same line strike out the word "a."

In line 6 strike out the words "private in" and insert in lieu thereof the word "of;" in the same line, after the word "Maine," insert the word "Volunteer."

In line 7, before the word "Cavalry," insert the word "Volunteer."

In line 8, after the word "pension," insert the words "at the rate;" in the same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In line 9 strike out the words "the pension" and insert in lieu thereof the word "that."

Strike out all after the word "receiving," in line 9.

Also amend the title so as to read: "A bill granting an increase of pension to George W. Wakefield."

The bill as amended was laid aside to be reported favorably to the House.

JANE F. CHALMERS.

The next business on the Private Calendar was the bill (H. R. 1946) granting a pension to Jane F. Chalmers.

The bill was read, as follows:

Be it enacted, etc., That the name of Jane F. Chalmers, of Allegheny, Pa., as widow of George Chalmers, who served as George Watts in Company A, Sixty-ninth Regiment New York Infantry Volunteers, and in Company D, Eighth United States Infantry, be placed on the pension roll of the United States at the rate of $12 per month, to date from her application for pension No. 696713.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane F. Chalmers, widow of George Chalmers, alias George Watts, late of Company D, Eighth Regiment United States Infantry, and of Company A, Sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month; and said Secretary of the Interior is further directed to recognize Jane F. Chalmers as the widow of the within-named soldier in the adjudication of his rejected claim to pension under the act of June 27, 1890, and to readjudicate said claim to pension, and pay to said Jane F. Chalmers whatever pension may be found due to said soldier under his claim named above."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LOUIS MILLER.

The next business on the Private Calendar was the bill (S. 195) for the relief of Louis Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Louis Miller, late a member of the Sixty-second New York Infantry Volunteers, and to grant him an honorable discharge as of date August 4, 1862, from Company I of said regiment: *Provided*, That no pay, bounty, or allowances shall be allowed by reason of this act.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

FREDERICK MEHRING.

The next business on the Private Calendar was the bill (H. R. 6344) to remove the charge of desertion from the records of the War Department against Frederick Mehring.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the records of the War Department now standing against Frederick Mehring, late a private of Company C, Sixteenth New York Volunteer Cavalry, and grant him an honorable discharge.

The following amendment, recommended by the Committee on Military Affairs, was read:

At the end of the bill insert the following proviso: "*Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES W. KESSLER.

The next business on the Private Calendar was the bill (H. R. 3268) granting an increase of pension to James W. Kessler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James W. Kessler, late of Company C, Eleventh Regiment New Hampshire Infantry Volunteers, and pay him a pension of $24 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6 strike out the word "Volunteers;" and in the same line, before the word "Infantry," insert the word "Volunteer."

In line 7, after the word "pension," insert the words "at the rate;" in the same line strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SUSIE E. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 4828) to place on the pension roll the name of Susie E. Johnson.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Susie E. Johnson, widow of W. H. Johnson, late of Companies D and E, Seventh Rhode Island Volunteer Infantry, during the war of the rebellion, and pay her a pension subject to the provisions and limitations of the pension laws.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the following: "subject to the provisions and limitations of the pension laws."

In line 5 strike out the letter "W." and insert in lieu thereof the word "William."

In line 6, after the word "Seventh," insert the word "Regiment."

In lines 6 and 7 strike out the words "during the war of the rebellion."

In lines 7 and 8 strike out the words "subject to the provisions and limitations of the pension laws" and insert in lieu thereof the words "at the rate of $8 per month."

Also amend the title so as to read: "A bill granting a pension to Susie E. Johnson."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

BERTHA M. JORDAN.

The next business on the Private Calendar was the bill (H. R. 8079) granting a pension to Bertha M. Jordan.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bertha M. Jordan, dependent daughter of Elias T. Jordan, late of Company A, Nineteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES J. LYONS.

The next business on the Private Calendar was the bill (H. R. 6304) to increase the pension of James J. Lyon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Lyon, of Union City, Pa., late member Company C, Eighty-third Pennsylvania Volunteers, and pay him a pension of $30 per month in lieu of the pension of $12 per month he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the word "Lyon" and insert in lieu thereof the word "Lyons;" in the same line strike out the words "of Union City, Pa.;" in the same line strike out the word "member" and insert in lieu thereof the word "of."

In line 7, before the word "Pennsylvania," insert the word "Regiment;" strike out the word "Volunteers" in the same line, and after the word "Pennsylvania" insert the words "Volunteer Infantry."

In line 8, after the word "pension," insert the words "at the rate."

Strike out, in line 8, the words "the pension" and insert in lieu thereof the word "that."

In line 9 strike out the words "of $12 per month."

Also amend the title so as to read: "A bill granting an increase of pension to James J. Lyons."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MISSOURI B. ROSS.

The next business on the Private Calendar was the bill (H. R. 1677) granting an increase of pension to Missouri B. Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Missouri B. Ross, widow of Orlando H. Ross, late of Company D, Twentieth Illinois Infantry, and captain and aid-de-camp, staff of General Grant, and pay her a pension at the rate of $12 per month, the same to be in lieu of the pension she now receives.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on;" in the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6, after the word "Twentieth," insert the word "Regiment;" in the same line, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out all after the word "month" and insert in lieu thereof the following: "in lieu of that she is now receiving."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZA A. LAKE.

The next business on the Private Calendar was the bill (H. R. 8669) granting an increase of pension to Eliza A. Lake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Lake, widow of Capt. J. N. Lake, late Companies B and H, Ninety-third Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of the pension she is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the letter "J." after the word "Captain" and insert in lieu thereof the word "Jarvis;" in the same line, after the word "late," insert the word "of."

In lines 6 and 7 strike out the word "Companies" and insert in lieu thereof the word "Company."

In line 7 strike out the words "and H."

In line 7, before the word "Ohio," insert the word "Regiment."

In line 9 strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES WINNIE.

The next business on the Private Calendar was the bill (H. R. 8083) granting an increase of pension to James Winnie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Winnie, late of Company B, Ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8 strike out the word "twenty-four," and in lieu thereof insert the word "eighteen."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JULIA A. FLOYD.

The next business on the Private Calendar was the bill (H. R. 3563) to grant a pension to T. Gilbert Floyd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, at $12 per month, the name of T. Gilbert Floyd, son of Joel G. Floyd, deceased, late a member of the Twenty-third and Sixty-first regiments of Massachusetts Volunteer Infantry, the said T. Gilbert Floyd being rendered incapable of self-support on account of epileptic fits.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "laws," in line 5, and all of the lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "The name of Julia A. Floyd, widow of Joel G. Floyd, late private Company A, Twenty-third Regiment, and sergeant, Company H, Sixty-first Regiment, Massachusetts Volunteer Infantry, and pay her a pension at the rate of $22 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the epileptic child, T. Gilbert Floyd, on whose account the pension of Julia A. Floyd is increased, the pension of said Julia A. Floyd shall continue only at the rate of $8 per month and $2 per month for the minor child, Zoe, now on the rolls, from and after the date of death of said epileptic child."

Amend title so as to read: "A bill granting an increase of pension to Julia A. Floyd."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

BELL FRIES.

The next business on the Private Calendar was the bill (H. R. 8800) granting an increase of pension to Libbie Fries.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Libbie Fries, daughter of Edmond Fries, late of Company B, Ninth Regiment New York Heavy Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "laws," in line 5, and all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "the name of Bell Fries, widow of Edmond Fries, late of Company B, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided, however*, That in the event of the death of the helpless child of the soldier, Libbie, the pension of the said Bell Fries shall continue only at the rate of $12 per month from and after the date of death of such child."

Also amend the title so as to read: "A bill granting an increase of pension to Bell Fries."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LIZZIE M. DIXON.

The next business on the Private Calendar was the bill (H. R. 5211) granting a pension to Lizzie M. Dixon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie M. Dixon, as widow of Eugene Baker, late of Company I, Eighth Regiment New Hampshire Volunteer Infantry, and pay her a pension of $12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the word "as."

In line 8, after the word "pension," insert the words "at the rate of."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

TIMOTHY B. EASTMAN.

The next business on the Private Calendar was the bill (H. R. 3635) granting an increase of pension to Timothy B. Eastman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Timothy B. Eastman, late of Company D, Eleventh New Hampshire Infantry Volunteers, and pay him a pension of $24 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5, after the word "Eleventh," insert the word "Regiment."

In line 6, before the word "Infantry," insert the word "Volunteer;" and in the same line strike out the word "Volunteers;" in the same line, after the word "pension," insert the words "at the rate."

In line 7 strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LAURA S. PONTIOUS.

The next business on the Private Calendar was the bill (H. R. 4657) granting a pension to Mrs. Laura S. Pontious.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Mrs. Laura S. Pontious, of Dayton, Pa., widow of Augustus T. Pontious, late first sergeant of Company B, One hundred and thirty-ninth Regiment of Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on;" in the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the word "Mrs.;" also the words "of Dayton, Pa."

In line 6 strike out the word "of."

In line 7 strike out the word "of."

In line 8 strike out the word "to;" in the same line, after the word "pension," insert the words "at the rate;" in the same line strike out the word "twelve" and insert in lieu thereof the word "eight."

Amend the title so as to read: "A bill granting a pension to Laura S. Pontious."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALICE D. ROATCH.

The next business on the Private Calendar was the bill (H. R. 7767) to pension Alice D. Roatch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and required to place on the pension roll the name of Alice D. Roatch, widow of David E. Roatch, late lieutenant-colonel of Ninety-eighth Ohio Volunteer Infantry, and to pay her a pension at the rate of $50 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "be," in line 3, and all in lines 4, 5, 6, and 7, and insert in lieu thereof the following: "and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice D. Roatch, widow of David E. Roatch, late major Ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month."

Also amend the title so as to read: "A bill granting a pension to Alice D. Roatch."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES H. GATES.

The next business on the Private Calendar was the bill (H. R. 8339) granting an increase of pension to Charles H. Gates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Gates, late private, First New York Battery, New York Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The following amendments, recommended by the committee, were read:

In line 4 strike out the word "upon" and in lieu thereof insert the word "on."

In line 6 strike out the words "New York" and insert in lieu thereof the word "Independent."

In line 7 strike out the word "Volunteers" and in lieu thereof insert the words "Volunteer Light Artillery."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty-five."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MRS. THERESE W. HARD.

The next business on the Private Calendar was the bill (H. R. 6019) granting a pension to Mrs. Therese W. Hard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Therese W. Hard, widow of Benjamin F. Hard, First Ohio Light Artillery, at the rate of $12 per month.

The following amendments, recommended by the committee, were read:

In line 5 strike out the word "general."

In line 6 strike out the word "Mrs."

Strike out all in line 7 after the word "Hard."

Strike out all of line 8 and insert in lieu thereof the following: "late of Company G, First Regiment Ohio Volunteer Light Artillery, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHESTER WILLIS.

The next business on the Private Calendar was the bill (H. R. 6375) granting an increase of pension to Chester Willis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $50 per month, subject to the provisions and limitations of the pension laws, the name of Chester Willis, late of Company M, Tenth Michigan Volunteer Cavalry, the pension hereby granted to be in lieu of that which he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In lines 4 and 5 strike out the words "at the rate of $50 per month."

In line 7, before the word "Michigan," insert the word "Regiment."

Strike out in lines 7 and 8 the words "the pension hereby granted to be"

and insert in lieu thereof the following: "and pay him a pension at the rate of $40 per month."

In line 8 strike out the word "which."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH BENT COOPER.

The next business on the Private Calendar was the bill (H. R. 3225) granting a pension to Elizabeth Bent Cooper, of Yorktown, Va.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Elizabeth Bent Cooper, late a volunteer nurse in the civil war, and pay her a pension of $12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 7 strike out the words "civil war" and insert in lieu thereof the words "Medical Department, United States Volunteers."

In the same line, after the word "pension," insert the words "at the rate."

Also amend title so as to read: "A bill granting a pension to Elizabeth Bent Cooper."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

DANIEL H. KENT.

The next business on the Private Calendar was the bill (H. R. 9070) granting an increase of pension to Daniel H. Kent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel H. Kent, late of Company F, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EZRA A. BENNETT.

The next business on the Private Calendar was the bill (H. R. 4267) granting an increase of pension to Ezra A. Bennett, of Basin, in the State of Nebraska.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezra A. Bennett, late member of Company C, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

In line 6 strike out the word "member."

In line 7, before the word "Wisconsin," insert the word "Regiment."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four;" in the same line strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3537. An act to grant authority to change the name of the steamship *Paris*—to the Committee on Merchant Marine and Fisheries;

S. 2166. An act granting a pension to Charles A. D. Wiswell—to the Committee on Invalid Pensions; and

S. R. 108. Joint resolution providing for the printing of the report of the governor of Arizona for 1899—to the Committee on Printing.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 4008. An act to establish light and fog stations to mark the main southern entrance of the new breakwater at Buffalo, N. Y.

EDWARD T. KENNEDY.

The committee resumed its sitting.

The next business on the Private Calendar was the bill (H. R. 5110) to increase the pension of Edward T. Kennedy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Edward T. Kennedy, of Greenfield, Mo., late captain of Company C, of the Eleventh New Jersey Volunteer Infantry, to $100 per month, and cause his pension to be paid to him at that rate in lieu of the pension which he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "to," in line 4, and all in lines 5, 6, 7, 8, and 9, and insert in lieu thereof the words: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward T. Kennedy, late of Company C, Eleventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH E. BALDWIN.

The business on the Private Calendar was the bill (H. R. 3454) granting a pension to Joseph E. Baldwin, of Topeka, Kans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $30 per month, subject to the provisions and limitations of the pension laws, the name of Joseph E. Baldwin, of Topeka, Kans., late of Company C, National Guards, Enrolled Missouri Militia, and Company C, Seventh Regiment Enrolled Missouri Militia, and Company A, Missouri Militia, and Company E, Thirty-second Regiment of Enrolled Missouri Militia.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "roll," in line 4, and all in lines 5, 6, 7, 8, 9, 10, and 11, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Joseph E. Baldwin, late of Company C, First Regiment Enrolled Missouri Militia, Company C, Seventh Regiment Enrolled Missouri Militia, and Company E, Thirty-second Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT H. JONES.

The next business on the Private Calendar was the bill (H. R. 4675) to recognize the rank and rerate the pension of Robert H. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Robert H. Jones, with the rank of second lieutenant of Company A, Fifth Regiment United States Colored Troops, and to rate his pension in accordance with said rank.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "roll," in line 4, and all in lines 5, 6, and 7, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Robert H. Jones, late of the Fifth Battery Ohio Light Artillery, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving."

Mr. NORTON of Ohio. Mr. Chairman, I desire to amend the bill in line 9, after the word "late," by inserting the words "second lieutenant." It is simply to give him his proper rank.

The Clerk read as follows:

In line 9, after the word "late," insert the words "second lieutenant."

Mr. NORTON of Ohio. Pardon me. I have just received information that instead of the Fifth Battery Ohio Light Artillery it should be Fifth United States Colored Troops; so that my amendment should read: "Insert after the word 'late' and before the word 'of,' 'second lieutenant of Fifth United States Colored Troops.'"

The Clerk read as follows:

After the word "Fifth," in line 9, strike out "Battery Ohio Light Artillery" and insert "United States Colored Troops."

The CHAIRMAN. The question is upon the amendment to the amendment offered by the gentleman from Ohio.

The amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. TALBERT. Mr. Chairman, I do not rise to oppose this bill. I will vote for it; but before I vote for it I would like, in my own time, to have read a letter which appeared in Sunday's Post of the 11th, which, while it is ridiculous, is rather a vindication of my course. It is written by a Federal soldier who was awarded a medal for bravery upon the battlefield; and, not with a view to any criticism, I would be glad to have the Clerk read it.

Mr. GROSVENOR. I would like to know if it relates to the pending bill.

Mr. TALBERT. No, sir; not exactly. It relates to pensions generally and to my course, and is rather a vindication of it, though somewhat ridiculous. I am not trying to kill time, but will ask the Clerk to read it, as it will save time when we go into the House.

The CHAIRMAN. The gentleman asks unanimous consent

for the reading of the letter which he sends to the desk. Is there objection? [After a pause.] The Chair hears none.

Mr. DALZELL. I object, Mr. Chairman, to the reading of it.

The CHAIRMAN. The gentleman from Pennsylvania objects.

Mr. TALBERT. I then ask that it be read in my own time; I have the floor.

Mr. DALZELL. It is out of order.

The CHAIRMAN. The Clerk will read.

Mr. TALBERT. I ask that it be read in my own time.

The Clerk read as follows:

House night school—Refractory pupils brought to book by Professor TALBERT—Compulsory-attendance issue—Number of members who "play hookey" has been growing session after session, and the South Carolinian now insists that there must be reform—There will be no school at night hereafter unless a quorum is present. (Copyright, 1900, by Amos J. Cummings.)

Mr. PAYNE. Mr. Chairman, that is not in order, and I object to it.

The CHAIRMAN. Objection is made that the article is not in order.

Mr. TALBERT. Does the Chair sustain the objection?

The CHAIRMAN. The Chair sustains the objection. The question is on laying aside the bill with a favorable recommendation.

Mr. TALBERT. Now, Mr. Chairman, I think that is rather a captious objection of the gentleman from New York or somewhere that this small privilege shall be denied me. The fact is, I have been unjustly criticised by the newspapers for the course I have taken, and this is somewhat of a vindication of my course. The letter bears upon the general subject of pension legislation. I have sat here all day and not interposed any objection to these bills that have been considered.

Now, I desire to let the committee go to the House and pass these bills, and I do not desire to be an obstructionist, but if this simple privilege is denied me, remember that I demand that you bring a quorum when you get back into the House to pass these bills. Now, it is simply a privilege, and I hope the gentleman will withdraw his objection. It hurts nobody, while it is rather ridiculous.

Mr. PAYNE. That does not improve matters. I do not propose to be bulldozed to allow anything to go into the RECORD. I do not believe, further, that it is in any way germane to the bill.

Mr. TALBERT. It is a little ridiculous.

Mr. GROSVENOR. It comes to this, Mr. Chairman, a gentleman occupying the position of a member of Congress comes here with a lot of frivolous stuff out of a newspaper and attempts to block the wheels of legislation unless he can print it in the RECORD.

The CHAIRMAN. This discussion is out of order. The question is on laying the bill aside with a favorable recommendation.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. SULLOWAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole, reported that that committee had had under consideration sundry bills on the Private Calendar, and had directed him to report back, with the recommendation that they lie on the table, the following bills:

H. R. 3202. A bill granting a pension to Catherine E. O'Brien; and

H. R. 7400. A bill for the relief of James J. Wheeler, Lagrande, Union County, Oregon Volunteers.

Also, that the committee had had under consideration the following House bills, and had directed him to report the same back without amendment, with the recommendation that they do pass:

H. R. 8605. A bill granting a pension to Joseph Champlin Stone;

H. R. 6372. A bill granting a pension to Abbie Webster; and

H. R. 9070. A bill granting an increase of pension to Daniel H. Kent.

Also, that the committee had had under consideration the following Senate bills, and had directed him to report the same back without amendment, with the recommendation that they do pass:

S. 1718. An act granting an increase of pension to Alice S. Jordan;

S. 205. An act granting an increase of pension to Jane McMahon;

S. 343. An act granting an increase of pension to Mary J. Freeman;

S. 495. An act granting a pension to Ambrose J. Vanarsdel;

S. 1592. An act granting a pension to Jane E. Augur;

S. 39. An act granting an increase of pension to Caroline V. English;

S. 2346. An act granting an increase of pension to Alfred Bigelow;

S. 1254. An act granting a pension to Catherine E. O'Brien;

S. 3129. An act granting an increase of pension to Henry McMillen;

S. 1752. An act granting a pension to James J. Wheeler;

S. 2368. An act granting a pension to Mary A. Randall; and

S. 195. An act for the relief of Louis Miller.

Also that the Committee of the Whole had had under consideration the following House bills, and had directed him to report the same back with sundry amendments, and with the recommendation that as amended they do pass:

H. R. 4836. A bill for the relief of Wilbur F. Loveland, late of Company E, Seventh Pennsylvania Cavalry Volunteers;

H. R. 857. A bill for the relief of James Chapman, late surgeon Eighth New York Cavalry, assistant surgeon Nineteenth New York Infantry, and surgeon One hundred and twenty-third New York Infantry;

H. R. 856. A bill for the relief of Mary McCarthy, mother of John McCarthy, Sixth Company, First Battalion, New York Sharpshooters;

H. R. 4335. A bill granting a pension to Sarah Robinson, guardian of William H. Edmonds, helpless and idiotic minor of Joseph C. Edmonds;

H. R. 7323. A bill granting an increase of pension to Harrison Canfield;

H. R. 8397. A bill for the relief of John White;

H. R. 7445. A bill granting a pension to Emma B. Reed;

H. R. 7594. A bill granting a pension to Amelia Taylor;

H. R. 3085. A bill granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry;

H. R. 1768. A bill granting an increase of pension to George J. Stealy, of Clarksburg, W. Va.;

H. R. 156. A bill granting a pension to Lena E. Patterson;

H. R. 6356. A bill to grant an increase of pension to Lewis R. Armstrong;

H. R. 4795. A bill granting an increase of pension to John O'Connor;

H. R. 1800. A bill granting a pension to Hulda L. Maynard;

H. R. 7799. A bill to grant an increase of pension to Franklin M. Burdoin;

H. R. 4089. A bill granting a pension to Emily Burke;

H. R. 3214. A bill to increase the pension of J. S. Dukate;

H. R. 2623. A bill for the relief of Melville Oliphant;

H. R. 4791. A bill granting a pension to Catherine A. Schwunger, of Berks County, Pa.;

H. R. 7488. A bill to pension John C. Ray;

H. R. 301. A bill for the relief of James T. Donaldson, jr.;

H. R. 6486. A bill to increase the pension of Orange F. Berdan;

H. R. 4991. A bill granting a pension to Maria V. Sperry;

H. R. 3775. A bill granting an increase of pension to Robert Boston;

H. R. 5088. A bill granting a pension to William G. Willoughby;

H. R. 8045. A bill granting a pension to Wilford Cooper;

H. R. 5961. A bill to authorize and direct the Secretary of the Interior to reissue the pension certificate of Charles A. Hausmann and increase the rate of his pension;

H. R. 3821. A bill granting a pension to Frances D. Best, widow of Lieut. Col. Joseph G. Best;

H. R. 4180. A bill granting an increase of pension to A. J. Pickett;

H. R. 2076. A bill granting an increase of pension to Horace N. Brackett;

H. R. 8395. A bill to increase the pension of Henry Johns;

H. R. 8405. A bill granting a pension to Sophronia Seeley;

H. R. 2748. A bill granting an increase of pension to Henry Schnettberg, of Indiana, Pa.;

H. R. 3654. A bill for the relief of Calvin Myers, of Overton County, Tenn., a soldier in the Mexican war;

H. R. 625. A bill granting a pension to Wesley Reed;

H. R. 5169. A bill granting an increase of pension to Charles Weed;

H. R. 4805. A bill for the relief of Isaac Price;

H. R. 741. A bill increasing the pension of Zedock C. Andrews;

H. R. 5970. A bill for the relief of Phebe S. Riley;

H. R. 3962. A bill granting an increase of pension to Alanson C. Eberhart, of York, York County, Nebr.;

H. R. 7599. A bill granting an increase of pension to John F. Crawford;

H. R. 2728. A bill to pension Thomas T. Garrison;

H. R. 6784. A bill granting a pension to Henry H. Neff, of Winchester, Randolph County, Ind.;

H. R. 3758. A bill for back pay and increase of pension for Joshua Ricketts;

H. R. 5134. A bill granting an increase of pension to J. F. Allison;

H. R. 7177. A bill granting a pension to John N. Breed;

H. R. 2999. A bill granting an increase of pension to George M. Brown;

H. R. 6785. A bill to increase the pension of Maria Egan, widow of Michael Egan, late captain Company G, Eighty-eighth New York Volunteers;

H. R. 4696. A bill granting an increase of pension to Ruthven W. Houghton;
H. R. 4247. A bill granting a pension to Francis S. Wolfe;
H. R. 3312. A bill for the relief of Ellen V. Myer, widow of George V. Myer, late of Company K, Fifteenth Pennsylvania Infantry;
H. R. 3307. A bill for the relief of Matilda Hennessy;
H. R. 657. A bill granting a pension to Francis A. Kitchen, late surgeon, United States Army;
H. R. 6995. A bill to pension Catherine Harris;
H. R. 8599. A bill granting a pension to Ellen J. Williams;
H. R. 7596. A bill granting an increase of pension to Mrs. Eliza Wight;
H. R. 6624. A bill granting an increase of pension to John C. Bradley;
H. R. 1409. A bill for the relief of Robert A. Ragan;
H. R. 5209. A bill granting an increase of pension to Samuel A. Greeley;
H. R. 8112. A bill granting a pension to John Vogler;
H. R. 4681. A bill granting a pension to Elizabeth Keiff;
H. R. 8378. A bill for the relief of Mary Steffens, widow of Henry Steffens, deceased, Company F, Ninth Ohio Infantry Volunteers;
H. R. 1147. A bill granting an increase of pension to Dr. Luke H. Cooper, now totally blind;
H. R. 5127. A bill granting a pension to John Lafollett;
H. R. 4138. A bill granting a pension to Elizabeth A. Hyatt;
H. R. 3642. A bill granting an increase of pension to Adolphus Lavine, late captain of Company I, One hundred and sixty-ninth New York Volunteers;
H. R. 4276. A bill granting a pension to John R. Eggeman;
H. R. 6900. A bill granting an increase of pension to Benjamin F. Kurtz;
H. R. 6885. A bill granting an increase of pension to Horace B. Durant;
H. R. 5886. A bill granting a pension to William H. Lane;
H. R. 6952. A bill to pension Carry L. Dale, widow;
H. R. 457. A bill granting a pension to Mrs. Clara L. Harriman;
H. R. 3131. A bill to restore to the pension roll the name of Matilda O'Connor;
H. R. 3941. A bill to restore the pension of Samuel B. Weeks;
H. R. 4654. A bill granting a pension to Simon Van Der Vaart;
H. R. 5170. A bill granting a pension to Cyrus Johnson;
H. R. 8610. A bill granting a pension of $50 per month to Abner S. Crawford;
H. R. 8120. A bill granting an increase of pension to David I. Wentworth;
H. R. 7535. A bill granting an increase of pension to Clare H. Burleigh;
H. R. 493. A bill granting a pension to Fanny M. Hays;
H. R. 642. A bill to increase the pension of Gen. C. C. Doolittle;
H. R. 1681. A bill granting an increase of pension to Isaac M. Lock;
H. R. 4398. A bill to grant a pension to Julius Vogt;
H. R. 1172. A bill granting a pension to Mrs. Rebecca J. Jones;
H. R. 4562. A bill for the relief of Lois A. Fields, widow of George W. Fields, late of Company I, Forty-seventh Pennsylvania Militia Volunteers;
H. R. 6159. A bill granting a pension to Arnold Bloom, of Curwensville, Pa.;
H. R. 4030. A bill for the relief of Minnie and Lottie M. Coleman, helpless children of Thomas R. Coleman;
H. R. 5435. A bill to increase the pension of Alexander P. Baugher, of Company G, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry;
H. R. 3021. A bill granting a pension to Eliza H. Getchell;
H. R. 2397. A bill granting a pension to Eliza S. Redfield;
H. R. 4832. A bill granting a pension to Martha E. Graves;
H. R. 6195. A bill granting a pension to Livingstone B. Gregory, formerly private, Company F, One hundred and eighty-ninth Regiment New York Volunteer Infantry;
H. R. 6731. A bill granting a pension to William F. Tait;
H. R. 2203. A bill to increase the pension of John M. Garrett;
H. R. 3093. A bill granting an increase of pension to Abraham Sanford;
H. R. 548. A bill granting a pension to Edward Harris;
H. R. 3869. A bill granting a pension to Joseph H. Hamrick;
H. R. 6089. A bill to pension Alfred T. Moreland;
H. R. 737. A bill granting a pension to Cyntha A. Middleton;
H. R. 8390. A bill granting an increase of pension to Joshua Mitchell;
H. R. 5171. A bill to increase the pension of William H. Wallace;
H. R. 240. A bill granting an increase of pension to George W. Wakefield, of Pawtucket, R. I.;
H. R. 1946. A bill granting a pension to Jane F. Chalmers;
H. R. 6344. A bill to remove the charges of desertion from the records of the War Department against Frederick Mehring;
H. R. 3268. A bill granting an increase of pension to James W. Kessler;
H. R. 4828. A bill to place on the pension roll the name of Susie E. Johnson;
H. R. 8079. A bill granting a pension to Bertha M. Jordan;
H. R. 6304. A bill to increase the pension of James J. Lyon;
H. R. 1677. A bill granting an increase of pension to Missouri B. Ross;
H. R. 8069. A bill granting an increase of pension to Eliza A. Lake;
H. R. 8083. A bill granting an increase of pension to James Winnie;
H. R. 3563. A bill to grant a pension to T. Gilbert Floyd;
H. R. 8800. A bill granting an increase of pension to Libbie Fries;
H. R. 5211. A bill granting a pension to Lizzie M. Dixon;
H. R. 3655. A bill granting an increase of pension to Timothy B. Eastman;
H. R. 4657. A bill granting a pension to Mrs. Laura S. Pontius, of Dayton, Pa.;
H. R. 7767. A bill to pension Alice D. Roatch;
H. R. 8339. A bill granting an increase of pension to Charles H. Gates;
H. R. 6019. A bill granting a pension to Mrs. Therese W. Hard;
H. R. 6275. A bill granting an increase of pension to Chester Willis;
H. R. 3225. A bill granting a pension to Elizabeth Bent Cooper, of Yorktown, Pa.;
H. R. 4267. A bill granting an increase of pension to Ezra A. Bennett, of Basin, in the State of Nebraska;
H. R. 5110. A bill to increase the pension of Edward T. Kennedy;
H. R. 3454. A bill granting a pension to Joseph E. Baldwin, of Topeka, Kans.; and
H. R. 4675. A bill to recognize the rank and rerate the pension of Robert Jones.

The SPEAKER. The gentleman from Iowa, Chairman of the Committee of the Whole, reports that that committee has had under consideration certain bills on the Private Calendar, two of which are reported back with the recommendation that they do lie on the table, and others, some with amendment and some without, with the recommendation that they do pass. The Clerk will read the first bill.

The Clerk read as follows:

H. R. 4836. A bill for the relief of Wilbur F. Loveland, late of Company E, Seventh Pennsylvania Cavalry Volunteers.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 69, noes 1.

Mr. TALBERT. Mr. Speaker, I make the point of no quorum.

Mr. SULLOWAY. The yeas and nays, Mr. Speaker.

The SPEAKER. The doors will be closed; the yeas and nays are ordered on the pending question. Those in favor of the engrossment and third reading of the bill will, when their names are called, vote "aye," and those opposed will vote "no;" those desiring not to vote will answer "present." The Clerk will call the roll.

The question was taken; and there were—yeas 150, nays 1, answered "present" 29, not voting 171; as follows:

YEAS—150.

Adams,	Davenport, S. A.	Kleberg,	Pierce, Tenn.
Alexander,	Davenport, S. W.	Lacey,	Phillips,
Allen, Me.	Davey,	Lamb,	Ray,
Babcock,	Davidson,	Lawrence,	Richardson,
Baker,	Davis,	Lentz,	Ridgely,
Bankhead,	De Vries,	Levy,	Roberts,
Barney,	Denny,	Long,	Rodenberg,
Bell,	Dick,	Loudenslager,	Ryan, N. Y.
Bellamy,	Dolliver,	Lovering,	Ryan, Pa.
Benton,	Dovener,	Lybrand,	Shafroth,
Boreing,	Driscoll,	McCleary,	Sheldon,
Boutell, Ill.	Elliott,	McCulloch,	Sheppard,
Bowersock,	Esch,	McPherson,	Snodgrass,
Brenner,	Fitzgerald, Mass.	Mahon,	Spalding,
Bromwell,	Fletcher,	Marsh,	Sperry,
Brown,	Foss,	Mercer,	Sprague,
Burke, S. Dak.	Gardner, N. J.	Metcalf,	Stark,
Burkett,	Gaston,	Miers, Ind.	Steele,
Burton,	Gill,	Miller,	Stephens, Tex.
Calderhead,	Graff,	Minor,	Stewart, N. Y.
Caldwell,	Graham,	Mondell,	Stewart, Wis.
Cannon,	Grout,	Moody, Mass.	Sulloway,
Capron,	Hall,	Moody, Oreg.	Sutherland,
Catchings,	Hamilton,	Moon,	Talbert,
Clark, Mo.	Heatwole,	Morgan,	Thayer,
Clarke, N. H.	Hedge,	Morris,	Tongue,
Clayton, Ala.	Hemenway,	Mudd,	Vandiver,
Clayton, N. Y.	Henry, Conn.	Naphen,	Wachter,
Cochran, Mo.	Henry, Miss.	Needham,	Warner,
Cochrane, N. Y.	Hepburn,	Neville,	Waters,
Cooper, Wis.	Hill,	Norton, Ohio	Williams, J. R.
Cousins,	Howell,	Norton, S. C.	Wise,
Cox,	Jack,	O'Grady,	Wright,
Crawford,	Jett,	Olmsted,	Young,
Cromer,	Johnston,	Otey,	Ziegler,
Curtis,	Jones, Wash.	Overstreet,	The Speaker.
Dahle, Wis.	Joy,	Parker, N. J.	
Dalzell,	Kerr,	Payne,	

NAYS—1.

Sims.

ANSWERED "PRESENT"—20.

Brundidge,	Grosvenor,	Loud,	Small,
Burke, Tex.	Hay,	McRae,	Smith, Ky.
Cowherd,	Hopkins,	Maddox,	Vreeland,
De Armond,	Hull,	Meyer, La.	Williams, Miss.
Dougherty,	Jenkins,	Pugh,	Zenor.
Driggs,	Lanham,	Russell,	
Eddy,	Little,	Scudder,	
Gibson,	Lloyd,	Slayden,	

NOT VOTING—171.

Acheson,	Daly, N. J.	Latimer,	Shattuc,
Adamson,	Dayton,	Lester,	Sherman,
Aldrich,	De Graffenreid,	Lewis,	Showalter,
Allen, Ky.	Dinsmore,	Linney,	Sibley,
Allen, Miss.	Emerson,	Littauer,	Smith, Ill.
Atwater,	Faris,	Littlefield,	Smith, H. C.
Bailey, Kans.	Finley,	Livingston,	Smith, Samuel W.
Bailey, Tex.	Fitzgerald, N. Y.	Lorimer,	Smith, Wm. Alden
Ball,	Fitzpatrick,	McAleer,	Southard,
Barber,	Fleming,	McCall,	Sparkman.
Barham,	Fordney,	McClellan,	Spight,
Bartholdt,	Foster,	McDowell,	Stallings,
Bartlett,	Fowler,	McLain,	Stevens, Minn.
Berry,	Fox,	Mann,	Stewart, N. J.
Bingham,	Freer,	May,	Stokes,
Bishop,	Gaines,	Meekison,	Sulzer,
Boutelle, Me.	Gamble,	Mesick,	Swanson.
Bradley,	Gardner, Mich.	Muller,	Tate,
Brantley,	Gayle,	Newlands,	Tawney,
Breazeale,	Gilbert,	Noonan,	Tayler, Ohio
Brewer,	Gillet, N. Y.	Otjen,	Taylor, Ala.
Brick,	Gillett, Mass.	Packer, Pa.	Terry,
Brosius,	Glynn,	Pearce, Mo.	Thomas, Iowa
Broussard,	Gordon,	Pearre,	Thomas, N. C.
Brownlow,	Green, Pa.	Polk,	Thropp,
Bull,	Greene, Mass.	Powers,	Tompkins,
Burleigh,	Griffith,	Prince,	Turner,
Burleson,	Griggs,	Quarles,	Underhill,
Burnett,	Grow,	Ransdell,	Underwood,
Butler,	Haugen,	Reeder,	Van Voorhis,
Campbell,	Hawley,	Reeves,	Wadsworth,
Carmack,	Henry, Tex.	Rhea, Ky.	Wanger,
Chanler,	Hitt,	Rhea, Va.	Watson,
Connell,	Hoffecker,	Riordan,	Weaver,
Cooney,	Howard,	Rixey,	Weeks,
Cooper, Tex.	Jones, Va.	Robb,	Weymouth,
Corliss,	Kahn,	Robertson, La.	Wheeler, Ky.
Crowley,	Ketcham,	Robinson, Ind.	White,
Crump,	Kitchin,	Robinson, Nebr.	Williams, W. E.
Crumpacker,	Kluttz,	Rucker,	Wilson, Idaho
Cummings,	Knox,	Ruppert,	Wilson, N. Y.
Cusack,	Landis,	Salmon,	Wilson, S. C.
Cushman,	Lane,	Shackleford,	

The roll call being concluded,

The SPEAKER said: The Clerk will announce the pairs.

The following pairs were announced:

For this session:

Mr. REEVES with Mr. SPARKMAN.

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. METCALF with Mr. WHEELER of Kentucky.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. HULL with Mr. HAY.

Mr. JACK with Mr. FINLEY.

Mr. WANGER with Mr. ADAMSON.

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

Until further notice:

Mr. BARNEY with Mr. ALLEN of Mississippi.

Mr. MANN with Mr. JETT.

Mr. BROMWELL with Mr. MCDOWELL.

Mr. MESICK with Mr. BURKE of Texas.

Mr. SHERMAN with Mr. DRIGGS.

Mr. BROWNLOW with Mr. CARMACK.

Mr. FREER with Mr. SWANSON.

Mr. PRINCE with Mr. GRIFFITH.

Mr. MCCALL with Mr. GAINES.

Mr. GIBSON with Mr. TATE.

Mr. TAYLER of Ohio with Mr. FOX.

Mr. EDDY with Mr. ROBB.

Mr. FOWLER with Mr. BARTLETT.

Mr. SMITH of Illinois with Mr. GAYLE.

Mr. SOUTHARD with Mr. NORTON of Ohio.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. PUGH with Mr. TAYLOR of Alabama.

Mr. HENRY C. SMITH with Mr. RANSDELL.

Mr. BISHOP with Mr. LESTER.

Mr. GAMBLE with Mr. NOONAN.

Mr. LOUDENSLAGER with Mr. STALLINGS.

Mr. SHOWALTER with Mr. DE ARMOND.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. VAN VOORHIS with Mr. GORDON.

Mr. TAWNEY with Mr. COWHERD.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. SAMUEL W. SMITH with Mr. RUCKER, until April 5.

Mr. WEEKS with Mr. KLUTTZ, until April 2.

Mr. CORLISS with Mr. LENTZ, until April 1.

Mr. GROUT with Mr. LIVINGSTON, until March 28.

Mr. PEARCE of Missouri with Mr. FITZGERALD of New York, until March 28.

Mr. BARTHOLDT with Mr. DOUGHERTY, until March 28.

Mr. KETCHAM with Mr. MULLER, until March 27.

Mr. THROPP with Mr. QUARLES, until March 26.

Mr. HOWELL with Mr. THOMAS of North Carolina, until March 26.

Mr. LINNEY with Mr. ROBINSON of Nebraska, until March 26.

Mr. FARIS with Mr. ZENOR, until March 30.

Mr. POWERS with Mr. BERRY, until March 24.

Mr. GARDNER of Michigan with Mr. ATWATER, until March 24.

For this day:

Mr. WADSWORTH with Mr. COONEY.

Mr. LORIMER with Mr. SHACKLEFORD.

Mr. LANE with Mr. BRUNDIDGE.

Mr. EMERSON with Mr. RUPPERT.

Mr. OTJEN with Mr. LEWIS.

Mr. CRUMP with Mr. BRANTLEY.

Mr. ACHESON with Mr. MCLAIN.

Mr. JENKINS with Mr. ALLEN of Kentucky.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. BINGHAM with Mr. BURLESON.

Mr. THOMAS of Iowa with Mr. RIORDAN.

Mr. VREELAND with Mr. MAY.

Mr. REEDER with Mr. HENRY of Texas.

Mr. YOUNG with Mr. BAILEY.

Mr. BURLEIGH with Mr. BANKHEAD.

Mr. BARHAM with Mr. UNDERWOOD.

Mr. BOUTELLE of Maine with Mr. HOWARD.

Mr. FORDNEY with Mr. FLEMING.

Mr. GROW with Mr. RIXEY.

Mr. LITTAUER with Mr. BRADLEY.

Mr. TALBERT (interrupting the reading of the pairs). Mr. Speaker, before it is developed that there is no quorum present, as I do not want to punish the whole House for the petulance of one man, I ask leave to withdraw the point of no quorum.

The SPEAKER. The gentleman's request is out of order. The Chair regrets that the gentleman did not make it sooner. But after the count has been made, developing that there is no quorum, it is not competent to dispense with proceedings under the call by the withdrawal of the point of no quorum.

The reading of the pairs was resumed and concluded.

Mr. EDDY. I am paired with the gentleman from Missouri, Mr. ROBB. I wish to withdraw my vote and to vote "present."

Mr. TALBERT. Mr. Speaker, a parliamentary inquiry. Will it be in order to ask unanimous consent that the roll call be vacated?

The SPEAKER. We have no power to do that until we have a quorum present.

Mr. JENKINS. I desire to announce that my colleague, Mr. OTJEN, is sick at his hotel, and I ask that he be excused.

The SPEAKER. The gentleman from Wisconsin states that his colleague, Mr. OTJEN, is sick, and he asks that he may be excused. That is in order on this call. Is there objection?

There was no objection.

Mr. MCCULLOCH. I wish to make the same request on behalf of my colleague, Mr. TERRY, who is sick.

The SPEAKER. The gentleman from Arkansas, Mr. MCCULLOCH, states that his colleague, Mr. TERRY, is sick, and asks that he be excused. Is there objection?

There was no objection.

Mr. ADAMS. I am paired with my colleague, Mr. MCALEER, but believing that he would vote in the same way that I did I have voted.

The SPEAKER. These remarks are not in order.

Mr. BOUTELL of Illinois. My colleague, Mr. LORIMER, is detained at his house by the illness of one of his children, and I ask that he may be excused.

The SPEAKER. The gentleman from Illinois states that his colleague, Mr. LORIMER, is absent on account of illness in his family, and asks that he may be excused. Is there objection?

There was no objection.

Mr. S. A. DAVENPORT. My colleague, Mr. GROW, is detained from the House by reason of sickness. I ask that he be excused.

The SPEAKER. The gentleman from Pennsylvania states that his colleague, Mr. GROW, is absent on account of sickness, and asks that he may be excused. Is there objection?

There was no objection.

Mr. MOODY of Massachusetts. My colleague, Mr. MCCALL, is confined to his house in this city by illness, and I ask that he be excused.

The SPEAKER. The gentleman from Massachusetts states that his colleague, Mr. MCCALL, is confined to his house by sickness, and asks that he be excused. Is there objection?

There was no objection.

Mr. DRIGGS. I ask that my colleague, Mr. MULLER, be excused on account of sickness.

The SPEAKER. The gentleman states that his colleague is absent on account of sickness?

Mr. DRIGGS. Yes. I ask that he be excused.

The SPEAKER. The gentleman asks that his colleague, Mr. MULLER, be excused on account of sickness. Is there objection?

There was no objection.

The SPEAKER. The Clerk will call my name.

The Clerk called the Speaker, and he voted in the affirmative.

The result of the vote was then announced as above recorded.

So the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

House bills of the following titles, favorably reported from the Committee of the Whole with amendments, were severally considered, the amendments recommended by the Committee of the Whole agreed to, and the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 857) for the relief of James Chapman, late surgeon Eighth New York Cavalry, assistant surgeon Nineteenth New York Infantry, and surgeon One hundred and twenty-third New York Infantry;

A bill (H. R. 856) for the relief of Mary McCarthy, mother of John McCarthy, Sixth Company, First Battalion, New York Sharpshooters;

A bill (H. R. 4335) granting a pension to Sarah Robinson, guardian of William H. Edmonds, helpless and idiotic minor of Joseph C. Edmonds;

A bill (H. R. 7323) granting an increase of pension to Harrison Canfield;

A bill (H. R. 8397) for the relief of John White;

A bill (H. R. 7445) granting a pension to Emma B. Reed;

A bill (H. R. 7594) granting a pension to Amelia Taylor;

A bill (H. R. 3085) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry;

A bill (H. R. 1768) granting an increase of pension to George J. Stealy, of Clarksburg, W. Va.;

A bill (H. R. 156) granting a pension to Lena E. Patterson;

A bill (H. R. 6356) to grant an increase of pension to Lewis R. Armstrong; and

A bill (H. R. 4795) granting an increase of pension to John O'Connor.

Mr. SULLOWAY. I ask unanimous consent that on the remaining bills favorably reported from the Committee of the Whole the previous question may be considered as ordered, on the bills and amendments to their final passage.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that the previous question be ordered upon the several bills and amendments to their passage, excepting those which were reported with the recommendation that they lie upon the table. Is there objection?

There was no objection.

PUERTO RICO.

Mr. CANNON. Mr. Speaker, if the gentleman will allow me, I should be glad to present a conference report. I ask unanimous consent to dispense with the reading of the report, and that the Clerk read the statement.

Mr. RICHARDSON. Mr. Speaker, pending that, I should like to ask the gentleman if the minority member of the committee [Mr. MCRAE] has signed this statement.

Mr. CANNON. No; he has not.

Mr. RICHARDSON. I see that the gentleman from Arkansas [Mr. MCRAE] is now in his seat.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the reading of the report and to have the statement read. Is there objection?

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain and revenues hereafter collected on such importations under existing law, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, and 5.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following: "now existing and which may hereafter be established in Puerto Rico, and for the aid and relief of the people thereof, and for public education, public works, and other governmental and public purposes therein until otherwise provided by law;" and the Senate agree to the same.

J. G. CANNON,
W. H. MOODY,
Managers on the part of the House.
W. B. ALLISON,
EUGENE HALE,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9080) appropriating for the benefit and government of Puerto Rico the revenues collected on importations therefrom since its evacuation by Spain and revenues hereafter collected on such importations under existing law, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on the amendments of the Senate, namely:

The full text of the bill as finally agreed upon by the conference committee reads as follows:

"That the sum of $2,095,455.88, being the amount of customs revenue received on importations by the United States from Puerto Rico since the evacuation of Puerto Rico by the Spanish forces on the 18th of October, 1898, to the 1st of January, 1900, together with any further customs revenue collected on importations from Puerto Rico since the 1st of January, 1900, or that shall hereafter be collected under existing law, shall be placed at the disposal of the President, to be used for the government now existing and which may hereafter be established in Puerto Rico, and for the aid and relief of the people thereof, and for public education, public works, and other governmental and public purposes therein until otherwise provided by law; and the revenues herein referred to, already collected and to be collected under existing law, are hereby appropriated for the purposes herein specified, out of any moneys in the Treasury not otherwise appropriated."

J. G. CANNON,
W. H. MOODY,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker——

Mr. MCRAE. Does the gentleman expect a vote on this to-night?

Mr. CANNON. I hope to. To-morrow is Saturday——

Mr. MCRAE. It is now 5 o'clock, and certainly there is not time to discuss it and vote on it this evening.

Mr. RICHARDSON. And this is pension day.

Mr. CANNON. As the bill agreed upon is substantially the House bill, and as it ought to be passed at once if it is to be passed at all——

Mr. MCRAE. Oh, I know that has been the——

Mr. CANNON. Well, the gentleman says that has been the statement from time to time—I suppose that is what the gentleman intended to say—but the bill as agreed upon is substantially the House bill, and in reality, if there is any point in passing the bill at all, as I believe there is, it ought to be passed as early as possible. I will yield to the gentleman if he desires some time.

Mr. MCRAE. I desire some time, and other gentlemen would like to have some time. I do not think anything can be gained by trying to pass the bill this evening, and I suggest that the gentleman let the report and statement be printed in the RECORD and taken up to-morrow immediately after the reading of the Journal. It is not our fault that the bill has not been passed before. We only discussed it twenty minutes when it was first presented and twenty-eight minutes when it came into the House again.

Mr. CANNON. I think we would have passed it two or three days ago if we could have gotten a chance, but the delay seems to have been in the coordinate branch.

Mr. MCRAE. It has not been our fault.

Mr. CANNON. How much time does the gentleman desire?

Mr. MCRAE. I want about twenty-five or thirty minutes, and some other gentlemen on this side may want some time, but I do not know.

Mr. CANNON. Well, I have sixty minutes, and I will yield to the gentleman twenty minutes or twenty-five.

Mr. MCRAE. I will say to the gentleman with perfect frankness that we shall ask a yea-and-nay vote on this, and at this hour he must certainly agree with me that——

Mr. CANNON. I want to say to the gentleman that I am not willing that this conference report shall be delayed until Monday, and I do want to have it passed, if I can, to-night.

Mr. MCRAE. We can take it up to-morrow.

Mr. CANNON. But to-morrow at 1 o'clock there is a special order.

Mr. MCRAE. Well, we can, by unanimous consent, postpone that until 2 o'clock. I do not want to be the means of delaying the bill at all.

Mr. CANNON. Let us do the best we can to pass it to-night. I will yield twenty or twenty-five minutes to the gentleman.

Mr. MCRAE. It is perfectly apparent to the gentleman that there is no quorum present.

Mr. CANNON. We have just had a quorum.

Mr. MCRAE. I know; but the gentleman knows as well as I do that members have left since, and it will simply keep those of us who are here a couple of hours longer to get them back, when it can be done to-morrow just as well.

Mr. COX. Pass it over until to-morrow.

Mr. CANNON. I think we can at least complete the discussion of this conference report to-night, and, I trust, have a vote. I think we have a quorum here. I told everybody that I could get at that I would call it up and dispose of it if the House would consent to to-night.

Mr. RICHARDSON. I do not see why we can not postpone the special order until 2 o'clock, and that will give us two hours to dispose of the bill to-morrow. There will be no objection to postponing the special order.

Mr. CANNON. I think we have a quorum now, and I am afraid we will not have to-morrow.

Mr. RICHARDSON. There will be no trouble about that. There is not a quorum here now, and it is 5 o'clock Friday evening, and we have worked diligently all the afternoon.

Mr. CANNON. Is there any reason why we should not go on now and complete the bill?

Mr. RICHARDSON. We expect about an hour's debate, and that takes us to 6 o'clock, and then a yea-and-nay vote, and it will take to about 7, and then possibly we will not have a quorum. Why not let it go over until to-morrow?

Mr. McRAE. I will say to the gentleman from Illinois that no notice was given that this would be called up; gentlemen on both sides have gone home supposing that we would go on with the pension bills when a quorum was got, as they expected that would be the order for the remainder of this afternoon; and I suggest that he ask unanimous consent to set up the special order to 2 o'clock, and we will make any reasonable arrangement as to the time at which the vote shall be taken.

Mr. CANNON. I will accommodate the gentleman as far as I can. I will ask unanimous consent that the special order to-morrow shall be postponed until the conference report is disposed of, that we vote on the conference report to-morrow at 1 o'clock, and that the hour preceding 1 o'clock, commencing after the reading of the Journal, shall be divided equally between the two sides.

Mr. McRAE. That is entirely satisfactory to me.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the special order for to-morrow be postponed until the disposition of this conference report, that after the reading of the Journal the consideration of the same shall take place, the time to be equally divided between the two sides, the vote to be taken at 1 o'clock. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FREER, indefinitely, on account of sickness.

To Mr. LINNEY, for ten days, on account of important business.

To Mr. COONEY, for ten days, on account of important business.

To Mr. CRUMP, for two weeks, on account of illness in his family.

Mr. PAYNE. Mr. Speaker, I move that the House adjourn.

Mr. STEELE. I hope the gentleman will withdraw that for a moment.

Mr. PAYNE. I will withdraw it.

STATUE OF GOVERNOR OLIVER P. MORTON.

Mr. STEELE. Mr. Speaker, I ask unanimous consent that Saturday, April 14, be devoted to consideration of resolutions accepting the statue of Governor Morton.

The SPEAKER. The gentleman from Indiana asks unanimous consent that Saturday, April 14—at what hour?

Mr. STEELE. At 1 o'clock.

The SPEAKER. At 1 o'clock, be set apart for ceremonies in connection with the receiving by Congress of the statue of the late Governor Oliver P. Morton, of Indiana. Is there objection?

Mr. FITZGERALD of Massachusetts. I object, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9566) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay, reported the same without amendment, accompanied by a report (No. 754); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 14) to print 6,000 additional copies of the report of the Director of the Mint, reported the same with amendment, accompanied by a report (No. 755); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 23) to print 8,000 copies of matter furnished by the Director of the Bureau of American Ethnology, reported the same without amendment, accompanied by a report (No. 756); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 2542) to authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts, reported the same with amendment, accompanied by a report (No. 757); which said bill and report were referred to the House Calendar.

Mr. GILLETT of Massachusetts, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 2931) to incorporate the American National Red Cross, and for other purposes, reported the same with amendment, accompanied by a report (No. 758); which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred House bill 758, reported in lieu thereof a joint resolution (H. J. Res. 213) to allot the lands of the Mescalero Apache Indians in Donna Ana County, N. Mex., accompanied by a report (No. 759); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON of New York, from the Committee on the District of Columbia, to which was referred the resolution of the House (H. Res. 188) directing the Commissioners of the District of Columbia to communicate to the House information as to telephone companies doing business in the District of Columbia, reported the same with amendment, accompanied by a report (No. 760); which said resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9574) to increase pension of Catharine Brown, widow of Frank Brown; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MESICK: A bill (H. R. 9917) to provide for the purchase of a site and the erection of a public building thereon at Traverse City, in the State of Michigan—to the Committee on Public Buildings and Grounds.

By Mr. RIXEY: A bill (H. R. 9918) for the relief of certain employees of the United States whose pay was withheld and used for other purposes—to the Committee on Claims.

By Mr. SUTHERLAND: A bill (H. R. 9919) granting pensions to certain prisoners of war—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 9920) providing for leasing the arid public lands of the United States—to the Committee on the Public Lands.

Also (by request), a bill (H. R. 9921) conferring powers upon the Commission to the Five Civilized Tribes in the Indian Territory to enroll certain persons claiming membership in either the Choctaw, Chickasaw, Cherokee, or Creek tribes of Indians; granting the right of appeal from the judgments of said commission and from the judgments of the United States court in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. DE ARMOND: A bill (H. R. 9922) to regulate proceedings in cases of contempt—to the Committee on the Judiciary.

By Mr. DRIGGS (by request): A bill (H. R. 9923) providing for the purchase of Forbes's historical art collection—to the Committee on the Library.

By Mr. SPIGHT: A bill (H. R. 9924) to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss.—to the Committee on Interstate and Foreign Commerce.

By Mr. WACHTER: A bill (H. R. 9925) to amend certain sections of Title LII of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. STEPHENS of Texas, from the Committee on Indian Affairs: A joint resolution (H. J. Res. 213) setting aside certain lands within the Mescalero Indian Reservation, in New Mexico, for the use of the Indians thereon, and providing for the sale of the residue of the lands therein for the benefit of said tribe of Indians—to the Union Calendar.

By Mr. LENTZ: A joint resolution (H. J. Res. 214) requesting the President of the United States to withdraw the troops from Shoshone County, State of Idaho—to the Committee on Military Affairs.

By Mr. SHAFROTH: A joint resolution (H. J. Res. 215) inviting the Republic of Nicaragua to join the United States—to the Committee on Foreign Affairs.

By Mr. BAKER: A resolution (H. Res. 194) for the appointment of an additional clerk to the Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 195) prohibiting the use of the mails for transmission of a publication entitled Sapho—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BAKER: A bill (H. R. 9926) for the relief of the heirs of James Whitaker, of Maryland—to the Committee on War Claims.

By Mr. BRADLEY: A bill (H. R. 9927) to pension Michael McAndrew—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 9928) granting an increase of pension to H. S. Reed, alias Daniel Hull—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9929) for the relief of F. H. Hunicke—to the Committee on Military Affairs.

By Mr. CUSHMAN: A bill (H. R. 9930) granting an increase of pension to William R. Munroe—to the Committee on Pensions.

By Mr. DRISCOLL: A bill (H. R. 9931) to place on the pension roll the name of John H. Jones—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 9932) for the relief of the heirs of Joseph Jennison—to the Committee on War Claims.

By Mr. GILL: A bill (H. R. 9933) for the relief of John H. Willis—to the Committee on Military Affairs.

Also, a bill (H. R. 9934) granting a pension to Sarah E. Chamberlain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9935) granting an increase of pension to Samuel Rosenlieb—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 9936) for the relief of the heirs of John F. Logan—to the Committee on War Claims.

By Mr. HEMENWAY: A bill (H. R. 9937) to remove the charge of desertion against Robert C. House—to the Committee on Military Affairs.

By Mr. JETT (by request): A bill (H. R. 9938) granting an increase of pension to Lizzie W. Eldridge—to the Committee on Pensions.

By Mr. LONG: A bill (H. R. 9939) granting an increase of pension to Chauncey L. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9940) granting an increase of pension to William E. Gates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9941) granting an increase of pension to Calvin Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9942) granting an increase of pension to Samuel F. Leard—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 9943) granting a pension to Elizabeth K. Long—to the Committee on Pensions.

By Mr. MINOR: A bill (H. R. 9944) granting an increase of pension to Albert Rudiger—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 9945) granting a pension to Thomas B. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9946) granting a pension to Thomas Shockley—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 9947) authorizing the Court of Claims to hear and pass upon the claim of Thomas P. Gray for property taken and used by the troops of the United States during the war of the rebellion—to the Committee on War Claims.

Also, a bill (H. R. 9948) for the relief of the heirs at law of James W. Allen, deceased—to the Committee on War Claims.

By Mr. McRAE: A bill (H. R. 9949) for the relief of the estate of Robert B. Pearce, deceased—to the Committee on Claims.

By Mr. MIERS of Indiana: A bill (H. R. 9950) granting a pension to Cornelius Meadows—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9951) granting a pension to Matilda Daugherty—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 9952) for the relief of John S. Mann, of Frederick County, Md.—to the Committee on War Claims.

By Mr. PIERCE of Tennessee: A bill (H. R. 9953) for the relief of J. M. Hines, of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. PEREA: A bill (H. R. 9954) granting a pension to Henry Sturgis—to the Committee on Pensions.

By Mr. RIXEY: A bill (H. R. 9955) for relief of estate of Mrs. Malinda Eaton, of Loudoun County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 9956) for relief of Rev. George T. Tyler, of Falls Church, Va.—to the Committee on War Claims.

By Mr. SPIGHT: A bill (H. R. 9957) for the relief of the estate of Benjamin Hawes, deceased, late of Union County, Miss.—to the Committee on War Claims.

By Mr. TURNER: A bill (H. R. 9958) granting an increase of pension to Israel B. Webster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9959) granting a pension to A. G. Moore—to the Committee on Pensions.

Also, a bill (H. R. 9960) granting an increase of pension to Evelyn Neale Murray—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 9961) granting a pension to George Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9962) to remove the charge of desertion against Larkin S. Robertson—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Soap Makers' Association of Philadelphia, Pa., relating to the tax on the use of alcohol in the arts or in any medicinal or other like compound—to the Committee on Ways and Means.

Also, resolutions of the Trades League of Philadelphia, Pa., in favor of Senate amendments to House bill No. 8347, restoring the appropriations for the maintenance of the Hydrographic Office—to the Committee on Appropriations.

By Mr. BABCOCK: Petition of druggists at Reedsburg, Wis., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of citizens of Juneau County, Wis., urging the passage of House bill No. 2583, giving veterans preference in employment—to the Committee on Reform in the Civil Service.

By Mr. BELL: Petition of citizens of Greeley, Colo., favoring Government distribution of vaccine, etc.—to the Committee on Agriculture.

Also, petitions of citizens of Montrose, Yampa, and Pinnacle, Colo., opposing grants of public lands to any parties but actual settlers, and favoring irrigation of arid lands, etc.—to the Committee on the Public Lands.

Also, petition of Emil Berger, S. H. Schild, and others, of Colorado, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of the Young People's Society of Christian Endeavor of the First Presbyterian Church of Colorado Springs, Colo., against the army canteen—to the Committee on Military Affairs.

By Mr. BINGHAM: Resolution of Soap Makers' Association of Philadelphia, Pa., favoring the enactment of the Platt and Russell bills respecting alcohol used in the arts—to the Committee on Ways and Means.

Also, resolution of the Trades League of Philadelphia, Pa., approving the Senate amendments to the legislative bill respecting the Hydrographic Office, Navy Department—to the Committee on Appropriations.

Also, petition of W. A. Weber and other citizens of Philadelphia, Pa., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. BOUTELLE of Maine: Petition of E. C. Dow and others, of Bradford, Me., in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. BOWERSOCK: Petition of citizens of Westphalia, Kans., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of Burnside Post, of Kansas City, Kans., Grand Army of the Republic, praying for the passage of House bill No. 7094—to the Committee on Military Affairs.

By Mr. BRENNER: Petition of Millikin Post, No. 228, Department of Ohio, Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BROMWELL: Petition of Women's Auxiliary No. 12, of Encampment No. 41, Union Veteran Legion, asking for the passage of per diem pension bill—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Petition of citizens of Audrain County, Mo., favoring the Grout bill relating to oleomargarine—to the Committee on Agriculture.

By Mr. CLARKE of New Hampshire: Petition of citizens of Penacook, Contoocook, and Colebrook, N. H., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. COCHRANE of New York: Petition of Henry S. Ambler and others, of Chatham, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Texas: Papers to accompany House bill for the relief of H. S. Reed—to the Committee on Invalid Pensions.

By Mr. DAHLE of Wisconsin: Petition of A. A. Pardee and others, of Madison, Wis., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. DAVIS: Petition of citizens of Candler, Fla., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Petition of the Des Moines News Company and other newspapers of Iowa, favoring the passage of

House bill No. 765, to refund the internal-revenue tax on alcohol used in the arts—to the Committee on Ways and Means.

Also, petitions of Grand Army of the Republic posts at Boone, Humboldt, and Gilmore City, Iowa, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. FITZGERALD of Massachusetts: Resolution of Armorer's Association, of Springfield, Mass., urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

Also, petition of the Mercantile Club, of Kansas City, Kans.; the Commercial Club, of Kansas City, Mo., and the Retail Merchant's Association, of Illinois, against any legislation increasing the tax on oleomargarine—to the Committee on Ways and Means.

Also, resolutions of the Eastern Conference of Anti-Imperialists at Philadelphia, Pa., in relation to guerrilla bands in Manila—to the Committee on Military Affairs.

By Mr. GAMBLE: Petition of A. M. Olman and others, of Garretson, S. Dak., favoring House bill No. 3717, relating to dairy and food products—to the Committee on Agriculture.

By Mr. GRAHAM: Protest of the Botanical Society of Pennsylvania, against the contemplated sale of the Calaveras Grove of Sequoias—to the Committee on the Public Lands.

Also, protest of the American Business College, of Allentown, Pa., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the American Trade Press Association, favoring the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Petitions of citizens of the Second Congressional district of Vermont, against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of C. S. Scott, of Owego, N. Y.; W. S. Whalen, of West Burke, Vt., and others, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. HAMILTON: Sundry petitions of citizens of Michigan, against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Resolutions of citizens of Waterbury, Conn., expressing sympathy with the Transvaal Republic and the Orange Free State—to the Committee on Foreign Affairs.

Also, petition of E. H. Moore and others, of Hartford, Conn., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL: Petition of Winchester Grange, No. 74, Winchester, Conn., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. HOPKINS: Petition of R. C. West and others, of Sycamore, Ill., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of citizens of Elgin, Ill., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL: Petition of citizens of Morganville, N. J., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. JETT (by request): Papers to accompany House bill for an increase of pension to Lizzie W. Eldridge, widow of Capt. Bogardus Eldridge—to the Committee on Pensions.

By Mr. JOY: Remonstrance of Desnoyers Shoe Company and other business firms of St. Louis, Mo., against a parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of newspaper publishers of Kansas City, Mo., relating to House bill No. 5765, upon the subject of the tax on alcohol used in the arts—to the Committee on Ways and Means.

By Mr. KNOX: Paper to accompany House bill No. 9464, to remove the charge of desertion against Joseph S. Clark—to the Committee on Military Affairs.

Also, petitions of the Frances E. Willard Memorial Bureau and Lincoln Division, No. 101, Sons of Temperance, of Lawrence, Mass., urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, resolutions of the National Live Stock Association, favoring statehood for Oklahoma, New Mexico, and Arizona—to the Committee on the Territories.

By Mr. LEVY: Resolutions of the New York Board of Trade and Transportation, opposing the passage of House bill No. 8782—to the Committee on the Merchant Marine and Fisheries.

By Mr. LLOYD: Petition of citizens of Hannibal, Mo., asking for amendment of law with reference to rafting logs on certain rivers and streams—to the Committee on Rivers and Harbors.

By Mr. LONG: Resolutions of Kingman Post, No. 265, and General Strong Post, No. 82, Grand Army of the Republic, Department of Kansas, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petitions of citizens of New Jersey, urging the enactment of House bill 5475, known as the anti-canteen bill—to the Committee on Military Affairs.

By Mr. McPHERSON: Petitions of H. Henrickson and others, of Brayton, and J. E. Beck and others, of Bridgewater, Iowa, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. MANN: Petition of Local Union No. 59, of Chicago International Brotherhood of Electrical Workers, favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

By Mr. MERCER: Petition of employees of Bureau of Animal Industry, at Kansas City, Mo., with regard to leave of absence—to the Committee on Agriculture.

Also, petition of Girard Post, No. 315, of Herman, Nebr., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of newspaper publishers of Omaha, Nebr., favoring the passage of the Russell bill relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Petition of Post 445, of Carlisle, Ind., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MINOR: Petition of citizens of Waupaca, Portage, Outagamie, Wood, and Kewaunee counties, Miss., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. MONDELL: Petitions of citizens and voters in the State of Wyoming, in favor of woman suffrage in Hawaii, Cuba, Puerto Rico, and the Philippines, and for a constitutional amendment giving the right of franchise to women in the United States—to the Committee on the Judiciary.

By Mr. MOON: Petition of the Grand Army of the Republic Posts of Chattanooga and Cleveland, Tenn., favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. NAPHEN: Petition of R. K. Gordon and others, of Boston and vicinity, for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of the University Methodist Episcopal Church, of Los Angeles, Cal., urging the passage of a bill limiting divorce and for a constitutional amendment against polygamy—to the Committee on the Judiciary.

Also, petition of the University Methodist Episcopal Church, of Los Angeles, Cal., concerning the sale of cigarettes; also to prohibit kinetoscope reproductions of prize fights and gambling—to the Committee on Interstate and Foreign Commerce.

Also, petition of the University Methodist Episcopal Church, of Los Angeles, Cal., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of the University Methodist Episcopal Church, of Los Angeles, Cal., for the exclusion of illiterate immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Atlantic Post, No. 92, of Fresno, Cal., Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the University Methodist Episcopal Church, of Los Angeles, Cal., to forbid the sale of intoxicating liquors in Soldiers' Homes—to the Committee on Military Affairs.

Also, resolutions of examiners of merchandise at the port of San Francisco, urging an amendment of House bill No. 7843, increasing their compensation, etc.—to the Committee on Ways and Means.

By Mr. NORTON of Ohio: Protests of citizens of Florence, Berlinville, Galion, Sandusky, Tirs, and Bloomville, Ohio, against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Grand Army of the Republic posts at Sandusky, Wharton, Vermilion, and Prospect, State of Ohio, indorsing the bill to establish a Branch Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to John Conter—to the Committee on Pensions.

By Mr. NORTON of South Carolina: Resolutions of the Board of Trade of Georgetown, S. C., favoring appropriation for improving Georgetown Harbor—to the Committee on Rivers and Harbors.

Also, resolutions of the Board of Trade of Georgetown, S. C., in favor of appropriation for public building for custom-house, etc.—to the Committee on Public Buildings and Grounds.

By Mr. PEARRE: Resolutions of Tyler Post, No. 5, and Cook

Post, No. 35, Grand Army of the Republic, Department of Maryland, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. RIXEY: Resolutions of a mass meeting at Lincoln, Va., to prohibit liquor selling in the Army or in our new possessions—to the Committee on Military Affairs.

Also, petition of John H. Watters, of Drawesville, Va., in regard to the admission of soldiers to Soldiers' Homes—to the Committee on Military Affairs.

Also, paper in support of bill for the relief of George T. Tyler, of Falls Church, Va.—to the Committee on Claims.

By Mr. ROBINSON of Indiana: Resolutions of Judson Kilpatrick Post, No. 45, of Fremont, Ind., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. RUSSELL: Resolutions of a mass meeting at Waterbury, Conn., expressing sympathy for the Boers—to the Committee on Foreign Affairs.

By Mr. SPALDING: Petition of the Retail Hardware Association of North Dakota, asking that nails be put on the free list—to the Committee on Ways and Means.

Also, resolution of North Dakota Game Association, favoring the passage of House bills 6634 and 6032, for the preservation and protection of wild game and the interstate transportation of the same—to the Committee on Interstate and Foreign Commerce.

Also, petition of James A. Garfield Post, No. 43, Department of North Dakota, Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of James A. Garfield Post, No. 43, Grand Army of the Republic, Department of North Dakota, in support of the House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. STARK: Petition of Coleman Post, No. 115, of Wymore, Nebr., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of M. S. Gray and other citizens of Davenport, Nebr., favoring an appropriation of $5,000,000 for the Louisiana Purchase Exposition at St. Louis, Mo., after said city shall have raised the sum of $10,000,000—to the Committee on Interstate and Foreign Commerce.

By Mr. SUTHERLAND: Resolutions of Iuka Post, No. 260, and A. E. Burnside Post, No. 79, Department of Nebraska, Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, protests of L. P. Cushman and others, in the Fifth Congressional district of Nebraska, against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WACHTER: Resolution of Veteran Post, No. 46, Department of Maryland, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WATERS: Resolution of the Chamber of Commerce of San Francisco, Cal., opposing the passage of House bill No. 1059, as being detrimental to the best interests of Alaska—to the Committee on the Territories.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the examiner of merchandise at the port of San Francisco, in favor of House bill No. 7843, increasing the maximum compensation of examiner of merchandise of the custom-house at the port of New York, and urging an amendment increasing the maximum compensation of examiners of merchandise of the custom-house at the port of San Francisco—to the Committee on Ways and Means.

Also, paper relating to amendment of paragraph 5, section 29, in the war-revenue bill—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., in relation to an act defining the duties of a board of United States general appraisers—to the Committee on Ways and Means.

Also, petition of members of the National Soldiers' Home, Los Angeles County, Cal., in relation to the distribution of certain appropriations to the inmates of the Soldiers' Homes—to the Committee on Military Affairs.

Also, petitions of the Orchard Avenue Baptist Church and the Church of the Redeemer, of Los Angeles, favoring the passage of a bill to exclude illiterate immigrants—to the Committee on Immigration and Naturalization.

Also, petitions of the Church of the Redeemer and Orchard Avenue Baptist Church, of Los Angeles, Cal., in relation to the sale of cigarettes, and subjecting them to State laws; also to prohibit the kinetoscope reproductions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also, petitions of certain churches of Los Angeles, Cal., to forbid the sale of liquor in Soldiers' Homes—to the Committee on Military Affairs.

Also, petitions of certain churches of Los Angeles, Cal., favoring a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petitions of certain churches of Los Angeles, to prohibit gambling in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, petitions of certain churches of Los Angeles, in relation to limiting divorce, and for a constitutional amendment against polygamy—to the Committee on the Judiciary.

By Mr. YOUNG: Petition of the New York Zoological Society, urging the passage of the Lacey bill for the protection of wild birds and game—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Soap Makers' Association of Philadelphia, Pa., urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

By Mr. ZENOR: Petition of Samuel Reid Post, No. 87, of Salem, Ind., Grand Army of the Republic, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

SENATE.

SATURDAY, *March 24, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 2d instant, a statement by the superintendent of the public schools of the District of Columbia relative to the whole number of pupils enrolled, and the average daily attendance of pupils in the public schools of the District of Columbia, and the total expenditures on account of the same for each of the fiscal years from the year ending June 30, 1885, to the year ending June 30, 1891, inclusive; which, on motion of Mr. MCMILLAN, was, with the accompanying papers, referred to the Committee on the District of Columbia, and ordered to be printed.

SLOOP BETSEY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of law and of fact filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel sloop *Betsey*, Peleg Blankinship, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented a memorial of sundry citizens of Fort Scott, Kans., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented a petition of the Sherman County League, of fourth-class postmasters of Ashton, Nebr., praying for the enactment of legislation to increase the salaries of fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BARD. I present a petition of the Pacific Stockmen's Association, praying for the speedy and favorable enactment of a law to classify lands in the arid and semi-arid regions, segregating such tracts as are more valuable for grazing than any other purpose, and leasing the same as grazing ranges for the use of actual stock owners. I ask that the petition be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the petition was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

LEASING THE GRAZING LANDS.—A MEMORIAL BY THE PACIFIC STOCKMEN'S ASSOCIATION.

To the Congress of the United States:

Your memorialists have the honor to respectfully present this request for your speedy and favorable action upon a law to classify lands in the arid and

semi-arid regions, segregating such tracts as are more valuable for grazing than any other purpose and leasing the same as grazing ranges for the use of actual stock owners and the owners of abutting agricultural lands, reserving mineral and such other rights as will equalize benefits, induce actual agricultural settlement where the same is possible, and, above all, arrest the rapid destruction of the sole value of these ranges, which consists in their natural grasses and other forage.

For our reasons we beg to say: That the present land laws of this country recognize only three classes of land—agricultural, mineral, and timber. The maximum area in which land in each class may be acquired by law is fixed, and all such lands may pass into private ownership. Experience has furnished evidence that in the region of which we speak there are vast tracts of land which are in neither class. Their highest present value is for grazing. Their forage is a source of national wealth which can be obtained only by feeding stock upon them. The law for which we pray should provide for the expert classification of these lands by the Agricultural Department and for leasing them to stockmen in such holdings as will permit their use for grazing, furnish a motive for the renewal of their exhausted forage by understocking and reseeding, and will leave the title in the Federal Government, in order that if nobler use than grazing finally appear patents may issue to the agricultural settlers of the future.

The rapid decline of the grazing value of these ranges is a fact of common knowledge and is due to their use as commons, which furnishes no motive for their preservation, but encourages their overstocking, that each herdsman may get what he can of their value in the present, regardless of the future. When this condition is stated, another is disclosed. In all the region under consideration, if there is to be a future agriculture, it must depend upon conservation of moisture. The ranges, being rapidly stripped of their annual covering of forage, are as constantly increasing in aridity. What rain falls upon them runs off, and the streams which drain it are alternately torrential and dry. The destruction of the forage therefore not only makes the land that is stripped more arid, but creates desert conditions which affect disastrously the moisture of the whole intermountain regions by increasing evaporation and the radiation of heat. Therefore the remote interests of the future agricultural settler will be served by reserving Federal title and control under such oversight as will make forfeiture of leases the penalty of overstocking and continued obliteration of the natural forage. We believe that administration of such a law should be by the Federal Government alone and that the surplus revenue over the cost of such administration should be given to the States and Territories wherein the lands are located, in trust, for use in the storage of storm waters for irrigation to bring into tillage lands that may be made fertile thereby. This will return to the States and Territories a revenue in lieu of the taxes lost to them by reason of the title to these arid ranges remaining in Federal ownership. The official statistics show that in the year 1898 in the following States and Territories the Government land bore to the whole area of each these proportions:

	Per cent.
California	58
Arizona	76
Montana	78
Utah	82
Wyoming	86
Idaho	89
Nevada	95

These lands are mainly arid and mountain tracts, and mostly would yield some revenue that would go to the States for irrigation, the highest economic purpose to which it can be devoted in the arid region. But if the ranges remain much longer in common, their forage will be permanently eradicated and aridity of the whole region will be dangerously increased, the possibility of agricultural settlement will be indefinitely deferred, meat food supply and export of the country will disastrously decrease, and the revenue that might increase the irrigated area by water storage will be forever lost.

We are not unmindful of the opposition that comes from stockmen themselves and from the advocates of a different policy within the region concerned. The governors of Colorado, South Dakota, Wyoming, Nebraska, Montana, and Arizona have asked for delay.

Some of these gentlemen have frankly indicated their purpose to be the granting of all these lands to the States and Territories in which they are situated and the final relinquishment of Federal title and control. Such policy is urged in the interest of the agricultural settler. It is history, however, that State control of all lands heretofore so granted to the States has proved to be in the interest of large aggregations rather than that of small holders. The Federal Government land policy is, historically, the only friend of the small holder who wishes to found and support a home upon the products of the soil. We hold, therefore, that these arid ranges should be held in trust by the Federal Government for the future settler, wherever agriculture may prove to be a possibility, and that such possibility be meanwhile increased by reclothing them with the forage of which they have been stripped, to renew their moisture and their valuable capacity as a conserver of rainfall and its prolonged run off in the channels of streams that were once perrennial and are now periodically dry.

Finally, we are not asking of your honorable body a novel and untried policy. The State of Texas, finding its public domain stripped and going back to desert by use as commons, has adopted this leasehold policy, and the benefits have already appeared to justify it. Australia, under conditions almost exactly like ours, was stung to action by the same results that are now upon us, and saved and restored the value of her grazing domain by a leasehold system that has proved of inestimable value. The land grant of the Northern Pacific Railway was largely composed of arid grazing lands, and, after degeneration by extirpation of the forage had far progressed, that corporation adopted the leasehold system, which has already proved its conspicuous value.

For these reasons we ask your favorable consideration of such a law, admonishing all concerned that every season that passes without it at the same time adds to its necessity and detracts from its utility, for the value of the ranges is passing every year, never to return.

The foregoing memorial was adopted by the Pacific Stockmen's Association at a convention thereof held in San Francisco March 5, 1900, and ordered presented to the Congress of the United States.

F. C. LUSK,
President Pacific Stockmen's Association.
F. J. SINCLAIR,
Secretary.

Mr. BARD presented a petition of the official board of the University Methodist Episcopal Church, of Los Angeles, Cal., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium and the prohibiting of gambling in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of the official board of the University Methodist Episcopal Church, of Los Angeles, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Soldiers' Homes, immigrant stations, and all other Government buildings; which was referred to the Committee on Military Affairs.

He also presented a petition of the official board of the University Methodist Episcopal Church, of Los Angeles, Cal., praying for the adoption of a constitutional amendment disqualifying polygamists and transferring the punishment of polygamy to the Federal power; which was referred to the Committee on the Judiciary.

He also presented a petition of the official board of the University Methodist Episcopal Church, of Los Angeles, Cal., praying for the enactment of legislation limiting absolute divorce; which was referred to the Committee on the Judiciary.

He also presented a petition of the official board of the University Methodist Episcopal Church, of Los Angeles, Cal., praying for the enactment of legislation prohibiting the sale of cigarettes imported in original packages from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the official board of the University Methodist Episcopal Church, of Los Angeles, Cal., praying for the enactment of legislation prohibiting kinetoscopic reproductions of prize fights in the District of Columbia and the Territories, the interstate transportation of materials for the same, and also the transmission by mail or interstate commerce of newspaper descriptions of the same; which was referred to the Committee on the Judiciary.

He also presented a petition of the official board of the University Methodist Episcopal Church, of Los Angeles, Cal., praying for the enactment of legislation to exclude illiterate immigrants; which was referred to the Committee on Immigration.

He also presented a petition of the official board of the University Methodist Episcopal Church, of Los Angeles, Cal., praying for the enactment of legislation to suppress gambling in the District of Columbia and the Territories, and to prohibit interstate gambling by telegraph; which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented a petition of the executive committee of the Business Men's League of St. Louis, Mo., and the board of directors of the Merchants' Exchange of St. Louis, Mo., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Lyon Grange, No. 1343, Patrons of Husbandry, of Lewis County, Mo., and a petition of Haywood Grange, No. 121, Patrons of Husbandry, of Missouri, praying for the enactment of legislation to secure protection against the adulteration of pure-food products; which were referred to the Committee on Manufactures.

Mr. GALLINGER presented a memorial of sundry citizens of Milan, N. H., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented memorials of Mrs. Caroline Grover and 25 other citizens of Reading; of the North American Horticulturist, of Monroe; the International Business College, of Saginaw; the Ludington Business and Normal College, of Ludington, and the Greening Brothers Nurseries, of Monroe, all in the State of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of J. J. Nash & Co. and 24 other citizens of Marcellus, Mich., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union, the congregations of the Baptist Church, the Congregational Church, and the Methodist Church, all of Otsego, in the State of Michigan, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium and to suppress gambling in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of the congregation of the Methodist Episcopal Church of Byron Center, Mich., remonstrating against the importation, traffic in, and sale of intoxicating liquors in the Philippines; which was referred to the Committee on the Philippines.

He also presented petitions of the Board of Trade of Grand Rapids; the McMoran Milling Company, of Port Huron; the Chamber of Commerce of Muskegon; the Advance Thresher Company, of Battlecreek, and of A. E. Lawrence, of Decatur, all in the State of Michigan, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Company F, Third Regiment of Infantry; Company M, Third Regiment of Infantry, and Company B, First Independent Battery of the Michigan National State, Guard, praying for the enactment of legislation to improve the armament of the militia; which were referred to the Committee on Military Affairs.

Mr. KEAN presented memorials of the Compressed Air, of Plainfield; the Jersey City News, of Jersey City; the New Jersey Sunday School Messenger, of Trenton; the Hunterdon County Democrat, of Flemington; the Somerset Democrat, of Somerville; the Freie Presse, of Elizabeth; the Times; the Journal, of Orange; the Middlesex County Democrat, of Perth Amboy; the Great Round World, of East Orange; W. J. Brooks, of Jersey City, and of John J. Eagan, of Hoboken, all in the State of New Jersey, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 13, Amalgamated Sheet Metal Workers' International Association, of Ridgewood; of Local Union No. 20, United Brotherhood of Carpenters and Joiners, of Camden; of Local Union No. 138, Cigar Makers' International Union, of Newark; of Local Union No. 28, Stove Mounters' International Association, of Dover; of Local Union No. 3, Cigar Makers' International Union, of Paterson; of Local Union No. 87, Amalgamated Woodworkers' International Union, of Jersey City; of Bridgeton Lodge, No. 107, International Association of Machinists, of Bridgeton; of Typographical Union No. 150, of Elizabeth, and of Local Union No. 59, Amalgamated Sheet Metal Workers' International Association, of Paterson, all in the State of New Jersey, praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States; which were referred to the Committee on Education and Labor.

He also presented a memorial of Local Union No. 138, Cigar Makers' International Union, of Newark, N. J., remonstrating against the free importation of cigars from Puerto Rico and the Philippine Islands; which was ordered to lie on the table.

He also presented petitions of sundry druggists of New Jersey, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented petitions of the Torance Manufacturing Company, of Harrison; the Paterson Machine Works, of Paterson, and of S. J. Meeker, of Newark, all in the State of New Jersey, and a petition of the Herb Medicine Company, of Springfield, Ohio, praying that an appropriation be made to provide for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of New Jersey, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition from sundry churches and societies, representing 11,720 citizens of Passaic, N. J., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of Local Union No. 20, United Brotherhood of Carpenters and Joiners, of Camden, N. J., praying that all the remaining public lands of the United States be held for the benefit of the whole people; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Springfield, Milburn, and Maplewood, all in the State of New Jersey, praying for the enactment of legislation regulating divorces; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry railway mail clerks of Somerville, Paterson, Washington, Longbranch, Morristown, Madison, and South Orange, all in the State of New Jersey, praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New Jersey Society of the Daughters of the Revolution and a petition of the Orange Political Study Club, of Orange, N. J., praying for the enactment of legislation to regulate the pay of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented petitions of the Woman's Christian Temperance unions of Monroe and Winterport and of the Woman's Relief Corps of Winterport, all in the State of Maine, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

Mr. FRYE presented a petition of the Merchants' Club of Chicago, Ill., praying for the enactment of legislation to increase the efficiency of the foreign service of the United States, and to provide for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented the memorial of Elizabeth A. Parker and 18 other citizens of New York City, remonstrating against the enactment of legislation providing for a customs tariff between the United States and Puerto Rico; which was ordered to lie on the table.

He also presented a memorial of the Commercial Club of Kansas City, Mo., and a memorial of the Mercantile Club of Kansas City, Kans., remonstrating against the enactment of legislation placing a tax upon and regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

LEVI C. FAUGHT.

Mr. COCKRELL. I ask unanimous consent that the Senate request the House of Representatives to return to the Senate the bill (S. 477) granting a pension to Levi C. Faught, that some amendments may be made to it. The bill was passed by the Senate on the 3d of March, 1900, and is pending in the House. I desire to have it returned to the Senate that a change may be made in the bill.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the House be requested to return to the Senate the bill indicated by him. Is there objection? The Chair hears none. Does the Senator enter a motion to reconsider now?

Mr. COCKRELL. Probably I ought to enter a motion to reconsider.

The PRESIDENT pro tempore. It is the usual way to enter a motion to reconsider and accompany it with a motion to recall the bill.

Mr. COCKRELL. That is right. I enter the motion.

The PRESIDENT pro tempore. The Senator from Missouri enters a motion to reconsider the votes by which the bill was ordered to a third reading and passed.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 7264) granting a pension to Hannah C. Smith, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 420) for the relief of the legal representatives of Chauncey M. Lockwood, reported it without amendment, and submitted a report thereon.

Mr. SULLIVAN, from the Committee on the District of Columbia, reported an amendment proposing to appropriate $15,000 for paving Fourteenth street to Lydecker avenue and Lydecker avenue to the east side of Thirteenth street, intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

BILLS INTRODUCED.

Mr. MASON introduced a bill (S. 3782) granting an increase of pension to Victor M. Gabrielle; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3783) granting a pension to Charles L. Knight; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3784) to remove the charge of desertion from the military record of John W. Bartley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3785) for the relief of W. W. Jackson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3786) authorizing the Secretary of the Navy of the United States of America to furnish and deliver to the Schley home fund committee of the Woman's Industrial and Patriotic League, of Washington, D. C., certain historical bronze; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CULLOM introduced a bill (S. 3787) for the relief of Mary A. Shufeldt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. QUARLES introduced a bill (S. 3788) granting an increase of pension to James Williams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 3789) granting an increase of pension to Samuel Minnich; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SULLIVAN introduced a bill (S. 3790) to increase the pension of Anna M. Collier; which was read twice by its title, and referred to the Committee on Pensions.

THE LOUISIANA PURCHASE.

Mr. HARRIS submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 4,500 copies of the work entitled The Louisiana Purchase, by the honorable Commissioner of the General Land Office of the United States; 1,500 copies for the use of the Senate and 3,000 copies for the use of the House of Representatives.

STATISTICS RELATIVE TO SOLDIERS IN THE PHILIPPINES.

Mr. ALLEN. I submit a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following information: A statement of the number of soldiers, volunteer and regular, who have been killed and died from wounds received in the Philippine Islands since the close of the war between Spain and the United States of America; the number of regular and volunteer soldiers who have died from disease during that period; the number who have been wounded in action or otherwise, and what proportion of them are still incapacitated for duty; the number who have committed suicide during said period; the percentage of sick, disabled, and invalid soldiers therein; what contagious diseases have been prevalent, if any, in the military camps on the islands of the Philippine Archipelago during said time, and what steps, if any, have been taken for the better protection of their health, and a statement of the number of soldiers who have become insane since the close of the Spanish-American war while in service in the Philippine Archipelago, and the disposition which has been made of them.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HALE. While the Senator is about it, why does he not fix a time when the statement shall begin, instead of the close of the war? That is a technical time, and did not occur until the ratification of the treaty of the peace, long after our armies were in the Philippines. I suppose the Senator wants to go back to the time when the troops went there.

Mr. ALLEN. It is true that the war was not technically at an end until the ratification of the treaty in April of last year, but it is the intention by the resolution to cover the period from the time of the armistice, when practically peace was declared, down to the present.

Mr. HALE. Then I think the Senator would need to change the resolution; otherwise he will get the information for only the time since the ratification of the treaty.

Mr. ALLEN. I do not now remember the exact date.

Mr. GALLINGER. I should like to examine the resolution before it is acted on. While I probably shall not oppose its adoption, I trust the Senator will let it go over.

Mr. BACON. I suggest before it goes over that the Senator from Nebraska insert the date August 1, 1898.

Mr. ALLEN. Very well.

Mr. GALLINGER. Let the resolution go over.

The PRESIDENT pro tempore. The Senator from Nebraska desires to amend it before it goes over.

Mr. GALLINGER. Certainly.

Mr. ALLEN. Let it be amended so as to read "since August 1, 1898."

The PRESIDENT pro tempore. That amendment will be made. The resolution will be printed and go over under the rule.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2882) to authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 156) granting a pension to Lena E. Patterson;

A bill (H. R. 856) granting a pension to Mary McCarthy;

A bill (H. R. 857) granting an increase of pension to James Chapman;

A bill (H. R. 1768) granting an increase of pension to George J. Stealy;

A bill (H. R. 3085) granting an increase of pension to William Sheppard;

A bill (H. R. 4335) granting a pension to William H. Edmonds;

A bill (H. R. 4795) granting an increase of pension to John O'Connor;

A bill (H. R. 4836) granting an increase of pension to Wilbur F. Loveland;

A bill (H. R. 6356) granting an increase of pension to Lewis R. Armstrong;

A bill (H. R. 7323) granting an increase of pension to Harrison Canfield;

A bill (H. R. 7445) granting a pension to Emma B. Reed;

A bill (H. R. 7594) granting a pension to Amelia Taylor;

A bill (H. R. 8128) to establish light and fog signal at Browns Point, in Puget Sound;

A bill (H. R. 8397) granting an increase of pension to John White;

A bill (H. R. 9497) to amend an act providing for the construction of a light-ship to be located near Cape Elizabeth, Maine; and

A bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 4008) to establish light and fog stations to mark the main southern entrance of the new breakwater at Buffalo, N. Y.;

A bill (H. R. 4686) for the relief of J. A. Ware;

A bill (H. R. 5390) granting a pension to Maria E. Mailley; and

A bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain and revenues hereafter collected on such importations under existing law.

LOUISE D. SMITH.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 3662) granting an increase of pension to Louise D. Smith.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louise D. Smith, widow of William H. Smith, late first lieutenant, Tenth Regiment United States Cavalry, and to pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JUDGES OF DISTRICT COURTS IN ALABAMA.

Mr. PETTUS. I ask the unanimous consent of the Senate for the present consideration of the bill (S. 1596) to equalize and regulate the duties of the judges of the district courts of the United States in the State of Alabama.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with an amendment, in line 6, page 2, section 3, after the word "reside," to insert the words "and hold his chambers;" so as to make the section read:

That the present judge of the district courts of the United States for the middle and northern districts of Alabama, so long as he continues in office, may reside and hold his chambers in the middle or northern district of Alabama.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES C. DRAKE.

Mr. DAVIS. I ask unanimous consent for the present consideration of the bill (S. 3060) for the relief of James C. Drake.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay James C. Drake $1,529.20, which sum was expended by him while acting as United States marshal in the State of Washington.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHEDULES OF CERTAIN POSTMASTERS' SALARIES.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. If the Senator from New Hampshire will wait one moment, the Senator from Alabama [Mr. MORGAN] was not present when the order of resolutions was reached.

Mr. GALLINGER. Certainly.

The PRESIDENT pro tempore. The Senator from Alabama submitted a resolution which is lying on the table. The Chair lays before the Senate, under the unanimous-consent agreement of the Senate, a resolution which will be read.

The Secretary read the resolution submitted by Mr. MORGAN on the 21st instant, as follows:

Resolved, That the Postmaster-General be, and he hereby is, directed to return to the Senate certain schedules of salaries of postmasters in the States of Alabama, Arkansas, Kansas, and Kentucky computed under the act of March 3, 1883, which schedules were before the Committee on Post-Offices and Post-Roads of the Senate, but which were temporarily recalled by the Postmaster-General on the 30th day of September, 1890.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. ALLISON subsequently said: Mr. President, yesterday in the absence of the senior Senator from Alabama [Mr. MORGAN] a resolution offered by him came before the Senate, and I gave notice that I should move to have it referred to the Committee on Post-Offices and Post-Roads. Some Senators asked me to enter that motion, but I declined to do so in the absence of the Senator from Alabama. I was necessarily absent for a few moments this morning after the meeting of the Senate, and I am told that during that time the resolution was taken up and passed. I ask the Senator from Alabama to allow the resolution to occupy the place it did yesterday, when I refrained from making the motion which I then had in mind.

Mr. MORGAN. What was the motion the Senator had in mind?

Mr. ALLISON. To refer the resolution itself to the Committee on Post-Offices and Post-Roads.

Mr. MORGAN. I consent to a reconsideration of the vote by which the resolution was adopted, and ask that it be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore. Without objection, the vote by which the resolution referred to by the Senator from Iowa [Mr. ALLISON] was passed is reconsidered, and the resolution is again before the Senate.

Mr. ALLISON. I ask the reference of the resolution to the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore. The Senator from Iowa asks the reference of the resolution to the Committee on Post-Offices and Post-Roads, with the consent of the Senator from Alabama, as the Chair understands.

Mr. MORGAN. Yes.

The PRESIDENT pro tempore. The resolution will be so referred, in the absence of objection.

COMMISSION ON TRADE WITH CHINA, JAPAN, ETC.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1939) authorizing the President of the United States to appoint a commission to study and make full report upon the commercial and industrial conditions of China and Japan, and for other purposes.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTUS. I would ask the Senator in charge of the bill why it is that there is no specification of what these commissioners shall receive?

Mr. GALLINGER. A committee amendment is pending which provides for their compensation.

The PRESIDENT pro tempore. There are quite a number of amendments from the committee.

Mr. GALLINGER. There are quite a number of amendments.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

Mr. GALLINGER. Before the first amendment is acted on, I should like to submit an amendment to the clause in line 6, page 1, which provides that the commissioners shall be appointed by the President. I move to add "by and with the advice and consent of the Senate."

The amendment was agreed to.

The first amendment of the Committee on Commerce was, on page 2, line 8, section 1, after the word "business," to insert "so as;" so as to read:

It shall be the duty of the commission to ascertain what of the products of our farms, mills, and workshops may be sold there, and how these should be manufactured, packed, and shipped, as well as the proper methods of transacting the business so as to largely increase their use and consumption.

The amendment was agreed to.

The next amendment was, on page 2, line 10, section 1, to strike out the words "where the field appears open upon a thorough study and report of the economic and commercial conditions" and insert "and also in such other adjacent countries in eastern Asia as the commission shall deem advisable;" so as to read:

Second. To do the same work in the Empire of Japan, and also in such other adjacent countries in eastern Asia as the commission shall deem advisable.

The amendment was agreed to.

The next amendment was, on page 2, line 14, section 1, after the word "To," to insert "investigate the economic resources and other cognate questions and to;" and in line 16, after the word "in," to strike out "China and Japan" and insert "the aforesaid countries;" so as to read:

Third. To investigate the economic resources and other cognate questions and to promote the expansion of our commerce in the aforesaid countries by such methods as may be properly employed and recommended by such a commission.

The amendment was agreed to.

The next amendment was, on page 2, line 20, section 2, after the word "in," to strike out "China and Japan" and insert "those countries;" so as to make the section read:

That the Secretary of State shall instruct the diplomatic and consular agents of the United States in those countries to render all possible assistance to the members of the commission in the prosecution of their work.

The amendment was agreed to.

The next amendment was, on page 2, line 23, section 3, after the word "That" to insert "under the direction of the President of the United States;" on page 3, line 1, after the word "to," to strike out "China and Japan" and insert "the aforesaid countries;" on page 3, line 3, after the word "this," to strike out "bill" and insert "act;" on page 3, line 5, after the word "President," to strike out "of the United States;" in line 8, before the word "Congress," to strike out "the;" and after the word "Congress," in the same line, to strike out "at its next session;" so as to make the section read:

That, under the direction of the President of the United States, the commission shall enter upon the performance of their duties at the earliest practicable date, and shall proceed to the aforesaid countries, where they shall spend at least one year in doing the work set forth in section 1 of this act, after which, upon returning to the United States, they shall make a report to the President of all the essential details of their work and the results of their investigations, which report shall be submitted by the President to Congress, with such suggestions and recommendations as the President may deem proper and advisable.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 13, after the word "dollars," to strike out "which shall include" and to insert "to be immediately available, for;" in line 15, after the word "and," to insert "necessary clerical help, as also," and in line 17, after the word "report," to insert:

All of which shall be determined by the President of the United States: *Provided, however*, That the salaries of the members of said commission shall not be in excess of the sum of $5,000 each per annum.

So as to make the section read:

That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $75,000, to be immediately available, for the compensation of the commissioners and necessary clerical help, as also the actual and necessary traveling and other proper charges of the commission, excepting the publication of its report, all of which shall be determined by the President of the United States: *Provided, however*, That the salaries of the members of said commission shall not be in excess of the sum of $5,000 each per annum.

The amendment was agreed to.

Mr. BERRY. Mr. President, I do not care to object to the consideration of this bill. If the majority of the Senate desire to pass it, the responsibility is with them. I simply want to say that I did not vote for the bill in the committee, because I think the Congress of the United States can attend to all that is required by the bill, and this is a useless expenditure. For these reasons I was unwilling to vote for the bill in committee. As I said, the majority of the committee were in favor of the bill; in fact, I believe all the members of the committee except myself were in favor of it. While I do not object to its consideration, I wish to have it noted that I am opposed to the bill, and I do not believe it ought to pass.

Mr. COCKRELL. Mr. President, the Republican party is in absolute power and control in this Government. It is enacting the measures providing for the revenue. It is enacting the laws for its expenditure. The Republicans are in absolute control in the Senate, and we on this side of the Chamber are powerless to prevent the passage of any legislation that they deem necessary.

This measure comes from the Republican party, and being deemed necessary by them I do not propose to antagonize it. I do not agree with the principle or the policy of it. I want it distinctly understood hereafter that absolute responsibility rests upon the majority of the Senate for all the legislation that is enacted, and we are powerless to prevent it.

Mr. GALLINGER. Mr. President, I will not consume the time of the Senate in discussing this bill beyond taking a moment to state that the President of the United States in his last two messages to Congress has recommended the appointment of a commission, such as is here provided for. Germany has sent two commissions to the Orient for the purpose of studying matters of trade and commerce; France has sent one; Great Britain has sent either one or two; and it is deemed by the President and by the great commercial bodies of the country an opportune time for the United States to send a commission, an inexpensive one, to China and Japan and the adjacent countries to see if we can not find increased markets for American products, the products of our farms and our mills and our workshops.

I believe thoroughly in the measure, and I trust it will be passed.

Mr. HALE. Mr. President, it has been difficult to find out just what is in the bill, owing to the confusion in the Chamber. I wish to ask the Senator who has it in charge if it contemplates the

appointment of citizens, eminent citizens, outside of members of the House and Senators?

Mr. GALLINGER. I will say that the purpose the committee had in view beyond question was the appointment of persons outside of Congress; and I am sure that the President would not for a moment consider the matter of appointing a member of either branch of Congress on a commission of this kind.

Mr. HALE. That is the purpose of the committee?

Mr. GALLINGER. That is the purpose of the committee.

Mr. HOAR. Mr. President, I should like to say one thing, suggested by the inquiry and the answer, which I think it is proper to say here. I suppose I am warranted in saying that a majority of the Senate, certainly with substantial unanimity two important committees of the Senate of which I am a member (I think there is but one exception), think that the practice of appointing members of this or the other House of Congress to such important public places by the President, whether with or without the advice and consent of the Senate, is one which on the whole is not a good one. A great many members of the Senate think it is contrary to the Constitution of the United States. I think one Senator, the Senator from Georgia [Mr. BACON], said in my hearing somewhere, when it was proposed to the Senate to confirm such appointees on one occasion, that if the commissioners were officers they could not lawfully be appointed, and if they were not officers they could not lawfully be confirmed by the Senate. I thought that was a suggestion of great weight.

But the practice has grown up. It did not originate with the present President. The first examples of it in this Administration were at a time when a particular diplomatic service was such that it seemed there was hardly another man in the United States so fit for the particular function as a very eminent member of this body who sits near me on my left. He was selected, and the public desire for that most valuable service caused the general principle to be lost sight of. So nobody, I suppose, wanted to do anything or to say anything which would seem to blame the President of the United States. Still less did anybody wish to do anything or to say anything which would seem to cast any reflection whatever on the members of the Senate who had undertaken in important and difficult periods of our history these important and difficult and responsible duties.

But at the same time many people think it is unconstitutional, as I do. Many others think that it establishes a wrong relation between the Executive and the Senate to put it in the power of the Executive to select from this body members for special public honors and distinctions, for the most attractive public employments, and in some cases it must be a serious embarrassment to members of the Senate. For instance, if Senators who negotiate a treaty come back with it and it is laid before the Senate, how can any of their associates argue to their minds in debate here the wisdom of such a measure? They come pledged beforehand. Before their Senatorial duty begins another duty has affected and influenced their minds.

I am sure, after the statement of the Senator from New Hampshire, that there is no purpose of continuing that practice. I think it would be better, at some time when there is nobody immediately concerned and interested—so that it could not be supposed to be doing anything to reflect on anyone—that Congress should pass a law or resolution expressing its disapprobation of that practice.

Mr. BACON. Mr. President——

Mr. GALLINGER. Will the Senator from Georgia permit me just one moment to offer an amendment?

Mr. BACON. Certainly.

Mr. GALLINGER. Mr. President, sympathizing with the view the Senator from Massachusetts holds as to men in public life being appointed on commissions, I desire to offer an amendment to the bill. I move to amend by inserting, after the word "persons," in line 3, the words:

No one of whom shall be a member of either branch of Congress.

That would seem to meet that objection, certainly.

The PRESIDENT pro tempore. The Senator from New Hampshire offers an amendment which will be stated.

The SECRETARY. In line 3, after the word "persons," page 1, insert:

No one of whom shall be a member of either House of Congress.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. BACON. Mr. President, I am not entirely sure that that amendment is a proper one. The object sought to be accomplished is undoubtedly proper, and that is that no one who is a member of either House of Congress shall, while a member of Congress, perform the duties of one of these commissioners. But it is certainly entirely practicable to appoint a member of Congress if he proposes to give up his seat in Congress for the purpose of accepting it.

The position ascribed by the Senator from Massachusetts to myself was not stated with exact accuracy, although it is very rare that that criticism can be made upon anything which is said by the Senator from Massachusetts. The position which I think is a correct one, is not that a member of Congress can not be appointed to the office, but that if a member of Congress is appointed to any office his acceptance ipso facto vacates his seat either in the Senate or in the House.

Mr. HOAR. If the Senator will pardon me, my statement, I think, was that the Senator said if it were an office he could not hold it; but of course if he ceased to be a member of Congress, he could fill it.

Mr. BACON. That he could not hold his position as a Congressman at the same time?

Mr. HOAR. Yes; that is what I meant to say; and if it were not an office, the duty could not be put upon the Senate of confirming him.

Mr. BACON. Now, Mr. President, I am in entire sympathy with the object sought to be accomplished by this amendment. I think, however, there should be a change of phraseology, because it is certainly competent for the President, under the Constitution at least, to appoint a member of the Senate or a member of the House to any office, and it has frequently been done in the past, the understanding being, of course, that he surrenders his position as a Senator or as a Representative when he accepts it.

I suggest to the Senator from Massachusetts such a change of phraseology as would simply cover the point that no one should serve while a member of Congress, because it is entirely competent for the President to appoint him and entirely competent for him to accept it; but if he accepts, he vacates his office as a member of the Senate or of the House.

Mr. GALLINGER. Will the Senator suggest phraseology that would suit him? Of course it is competent for Congress to prohibit the appointment of Senators and members of the House.

Mr. BACON. I do not think that ought to be done, because there might be a man eminently fitted for the position, and he might be willing to surrender his place in the Senate or in the House to accept it.

Mr. GALLINGER. Certainly. I shall be glad to accept an amendment to the amendment if the Senator will suggest it.

Mr. BACON. I have not drawn it. I am sure the Senator from New Hampshire, with his accustomed facility in such matters, will readily make the desired change.

Mr. HOAR. May I make a suggestion?

Mr. BACON. I have not quite finished, if the Senator will pardon me.

Mr. HOAR. May I make a suggestion before you go on, because I should like to have you give your opinion on it.

Mr. BACON. Certainly.

Mr. HOAR. I suggest the following:

Provided, That no member of either House of Congress shall hereafter serve under any appointment made by the executive department of the Government while holding his office as such member.

Mr. GALLINGER. Let that be added to the bill.

Mr. BACON. "While holding the office of Senator or Representative." I think that is a very good suggestion.

Mr. President, I desire to say one word in reference to the bill. I have not had the opportunity to read it, but I understand that it provides for the selection of the members of this commission, who shall be distributed through the different sections of the country. That, I think, is a very important provision and one which looks to the accomplishment of the greatest good.

Ordinarily, Mr. President, I might say generally, I am opposed to these commissions. I think they are very frequently created when possibly their work might be as well done in some other way. But this one I regard as extremely important. I am one of those who believe that the extension of our commerce and the development of our trade with foreign countries can best be done by peaceful measures. I am opposed to trying to open the door with swords and bayonets. This being upon the line of the gathering of such information in a peaceful way, a way which will put our people in all sections upon notice and give information of the particular products which can be advantageously sent to the great opening trade in China and advertise them of the best methods by which they can proceed, I think the comparatively small amount of money, when the immense trade and possibilities are taken into consideration, can very properly be devoted to this purpose.

I know that in my immediate section there is the greatest interest in the question of the development of the trade with Asia, by which the agricultural products as well as the manufactured products of that section may find a wide and a favorable market. While of course I differ with very great hesitation from some of my colleagues on this side of the Chamber, I believe that the measure generally is one of very great merit; and I shall be very glad to vote for it, especially with the provision which it contains looking to the representation of all sections of the country upon the commission.

Mr. GALLINGER. I ask unanimous consent that the vote whereby the amendment I submitted to line 3 was adopted be reconsidered.

The PRESIDENT pro tempore. Without objection, it will be reconsidered; and the Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. Add at the end of the bill the following:

And provided further, That no member of either House of Congress shall hereafter serve under an appointment made by the executive department of the Government while holding his office as such member.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. In connection with the bill I ask unanimous consent to print in the RECORD the report made when the bill was reported to the Senate.

The PRESIDENT pro tempore. Without objection, the report will be printed in the RECORD.

COMMERCIAL AND INDUSTRIAL CONDITIONS OF CHINA AND JAPAN.

[February 23, 1900.—Ordered to be printed. Mr. GALLINGER, from the Committee on Commerce, submitted the following report. To accompany S. 1939.]

The Committee on Commerce, to whom was referred the bill (S. 1939) authorizing the President of the United States to appoint a commission to study and make full report upon the commercial and industrial conditions of China and Japan, and for other purposes, have examined the same, and report:

During the past few years the attention of the American people has been forcibly directed to the necessity of increasing the foreign commerce of the United States, and it has already been demonstrated that by properly directed efforts we shall be able to secure a largely increased export trade, both of our manufactured goods and the products of American farms. It goes without the saying that the growth of our foreign trade will largely promote the prosperity of all classes of our people, and the Orient, by practically common consent, holds the largest promise for our commercial expansion.

JAPAN.

The Empire of Japan has already come into very close commercial relations with the United States. In ten years our exports to Japan have grown from $5,233,643 in 1890 to $17,264,688 in 1899. During the same period the exports of American raw cotton increased from $85,211 to $5,775,784. Iron, steel, and manufactures of these increased from $242,479 to $2,578,618. The sale of locomotives increased from $8,000 to $529,514, cigarettes from $76,556 to $445,263, tobacco from nothing to $2,414,482, and flour from $127,120 to $722,710.

Our total exports to Japan in 1898 were $20,385,541, being $3,120,853 more than for the year 1899, which were, as above stated, $17,264,688. This fact is instructive, as showing that of late our trade with that great Empire has apparently not been pushed as earnestly as its importance demands.

In 1881 the United States supplied Japan with only 5.72 per cent of the imports into that country, while the United Kingdom of Great Britain furnished 52.57 per cent of those imports. In 1898 our country made a better showing, the percentage standing as follows: The United States, 14.57 per cent, and the United Kingdom, 22.84 per cent. These statistics show the possibilities of our trade with that Empire when the American people shall prosecute that business with the same vigor and intelligence that are employed at home. There certainly is no reason why the balance of trade with Japan shall be 54.8 per cent against ours, as it was in 1899, the imports from that country for that year being $26,716,770 as against our export trade of $17,264,688.

The Empire of Japan contains 46,000,000 of people who are rapidly growing into a civilization closely allied to our own, and yet of their methods and needs we know comparatively little. We should certainly exert ourselves to acquire authentic and official information covering the whole field of their trade and commerce, to the end that we may secure our full share of the trade advantages which Japan will offer in the coming years.

CHINA.

There is a still larger field open to us in China, an Empire that covers one-twelfth of the habitable area of the globe and that holds one-quarter of the world's population. The Chinese possess a high type of oriental civilization, and in their commercial transactions they are rapidly conforming to the methods of the Western World. While many of the inhabitants are poor, there is much wealth in money and natural resources, both developed and undeveloped. The nation has a debt of only 50 cents per capita. The trade with China is especially desirable, because the Chinese are not natural mechanics, like the Japanese, but are mainly farmers and merchants. This fact is one of importance to our people. When once we secure that trade, it is self-evident that they will be permanent and valuable customers.

On Washington's Birthday, February 22, 1784, a vessel sailed from New York for the purpose of establishing trade relations with China. The venture was sufficiently successful to warrant a continuance of the business, which, however, was of small account until after the treaty of 1842 between Great Britain and China, by which Canton, Amoy, Shanghai, Foochow, and Ningpo were made treaty ports. For a quarter of a century after that time very few American goods, except cotton cloth, found a market in that Empire, so that it is safe to say that our commerce with the Chinese Empire in general lines of goods dates from about the year 1868.

INTERESTING STATISTICS.

Mr. George F. Page, an American of large business experience in this and foreign countries, who has just returned from China, where he spent a year in studying the commercial and industrial conditions of that Empire in connection with the sale of a large variety of American products, in a paper which he published in December, 1899, gives the following interesting résumé of our trade relations with that great Empire:

The tendency among the importing merchants is to favor Americans, first, because they have come within the past two years to believe in the ability of the American people to do the business; second, because they like Americans, who practice a less cavalier manner in dealing with these people than is customary with those from some other nations; and third, because, as they say, America is not seeking for any portion of China in a possible partition, nor even a "sphere of influence" if the Empire maintains its integrity.

China's foreign commerce is already considerable and growing rapidly. The following statement is compiled from the latest published complete official statistics.

The total value of the exports of domestic produce (merchandise only) from China in United States gold dollars was:

	Amount.	Gain in 10 years.
		Per cent.
In 1868	$97,685,000	
In 1877	98,469,000	1—
In 1887	101,416,894	3
In 1897	127,531,000	26

In 1897 the average export per capita was 32 cents.

The total value of merchandise imports into China for the same period, calculated in the same manner, was:

	Amount.	Gain in 10 years.
		Per cent.
In 1868	$102,610,000	
In 1877	111,098,000	8+
In 1887	123,424,173	11+
In 1897	158,207,000	28+

In 1897 the average imports per capita were 40 cents.

From the same statistical source it appears that of the $158,207,000 the British Empire furnished 78⅞ per cent ($124,527,780); and the United States furnished 6½ per cent ($9,703,435). Of this last sum 62½ per cent was plain gray and white cotton cloth, 28½ per cent was petroleum products, and only 9½ per cent was general merchandise, or a little less in value than $1,000,000.

If, now, we credit the British Empire with all the opium shipped into China, this item amounts to	$21,762,780
Her plain gray and white cotton cloth	16,887,728
Her fancy cotton cloth	6,030,813
Her cotton yarns	20,057,280
Her general merchandise	59,830,179

That is to say, in 1897, the last year for which we have at hand complete and detailed official statistics, the British Empire furnished China 12⅞ times as many goods, in the total, as did the United States; and eliminating from the calculation opium, cotton cloth, cotton yarns, and petroleum products, the British Empire supplied of all the rest 60 times as much as we did. And yet we are nearer in geographical location to China than any other country except Japan, until Russia completes her Siberian Railway, unless Hongkong be considered an export station of the British Empire. Even then the Philippines will give us an export station substantially equivalent to Hongkong, to say nothing of the vast resources of those islands set against the barren rock on which Hongkong is located.

There is something wrong, or this great disparity in the commerce of the two nations with China could not exist. Nor is this all. In 1897 the exports from Japan to China exceeded those of the United States by more than 80 per cent; and our imports from China during that year were 43½ per cent greater than our exports to that country.

The extent of our shipping in Chinese waters is a significant item. During the same year (1897) we had 333 vessels, with a total tonnage of 270,000 tons, out of a total, of all kinds, of 44,500 vessels, with an aggregate tonnage of 34,000,000, or about three-fourths of 1 per cent of the whole.

We will now come to later dates, for there are some official statistics that are not complete in detail and are published in a limited way, "subject to revision." From such statistics it appears that the total value of our exports to China in 1898 were $11,962,828, a gain over 1897 of 2¾ per cent scant, instead of 40 per cent, as stated recently by some of the newspapers, their error being due to an incorrect valuation of the Haikwan tael, which was worth $0.78 in 1897 and $0.697 in 1898. This gain of scant 2¾ per cent is a little less than the average of the last five years. In 1899 our exports to China were $5,498,450, and the gain from that year to 1898, inclusive, averaged 23½ per cent per year. During 1898 the exports from Japan to China increased $61,871.99 more than those from the United States.

During the ten months ending October 31, 1899, our gain in total exports to China over those of the corresponding months of 1898 were 19½ per cent scant. Our imports from China for the same term increased 33½ per cent; and our exports to the various islands called Oceania increased a little more than 49.9 per cent. Of our total exports to China during the last ten months named, the increase in cotton cloth over the sales for the same ten months of 1897 was $2,484,295, a gain of 42 per cent, showing that petroleum products and "general merchandise" fell off $443,006.

It is impossible to give the exact figures in the China sales of petroleum products, as they are combined with those in some other Eastern countries, in all of which they aggregate an increase over the same term of 1898 of a

tlitle more than 52 per cent. It is, therefore, apparent that the falling off in "general merchandise" is in excess of half a million dollars. There is surely something wrong, or these figures would be impossible.

The wrong is not far to find. It is twofold—first, ignorance, and second, mismanagement. The American manufacturers and merchants are greatly lacking in their knowledge of the men with whom and the conditions with which they have to deal; and until the needed information is acquired the columns of figures must continue to show against us. Among the mistakes that result from ignorance are the sending of goods that, in kind or in some defect of manufacture, are not suitable to that market. There are also improper methods of packing and wrong shipping.

* * * * * * *

We need to acquire a complete knowledge, in detail, of the demands, conditions, and the possibilities of our trade in that Empire. There is so much at stake that this knowledge can not be too comprehensive; the danger lies in superficiality.

* * * * * * *

The conditions and the times are ripe just now for this work. The old order has ceased. Whatever comes to the Chinese Government, the people are entering upon a new career. The transformation may be slow, but it will be realized. One needs only to note the progress made during the last decade to be convinced of this. During that time 10 miles of railroad have extended to 350, and 3,500 miles more are prospected. A single mill or shop with foreign machinery has multiplied a hundredfold in Shanghai alone. Ten thousand miles of inland waterways have been opened to universal steam navigation. Instead of one store carrying American canned goods, they may be counted by scores and probably by hundreds. One line of steamers from America, consisting of poor boats, has become four lines of modern vessels; and, as soon as they can be built, two steamers larger than any now afloat on the Pacific will be put into commission. Electric lights and electric cars have invaded the land. English is taught in the schools. The foreigner is no longer a derided man, but may travel anywhere on business or pleasure.

We need the Chinese trade. We shall need it even more in the coming years when our factories and workshops shall produce in still larger excess of our home demands. Within the very near future it will be decided what nations are to have their share of the commerce of one-quarter of the world's population. Our part will not come to us unsought, but it will come in large measure, if we go after it properly and promptly.

The statistics for the year 1899, recently published, indicate that our total exports to China amounted to $14,437,422, a gain of 20½ per cent over the year 1898. Of this total the sales of cotton cloth amounted to $10,273,487, a gain over 1898 of $3,328,967, while our general merchandise sales were $743,161 less in 1899 than in 1898.

The foregoing facts show plainly that while we have increased our business largely with China only a part of the trade that should come to the United States from that Empire has as yet been secured. This is especially true of the multifarious products of our farms, workshops, and mills. A considerable part of the trade that should come to us now goes to the farmers, merchants, and manufacturers of other nations, and it goes there for the reason that those nations have studied the conditions existing in China, and have adopted the proper and necessary methods to secure the business. It is undeniable that the information acquired by our competitors has been very largely obtained through the employment of commercial commissions, such as it is proposed by this bill to create. Germany has sent one such commission, France has sent two, and Great Britain has sent two, all to China. These nations are now receiving the benefit of the work done and the investigations made by those five commissions, while we remain largely ignorant of the conditions with which and the men with whom we have to deal.

In his last two annual messages to Congress President McKinley earnestly recommended the appointment of a commission similar to those sent to China by Germany, France, and Great Britain, clothed with authority to do similar work. The demand has likewise come from a large number of trade organizations and commercial bodies scattered all over our country, and the bill under consideration is in response to the recommendations of the President and the demand thus made by the men who are most directly connected with the export trade of the United States.

The bill contemplates that the commission shall be composed of representative business men selected from the five geographical divisions of the country, so that they shall represent all our people and all our industries. It is proposed to make such an appropriation as will enable the commission to spend a sufficient time in the Orient to acquire in detail the information needed by our exporters for the intelligent and successful prosecution of the business, and the purpose is also to gain information that will open the markets of the Orient to the products of our farms, and to this end it is to be hoped that at least one representative of the agricultural interests of the country shall be appointed on the commission.

Careful investigation and inquiry lead to the conclusion that three of the commissioners should spend at least a year in China, while the other two can be profitably employed during that time in Japan, with the possible addition of doing work in some of the adjacent countries of eastern Asia. This contemplates a vast amount of definite and detail work, leaving no time and providing no means for display and entertainment except so far as, to a limited degree, an exchange of courtesies may be found necessary to maintain our dignity as a nation among those Eastern peoples. The purpose is to make it a business commission, the chief end in view being to gain desirable information and secure concessions that will result in the widening of our markets in this most inviting and attractive field. It is hoped that under the direction of the President of the United States, and acting in conjunction with our diplomatic and consular agents, the commission will be able to secure modifications of some of the existing conditions, and thus open the way to the expansion of our commerce.

It is expected that the report of the commission will constitute an encyclopedia of trade conditions and suggestions that will be of great value to all Americans interested in our commerce with Oriental countries, and to this end the small amount of money that will be spent in connection with the enterprise is not worth considering.

Deeply impressed with the importance of the proposed inquiry, and believing that it will have a far-reaching and beneficial influence upon American trade, your committee report the bill back favorably in an amended form, with a recommendation that it pass.

Report of the executive committee to the New York Board of Trade and Transportation at its meeting, January 10, 1900.

NEW YORK, *January 10, 1900.*

To the New York Board of Trade and Transportation:

GENTLEMEN: Your executive committee submits the following report and recommendations relating to our commerce with China:

The first attempt on the part of Americans to sell goods in China was made in 1784. It was not, however, until after the treaty of 1842 between Great Britain and China, by which Canton, Amoy, Shanghai, Fuchau, and Ningpo were made "treaty ports," that trade in any proper sense existed between the Celestial Empire and the United States. Even then, for a quarter of a century, very few of our goods, except cotton cloths, found a market in that Empire. Our commerce with China may, therefore, be said to date from about the year 1867, since which time it has had a more or less steady growth, and during the last five years has developed possibilities which point to the necessity for the adoption of methods that will insure to this country its share of the trade of that vast Empire, with its 400,000,000 of inhabitants.

Statistics show plainly that as yet only a fraction of the business that should come to the United States has ever been acquired by us. The merchants and manufacturers of other nations have secured more than their share. This is notably true of Japan and the British Empire.

The statistics for 1897 are the last published that are complete and without being "subject to revision." During that year Japan exported to China something over 80 per cent more merchandise than we did; and she had no petroleum products to swell her cargoes, while petroleum products formed 28½ per cent of our exports to China during that year. The British Empire exported to China during 1897 merchandise to the value of $124,527,780, or twelve and five-sixths times as much as the entire exports from the United States to China during the same year. Our total exports to that country during 1897 amounted in value to $9,703,425, or 6½ per cent of the total exports from all countries to China.

An analysis of the exports for that year from both the British Empire and the United States indicates a disparity in general merchandise transactions not at first suggested by the figures we have given. In addition to our petroleum products, 62½ per cent of our trade consisted in cotton cloths. These two items, therefore, amounted to 90¾ per cent of the $9,703,435, leaving for all other kinds of merchandise a business of only 9¼ per cent ($889,482). The British Empire did practically nothing in petroleum products; but she had a large business in opium, cotton cloth, and cotton yarns, these items amounting to $44,607,601, leaving for "all other kinds of merchandise" a business of $59,850,179, so that of the products of the farm, the mill (other than cotton), and the workshop Great Britain's business with China in 1897 was sixty-seven and one-quarter times greater than our own.

Such statistics as have been published concerning the Chinese commerce since 1897 do not indicate any proper and substantial improvement in the sales of our "general merchandise" in that market. In fact, there appears to have been a marked shrinkage during the first ten months of 1899.

While we earnestly seek to increase the sale of cotton cloth and petroleum products in China, we are most of all interested in the "expansion of our commerce" in the manifold productions of our farms, our mills, and our workshops that are adapted to that great and rapidly growing market, and we believe that every effort should be promptly made that promises to put our trade with that Empire on a firm and satisfactory basis.

Great Britain, Germany, and France have sent commissions to study and report upon the trade conditions of China, and those countries are now receiving the benefit of the information thus obtained, while we of America are very largely "in the dark" concerning the needs of the Chinese and what we can and should do to properly supply their wants.

The President of the United States, in his message to Congress of December 5, 1898, and again in his message of December 5, 1899, urged the appointment of a commission "to study the commercial and industrial conditions in the Chinese Empire, and report as to the opportunities for and obstacles to the enlargement of markets in China for the raw products and manufactures of the United States," and a bill to create such a commission, who shall also study and report on Japan, has been introduced simultaneously in both Houses of Congress.

Another proposition, strongly advocated by our consul-general at Shanghai and now being agitated in this country, is the establishment of a national permanent exposition of American products in Shanghai, the port through which over 60 per cent of all the imports into China pass, in order that the Chinese merchants, who always demand samples and are not disposed to buy from catalogue representations, may see just what we have to offer.

In view of the foregoing facts, and believing that the methods suggested will greatly expand our commerce with China and very largely contribute to the export trade which we shall need in the coming years, we recommend the adoption of the following resolutions, to wit:

"*Resolved*, That it is the judgment of the New York Board of Trade and Transportation that the measure entitled 'A bill authorizing the President of the United States to appoint a commission to study and make full report upon the commercial and industrial conditions of China and Japan, and for other purposes,' which bill was introduced in the House of Representatives by Mr. HEPBURN, of Iowa, and in the Senate by Mr. GALLINGER, of New Hampshire, on December 20, 1899, ought to be enacted into law.

"*Resolved*, That it is the judgment of this board that the United States should adopt the same methods as those of other countries which have thus far been successful in securing Chinese trade, and to that end we urge that a permanent industrial exposition of American products should be established at Shanghai, China, and that Congress should cooperate in this work by suitable appropriations and by assisting in its administration.

"*Resolved*, That the secretary be directed to send copies of this report and these resolutions to each Senator and Representative in Congress, and that they be, each and all, respectfully requested to endeavor to secure the early

passage of the Gallinger-Hepburn bill (S. 1939, H. R. 4999) to create a China-Japan industrial commission, as hereinbefore mentioned, and also to use their influence to secure such legislation as will promote the proposed permanent exposition of American products in Shanghai.

"Respectfully submitted.

"WM. H. WILEY, *Chairman*,
"G. WALDO SMITH,
"JAMES TALCOTT,
"JOHN H. WASHBURN,
"W. H. PARSONS,
"D. R. JAMES,
"E. S. A. DE LIMA,

"*Executive Committee New York Board of Trade and Transportation.*"

At the annual meeting of the New York Board of Trade and Transportation held January 10, 1900, the foregoing report was received and the resolutions unanimously adopted.

W. H. PARSONS, *President.*
FRANK S. GARDNER, *Secretary.*

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK,
New York, February 3, 1900.

At the monthly meeting of the Chamber of Commerce, held Thursday, February 1, 1900, the following resolutions, reported by its committee on foreign commerce and the revenue laws, on the extension of the commerce with China were unanimously adopted:

"Whereas this chamber has uniformly urged the importance of the extension of our commerce with China and the East; and

"Whereas the President of the United States, in his last two annual messages to Congress, has urged the appointment of a commission 'to study and report upon the industrial conditions in China and Japan:' Therefore, be it

"*Resolved*, That it is the judgment of the Chamber of Commerce of the State of New York that prompt action should be taken by Congress authorizing the President to appoint such a commission, composed of business men representing all sections of the country, who shall enter upon the discharge of their duties at the earliest practical date; and be it further

"*Resolved*, That a copy of this resolution be forwarded to each member of both Houses of Congress."

MORRIS K. JESUP, *President.*

Attest:
GEORGE WILSON, *Secretary.*

NATIONAL ASSOCIATION OF MANUFACTURERS OF THE UNITED STATES OF AMERICA,
Philadelphia, Pa., February 21, 1900.

MY DEAR SIR: I am greatly interested in the pending bill for the appointment of a commission to study the commercial situation in the Far East. When this matter came up during the last session of Congress my attention was drawn toward it and I took occasion at that time to express to President McKinley the interest of this association in the proposed commission.

I consider it a matter of much regret that no action was taken during the last session. Now that the matter is once more before Congress, I hope that there will be no failure of action by the present session.

Our trade in the Far East, already of great importance, is only in its early stages, comparatively speaking, and I think everyone who has given any attention to commercial conditions in the Far East recognizes that there are enormous possibilities in that part of the world for the extension of American commerce. The business centered in China, now just beginning to feel progressive influences, will furnish a market for millions upon millions of dollars' worth of American products, and I regard the step contemplated a most important move toward placing our merchants and manufacturers in a better position to understand the requirements and possibilities of trade in the Far East.

On behalf of the members of this association, numbering over 1,100 of the largest manufacturers of the United States, I take pleasure in recommending the proposed bill, and extend the hope that it will secure early passage.

Very truly, yours,

THEO. C. SEARCH,
President National Association of Manufacturers.

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the act (S. 2114) to constitute South Manchester, Conn., a port of delivery.

CHARLES C. LEE.

Mr. ROSS. I ask unanimous consent for the consideration at this time of the bill (S. 3249) to remove the charge of desertion from the naval record of Charles C. Lee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Navy to correct the naval record of and grant an honorable discharge to Charles C. Lee, late ordinary seaman, U. S. tugboat *Marigold*, United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT FOR PUERTO RICO.

Mr. FORAKER. Mr. President, I ask that the bill (S. 2264) to provide a government for Puerto Rico, and for other purposes, be recommitted to the Committee on Pacific Islands and Puerto Rico.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Ohio, that the bill named by him be recommitted to the Committee on Pacific Islands and Puerto Rico.

Mr. ALLEN. I should like to have the Senator explain the necessity for recommitting the bill?

Mr. FORAKER. There is, perhaps, no necessity, but in view of what occurred in the Senate Chamber a day or two ago, I have thought it probable that there may come a time when I shall want to separate the Senate substitute to provide a civil government for Puerto Rico from House bill 8245, temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes. If that should come to pass this would facilitate it; I would then have this bill in the committee and could report the civil government part of the bill back to the Senate without delay——

Mr. ALLEN. I ask if that change could not be made in the Senate Chamber without recommitting the bill to the committee?

Mr. FORAKER. It could be made, I suppose, in the Senate Chamber, but there might be objection to it. I am not asking to separate the two bills now.

Mr. ALLEN. I should like to ask the Senator what he has in view by the recommittal of this bill?

Mr. FORAKER. I want this bill recommitted, so that in the committee we can adopt as a substitute for this bill No. 2264 what has already been agreed upon by the Senate, so far as the civil government part of the proposed substitute for H. R. 8245 is concerned.

Mr. ALLEN. What about the tariff features of the bill?

Mr. FORAKER. They would be voted on in the House bill.

Mr. ALLEN. Would you put the House bill on this bill?

Mr. FORAKER. No, sir; my idea was to separate the House bill entirely from the civil government bill. Senate bill 2264 has in it practically the same revenue provisions, though not in the same language, as are found in the House bill. If the House bill should be voted on separately, I would not want those provisions in Senate bill 2264.

Mr. ALLEN. Does the Senator apprehend that this bill, when recommitted to the committee, will remain in the committee until the tariff bill is acted upon?

Mr. FORAKER. Yes, sir.

Mr. ALLEN. And this bill will sleep until that measure is determined?

Mr. FORAKER. It would sleep only a reasonable time, I would say to the Senator—three or four days.

Mr. ALLEN. I simply want to understand it.

Mr. FORAKER. It would sleep only three or four days, until there is an opportunity to vote on the House bill.

Mr. ALLEN. In the meantime this bill would remain in the committee unacted upon?

Mr. FORAKER. That is what I want to do; but if the House bill can not be brought to a vote, I shall report this bill back and press it to a vote.

Mr. ALLEN. When does the Senator expect to press the bill?

Mr. FORAKER. Within three or four days or a week, or something like that. I can not be more specific.

Mr. HOAR. Mr. President, what is the bill in regard to which the Senator from Ohio has made a motion?

The PRESIDENT pro tempore. Senate bill 2264, to provide a government for Puerto Rico, and for other purposes.

Mr. FORAKER. What was the inquiry of the Senator from Massachusetts?

Mr. HOAR. It is not the bill which was the unfinished business when the arrangement was made about the Quay case, is it?

Mr. FORAKER. No; Senate bill 2264 has never been the unfinished business. Senate bill 2264 is the bill I introduced originally, providing a civil government for Puerto Rico. That bill was considered in the committee, amended in the committee, and reported back and placed on the Calendar. Later, when House bill 8245, providing revenue, came to the Senate, as a substitute for it the committee proposed the provisions, substantially, of Senate bill 2264, with some additional amendments, which have since been adopted by the Senate.

Mr. GALLINGER. I will ask the Senator is he sure that he is accurate when he says that the bill he asks to have recommitted has never been the unfinished business? The Senator on yesterday asked that the unfinished business should be laid aside until Monday next. Was that not this bill?

Mr. FORAKER. No, sir. The bill which was laid aside yesterday was House bill 8245. That has been the unfinished business; but the committee amendment which was proposed as a substitute for House bill 8245 was substantially Senate bill 2264, which is on the Calendar, but has never been under consideration by the Senate.

Mr. GALLINGER. Then, I will ask the Senator, so that we may have a perfect understanding about this matter, when the arrangement was made that the Quay resolution should be taken up one week from Tuesday next, it was specified that certain measures should have the right of way notwithstanding; and did I not understand correctly when I got the impression that the bill providing a civil government for the island of Puerto Rico was one of those measures?

Mr. FORAKER. The Senator is mistaken only to this extent: House bill 8245, as the committee propose to amend it, embodies not only a revenue provision, but also a provision for a civil government in Puerto Rico. That will remain the unfinished business. What I ask now does not interfere with that at all. There are two bills here; one, House bill 8245, as it came from the House,

amended by striking out all of the House provisions and substituting what I say is substantially Senate bill 2264. That is under consideration as the unfinished business, but Senate bill 2264 is only on the Calendar; it has never been under consideration, and I ask, without disturbing the unfinished business, that Senate bill 2264 may be recommitted to the committee, so that we may have it under consideration. It is probable that I shall at an early day ask, as I did the other day, the consent of the Senate to separate the House bill from the amendment proposed by the committee and take a vote on the House bill. I am not prepared to ask that now, and that question is not now before the Senate.

The reason I ask now that Senate bill 2264 may be recommitted is that we may have it in the committee preparatory to such action as we may see fit to take when the House bill has been disposed of.

Mr. GALLINGER. The unanimous-consent agreement which appears on the Calendar, and which I take it is correct, provides:

That on Tuesday, April 3, after the routine morning business, the Senate will proceed to the consideration of Senate resolution 107, declaring "that the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania," and continue its consideration from day to day until the final disposition of the same, subject to the consideration of appropriation bills, conference reports, the present unfinished business, and S. 2655, "In relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of September, 1898."

Mr. FORAKER. The present unfinished business is House bill 8245, and that remains the unfinished business. I do not interfere with that. I am simply asking that the Senate bill may be recommitted in order that we may have it in the committee where we can promptly act upon it, in the event of the House bill being brought to a vote and being disposed of, in accordance with such disposition. If the House bill is disposed of separately, it will be necessary to amend and recast the civil government bill, which now provides for revenue to be derived by tariff duties, as well as in other respects.

Mr. MORGAN. I desire to know exactly what is going on, if I can ascertain it.

Mr. FORAKER. I will take great pleasure in telling the Senator as fully as he may wish to know, for there is nothing secret about it whatever.

Mr. MORGAN. The state of the record is what I am referring to, not to anything the Senator has in mind at all. I understand that the Senate bill which provides a government for Puerto Rico was reported back from the committee to the Senate, and that that bill has been substituted for the House bill by a vote of the Senate.

Mr. FORAKER. The Senator is mistaken in that statement. I can correct the Senator in a moment if he will allow me to interrupt him.

Mr. MORGAN. Certainly.

Mr. FORAKER. Senate bill 2264 was introduced and referred to the Committee on Pacific Islands and Puerto Rico. In the committee certain amendments were proposed, and the bill was reported back with those amendments, and went upon the Calendar. Subsequently House bill 8245 came to the Senate, and when that came to the Senate it was referred to the same committee. That committee did not substitute Senate bill 2264 or bring the question of substitution before the Senate in any other way than to prepare an amendment which they offered as a substitute for House bill 8245, which is quite similar to and in some respects exactly the same as Senate bill 2264, but very different in many particulars. We did not disturb at all the parliamentary status of Senate bill 2264. It has ever since it was reported by the committee remained upon the Calendar, while House bill 8245, with a substitute proposed as an amendment, has been under consideration.

Now, all I ask is that that bill, which is on the Calendar, Senate bill 2264, may be recommitted to the committee, where it will have to go if there should be a separation from the House bill of the substitute offered by the committee, which has been under consideration for such changes as the passage of the House bill, in whatever form it may pass, shall make necessary. We do not want the same revenue provisions in both bills.

Mr. MORGAN. I understand that Senate bill 2264 has not been under consideration by the Senate either as an independent measure or as a substitute for the House bill.

Mr. FORAKER. No; in no way at all.

Mr. MORGAN. It has not been before the Senate at all; and that the recommittal of that bill to the committee will not in any way affect the House bill.

Mr. FORAKER. In no way whatever.

Mr. MORGAN. Very well; then the House bill is the regular order?

Mr. FORAKER. House bill 8245 remains the regular order.

Mr. MORGAN. Then I have no objection to the Senator's request.

Mr. BACON. Mr. President, I was unfortunately out of the Chamber when this colloquy began. I do not know really what may have been said by the distinguished Senator from Ohio [Mr. FORAKER] as to the purpose to bring the House bill to an early vote. I understood the suggestion made by the Senator a few days ago was that there might be unanimous consent by which the House bill could be separated from the amendments which had been proposed, and submitted to the Senate for early action. Speaking for myself, Mr. President, I very much favor that, and the purpose I have in now rising, before the matter at present pending in the Senate is finally disposed of, is to ask whether or not the learned Senator from Ohio can give any intimation as to the time within which he will be prepared to repeat the request which he made to the Senate a few days ago?

Mr. FORAKER. Mr. President——

Mr. BACON. Before the Senator replies, if he will pardon me a moment further, I desire to say that everyone must recognize that this is a matter of the greatest emergency. In evidence of that fact, I desire to have read from the desk a telegram which appeared in the newspapers of this morning from Ponce, in Puerto Rico, in which in a few sentences there is portrayed the very great distress in that island, growing out of the fact that business of all kinds is absolutely paralyzed there. Not simply the business of the merchant, not simply the business of the employer, but necessarily, in the paralysis of the business of the employer, there results the paralysis of the business of the employee.

Mr. President, it will not do to say that we have made provision by which this distress can be relieved, and that therefore we can take our time in determining what shall be the law with reference to the commercial relations between Puerto Rico and the balance of the United States, because, if the statements in this press dispatch are true—and we have no reason to doubt them—the amount of money which the Senate yesterday agreed to appropriate, in agreeing to the conference report, and thereby to that extent giving its assent to the appropriation of the amount of money which we appropriated, would not last three days if it is to be devoted to the relief of all of the people in the island. There are a million people in that island. If the statements of this dispatch are true, even people of wealth are absolutely penniless, not only not able to get the money to carry on their ordinary vocations, but to pay their daily expenses; and there are people there of means who are absolutely ready to work for their board if they can get it.

I say this not for the purpose of any extended discussion, but, sympathizing with the desire of the distinguished Senator from Ohio, as chairman of the committee charged with the responsibility of this legislation, to the extent of bringing about action by the Senate, I wish to express the entire sympathy I have with the desire expressed by the Senator a few days ago, and to ask him, after this dispatch shall have been read, if it is not practicable that he should renew that suggestion, that within not simply the near future, but the very near future we may not take action which shall to some extent restore confidence to business conditions in that island and which will enable the people to be at least protected from absolute suffering? I ask, before the Senator answers my question, that the paper which I have sent to the Secretary's desk may be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

PONCE, PUERTO RICO, *March 23, 1900.*

The situation here is now more serious than it had been at any time before since the terrible hurricane. In many places the poor are starving. The price of rice, beans, and codfish has increased from 50 to 100 per cent.

Demonstrations against the delay of the United States Government in settling open questions have recently been held at Mayaguez, Yauco, Arecibo, Aguadilla, Fajardo, Juan Diaz, Guayama, and many other towns. The people are unable to understand the delay, and they condemn all Americans indiscriminately.

Bad feeling is arising which it will take years to overcome. Even riots are threatened. Trouble is almost inevitable unless the tension is relieved. Even wealthy land owners can not command ready cash, and many Americans are penniless, being glad to work for their board.

Mr. FORAKER. Mr. President, I read in the morning papers the dispatch from Puerto Rico which the Senator from Georgia has just had read at the Secretary's desk, and I presume probably every Senator here has read it. It did not, however, convey to me any information. I was already familiar with the conditions existing in Puerto Rico as described in that telegram.

Mr. BACON. Possibly some other Senators may not have been so familiar with the conditions.

Mr. FORAKER. I referred to this when I was discussing the bill on the floor of the Chamber a few days ago. There is not anything in that dispatch in addition to what General Davis and other witnesses testified about when they were before our committee, except now, by reason of delay, those conditions have been possibly somewhat accentuated.

Mr. BACON. Of course.

Mr. FORAKER. General Davis told our committee that there were municipalities in Puerto Rico in which not one dollar could be raised for any kind of public purpose. It was because of that condition, which Senators are just now coming to appreciate,

that the committee, in seeking to provide revenue necessary for the conduct of that government, thought proper to make the provision which they did make, seeking thereby to exempt those people from the burden of direct taxation, which it would have been impossible for that people to have borne. It is because I have been aware of that condition that I have been anxious to relieve it in so far as we could relieve it, and that I have been, in season and out of season, until I have felt at times that I was almost impolite about it, pressing this bill in order that we might reach a vote in the Senate.

Mr. ALLEN. I should like to ask the Senator if he thinks that an indirect tax is an easier way of relieving those people than a direct tax?

Mr. FORAKER. I think it is far easier, especially when, ordinarily, it would go to somebody else than those who are paying it.

Mr. ALLEN. It costs quite as much money, does it not?

Mr. FORAKER. No, Mr. President, for these taxes they would have to pay anyhow. Senators lose sight of this fact. They are insisting that the tariff laws and all the other laws of the United States shall be applied in Puerto Rico and elsewhere. If so applied in Puerto Rico and elsewhere, the taxes so raised would be just as heavy, and they would come to Washington instead of going into the insular treasury for the relief of that people. We give that people not only all the tariff duties on goods imported from foreign countries, but we give them all the internal-revenue taxes which they would be required to pay, all of which would otherwise come here to Washington for the benefit of the whole country. We do not make them pay one iota until we come to the 15 per cent that they would not have to pay, if the contention of the other side were to be sustained——

Mr. ALLEN. Mr. President, I want to ask the Senator——

Mr. FORAKER. I hope the Senator will wait a moment, and I will let him ask me anything he wishes.

If the contention on the other side should be sustained, those people would have to pay full tariff duties. Nobody on the other side in opposition to this proposition contends otherwise. If the contention of those who claim that Puerto Rico is a part of the United States, as New Mexico and Arizona are parts of the United States, should be sustained, those people would have to pay full tariff duties just as they would have to be paid under this bill.

Mr. BACON. On what?

Mr. FORAKER. On everything imported from foreign countries.

Mr. BACON. Not from the United States?

Mr. FORAKER. No, sir. I am speaking now of importations from foreign countries. Not one cent of burden is added to them, I say in answer to the inquiry of the Senator from Nebraska [Mr. ALLEN], on account of the tariff duties paid on goods from foreign countries. But this indulgence to them is provided for by this bill, that when they pay those duties they pay only to themselves. Instead of bringing the money here to Washington we turn it over to them. And as to the internal-revenue taxes, they would have to pay the same as anybody else if your contention should be maintained; and it would come here instead of remaining with them. So that they pay no taxes whatever under this bill except only the 15 per cent, which is a very light tax, not at all burdensome, and which is imposed in their own interests, to relieve them from the deficiency that would have to be levied and raised by direct taxation on their property if we did not provide in this way.

The conditions to which the Senator from Georgia [Mr. BACON] has called attention, the conditions to which General Davis called attention, and the conditions that I commented upon here, as shown by that testimony, are such that that $3,000,000 needed for revenue could not by any possibility be raised by direct taxation on the property in Puerto Rico, and it was for that reason that this provision has been made.

But I do not want to consume time in discussing the merits of this proposition. I have made these statements only in answer to questions which have been put. I wish, however, to follow them with this statement——

Mr. BACON. Before the Senator passes from that point, when he speaks of revenue taxes on Puerto Rico of only 15 per cent of the Dingley law, if he will pardon me a moment, he of course means that there is that much in addition to the regular tax under the Dingley law or the regular tariff duties of the Dingley law on all goods from foreign countries. What I mean is that they are to pay the same tariff that any other part of the United States has to pay on imports from foreign countries, and, in addition to that, there would be——

Mr. FORAKER. The one has no relation to the other. What goes into Puerto Rico from the United States does not go in there from a foreign country, but on all that is sent into Puerto Rico from here they would pay simply 15 per cent of the Dingley rates. They would not have to pay anything in addition.

Mr. BACON. I understand that.

Mr. FORAKER. It is only that which goes into Puerto Rico from foreign countries that pays this rate.

Mr. BACON. In addition to the Dingley rates?

Mr. FORAKER. They have to pay in any event everything they are required to pay by this bill, except that 15 per cent; and as an offset to that we give them that 15 per cent, and we give them the tariff duties on foreign imports and the internal-revenue taxes besides.

Mr. ALLEN. We make them pay under the war rates of the Dingley law.

Mr. FORAKER. I am speaking about the general law, whatever it may be.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio?

Mr. FORAKER. I want to conclude, Mr. President.

It is because of this condition of things, because of this great urgency, that I thought I would this morning take a step toward a separation of these bills, by asking that Senate bill 2264 might be recommitted in order to give the committee an opportunity to act in anticipation of what may be done as to the revenue part of this legislation. If I can get them separated, I can perfect the civil government bill and bring it back here without any delay, and, if possible, put it on its passage. I shall wait a reasonable time. I said to the Senator from Nebraska that I would wait some three or four days, or a week, possibly, until House bill 8245 can be disposed of; but if there shall be any unreasonable delay about it, I shall want the privilege of passing the civil government bill anyhow, because those people have got to proceed to raise revenue in some way.

Mr. DAVIS. What is the title of the bill which the Senator moves to recommit?

Mr. FORAKER. Senate bill 2264, to provide a government for Puerto Rico, and for other purposes. It is a bill that not only provides a civil government, but it provides for some other matters that are of the greatest importance; for instance, the exchange of the Puerto Rican coins for United States coins. There can not be business transactions in Puerto Rico now without an exchange of coin, and that is burdensome.

Mr. DAVIS. I inquire if this is the same bill which was reported from the committee?

Mr. FORAKER. It is the first bill reported from the Committee on Pacific Islands and Puerto Rico.

Mr. BACON. With the permission of the learned Senator from Ohio, while of course I am very much gratified to get the information which he has given the Senate, I have not had from him an answer to the inquiry which is in my mind. I may have been unhappy in its expression, or I may not have made it clear to the Senator.

As I understand, there is a reason why the Senate bill should be recommitted, in order that it may be recast in some features; but if there is this contemplated separation of House bill 8245 from the Senate bill which has been tentatively grafted upon it as a substitute; if there is, then, a separation, I do not understand that there is any desire that the House bill should be recommitted for any action on the part of the committee, and it is in recognition of that fact that the House bill is here, that no further action of the committee is desired thereon, that the suggestion was made by the Senator from Ohio a few days ago that we should vote upon that separately.

Mr. FORAKER. Yes.

Mr. BACON. Recognizing the difficulty which confronts the Senator, and of which we are all aware, I simply desire to know, in view of the great emergency, whether or not the Senator can indicate to the Senate a very early date at which he will renew the propositions which he made two days ago?

Mr. FORAKER. I can say to the Senator, in answer to his question, as I have already intimated, that I thought perhaps on Monday, certainly not later than Tuesday, to get these two bills separated, if I find it necessary, so that the civil government bill and the House bill may be brought to a vote separately. I will say that I desire to do that at the very earliest day possible to which Senators will agree.

Mr. BACON. The question to which I want to direct the attention of the Senator is this: Whether or not it is the purpose to make the House bill await the return of the civil government bill from the committee?

Mr. FORAKER. Not at all.

Mr. BACON. Or whether it is the purpose of the Senator in charge of the bill to ask for the early action of the Senate independently of the time when the committee may act upon the civil government bill?

Mr. FORAKER. I mean, if Senate bill 2264 shall be recommitted, to let it remain in the committee until the House bill is disposed of; and I expect to ask the Senate to allow me to separate the House bill from the substitute which has been offered, and to take a vote on the House bill some time during next week—Wednesday, if Senators will agree; but I hope not later than Thursday in any event.

Mr. BACON. That is the information I desired to get, and I am much obliged to the Senator for it.

Mr. HALE. Let me call to the attention of the Senator that I think he is not dependent upon the leave of the Senate as to separating the propositions. He may withdraw any amendment he has proposed to the House bill, and at any time may bring up the House bill alone before the Senate or with any other amendment that he chooses to present to the Senate.

Mr. MORGAN. This amendment has been amended time and again.

Mr. FORAKER. Yes; the amendment has been amended, and I think, under Rule XXI, I would not have a right to withdraw the amendment. I would have to have the consent of the Senate.

Mr. HALE. I do not think the Senator needs unanimous consent to do that.

Mr. FORAKER. I do not need unanimous consent, if a motion to that effect would prevail. It could be done in that manner. The Senator from Vermont [Mr. PROCTOR] who objected to an early vote is not in his seat, and I have not been able to see him.

Mr. ALLEN. I wish to say only a word respecting this matter, because the question was up before the Senate day before yesterday. I merely wish at this time to emphasize the fact that the Senator from Ohio has discovered that a 15 per cent indirect tax is lighter than a 15 per cent direct tax, and that the suffering Puerto Ricans will be relieved of their distress sooner by the passage of the House bill taxing them 15 per cent than by giving them an autonomous government; and if he believes that, I do not think I desire to object.

Mr. FORAKER. I perhaps did not make as full an answer to the Senator from Nebraska on that point as I should have made if I had not been interrupted. Of course the amount would be the same, and it would be the same cost to those who would have to pay it, for one amount as for the other. But what I want to say in answer to the Senator from Nebraska is that under all the circumstances a 15 per cent tariff duty would be a great deal lighter and more easily raised than a direct tax of an equal amount on property, because the property itself having to bear it equally, one piece alike with another, there would be many pieces on which they could not pay it at all.

There is no robbery of anybody. The people who do business, who have money transactions, and have goods to sell, and have money with which to buy, can bear a light tax of that kind in a case of emergency better than the poor plantation or property owners, who have no money and who are dying of hunger or taking three meals a day from the Government as a matter of charity.

Mr. ALLEN. Does the Senator really believe that the imposition of a tax upon the Puerto Ricans will relieve their distress sooner than the passage of a bill giving them an autonomous government?

Mr. FORAKER. I do not know of any proposition of that kind. I should want to see it before I answered.

Mr. MORGAN. Before the bill is recommitted, I desire to offer an amendment to it to go to the committee, which I ask may be read at the desk.

The PRESIDENT pro tempore. The Senator from Alabama, without objection, offers an amendment to Senate bill 2264.

Mr. MORGAN. If that is the right number.

The PRESIDENT pro tempore. That is the bill which the Senator from Ohio asks to have recommitted. The amendment proposed by the Senator from Alabama will be read.

The SECRETARY. It is proposed to add the following as an additional section:

Any citizen of the United States who shall deposit for coinage at any mint of the United States silver bullion of the value of not less than $100, estimated at the rate of 371¼ grains of pure silver per dollar, and at the same time and as a part of the same deposit shall also deposit gold bullion for coinage of equal or greater value, estimated at the rate of 23.22 grains of pure gold per dollar, shall be entitled to have such gold and silver bullion coined in such lawful denominations of gold and silver coins of the United States as he shall designate, and after such deposit none of said bullion shall be withdrawn as bullion from such mint, but such gold and silver bullion shall be coined and the coin shall be delivered to the depositor, his or her assigns, or legal representatives, in discharge of the certificate of deposit issued for such deposit.

The superintendent of such mint shall issue to such depositors certificates of deposit, in accordance with this act, and shall refine and coin such bullion of gold and silver for and on account of such depositors in the same manner as if the same was owned by and was coined on account of the Government of the United States, and the charges for refining and coining such bullion shall be the same as are lawfully made in such cases.

No gold or silver bullion shall be deposited for coinage under this act that has been coined or manufactured as an article of commerce or that is not the product of mines in the United States.

The PRESIDENT pro tempore. The Senator from Alabama desires to have the amendment printed and go to the committee if the bill be recommitted. It will be so ordered. Is there objection to the recommittal of the bill?

Mr. GALLINGER. Mr. President, before the bill is recommitted, I simply desire to say to the Senator from Ohio that I have three correspondents in Puerto Rico, one of them being a citizen of my own city, a practicing attorney, and my information is that the people of Puerto Rico are extremely anxious for the establishment of a civil government. They are chafing under the present form of government; and the gentlemen with whom I correspond say that this little matter of a 15 or 25 per cent tariff duty is of much less concern to them than a stable government; and I trust the Senator will report back the bill at the earliest possible moment.

Mr. FORAKER. There will be a meeting of the committee called for 10 o'clock Monday morning, and the report will be made just as soon thereafter as the committee can agree. I am trying so to shape the bill as to have it ready for consideration by the committee. There will be no delay on my part.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio?

Mr. BACON. Please repeat it.

The PRESIDENT pro tempore. It is simply a request to recommit the Senate bill.

Mr. BACON. I beg pardon.

The PRESIDENT pro tempore. The Chair hears no objection. The bill is recommitted, and the amendment offered by the Senator from Alabama will accompany the bill.

NATHAN S. JARVIS.

Mr. PETTUS. I ask leave for the present consideration of the bill (S. 3270) for the relief of Nathan S. Jarvis.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President, by and with the advice and consent of the Senate, to appoint Nathan S. Jarvis, late captain and assistant surgeon, United States Army, a captain and assistant surgeon, and to place him on the retired list of the Army with that rank and pay.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY POST NEAR DES MOINES, IOWA.

Mr. GEAR. I ask leave to call up the bill (H. R. 99) to establish a military post at or near Des Moines, Iowa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISBURSING OFFICERS, SUBSISTENCE DEPARTMENT.

Mr. HAWLEY. I ask present consideration for the bill (S. 2870) concerning disbursing officers of the Subsistence Department of the Army.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes officers intrusted with the disbursement of funds for the subsistence of the Army to keep, at their own risk, in their personal possession for disbursement, such restricted amounts of subsistence funds for facilitating payments of small amounts to public creditors as shall from time to time be authorized by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 156) granting a pension to Lena E. Patterson;

A bill (H. R. 856) granting a pension to Mary McCarthy;

A bill (H. R. 857) granting an increase of pension to James Chapman;

A bill (H. R. 1768) granting an increase of pension to George J. Stealy;

A bill (H. R. 3085) granting an increase of pension to William Sheppard;

A bill (H. R. 4335) granting a pension to William H. Edmonds;

A bill (H. R. 4795) granting an increase of pension to John O'Conor;

A bill (H. R. 4886) granting an increase of pension to Wilbur F. Loveland;

A bill (H. R. 6356) granting an increase of pension to Lewis R. Armstrong;

A bill (H. R. 7323) granting an increase of pension to Harrison Canfield;

A bill (H. R. 7445) granting a pension to Emma B. Reed;

A bill (H. R. 7594) granting a pension to Amelia Taylor; and

A bill (H. R. 8397) granting an increase of pension to John White.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 8128) to establish light and fog signal at Browns Point in Puget Sound; and

A bill (H. R. 9824) authorizing the Secretary of War to make

regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams.

LIGHT-SHIP NEAR CAPE ELIZABETH, MAINE.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 9497) to amend an act providing for the construction of a light-ship to be located near Cape Elizabeth, Maine; which was read the first time by its title.

Mr. HALE. I ask unanimous consent that the bill may be put upon its passage.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the act approved February 4, 1899, entitled "An act providing for the construction of a light-ship to be located near Cape Elizabeth, Maine," is hereby amended so that the limit of the cost for the said light-ship and fog signal shall be increased from $70,000 to $90,000, and the Secretary of the Treasury is hereby authorized and directed to proceed with the construction of the said light-ship and fog signal, as directed by the original act as modified by this act.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. COCKRELL. What is the effect of the bill?

Mr. HALE. It was found on getting bids that the amount which we gave last year was not enough by $20,000, and this supplies that and enables the light-ship to be built.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT PEMBINA MILITARY RESERVATION, N. DAK.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (S. 157) providing for the selection of the lands within Fort Pembina Military Reservation, N. Dak., by the State of North Dakota.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? It has heretofore been read twice.

Mr. COCKRELL. Let it be read again in full.

The Secretary again read the bill.

Mr. PETTUS. I should like to know from the Senator in charge of the bill whether this is an existing reservation from which the lands are to be selected?

Mr. HANSBROUGH. It is not; it is an abandoned military reservation. It has been abandoned quite a number of years.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HANSBROUGH. An amendment was proposed to this bill when it was up some weeks ago by the Senator from Utah [Mr. RAWLINS]. We had some discussion over the subject at the time. I suggested to the Senator that he submit his amendment to the Committee on Public Lands, which he did in the form of a general bill. The Committee on Public Lands sent the amendment in that form to the Secretary of the Interior, and we have a report from the Secretary against the proposed amendment. I ask that the amendment offered by the Senator from Utah may be disagreed to.

Mr. JONES of Arkansas. I should like to ask the Senator in charge of this bill if the Senator from Utah [Mr. RAWLINS] did not have some connection with this bill and did not take interest in it in some way when it was spoken of before in the Senate?

Mr. HANSBROUGH. I just explained that. The Senator from Utah offered an amendment to this bill providing that several States might select lands on any reservation. It was general legislation.

Mr. JONES of Arkansas. I think the matter ought not to be taken up in the absence of the Senator from Utah.

Mr. HANSBROUGH. The Interior Department has reported against the proposition of the Senator from Utah.

Mr. JONES of Arkansas. That does not prevent the Senator from Utah from insisting on his amendment, and I think he has a right to be heard by the Senate. He is not here, and it is a courtesy due him that he should be present when the matter is taken up.

Mr. HANSBROUGH. He has been heard twice on this subject, however.

The PRESIDENT pro tempore. Does the Senator from Arkansas object?

Mr. JONES of Arkansas. I object.

DAVID BAGLEY.

Mr. PERKINS. I ask unanimous consent to call up the joint resolution (S. R. 72) authorizing the President of the United States to appoint David Bagley as an additional cadet at the Naval Academy, Annapolis, Md.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I ask unanimous consent that immediately after the close of the routine morning business on Monday the Senate proceed to the consideration of Senate bill 3419, known as the Alaska bill.

Mr. COCKRELL. I hope the Senator from Montana will not ask unanimous consent now to bind the Senate on Monday. I suggest that he give notice that he will call it up. The Senate is not in condition to make unanimous-consent agreements.

The PRESIDENT pro tempore. The Senator from Missouri objects.

Mr. COCKRELL (to Mr. CARTER). Give notice that you will call it up. There will be no objection, so far as I know.

Mr. CARTER. Mr. President, I should like at an early date to have some understanding with reference to the consideration of this bill. From day to day one Senator after another has suggested that the matter go over; that there is plenty of time to consider it; but the fact is that the bill, to be of value the coming season, must be passed in the near future. There are no objections to the bill as a piece of legislation, so far as I am advised. Senators have offered amendments going to the details of the bill, but there has been no general opposition to it.

I realize, Mr. President, that shortly after the close of this month or probably at the opening of next week, with the election cases to be disposed of, appropriation bills to be considered, the Puerto Rican measure to be debated, the Senate is quite likely to find its business so congested that the Alaskan bill will be put off from time to time to a point so near the close of the session that it will fail to pass at this session of Congress. Such failure would be a public calamity, involving not a few thousand, but a great many thousands, of people of the district of Alaska and very great interests being developed in that country. I feel justified—indeed, called upon—to state to the Senate the importance of the early consideration of the bill which the committee has had under consideration not only during the present session of Congress, but also at great length at the last session of Congress.

I trust that the Senator from Missouri, in view of the serious importance of the measure, will not object at this time to a unanimous-consent agreement that the bill be taken up on Monday after the close of the routine business, and I will supplement that request by asking that the unfinished business be laid aside on Monday to the end that we may complete the consideration of this bill. I think its consideration can be completed during Monday. The engrossing of the bill, its consideration elsewhere, and a conference which will doubtless result, will involve about all the time the Senate will have to devote to the bill, if we utilize every particle of time available.

The importance of the Puerto Rican matter no one pretends to minimize, but I submit that we should give consideration to the needs of our own citizens, concerning whose constitutional status and relations to the Government no question exists, through whose enterprise a mighty empire is being made to yield treasure to the current of commerce each and every year, a district which, in my opinion, will within the next twenty-four months outstrip the most extravagant stories of gold production the world has ever known. The Transvaal, Australian, Californian, and all the gold-producing fields known to the history of mankind pale into insignificance in comparison with the volume of the precious metals destined to flow from the Alaskan mines if half that is said of it by eyewitnesses proves to be realized in fact.

We will have in the district of Alaska during this coming season, if the transportation companies may be relied upon as giving a fair forecast of the passenger traffic to the Cape Nome country, not less than 100,000 miners actually engaged in work along a coast not exceeding 30 miles in extent. This does not take into consideration the number engaged upon the Yukon River, the vast enterprises that are being prosecuted in southeastern Alaska, and in the Prince William Sound country. Mr. President, the Senate can afford to devote night sessions to the consideration of a bill which provides a system of law to regulate and govern the people and conditions to which I refer.

The history of Alaska, so far as Congressional attention is concerned, is a pathetic one. Up to the last session of Congress a legal jury had never been impaneled in the district of Alaska. Men had been condemned to death and had been executed without regard to forms of law and without right of appeal. We established a court, hastily thrown together, receiving little consideration in either House of Congress, and from that court no appeal could be taken to any other court anywhere. We provided that a jury should be impaneled as provided by the laws of Oregon; yet the laws of Oregon prescribed qualifications for jurors which no man in Alaska could answer or qualify under.

Yet, Mr. President, the district of Alaska has yielded to the Treasury of the United States and to the people of this country a million dollars for every thousand invested in the purchase and is destined in the future to be the great, strong, unfailing source of gold supply for this country. I am very anxious to see the people

of Puerto Rico and the Philippines taken care of and will devote as much time and attention to that work as the Senate may require, but the people in Alaska come home to us. They are of our own flesh and blood. They go forth from each and every State in the Union and from all the Territories and must protect themselves by the strong arm of mob law as best they can.

I make this statement to the end that the responsibility for this legislation may pass from my shoulders to the Senate. I have no more interest in the passage of this bill than any other Senator; but my interest and the interest of the Senate are profound. Indeed, it is the bounden duty of this body to pass this measure, and pass it without delay. If there existed any substantial reason why delay should occur I would stand mute and wait, but I renew my request for unanimous consent that upon Monday, at the close of the routine morning business, we proceed to the consideration of the Alaska bill, and that the unfinished business be temporarily laid aside during that day for the purpose of considering the bill.

Mr. COCKRELL. It gives me very great pleasure to renew my objection, and to state that the Senator knows a reason for it. He has no right, with the Senate in the condition it is in now—a condition which I can not name—to ask unanimous consent that will bind, when he knows that the Senator from Tennessee [Mr. BATE] is not here and many other Senators are absent. I suggested to the Senator what seemed to me the course to be pursued to secure the passage of the bill, and that was for the Senator to give notice that immediately after the routine morning business on Monday he would move to consider the bill, then be in his seat at that moment and move to consider the bill, and the Senate would take it up and dispose of it.

I am sure that every Senator here, and those who will be here on Monday, if the Senator gives the notice, will facilitate the disposition of the bill at the earliest possible time, and share with the distinguished Senator from Montana some of the responsibility for the passage of the bill. It is not fair nor right that the Senator should insist upon a unanimous-consent agreement.

Mr. CARTER. I regret that the Senator takes great pleasure in objecting to the requested unanimous consent.

Mr. COCKRELL. Well, I do.

Mr. CARTER. I am sorry that he finds pleasure in sensations of that sort.

Now, Mr. President, for some reason or other, the opposition to the consideration of this bill has been interposed without any special reason at any time, as far as I have been able to hear or ascertain from anybody's explanation. Opposition to the formal reading of the bill occurred; something unheard of in this body in its history occurred with reference to this bill. We were compelled to sit here and go through the farce of reading each and every word in the bill from one end to the other, when the Revised Statutes of the United States were read pro forma in about thirty minutes. Why this has been required I know not.

The Senator from Missouri objects at the present time, I believe, because of the absence of the Senator from Tennessee. The request is not made because of the absence of the Senator from Tennessee. I have sent pages about the building to endeavor to find the Senator from Tennessee, who has been steadily objecting to the consideration of this bill. I do not wish the Senator from Tennessee to accomplish by his absence what I hope he will not be able to accomplish in the future by his presence. I think that Senator contemplates, as does the Senator from Missouri, giving attention to this bill at some time; but permit me to say that the way to dispose of the bill is not to continuously object to its consideration.

I shall renew the request on Monday, and hope that unanimous consent will then be granted, as indicated by the Senator from Missouri.

Mr. COCKRELL. It will give me a great deal of pleasure to join with the Senator and to stay by him, side by side, until he has had the bill passed—at a night session, if it is necessary.

Mr. CARTER. I thank the Senator.

Mr. COCKRELL. It was not because of the absence of the Senator from Tennessee alone that I objected, but I had told the Senator that I objected to it and would object, and he made the second appeal. Therefore I expressed the pleasure I had in affirming what I had told him I would do and proving truthful to what I had said.

Now, I hope the Senator will move on Monday morning to take the bill up as a matter of business, in a business way, and we will sustain him and help him pass the bill.

But there was another reason why I could not give my consent. That reason I could not name, but that reason any Senator can see if he will just look around this Chamber and count the number of Senators present, and what might occur, if certain things might be said, to delay the regular business of the day.

Mr. JONES of Arkansas. Mr. President, I wish to say in this connection that, while the practice of asking unanimous consent in the Senate is a valuable right and one that is good and facilitates the public business on occasions, I believe it is getting to be a little too common to undertake to have times fixed for the votes and for the consideration of questions, especially when there is not a full Senate. It is not uncommon to have Senators come into the Chamber and complain that they were not present when a unanimous-consent agreement was made to consider a particular measure and that they did not want to have it done.

I believe that this right ought to be exercised sparingly and only upon occasions of importance and emergency, and I do not believe it ought to be indulged in so constantly. I believe it is a practice that ought to be broken up in the Senate except on extraordinary occasions. I think this is a good illustration of the unreasonableness of having this sort of thing done on all occasions.

STATUE OF OLIVER P. MORTON.

Mr. FAIRBANKS. Mr. President, I ask that the communication from the governor of Indiana may be laid before the Senate.

The PRESIDING OFFICER (Mr. PETTUS in the chair). If there is no objection, the communication will be read.

The Secretary read as follows:

EXECUTIVE DEPARTMENT, STATE OF INDIANA,
Indianapolis, Ind., December 14, 1899.

To the members of the Senate and
House of Representatives of the United States.

GENTLEMEN: In pursuance of a provision of the Federal Statutes, section 1814, Revised Statutes of the United States, the general assembly of the State of Indiana enacted a law which was approved on the 27th of February, 1897, authorizing the governor of the State to appoint a commission to procure a statue of Oliver P. Morton, late governor of Indiana, to be placed in the National Statuary Hall at Washington, D. C.

In obedience to this statute the governor appointed Hon. Charles E. Shiveley, Hon. Oliver T. Morton, and Hon. Addison C. Harris to constitute such commission.

Upon the death of Hon. Oliver T. Morton and the appointment of Hon. Addison C. Harris as minister to Austria-Hungary, Judge Elijah B. Martindale and Hon. Henry C. Pettit were appointed to succeed them on said commission.

This commission having filed in my office its report showing that the members thereof have discharged their duties, I therefore, in behalf of the State of Indiana, and through the delegation in the National Congress from this State, convey to the care and custody of the United States Government this modest tribute of the everlasting esteem of this great State for the inestimable services rendered, not only to the State but to the National Government as well, by Indiana's great war governor, peerless statesman, and matchless Senator.

Respectfully,

JAMES A. MOUNT,
Governor of Indiana.

Mr. FAIRBANKS. Mr. President, I offer the concurrent resolutions which I send to the desk.

The PRESIDING OFFICER. The concurrent resolutions will be read.

The concurrent resolutions were read by the Secretary, as follows:

Resolved by the Senate (the House of Representatives concurring), That the statue of Oliver P. Morton, presented by the State of Indiana, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of the most eminent citizens and illustrious statesmen of the Republic.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Indiana.

Mr. FAIRBANKS. Mr. President, the Senate of the United States pauses in the consideration of the important routine business of the country to accept a tribute from the State of Indiana—a statue of Oliver Perry Morton.

That statue is to stand in yonder venerable Hall of Representatives, now tenanted by the mute images of the chiefest jewels of the Republic. Assembled there are the marble figures of eminent and renowned citizens, soldiers, and statesmen, whose luminous deeds are a part of the familiar history of the country. In good time representatives of each of the sisterhood of States of the Union will be gathered there, and the number will equal the membership roll of the United States Senate. Parties may come and go, Administrations may rise and fall, but no change will occur in the members who join the select assemby in that exalted and historic Hall.

The State of Indiana has an ample roll of distinguished statesmen who have served her well; of soldiers who won imperishable renown upon the battlefields of their country; of those who have attained high place in the world of letters and have achieved eminence in other avenues of honorable distinction, but, without invidious discrimination, she makes her present, and first, contribution to Statuary Hall.

Oliver Perry Morton was one of the commanding figures of the United States during the most heroic period of her history. He impressed himself upon his State and nation by the force of his commanding genius, and the history of neither State nor nation would be complete without the story of his life and work.

He was born in the village of Salisbury, Wayne County, Ind., on the 4th day of August, 1823. His parents were natives of New Jersey, and of English ancestry. His father, James S. Throck Morton, was a man of worth and of more than ordinary force of character and intelligence. His admiration of military heroism led him to name his son Oliver Perry Hazard Throck Morton. Throckmorton is the original family name, to which a number of the descendants still adhere. When prepared to enter upon the

practice of the law, the son was persuaded that so many baptismal names might impede his progress at the bar, so he subscribed himself and was thenceforth known as Oliver P. Morton.

His mother died shortly after his birth, and he was committed to the care of relatives, who bequeathed to him their small patrimony, which was of great assistance to him in obtaining an education.

His training was tempered with indulgence, but he repaid care with affectionate devotion. He was a precocious youth, and was inspired to personal ambition by his exceptionally fortunate surroundings.

The people of Wayne County, among whom Morton was born and reared, were and always have been characterized by a high order of intelligence. They have been a Christian people, exalting law and order and holding religion and knowledge as the chief instruments in the advancement of civilization. They have been intensely patriotic and liberty loving. The institution of human slavery was repugnant to them, and they were strongly antislavery prior to the civil war. The underground railroad had many stations in that portion of the State, where countless colored refugees found succor and asylum in their search for liberty.

The story of Morton's youth is familiar to those who have lived midst pioneer surroundings. It was the story of many of those who have achieved place and power in the history of the Republic. He did not have the disadvantage of rich birth and exalted parentage, which too often stunt ambition, but was born on a level with the great mass of his countrymen, and was inspired by their hopes and aspirations and impressed by their struggles and self-denials. The loftiest character is a flower which blooms among the stern realities of life.

He had an early passion for knowledge and bent all his energies to attain an education. The facilities offered the youth were meager at best, but he availed himself of them to the utmost. He early determined to become a lawyer and devoted his energies to that end. Upon his entrance to the bar he dedicated himself to the work of his chosen profession with diligence and determination.

He impressed himself upon the bar and the bench as a forceful lawyer and of more than ordinary promise. He was conscious from the beginning of the inadequacy of his preparation for a profession most exacting in its requirements. He was early called to the bench, and feeling the insufficiency of his equipment entered a law school, and after a term spent there assumed his judicial duties. He was too conscientious to sit in judgment in the causes of his neighbors without the amplest preparation. He was not deterred by any foolish sense of false pride from going back to acquire knowledge of which he felt himself deficient. In this instance was manifested his leading characteristic—loyal, conscientious preparation for the proper discharge of every trust.

After a brief period of service upon the bench he returned to the bar, which offered a wider and more congenial field for the display of his genius. His greatest powers were enlisted in the arena of combat.

Morton was born and reared a Democrat, but ceased to affiliate with the Democratic party after the adoption of the Kansas-Nebraska compromise. He became one of the founders of the Republican party, and was elected lieutenant-governor on the Republican ticket in 1860 with Henry S. Lane, and upon the elevation of the latter to the United States Senate, in January following, succeeded to the chief executive's chair. No governor ever assumed the reins of government under more embarrassing or discouraging circumstances.

The storm which was fast gathering over the country was soon to break with terrific fury. Threats of "secession" and "compromise" filled the air. The governor's position was at no time in doubt. He had expressed his views a few weeks prior to his inauguration in a speech of remarkable power. "If South Carolina gets out of the Union," said he, "I trust it will be at the point of the bayonet after our best efforts have failed to compel her submission to the laws. Better concede her independence to force, to revolution, than to right and principle. * * * Seven years is but a day in the life of a nation, and I would rather come out of a struggle at the end of that time defeated in arms and conceding independence to successful revolution than purchase present peace by the concession of a principle that must inevitably explode this nation into small and dishonored fragments."

To realize the full significance of this trenchant and brave utterance we must return to the time and circumstance in which it was uttered. These were the words of courageous statesmanship, uttered at the threshold of a mighty crisis, and were a trumpet call to heroic duty.

When Morton became governor the State was in financial straits; its credit was sorely impaired and a low sense of civic duty pervaded many of the departments of the State government. There was no militia worth the mentioning, and there was no serviceable equipment with which to supply volunteers, which were to be so soon and so greatly needed.

The fall of Sumter and the President's call for 75,000 troops stirred the patriotic ardor of the State. Before he was advised of the call, the governor tendered the President, on behalf of Indiana, 10,000 men "for the defense of the nation, and to uphold the authority of the Government." Within a week he had in the camp more than twice Indiana's quota of men. Within twelve days after the fall of Sumter he had convened the legislature in extra session, and $2,000,000 was appropriated for the organization and equipment of the militia necessary for the protection of the State.

We have passed—

Said he in his message to the legislature—

from the field of argument to the solemn fact of war. * * * It is the imperative duty of all men to rally to the support of the Government, and to extend in its behalf, if need be, their fortunes and their ability. * * * The struggle is one into which we enter with the deepest reluctance. We are bound to the people of the seceding States by the dearest ties of blood and institutions; they are our brothers and fellow-countrymen; but while we deplore the character of the contest in which we are engaged, nevertheless we should meet it as men.

He realized, and in advance of most others, the true and tremendous significance of the incipient secession movement; that it meant a mighty struggle and that it would involve the expenditure of blood and treasure he fully appreciated; that a grave emergency was at hand, and that the future of the Republic would tremble in the balance, he clearly foresaw. He did not doubt the result of the issue, but he favored energetic and speedy preparation to meet it. When others wavered he was firm and when others doubted he was certain. Compromise was impossible, for right and wrong opposed each other; freedom and slavery were engaged for the mastery; there could be no compromise.

The task he undertook was herculean. There were many who were not in sympathy with the Union cause. Strong men, possessing a large measure of public confidence, were either openly or secretly opposed to his course and plotting against him. For a time the unseen forces which permeated the State were more subtle and dangerous than those in open arms. The governor was not caught unprepared. By ceaseless vigilance he anticipated every attack which treason about him planned. His life was frequently in serious peril, but he was providentially spared for the great work for which he was so well suited.

When the governor was without funds to support the affairs of the State, through the failure of a hostile and disloyal legislature to perform its duty, he borrowed money upon his personal responsibility and preserved the faith and credit of the State. The emergency was great, and it required a man of commanding force and ability to meet it.

The governor always loyally supported President Lincoln, and was one of his wise and trusted counselors, a forceful coadjutor. The President knew that he had in him one whose aid was potential and at his constant command.

He promptly met every demand of the President as though it had been anticipated by him. He enlisted and equipped, from first to last, more than 200,000 soldiers. They were the pick and flower of the State, and with the sword wrote a high record among heroic men.

He was, indeed, the soldiers' friend. His duty to them was not done when they had enlisted and marched to the front; it was but begun. His watchful eye was over them wherever they went, and he constantly and in every manner possible ministered to their comfort. He furnished them supplies, organized an efficient sanitary commission, and his physicians and nurses were promptly upon the field wherever Indiana soldiers were engaged. Immediately after the terrific battle of Shiloh he went to the front to make sure that all that human agency could do was done for those who had suffered in that dreadful conflict.

His solicitude for the soldiers was realized by them as they marched away from home down to the battlefields of the Republic. They appreciated it in the storm of conflict, and at its close they saw it in his generous welcome upon their return; they felt it when he sat in the nation's chief council chamber.

The soldiers of Indiana observe each recurring anniversary of the death of Morton by some suitable and impressive ceremonial. They delight to honor his memory and recount his deeds and achievements.

Obstacles did not deter him; opposition did not dissuade or discourage him; they but added strength to his arm and determination to his will. Duty! duty! thundered in his soul, and he was loyal to its supreme mandates.

Having served his State through her crucial period, he was elected by his party a United States Senator. He had accomplished all that was required of him in the old field; his abilities were needed in the new, to which the numerous and serious questions growing out of the war were transferred.

He brought to the Senate in March, 1867, a national reputation, a record of conspicuous and honorable achievements. He had attained to the foremost rank among the group of illustrious war governors whose splendid services in a great crisis are indelibly

impressed upon the history of their time. He entered this exalted Chamber a tried and trusted tribune.

For ten years this was the theater of his tremendous energies. They were years filled with momentous questions. No more weighty or complex problems have ever engaged the attention of the country than those which immediately followed the close of the civil war. There were in the Senate when Morton entered as profound statesmen as the country has produced. There have been none better or more suited to the hour in the nation's history. It is a happy circumstance in the history of our Government that the man and the hour always meet. Grave questions seem to beget the men to meet them.

Although when Mr. Morton entered the Senate he was within the grasp of cruel disease which might prove fatal at any moment, he assumed the weighty burdens of his great office with serenity and with undaunted courage. He held a commission from his State; he had a duty to perform, and nothing could stay his purpose. He worked unceasingly. When others faltered he kept on, resolved to give the best he had and all he had to the State. The world little knew the battle he had with an insidious disease, the fight he had with death.

He seemed to bid it defiance. A nation which had emerged from the fiery baptism of war must be put upon the highway of enduring peace; States must be restored to full fellowship in the Union; a race must be secured in the rights of citizenship; provision was to be made for the widow and the orphan by a grateful Republic; he had no time to parley with death.

There are colleagues of Mr. Morton in the Senate who remember as though it were but yesterday how the Senator was borne into this Chamber in his chair and how he delivered his great speeches seated there. He commanded the respectful attention of the Senate and of the country when he spoke. He was an antagonist not to be lightly engaged, for he always went into battle with a well-filled quiver; he never spoke flippantly nor in idle jest, but seriously and soberly in the cause where his conscience commanded; "he could no other." He possessed convictions, and convictions possessed him.

The labors of Senator Morton in the committee room and in the Senate were prodigious. Night and day he wrought on, regardless of his physical infirmities, manifesting to the world the sublimest moral heroism. He was made of the elements of which martyrs were made and would have gone to the stake for opinion's sake.

The records of the Senate bear the amplest testimony to the extent and merit of his work. He was neither a trimmer nor a timeserver and neither avoided nor evaded issues. No matter what the issue, he met it courageously, fearlessly. During his service in the Senate he participated in all the more important debates which engaged its attention. He was an aggressive and zealous advocate of the policy of reconstruction. It was largely due to his championship that the fourteenth and fifteenth amendments to the Constitution were adopted.

His final service marked, perhaps, his most conspicuous service in the Senate. The disputed result of the Presidential election in 1876 menaced the security of the Republic. Wise and able statesmen of the Republican and Democratic parties advocated the creation of a tribunal which should determine the serious questions in dispute. Senator Morton sharply differed with his leading party associates as to the necessity and wisdom of an electoral commission and enforced his views with his accustomed power and vigor; but when defeated, he loyally accepted the result and took a seat upon the commission, where he served with commanding ability under circumstances which verged upon the pathetic.

Stricken with remorseless disease and rapidly approaching the end of his illustrious life, he consecrated himself completely to the cause he regarded so vital to his country. His colleague, Senator McDonald, an upright citizen and able statesman, but sharply opposed to him politically, thus spoke of his services which really crown his career:

> His labors on the Electoral Commission during the eventful period when it seemed as if the very foundations of our Government were in danger of being uprooted are vividly remembered by all. Physically disabled, yet he was everywhere present; borne to his committee room, carried to this Chamber, lifted to his seat in the Electoral Commission by the strong arms of others, there remaining into the long, dreary hours of the night, tireless among the tired, pressing on where strong men gave way, he presents a picture that may well excite our wonder and challenge our admiration, and for which history furnishes no example.

Senator Morton died in November, 1877. Then closed "a life of great occasions greatly used." His work was, perhaps, complete, though his ambition had not been fully gratified. He had aspired to the Presidency of the United States. At the convention of his party held in Cincinnati in 1876 he was one of the leading candidates for that exalted office, and his candidacy commanded everywhere the most respectful consideration. His long service to his State and to the United States and his complete equipment for the high office spoke most strongly in his behalf, but his physical disabilities were recognized by the country as a serious if not insuperable obstacle to his nomination. His State gave him aggressive and loyal support, which he considered, using his own words, "a greater honor than the Presidency itself."

Morton possessed marked executive ability. He was an organizer of unusual power. He could have filled the important post of Secretary of War quite as acceptably to the country as the great Secretary, Mr. Stanton.

He could have set an army in the field and have led it to victory. He had the faculty of inspiring those about him with confidence in the integrity of his purpose and in his capacity to win success.

He was strong in his personal attachments; intensely loyal in his friendships. He surrounded himself with men of ability, to whom he was true. He had no treachery in his heart; he exacted only that which he gave, loyalty and fidelity, and these he demanded in full measure.

He was a total stranger in the arts of the demagogue. He was too great to descend to intrigue or to desire success otherwise than through the merit and force of his cause. He was frequently the object of the envy and the intrigue of men; but all efforts to strike him down were futile, and his character was rendered the more luminous by the harmless attempts to destroy it. No dishonorable act detracts from his fame. His hands were clean, his integrity incorruptible. He was a bold but chivalrous political antagonist, for his sense of honor was acute. His political adversaries, at the time of his death, paid tribute to his stainless and exalted purpose.

He was regarded and ranked as an intense partisan, and such he was. He had an abiding faith in the virtue of his party and of its beneficence as an instrument in promoting good government. He was its steadfast supporter in good and evil report, for he felt that it was the promise and fulfillment of the highest and most enduring good to the State.

Mr. Morton was a speaker of great power, though he made no pretense of being an orator. He was of commanding and agreeable presence and possessed a voice strong and resonant. He was singularly gifted in the faculty of cogent, lucid statement. He was given little to mere ornamentation, or to graceful flights of the imagination, or to the enrichment of what he said by drawing upon literature, in the best of which he was well versed.

His speeches were typical of his own character—dignified, direct, solid, massive. They were wrought out with almost infinite care and patience, and many of his utterances will endure among the best specimens of American oratory. His celebrated speech on reconstruction was perhaps his masterpiece, and fit complement of Webster's reply to Hayne. Webster spoke with uncommon power and with burning zeal against the heresy of disunion.

Said he:

> When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! * * * Liberty and union, now and forever, one and inseparable.

The argument and passionate appeal of Webster were unavailing. The great and vital issue on which he spoke was transferred from the forum of the Senate to the battlefields of the Republic, and there the indestructibility of the Union for which he contended with a Titan's strength was forever determined.

The scene which Webster so much dreaded came to pass. Broken and bleeding States were to be restored to the Union. The task was one of uncommon gravity. The erection of republican State governments upon the ruins of the seceded States required comprehensive statesmanship. What were to be the terms and conditions of the complete restoration of the States to the Union? They must be dictated by an exalted sense of justice and equity. Morton whipped with scorn—

> The appeal of prejudice of race against race; the endeavor to excite the strong against the weak: the effort to deprive the weak of their right of protection against the strong.

The column of reconstruction—

Said he—

> has risen slowly. It has not been hewn from a single stone. It is composed of many blocks painfully laid up and put together, and cemented by the tears and blood of the nation. * * * Our principles are those of humanity, they are those of justice, they are those of equal rights; they are those which appeal to the hearts and consciences of men. * * * We are standing upon the broad platform of the Declaration of Independence, "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." We say that these rights are not given by laws, are not given by the Constitution, but that they are the gift of God to every man born into the world.

When he indulged in figure of speech he added force and grace to his argument.

What the sun is in the heavens—

Said he—

> diffusing light and life and warmth, and by its subtle influence holding the planets in their orbits, and preserving the harmony of the universe, such is the sentiment of nationality in a people, diffusing life and protection in every direction, holding the faces of Americans always toward their homes, protecting the States in the exercise of their just powers, and preserving the harmony of all.

The supremacy of the nation is thus beautifully expressed:

The States are but subordinate parts of one great nation. * * * The nation is over all, even as God is over the universe.

He was always heard with attention whenever and wherever he spoke. He spoke to the consciences and judgments of men; he spoke from conviction to win converts to a cause which he deemed to be righteous. He was attended upon the hustings by vast assemblages of his countrymen, who were drawn not by mere tinsel, but by the solidity and strength of his argument and the force of his character. The people knew that back of the word was a heart, a conscience, a conviction, a man.

Mr. President, the State of Indiana commits to the keeping of the United States the statue of Oliver Perry Morton, to be kept and preserved so long as the fabric of our political institutions shall endure. She commits it with affectionate pride, believing that those who shall follow us in the stately procession of the years to come will preserve it in perpetual remembrance of one who gave his best years, yea, life itself, in unselfish, unceasing devotion to the mighty task of preserving the unity and honor of his country.

I can readily believe that were it possible for the statues of Samuel Adams, Ethan Allen, John Stark, and Roger Sherman to utter speech, yea, if George Washington, Daniel Webster, James A. Garfield, and the other occupants of our American pantheon, of patriots and immortals the greatest, could breathe through their marble forms, they would say: Hail, hail, thou brave and incorruptible patriot, thou loyal vicegerent of the people in the perilous hours of the Republic.

Mr. ALLISON. Mr. President, it was my fortune to serve for some years with Senator Morton in this Chamber and to know much of him before he became a member of this body. I was here during the last years of his life and was present at the impressive memorial services in his honor held in this Chamber, and now, when many years have passed away and when the antagonisms and prejudices which existed during the period of his active service are forgotten, it is a pleasure to me to speak briefly on the occasion when the Government of the United States, in pursuance of law, is to accept from the great State of Indiana a statue of this distinguished man.

These proceedings have their origin in section 1814 of the Revised Statutes, which is, in part, as follows:

* * * And the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished the same shall be placed in the Old Hall of the House of Representatives in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a National Statuary Hall for the purpose herein indicated.

The law thus carried into the Revised Statutes was passed in 1864, a few years after the new Hall of the House of Representatives was ready for occupancy. Various projects were suggested for the use of the old Hall thus vacated. The late Senator Morrill, of Vermont, then a distinguished member of the House, who soon after became a member of this body and whose memory we still cherish, presented a plan for the use of the old Hall of the House, now embodied in the section of the Revised Statutes quoted by me, giving various reasons therefor, but stating that, above all these, it would afford an opportunity to all the States of the Union to select from their citizens the most distinguished in the service of their State or of the nation.

The law provides that the statue of no living person shall have a place in that Hall, and, although thirty-six years have passed away since its dedication, only ten States have thus far availed themselves of the opportunity to present here for our approval and acceptance statues of two of their citizens so distinguished as to be worthy of such an honor. Six other States have each provided one statue.

It was not difficult for the original thirteen States or for the States which came into the Union soon after the beginning of this century to select eminent men to be represented. The newer States are not so fortunate in having an opportunity to present eminent historical representatives of their States; and it is probable that many years will pass before this representation shall be completed within the spirit and purpose of the original dedication.

The statues already here from the older States are largely those of men distinguished for their eminent service to the country during and immediately following the Revolutionary period, thus recognizing that the spirit of the law requires that the selections shall be made at a period so remote from that in which those represented here lived that the antagonisms, the prejudices, and the contentions of the active period of their lives will have passed away, so that those making the selection could impartially pass upon their work as fitting them especially for this distinction. In this spirit Massachusetts has selected Winthrop and Adams; New York, Clinton and Livingston, and Wisconsin, Marquette, whose history is so familiar to us all.

Indiana, though not one of the original thirteen States, was early admitted into the Union, and its history furnishes the names of many men of great ability who achieved distinction in the annals of the State and of the nation. It has selected from among these Oliver P. Morton for this high honor, and his statue is now presented by the State for acceptance, thereby expressing as the judgment of the State that of all the departed sons of Indiana, Oliver P. Morton was the most distinguished and most worthy of a place in the National Statuary Hall, and those who will study the character and the story of his career, as found in the work he performed and his participation in the great events of the time in which he lived will approve the selection.

The senior Senator from Indiana [Mr. FAIRBANKS] has analyzed the character of Senator Morton and delineated with such fullness of detail his work and his participation in the great public questions in which he bore so conspicuous a part, as to leave but little to be said by those who follow him in these exercises. It is enough for me to say that, without having the advantages and opportunities of our modern life, he so devoted himself to the study of books and of men and affairs as to make him at an early age a marked character among all those with whom he came in contact.

Nominated as lieutenant-governor of Indiana in the fall of 1860 on a ticket with Henry S. Lane, who then deservedly had a great reputation in the State, both were elected. The legislature in the early winter electing Governor Lane to the Senate, he immediately resigned the office of governor. By this resignation Mr. Morton became governor of the State at a perilous period in the history of our country. This elevation to the governorship gave him an opportunity for the display of the highest executive ability and enabled him to win the distinction of being among the greatest, if not the greatest, war governor of that period.

Indiana was so located geographically as to make it necessary that she should prepare at once in the most vigorous way to play her part in the civil war, beginning early in the year 1861. In addition to the location of the State in the Union, because of the character of its population there was a wide difference of opinion as to the duty of its citizens respecting the part it should take in the civil war. The leaders of one party were opposed to the war and bitterly antagonized the aggressive and vigorous policy of the governor.

This hostility continued, so that in the middle of his term a legislature was elected which in its majority was hostile politically to all the measures which he deemed necessary for the preservation and protection of the State and for the preservation of the Union itself. That legislature absolutely refused to appropriate money to carry on the ordinary operations of the State; it left all of its public institutions without appropriations for their support, and it failed to make appropriations for the military establishment of the State, thus compelling Governor Morton, in addition to his duties respecting military operations, to take the responsibility of pledging the credit of the State and his own credit to raise money to provide the necessary means to carry on the State institutions. He did not hesitate to take the responsibility, but he instantly pledged the credit of the State, relying upon its people, when another election should occur, to vindicate his conduct and pay the obligations thus created by him.

He was not disappointed in this reliance, for he was triumphantly reelected governor of the State. At the same election a legislature was chosen which was in absolute sympathy with his policy and his purposes, and arrangements were made for the full discharge of every obligation, I am assured, with the approval of the vast majority of the people of the State. His energy, activity, and vigor during that period strongly attached him to President Lincoln and the great War Secretary, Stanton, and he had the full confidence and approval of both.

When he entered this Chamber on the 4th of March, 1867, he was no stranger. His personality and his achievements preceded him. He brought with him a national reputation as pronounced and distinguished as that of any other man who ever entered this Hall, a national reputation achieved by the universal knowledge of the important services he had rendered the country as governor of Indiana during the most trying and turbulent period in our history.

The civil war had ended two years before, but the States lately in rebellion were still under military control and authority, and there was a wide difference of opinion as to their true relation to the Union. One party insisted that when the war ended the States in rebellion were entitled to be restored to the Union with full representation in both Houses of Congress without condition or limitation, as though the war had not taken place. Another party insisted that the Government of the United States could impose such conditions and limitations upon the restoration of those States as Congress might deem wise for the protection of all the inhabitants in their civil and political rights, and as would also insure the preservation of the Union of all the States.

As then was true in respect to the attitude of the two political

parties, there was a wide divergence among Republicans of that period as to what the conditions should be and what limitations should be placed upon the States as conditions of their restoration.

But there arose out of the war other pressing questions of great importance to our country. Our finances were in a disordered condition; our currency was such as to make business always a matter of doubt, requiring those who bought and those who sold to pay tribute and penalty to the money changers and to those who dealt in money. So during the period of Senator Morton's service these large questions were the subjects of continued discussion and debate.

Congress met on the 4th of March, 1867, when Senator Morton was sworn in as a member of this body. On the second day of the session Mr. Sumner, of Massachusetts, introduced a series of resolutions relating to the readmission of the Southern States into the Union, and made a speech in explanation of those resolutions. They were laid upon the table. One week after Senator Morton became a member of this body he called the resolutions from the table, and on the 12th of March made a speech upon the subject of reconstruction, which the Senator from Indiana in his speech just now characterized as second only to Webster's reply to Hayne. It was one of the most comprehensive discussions of the great question that was then pending as respects the restoration of the Union, and to my personal knowledge was listened to by a crowded Chamber of Senators and Representatives. It was after this speech that Mr. Sumner, I believe, stated that Governor Morton was the first Senator who ever entered this body and mounted the saddle and led his party from the beginning of his official career. While this was only partially true, because there were then here many of the most eminent men of our country, who had long service and who were justly entitled to the leadership of great parties and were leaders of men, it must be admitted that from that moment Oliver P. Morton was one of the Senators who had to be reckoned with in debate, and he became one of the most powerful of the leaders here.

He was an active participant in the debates from that time forward, and advocated, as the Senator from Indiana has already said, the imposition of what he regarded as just conditions preliminary to the admission to representation in Congress of the States lately in revolt, favoring the fourteenth and fifteenth amendments as necessary to accomplish that purpose. He also favored the reconstruction legislation then placed upon our statute books preliminary to the readmission of those States. He was certainly one of the most active in securing the adoption of the joint resolutions submitting to the States for their ratification the fourteenth and fifteenth amendments to the Constitution. It was believed then that it was unfair to have the suffrage prohibited to the colored race and yet allow them to be counted as part of the basis of representation under the provisions of the Constitution. The fourteenth amendment was based upon the idea that representation and suffrage should go hand in hand, and where the one was denied a denial of the other should follow.

Governor Morton took an active part in every phase of the question of restoration, and it may be truly said, as I have already said, that he was one of the most conspicuous men who pressed upon the country the policy finally adopted. Although this policy has often been criticised, as distinguished from that which proposed the restoration of the States without restrictions or conditions (and it is criticised even to-day), it is not possible now to say, even on the part of those critics, what would have followed a restoration based upon the idea that the moment the rebellion ceased that moment the States lately in rebellion could come back without condition or limitation and participate in the government of the country as though no revolt had taken place. Governor Morton was soon made chairman of the Committee on Privileges and Elections, always an important committee in this body, as we know it is now, but especially important then because of the questions arising upon the admission of Senators from the Southern States. That committee had charge practically of all the legislation relating to representation in this body following 1867.

Such was the activity of Mr. Morton's mind that, although absorbed in this work, he was equally active as respects the finances of the country; and though not a member of the Finance Committee, he was active in shaping the policy of the Senate on every question affecting the finances during the period of his Senatorial service. It was claimed by many, after the close of the war, that the first step in the restoration of our disordered finances should be the funding of the greenbacks, to be followed by their cancellation. Mr. Morton, early in his service here, vigorously antagonized this view, and held that they should be used as a part of our currency until the natural growth of the country in wealth would enable the Government to provide for their easy convertibility into gold; and he steadfastly adhered to this position during all of his service here.

In 1866 a law was passed providing for the gradual retirement and cancellation of the greenback circulation, which would have secured that cancellation in probably six or seven years. In 1868—Mr. Morton took an important part in the debate—it was proposed that so much of this law as provided for the retirement of the greenbacks should be repealed, and that further cancellation of them should be prohibited. Mr. Morton advocated this policy with vigor, as I have said, and urged that the true way to deal with the question of the currency was to continue the paper issues of the Government in circulation until such time as the country would be restored to a condition of prosperity, and they could be easily made convertible into gold at the will of the holder. The provision authorizing the cancellation was then repealed.

The question of the funding of the debt, so as to bear a lower rate of interest, was pressing. Mr. Sherman, of Ohio, brought forward from time to time measures looking to the refunding of the debt at a lower rate of interest, and also for the gradual retirement of the greenbacks as a necessary part of any plan looking to the restoration of specie payments. These measures were debated from year to year, Mr. Morton always participating in them and always insisting that specie payments could only come with the growth of the country and by gradual processes. In 1874 a new question arose because of the extraordinary issue of $27,000,000 of greenbacks during the panic of 1873. Mr. Morton contended that under the law this was a legal exercise of power by the Secretary of the Treasury, and that a law should be passed affirming its legality; and such a law was passed under his leadership and vetoed by President Grant.

As a result of the elections of 1874 for members of the House of Representatives, the body which is elected by the people of the United States, the Democrats secured for the first time since 1860 a majority. By that time all the States had been restored to full representation in the Union, and the Democratic party for the first time, I repeat, had a majority in the House of Representatives. It was deemed necessary after the elections of 1874 that the Republican party should take some measure during the brief interval between the elections of 1874 and the approaching Democratic House of March, 1875, to put our finances upon a basis of safety that would at least be satisfactory to the great body of the people of the United States. So when we came here in December, 1874, the Republicans held a caucus, and they resolved that during the short session an effort would be made to secure a financial measure looking to the restoration of specie payments. In order to accomplish that it was necessary that all shades of opinion in the Republican party should be consulted. A committee of eleven Senators was appointed for that purpose, and I suppose now, after the lapse of these long years, it is fair for me, in a sense at least, to disclose the secrets of the caucus, though I have known such secrets to be disclosed within two or three days after the meeting of a caucus.

That caucus resolved that an honest effort should be made to compose those differences. The leaders of public opinion, as respects the question of greenbacks, were the Hon. Mr. Edmunds, of Vermont, who wanted none of them, and the Hon. Mr. Morton, of Indiana, who wanted to preserve them as a part of the currency of the United States. As I said, eleven men were selected. Finally, after two or three weeks, they prepared a plan of legislation looking to the restoration of specie payments, the phraseology of which was acceptable to Mr. Edmunds, who wanted to destroy the greenbacks, and to Mr. Morton, who wanted to continue them. That legislation was submitted to this conference of Republicans, and after full consideration its provisions were unanimously assented to, although there was a great variety of opinion as to the true construction of the phraseology, and some of the provisions were unsatisfactory to many. But the caucus adopted the plan, placing then, as it places now, no restraint upon the individual judgment of any Senator, each being left free to follow his own judgment and to vote for or against it. This bill became a law by a party vote in both Houses of Congress, and it is known as the resumption act of 1875.

Now, the marked difference between these two great minds was that each believed the Supreme Court would place upon the phraseology adopted the view which each entertained respecting that matter. Fortunately, however, or unfortunately as the case may be, early in 1878 Congress passed a law forbidding the further retirement of the greenbacks, which afterwards the Supreme Court declared that it had the power to do; and thus the mooted question between these two lawyers—I mention it now because it is interesting historically—never could become a question of legal construction or interpretation by the Supreme Court.

The campaign of 1876 was most active, and although Mr. Morton was in feeble health, he took a conspicuous part in it. When he returned here he found a contest impending as to the result of the election. The votes of South Carolina, Louisiana, and one vote from Oregon were in dispute, and as these votes were counted the result might be changed. There was no Vice-President to count the vote, that duty falling upon the President pro tempore, a Republican Senator from the State of Michigan. A joint committee was raised to deal with this question, embracing the ablest men of both political parties in the two Houses. My personal

recollection is that Mr. Morton strongly favored the selection of this committee, a joint committee of the two Houses. Its mission was to devise a method whereby the votes could be counted in such way as to be satisfactory to the friends of the two candidates. There was evolved from the joint committee of seven members of each House what was known as the Electoral Commission bill.

Every member of that committee except the Senator from Indiana agreed to a favorable report upon that bill, and that alone is a sufficient illustration of the tenacity of his purpose and the resisting power he had, for there were upon that committee from both Houses the ablest and strongest men, including Senator Edmunds, of Vermont; Senator Frelinghuysen, of New Jersey; Senator Thurman, of Ohio, this being a committee composed of members of both political parties. But Senator Morton insisted that the scheme they had devised was a plan which would inaugurate Mr. Tilden as President, when he knew that Mr. Hayes had been elected President. Therefore, with vigor in this Chamber he afterwards resisted the passage of that bill, which, however, receiving, as it did, the support of every Democrat but one and of nearly all the Republicans, became a law and a part of the history of this country.

It having been provided that that body should be composed of five Senators, five Representatives, and five justices of the Supreme Court, Mr. Morton was selected as one of the representatives of the Senate upon the Electoral Commission to decide the question as to the disputed votes in the electoral college. The electoral votes as counted by the commission elected Mr. Hayes President, the vote on every sharply contested question being 8 for Mr. Hayes to 7 for Mr. Tilden. This action, I know, has often been criticised as partisan, but I never could quite understand how it was that the majority were partisan because they were Republicans, and the minority were patriots because they belonged to another party. The truth is, and I am only speaking historically, that the men who served upon that commission did so with a high sense of the duty they owed to their country and to the people of the country, and that their sole desire was to make a decision according to the right as they viewed the right.

Now, a moment of personal recollection. I think it was one of the saddest things to see Senator Morton physically impaired while in the full vigor of his intellect, for I have never witnessed in this Chamber any Senator who could so clearly in the hurry of debate analyze the principle that underlies the argument of his opponent and in a few short sentences antagonize that principle and dissipate it. For ten years he was a member of this body, and I do not believe there was a single day in those ten years when he walked into this Chamber unaided, or that he ever entered this Capitol without the assistance of one or two attendants; yet he toiled on day by day and hour by hour, and sat here during the long vigils of the night when great debates were going on, taking his part effectively upon each and all these great questions, and upon every phase of them. Although during all the years of his service in the Senate he had an incurable malady upon him which impeded his power of locomotion, I believe that but for the services he rendered during the short period following the election of 1876 he might have been spared much longer to his country. But it was the drain and stress upon his mind and upon his physical system that hastened his death in the fall of 1877. He always spoke from his seat. His physical condition did not permit him to rise to speak in this Chamber. He sat there [indicating], and for a time there [indicating], but when he spoke he was always listened to.

Now, Mr. President, I have detailed my observation respecting Governor Morton in this Chamber and his work here. I have merely attempted to briefly outline the career of this strong man, who played a conspicuous part in the great affairs of our country during sixteen years of its history, and who has left an imperishable monument of his power as a leader, his ability as a statesman, and his earnest patriotism during that period. Indiana honors itself when it honors his memory by placing in Statuary Hall his statue, but in all the years which are to follow in the history of Indiana, of all the great men she has produced or may produce hereafter, the statue of only one of them can be placed beside that of Oliver P. Morton.

Mr. BEVERIDGE. Mr. President, Oliver P. Morton was an elemental man. He had the sincerity and simplicity of nature. He was the personification of the people who are always natural, always elemental, and in the end necessarily always right. All great men are this. They have in them something of the oceans, the mountains, and the stars. In their presence the schemes of schemers seem illogical and absurd—seem like the houses of cards that children build. The road is always plain before them because they perceive with the large vision of the seer whither that road inevitably leads.

Such men have that courage which lesser men call folly, but which history always estimates aright, and to which the people in the end unfailingly respond. They do not hesitate to take their stand. They do not hesitate to act their thought. They do not hesitate to put their destiny to the touch. Indeed, their destiny, their personal fortunes, are the last items they consider. Their cause or their country alone is a thing of consequence to them. Such are all the inspired and inspiring characters of human history. Such was Leonidas, such Cæsar, such Cromwell, such Bismarck, such the greatest of all the great, our unapproached and unapproachable Washington. Men like these found states or save them. Men like these clear the rugged, and, to weaker men, the impossible way up the mountain, and, taking humanity by the hand, lead it upward to purer atmosphere and broader vision. And such a man was Indiana's titanic son, the elemental Morton.

Mr. President, to recount his services were superfluous. That my colleague has most eloquently done; how, when all was fear, confusion, even chaos, he set the bugle to his lips whose note of triumph called about his cause that minority which was the seed of the majority later on, because it was the seed of truth; how he spoke as well as thought, and acted as well as spoke, and sent regiments flying to Washington before other States had equipped a man; how he erected arsenals, bought uniforms, purchased medicines, borrowed vast sums on his personal responsibility, and, at the end, came to the accounting with hands unsoiled by the wealth that had poured through them; how he sent from Indiana alone more than a generation ago nearly a quarter of a million men—more than all our war with Spain required, nearly four times more than all our forces in our new possessions; how he came to this Senate and how he wrought here for justice and the right and how, at last, he died, "worn out," as he said, worn out by serving his country and working out the great purposes of God.

And to this I can not add. Of the few mighty names whose memory will increase is the name of Morton. It suggests the steadfast, the faithful, the eternal. It is one of those great rocks in a weary land in whose shadow humanity may abide. These vast characters attract the people by a sort of law of moral gravitation. The people trust them by an instinct that passes the wisdom of formal thought. The people know that these great characters are the agents of the eternal verities, even perhaps unconsciously to those characters themselves.

And the people remember them with an increasing memory, which, reacting, exalts the people ever in the memory. And so, Mr. President, do we remember Morton, and so is our remembrance a blessing.

Mr. President, I ask for the adoption of the resolution.

The PRESIDING OFFICER. Shall the resolutions proposed by the Senator from Indiana [Mr. FAIRBANKS] be adopted?

The resolutions were unanimously agreed to.

Mr. FAIRBANKS. I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, March 26, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 24, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read, corrected, and approved.

PUERTO RICO APPROPRIATION BILL.

The SPEAKER. In pursuance of the order of yesterday, the conference report on the Puerto Rico appropriation bill comes up for consideration, and the Chair recognizes the gentleman from Illinois [Mr. CANNON].

Mr. HITT. Mr. Speaker——

The SPEAKER. The Chair can not recognize the gentleman under this order.

Mr. CANNON. I yield thirty minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Does not the gentleman from Illinois desire to occupy any time?

Mr. CANNON. I will say that I am quite ready for a vote, and I do not now anticipate that we shall use much if any time on this side. Of course I can not say we will not, because I do not know what my friend will say.

Mr. MCRAE. Does the gentleman think it is exactly fair to expect us to use thirty minutes without any explanation from that side?

Mr. CANNON. Well, we will let the matter proceed for twenty minutes; and then if it seems to be equitable that we shall use any time on this side, we will do it.

Mr. MCRAE. Well, so far as I am concerned, I can just as well say now what I have to say as later. I should be glad, Mr. Speaker, if I can be called in fifteen minutes, as I have promised some of my time to another gentleman. I have been yielded, I understand, thirty minutes.

The SPEAKER. The gentleman has thirty minutes.

Mr. McRAE. Mr. Speaker, there is a sense of justice and fair play in the hearts and minds of the great body of American people that, when aroused, will on all proper occasions assert itself. On the Puerto Rican question the occasion has arisen and the people are expressing themselves in no uncertain manner. [Applause on the Democratic side.]

The latest is from stalwart Republican Iowa. The legislature of that State passed day before yesterday the following resolution:

The people of Iowa are unalterably opposed to the establishment of any tariff duties between the United States and any territory acquired as a result of the Spanish-American war, the people of which accepted the sovereignty of this Government without resistance and voluntarily passed under the jurisdiction of its legislation and laws.

The newspapers say that Iowans here declare that their legislature knows nothing of Puerto Rico. I tell them they will find out that they know nothing of the people's sentiment. The New York Board of Trade and Transportation on the same day adopted the following, which I commend to the Representatives from that State:

We believe that in assuming the existing relations toward Puerto Rico this country accepted obligations which can not be honorably evaded; and that, apart from other considerations, due regard for pledges given demands the extension to that island of free commercial intercourse with the United States.

The Puerto Rico delegates to Washington have issued an appeal to the people of the United States, from which I desire to read some extracts. It begins with a quotation of the Golden Rule, with which the gentleman from Illinois ought to be familiar and ought to practice:

And as ye would that men should do to you, do ye also to them likewise.

These are grave moments in the history of your country as well as that of Puerto Rico. A solemn crisis is at hand, one that most intimately concerns the citizens of this free nation, and which means the salvation or the irremediable ruin "of the Gem of the Antilles," the survival or destruction of a loyal and trustful people, to the lasting credit or disgrace of the American Union and its governing powers.

In view of the signal events of the past few weeks and their critical effect upon the destinies of two countries which are, by virtue of authorized pledges, actual and implied, one and the same, it is expedient that the people of the United States should become aware of the memorable pledges made in their behalf at the time of the occupation of our island; what the National Legislature is doing regarding the fulfillment of those obligations; and, lastly, what the people of the island have a right to expect by way of civil rights and privileges—what they may equitably demand not only for the restoration of their former prosperity, but for the preservation of their very existence.

The American people and the press, who, thrusting aside all constitutional questions and all subterfuges or sophistries, have recently, almost with one voice, emphatically demanded for Puerto Rico, as her right, free commerce with the United States, will be startled and indignant beyond measure to learn that it is now proposed to fling the reduced tariff and a gift of $2,000,000 as a "sop" to the starving and prostrate island, and to suppress all legislation in Congress establishing stable government—its gravest need—and to relegate the island, for another year at least, to the ruinous conditions of military rule.

Compared with this enormity, which means inevitably the putting out of the last ray of hope in the stricken island and turning it over to the blackness of despair, the tariff outrage shrinks to nothing. While, as a matter of principle, we could never assent to the imposition of any tariff on commerce between the United States and Puerto Rico, the reduced schedules proposed (especially if improved, as promised, by the addition of a liberal "free list" of food supplies, etc.) will perhaps permit tolerable and somewhat bettered conditions; but to deny us stable civil government, and the essentials to our very existence, which can come only through it, is to strike down at a blow every hope, promise, and possibility of redemption. What have we done; what do we lack, that this last, cold-blooded refinement of oppression should be decreed against us by the voices that pledged us, only so little ago, every good thing under the folds of the American flag?

* * * * * * *

Taken by the war power of this Republic—the most enlightened, resourceful, and powerful of the nations—into its possession, with every pledge and promise of all the benefits of which it boasts itself the exponent, by what right or pretext that can stand the scrutiny of God or man is this little island made to suffer woes far greater than those she once endured (but was rapidly surmounting) under the tyranny of Spain, and coldly and indifferently thrust into vassalage—not being "citizens," they are hence either subjects or slaves—its former rights curtailed, its markets taken away, and only the barest husks of charity thrown to it to feed upon? Will some one tell why they who came trustingly, confidingly under the flag, and have loyally and devotedly given themselves to it, should be reduced to the condition of "white slaves" and bade be thankful for the pittance doled out to them?

Will some one tell why the people of Puerto Rico, a million strong, of Caucasian blood and of the Christian faith, with the refinement, culture, and intelligence of an ancient civilization strongly represented among them and influencing the masses; with a military, political, social, and financial history of which any people might well be proud; with a homogeneous population of exceptional individuality, intelligence, and commercial instinct; with one-quarter of its people able to read and write, and the percentage rapidly increasing; with more English-speaking residents than the whole Hawaiian Archipelago; tractable, loyal, and ambitious, with a wealth of tropical products lying at the very harbor gates of the United States; with their island—the furthest outpost of the nation—sure to be the first assailed in the event of war, and hence to be defended by their arms, should be thrust back under military dominion, while the hundred thousand people of the remote islands of the Hawaiian group should be erected into a Territory, the Constitution be extended to them, and free commerce unhesitatingly given them?

Can anyone give a good and sufficient reason why the people of this "Gem of the Antilles" should be treated worse than the heterogeneous, restless, and inchoate mass of Sandwich Islanders, to whom the simplest governmental proclamation must be issued in five languages; why this remote, much-mixed, and scattered people should be given full citizenship, full Territorial government, and all constitutional rights, and the same be denied to Puerto Rico?

Can anyone tell why the Kanaka Delegate from Hawaii should have a place and voice for this 100,000 ill-starred people on the floor of Congress while 1,000,000 souls of Puerto Rico—80 per cent of them white and 100 per cent Christian—who have had for years equal representation with any Spanish province in the assembly and senate of the Spanish Cortes, * * * is to be permitted only a "resident commissioner" at Washington?

* * * * * * *

Friends—brothers, if Puerto Ricans have the right to call you so—we appeal to your sense of right and honor, praying that you may lift your voices against this perpetration of a crime against your own established principles, this repudiation of a nation's solemn promises to a loyal people starving at your doorstep, and who ask no charity, only justice, at your hands. We do not ask paternalism, but fraternalism; no other bounty than the right to labor and to prosper; not the crumbs from your feast, but the privilege of toiling on an equal footing and proving ourselves worthy to sit at the same board under the same flag. Is it too much to ask of an honorable individual or nation to fulfill an obligation written in patriots' blood? Once taken into the household, is it too much to ask to be treated, not as an outcast, not even as a guest, but as one of the family, in all honor?

The Puerto Ricans, therefore, confidently make a last appeal to a people who, once beholding their bitter condition and knowing the reason thereof, can not fail to rise in solid ranks for the fulfillment of sacred pledges and for the conferral of Territorial rights on the little island of starving brothers under the flag, who ask only justice and the right to live.

* * * * * * *

Party prejudices should be laid aside, for with partisanship the Puerto Rican delegates, in their effort to bring Congress to recognize their rights, have nothing to do. As Americans, and Americans only, they wish to judge and be judged in turn. As American citizens they plead for a million others to be received as American citizens, not as crown-colony subjects; as free and protected members of the body politic, not as objects of pauperizing charity, paternalism, or imperialistic dependence. They call upon every patriotic American to raise his voice in their behalf, that the integrity of the soldier's promise may be maintained, that the honor of a nation may be preserved, that a starving people may be allowed to work out their own salvation; that, in a word, Puerto Rico may indeed be free.

[Applause.]

That is what they ask. What shall the answer be? Two million dollars charity money unjustly collected from them, and a tariff wall that will nearly destroy all trade between them and this country. Will the American people submit to any such outrage against these poor people, who only ask the proud privilege of earning their bread by their own labor? [Applause.]

If the Republicans think the people of the country do not understand this issue, they will find themselves woefully mistaken, and if they continue along the narrow, selfish, partisan lines on which they have commenced to legislate, they will not receive the approval of the people in any section. [Applause.]

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. To whom does the gentleman yield?

Mr. McRAE. I yield five minutes to the gentleman from Tennessee [Mr. PIERCE].

Mr. PIERCE of Tennessee. Mr. Speaker, I am opposed to the passage of this measure, because I can see no good reason for it. I believe that Congress, as it has the power and authority, should at once pass some measure giving civil government to the Puerto Ricans and enable them in a legal and constitutional way to raise revenues in such manner as they may think right and proper. I believe that this measure is simply one to pull the Republicans out of a hole which they have got themselves into; and I do not believe that it should be passed by this House.

I notice in the Washington Post of this morning a cut applicable to gentlemen on the other side who have been changing their minds; and I want to read a little of the matter which accompanies this cut. Here is the sign: "Dr. Hanna, legislative specialist. Minds changed while you wait." [Laughter.]

It seems to me that this cartoon correctly represents the situation of the other side of the House. You are in a position where you do not know what to do. You voted under the crack of the leadership whip on that side in favor of what many of you now admit was against the sentiment of your constituents and against your own honest convictions. The Post gives the reason of some of the changes and how the changes were brought about.

In yesterday afternoon's Star we find a statement which corresponds with the notice in the Washington Post this morning. I will not take time to read it in my five minutes, but will ask permission to insert it in my printed remarks. The Star, a reputable paper, says that a prominent Republican member said to the Star reporter, or to the author of that article, that the reason the Republican party was taking the course that it has taken in this Puerto Rican matter was because certain concerns in this country had grappled you by the throat and told you, the leaders of the Republican party, that if you dared to refuse to follow the course that they pointed out they did not propose to put up any more money for the Republican campaign fund.

The article as published in the Star is as follows:

A MATTER OF MONEY—CAMPAIGN CONTRIBUTION IN RETURN FOR PUERTO RICAN TARIFF—SERIOUS STATEMENT OF A REPUBLICAN—DESPERATE EFFORTS WILL BE MADE TO PASS THE BILL—PEACE COMMITTEE TO CONFER.

"The action of the Iowa legislature can not affect the situation in Congress. The deal has been made. It is a matter of money for the campaign, and the tariff measure will be carried through."

This statement was made by a Republican member of the House who supported the bill in the House by his vote.

"You may as well set it down that the deal will be carried out," he added. "The carrying out of the recommendation of the President for free trade with Puerto Rico would have deprived the party of a very considerable contribution; the adoption of the reverse policy insures a very large contribution.

"The possible unpopularity of the Puerto Rican tariff was balanced against the certainty of money to use in the campaign, and the decision was in favor of the campaign contribution. It was not expected that the storm of protest would be as strong as it is, but it is now too late for a change."

There is the reason as given here for the position which gentlemen on the other side have taken. Will they answer, Is that statement correct and true? Is not the Star a responsible paper? It is a Republican paper. No one doubts its fidelity to this Administration and to President McKinley. What has President McKinley done? Will any of you gentlemen on that side dare state what his position is to-day? Will any of you rise on that side and tell us? When the distinguished chairman of the Appropriations Committee comes to use his time will he or any other gentleman on that side of the House tell us where the President of the United States stands on this Puerto Rican question? [Applause.]

Mr. MADDOX. They have not seen him since breakfast. [Laughter.]

Mr. PIERCE of Tennessee. Why, sir, if we are to take this cut in the Post, there is no use in going up to the White House to find out what you think. All you need is to go to "Dr. HANNA" to find out what you on that side are in favor of; and you want to take these statements here, published in a strong and reputable paper, as to what your action and course are. Stand up and tell us why the change is—where your leader stands and where your President stands.

A MEMBER. And where they will stand to-morrow.

[Here the hammer fell.]

Mr. McRAE. Will the gentleman from Illinois [Mr. CANNON] now use some of his time?

Mr. CANNON. I yield five minutes to the gentleman from South Carolina [Mr. WILSON].

Mr. WILSON of South Carolina. Mr. Speaker, as I understand the report of the committee of conference as now presented, this bill, if the report be adopted, will stand substantially as it was when passed by the House a week or two ago. Along with 11 other Democrats, I then voted for this appropriation bill. I believed then and I believe now that it was the consistent position to take in accordance with the position we had taken in reference to the tariff which was proposed by the Ways and Means Committee as applied to Puerto Rican products. To my mind it is as inconsistent on our part to oppose the passage of this bill as it is inconsistent on the part of the majority of the House to offer and advocate it.

On the other side of the House it is admitted that the Puerto Ricans are entitled to relief from oppressive impositions. Upon this side we claim that not only should they be exempted from those impositions, but we claim that they are entitled to every possible relief that we can give them on account of the tariff. Under our construction the Constitution rests over Puerto Rico just as much as it does over every other American possession, and we have no more right to tax its products than those of any portion of this country. Under our view of the Constitution, as construed by the decisions of our courts, the people of Puerto Rico are protected from the imposition of any tariff, and in my humble judgment the Supreme Court will hold that such an imposition will be illegal.

Thus, under the law as it stands, inasmuch as there is no customs district in the island of Puerto Rico, the Executive of this nation must continue to collect tariff. Under the existing state of affairs the best we can do for those people in view of the present status is to refund to them the tariff taxes which have been thus forcibly and unavoidably taken from them under the law as it stands. Now, according to the position of our party, we would hold that we have no right to impose a 15 per cent tariff or any other tariff upon Puerto Rico. We would hold that a civil government should be established in the island at once.

We would hold that the further collection of import duties from the island should be stopped so soon as legislation could be enacted. We would hold that those taxes which had already been collected should be returned to them.

Now, if we can not get all that we wish, when the Republican party offer us this—not because they do it in the interest of Puerto Rico, but because of some political exigency—when they offer us this relief, or rather offer it to the Puerto Ricans, how can we consistently refuse to vote for it?

Mr. Speaker, I realize that this appropriation is presented by the Republican party simply as a sop to Cerberus. I realize that they are fleeing from the wrath to come. I believe that they have made, through their Ways and Means Committee, whom they have followed instead of the President, an egregious mistake, and they want to come down the tree as gracefully as possible. I believe the people of this country realize that while the voice is the voice of Jacob, still the hand is the hand of Esau. They believe that the real purpose of the Republican party is an imperial policy, to make subjects rather than citizens of the inhabitants of the island. You can not fool the people. Indiana, Iowa, and Illinois have been heard from, and, in my humble judgment, the rest of the great West, in fact, this whole country, will respond in November in a voice whose meaning can not be misunderstood.

[Here the hammer fell.]

Mr. CANNON. I will pass the time back to the gentleman from Arkansas, as nobody seems to desire to use it over here.

Mr. McRAE. I yield five minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker, when the proposition to fix the time within which to debate this measure was before the House, I was somewhat astonished at the close limitation imposed by the gentleman from Illinois [Mr. CANNON]. When this subject was before us on a former occasion, after fixing a limitation upon the time allowed for discussion, it was found convenient afterwards to extend the debate.

At that time the subject was seemingly of great interest to gentlemen on the other side of the House. They found the task they have undertaken one of extreme difficulty. The coterie who do the thinking for the Republican majority in this Chamber, having proposed a new theory of constitutional construction which, followed to its legitimate conclusion, would revolutionize the Government, were amazed to find a few of their brethren in rebellion. The debate, as far as the friends of the Puerto Rico tax bill were concerned, resulted discreditably to their cause, but, strange to say, had the effect of quelling some of the mutineers. The bill passed the House and is now in the Senate. In its defense here its advocates garbled and mutilated the contents of one of the text-books—Kent, Cooley, Pomeroy—and the imposition was detected, exposed, and held up to public ridicule. The statesmen guilty of this misconduct regaled us with all sorts of oratory, from the ponderous, imperious, and oracular utterances of the gentleman from New York down to the rhythmic rhetoric of the gentleman from Iowa [Mr. DOLLIVER]. They succeeded; the bill was passed; and forth with this bill, a measure born of an impulse such as prompts the marauder to restore stolen goods, was brought forward.

Such conduct presents to the country a pitiable spectacle, which is rendered worse by the declaration of a Republican organ published in this city that the Republican leaders forced the passage of the Puerto Rican tariff bill in compliance with a direct bargain for a campaign fund. It is not strange that such conduct should provoke an outcry from one end of the country to the other, and that even party organs should denounce you as quacks, innovators, and iconoclasts. Gentlemen, you will never succeed in educating the bar and the people of this country into acceptance of a theory of constitutional interpretation which would lead to the subversion of the Government. The desperate expedients resorted to here will not last through a campaign. Not even the ponderous arguments attributed by the press to statesmen who addressed the Republican caucus when the Puerto Rican tax bill was under consideration will convince the people that under the Constitution of the United States you can establish a government republican here and imperial in Puerto Rico and the Philippines.

Not even the magnetic speech which closed the discussion at this Republican caucus, which dealt with the most important question of constitutional law which has arisen in this country since 1860, will save you from the people's wrath. And what a speech that was!—the newspapers tell us that after you had wrestled long and earnestly with the grave constitutional questions under consideration; when there was not a ray of light to illumine your pathway; when you were still in doubt as to your duty to your party and your country there loomed up among you a figure and was evolved a speech which made your duty plain: "Boys, rally around the flag." It was a Republican speech, a spell-binder, and it helped amazingly. Thenceforth a number of insurgents had no difficulty in casting a vote which their judgment condemned, and which has won the curses and contempt of the country.

This bill will not help you. By its enactment you will admit that you have wrongfully imposed a tax upon the commerce of a part of the United States, and that you want to give the money back to the victims of the wrong.

Are you going to give it back to the persons from whom it was taken? No; you are going to give it to the Puerto Ricans, to be used in paying the expense of their government. And what is the effect of such a law? It is to impose the burdens of municipal control in Puerto Rico upon the production and commerce of Puerto Rico, thereby crippling their export trade, without the freedom of which you know they will be impoverished. Why do you not impose a tax upon the products of Iowa, preventing the people of that State from having free access to the markets and then make restitution by returning the money to the State treasury of Iowa? Of all taxation, that which hampers trade, which prevents the exchange of commodities between neighboring communities, is the most unjust and the most unnatural. This you know, yet you unhesitatingly assail the commerce of Puerto Rico by its imposition.

There is an analogy between this case and another that happened

many years ago. When Great Britain sought to impose taxes upon the colonies, there was a great outcry against it, and what was the answer of the British Government? They said, "We will make this tax low; we will cut it down to a merely nominal figure. We will put a very low tax upon tea; but we can not exonerate you from taxation without representation without giving up a principle for which we stand." And you stand to-day insisting upon this taxation because you want to establish this same accursed principle as permissible under a constitution framed by men who founded this Government upon the theory that it is infamous.

[Here the hammer fell.]

Mr. McRAE. I yield one minute to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I shall not undertake to discuss this conference report in the time which has been allotted to me. I take it for granted that it will be adopted; but I arise to ask leave to extend my remarks in the RECORD, with a view of placing in the RECORD some of the discussions of this measure by the public journals of this country. I ask leave to extend my remarks without now speaking.

The SPEAKER. The gentleman from Tennessee asks unanimous consent——

Mr. DOLLIVER. I would like to inquire what is the character of these publications?

Mr. RICHARDSON. They are editorials reviewing and criticising the policy of the Republican party in respect to the Puerto Rican legislation.

Mr. DOLLIVER. I object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. RICHARDSON. I wish to say, Mr. Speaker, that this is a very ungracious thing. I believe this is the first time I have ever asked leave to extend my remarks in the RECORD, and if the gentleman desires——

Mr. DOLLIVER. I have no objection to the gentleman extending his own remarks, but I doubt the propriety of reprinting newspaper articles.

Mr. RICHARDSON. They decline to give time to discuss the measure, and now, when I get only one minute, and when I ask unanimous consent to extend, objection is made.

The SPEAKER. Objection is made.

Mr. RICHARDSON. Before I take my seat I shall repeat my request. I would like to have the privilege of extending my remarks in the RECORD.

Mr. DOLLIVER. I have no objection to my friend extending, to any length, any remarks which he himself desires to submit; but I doubt the propriety of reprinting newspaper articles in our RECORD. That is the only thing I object to.

Mr. RICHARDSON. The gentleman, however, objects. That is all right.

Mr. McRAE. I yield two minutes to the gentleman from Tennessee [Mr. COX].

Mr. COX. Mr. Speaker, all I desire at present is to submit a plain, common-sense question. If Puerto Rico does not belong to the United States, to whom does it belong? If Puerto Rico is not under the Government of the United States, what government is it under? When you come to the Philippine Islands, you justify the war there upon the ground that the islands belong to the United States. Now, can any man cite me to an authority which holds that the Government of the United States has the right to impose a tax upon the citizens of the United States, or upon their commerce, or the people of the United States, or the people they govern, and after they have collected it give it back to them?

Now, there is but one question involved in this. Does it benefit the Puerto Ricans? It benefits two other classes. It protects the tobacco men in this country, and it protects the sugar men in this country; and I ask, as a common-sense proposition, why not let the Puerto Ricans retain their money at home without restriction and loss of collection and return, and let them use their money under their own direction or even under the direction of the United States, since we are administering the government there? I never heard of a proposition that to my mind seems to have as little reason in it as this. Suppose we should undertake to put a tax on one of our Territories for the purpose of building up schools, churches, etc. Is there a member of this House who would vote for it? Certainly not.

The SPEAKER. The time of the gentleman has expired.

Mr. COX. I would like to finish my sentence.

Mr. McRAE. I have promised all my time.

Mr. COX. I simply ask permission to finish my sentence. If anybody objects, I will sit down.

The SPEAKER. The gentleman will have to speak in the time of the gentleman from Arkansas [Mr. McRAE].

Mr. COX. All right; I will not take any more time. I will ask leave to finish it in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. McRAE. I now yield two minutes to the gentleman from Illinois [Mr. JAMES R. WILLIAMS].

Mr. JAMES R. WILLIAMS. Mr. Speaker, I desire to use my two minutes in reading an editorial of the Chicago Inter-Ocean, one of the leading Republican papers of the country.

[Inter-Ocean, March 21, 1900.]

HONOR IS ABOVE EXPEDIENCY.

The chief reason now given for forcing the Puerto Rico tariff through the Senate is that this course is necessary to "save the House organization." In other words, "plain duty" no longer is to control the great Republican organization.

The prestige of a few Republican Representatives, whether they be right or wrong, is to be the guiding influence of the party of Lincoln.

That sort of policy and politics may pass muster in Washington, but not among the voters of the middle West. Nor will it pass muster in the press or on the stump in the campaign of next fall.

Think of it! On the one side are "our plain duty," our plighted faith, honor, honesty, and fair play, the future of the nation, the expansion policy that became ours at the cost of an international war. On the other side are perfidy, broken pledges, naked imperialism, desertion of the Republican platform of the last two years, repudiation of a far-reaching and farseeing statesmanship. And the proposal in Washington now is that the disgraceful side of this alternative shall be chosen to spare the feelings of the Hon. SERENO PAYNE, with his policy of a "warning precedent," cheap rum, and an Oxnardized colonial administration.

[Applause on the Democratic side.]

Well may Republican voters throughout the land wonder at the amazing fatuity which thus reckons them as nothing in the balance, when the Hon. SERENO PAYNE and the sugar and tobacco lobby take possession of the other scale.

[Applause on the Democratic side.]

And well may they ask their "leaders" in Washington to spare them such "reasons" as are being put forth from the Capitol to justify a breach of faith and a betrayal of trust planned against the people of this country and the people of Puerto Rico.

The SPEAKER. The time of the gentleman has expired.

Mr. JAMES R. WILLIAMS. Mr. Speaker, I ask unanimous consent to extend the article in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend the article which he is reading in the RECORD. Is there objection?

Mr. CAPRON. I object.

Mr. JAMES R. WILLIAMS. Who objected?

The SPEAKER. The gentleman from Rhode Island.

Mr. CAPRON. Objection is made because——

Mr. RICHARDSON. I object to any explantion of an objection. These objections will continue the balance of this session.

Mr. McRAE. I yield one minute to the gentleman from Kansas [Mr. RIDGELY].

[Mr. RIDGELY addressed the House. See Appendix.]

Mr. McRAE. I yield one minute to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Speaker, I can not vote in favor of the conference report. By it we practically agree to subsidize Puerto Rico indefinitely, or until otherwise provided for, and with this makeshift policy in force the continuation of the tax on Puerto Rican imports is forever assured.

By the donation of this bounty the present distress of the Puerto Ricans and the necessity for immediate relief is admitted, but, nevertheless, having taken away her markets, and in part having been responsibible for her present prostrate commercial condition, it is proposed to tax them, to make them feel that they are under our rule but not under our laws.

And I am certainly opposed to the continuation of this subsidy. If it be necessary to place $2,000,000 in the hands of the President to relieve Puerto Rico, I am satisfied that it should be done, but why should we pledge ourselves to continue this relief. As Puerto Rico's exports increase, as they surely will, the amount which we are asked to agree to return to them for their aid and relief and education will also increase, until in time it will reach a sum larger than any amount contemplated by this report.

If it be right to tax these Puerto Ricans, why not do it without pledging the return of the amount derived from the tax? If they must be supported, let us legislate from session to session for their support and appropriate whatever sum may be necessary for their relief, but do not let us pledge ourselves to their continual relief, which means a continuation of this unjust tax on their importations.

During the delivery of the above remarks the time of Mr. LEVY expired.

Mr. LEVY. I wish to have one-half minute more, in order to finish my remarks.

Mr. McRAE. I yield the gentleman one-half minute more.

Mr. LEVY resumed and concluded his remarks as above.

Mr. McRAE. Mr. Speaker, I yield the remainder of the time, two minutes and a half, I believe, to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Speaker, believing as I do that Puerto Rico is a part of the United States, as much so as the State of New York or the Territory of Oklahoma, and believing, as I do, that the Constitution of the United States prohibits absolutely the imposition of any tax or duty on goods exported or shipped from any part of

the United States to any other part of the United States, whether the same be a State or a Territory, I must, to be consistent, vote against this bill.

Mr. Speaker, there is no question but that the Puerto Ricans are in the most deplorable condition of any people living under the flag of this country to-day.

Since Puerto Rico was ceded to the United States by Spain the island has been devastated by a cyclone, one of the most destructive in the history of the island. This storm destroyed, practically speaking, all crops in the island and the homes of many, and rendered the people destitute and helpless. Since that time recuperation, from an agricultural standpoint, has been slow, and many of the people are in want. In addition to this, the markets of the world have practically been closed to the Puerto Ricans by the unlawful action of the Administration in imposing the heavy burden of the Dingley tariff law upon all goods coming from Puerto Rico into the United States. Being unable to sell, they can not buy, and the markets of the world being practically closed to these people, their condition is deplorable indeed.

I am willing, however, to vote whatever appropriation may be necessary to relieve these people from immediate want, and until they can get on their feet, direct from the United States Treasury. We can very well afford to do this, Mr. Speaker, because since the island was ceded to us by Spain the Administration has unlawfully collected from these people on their goods coming into our ports the sum of $2,095,455.88. Had this tax not been collected this amount of money would to-day be in the pockets of the Puerto Rican people, and to this extent, in my judgment, we are the debtors of the Puerto Ricans.

I do not hesitate, however, to say that even if this were not the case I would vote an appropriation to place food in the mouths of the citizens of the United States who have been brought to starvation by a most devastating storm, as the Puerto Ricans have been, or by ruinous floods, as some of the people in the Mississippi Valley have been in past years.

But, Mr. Speaker, I have already, by my vote in this House, expressed my willingness that the Government of the United States should relieve the sufferings of the poor and destitute Puerto Ricans when, with the minority, I voted to concur in the Senate amendments to this bill.

The bill provides that the revenues hereafter to be collected on importations from Puerto Rico to the United States under existing law (the Dingley tariff law) shall be segregated and be expended by the President of the United States for the benefit and government of Puerto Rico.

This provision, in my opinion, renders the bill most objectionable, because it is a tacit, if not an explicit, avowal by Congress that the Dingley tariff rates are properly imposed upon all goods shipped from Puerto Rico to any of the States or Territories of the United States.

Mr. Speaker, I am unwilling to concede this. If Puerto Rico is a part of the United States, then no tax on her products shipped to other parts of the United States can be imposed. If Puerto Rico is not a part of the United States, I do not understand by what authority our flag floats over that island and the jurisdiction of the United States is asserted there. As stated above, the provisions of this bill practically avow the right of Congress to levy and collect taxes on goods shipped from one part of the United States to another. Not only this, but the taxes are segregated for a particular purpose, to wit, for the sole benefit of the government and benefit of the island of Puerto Rico.

Section 8 of Article I of the Constitution of the United States provides that Congress shall have power to lay and collect taxes, imposts, and excises, to pay the public debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

This provision of the Constitution gives to Congress an unlimited power of taxation for the purposes named, subject to the limitation that such taxes shall be uniform throughout the United States, and subject to the further limitation that the taxes levied must be either to pay the public debts or to provide for the common defense or general welfare of the United States.

In other words, the power of taxation is not unlimited in its character. First, the tax levied must be for purposes national in their object or character. Congress has no authority and no power under section 8, Article I, or under any other provision of the Constitution of the United States, to levy and collect taxes for any purpose other than a national purpose.

The provisions of this bill admit the legality of the taxes heretofore collected on goods coming from Puerto Rico into the United States and sanction a continuance of the tax, thus violating the section of the Constitution above quoted, which requires that all duties, imposts, and excises shall be uniform throughout the United States, and by its provision providing that the tax thus collected shall be used for a particular purpose further violates the provisions of the Constitution which limit the authority of Congress to levying taxes for a national purpose.

Now, if Puerto Rico is not a part of the United States, as the Republican majority in this House hold, Congress has no authority to levy a tax for the people of the island of Puerto Rico and its government on goods coming into the ports of the United States. If it is a part of the United States, as we contend, then Congress has no right to place a tax upon goods shipped from that island to any port in the United States, because this violates the rule of uniformity required in taxation.

So, Mr. Speaker, my objections to this bill are, briefly summed up: First, that it is an admission or avowal by Congress that the tax hereafter to be levied and collected under the Dingley tariff law on Puerto Rican goods coming into our ports will be properly levied and collected when, in my judgment, the levy and collection of this tax is not warranted by the Constitution of the United States; and, second, because the levy and collection of this tax is a violation of section 8, Article I, providing uniformity in such tax; and, third, because the tax hereafter to be levied and collected on Puerto Rican goods coming into our ports is for a special purpose and is not national in its character.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois is recognized to control the time until 1 o'clock.

Mr. CANNON. I supposed I had twenty-five minutes, Mr. Speaker.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. At 1 o'clock the vote is to be taken.

Mr. CANNON. I yield five minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I should not have said a word or noticed the statement made in the Evening Star if it had not been brought into this discussion by gentlemen on the other side. The statement, on its face reputed to have been made by some gentleman upon this side of the House, is manifestly false. If there is any party interested in this bill or interested in the tariff bill that is able to contribute to the campaign of either party, it must be either the sugar trust or the tobacco trust. The same "respectable" Evening Star, in an editorial two or three days since, said that Henry T. Oxnard, "the head of the sugar trust," had been here urging free trade for Puerto Rico; and yet there is not a printer's devil connected with the Evening Star that ought not to know that Henry T. Oxnard is interested only in a couple of beet-sugar factories, the whole annual output of which does not exceed 15,000 tons, against a million and a half tons of sugar refined by the American Sugar Refining Company.

One or two gentlemen on that side of the House to-day propose to return this $2,000,000 to the men that paid it into the Treasury. The papers inform us that Mr. JONES of Arkansas, the head of the Democratic national committee, makes the proposition to return this money to the men who paid the tariff. And who are the men? Why, it appears that $1,800,000 of the money was paid in as tariff on sugar. By whom? By the American Sugar Refining Company, either directly or through their brokers in the city of New York. Those are the men who paid the money. Are you gentlemen willing to vote it back to them? Who will get the benefit of it? They bought the sugar of Puerto Rico, presumably at the market price, about 2 cents a pound; they refine it here, for every pound is raw sugar and must be refined before it enters into commerce; they paid the duty; and when this comes before the House, the only proposition by the other side is what? Not to give the money to the Puerto Ricans, not to give it to the men who received this small price for the sugar, less the tariff, when they sold it to the American Sugar Refining Company, but to give the money back to the sugar trust; and your whole effort has been to remove all tariff from articles coming from Puerto Rico to the American Tobacco Company and the American Sugar Refining Company and benefit these two gigantic trusts in the United States, to help the tobacco company to place their cigarettes, which they are now making in the factory in Puerto Rico, entirely on the free list and unhampered by any tariff, and you dare to come in here and insinuate that Mr. Oxnard, who in his small way is a competitor of the sugar trust, or some other gentleman in the beet-sugar business, is buying up this side of the House by an agreement to contribute to campaign funds, when the boodle, if there is a dollar of it, is against the proposition of any tariff on sugar or tobacco coming from the island of Puerto Rico. [Applause on the Republican side.]

Mr. CANNON. Mr. Speaker, I shall talk about this conference report. It is founded upon a bill that I had the honor to introduce in the House and passed by unanimous consent so far as its consideration was concerned, when any one man on that side of the House could have stopped its consideration. You did not do it. We discussed it and passed it. One hundred and eight of you voted against it. It went to the Senate, and the Senate amended it. It came back to the House, and the House nonconcurred in the Senate amendment. It went to a conference, and the bill now, by the conference report, is in substance the bill that the House

passed in the first instance. One hundred and eight of you voted against it then, and no doubt that 108, possibly more, will vote against it now.

But you seek this morning to play the cuttlefish; you come in here and talk about campaign funds; you come in here and talk about free trade and about American citizenship, and in talking misrepresent the political history of the country. In talking you seek to divert attention from the material matter before the House, hoping that the attention of the country will be diverted from your votes by your talk.

This bill gives for the benefit of Puerto Rico every dollar heretofore collected. Aye, more; it gives for the benefit of Puerto Rico every dollar that shall be collected upon imports under existing law in the future. And it ought to. You are sorry for "poor Puerto Rico;" and yet, when the practical relief comes, your voices say "no." Speaking respectfully, and measuring my words, for a real or supposed political advantage, in my judgment, you would hold up the million of people in Puerto Rico to such starvation that the sun would shine through their bodies, if you thought you could get a little political advantage by it.

Now, you pity us poor Republicans, you say, for the terrible condition that we are in, and you say what this paper said, and what that paper said, and what this person and that person said. None of these things move me. I believe, as I stand here, that Puerto Rico and the Philippines and all newly acquired territory belong to the United States, and through the decades and centuries to come they will continue to belong to the United States, the United States making such legislation and administration as to take care that they do not damage us and that we do the best thing possible for them. [Applause on the Republican side.] You believe to the contrary. After voting the twenty millions, after voting to ratify the treaty, you believe that the United States should wash its hands of the Philippines, and for that purpose you beget strange doctrines. You go back on the record of Jefferson and Jackson; you go back on the legislation and decisions touching the Louisiana purchase and Florida, and you go back on the decision of the courts. You are good Lord and good devil for anything and everything. [Laughter.]

I had rather stand here now advocating correct legislation, and practically meet the present conditions and the future conditions, and take my chances for success upon the very right than to contest with you in racing along the line of error and false principle. [Applause on the Republican side.] For one, I will not follow your counsel. If for half a century your counsel at any and all times had been followed, it would have resulted in anarchy and destruction of the Constitution and the Government. Aye, no man can point to any action upon the part of the Democratic party here and now and for fifty years but, in seeking assent to the propriety of its action, would have to bow his head in shame when he asked it. [Applause on the Republican side.]

And here you are posturing and asking for power under false pretenses. Thank God, the intelligence of this country is sufficient, as I believe, to perceive the right and weigh you in the balance; and I trust when it casts you all into the abyss of defeat, as it will in November next, as surely as to-morrow's sun rises, that you will fall this time down to everlasting perdition politically, where you belong. [Great applause on the Republican side and laughter on the Democratic side.]

The SPEAKER. Under the order made yesterday, the time for debate has expired, and the vote must now be taken on the conference report. The question is on agreeing to the report.

The question having been put,

The SPEAKER. The ayes appear to have it.

Several members called for a division.

Mr. McRAE and Mr. CANNON called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 87, answered "present" 21, not voting 107; as follows:

YEAS—135.

Aldrich,	Cochrane, N. Y.	Gardner, N. J.	Lacey,
Alexander,	Connell,	Gill,	Lane,
Babcock,	Cooper, Wis.	Gillet, N. Y.	Lawrence,
Bailey, Kans.	Cousins,	Gillett, Mass.	Long,
Barham,	Cromer,	Graff,	Loud,
Bell,	Cummings,	Graham,	Loudenslager,
Bingham,	Curtis,	Greene, Mass.	Lovering,
Boreing,	Cushman,	Hall,	Lybrand,
Bontell, Ill.	Dahle, Wis.	Hamilton,	McCleary,
Bowersock,	Dalzell,	Heatwole,	McPherson,
Brick,	Davenport, S. A.	Hedge,	Mahon,
Bromwell,	Davenport, S. W.	Hemenway,	Mann,
Brosius,	Davey,	Henry, Conn.	Marsh,
Brown,	Davidson,	Hepburn,	Meekison,
Burke, S. Dak.	De Vries,	Hill,	Mercer,
Burkett,	Dick,	Hitt,	Mesick,
Burleigh,	Dolliver,	Hopkins,	Metcalf,
Burton,	Driscoll,	Hull,	Miller,
Butler,	Emerson,	Jack,	Minor,
Calderhead,	Esch,	Jenkins,	Mondell,
Cannon,	Fletcher,	Jones, Wash.	Moody, Mass.
Capron,	Fordney,	Joy,	Morgan,
Chanler,	Foss,	Kahn,	Morris,
Clarke, N. H.	Fowler,	Kerr,	Mudd,
Cochran, Mo.	Gardner, Mich.	Knox,	Needham,
Newlands,	Roberts,	Sprague,	Vreeland,
O'Grady,	Rodenberg,	Steele,	Wadsworth,
Olmsted,	Russell,	Stevens, Minn.	Watson,
Overstreet,	Scudder,	Stewart, N. J.	White,
Parker, N. J.	Shafroth,	Stewart, N. Y.	Wilson, Idaho
Payne,	Shattuc,	Stewart, Wis.	Wilson, S. C.
Pearre,	Shelden,	Sulloway,	Wright,
Phillips,	Spalding,	Thayer,	Young.
Ray,	Sperry,	Tongue,	

NAYS—87.

Allen, Ky.	De Graffenreid,	Lentz,	Ryan, Pa.
Ball,	Denny,	Levy,	Salmon,
Bankhead,	Dinsmore,	Lewis,	Sheppard,
Bartlett,	Elliott,	Little,	Sims,
Benton,	Finley,	Lloyd,	Slayden,
Bradley,	Fitzpatrick,	McClellan,	Small,
Brantley,	Fleming,	McCulloch,	Smith, Ky.
Brenner,	Gaston,	McDowell,	Snodgrass,
Brewer,	Gilbert,	McRae,	Spight,
Brundidge,	Glynn,	Maddox,	Stark,
Burke, Tex.	Green, Pa.	Moon,	Stephens, Tex.
Burleson,	Griggs,	Naphen,	Stokes,
Caldwell,	Hay,	Neville,	Sutherland,
Catchings,	Henry, Miss.	Norton, S. C.	Swanson,
Clark, Mo.	Henry, Tex.	Otey,	Talbert,
Clayton, Ala.	Howard,	Pierce, Tenn.	Turner,
Clayton, N. Y.	Jett,	Rhea, Ky.	Underwood,
Cox,	Johnston,	Rhea, Va.	Vandiver,
Crawford,	Kitchin,	Richardson,	Wheeler, Ky.
Crowley,	Kleberg,	Ridgely,	Williams, J. R.
Cusack,	Lanham,	Robertson, La.	Williams, Miss.
Davis,	Latimer,	Ryan, N. Y.	

ANSWERED "PRESENT"—21.

Barney,	Dougherty,	Grout,	Packer, Pa.
Berry,	Eddy,	Howell,	Pugh,
Bishop,	Fitzgerald, Mass.	Kluttz,	Zenor.
Brownlow,	Gibson,	Lamb,	
Cooper, Tex.	Griffith,	Miers, Ind.	
Cowherd,	Grosvenor,	Norton, Ohio	

NOT VOTING—107.

Acheson,	Faris,	Moody, Oreg.	Southard,
Adams,	Fitzgerald, N. Y.	Muller,	Sparkman,
Adamson,	Foster,	Noonan,	Stallings,
Allen, Me.	Fox,	Otjen,	Sulzer,
Allen, Miss.	Freer,	Pearce, Mo.	Tate,
Atwater,	Gaines,	Polk,	Tawney,
Bailey, Tex.	Gamble,	Powers,	Tayler, Ohio
Baker,	Gayle,	Prince,	Taylor, Ala.
Barber,	Gordon,	Quarles,	Terry,
Bartholdt,	Grow,	Ransdell,	Thomas, Iowa
Bellamy,	Haugen,	Reeder,	Thomas, N. C.
Boutelle, Me.	Hawley,	Reeves,	Thropp,
Breazeale,	Hoffecker,	Riordan,	Tompkins,
Broussard,	Jones, Va.	Rixey,	Underhill,
Bull,	Ketcham,	Robb,	Van Voorhis,
Burnett,	Landis,	Robinson, Ind.	Wachter,
Campbell,	Lester,	Robinson, Nebr.	Wanger,
Carmack,	Linney,	Rucker,	Warner,
Cooney,	Littauer,	Ruppert,	Waters,
Corliss,	Littlefield,	Shackleford,	Weaver,
Crump,	Livingston,	Sherman,	Weeks,
Crumpacker,	Lorimer,	Showalter,	Weymouth,
Daly, N. J.	McAleer,	Sibley,	Williams, W. E.
Dayton,	McCall,	Smith, Ill.	Wilson, N. Y.
De Armond,	McLain,	Smith, H. C.	Wise,
Dovener,	May,	Smith, Samuel W.	Ziegler.
Driggs,	Meyer, La.	Smith, Wm. Alden	

So the report of the committee of conference was adopted.

Mr. LAMB. On this proposition I have voted "no." I am paired with the gentleman from Virginia, Mr. WISE, and desire to withdraw my vote.

Mr. ZENOR. Mr. Speaker, on this roll call I voted "no." I am paired with my colleague, Mr. FARIS. I desire, therefore, to withdraw my vote and be noted "present."

Mr. COOPER of Texas. I desire to withdraw my vote. I am paired with my colleague, Mr. HAWLEY. If he were present, I would vote "no." I desire to be marked "present."

Mr. BERRY. I desire to withdraw my vote and be marked "present." I am paired with Judge POWERS, of Vermont.

Mr. NORTON of Ohio. I understand I am paired with my colleague, Mr. SOUTHARD. I thought that pair had expired yesterday, but I understand my colleague has not returned. I desire, therefore, to withdraw my vote and be marked "present."

The following pairs were announced:

For this session:

Mr. REEVES with Mr. SPARKMAN.

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. GROSVENOR with Mr. ROBINSON of Indiana.

Mr. EDDY with Mr. ROBB.

Mr. TAYLER of Ohio with Mr. FOX.

Mr. GIBSON with Mr. TATE.

Mr. MCCALL with Mr. GAINES.

Mr. PRINCE with Mr. GRIFFITH.

Mr. BROWNLOW with Mr. CARMACK.

Mr. SOUTHARD with Mr. NORTON of Ohio.

Mr. SMITH of Illinois with Mr. GAYLE.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. PUGH with Mr. TAYLOR of Alabama.

Mr. HENRY C. SMITH with Mr. RANSDELL.

Mr. BISHOP with Mr. LESTER.

Mr. TAWNEY with Mr. COWHERD.

Mr. HAWLEY with Mr. COOPER of Texas.
Mr. VAN VOORHIS with Mr. GORDON.
Mr. GAMBLE with Mr. NOONAN.
Mr. SHERMAN with Mr. DRIGGS.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. BARNEY with Mr. ALLEN of Mississippi.
Mr. ADAMS with Mr. MCALEER.
Mr. BULL with Mr. MAY.
Mr. ACHESON with Mr. MCLAIN.
Mr. SAMUEL W. SMITH with Mr. RUCKER, until April 5.
Mr. CORLISS with Mr. LENTZ, until April 1.
Mr. WEEKS with Mr. KLUTTZ, until April 2.
Mr. GROUT with Mr. LIVINGSTON, until March 28.
Mr. PEARCE of Missouri with Mr. FITZGERALD of New York, until Wednesday next.
Mr. BARTHOLDT with Mr. DOUGHERTY, until March 28.
Mr. KETCHAM with Mr. MULLER, until Tuesday next.
Mr. THROPP with Mr. QUARLES, until March 26 (inclusive).
Mr. HOWELL with Mr. THOMAS of North Carolina, until March 26 (inclusive).
Mr. LINNEY with Mr. ROBINSON of Nebraska, until March 26.
Mr. FARIS with Mr. ZENOR, until March 26.
Mr. WARNER with Mr. COONEY, until March 30.
Mr. WISE with Mr. LAMB, until Tuesday next.
Mr. CRUMPACKER with Mr. MIERS of Indiana, until March 27.
For this day:
Mr. LANDIS with Mr. WILLIAM E. WILLIAMS.
Mr. HAUGEN with Mr. TERRY.
Mr. GROW with Mr. JONES of Virginia.
Mr. FREER with Mr. RIXEY.
Mr. LITTAUER with Mr. DE ARMOND.
Mr. CRUMP with Mr. UNDERHILL.
Mr. ALLEN of Maine with Mr. FITZGERALD of Massachusetts.
Mr. REEDER with Mr. DALY of New Jersey.
Mr. YOUNG with Mr. BREAZEALE.
Mr. SHOWALTER with Mr. BURNETT.
Mr. BOUTELLE of Maine with Mr. WILSON of New York.
Mr. WATERS with Mr. BARBER.
Mr. POWERS with Mr. BERRY.
Mr. MOODY of Oregon with Mr. ZIEGLER.
Mr. HOFFECKER with Mr. SULZER.
Mr. LITTLEFIELD with Mr. BAILEY of Texas.
Mr. LORIMER with Mr. FOSTER.
Mr. THOMAS of Iowa with Mr. RIORDAN.
Mr. WM. ALDEN SMITH with Mr. RUPPERT.
Mr. BAKER with Mr. ATWATER.

The result of the vote was announced as above recorded.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

OPEN DOOR IN CHINA.

Mr. HITT. Mr. Speaker, by direction of the Committee on Foreign Affairs, I desire to submit a privileged report.

The SPEAKER. The gentleman from Illinois [Mr. HITT] submits the following privileged report.

The Clerk read as follows:

Whereas the commercial community of the United States is deeply interested in ascertaining the conditions which are to govern trade in such parts of the Chinese Empire as are claimed by various foreign powers to be within their "areas of interest;" and

Whereas bills are now pending before both Houses of Congress for the dispatch of a mission to China to study its economic condition: Therefore, be it

Resolved, That the President of the United States be requested to transmit to the House of Representatives, if not incompatible with the public service, such correspondence as may have passed between the Department of State and various foreign governments concerning the maintenance of the "open-door" policy in China.

Mr. HITT. Mr. Speaker, the report of the committee is unanimous, and I trust the House will adopt the resolution.

The resolution was agreed to.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

TRANSPORTATION OF DUTIABLE MERCHANDISE.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7939) to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The bill was read, as follows:

Be it enacted, etc., That the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the ports of Laredo, Eagle Pass, and Laredo, Tex., and Nogales, Ariz.

The following amendment, recommended by the Committee on Ways and Means, was read:

In line 7, after the word "and," strike out the word "Laredo" and insert in lieu thereof the words "El Paso."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment of the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SLAYDEN, a motion to reconsider the last vote was laid on the table.

MEMORIAL OF GEN. ULYSSES S. GRANT.

Mr. MCCLEARY. Mr. Speaker, by direction of the Committee on the Library, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C.

Be it enacted, etc., That the Secretary of War, the chairman of the Joint Committee on the Library, the President of the Senate, and the Speaker of the House of Representatives be, and they are hereby, appointed a commission to secure plans and designs for a statue or memorial of Gen. Ulysses S. Grant, late President of the United States and General of the Armies thereof, to be erected on ground belonging to the United States in the city of Washington, D. C.; and said commission shall, by advertisement or otherwise, as they may deem proper, request from leading artists or architects competitive plans or designs of such a statue or memorial, and the sum of $5,000 is hereby appropriated for expenses attending the securing of such designs and for the payment to the five artists or architects whose plans may be favorably considered by said commission, which shall be reported to Congress with a careful estimate of the cost of such memorials or statues.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. Let us have some explanation, Mr. Speaker, of the object of the resolution.

Mr. MCCLEARY. Mr. Speaker, this bill looks toward the erection in this city, on ground belonging to the United States Government, of a memorial or statue of Gen. Ulysses S. Grant. The bill appropriates the sum of $10,000 for the preparation of plans or designs.

Thirty-five years have passed since General Grant's active military career was crowned with victory, twenty-four years since his civil career came to a close, and fifteen years since he breathed out his life on Mount McGregor. It seems strange that we have waited so long before erecting in this capital city of the country he served so well a memorial worthy of the man and of the nation.

He is honored and loved North and South. The North remembers and honors him for his fortitude in the hour of danger; the South remembers and loves him for his kindness in the hour of triumph. The South does not forget that the same voice which at Donelson thundered out "Immediate and unconditional surrender," also spoke at Appomattox the words of a brother, "Let them take their horses. They will need them on their farms." [Applause.] The South has not forgotten that the stern purpose expressed in the sentiment, "We will fight it out on this line if it takes all summer," was softened, after the war was over, in the all-comprehending love of the man, into the sentiment, "Let us have peace." While the conflict raged he was the incarnation of "grim-visaged war," stern, resolute, resistless. But when the fratricidal strife was over, the sternness of his features relaxed, his eyes grew kindly, and the knightly soul of the great commander exhibited itself in serving and saving those who had laid down their arms.

I believe, sir, that all of his countrymen, North and South, unite in admiration for his genius and affection for his character. It seems right and proper, therefore, that we should, since it has not been sooner done, take the action contemplated by the bill, which the committee unanimously reports. I accept as my own the language of the report, written by my colleague on the committee, Mr. CUMMINGS, of New York:

The Committee on the Library, to whom was referred the bill (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S Grant on ground belonging to the United States Government in the city of Washington, D. C., have examined the same and submit the following report:

Fifteen years have passed since Gen. Ulysses S. Grant died.

No man in this country was ever more deeply loved or more sincerely mourned than he.

Scanning his life—following it year by year from infancy to the last day at Mount McGregor—it aptly illustrates individual opportunities and achievements in the American Republic. His errors of judgment, his failures, and his afflictions only mark him as human. His great work shows the touch of Divine inspiration.

Of humble lineage, he was ever in sympathy with the common people. In the height of his glory, whether at home or abroad, receiving the homage due to the Chief Magistrate of the nation, or being entertained by the courts of Europe and of the Orient, he represented the citizenship of the United States.

It is not necessary in this report to review the services which General Grant rendered his country. They are written on the pages of history. They are known to all his countrymen. To the statesmen; to the soldier on the land and the sailor on the sea; to the rich and the poor; to the capitalist and the laborer; to the million of aging veterans who served under him and to the boy just learning to read, his is a household name dear as that of Washington and Lincoln. The heart of every patriotic American thrills as he recalls the great victories from Donelson to Appomattox, and is filled with gratitude for the man who, under Providence, was so instrumental in preserving the integrity and perpetuity of the Union.

With all his strength of character and tenacity of purpose, with all his wonderful endowments, and with all his triumphs as a soldier and as a President, he was possessed of such gentleness of soul, such simplicity of heart, such purity of character, such unselfish devotion, that he not only commanded the respect and admiration of the world, but won the love and affection of all his countrymen.

From time immemorial grateful people have erected monuments to the memory of their illustrious dead. It is wise and proper thus to do, but it is not wise and proper to so long delay the expression of gratitude as to excite the remark and wonder of visitors from foreign shores at our seeming indifference.

That no monument or memorial has ever been erected at the national capital to the memory of this great man seems almost incredible.

The parks and reservations of Washington everywhere reveal the sculptor's art, commemorating the memory of our noble and heroic dead. Sherman, Hancock, Sheridan, Logan, Rawlins, Thomas, and McPherson, who all served under him, have been reproduced in bronze. Why, then, should the greatest of them all be not thus remembered?

Your committee believe the action required should be delayed no longer, lest Congress and the people of the national capital be charged with ingratitude and forgetfulness.

The accompanying bill, which simply makes an appropriation of $5,000 for the preparation of plans or designs for a memorial or statue of General Grant on ground belonging to the United States Government in this city, receives the unanimous support of the committee, and its passage is recommended.

Mr. RICHARDSON. Does the bill provide for a commission?

Mr. McCLEARY. Yes. It is to consist of the Secretary of War, the chairman of the Joint Committee on the Library, the President of the Senate, and the Speaker of the House of Representatives.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. Does the gentleman from Minnesota propose an amendment?

Mr. McCLEARY. There is an amendment proposed by the committee, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota, by direction of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, in line 2, page 2, after the word "of," the word "five" and insert in lieu thereof the word "ten;" so that it will read: "The sum of $10,000."

Mr. MERCER. Will the gentleman from Minnesota yield for a minute?

Mr. McCLEARY. Certainly.

Mr. MERCER. Since introducing this resolution, Mr. Speaker, I have received letters from all parts of the United States urging the immediate action of Congress upon it. I hope there will be no objection to its passage.

The amendment of Mr. McCLEARY was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McCLEARY, a motion to reconsider the last vote was laid on the table.

BOARDING OF VESSELS.

Mr. SMALL. Mr. Speaker, by direction of the Committee on the Merchant Marine and Fisheries, I ask unanimous consent for the present consideration of the bill (H. R. 5067) concerning the boarding of vessels.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to prescribe and enforce regulations governing the boarding of vessels at the seaports of the United States, and for that purpose to employ any of the officers of that Department.

SEC. 2. That each person violating such regulations shall be subject to a penalty of $100.

SEC. 3. That this act shall be construed as supplementary to section 9 of chapter 374 of the statutes of 1882, and section 4606 of the Revised Statutes.

SEC. 4. That this act shall take effect thirty days after its passage.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The following amendments, recommended by the Committee on the Merchant Marine and Fisheries, were read:

In line 4, after the word "prescribe," insert the words "from time to time."

In line 9, after the word "of," insert the words "not more than."

And in line 10, after the word "dollars," insert "or imprisonment not to exceed six months, or both, in the discretion of the court."

Mr. SMALL. I also offer two other amendments by direction of the committee.

The SPEAKER. The Clerk will report the other amendments offered by the committee.

The Clerk read as follows:

In line 5, after the word "vessels," insert the word "arriving."

In line 6, after the word "States," insert the words "before such vessels have been properly inspected and placed in security."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SMALL, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 4686. An act for the relief of J. A. Ware;

H. R. 6139. An act granting a pension to Lucinda Haggard;

H. R. 6092. An act granting a pension to Louisa Stearns;

H. R. 7022. An act granting an increase of pension to Peter M. Heaton;

H. R. 5546. An act granting an increase of pension to George White;

H. R. 6031. An act granting a pension to James W. Carmody;

H. R. 5544. An act granting a pension to Loua A. Morgan;

H. R. 7368. An act granting an increase of pension to Sherman D. Plues;

H. R. 6911. An act granting an increase of pension to James R. Sawtell;

H. R. 2802. An act granting an increase of pension to John W. Brisbois;

H. R. 5229. An act granting a pension to Sarah Potter;

H. R. 6028. An act granting a pension to John H. Meeker;

H. R. 5126. An act granting an increase of pension to James J. McMains;

H. R. 3809. An act granting an increase of pension to Elisha B. Seaman;

H. R. 6144. An act granting an increase of pension to Margaret A. Porter;

H. R. 5949. An act granting a pension to Frederick Weber;

H. R. 2792. An act granting a pension to Peter Cummings;

H. R. 203. An act granting an increase of pension to Isaac D. Smith;

H. R. 4298. An act granting an increase of pension to John M. McCord;

H. R. 3966. An act granting an increase of pension to David Talman;

H. R. 1989. An act granting a pension to Marie Wiersang;

H. R. 2382. An act granting an increase of pension to Eli Overhultz;

H. R. 4961. An act granting an increase of pension to Margaret Gangloff;

H. R. 7896. An act granting an increase of pension to Samuel Lybarger;

H. R. 7114. An act granting an increase of pension to John S. Parker;

H. R. 3470. An act granting an increase of pension to George W. Weeden;

H. R. 4854. An act granting a pension to James L. Whidden;

H. R. 1944. An act granting an increase of pension to Eli C. Walton;

H. R. 541. An act granting a pension to Ellen Norwood;

H. R. 539. An act granting a pension to Louisa S. Wilson;

H. R. 2389. An act granting an increase of pension to Edward Boyle;

H. R. 5180. An act granting an increase of pension to Thomas Adams; and

H. R. 4441. An act granting an increase of pension to Samuel C. Krickbaum.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

S. 2883. An act to authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 477) granting a pension to Levi C. Faught.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3106. An act relating to the accounts of United States marshals and the clerks of the district courts for the Territory of Utah—to the Committee on the Judiciary.

S. 3254. An act to amend section 953 of the Revised Statutes of the United States, relating to the signing of a bill of exceptions—to the Committee on the Judiciary.

S. 733. An act concerning the boarding of vessels—to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9080. An act appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law;

H. R. 5390. An act granting a pension to Maria E. Mailley; and

H. R. 4686. An act for the relief of J. A. Ware.

BRIDGE ACROSS THE CHARLES RIVER, MASSACHUSETTS.

Mr. LOVERING. Mr. Speaker, I call up from the Speaker's table the bill (S. 2883) to authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts.

The bill was read, as follows:

Be it enacted, etc., That the Cambridge Bridge Commission be, and hereby is, authorized to construct a drawless bridge across the Charles River, in the State of Massachusetts, between the cities of Boston and Cambridge, as provided for by chapter 467 of the acts of 1898, and chapter 180 of the acts of 1899, of the legislature of the State of Massachusetts; said bridge to be at least 26 feet above mean high water over the main ship channel, and the piers and other obstructions to the flow of the tide to be constructed in such form and in such places as the Secretary of War shall approve: *Provided*, That the State of Massachusetts, within a reasonable time after the completion of said bridge, by legislative enactment, shall provide for adequate compensation to the owner or owners of wharf property now used as such on said river above said bridge, for damages, if any, sustained by said property by reason of interference with access by water to said property now and hitherto enjoyed, because of the construction of said bridge without a draw.

Mr. LOVERING. Mr. Speaker, this bill is identical with a bill which has been reported by the Committee on Interstate and Foreign Commerce.

The SPEAKER. This is a Senate bill. The question is on the third reading.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LOVERING, a motion to reconsider the last vote was laid on the table.

By unanimous consent, on motion of Mr. LOVERING, the bill H. R. 2542 was ordered to lie on the table.

NORTHRUP & CHICK AND THOMAS N. STINSON.

Mr. COWHERD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5552) for the relief of Northrup & Chick, and also of Thomas N. Stinson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to examine and adjudicate the claims of Northrup & Chick, and also of Thomas N. Stinson, late licensed Indian traders with the Pottawatomie Indians in Kansas, for supplies furnished said Indian band for their subsistence, and to determine whether anything is justly due said Northrup & Chick, and also Thomas N. Stinson, and if so, the amount thereof, and whether there is any fund belonging to said Indians which can be applied to the payment of such claims; and if so determined, then to report and certify the amount found due to said Northrup & Chick, and also to Thomas N. Stinson, without interest, to be paid from the funds of said Indians to the Secretary of the Treasury, to be so paid by him; and the receipt by said Northrup & Chick, and also by Thomas N. Stinson, or their representatives, of any amount found due them shall operate as a waiver and relinquishment of any claim for interest.

With the following amendment, recommended by the committee:

After the word "interest," in line 5, page 2, add the following:

"It is further provided that the reward by the Secretary of the Interior to Northrup and Chick shall not exceed the sum of $3,529.98, and that to Thomas N. Stinson shall not exceed $2,694.06."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. COWHERD, a motion to reconsider the last vote was laid on the table.

REINDEER IN THE DISTRICT OF ALASKA.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to offer the following privileged report and ask for the present consideration of Senate concurrent resolution No. 23.

The SPEAKER. The gentleman from Minnesota, chairman of the Committee on Printing, offers for immediate consideration the following concurrent resolution, which the Clerk will read.

The Clerk read as follows:

Resolved by the Senate, etc., That there be printed 2,000 copies additional to the usual number of the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into the district of Alaska for 1899," of which 500 copies shall be for the use of the Senate and 1,500 copies for the use of the House of Representatives.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

STATUE OF OLIVER P. MORTON.

Mr. STEELE. Mr. Speaker, I desire to renew my request made last evening that on Saturday after 1 o'clock, the 14th day of April, be devoted to resolutions accepting the statue of the Hon. Oliver P. Morton.

The SPEAKER. The gentleman from Indiana asks unanimous consent that Saturday, April 14, commencing at 1 o'clock, be set apart for addresses on the receipt of the statue from the State of Indiana of the Hon. Oliver P. Morton. Is there objection?

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I wish to say that I objected to the resolution yesterday, not to show any discourtesy to the gentleman from Indiana or to the great man whose memory is sought to be praised by the resolution presented by the gentleman from Indiana. But there is a statue now in Statuary Hall of Father Marquette to which, through the narrowness of the members of a Committee on Library in the Fifty-fourth Congress, proper respect has never been shown. Yesterday was the first occasion that I was present in the House of Representatives when unanimous consent was asked on a question of this kind, and I thought I would take advantage of the opportunity to call the attention of the House and the people of the country to the narrow feeling of bigotry which existed at that time in regard to that statue.

The resolutions unanimously adopted by the Senate calling the attention of Congress to the virtues of this great explorer were presented to the House, referred under the rules to the Committee on Library, and slumbered there. I endeavored at various times to call them up, but owing to the rigid rules of this House, which prevented consideration without a report from this committee, no action was ever taken upon the matter.

Father Marquette is the recognized discoverer of the great Mississippi, and his memory has been denied proper recognition by this House, because of the narrow spirit of bigotry and prejudice against the Catholic Church prevailing among some of its members. I intend at some later date to ask that a special time be set apart in which the members of this House may have the chance to pay proper respect to the great work accomplished by this explorer.

The SPEAKER. Is there objection? The Chair hears none, and the order is made.

RETURN OF A BILL.

The SPEAKER. The Chair lays before the House Senate resolution requesting the House of Represenatives to return to the Senate the bill (S. 477) granting a pension to Levi C. Faught. Without objection this order will be made and the committee discharged.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COWHERD, for two weeks, on account of important business.

To Mr. TERRY, for this day, on account of sickness.

To Mr. SCUDDER, for one week, on account of sickness.

To Mr. GRIFFITH, for one week, on account of important business.

To Mr. BROWN, for five days, on account of important business.

To Mr. ALLEN of Maine, indefinitely, on account of death in his family.

To Mr. LATIMER, for one week, on account of important business.

EULOGIES ON THE LATE REPRESENTATIVE SYDNEY P. EPES.

Mr. HAY. Mr. Speaker, I move that the House now proceed to the execution of the special order fixed for to-day.

The SPEAKER. The gentleman from Virginia calls up the special order for to-day, and the Chair will recognize the gentleman from Virginia.

Mr. HAY offered the following resolutions; which were unanimously adopted:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. SYDNEY P. EPES, late a member of the House of Representatives from the State of Virginia.

Resolved, That as a further mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

Mr. HAY. SYDNEY P. EPES had for years past occupied a prominent place in the public eye. He served a term in the legislature of Virginia, was elected to the responsible position of register of the land office of the State, and was twice elected to this House by the people of the Fourth Congressional district of Virginia. Though young in years, his counsel was sought for and taken by the wisest men in Virginia, and his influence was just beginning to be felt in the national councils of his country when he was stricken down. He had in an unusual degree that distinguishing characteristic of Virginians, intense love for his State and admiration for the magnificent record which Virginia has made among her sister Commonwealths. In his brief but brilliant career he always worked to advance the interests of his State and people, and his people returned generously and without stint the love he bore them. No man had so many friends; no man deserved them more.

He combined with a gentle and lovable disposition a stern sense of duty and a loyalty of friendship rarely equaled. He had in him all the elements which go to make up a man. His worth, his character, his integrity were recognized by all; and when he died, it was felt that his loss was irreparable. His people will send another to take his place here, the places which knew him will know him no more, his familiar form will never be among us again, we will never feel the cordial grasp of his hand nor see his genial smile nor hear his pleasant voice, but his memory will live forever in the hearts of those who loved him.

These ceremonies to-day serve but too well to remind us, if to forget were possible, that our friend and colleague is gone from us, and forever. We remember, too, the happy hours spent with him, his quiet flow of humor, his ever-ready friendship, his unfailing sympathy, his generous help in time of trouble, and we realize but too well that—

A sorrow's crown of sorrow is remembering happier things.

Words can not express my feelings and my sense of loss. He was my friend, a friend that sticketh closer than a brother. We leaned mutually upon each other; and from the hour when we first knew each other to the hour of his death we loved each other. His death is to me a grief unspeakable, and words are all too poor to express what I feel. Loyalty was the keynote of his character. He was the most loyal friend, the truest gentleman, the manliest man it has ever been my lot to meet. As I walk about this House, as I wander through these corridors, as I tread the stones which have so often reechoed to his footsteps, I say to myself over and over again:

But oh for the touch of a vanish'd hand,
And the sound of a voice that is still!

Mr. JENKINS. Mr. Speaker, I will only ask the indulgence of the House for a few moments, not but what considerable time could be profitably spent in speaking favorably of our deceased colleague, but my acquaintance with him was brief, and I will yield the time to those who knew him better and longer than I did, yet who can not entertain a higher regard for his memory than I do. I first met the late Mr. SYDNEY P. EPES as a member of the Fifty-fifth Congress, and thereafter until the day he was forced by illness to leave this Hall for the chamber of death we were thrown much together.

Many little things occurred in common between us contributing to a close acquaintance, and our friendship was strengthened by the high regard I formed of him as a man. Knowing full well that the stern duties of the civil war compelled me to traverse as a hostile soldier his place of birth and home, it seemed to lead him to be extremely kind and attentive to me, going out of his way to do several acts of kindness for people of my district, which he never permitted me to repay.

To me he appeared to be of a cheerful and happy disposition, and no matter when or where I met him he greeted me so warmly that it was a pleasure to meet him.

I regarded him as a gentleman of great promise and bright future. While politically opposed to each other, I respected him for the fearless and straightforward manner he carried out and maintained the principles of his party, and I should feel as though at this time I was not discharging my duty if I did not publicly testify to his ability, integrity, and many virtues. To me he appeared to be the soul of honor, and notwithstanding he was a strong political disciplinarian, it was impossible to know him and not honor and respect him.

I felt honored to be selected as one of his friends to accompany his remains to his last resting place. To me it was a solemn and thoughtful occasion. Young, brainy, and energetic, apparently with a long and useful life before him, sitting here in the discharge of his public duties, and the day stricken with death—called upon without warning to leave this world and part with all that was dear to him—makes the thought of his early and untimely death solemn indeed. To me the sad journey was thoughtful because his funeral train went the entire distance over a country that I traveled as a soldier from 1861 to 1865, during the great struggle for the supremacy of power; every mile of the territory easily recognized, bringing so vividly to my mind the painful memories of that terrible struggle between the bravest and most intellectual people of the world.

Around his open grave I joined with many of the brave men who opposed the progress of the Union armies in paying respect to the worth, character, and ability of their political leader they had so long honored and followed.

The great throng present, so respectable in appearance and numbers, with heavy hearts and weeping eyes, was a beautiful tribute of respect, and testified in the strongest possible manner to the high regard our dead colleague was held by those who had surrounded him from birth to death.

No more beautiful tribute of respect and affection could be paid anyone than was paid the memory of deceased by the brave and generous people of his home.

In the church, resting on the ground I had camped upon as a soldier of Warren's corps, we listened to prayers for his soul and relief and comfort for his sorrowing and afflicted family and mournful friends.

In the cemetery over which a part of the two great armies of Grant and Lee passed in 1865, and over which many a deathly hostile bullet was fired, we laid to rest all that was mortal of our respected friend, realizing that his life's work was done, his record made. His work was approved of by his constituents he had so ably represented.

No one will be found to criticise his record, which we all trust has been approved of by that invisible hand that guided our much-loved and highly respected friend through life.

Mr. RHEA of Kentucky. Mr. Speaker, my affection and respect for the person and character of SYDNEY EPES will not permit me to indulge in mere words of praise. I knew him and I loved him. It was my fortune to know him in his youth—before he reached manhood's estate. He was a self-reliant, self-respecting, manly boy.

He early realized the responsibilities of life, and he met them bravely.

Tried in many and important public and private stations, he was faithful in all. Courteous and gentle in manner and conversation, he was determined and persistent in purpose and action. Tolerant and conservative, he had fixed principles to guide himself and positive convictions touching all public questions. He made no pretensions to oratory or speech-making. He was a worker, systematic and methodical. Possessed of rare judgment and great good sense, he was a safe counselor. He made friends because people had faith in him. He convinced others because he himself was convinced.

Men followed his lead because his leadership was ever marked by courage and honesty of purpose. He had the respect of those who knew him because he deserved it.

He was a devoted son, who honored his father and his mother.

He was an affectionate brother, about whom the love of his family was centered.

He was a loving, tender husband and father, leaving to wife and children a heritage more precious than the wealth of this world, because he was in "honor impregnable, in simplicity sublime."

He was a loyal, faithful friend.

He was an intense Virginian, bound in heart and memory to the history and tradition, the honor and good repute, of the "Old Commonwealth," and he honored Virginia, as Virginia had honored him. For great as is the history of Virginia and her sons, past and present, there never trod on Virginia soil a knightlier gentleman than SYDNEY EPES, and there sleeps not beneath Virginia sod a more loyal, a gentler, braver son than her late Representative.

Mr. SWANSON. Mr. Speaker, we are assembled here to-day in discharge of a mournful duty. We are here to pay tribute to the memory, to commemorate the virtues, and to mourn the loss of one of the most loved and promising young members of this House.

Less than one month ago SYDNEY P. EPES, in the prime of his young manhood, already crowned with honors, and with greater awaiting him in the future, was suddenly, without warning, stricken down.

In his sudden death not only have his own people and his own State sustained a great loss, but also the whole country. To me his loss is a deep personal bereavement. He was one of my best, warmest, and most intimate friends. There was no one save my near relations whom I loved and admired more than I did SYDNEY EPES. He was the very highest type of that character so well known as the "Virginia gentleman." He was descended from distinguished lineage, and thus was endowed with a proper ancestral pride which has contributed so much to give refinement and dignity and confidence to so many of Virginia's most illustrious sons. He was the soul of chivalry. No gentlemen of the old school could surpass him in this respect.

He possessed as loving, as tender, as gentle, as generous a heart as ever pulsated in human breast. He had a fascination of address, a witchery of manner, a pleasing smile, a warm grasp of the hand that captivated and held fast all with whom he was brought in contact. He had a courtesy of demeanor which was rare and could not fail to bespeak favor alike from friend or foe. He scorned to be a trimmer upon any question or upon any matter.

No one ever surpassed him in loyalty and in devotion to his friends. He made the battles of his friends his battles. Their failures he shared without complaint and without regret.

In his whole career, with all of its vicissitudes, with all of its temptations, with all of its fierce political fights, no one can be found to reproach him for ingratitude or who can say that he ever failed courageously to discharge any obligation. He never in his whole life failed a friend. This speaks volumes.

This is one reason why wherever he went he gathered around himself many warm, loving, and devoted friends.

Last year I had the pleasure of speaking on a county court day in his native county, and I was forcibly impressed by the confidence, love, devotion, and friendship exhibited toward him by all of his people. Every citizen on the court green seemed to have a personal pride in him, a personal affection for him. One could not fail to see that he was deeply, lastingly in the hearts of these people.

The next time that I visited his native county was when I went there to accompany his remains for interment. Again I saw manifestations of affection and of love which were touching and which proved stronger than before how he had entwined himself around the hearts of his people. A vast concourse of people were there to pay tribute to his memory and to evince their sorrow at his death. The distress was such as if each person had lost his best and most devoted friend. Everything was hushed, silent, and sad, as if a great public calamity had happened.

Mr. Speaker, the highest tribute to a man's character is the love, affection, and reverence of his neighbors. These evidence a man's true worth. No person ever possessed to a greater degree the high regard and deep love of his neighbors and friends than did SYDNEY EPES.

In his private life he was pure, honest, manly, and worthy of the highest commendation. His public career was one of much achievement and gave promise of great possibilities and eminence. His whole life was one of growth, development, and progress.

Without money, without pecuniary aid from any source, he had to fight the battle of life aided only by his own dauntless courage and energy.

We first find him as a clerk in a drug store, courteous, polite, attentive, and doing well. Tiring of this narrow sphere, we next see him, as a mere boy, starting a newspaper, which he conducted with success and with profit.

Ere long the people of his county recognize his worth and his ability and send him to the general assembly of Virginia. He served there, surrounding himself with innumerable friends and attaining a reputation as a wise, sensible, and conservative legislator.

We next find him as the register of the land office of the State of Virginia, a position of much honor and responsibility. In the meantime he had become active in politics in the Fourth district of Virginia and one of the most potential factors therein. He had been promoted on account of his energy, intelligence, and success from precinct chairman to county chairman, and from county chairman to chairman of his Congressional district. Every campaign that he conducted was crowned with success. He combined in a rare and in an unusual degree courage, diplomacy, secrecy, and industry that few political antagonists could successfully encounter. Under his leadership and guidance the Fourth district, which theretofore had been a stronghold of the enemy, became a stronghold for Democracy.

The Democrats of the Fourth district, recognizing that there would be a terrific fight in the Presidential election of 1896, with practical unanimity nominated him as their standard bearer in this memorable campaign. He achieved a great victory, but he was deprived of the fruits of this justly won victory by the Republican majority of the House, who unjustly deprived him of his seat in Congress. His people responded to this outrage by immediately renominating him by acclamation and reelecting him by such a decisive majority that his opponent would not even dare to again contest.

In Congress he was most attentive to his duties. He was a most intelligent, capable, and efficient Representative. Everything that affected his constituency received his most earnest and careful attention. He was broad-minded, conservative, and rarely, if ever, made a mistake as to either the justice or the wisdom of a proposition. There was not a member of Congress who possessed in the House as many warm, devoted, and loyal friends as did SYDNEY EPES. Having surrounded himself with these, it would have been but a short while before he would have been one of the most successful and most potential members of this House.

His Virginia colleagues, recognizing his ability as a political organizer, his industry as a worker, and his wisdom as an adviser, elected him as a member of the Congressional campaign committee. The bestowal of this honor bespeaks the high esteem in which he was held by his colleagues. Mr. RICHARDSON, the chairman of this committee and the Democratic leader of this House, had selected him for the honorable and important position of first vice-president of the Congressional campaign committee. Few new members have in so short a while attained so many honors, inspired so much confidence, and possessed so many possibilities for the future.

With a devoted constituency behind him, he had the promise of a long and a distinguished career in Congress. He was known and loved all over the State of Virginia, and it was but a question of time as to when his State would have shown him greater honor.

Mr. Speaker, we can not understand, but we must bow with devout submission to the inscrutable decrees of Providence which closed so suddenly the career of this distinguished and brilliant statesman.

The blow, Mr. Speaker, falls heavily upon me. None shall miss him more than I. I knew him well. I loved him deeply. All through life I shall cherish the memory of his sweet friendship, of his loving, fascinating personality, of his splendid qualities of mind and of heart.

Mr. BALL. Mr. Speaker, SYDNEY EPES and I began our Congressional service together in the Fifty-fifth Congress. He was one of the first members of the House with whom I became acquainted. That acquaintance soon ripened into a warm and enduring friendship, broken only by the grim messenger, Death. In the full flower of his young manhood, his end came suddenly and unexpectedly to us all. Present and voting in the House of Representatives on Wednesday, under the surgeon's knife Friday, on the next day his family and friends looked upon his lifeless form. When death comes to ripe old age, our sorrows are in a measure tempered by the knowledge that threescore years and ten are the full measure of days reasonably to be expected by the most useful of mankind. When childhood answers the reaper's call, we are wont to draw some consolation from the reflection that trials, hardships, and disappointments have been evaded upon the threshold of life's journey. When, however, the end comes to one in the zenith of his usefulness, as it did to our departed friend before one-half man's allotted years had passed away, our hearts grow rebellious and we are tempted to question the wisdom, nay, even the justice, of such a dispensation. With such a test of our faith, we can only school our hearts to the knowledge that "He doeth all things well." Let us not "sorrow as those without hope," but find comfort in the thought—

> The death change comes.
> Death is another life. We bow our heads,
> And going out, we think, and enter straight
> Another golden chamber of the King's,
> Larger than this we leave, and lovelier.

By resolution of this House, of which SYDNEY P. EPES was a universally respected member, the day has been set apart to honor his memory, by appropriate expressions from his colleagues. In the presence of the great loss which has come to family, friends, and country by his death, I deeply feel—

> Words are the weakest things
> That man as tribute brings,

and yet it is our simple duty to voice in a measure the esteem, respect, and affection of his brother-members for our late associate. Therefore, however inadequate they may be, we recognize—

> That words have their grace,
> Their golden time and place.

Mr. Speaker, I would be untrue to my friend's memory were I to in the slightest degree indulge in fulsome eulogy. The two qualities which were perhaps his most distinguishing characteristics were gentle manners and modest worth. 'Tis true that beneath these traits, which so well became him, dwelt a heart which knew not fear. Of such as him was it written, "The bravest are the tenderest." When I say of him that he was a lovable man, I do so with full appreciation of all the term implies. One who knew him well felt gently drawn to him, and he wound his way in an unobtrusive but forceful manner into your affections. "Once his friend, always his friend" could be as truly said of him as of any living man. No one answered the demands of friendship more willingly than he. No one was more ready to be tried by the only true tests of friendship—service and sacrifice. In his quiet way he went through life, extending—

> An arm of aid to the weak,
> A friendly hand to the friendless,
> Kind words so short to speak,
> But whose echo is endless.

No wonder, therefore, when his body was borne to its last sepulchre, that distinguished citizens of the grand old Commonwealth of Virginia came from a distance to evidence their appreciation of the honored dead. No wonder that in his home town, Blackstone, the entire population, men, women, and children, became a congregation, filling the largest church and standing without while services were being conducted. That congregation transformed itself into a long and sorrowful procession as all that was mortal of our friend was slowly borne to the gentle eminence where the silent city of the dead looks down upon the town of Blackstone. Coming from every walk in life, all seemed to share a common grief. Tears came not alone to the eyes of childhood and gentle womanhood, but strong men shook with ill-concealed emotion and wiped away the messengers of grief from eyes that seldom wept.

The five orphaned children who survive him are too young now to draw consolation from the universal love and respect which their father inspired. It must, however, be a source of comfort to his devoted and grief-stricken wife, his aged mother and father, and to a large circle of relatives to know that he had accomplished so much before quite 35 years of age; that while yet in his young manhood he had attained high position among his fellows, and gained the love and confidence of so many not related by ties of blood. His good name will yet come as a blessed heritage to his children, when their young minds shall have unfolded to the knowledge that no other legacy could be so precious. To his beloved family, in the modest but comfortable home which his thoughtfulness had provided just before his untimely death, to

his numerous sorrowing relatives, to his large circle of friends, and to his colleagues in Congress may the thought come as a benediction:

Let us not doubt that God has a father's pity toward us, and that in the removal of that which is dearest to us He is still loving and kind. Death separates, but it also unites. It reunites whom it separates.

Mr. WHEELER of Kentucky. Mr. Speaker, in paying this last tribute to my dead friend I shall say nothing that I would not gladly say were he still in his place in the House. SYDNEY EPES, with possibly one exception, was the youngest man elected to the Fifty-fifth Congress. Modest, unassuming, and taciturn, he yet won a distinction at 31 many men spend the better part of life in striving for. Those who knew him well were at no loss to account for his success. I never knew a finer sense of honor, greater devotion to principle, truer loyalty to friends; in fact, if Mr. EPES had an unfortunate fault, it was that he could never see a shortcoming in one he loved nor tolerate a compromise with questions of principle. With a modesty that would grace a girl, linked with a genial frankness, the product of manly truthfulness and gentle courtesy, he was loved by many and admired by all his colleagues.

I never heard an evil word spoken of him. I never heard him speak evil of another. He found something to admire or speak pleasantly of in everyone. I would not have you think, however, he was lacking in convictions; seldom have I known a man of firmer purpose. Life to him was sunshine, not shadow; he saw good in everyone; his belief in mankind, his conviction that the nobler impulses controlled man's action, were so contagious it stimulated like a tonic. It was this determination to see only the best in man that won for him so many friends. He was a typical Southerner in manner, habits, and thought. An unyielding Democrat, he was yet tolerant of different political creeds; indeed, his admiration for some of those opposed to him politically amounted to affection. There was, however, always a qualifying element in his political toleration, for if an institution or custom peculiarly Southern was sharply criticised it was met with the sternest opposition.

Mr. EPES loved the very weaknesses of the South; her sons were to him all princes, and an unmanly action by a Southerner distressed him greatly, although the person offending was but a chance acquaintance. He dwelt with delight and unflagging interest on the great achievements of its sons. He related with the keen zest of a warm friend the triumph, military or civic, of some son of the South he never knew or that flourished before he was born. But if he loved the South as a whole with generous admiration, his affection for Virginia was intense beyond measure. It has been said the sons of countries of great geographical limits are seldom intensely patriotic; but, sir, if there be any truth in the statement, Mr. EPES was certainly an exception. Rarely have I known a man so ardently attached to his country. He could see absolutely no defect in Virginia or its people; his very pronunciation of its name was alluring; he looked with the partial eye of a lover on every defect; in his indulgent eye the cottage became a mansion and untilled fields a smiling garden. Sir, as I stood by the open grave of my friend I thought how well he would sleep. Never went a more loyal son to the bosom of our common mother.

When we reached his home long troops of loving friends stood uncovered as their friend and ours was carried by, on through a little village across a sunlit plain into the waving plumes of pine. We buried him on a gentle hill wrapped in Virginia oak and pine, that from his shady resting place his brave spirit might stand forever sentinel over those he loved.

Mr. Speaker, death is always appalling, and if the unsolved mystery of death can take an added gloom, it is when the young and strong are blighted in their youth and withered in their strength. Man strives with feverish energy to dispel the shadows of the grave—genius, learning, and thought are impotent before it. Mr. EPES held the one lamp that throws a column of light across the dark stream. Reason as we will, strive as we may, doubt as we please, Christianity only robs death of its ghastly horrors. To the Christian we are not "imprisoned in the viewless winds and blown with restless violence round about the pendant world," but we have gone to that great court where conscience sits as judge and our life here writes the verdict there. He was not in its strictest sense an orthodox Christian, but in the truer, broader sense he was deeply religious—his faith was deep-seated and profound. He made no boast of his religious belief; in fact, seldom mentioned it; but his close friends knew how earnestly he believed and sought to follow the great Master.

Sir, the onerous side of Congressional life is known to but few besides the members—the innumerable little things a Congressman is called upon to do for some constituent. Generally but one man is interested, and quite often much time and labor must be expended to serve your constituent. I have always thought the best test of a Representative's efficiency was the way he attended to these matters for individuals, and it was in such duties that Mr. EPES excelled. He never tired in going from one Department to another for some person from his district. Often when the day was done I have met him worn out from the hours spent in trying to accomplish something for a friend before some Department. The most commendable feature of this was that he served the humblest as gladly as he did the most influential, and knew the probabilities were his efforts, however earnest or successful, would never be heard of nor do him any good as a Representative.

Representing a district almost contiguous to the capital, he was called upon much more frequently than most Representatives for some service in behalf of an individual constituent. These innumerable calls were cheerfully responded to, and failures before hostile bureau chiefs did not seem to dampen his ardor. He made no effort at display, and was content to allow others to gather what credit was to be had from forensic tilts. While the great body of the House was engaged in some wordy battle, he could generally be found quietly urging the claims of some friend before a Department or writing to his people of matters of interest to them. Brilliant or showy he did not care to be; his one aim was to serve his people loyally, and he did so.

One other view of the man, Mr. Speaker, I can not refrain from mentioning. His devotion to his family was beautiful. Thank God, in this land of ours there are many, many happy homes, and contentment and happiness of homes is not matter for comment; but Mr. EPES's devotion to his family was something beyond the ordinary. Endowed by nature with an exceedingly musical voice and a temperament capable of intense emotion, I have heard him linger over the two most sacred words of our language—"wife," "mother"—in a way that was absolutely seductive. It was only to his intimates he spoke of his dear ones; but when he did, it was with an honest pride and deep affection. In a word, sir, he was the finest product of modern civilization, a Christian gentleman, an honest man, a faithful Representative. His monument is in the hearts of his people, and his epitaph is on their lips.

Mr. LAMB. Mr. Speaker, had I been asked, any day previous to the 28th of last February, who of the Virginia Representatives in Congress would likely survive his colleagues and live to a green old age, I would have named SYDNEY P. EPES, of the Fourth Virginia district.

On Wednesday, the 28th day of February, when the vote on an important measure was being taken in this House, I saw him lying on one of the lounges in the cloakroom, and, making a pleasant remark to him, I passed on, supposing that he was only resting until the vote was announced. That evening I was informed that he was ill. The next day I visited him at the hospital and conversed with him a short time. The day after he suffered a delicate operation, and the next he had passed from earth to the world unknown.

Can we wonder that men shrink from an enemy that strikes indiscriminately and often selects the youngest and most vigorous? The numerous deaths of our colleagues in the Fifty-fifth and Fifty-sixth Congresses, not a few of them sudden, must impress us with solemnity and awe as we contemplate the sad havoc made by our last enemy.

A few of us have seen death in its most ghastly forms; have stood side by side where it held high carnival; have seen brave men in the vigor of youth and strength mowed down like grass by the reaper's scythe; have seen men's bodies, like sheaves of mown grain, lying thick on fields where contending hosts rushed to the conflict. But this seemed the result of cause and effect, and what we only looked for and expected. Under these circumstances many deaths in my immediate command impressed me not so much as the sudden and unnatural and melancholy taking off of our young and active and promising colleague. Had this blow fallen to one of the older members of our delegation, we would have said: "This is but nature's law. The machinery that sustains the mystery we call life has failed to perform its appointed task, and the no less mystery of death is the natural consequence."

In either case we stand weak, powerless, and appalled before the last enemy, our very souls echoing the thoughts that thrilled the heart of the poet who described the last hours of the brave Greek:

Come to the bridal chamber, Death!
Come to the mother's, when she feels
For the first time her first-born's breath!
Come when the blessed seals
That close the pestilence are broke,
And crowded cities wail its stroke!
Come in consumption's ghastly form,
The earthquake shock, the ocean storm!
Come when the heart beats high and warm,
With banquet song, and dance, and wine!
And thou art terrible!—the tear,
The groan, the knell, the pall, the bier,
And all we know or dream or fear
Of agony are thine.

Death does not always wait until its victim is enfeebled by years, until the locks are whitened, the eyes dim, and the step feeble. Without warning, often as sudden as the lightning flash, it strikes robust youth and vigorous manhood.

So the message came to our friend whose untimely death we

this day commemorate. Apparently years of great usefulness lay before him; years in which to lay up knowledge and render efficient service to those who honored and trusted him; years in which to study the science of government and apply its principles; years in which to study human nature and work out plans for the betterment of his fellows; yea more, even for him personally, years in which to rear the young and tender plants that gathered around his hearthstone, years of love and tender care for the one who brought life to his life and peace to his home.

In the midst of all of this promise—hope and ambition cheered by warm friendship and stimulated by the high resolve to accomplish life's task; a brave and confiding constituency, ready to hold up his hands and continue the trust imposed, so that years might add to his judgment and experience increase his usefulness—he is stricken down. Death claims another shining mark. While others from closer association may have known our colleague better, not one took a deeper interest in his welfare or watched his course more intently. His district touched my own. His friends were mine. In two or three of his counties I have a large acquaintance. In all of them the strong tie between old comrades binds me with hooks of steel to those who contributed no little to his success. It is with pleasure that I recall the fact that on more than one occasion, at the request of those people, I left my own appointments to be filled by others and spoke for him.

In one of the last conversations held with him on this floor he thanked me cordially for some little service I had been able to render him.

His uniform courtesy to his fellow-members was as apparent to all as was his great modesty. This latter characteristic was striking, and contributed largely to making and holding the many friends he had in this House. In return his loyalty to these was beautiful. His large political experience, for one of his years, had given him a knowledge of character, and he preceived quickly the motives that influenced and controlled those by whom he was surrounded.

He was for years chairman of the Democratic county committee of his county and member of the State committee, and was also chairman of the district committee. He served as a member of the Virginia legislature in 1891, and was register of the land office at the time of his nomination for Congress in 1896. These various positions, filled with credit to himself and to the entire satisfaction of his party and State, inspired confidence, and helped to equip him for the duties of a Representative in the Federal Congress.

Possessing these qualifications, he had just attained the opportunity to render valuable service to the people of his district. Without the showy qualities of the orator, he possessed what we all know is more valuable in a Representative—sound judgment and patient attention to the details of the work. Had his life been prolonged he would have given the people of his district, who loved and trusted him, an efficient and valuable service. They fully appreciated the brave and heroic part he had taken in the redemption of that district and counted him truly a civic hero, a worthy descendent of the brave men who gave their lives and surrendered their fortunes at the call of their native State.

Born of an honored family in the good old county of Nottoway, situated in that section of Virginia that was for many months the storm center of relentless and desolating warfare, his childhood was spent amidst the smouldering ruins of ancestral homes, and there he listened to stories of wrong and outrage, while he saw a crushed and ruined people start life anew amidst discouragements and difficulties that would have appalled those who had not been tried in the very forefront of battle, and who did not believe that human endurance should be equal to any misfortune and adversity.

It is no wonder then that he grew up brave, resolute, and self-reliant; and that a temporary sojourn with friends and relatives in Kentucky during the formative period of life strengthened and developed these traits, so that upon his return in the vigor of young manhood, he was enabled as editor, and speaker, and organizer, to render valuable assistance to those men of South-side Virginia who were determined that intelligence and virtue should rule in the land that their own sires had redeemed, and where they had themselves made a most heroic struggle in defense of constitutional liberty.

It was my sad duty to attend his funeral services. The large assembly of citizens from Blackstone and all the surrounding country evidenced the esteem in which he was held, and their sorrowful faces bore silent and eloquent testimony of the emotions that stirred their hearts. Every walk and station in life was represented. Ministers of all denominations participated in the services. A large church edifice could not hold the people. One of the most affecting scenes I ever witnessed was this mourning assembly of people, from the gray-haired veterans to the children of all ages, passing by the remains of their dead friend, and beholding for the last time his lifeless features.

The procession to the cemetery was the longest ever seen in that county. The evidence of respect and appreciation were shown by public resolutions through the Fourth and Third districts of the State, and the editorials in country and city papers voiced the sentiment of a sympathetic and grief-stricken people.

On an occasion like this our thoughts turn to those who are the greatest sufferers, and our hearts beat with sympathy for the widow and the fatherless, for the aged parents, now passed three score and ten, and for all bound to him by the ties of consanguinity. Near the beautiful home he had erected on the borders of the town where he was so well known all that is mortal of our colleague sleeps beneath the soil of the State he loved so well and served so faithfully. We are again reminded "that it is not all of life to live, nor all of death to die." We know that there is another life beyond, and that we shall meet those who have gone before us.

When the mists have risen above us,
As the Father knows His own;
Face to face with those who love us,
We shall know as we are known.

Mr. OTEY. Mr. Speaker, it has been truly said that the crown and glory of life is character. It is the noblest possession of man, constituting a rank in itself and an estate in the general good will, dignifying every station and exalting every position in society, wielding greater power than wealth, and achieving honor without the petty bickering and jealousies attending fame.

SYDNEY P. EPES possessed character which carried with it irresistible power. Strong to do good, no less strong to resist evil. Integrity of word and deed was its backbone, and truth and sincerity formed the essence of his manly nature that gave a loyalty to "virtue which served her without livery."

He cultivated the habit of happy thought, and his genial spirit and charming temper were as "timid violets with their richest fragrance unaware," yet filling the surroundings with wonderful sweetness. His graceful demeanor toward all was a constant source of pleasure, and his gentleness was like the silent influence of light, giving color to the environments. His bearing toward superiors or inferiors, high or low, the humble or the lofty, was marked in his respect alike for all.

Good manners gilded his every action, and in speaking a kind word and doing a kind thing he always enhanced their value.

He was a gentleman in its largest sense, a dignity, in itself, commanding the homage and respect of every generous mind.

He adorned every station in life to which he was called, depending not on fashion, but on moral worth; not on personal possessions, but on personal qualities.

His law was rectitude of purpose; his standard, probity of word and deed; his motto, virtue.

He was a poor man in this world's goods, but rich in all the elements that go to fashion the most elevated models of human kind. The words "nature's nobleman" were stamped on the mold which formed him.

Frank and open, he despised deceit, and he held honor and virtue as beloved twin sisters, not to be hurt if assailed, not to be enthralled if surprised.

He was a friend; yes, a true friend; whose counsel was not based on flattery; neither was it crooked by selfish ends.

His friendship, perfectly sincere, unselfish, and pure, was a treasure to those possessing it. It was in no sense an obligation to be met; it had no day of maturity, no days of grace; it bore no interest. No demand for payment, no value received, was written across its face. It was payable never. It was the possessor's to use when and where deemed proper. It was too lofty to serve an ignoble purpose, and, like the forest oak, it grew more and more deeply rooted as time wore on.

His benevolence and charity were the children of his generosity, and his candle threw its penetrating beams into the dark recesses of the countless homes of the poor, whose tears mingle with ours at his untimely end. The "prayer of want and the plaint of woe" always touched his generous heart. We are all better for having known SYDNEY P. EPES, and the world is better for his having lived in it.

Truth was to him as a pearl, that showed best in the light of open day and needed no artifice to disclose its purity. He had no patience with the semblance of delusion that tampered with it. He had lofty ambition and achieved distinguished honor, but was ever free from the canker, envy, in his efforts to excel.

In his death he exemplified the life described by the Psalmist as one—

That walketh uprightly, and worketh righteously, and speaketh the truth in his heart.

It is my sad privilege to plant a flower on his grave, watered with the tears of memory, and thus to pay my last tribute to him whose death was the crown of a useful life.

Mr. CLAYTON of Alabama. Mr. Speaker, again, and for the tenth time, I believe, since the election of the Fifty-sixth Congress, the proceedings of this House record the death of one of its members. Neither old age nor youth have been exempted from answering the summons so dreadful to living men.

Those of us who have been intimately associated with SYDNEY

P. EPES for the last three years can hardly yet realize that he has gone from among us forever. A few weeks ago he was with us and of us, apparently in the full enjoyment of health. With fondness do we remember his genial manners, pleasant words, and manly deportment. With sorrow do we recollect his short and intense suffering, and then the sheeted form and coffined dead.

Yes, this useful member, upright man, and my dear friend has taken his last part in legislation and has gone hence in obedience to immutable law. The lofty soul has fled its tenement, and the youthful and once vigorous form now sleeps the dreamless sleep, in the bosom of his beloved Virginia. We can do no more than lament his death, and we can do no less than pay just tribute to his memory.

Mr. EPES was a man of decided convictions and strong sentiments, sincere in all his acts and utterances. He never willingly gave cause for offense, and he taught and exemplified the gospel of cheerfulness. He knew that the tragedies of life were manifold and unavoidable, and that complaints and tears are not as blessed to his fellow-man as the sunlight of smiles.

He was born at Sunnyside, Va., in 1865, and he crowded into his short career the honors of having been a member of the house of delegates of that State, register of lands, and twice a member of the Congress.

Standing with uncovered heads by the newly made grave and by his inanimate body, we asked why Death selected so shining a mark. We do not know. Just as he had reached mature manhood, why was he stricken down, while others who have seen "the three score and ten" were spared? We do not know. Why, just as he had become, by service and experience, fortified by youth and vigor of mind and body, most useful to the good people who elected him to Congress, was he called hence? We do not know. Why was he taken so soon from the dear young wife and the sweet little children? And again we do not know.

It is vain to speculate upon the mysteries of death.

Behold, thou hast made my days as it were a span long, and mine age is even as nothing in respect of thee; and verily every man living is altogether vanity.

For man walketh in a vain shadow, and disquieteth himself in vain; he heapeth up riches, and can not tell who shall gather them.

And now, Lord, what is my hope? Truly my hope is even in thee.

Our hope is voiced by the man of afflictions and patience.

I know that my redeemer liveth, and that he shall stand at the latter day upon the earth And though after my skin worms destroy this body, yet in my flesh shall I see God: whom I shall see for myself, and mine eyes shall behold, and not another.

This is the philosophy of the Christian religion. This is the truth that was taught by the blessed Master. This is the hope that sustains and comforts us in our severest afflictions.

In "God's acre," beneath the spreading limbs of sturdy oaks, we laid to rest all that was mortal of our dead friend, and loving hands hid the newly made grave beneath a wilderness of flowers. His family and friends mourn his death, his State and country lament the loss of his services, and we, his associates, have come to read from the volume of his life, and in honest friendship to write the last page; for there can be nothing more added to the career of SYDNEY P. EPES.

Let bruised hearts be bound up and the widow and the orphans comforted, for some sweet day will come when those who now grieve most will rejoice with him in the glory everlasting.

[Mr. JONES of Virginia addressed the House. See Appendix.]

Mr. BERRY. Mr. Speaker, death has made frequent visits to this Chamber within a very brief period. More than once upon this side and upon that a desk draped in mourning and covered with flowers has caused us to ask who is dead and suppress for the moment at least political differences in the presence of the Grim Reaper. Now one from Pennsylvania; again one from Kentucky; now from Massachusetts, and again from Virginia.

To-day the aged are summoned; to-morrow the young and strong are stricken down.

It seems but yesterday that SYDNEY P. EPES was strolling about the lobby full of life, the genial, warm-hearted Virginian. To-day he sleeps in his grave near Blackstone, among the people he loved and who loved and honored him.

I first met him in the Fifty-fifth Congress, to which he was elected by 2,500 majority, and saw him unseated for partisan reasons. He accepted the decision, went back to his district, and when the people again had a chance to right the wrong that was done, he was returned by an increased majority to the Fifty-sixth Congress.

He was the very soul of honor, and the future looked bright to and for him.

It seems but in the course of nature when man has attained his three-score and ten that he should be gathered to his fathers, but that the young and vigorous should seems unnatural. Mr. EPES was devoted to his work in Congress and was familiar with the great measures presented for consideration and always alive to every interest of his constituents. A Democrat and a partisan, yet he always respected the opinions of those who honestly differed with him.

It was always pleasant to meet him, with his cultivated, courtly bearing. His cordial manner and gentle nature made him courted socially, and no one in Congress had more devoted friends than SYDNEY EPES.

I am glad to say a word in his memory to-day.

To the heartbroken and disconsolate widow and children I extend my warmest sympathies in their affliction.

He leaves a reputation of which they can justly feel proud. Those who knew him best appreciated him most.

He was brave, courageous, and noble in his nature. Such a reputation, merited as it was, is a valuable heritage to his children.

The purest treasure mortal times afford
Is spotless reputation; that away,
Men are but gilded loam, or painted clay.

Mr. HAY. Mr. Speaker, there are two or three gentlemen who desire to submit remarks, but who are not present. I ask unanimous consent that they be allowed to print remarks in the RECORD.

The SPEAKER pro tempore (Mr. GRIGGS). The gentleman from Virginia asks unanimous consent that members may be permitted to print remarks in the RECORD. Without objection, it will be so ordered.

There was no objection.

The SPEAKER pro tempore (at 3 o'clock and 3 minutes p. m.). In accordance with the resolutions already adopted, and as a further mark of respect to the memory of the deceased, the House will now stand adjourned until Monday next, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and fact in the case of the sloop *Betsey*, Peleg Blankinship, master, against the United States, was taken from the Speaker's table, referred to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. KLEBERG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9285) to grant lands to the State of Alabama for the purpose of education of colored students at Montgomery, Ala., and for the use of the State Normal College at Troy, Ala., reported the same without amendment, accompanied by a report (No. 767); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9202) granting a pension to Alvin Seagroves, late private in Company L, Second Arkansas Volunteer Cavalry, reported the same with amendment, accompanied by a report (No. 761); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8888) granting a pension to Henry O'Connor, reported the same with amendment, accompanied by a report (No. 762); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8107) granting a pension to Nancy W. Hadley, reported the same with amendment, accompanied by a report (No. 763); which said bill and report were referred to the Private Calendar.

Mr. COCHRANE of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8997) granting a pension to Mary E. Vishion, reported the same with amendment, accompanied by a report (No. 764); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8799) granting an increase of pension to William Teek, reported the same with amendment, accompanied by a report (No. 765); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7391) granting a pension to Maria B. Woolson, reported the same with amendment, accompanied by a report (No. 766); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 6649) granting an increase of pension to Orpha W. Reynolds—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9890) granting a pension to Rebecca A. Heimstreet—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9929) for the relief of F. H. Hunicke—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHANLER: A bill (H. R. 9963) to amend the laws relative to American seamen, and to improve the personnel of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. DENNY: A bill (H. R. 9964) for the purchase of the oil portrait of Maj. Gen. William Smallwood—to the Committee on the Library.

By Mr. THAYER: A bill (H. R. 9965) appropriating $200,000, to be expended in exterminating the gypsy moth in Massachusetts—to the Committee on Agriculture.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 9966) to amend section 3145, Revised Statutes, as amended—to the Committee on Ways and Means.

By Mr. WILLIAM E. WILLIAMS: A bill (H. R. 9967) for the appointment of a commission to investigate the overflow and sanitary effect caused by the Kampsville Dam on the Illinois River—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9968) making appropriation for dredging Hamburg Bay—to the Committee on Rivers and Harbors.

By Mr. BELLAMY: A concurrent resolution (H. C. Res. 35) for a survey and estimate for the improvement of Shelter River, Pender County, N. C.—to the Committee on Rivers and Harbors.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 196) requesting Secretary of Navy to transmit to Congress copies of orders and proclamations issued by Commander Leary while acting governor of the island of Guam—to the Committee on Naval Affairs.

By Mr. LOUDENSLAGER: A resolution (H. Res. 197) to print 10,000 additional copies of Senate Document No. 234, being a report on the legal status of the territory acquired by war with Spain—to the Committee on Printing.

By Mr. DENNY: A memorial of the legislature of the State of Maryland, favoring an appropriation of $200,000 to indemnify the city of Frederick—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOREING: A bill (H. R. 9969) granting a pension to June Kuhn—to the Committee on Invalid Pensions.

By Mr. BERRY: A bill (H. R. 9970) for the benefit of Brent Arnold, and so forth—to the Committee on Claims.

Also, a bill (H. R. 9971) authorizing and directing the Secretary of the Navy of the United States of America to furnish and deliver to the Schley home fund committee of the Woman's Industrial and Patriotic League, of Washington, D. C., certain historical bronze—to the Committee on Naval Affairs.

By Mr. BINGHAM: A bill (H. R. 9972) to correct the naval record of Oliver Cæsar—to the Committee on Naval Affairs.

By Mr. BURLEIGH: A bill (H. R. 9973) granting a pension to Daniel E. Manter—to the Committee on Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 9974) for the relief of the estate of William Pride, deceased, late of Monroe County, Ark.—to the Committee on War Claims.

By Mr. CROWLEY: A bill (H. R. 9975) to increase pension of Jesse Sims—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9976) to correct military record of Francis M. Price—to the Committee on Military Affairs.

Also, a bill (H. R. 9977) for the relief of John W. Chancellor, late of Company H, Twenty-first Regiment Illinois Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9978) granting a pension to Mary J. Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9979) granting a pension to Joel W. Nye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9980) granting a pension to Sarah C. Barker—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 9981) granting an increase of pension to Joseph Zimmerman—to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 9982) granting an increase of pension to Newton Church—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 9983) to correct and amend the military record of George R. Bowker—to the Committee on Military Affairs.

Also, a bill (H. R. 9984) granting a pension to Orange S. Pratt—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 9985) granting an increase of pension to Martin Sherwood, late of Company C, Thirty-sixth Regiment Wisconsin Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 9986) granting a pension to Rosaline V. Campbell, widow of Alberto Campbell, late captain of Company A, Second West Virginia Cavalry—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 9987) for the relief of estate of Mrs. E. J. Davis, late of Drew County, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 9988) for the relief of Mrs. Fannie E. Owens, of Drew County, Ark.—to the Committee on War Claims.

By Mr. WHEELER of Kentucky: A bill (H. R. 9989) for the benefit of Charles H. Webb—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of C. E. Ryan and 38 others, of Delaware County, Iowa, favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. BABCOCK: Petition of Woodstock Post, Grand Army of the Republic, Department of Wisconsin, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Georgetown and Mineral Point, Wis., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

By Mr. BINGHAM: Resolutions of the Board of Trade of Philadelphia, Pa., with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOUTELLE of Maine: Petition of G. S. Burrell and others, of Garland, Me., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of citizens of Hermon Center, Me., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERSOCK: Petition of certain Kansas newspapers, in favor of the passage of Senate bill No. 2283, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

Also, petitions of Sumner Post, of Kansas City, Kans., and McCook Post, of Iola, Kans., Grand Army of the Republic, Department of Kansas, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the New York Zoological Society, in favor of House bill No. 6634, for the better protection of birds—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of George H. Brown Post, No. 25, and Arnold Post, No. 4, of Providence, R. I., Grand Army of the Republic, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BURKETT: Petition of J. C. Yutzy and other citizens of Nebraska, in support of House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

Also, petition of the Omaha Bee, World-Herald, State Journal, and other Nebraska newspapers, urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petitions of the Woman's Christian Temperance unions of Winterport and Monroe, Me., favoring a new code of laws for Hawaii, against the manufacture and sale of intoxicating liquors, and prohibiting the importation and sale of opium, etc.—to the Committee on the Territories.

Also, papers to accompany House bills for the relief of Daniel E. Manter—to the Committee on Pensions.

By Mr. CAPRON: Petition of the Society of the Daughters of the American Revolution, for the reclamation by purchase of the historic grounds adjoining old Fort Griswold—to the Committee on Appropriations.

By Mr. CLARK of Missouri: Petitions of certain posts, Grand Army of the Republic, at St. Charles, Troy, and Center, Department of Missouri, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, protest of citizens of Rush Hill, Mo., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CONNELL: Petition of John P. Donahoe and other druggists, Scranton, Pa., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. CROWLEY: Papers in support of House bill for the relief of John W. Chancellor—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Sarah C. Barker—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to remove the charge of desertion from the record of Francis M. Price—to the Committee on Military Affairs.

By Mr. CURTIS: Petition of N. B. Page Post, No. 188, Grand Army of the Republic, Department of Kansas, indorsing the bill to establish a Branch Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, protests of citizens of Osage, Topeka, and Easton, Kans., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Paper to accompany House bill granting an increase of pension to Joseph Zimmerman—to the Committee on Invalid Pensions.

Also, resolutions of Colonel John M. Patterson Post, No. 151, of Pittsburg, Pa., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DOLLIVER: Petition of Merton J. Hill and others, of Churdan, Iowa, for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. ELLIOTT: Resolutions of the Board of Trade of Georgetown, S. C., favoring the erection of a public building at Georgetown, S. C.—to the Committee on Public Buildings and Grounds.

Also, resolution of the Board of Trade of Georgetown, S. C., favoring appropriation of money to reopen Wingate Bay, South Carolina—to the Committee on Rivers and Harbors.

By Mr. EMERSON: Petition of citizens of St. Regis Falls, Ticonderoga, Plattsburg, Reber, and Mooers, N. Y., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. GRAHAM: Petitions of the Christian and Presbyterian churches of Bellevue, Pa.; Swift Woman's Christian Temperance Union, of Allegheny; Methodist Protestant Church of Pittsburg; Wylie Avenue African Methodist Episcopal Church, of Pittsburg; Second United Presbyterian Church of Verona, and citizens of Carnegie, Pa., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of the New York Zoological Society, urging the passage of the Lacey bill, for the protection of wild birds and game—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Trades' League of Philadelphia, Pa., in favor of Senate amendments to House bill No. 8347 restoring the appropriations for the maintenance of the Hydrographic Office—to the Committee on Appropriations.

By Mr. HEMENWAY: Petition of citizens of Gibson County, Ind., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of Robert O. Tyler Post, No. 50, of Hartford, Conn., Grand Army of the Republic, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HOPKINS: Petitions of A. C. Winter, of Waterman; C. H. Woodward and others, of Kaneville, Hinckley, and McHenry, Ill., in favor of the Grout bill, taxing oleomargarine—to the Committee on Agriculture.

By Mr. JACK: Petition of Pomona Grange, No. 20, of Jefferson County, Pa., in favor of rural free mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Jefferson County, Pa., in favor of the Grout bill, taxing oleomargarine—to the Committee on Agriculture.

Also, petitions of Grand Army of the Republic posts of New Kensington, West Newton, and Kittanning, Pa., indorsing the bill to establish a Branch Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KAHN: Petition of the Board of Fire Underwriters of the Pacific, requesting repeal of the stamp tax on insurance policies—to the Committee on Ways and Means.

By Mr. KERR: Petition of the Congregational Church and Christian Endeavor Society of Norwalk, Ohio, relating to polygamy, marriage, divorce, suffrage, and higher qualifactions for new voters—to the Committee on the Judiciary.

Also, petition of the Congregational Church and Sunday School, of Norwalk, Ohio, to prohibit the transmission of pictures and descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Congregational Church and Sunday School of Norwalk, Ohio, favoring the passage of a bill limiting divorce in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, petition of E. H. Nichall and other druggists of North Amherst, Ohio, for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. LENTZ: Petitions of C. A. Stevenson and others, of Canal Winchester, Ohio, urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petitions of posts of Dublin, Columbus, Reynoldsburg, Carroll, and Hilliard, Department of Ohio, Grand Army of the Republic, indorsing the bill to establish a Branch Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LITTAUER: Petitions of citizens of Day, West Day, and Northville, N. Y., favoring the Grout bill relating to oleomargarine—to the Committee on Agriculture.

By Mr. LONG: Resolutions of Sylvia (Kans.) Post, Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. McDOWELL: Papers to accompany House bill granting an increase of pension to Daniel Metcalf—to the Committee on Invalid Pensions.

Also, memorials of Grand Army of the Republic posts at Canal Dover, Glenmont, Creston, and Perryton, Department of Ohio, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of retail druggists and others, of Millersburg, Ohio, for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Papers to accompany House bill No. 8840, to increase the pension of George B. Hess—to the Committee on Invalid Pensions.

By Mr. STEWART of New Jersey: Petition of the Woman's Christian Temperance Union of Paterson, N. J., to forbid the sale of liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. NEVILLE: Petition of C. L. McElhaney and others, of Dorsey, Nebr., asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. OLMSTED: Petitions of the Young People's Society of Christian Endeavor of Westminster; Christian Endeavor Society of Dauphin; F. W. Heckard and citizens of Harrisburg, Pa., urging the passage of House bill No. 7433, providing for the establishment of a reservoir for the Pima Indians—to the Committee on Indian Affairs.

By Mr. RAY of New York: Petition of C. H. Wickham for a pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Chenango County, N. Y., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL: Resolutions of the Connecticut State Association, National Association of Letter Carriers, favoring the passage of House bill No. 2814, increasing the pay of letter carriers and opposing change in present civil-service law creating a five-year tenure—to the Committee on the Post-Office and Post-Roads.

By Mr. SHATTUC: Petition of George H. Thomas Post, No. 13, Grand Army of the Republic, Department of Ohio, indorsing the bill to establish a Branch Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SHERMAN: Petition of citizens of Ava, N. Y., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of citizens of Utica, N. Y., favoring House bill No. 5457, to abolish the Army canteen—to the Committee on Military Affairs.

By Mr. WHEELER of Kentucky: Papers to accompany House bill relating to the claim of Charles H. Webb—to the Committee on War Claims.

SENATE.

MONDAY, *March 26, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

LETTER OF EMILIO AGUINALDO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, in response to a resolution of the 16th instant, stating that the letter of Emilio Aguinaldo called for in the resolution is not in the possession of the War Department, and the only knowledge that the Department has of the letter is contained in the inclosures accompanying the letter of the commanding general, Department of the Pacific and Eighth Army Corps, etc., and also that the Department has made diligent search and careful inquiry for the papers and documents referred to but not inclosed in the communication, as shown by copies of correspondence appended hereto; which, with the accompanying paper, was referred to the Committee on the Philippines, and ordered to be printed.

NATIONAL BANKS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 22d instant, a report and accompanying tables from the Comptroller of the Currency relative to the number of applications for charters of national banks received since July 1, 1899; their capitalization; the number and capitalization of banks whose charters have terminated during that time; the applications for the same period of the previous year, the capitalization; and the number and capital of national banks the charters of which have expired during that time, etc.

The Chair thinks this is in response to a resolution offered by the Senator from Nebraska [Mr. ALLEN].

Mr. ALLEN. It is in response to a resolution offered by the Senator from North Carolina [Mr. BUTLER].

The PRESIDENT pro tempore. The communication and accompanying papers will be printed and lie on the table, if there be no objection.

ELECTION IN CUBA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 21st instant, certain information relative to the qualifications required to entitle a person to vote at the coming election in the island of Cuba; which was ordered to lie on the table and be printed.

TRANSPORT SHIPS.

Mr. ALLEN. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. ALLEN. On the 8th of January I introduced a resolution, directed to the War Department, calling for information respecting the boats and transports in use by the War Department or used in the Spanish-American war, the price paid for their purchase, and also a list of those that have been sold and the price received. I should like to ask if that resolution has been answered by the War Department?

Mr. COCKRELL. What was the date?

Mr. ALLEN. The date of the resolution was the 8th of January, and it passed the Senate on the 9th.

The PRESIDENT pro tempore. The Chair is informed that no reply has as yet been received to the resolution.

PERSONAL EXPLANATION.

Mr. HANNA. Mr. President, I rise to a personal explanation. I hold in my hand a copy of the Star of Friday, March 23, 1900. I read the following under the heading, "A matter of money:"

CAMPAIGN CONTRIBUTION IN RETURN FOR PUERTO RICAN TARIFF—SERIOUS STATEMENT OF A REPUBLICAN.

* * * * * * *

"The action of the Iowa legislature can not affect the situation in Congress. The deal has been made; it is a matter of money for the campaign, and the tariff measure will be carried through."

This statement was made by a Republican member of the House who supported the bill in the House by his vote.

"You may as well set it down that the deal will be carried out," he added. "The carrying out of the recommendation of the President for free trade with Puerto Rico would have deprived the party of a very considerable contribution; the adoption of the reverse policy insures a very large contribution.

"The possible unpopularity of the Puerto Rican tariff was balanced against the certainty of money to use in the campaign, and the decision was in favor of the campaign contribution. It was not expected that the storm of protest would be as strong as it is, but it is now too late for a change."

In reference to the statement supposed to have been "given to a reporter of this paper by a Republican member of the House who voted in favor of the House bill," I want to say, Mr. President, that I do not believe any Republican member of the House, whether he voted for or against that bill, ever made that statement. I wish to add that I believe the statement in itself carries with it the evidence that it is a malicious falsehood. Nobody knows any such thing to be a fact, and I hope that measures will be taken to investigate and find at whose door this falsehood lies. I brand it as a malicious lie.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 477) granting a pension to Levi C. Faught.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 2,000 additional copies of the report of Sheldon Jackson upon the introduction of domestic reindeer into the district of Alaska for 1899.

The message further announced that the House had passed the following bills:

A bill (S. 39) granting an increase of pension to Caroline V. English;

A bill (S. 195) for the relief of Louis Miller;

A bill (S. 265) granting an increase of pension to Jane McMahon;

A bill (S. 343) granting an increase of pension to Mary J. Freeman;

A bill (S. 495) granting a pension to Ambrose J. Vanarsdel;

A bill (S. 1254) granting a pension to Catherine E. O'Brien;

A bill (S. 1592) granting a pension to Jane E. Augur;

A bill (S. 1713) granting an increase of pension to Alice S. Jordan;

A bill (S. 1752) granting a pension to James J. Wheeler;

A bill (S. 2346) granting an increase of pension to Alfred Bigelow;

A bill (S. 2368) granting a pension to Mary A. Randall; and

A bill (S. 3129) granting an increase of pension to Henry McMillen.

The message further transmitted to the Senate the resolutions of the House commemorative of the life and character of the Hon. Sydney P. EPES, late a member of the House of Representatives from the State of Virginia.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Woman's Christian Temperance Union of Cleveland, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Philippines; which was referred to the Committee on the Philippines.

He also presented a petition of the National Woman's Christian Temperance Union, praying for the enactment of legislation to prohibit the sale of or dealing in intoxicating liquors in any post exchange, or canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of West Manchester, Ohio, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in all new possessions, in Army canteens, and in all buildings owned by the Government; which was referred to the Committee on Military Affairs.

Mr. CULLOM presented memorials of the Commercial, of Mattoon; the Journal, of Tallula; the Guide, of Baylis; the Byway, of Sidney; the Daily and Weekly News, of Beardstown; the Democratic Herald, of Lawrenceville; the Index, of Wenona; the Leland Times; the Sunday Optic, of Quincy; the Vienna Democracy; the Herald, of Arcola, and the Daily and Weekly Free Trader, of Ottawa, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Illinois State Teachers' Association, praying for the establishment of a public-school system in the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of Typographical Union No. 213, of Rockford, Ill., praying that the Public Printer be authorized to print the labels of the Allied Printing Trades on all publications of the Government; which was referred to the Committee on Printing.

He also presented a petition of the Merchants' Exchange and Business Men's League, of St. Louis, Mo., and a petition of Schuyler County Grange, No. 8, Patrons of Husbandry, of Layton, Ill., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Local Union No. 94, Coopers' International Union, of Chicago; of Local Union No. 511, United Mine Workers, of Tilden; of Local Union No. 59, International Brotherhood of Electrical Workers, of Chicago, and of Local

Union No. 347, United Mine Workers, of Springfield, all in the State of Illinois, praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Methodist Church of St. Joseph, Ill., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of the Retail Merchants' Association of Illinois, remonstrating against the enactment of legislation to place a tax upon butterine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Retail Druggists' Association of Chicago, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Merchants' Club of Chicago, Ill., praying for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented a memorial of Local Union No. 7044, Plow Fitters' Union, of Moline, Ill., remonstrating against the cession of the remaining public lands to the several States; which was referred to the Committee on Public Lands.

He also presented a petition of Company C, First Infantry, National State Guard of Illinois, praying for the improvement of the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Merchants' League of Cairo, Ill., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CARTER presented memorials of sundry citizens of Roberts, Red Lodge, Carbonado, Bridger, Nye City, Kothspell, Glasgow, Hinsdale, Crow Creek, Greatfalls, Sweet Grass County, Columbus, Beaver Creek, Madison County, Meagher County, Malta, Chico, Big Elk, Copper, and Rockvale, all in the State of Montana, remonstrating against the passage of the so-called Foster bill, for leasing public lands in the West; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Dawson County, Mont., and a petition of sundry citizens of Greatfalls, Mont., praying for the establishment of an Army veterinary corps; which were referred to the Committee on Military Affairs.

Mr. McBRIDE presented a petition of the Chamber of Commerce of Portland, Oreg., praying for the enactment of legislation to authorize competing cable companies to lay cables from the United States to Cuba; which was referred to the Committee on Relations with Cuba.

He also presented petitions of the congregation of the Presbyterian Church of Yergenville, the Woman's Christian Temperance Union of Maplegrove, and the congregation of the Presbyterian Church of Champoeg, all in the State of Oregon, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of Lawton Command, No. 1, Union Veterans' Union, of Oregon City, Oreg., remonstrating against the enactment of legislation to exclude the Union veteran from the weather service of the Government, and also to limit the age for entry into the service as observers, etc., to not more than 30 years; which was referred to the Committee on Agriculture and Forestry.

Mr. WELLINGTON presented a petition of Liberty Grove Grange, No. 54, Patrons of Husbandry, of Maryland, and a petition of Cecil Grange, No. 3, Patrons of Husbandry, of Maryland, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented a petition of Cecil Grange, No. 3, Patrons of Husbandry, of Maryland, and a petition of Liberty Grove Grange, No. 54, Patrons of Husbandry, of Maryland, praying for the enactment of legislation to secure protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented a petition of Cecil Grange, No. 3, Patrons of Husbandry, of Maryland, and a petition of Liberty Grove Grange, No. 54, Patrons of Husbandry, of Maryland, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Excelsior Grange, No. 18; of Eureka Grange, No. 177; of Cecil Grange, No. 3, and of Liberty Grove Grange, No. 54, all Patrons of Husbandry, in the State of Maryland, praying for the extension of free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Cecil Grange, No. 3, Patrons of Husbandry, of Maryland, and a memorial of Liberty Grove Grange, No. 54, Patrons of Husbandry, of Maryland, remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. FAIRBANKS presented memorials of the Commercial, of Vincennes; the Union-Dispatch, of Tipton; the Christian Woman's Board of Missions, the Medical and Surgical Monitor, and the Missionary Tidings, of Indianapolis; the Laporte Daily and Weekly Herald, and the publisher of Vaccination, of Terre Haute, all in the State of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR presented a memorial of the board of directors of the Vermont State Prison and House of Correction, remonstrating against the enactment of legislation to restrict or prohibit the interstate transportation of prison-made goods; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 7130, American Federation of Labor, of St. Johnsbury, Vt., praying that all the remaining public lands be held for the benefit of the whole people, and that no grants to the title thereof be made to any but actual settlers and home builders thereon; which was referred to the Committee on Public Lands.

Mr. GALLINGER. I present a letter in the line of a memorial from Oscar J. Piper, of Meredith Center, N. H., who represents himself as being an invalid soldier, and he protests against the passage of the so-called Loud bill, on the ground that it would prevent him from procuring standard works at a low price.

I will venture to suggest that in view of recent action taken in another body on this measure it occurs to me that there is not much danger that it will become a law during the present session of Congress.

I move that the letter be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. COCKRELL presented a petition of the Southwest Missouri Millers' Association, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. ALLEN presented a memorial of sundry citizens of Mason City, Nebr., and a memorial of the Business Men's Association of Kearney, Nebr., remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade and Transportation of New York, praying that the President be authorized to appoint a committee, to consist of five members of the board, to consider the Puerto Rican tariff matter; which was ordered to lie on the table.

Mr. BEVERIDGE presented petitions of the Buckeye Manufacturing Company, of Anderson; the Rude Brothers Manufacturing Company, of Liberty; Guar, Scott & Co., of Richmond, and the South Bend Iron Works, of South Bend, all in the State of Indiana, praying that an appropriation be made to provide for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Local Union No. 227, Iron Molders' Union, of Richmond, Ind., praying that the remaining public lands be held for the benefit of the whole people, and that no grants of title to the same be given to any but actual settlers and home builders thereon; which was referred to the Committee on Public Lands.

He also presented memorials of the Missionary Tidings, of Indianapolis; the Laporte Daily and Weekly Herald, of Laporte; the News, of Ridgeville; the Reflector, of Argus; the Magnet, of Angola; the Southern Indiana Tribune, of Newburg, and the Democrat, of Kentland, all in the State of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented the petition of Ira A. Smith and 39 other citizens of Bridgewater, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Soldiers' Homes, immigrant stations, and all other Government buildings, reservations, and grounds; which was referred to the Committee on Military Affairs.

Mr. THURSTON presented a memorial of sundry citizens of Broken Bow, Nebr., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Northern California Indian Association; of sundry citizens of San Jose, Cal.; of sundry citizens of Los Angeles, Cal.; of the Indian Rights Association and sundry citizens of Amite City, La., and of Simon H. Gage and sundry other citizens of Ithaca, N. Y., praying for the reorganization of the classified service of the Indian departments; which were referred to the Committee on Indian Affairs.

Mr. FRYE presented a petition of Company E, First Regiment

Infantry, National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a petition of the North Side Board of Trade, of New York City, praying for the construction of the Harlem Kills Canal; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 5049) to settle the title to real estate in the city of Sante Fe, N. Mex., reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the bill (S. 2773) to amend sections 179, 180, 181, 182, and 183 of chapter 12, Title I, of an act entitled "An act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for said district," approved March 3, 1899, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 3421) to grant lands to the State of Alabama for the purposes of education of colored students at Montgomery, Ala., and of the State Normal College at Troy, Ala., reported it with an amendment to the title.

Mr. HEITFELD, from the Committee on Public Lands, to whom was referred the bill (H. R. 7649) authorizing the Secretary of the Interior to issue patent to the city of Elreno, Okla., for cemetery purposes, reported it without amendment, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 3488) to amend an act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories, reported it without amendment.

He also, from the Committee on Public Lands, to whom was referred the bill (H. R. 5485) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof, reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (S. 705) for the relief of certain citizens of Montana claiming the benefit of the homestead laws, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2991) confirming two locations of Chippewa half-breed scrip in the State (then Territory) of Utah, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom were referred the following bills, reported them severally with amendments:

A bill (S. 249) fixing the salaries and compensation of the chief justices and associate justices of the supreme courts in the Territories of Arizona, New Mexico, and Oklahoma, and making appropriations to pay the same; and

A bill (S. 3450) to fix the salaries of certain judges of the United States.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 248) for the relief of Winslow Warren, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3430) to increase the efficiency of the Subsistence Department of the United States Army, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. BATE introduced a bill (S. 3791) for the relief of the trustees of Union University, of Murfreesboro, Tenn.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. ALLEN introduced a bill (S. 3792) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment on the claim of the Sisseton and Wahpeton bands of Sioux Indians for balance of annuities provided for by the treaty of July 23, 1851; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALLISON introduced a bill (S. 3793) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes;" which was read twice by its title, and referred to the Committee on Finance.

Mr. CULBERSON introduced a bill (S. 3794) to provide for the equitable distribution of the waters of the Rio Grande River between the United States of America and the United States of Mexico; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. SCOTT introduced a bill (S. 3795) improving the Little Kanawha River, West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONES of Arkansas. By request I introduce a bill of a character that I have never favored in the Senate; but as a number of such bills have been passed, I present this, with the request that it be read the first and second times, and referred to the Committee on Agriculture and Forestry.

The bill (S. 3795) to define renovated butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation thereof was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER introduced a bill (S. 3797) granting an increase of pension to John H. Streeter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 3798) granting an increase of pension to David H. Pierson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3799) to remove charge of desertion from the military record of Herman E. Colby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. THURSTON introduced a bill (S. 3800) to provide for the purchase of a site for a public building in the city of Grand Island, in the State of Nebraska, and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TILLMAN introduced a bill (S. 3801) to remove the charge of desertion against David A. Lane; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. MASON introduced a bill (S. 3802) for the relief of the heirs or legal representatives of James D. Sullivan, deceased; which was read twice by its title, and referred to the Committee on Claims.

CIVIL GOVERNMENT FOR ALASKA.

Mr. BATE submitted an amendment intended to be proposed by him to the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes; which was ordered to lie on the table and be printed.

GOVERNMENT FOR PUERTO RICO.

Mr. DAVIS submitted an amendment intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which was ordered to lie on the table and be printed.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. MASON submitted an amendment proposing to appropriate $25,000 for grading or paving S and Decatur streets from Twenty-third street to Phelps Place, and Twenty-second street from Decatur street to S street, intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

SOLDIERS OF THE WAR OF THE REVOLUTION.

Mr. PROCTOR submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be requested to report to the Senate the names and services of soldiers of the war of the American Revolution of record in the War Department, in order that the report when made may be printed.

STATISTICS RELATIVE TO SOLDIERS IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day.

The resolution submitted by Mr. ALLEN on the 24th instant was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following information: A statement of the number of soldiers, volunteer and regular, who have been killed and died from wounds received in the Philippine Islands since the close of the war between Spain and the United States of America; the number of regular and volunteer soldiers who have died from disease during that period; the number who have been wounded in action or otherwise, and what proportion of them are still incapacitated for duty; the number who have committed suicide during said period; the percentage of sick, disabled, and invalid soldiers therein; what contagious diseases have been prevalent, if any, in the military camps on the islands of the Philippine Archipelago during said time, and what steps, if any, have been taken for the better protection of their health, and a statement of the number of soldiers who have become insane since the close of the Spanish-American war while in service in the Philippine Archipelago, and the disposition which has been made of them.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. GALLINGER. Mr. President, on Saturday, when this resolution was presented, I asked that it should go over that I might examine it. I have done so, and while I do not know that I shall oppose its passage, I wish the Senator from Nebraska would state precisely what the necessity is for the adoption of the resolution. It calls for information on seven distinct points in connection with hostilities in the Philippine Islands; first, a statement of the number of soldiers, volunteer and regular, who have been killed and died from wounds received in the Philippine Islands since

August 1, 1898; second, the number of regular and volunteer soldiers who have died from disease during that period; third, the number who have been wounded in action, or otherwise, and what proportion of them are still incapacitated for duty; fourth, the number who have committed suicide during said period; fifth, the percentage of sick, disabled, and invalid soldiers therein; sixth, what contagious diseases have been prevalent, if any, in the military camps on the islands of the Philippine Archipelago during said time, and what steps, if any, have been taken for the better protection of their health; and, seventh, a statement of the number of soldiers who have become insane since the close of the Spanish-American war while in service in the Philippine Archipelago, and the disposition which has been made of them.

I simply wish to say, Mr. President, before the Senator from Nebraska takes the floor, that I have very pronounced opinions in regard to the introduction of resolutions in this body and their passage without due consideration. I have submitted an amendment to the rules, which I presume never will be heard of again, providing that when objection is made to such resolutions they shall go to the appropriate committees for consideration. I hope that the Committee on Military Affairs will see the propriety of insisting that this resolution shall go to that committee for their consideration and investigation before it is acted upon.

I will venture to suggest, Mr. President, that as I read the resolution I can come to but one conclusion, and that is that if there is any purpose in it, it is to place before the country certain facts which will not very likely be properly considered, and which will result in operating against the enlistment of men for service in the Philippine Islands. Very extravagant statements will go out to the country concerning this matter. As an illustration, I have seen it stated that a great many soldiers have become insane and that there has been a very considerable loss of life. That is undoubtedly true, but it should also be remembered that if those soldiers had remained at home, some of them would have died and very likely some of them would have become insane.

On Friday last I received a letter from a claim agent in which, alluding to a young soldier who voluntarily enlisted from my State, he ventured to suggest that he had been murdered in the Philippine Islands. He had been killed in open battle in defense of the Constitution, in defense of the flag, in defense of his Government; and yet such extravagant statements are made. A determined effort in certain quarters seems to be on foot to place upon the Government the onus and disgrace, if I may use that word, of every death which occurs in the Philippine Islands on the part of the soldiers who are defending our Government and its institutions.

Mr. ALLEN. Does the Senator mean to imply that I seek this information for ulterior purposes?

Mr. GALLINGER. Mr. President, I will simply make the suggestion that I of course impute no dishonorable motive to the Senator from Nebraska, but I think in the present temper of a portion of our people and in view of the persistent misrepresentations made in certain newspapers of our country and on the part of some men who style themselves anti-imperialists, it is well for us to move slowly in matters of this kind.

I am very fully persuaded that a resolution involving such questions as are propounded to the Secretary of War in this resolution should at least have consideration by the proper standing committee of the Senate before the inquiries are sent to the Department. I shall not make that motion. It is in the hands of the Committee on Military Affairs, and if they choose to allow the resolution to pass I certainly shall be content.

Mr. ALLEN. Mr. President——

Mr. HAWLEY. Will it be in order for me to move the reference of the resolution to the Committee on Military Affairs?

Mr. ALLEN. I do not see how the Senator from Connecticut gets the floor when I have addressed the Chair before him. There may be some parliamentary——

Mr. HAWLEY. I did not know the Senator had addressed the Chair.

Mr. ALLEN. The Senator saw me or could see me on my feet, and he knew I had just addressed the Chair.

Mr. HAWLEY. I can easily see the Senator at any time.

Mr. ALLEN. I say frankly I do not like that kind of pettifogging conduct. It is not due in this Chamber or elsewhere. I have no ulterior motive in presenting this resolution. I want to know what the facts are. I am entitled to know what they are. Whether I am in harmony with the Senator from New Hampshire or not in my political views, this Administration has no right to keep the facts from me as a citizen, to say nothing about my capacity as an officer of the Government, charged with some degree of responsibility for legislation.

What is there about conditions in the Philippine Islands that the Senator from New Hampshire is so tender about? Why does he not want the people to know how many men are insane there or have become insane? Why does he not want the people to know how many men have been incapacitated by contagious diseases? Why does he not want the people to know how many men have been killed there in engagements with Filipinos since the close of the American-Spanish war?

Mr. President, in short, what is there about the condition of the soldiers in the Philippine Islands that the American people should not be fully informed of the situation? They are American boys. They come from New Hampshire and Nebraska and Maine, and from every State and Territory in this Union. They are the sons of our fellow-citizens, many of them our own sons. Why should we not understand what is transpiring in that island?

I understand that a disposition has grown up in the last few months in the Departments not to give out any information. They say these conditions are for their information and not for the information of the people, and every form of tactics that can be invented is resorted to in order to obscure the facts from the people.

Here is a resolution that I called attention to a moment ago, introduced by me on the 8th of January and adopted by the Senate on the 9th of January, asking for information from the War Department that, in my judgment, could have been gathered in twenty-four hours. That resolution has never been answered, and it never will be answered, in my judgment. The people will never know the truth unless there is a Senate or a House investigation to ascertain the truth, and probably they would never know the truth even then.

Now, Mr. President, this is information with reference to the condition of the Army. The Senator from New Hampshire says that it is for the purpose of discouraging enlistments. I have never discouraged an enlistment in the Army in my life. I have at one time in my life enlisted in the Army.

Mr. GALLINGER. If the Senator will permit me, I did not quite say that. What I said was that, in my judgment, this matter going out to the country and not being fully understood, would have that tendency. That is what I said.

Mr. ALLEN. I served three years and two months in the Army of the United States, when a mere boy, at a time, Mr. President, when there was war, when it was not a Sunday-school entertainment. It is not recorded of the Senator from New Hampshire that his plume waved in the forefront of battle at that time.

Mr. GALLINGER. That is a fact; but, Mr. President, if the Senator knew all the facts he would not make that statement as any suggestion against my willingness to serve.

Mr. ALLEN. No, I do not do that, Mr. President; but it strikes me that a man who is surcharged with patriotism at a time when it does not require a great deal to be patriotic ought to give some earnest of his patriotism at a time when it requires something to be patriotic.

Merely prating about the flag, whether it will be run up or hauled down, signifies nothing. We are dealing with a great question here, the question of the relation of the United States to what is termed, I suppose, in polite official circles, our new possessions; that is, we have come into possession of a lot of islands with several million of semicivilized people whom we must deal with.

Now, Mr. President, I do not care whether this resolution is voted up or voted down, so far as I am individually concerned. I do not care whether it goes to the Committee on Military Affairs or to the Committee on Woman Suffrage; it would receive just about as good treatment with the one committee as with the other. I want to say, and I say it deliberately, and in doing so I may anticipate the purpose of the Senator from New Hampshire, that the object of the motion to refer this resolution to the Committee on Military Affairs is to destroy and smother it. That is the purpose.

Whenever this resolution goes to the Committee on Military Affairs, Mr. President, it might just as well go into the fire and be burned up, because the majority of that committee are in accord with the present Administration, and if it is the wish of the Administration that this information shall be secreted from the public that will be done.

I have asked for this information. I believe, Mr. President, there is an unusual amount of mortality in the army in the Philippine Islands. I do not believe there is an unusual amount of mortality there by wounds received in battle. I think the percentage of loss is very small so far as that is concerned. They have no battles; they are mere émeutes, mere skirmishes, where one or two men may lose their lives, and two or three be slightly wounded. But I believe that the climatic conditions are such in the Philippine Archipelago that an American citizen can not live there two years without his health being practically destroyed, if the information I have be true. It is to the effect that the whole army of the United States now in the Philippine Islands will have to be withdrawn within a few months and fresh men sent there or our army will be paralyzed and absolutely useless in consequence of disease.

I have no hesitancy, Mr. President, in saying here and now that if any young man should ask me whether he should enlist in the Army of the United States to go into the Philippines to fight I would tell him no, and I would take the consequences of it. That is all I have to say.

Mr. GALLINGER. Mr. President, I regret exceedingly that the Senator from Nebraska has seen fit to make a personal attack upon me because of my suggestion that this matter should go to the appropriate standing committee for consideration.

Mr. ALLEN. Let me interrupt the Senator. I have no desire and no intention, not the slightest thought, to make any personal assault upon the Senator. I do not want him to understand it that way.

Mr. GALLINGER. I am very glad to hear the disclaimer. It is not the first time the Senator from Nebraska has taken occasion to suggest that he served in the Army and I did not. If the Senator knew all the facts connected with my life at the time when he was fighting valiantly in the Army he would know that my service was offered to the Government and was declined, I think on insufficient grounds. We all know that the Senator was a brave soldier, and I honor him for it. No man honors him more than I.

I do hope, Mr. President, that this may be the last time in the Senate, when I exercise my right under the rules of this body to either oppose a resolution or suggest its commitment to a committee, that I shall be met by observations similar to those that have fallen from the lips of my friend from Nebraska. I have no disposition to smother this resolution. If the Committee on Military Affairs, after consultation with the proper authorities, think it is wise that this information shall be communicated to the Senate, let it be communicated to the Senate; but I think it is not the best way for us to pass the resolution offhand, and to call for this information and have it sent to the country garbled as it may be, misrepresented as it will be, and that false impressions may be produced upon the minds of our young men in reference to the condition of affairs in the Philippine Islands.

I do not know whether our soldiers are to be recalled during the next few months or not. I have been informed that the rate of mortality is not high in our army, and that the percentage of sickness is not beyond that which might be expected. But, however that may be, Mr. President, I simply venture to suggest to the Committee on Military Affairs (I did not make the motion myself) that if they agreed with me a motion would be made to refer the resolution, and if that motion is made I shall feel it my duty to vote to have it so referred. That is all that I shall do in the matter.

Mr. BURROWS. Can we have the resolution again read?

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read the resolution.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. ALLEN. Mr. President, the Senator from New Hampshire insists that the purpose of sending this resolution to the Committee on Military Affairs is to prevent the possibility of garbled information reaching the country. I submit, Mr. President, the way to put an end to the possibility of garbled information reaching the country respecting the matters covered by the resolution is to have official information from the War Department. When the reply of the Secretary of War comes in answer to the resolution, if the resolution shall ever reach him, it will be certified as official; it will come from the records in the War Office; it will go out to the country, if it goes at all, as information from the War Office.

Now, if that is not done, Mr. President, the very danger the Senator from New Hampshire apprehends will no doubt be presented. The newspapers will gather this information from such sources as they may have at hand, and probably they will not be as accurate as the War Office would be, and they will scatter that information throughout the country.

I was reading but a short time ago that over forty commissioned officers in our army in the Philippines had committed suicide within the last five or six months and that a very great percentage of our troops there, through climatic conditions and from climatic causes, had become insane, the worst cases being sent back to the United States and the more harmless cases treated by the Army surgeons in the Philippine Islands. I believe, and I do not think any sane person can refuse to believe, that you can not take a man from this climate and this country and transfer him to that tropical region and expose him to all the hardships of campaigning without vitally affecting his health and his mental condition.

Mr. President, I insist that the policy inaugurated by the Senator from New Hampshire of obscuring or secreting these facts from the American people is un-American. There is a namby-pamby idea broadspread in this Chamber, and in the other House for that matter, that the Senate and the House of Representatives know so much more about how this Government ought to be conducted than the people themselves, that valuable information ought to be secreted from the country.

It ought, Mr. President, to be an impeachable offense. A man ought to be tried and summarily dismissed from the highest position that he can possibly occupy in this Government who would secrete information from the people who have elevated him to power. It is not your Government, it is not my Government, it is not the Government of the Senator from New Hampshire. We are mere agents of the people who sent us here. They are the principals. They are responsible for this Government, and they do not select us to come here and cover up the information that they are entitled to know. It is their information.

That is all I desire to say.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. HAWLEY. Mr. President, I wish to say in regard to this matter that I think it better that the inquiry should be made because I know the Senator from Nebraska will be disappointed in the sum total of the agony. I want it so worded that it will develop the whole case, all the facts, if necessary, and a statement in comparison with other great armies under circumstances as nearly analogous as may be. I promise to be active about it, so far as I am concerned. I move the reference of the resolution to the Committee on Military Affairs.

The motion was agreed to.

Mr. MORGAN subsequently said: I desire to offer an amendment to the resolution submitted by the Senator from Nebraska [Mr. ALLEN], which was a few moments ago referred to the Committee on Military Affairs.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. It is proposed to add to the resolution the following:

And that the comparative losses and disabilities from all causes as between the white troops and the colored troops in the Philippine Islands be stated in the report.

The PRESIDENT pro tempore. The Senator from Alabama presents a proposed amendment to the resolution submitted by the Senator from Nebraska [Mr. ALLEN], which was referred to the Committee on Military Affairs. The amendment will be printed and referred to the same committee, in the absence of objection.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the following acts:

An act (S. 427) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.; and

An act (S. 3138) to provide for necessary repairs to the steamer *Thetis* for service as a revenue cutter.

MINOR COINAGE.

Mr. ALLISON. I ask unanimous consent that I may be permitted to report a bill from the Committee on Finance in relation to the coining laws, and I shall be glad to have it put at once upon its passage. I think it will lead to no discussion.

The PRESIDENT pro tempore. If there be no objection, the report will be received.

Mr. ALLISON. I am instructed by the Committee on Finance, to whom was referred the bill (S. 1612) providing for the purchase of metal and the coinage of minor coins and the distribution and redemption of said coins, to report it favorably with amendments. I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The bill will be read in full for information, subject to objection.

The bill was read.

Mr. COCKRELL. To what coins does that bill exclusively relate?

Mr. ALLISON. It relates wholly to the minor coins of nickel and copper. Under the existing law those coins can only be manufactured at the Philadelphia mint; and they must be transported from there, either at the expense of the Government or at the expense of the persons desiring to use them, to every other portion of our country.

The legislation is especially desired by the people on the Pacific coast, where the coins must be sent, of course, for distribution. The object is to allow them to be manufactured at any of the mints of the United States in suitable quantities for distribution. It is purely a matter of convenience.

Mr. COCKRELL. The bill simply authorizes the present minor coinage to be executed at the different mints, as I understand?

Mr. ALLISON. Yes; at the different mints. There is nothing else in the bill.

Mr. JONES of Arkansas. To what does the section of the Revised Statutes named in the bill refer?

Mr. ALLISON. That is the section requiring such coins to be manufactured at Philadelphia.

Mr. PERKINS. I will state to the Senator from Missouri [Mr. COCKRELL], in addition to what has been so well said by the Senator from Iowa [Mr. ALLISON], that we have neither nickel nor copper coins made at the San Francisco mint, where we have every facility for coining them, and the superintendent of the mint informs me that the extra expense will not exceed $300 for performing this work.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment reported by the Committee on Finance was, in section 1, line 4, after the words "authorized by," to strike out "this act" and insert "law;" in line 5, after the words "United States," to strike out "shall, upon the recommendation of the Director of the Mint and in such sums as he may direct" and insert "may;" in line 8, after the word "Treasury," to insert "in such sums as he may direct;" in the same line, after the word "of" where it occurs the second time, to strike out the words "the mints at Philadelphia, San Francisco, and New Orleans, at which establishments, until otherwise provided by law, such coinage shall be carried on" and insert "any of the coinage mints of the United States;" on page 2, at the end of line 6, after the word "coins," to strike out "as hereinafter provided" and insert "when delivered from the mints;" so as to make the section read:

That for the purchase of metal for the minor coinage authorized by law a sum not exceeding $200,000 in lawful money of the United States may be transferred by the Secretary of the Treasury, in such sums as he may direct, to the credits of the superintendents of any of the coinage mints of the United States. The superintendents, with the approval of the Director of the Mint as to price, terms, and quantity, shall purchase the metal required for such coinage by public advertisement, and the lowest and best bid shall be accepted, the fineness of the metals to be determined on the mint assay. The gain arising from the coinage of such metals into coin of a nominal value, exceeding the cost thereof, shall be credited to the special fund denominated the minor-coinage profit fund; and this fund shall be charged with the wastage incurred in such coinage and with the cost of distributing said coins when delivered from the mints. The balance remaining to the credit of this fund, and any balance of profits accrued from minor coinage under former acts, shall be, from time to time, and at least twice a year, covered into the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 2, section 2, line 13, after the words "of the," to strike out "Director of the Mint" and insert "Secretary of the Treasury;" in the same line, after the word "delivered," to strike out "in any of the principal" and insert "from the mints or from the Treasury or subtreasuries to any of the important;" after the words "United States," in line 14, to strike out "at the cost of the mints" and insert "free of charge;" in line 15, after the word "transportation," to strike out "and shall be exchangeable at par at the mints named, at the discretion of the superintendents, for any other coins of copper, bronze, or copper nickel heretofore authorized by law;" so as to make the section read:

SEC. 2. That the minor coins authorized by this act may, at the discretion of the Secretary of the Treasury, be delivered from the mints or from the Treasury or subtreasuries to any of the important cities and towns of the United States free of charge for transportation; and it shall be lawful for the Treasurer and the several assistant treasurers and depositaries of the United States to redeem, in lawful money, under such rules as may be prescribed by the Secretary of the Treasury, all copper, bronze, and copper-nickel coins authorized by law when presented in sums of not less than $20; and whenever, under this authority, these coins are presented for redemption in such quantity as to show the amount outstanding to be redundant, the Secretary of the Treasury is authorized and required to direct that such coinage shall cease until otherwise authorized by him.

SEC. 3. That sections 29 and 30 of an act entitled "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States," approved February 12, 1873, are hereby repealed.

The amendment was agreed to.

Mr. ALLISON. I will simply state that these amendments were prepared at the office of the Secretary of the Treasury and of the Director of the Mint, so as to make the original bill as introduced by the Senator from California [Mr. PERKINS] more effective.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

Mr. CARTER. I move that the Senate proceed to the consideration of Senate bill 3419, being the Alaskan bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

Mr. BATE. Mr. President, when on Saturday last the Senator from Montana [Mr. CARTER] asked unanimous consent to proceed to the consideration of the bill which is now before the Senate I was absent, and the Senator commented somewhat on my absence. I desire to say, sir, that if I had been here I should have favored, not perhaps the proposition for unanimous consent, but I should certainly have favored the taking up of the bill this morning. The Senator from Montana then said:

The Senator from Missouri objects at the present time, I believe, because of the absence of the Senator from Tennessee. The request is not made because of the absence of the Senator from Tennessee. I have sent pages about the building to endeavor to find the Senator from Tennessee, who has been steadily objecting to the consideration of this bill. I do not wish the Senator from Tennessee to accomplish by his absence what I hope he will not be able to accomplish in the future by his presence. I think that Senator contemplates, as does the Senator from Missouri, giving attention to this bill at some time; but permit me to say that the way to dispose of the bill is not to continuously object to its consideration.

While there is nothing much in this statement, Mr. President, yet I think it does me a very marked injustice. I was not absent from the Capitol. I was simply out of the Chamber at a proper time of the day for lunch, having gone to the Senate lunch room with two of my fellow-Senators at their invitation, and I suppose we did not stay there exceeding fifteen or twenty minutes. When I returned I met a page coming for me, who informed me as to what was going on in the Senate, but when I reached the Senate Chamber the discussion was over, and I find in the RECORD what I have read.

I only say this in justification of myself in consequence of the remark made by the Senator from Montana. I do not think he made it unkindly. But my objection to the remark is that it may seem to carry with it an idea that I was absent for the purpose of preventing the consideration of this bill. That is not the case. That is a mistake on the part of the Senator from Montana, and I wanted to put myself right upon it.

Furthermore, Mr. President, the Senator from Montana went on to say, knowing the fact that I am a member of the committee, and that I was in part instrumental in having that done:

We were compelled to sit here and go through the farce of reading each and every word in the bill from one end to the other, when the Revised Statutes of the United States were read pro forma in about thirty minutes.

Mr. President, I do not think it is a "farce" to carry out what the Constitution and the laws of your country and the rules of the Senate require; that is to say, that every bill shall be read three times before it can become a law.

This thing of pretending to read a bill by reading a line on a page, or a page or two in a chapter, skipping along through it in that way, I do not think is carrying out the letter, and certainly not the spirit of the Constitution, the law, and the rule of this Senate. Therefore, I did attend here and insisted that every word of the bill should be read, and I am responsible for it.

It is a bill which is very remarkable. It comprises more than 600 pages of printed matter. It carries with it the lives and the liberties of a people; it carries with it the protection of their property, the protection of their honor; and the people who are now in Alaska, in an inchoate state, if I may say so, are awaiting some such action as this, and, therefore, it is a matter of great importance that proper legislation should be enacted.

I differ with the idea of having this tremendous bill of six hundred and odd pages passed without due and proper consideration by the Congress of the United States, legislating for the district of Alaska. I believe by the legislation of Congress heretofore that district was to be governed by the laws of Oregon until the people should form themselves into a Territorial government; and then in a Territorial form they would have their legislature and have their local laws such as they wanted, which would be more applicable to their condition than any laws which could be passed for them by the Congress of the United States. That was the idea I had, for I believe in local self-government.

But when the chairman of this committee and other Senators saw fit to adopt a different course, and went to the trouble to get up this bill, I cooperated with them. I think it is a most admirable bill in some respects, while I do not agree to all of its provisions. I then had no objection to its consideration, and cooperated with the committee in aiding them and doing what I could. I took my share of the bill and carefully went over 150 pages of it to examine and make corrections. I am responsible for that much of the bill, as a lawyer and as a Senator, which extends from page 150 to page 300. This was my share, and when the bill came before the Senate I thought it my duty to see that it was read in full, and not go through a false pretense of reading it.

As to the reading of the bill being a farce, Mr. President, if there is a farce connected with the reading of any bill here, the farce is in pretending to read a bill and never reading it; beginning and reading a line here and there and skipping a page or two, and then reading another line or two. That kind of proceeding in such a grave and important matter is a farce. But the law requires that every bill shall be read; and certainly an important bill like this, involving life and liberty and rights of property of a large number of people who are looking to us for justice and right, should be read in full. The Senator, I think, is also a little unhappy in his reference when he says:

We were compelled to sit here and go through the farce of reading each and every word in the bill from one end to the other, when the Revised Statutes of the United States were read pro forma in about thirty minutes.

Yes, Mr. President, and there were grave errors which were committed in that work, and there was one that has gone into history which has upturned the interests of this country and its politics. It was in that way that the statute passed in 1873, known as "the crime of 1873," was perpetrated. It was covered

up in those very Revised Statutes, and that is the way it came to trouble this country and rend parties from center to circumference. It was not done with the knowledge of this body, for those Revised Statutes were only read pro forma in thirty minutes. That was the very thing that caused the trouble.

To prevent such a thing as that and to carry out the duty we owe as Senators to the people of this country, to its taxpayers, to those whose lives and liberties are in a measure in our hands, every bill that comes in here of importance should be read, and read as the rules require it to be read. That is what I insisted upon in regard to the Alaska bill. If that is called a farce, very good. I am a party to it. I came here and performed my part of that farce night after night at the request of the Senator who had the bill in charge, as I did on all occasions when he so desired.

Mr. President, I have nothing more to say about this matter, except that I want to assist in the passage of the bill. If I had been here on Saturday, I should have said that I would agree to fixing a time for taking the bill up. I am a member of the committee which reported it, and, as I have stated, one part of the bill was assigned to me for examination and correction. I feel it my duty to look after it and have done so and will continue so to do.

Mr. CARTER. Mr. President, the language to which the Senator refers, and to which he objects, was used by me in reply to what appeared to be an intimation from the Senator from Missouri [Mr. COCKRELL] that the request for unanimous consent was preferred because of the temporary absence of the Senator from Tennessee [Mr. BATE]. That presumption or assumption I desired to controvert at that point, and therefore stated that the request was not made because of the absence of the Senator from Tennessee.

The Senator's attendance in this Chamber is conspicuous for its steadiness; his attention to the business presented in this body no one has cause to question, and his constituents may well be proud of his painstaking care and continuous attention to the public business.

Mr. BATE. I should like to hear from the Senator what he meant by the language that he did not wish me to accomplish by my absence what he hoped I would not be able to accomplish in the future by my presence?

Mr. CARTER. There was no intention whatever of reflecting upon the Senator, because I assume that if the Senator were present the motion would prevail to take the bill up at a given time, a proper time, and unanimous consent was at that time sought, and was opposed apparently upon the ground that, the Senator being absent, the request should not be at that time preferred.

The PRESIDENT pro tempore. There is an amendment pending to the bill offered by the Senator from Nevada [Mr. STEWART].

Mr. CARTER. In the absence of the Senator from Nevada, I ask that that amendment may be temporarily passed over; and in lieu submit the amendment which I send to the desk for present consideration.

The PRESIDENT pro tempore. If there be no objection, the amendment proposed by the Senator from Nevada will be temporarily laid aside, and the amendment submitted by the Senator from Montana [Mr. CARTER] will be stated.

The SECRETARY. In Title I, chapter 1, section 4, page 5, line 33, after the word "court," it is proposed to insert:

> And to employ an official court stenographer under the same terms and conditions as are or may be provided for district courts of the United States.

The amendment was agreed to.

Mr. PERKINS. Mr. President, I offered an amendment when the bill was last up for consideration in the Senate, which I ask may be now considered.

The PRESIDENT pro tempore. Will the Senator from California indicate where the amendment is to come in?

Mr. CARTER. I suggest that the amendment be inserted on page 25, at the end of section 29.

The PRESIDENT pro tempore. The amendment of the Senator from California [Mr. PERKINS] will be stated.

The SECRETARY. On page 25, at the end of section 29, it is proposed to insert:

> SEC. 460. That any person or persons, corporation, or company prosecuting or attempting to prosecute any of the following lines of business within the district of Alaska shall first apply for and obtain license so to do from a district court or a subdivision thereof in said district, and pay for said license for the respective lines of business and trade as follows, to wit:
>
> Abstract offices, $50 per annum.
> Banks, $250 per annum.
> Boarding houses having accommodations for 10 or more guests, $15 per annum.
> Brokers (money, bill, note, and stock), $100 per annum.
> Billiard rooms, $15 per table per annum.
> Bowling alleys, $15 per annum.
> Breweries, $500 per annum.
> Bottling works, $200 per annum.
> Cigar manufacturers, $25 per annum.
> Cigar stores or stands, $15 per annum.
> Drug stores, $50 per annum.
> Public docks, wharves, and warehouses, 10 cents per ton on freight handled or stored.
> Electric-light plants, furnishing light or power for sale, $300 per annum.
> Fisheries: Salmon canneries, 4 cents per case; salmon salteries, 10 cents per barrel; fish-oil works, 10 cents per barrel; fertilizer works, 20 cents per ton.
> Freight and passenger transportation lines, propelled by mechanical power, registered in the district of Alaska, and not paying license or tax elsewhere, and river and lake steamers, as well as transportation lines doing business wholly within the district of Alaska, $1 per ton per annum on net tonnage, custom-house measurement, of each vessel.
> Gas plants, for heat or light, for sale, $300 per annum.
> Hotels, $50 per annum.
> Halls, public, $10 per annum.
> Insurance agents and brokers, $25 per annum.
> Jewelers, $25 per annum.
> Mines: Quartz mills, $3 per stamp per year.
> Mercantile establishments: Doing a business of $100,000 per annum, $500 per annum; doing a business of $75,000 per annum, $375 per annum; doing a business of $50,000 per annum, $250 per annum; doing a business of $25,000 per annum, $125 per annum; doing a business of $10,000 per annum, $50 per annum; doing a business of under $10,000 per annum, $25 per annum; doing a business of under $4,000 per annum, $10 per annum.
> Meat markets, $15 per annum.
> Manufactories not enumerated herein, same classification and license charges as mercantile establishments.
> Physicians, itinerant, $50 per annum.
> Planing mills, $50 per annum when not part of a sawmill.
> Pawnbrokers, $500 per annum.
> Peddlers, $25 per annum.
> Patent-medicine venders (not regular druggists), $50 per annum.
> Railroads, $100 per mile per annum on each mile operated.
> Restaurants, $15 per annum.
> Real-estate dealers and brokers, $50 per annum.
> Ships and shipping: Ocean and coastwise vessels doing local business for hire, plying in Alaskan waters, registered in Alaska and not paying license or tax elsewhere, $1 per ton per annum on net tonnage, custom-house measurement, of each vessel.
> Sawmills, 10 cents per thousand feet on the lumber sawed.
> Steam ferries, $100 per year.
> Toll road or trail, $300 per annum.
> Tobacconists, $15 per annum.
> Tramways, $10 for each mile or fraction thereof per annum.
> Transfer companies, $50 per annum.
> Taxidermists, $10 per annum.
> Theaters, $100 per annum.
> Waterworks, furnishing water for sale, $50 per annum.
>
> SEC. 2. That section 463 of chapter 44, Title II, of the above-named act be, and the same is hereby, amended so as to read as follows:
>
> "SEC. 463. That the licenses provided for in this act shall be issued by the clerk of the district court or any subdivision thereof in compliance with the order of the court or judge thereof duly made and entered; and the clerk of the court shall keep a full record of all applications for license and of all recommendations for and remonstrances against the granting of licenses and of the action of the court thereon: *Provided*, That the clerk of said court and each division thereof shall give bond or bonds in such amount as the Secretary of the Treasury may require, and in such form as the Attorney-General may approve, and all moneys received for licenses by him or them under this act shall be covered into the Treasury of the United States under such rules and regulations as the Secretary of the Treasury may prescribe."
>
> SEC. 3. That section 468 of chapter 44, Title II, of the above-named act be, and the same is hereby, amended by adding at the end thereof the following, to wit: "*And provided further*, That all moneys collected as a license upon the liquor traffic as herein provided shall be set aside for and devoted to the maintenance of the public schools of the district of Alaska."

Mr. PERKINS. Mr. President, on page 522 of the bill under consideration it is provided that 50 per cent of all the licenses collected shall be paid into the general school fund. Therefore there is no necessity, I think, for that part of my amendment on page 5, commencing with the words "*And provided further*," in line 23, and going to the end of the amendment.

The PRESIDENT pro tempore. The Senator from California modifies his amendment——

Mr. PERKINS. I modify my amendment.

The PRESIDENT pro tempore. By striking out the words which will be read.

The SECRETARY. On page 5 of the proposed amendment, beginning in line 23, the amendment is modified by striking out:

> *And provided further*, That all moneys collected as a license upon the liquor traffic as herein provided shall be set aside for and devoted to the maintenance of the public schools of the district of Alaska.

Mr. PERKINS. I will say in this connection, Mr. President, that last year the licenses collected in Alaska for the six months ending December 31 amounted to $152,000, and I think one-half of that amount will be quite sufficient for the school fund.

Mr. CARTER. If the Senator will permit me at that point to interrupt him, I wish to say that under the section referred to by him one-half of the amount will not be paid to the school fund. One-half will only be paid to the school fund where organized towns exist, incorporated under the chapter to which the particular provision refers. Presumably nearly one-half, however, will go to the public-school fund.

Mr. PERKINS. Mr. President, the amendment which I have proposed modifies the license upon certain different classes of business by reducing it $10 per annum upon some and $5 per annum upon one other class of business, that of meat markets. It does not disturb in any manner the other licenses that now prevail in Alaska. The provisions in regard to such licenses passed last year during the closing hours of the session, when we had not time, perhaps, to consider them as carefully as we should have done; but they were taken from the laws of the District of Columbia and made applicable to Alaska. They have worked most admirably, especially in regard to the liquor-license tax.

It was then charged that the Government would be engaged in an illicit and nefarious business, by making a special liquor-license tax for one of its Territories or districts that was supposed to be prohibition district, where no liquor was to be sold. Those of us who were familiar with Alaska and its surroundings were attacked by our friends with whom we were in full sympathy, and were told that we were giving our votes and our influence toward the licensing of this illicit traffic in Alaska, notwithstanding the fact that the bill which we presented was a copy of the law which to-day governs the District of Columbia.

I wish to say to my friends who opposed us one year ago that this measure has worked most satisfactorily. I then claimed that it was in the interest of good government, in the interest of good morals, in the interest of temperance; and the result has proved that my assertion was correct. Notwithstanding that we had upon our statute books a law prohibiting the sale of liquor in Alaska, yet, as shown by the report of the collector of internal revenue of the State of Oregon, the internal-revenue district of Alaska being within that district, in 1898 he sold 324 stamp licenses for the sale of liquor in Alaska. After we passed this law and made it mandatory upon all who sold liquor to take out licenses, there was a reduction from 324 licenses to 99, a reduction in the year of 225. The result has been that the law has not only decreased intemperance in the district, but it has prevented smuggling. No longer is a premium offered to violate the law by smuggling liquor into that Territory and patronizing the British in the territory there adjoining.

I want to give, as a result of its practical workings, an object lesson which I think will come home to the strongest advocate of temperance, and I claim to be on that side. For thirty-odd years our Government tried to prohibit the sale of liquor in Alaska and failed, and so we said if we can not prohibit it we will regulate it; we will control it, and we will no longer offer a premium to men to smuggle, to commit a crime, for smuggling is a kin neighbor to crime. Half of the crimes committed in Alaska were brought about by illicit traffic in smuggling in private vessels and boats running to adjacent islands and by smuggling the liquor on other sailing boats and steamers. When prohibition existed in Alaska, there were in the town of Skagway 104 saloons, open and in full blast. After our bill controlling the traffic went into effect, after March, 1899, there were but 16 saloons. The number was reduced from 104 to 16. In the city of Sitka there were 19, and when the license law went into force it was reduced to 3. In Juneau there were 55 saloons, and when this law went into effect and they were obliged to take out licenses the number was reduced to 19. The result is that to-day we are controlling the business in Alaska, law and order prevail, and there is respect for law.

I do not know in all my experience a more forcible and stronger lesson in temperance than the working of this admirable law for the control of the traffic in Alaska. I said to my friends here who reproached us for the part we were taking in licensing this traffic, Commence in the District of Columbia; it is only 10 miles square. If you want to abolish it here, you shall have my vote; but do not go 7,000 miles away, in a district containing 578,000 square miles, and control it only theoretically, for that is what it had been for the thirty-three years that the Government controlled the district.

I am glad, Mr. President, that not one of my most zealous friends who opposed this measure a year ago has been here this year asking any modification or the repeal of any one of these laws. The governor of Alaska, the special agent of the Treasury Department, and every other Government official, as well as those of us who visit Alaska every year, are ready to bear testimony to the beneficent effect of the wide provision of the present license law. We collected last year from licenses in the district, for the different purposes embraced in the bill, $152,000. One of the amendments which I have proposed provides that vessels engaged in Alaska in the business of transporting freight and passengers, which are registered in that district and are not taxed in any other State or Territory, shall pay the nominal tax of $1 per ton upon their net tonnage. This is the only real change that is made by my proposed amendment. The amendments have been submitted to the Committee on Territories; they have been considered by the committee, and I believe there can be no objection to their adoption, and I hope they will prevail.

Mr. GALLINGER. Mr. President, a single word in reply to the observations of the Senator from California. I was one of the few Senators in the last Congress who believed that we ought to stand by prohibition in Alaska. I was overruled by a very large vote, and of course it would be impossible to get a reversal of that decision. We who believe in prohibition perfectly understand that. I think the Senator from California has painted a picture that possibly may change its coloring after a little while. The licensing of the liquor traffic has been indulged in in this country and in European countries for a long term of years, and I think if the Senator will take the trouble to look up the statistics very carefully he will find that it does not to any appreciable extent anywhere reduce the amount of liquor consumed by those who are anxious to get it. I have no idea that there is anybody in the Territory of Alaska suffering to-day for a drink of any kind of spirituous liquors that he can not obtain under license just as he did obtain it under prohibition which was not enforced and which the Government of the United States did not try to enforce.

The Senator from California says that this beneficent license law has prohibited smuggling in the Territory of Alaska, and I want to ask the Senator for information, because very likely I am ignorant of the facts how this law operates to prevent smuggling any more than the old system of prohibition operated to prevent smuggling.

Mr. PERKINS. When anyone heretofore took liquor into Alaska, even as his private stores, it was immediately seized and confiscated. No permit was granted for taking it into the Territory. Notwithstanding that fact, as I have stated, there were a hundred and odd saloons in full blast in Alaska.

Mr. SHOUP. Three hundred and ten.

Mr. PERKINS. I am aware of the fact, but I am speaking from the records of the internal-revenue office. There were a hundred and four licenses. I have no doubt there were a great many more saloons—as the Senator says, 310. There is no longer any inducement for men to smuggle.

Then, again, everyone who pays the license fee is an officer of the law to see that others do not violate it. The custom-house records are the best proof of what I have said. The customs officers have found it unnecessary to continue their full quota of men in the customs service. As I said before, there is no longer any inducement to smuggle liquor into Alaska, because any one can now obtain a permit to take it in if he is a legally licensed liquor seller.

Mr. GALLINGER. I presume the law may operate, of course, to legalize the transportation of liquors by private individuals for their own consumption or that of their families, but I can not for the life of me see how this marvelous law which we enacted for Alaska will prevent smuggling from Canada into Alaska if liquors can be purchased more cheaply at wholesale in Canada than they can be in Alaska, which I think is the fact.

Mr. PERKINS. I will say to the Senator from New Hampshire that perhaps of which he is aware, that the Canadian tariff and the British Columbian tariff are quite as high as our own, and liquors can not be purchased very much more cheaply in Canada, for the same quality, than they can be in the United States.

Mr. GALLINGER. That may be so. I am not an expert on this question. I simply want to make one further observation. The Senator can not with justice reproach some of us who voted to sustain prohibition in Alaska because of the fact that we have a license law in the District of Columbia, because when I had an opportunity to vote on the bill regulating or pretending to regulate the traffic in intoxicating drinks in the District of Columbia I offered and supported and voted for a prohibition amendment. So I, at least, have been consistent.

Mr. President, I hope sincerely that the picture which the Senator from California has painted of good order and sobriety and temperance in Alaska is true. If license has in some one community somewhere reduced the sale and consumption of liquor, it is an important fact to have placed upon record, because the most diligent investigations and inquiries that have been made the world over on this subject have proved two things conclusively. One is, that licensing the sale of intoxicating liquors does not reduce the consumption, and the other, that licensed liquors make men drunk and unruly and violators of law just the same as unlicensed liquor.

I simply want to restate the position I held when the bill was under consideration in the last session of Congress, that I believe if the Government of the United States had been as diligent and as earnest and as sincere in enforcing the prohibition law in Alaska as it was in punishing other crimes, we would have had very many less saloons in Juneau and Sitka and in other towns and cities in that Territory than we had under prohibition. But of course when men were given practically to understand, by the law officers of the Government, that they could with immunity violate this particular statute, they proceeded to do it, as they would have done if they had been given immunity to violate any other statute that had been enacted for the government of that Territory. I think, Mr. President, that this question does not arise in the present bill. I ask the Senator from Montana whether it does?

Mr. CARTER. The question does not arise. Liquor licenses are in no manner interfered with by the amendment of the Senator from California.

Mr. GALLINGER. I supposed that to be the fact.

Mr. PERKINS. Except to place in the school fund 50 per cent of that which is collected from licenses. I want to say one word.

Mr. GALLINGER. Permit me to conclude my sentence. I assumed that that question was not involved in this bill, which provides a civil government for Alaska. I think we ought speedily to pass the pending bill, and I suppose the Senator from California was simply patting himself on the back and congratulating

himself that the prophecies he made here in the last Congress in regard to the great good that would come from the bill which he advocated had actually come to pass; and if that be so, I will certainly join with the Senator in giving him credit for having been a prophet in a field of prophecy where every fact, outside of Alaska, refutes the statements he has made to-day.

Mr. PERKINS. I am glad my friend the Senator from New Hampshire—I expected no less from him—when we have shown him that the tree which we planted has produced delicious fruit, is willing to partake of its benefits with us and congratulate the horticulturist who selected the tree which has borne such excellent fruit.

There is no question as to the picture I have drawn. We have not changed it, and even my friend the Senator from New Hampshire has not had the temerity to come in and propose any change in the present licenses in Alaska, because he knows, as he stated, that we had a law upon our statute books prohibiting the sale of liquor in Alaska which did not prohibit, and for thirty-odd years the Government found it impossible to control the sale of liquor in Alaska.

I am fully conversant with the conditions that prevail in Alaska, and therefore it required no particular gift of foresight to know what the result would be. On vessels which I in part represent, plying in the waters of Alaska, we had to double our vigilance in the number of detectives and watchmen placed on board those vessels to prevent the firemen and the stewards department and the mates department of those ships from smuggling liquor into the Territory. That necessity no longer exists, and the men find it unprofitable to violate the law where before they found it a source of great revenue.

There is another provision in the law which has been most wise and beneficent: and I am sure my friend the Senator from New Hampshire will agree with me in the result.

Mr. GALLINGER. Before the Senator reaches that point, will he yield for one moment?

Mr. PERKINS. Certainly.

Mr. GALLINGER. I should like him to explain to the Senate how it was more profitable to smuggle liquor into Alaska under the old law than it is under the present law. I confess I can not for the life of me understand it.

Mr. PERKINS. The Senator has been in Alaska. If he had been as observant there as he is here as to all measures that come before us for consideration, he would have known that those who wanted liquor in Alaska could obtain it only in a clandestine manner, and to the vessels that brought it in they would pay twice its market value in order to obtain it.

Mr. GALLINGER. The Senator says there were four or five times as many saloons under prohibition as there are under license. It seems to me there was not any need of clandestine work to get liquor under prohibition, and I can not get his idea.

Mr. PERKINS. The quality enters into that question somewhat, perhaps, but it is a notorious fact, known to all who are conversant with affairs in Alaska, that there were fifty boats and cutters engaged in plying from Alaska to the islands where vessels came loaded with liquor to sell. But a point I wish to make is this: The Indians were intoxicated. They purchased or obtained clandestinely this liquor, and the result was most demoralizing, not only to them, but to the whole community in which they resided. We put into that act this provision:

> That under the license issued in accordance with this act no intoxicating liquors shall be sold, given, or in any way disposed of to any minor, Indian, or intoxicated person, or to an habitual drunkard.

The result is that everyone who has a license is an officer of the law to see that no provision of this act is violated in the community where he lives. But the most potent, the most forcible object lesson is found in the figures I have given as to the number of saloons existing in these few principal towns, and it applies to every other village and every other town of any importance in Alaska. The result is that high license controls and regulates, while prohibition was a farce because it never was enforced, and it was offering a premium to others to violate the law.

Mr. President, I believe in temperance; I believe in controlling the liquor traffic. When you fail to do it by prohibition, then the next remedy, and the only practical remedy, as experience has demonstrated, is high license. I believe in local option. If a community desire that there shall be no saloons in that county or in that colony, let that be the rule. It is so in my own State in a dozen or more localities where there is not a saloon, because public sentiment is against it. But in Alaska, in that great, vast area of territory, public sentiment was in favor of having liquor, and the law on our statute books prohibiting it was not enforced.

Mr. SHOUP. Mr. President, I can certify to the sincerity of the Senator from New Hampshire in his opposition to a license law in Alaska. I know how vigorously he fought it. I know he did it in good faith, as several other Senators did at that time; but when you come down to the main question as to results, we ascertain that there are only about one-fourth the number of saloons in Alaska to-day that there were at that time. As the Senator from California has just stated, all liquors sold in Alaska were smuggled into that district, and they were very inferior goods. Some liquors were compounded on the islands, made from drugs, and taken on to the mainland by night and sold to liquor dealers.

I speak from personal observation, having been there recently, when I say that to-day, in addition to the number of saloons being greatly reduced, there is no such thing as a man selling whisky in Alaska from a tent or in a little log cabin alongside the road. He can not afford to pay the license. They are utterly obliterated. The liquor dealers in Alaska, as a rule, are men of experience, men of intelligence, men who undertake to maintain law and order in their places of business.

They are required to put up a large sum of money to pay for their licenses. Hence it is to their benefit to maintain order and quiet; and I do not know of any part of the United States where you will find better order than you will in the principal towns of Alaska—for instance, the town of Juneau, the town of Skagway, the town of Sitka, the town of Ketchikan. In all these important towns they have saloons, but we have thrown safeguards around the traffic, as stated by the Senator from California, prohibiting the sale to minors, habitual drunkards, and Indians.

In my judgment the act has been beneficial to the Territory. Now that the importation of liquors is permitted, it is not necessary to smuggle intoxicants into Alaska. The people can buy better goods. They can buy what are generally regarded in the markets as pure distilled goods at a less price than they had to pay for the adulterated goods which were smuggled in.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The question is on agreeing to the amendment proposed by the Senator from California [Mr. PERKINS].

Mr. CARTER. I move to amend the amendment by inserting on page 5, in line 17, after the word "shall," the following:

> Except as otherwise provided by law.

The portion of the section which this amendment is intended to amend reads as follows:

> *Provided*, That the clerk of said court and each division thereof shall give bond or bonds in such amount as the Secretary of the Treasury may require and in such form as the Attorney-General may approve, and all moneys received for licenses by him or them under this act shall be covered into the Treasury of the United States, under such rules and regulations as the Secretary of the Treasury may prescribe.

The amendment would cause the section to read:

> And all moneys received for licenses by him or them under this act shall, except as otherwise provided by law, be covered into the Treasury.

The amendment is made in view of the fact that we have provided otherwise for the distribution of funds under order of the court for necessary court expenses. We again provide that the clerk shall pay 50 per cent of the licenses by him collected to the treasurer of incorporated towns for the purpose of maintaining the public schools. If the section here under consideration were not amended as suggested, there would be a conflict of law, and it might be held that the clerk could not transfer the money to the school fund, as otherwise required, and could not pay the necessary expenses of the court.

Mr. SHOUP. Mr. President, I have a proposed amendment that I think had better be read before we act upon this amendment.

Mr. CARTER. This is only for the purpose of perfecting the amendment under consideration. It will in no sense interfere with the amendment of the Senator from Idaho.

The PRESIDING OFFICER. The Chair suggests that the Senate first dispose of the amendment of the Senator from Montana.

Mr. PERKINS. I think the suggestion of the Senator from Montana is well advised and his criticism well taken, and I will re-form my amendment by striking out all of section 3.

The PRESIDING OFFICER. Does the Senator from California accept the modification proposed by the Senator from Montana?

Mr. PERKINS. I do, and at the same time I ask to re-form my amendment by striking out all of section 3.

The PRESIDING OFFICER. The amendment will be so modified, if there is no objection.

Mr. SHOUP. Let the section of the amendment as modified be read.

The PRESIDING OFFICER. The modification suggested will be made in section 3 of the proposed amendment.

Mr. PETTUS. I desire to know what the amendment is that the two Senators have arranged.

Mr. CARTER. In reply to the Senator from Alabama, I will state that the amendment pending, the main amendment, was offered by the Senator from California, and involves some corrections or modifications of an existing license law applicable to the district of Alaska. The liquor-license law is in no sense involved, because the amendment reads exactly as does the original text. The modifications will be found to be in reference to licensing of steamboats and steamships principally, I believe.

Mr. PERKINS. It reduces the license $10 a year upon seven different classes.

Mr. PETTUS. I yet do not understand what the amendment is.

Mr. CARTER. The Senator from California offered an amendment, which will be found printed, and which he now proposes to modify by striking out a portion, known as section 3 of the amendment, which provides for a disposition of some of the funds for the maintenance of the public schools. That portion of the amendment is stricken out because the proposition he there seeks to cover has been provided for in another part of the bill. His motion goes to the perfection of his own amendment by striking out section 3.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from California and modified by the Senator from Montana.

The amendment was agreed to.

Mr. CARTER. I suggest that the form of the introduction of the amendment be changed as indicated herein, to be inserted on page 25 of the bill.

Mr. PERKINS. In line 11, after the word "Alaska."

Mr. CARTER. At the end of line 11.

The PRESIDING OFFICER. What change does the Senator propose?

Mr. CARTER. Instead of recapitulating the act, the amendment merely provides further that a section in the act shall be amended to read——

The PRESIDING OFFICER. Without objection, that will be the order.

Mr. McBRIDE. Mr. President——

Mr. PETTUS. I shall have to insist that the Secretary shall report these amendments. We can not hear on this side what the Senator says. We do not know what the amendment is. I could not hear a word that the Senator said. If the Secretary would report the amendments we would know something about them.

The PRESIDING OFFICER. The amendment has been reported at length. Does the Senator desire that it shall be again read?

Mr. CARTER. It is a mere question as to where the amendment shall be placed in the bill. I suggested that it be placed at the end of line 11, on page 25.

The PRESIDING OFFICER. It is so ordered.

Mr. McBRIDE. I offer the following amendment——

The PRESIDING OFFICER. The Chair will state to the Senator from Oregon that the Senator from Idaho [Mr. SHOUP] had offered an amendment, which is on the desk.

Mr. McBRIDE. Let my amendment lie on the table until the amendment of the Senator from Idaho is disposed of.

The PRESIDING OFFICER. The amendment of the Senator from Idaho will be read.

The SECRETARY. In section 215, page 522, after the word "said," in line 20, strike out the remainder of the section and in lieu thereof insert:

The district shall set apart as an educational fund, under the direction of the Secretary of the Interior, for the education of the children therein, without distinction of race, between the ages of 6 years and 18 years, inclusive, as follows:

First. That the 20 per cent of the amount collected within the limits of an incorporated town shall be paid to the ex officio treasurer of the school board of said town, who shall receipt for the same to the Secretary of the Interior.

Second. That 25 per cent of the amount collected within the limits of all the incorporated towns of said district shall constitute a common fund, which shall be paid to the ex officio treasurer of the school board in each of said towns pro rata according to the number of children of school age in each of said towns.

Third. The remainder of said fund shall be administered by the Secretary of the Interior in behalf of the school children of said district pro rata outside of the incorporated districts in accordance with section 28, Title I, page 1 of this act.

Mr. SHOUP. It should read "school districts."

Mr. PETTUS. What page does the Secretary read from?

Mr. BATE. What is the page and section?

The PRESIDING OFFICER. The Chair will state that this is an original amendment offered by the Senator from Idaho.

Mr. BATE. Has it been printed and laid on the table, or has it been merely read?

The PRESIDING OFFICER. It is an original amendment, and it has been read.

Mr. BATE. Where is it to be inserted?

The PRESIDING OFFICER. In section 215, page 522, line 20, after the word "said," it is proposed to strike out the remainder of the section and in lieu thereof to insert what has been read. The question is on agreeing to the amendment.

Mr. CARTER. I will ask the Senator from Idaho to withdraw his amendment for the time being for the purpose of ascertaining if it can not in some wise be harmonized with the existing text which it proposes to amend. I apprehend that confusion would arise from the adoption of the amendment and its insertion at the particular place indicated, and therefore I ask the Senator to kindly withdraw it for the time being.

Mr. SHOUP. I have no objection to that course, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho withdraws the amendment temporarily. The Senator from Oregon offers an amendment, which will be read.

Mr. McBRIDE. I now offer my amendment.

The SECRETARY. After line 24, page 8, insert:

And all records of instruments of writing hitherto made by any United States commissioner in the district of Alaska are hereby declared to be public records of such district, and shall have the same force and effect as if recorded in conformity with the provisions of this act.

Mr. CARTER. There is no objection to that amendment.

Mr. BATE. I do not know about that, Mr. President. I do not want to object, but it seems to be an effort made for the purpose of curing and covering up or remedying some evil that exists there. I should like to have it pretty thoroughly explained. It directs that deeds before commissioners heretofore shall now be registered. Does that cure any defects in those deeds or not? What legal effect will that have? If there be such deeds there as are incorrect, as are forgeries, illegal, does this tend to cure that, or what is the object of the amendment? I should like to have the Senator explain it thoroughly.

Mr. McBRIDE. Mr. President, the legal force and effect of the language of the amendment can best be decided by every lawyer in the Senate upon his own judgment as to the effect of that language. The purpose of the amendment is to make public records of those records, all instruments of writing which have been hitherto presented to commissioners of the United States in the district of Alaska for record and recorded by them. There is doubt whether or not those records have been authorized by the laws of the State of Oregon applicable to the district of Alaska, and it is the purpose of this amendment not to change anything affecting the documents themselves or to cure any defect in any deed or mortgage or mining claim or other instrument of writing which may have been recorded, but to give such a document the force and effect of a public record, if it has heretofore been recorded by a United States commissioner for the district of Alaska. It is simply that those records, which are the only records in thousands of cases, of claims to real estate and mining claims shall have public notice, as they should have had if they had been recorded under the provisions of this act, and not to cure any defects in any of the instruments themselves, if any exist.

Mr. BATE. Under what authority were these deeds made there? Were they made by the authority of the United States Government, or by commissioners who had been appointed by the President, or how?

Mr. McBRIDE. The records?

Mr. BATE. Yes; these deeds, these acknowledgments, I ask by what authority were they executed there and by whom? Was it done under the United States commissioners?

Mr. McBRIDE. They were executed by the commissioners, as I understand.

Mr. BATE. That is what I wanted to know.

Mr. McBRIDE. They were recorded by the commissioners.

Mr. BATE. The object is to have the deeds recorded by them as United States commissioners now recorded in the court.

Mr. McBRIDE. The object is to make the records of deeds and mortgages and all other instruments of writing hitherto kept by such commissioners public records of the district of Alaska.

Mr. HALE. I suppose the fact was that in the early stage the commissioners were the only officers before whom acknowledgments were taken and the only persons who could make any record. Now, they made the best record that it was possible for them to make; and their record, I take it, is the record of all the conveyances at that time. Now, when we are establishing more formal records and more formal registry, the Senator seeks to join on the present time with the past by providing that the records which the commissioners made shall be considered as good records, to be used by the courts and by parties who are looking up titles, that being the only record which was made at that time. It seems to me to be a very suitable provision. It is a provision that we make frequently when we are dealing with any communities that are merging; we take the best that we could give them at the beginning and recognize it and adopt is as a part of the record, together with the registry that we are now providing for.

Mr. McBRIDE. That is precisely the situation.

Mr. BATE. Of course, the condition of things in Alaska is anomalous. We have had no regular courts or anything of that kind there, and they have had only, as I understand, United States commissioners. I think the suggestion is a wise one; but I do not want to see any language used in the amendment that would cover up any misdeeds or any frauds which may have been practiced before that time. That was the only point I made.

Mr. McBRIDE. I should certainly concur heartily in the suggestion of the Senator that neither this nor any amendment should cover up any frauds or correct any errors in the instruments themselves

which shall have been recorded. If the Senator from Tennessee would suggest any modification of this amendment which will carry out his purpose, I should be very glad to accept it, so far as I am concerned.

Mr. BATE. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will be again read.

The Secretary read as follows:

And all records of instruments of writing hitherto made by any United States commissioner in the district of Alaska are hereby declared to be public records of such district, and shall have the same force and effect as if recorded in conformity with the provisions of this act.

Mr. GALLINGER. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

Mr. STEWART. I understand that a part of the bill to which I had suggested some amendments was passed over in my absence. If agreeable to the Senator having charge of the bill, I will move them now.

Mr. SHOUP. What is the page?

Mr. CARTER. Page 436.

Mr. BATE. What is the page?

Mr. STEWART. Page 436. It relates to the jurisdiction of justices of the peace. That paragraph or subdivision provides for conferring jurisdiction on justices of the peace in controversies respecting claims to mines. I object to it because I have seen the same provision substantially in actual operation. In early times in California, before there was any legislation conferring jurisdiction upon justices of the peace, or any one else, in fact, before courts were established respecting mining claims, the general custom was to submit cases to arbitration, which was really a law binding upon the conscience of men, and it was very unwholesome for a gentleman to refuse to arbitrate his claims. The decisions were generally right and satisfactory. There were three men, one selected by either party, and the third selected by them, who would be prominent miners of the district and they would bring in a judgment. The proceedings were orderly and conducted fairly and justice was arrived at without any scandal.

But when justices of the peace were appointed to take charge of and to preside in the controversies respecting mining claims the whole thing changed. The justice was not able, he was not strong enough, to maintain order, and it became a question of the strongest party. Really it became a question of force. There would be a large amount of property at stake, probably three or four hundred thousand dollars, and that could be taken out in a few days, a few weeks, or months. Placer claims at that time were worked out very rapidly. All the controversy was in regard to the possession. When they undertook to set up the law in that feeble way it was overturned.

After the matter had gone on for about a year there came a case that went before the Supreme Court, and they decided that the law was unconstitutional, and order was restored. In Alaska a justice of the peace, or anyone else feebler than a judge of the district court with a marshal behind him, with the force of the Government, any person with any less authority than that, will fail to preside over one of those turbulent cases of litigation. They will always come, particularly where there are placer mines, mines to be worked out in a short time. It is a scramble in which physical force is almost always used in cases where there is no judge having the power of the Government behind him to preside, and he is a strong man.

I move to strike out that whole provision, because it will certainly do more harm than good. The justice of the peace, with his limited authority, should not be called on to decide these questions, because he is deciding the title when he decides the right of possession, for before any relief by appeal can be had in regard to a placer mine the mine has been worked out. It is too big a jurisdiction for the justice of the peace in a turbulent country, as every new mining district is.

The PRESIDING OFFICER. The Senator will suspend for a moment while the Chair lays before the Senate the unfinished business, which will be stated.

Mr. SHOUP. At this point I desire to inquire——

Mr. FORAKER. I ask that the unfinished business be temporarily laid aside until the Senator from Nevada concludes his remarks.

Mr. MORGAN. I should like to know when this Puerto Rican bill is going to be considered.

Mr. GALLINGER. Let the title of the unfinished business be read.

Mr. MORGAN. I have tried that. I do not propose to yield to the convenience of anybody at all.

The PRESIDING OFFICER. The unfinished business has not yet been laid before the Senate.

Mr. GALLINGER. Let it be read by title.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. MORGAN. I am perfectly willing——

Mr. FORAKER. I ask that the unfinished business may be laid aside temporarily until the Senator from Nevada concludes.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the unfinished business be temporarily laid aside until the Senator from Nevada concludes his remarks.

Mr. FORAKER. I will say to the Senator from Alabama that we are to have a conference at 3 o'clock, or at some hour this afternoon, after which I hope to be able to proceed with the Puerto Rican bill without yielding to any other business. Until then I have no objection to its going over without prejudice.

Mr. MORGAN. For two weeks and longer the progress of business in the Senate on the Puerto Rican bill has depended upon conferences that are to be held in Republican caucuses, and we have delayed, and delayed sufficiently, I think, to wait upon those gentlemen to reconcile their party and personal differences with each other. I insist that it is the duty of this Government to seek to provide those people with some assistance, with some government under which they can afford to live.

I wish to say that I am not willing that this bill shall be sidetracked for every caucus that is to be held and for every bill that some other gentleman on the other side of the Chamber may choose to sandwich between it and the duty of the country. I am not willing to do that, and I wish to say to the honorable Senator who has charge of the bill that I intend to insist that he shall press the bill to a vote in some form or other without yielding to everybody who comes upon the floor making personal requests or party requests.

Mr. FORAKER. Mr. President, I am in hearty sympathy with all the Senator from Alabama has said, and there would not be any delay at this time except only for the fact that the Alaskan bill is second only in importance, if second at all, to the Puerto Rican bill. There is an emergency requiring that bill also to be passed, and at some time or other the time of the Senate must be taken up for that purpose.

In view of the fact that there was to be a conference, I thought this was an opportune moment to allow the Senator who has charge of the Alaskan bill to proceed with it. I thought it would expedite the business of the Senate.

There has not been any delay on account of conferences, as the Senator has suggested; certainly not up to this time. In so far as there has been delay, it has been because Senators wanted to speak upon the measure or because there was other business that seemed to be pressing, which it seems to me it was in the public interest for me to give an opportunity to have considered.

Mr. HALE. Let me suggest to the Senator from Alabama that the other night, at a little later hour than the present, we were on the very point of coming to an agreement for a vote to be taken on the Puerto Rican bill when the Senator's colleague insisted on calling for the regular order, so that no request could be made, and that alone hindered us in coming to an agreement for taking the vote.

Mr. ALLEN. Will the Senator from Maine permit me?

Mr. HALE. Certainly.

Mr. ALLEN. I want to say that the objection came from the senior Senator from Vermont [Mr. PROCTOR].

Mr. HALE. But we were on the point of agreeing that the vote should be taken. The Senator from Vermont objected to its being taken the next day. We were on the point of agreeing to a vote being taken on Wednesday, when the junior Senator from Alabama [Mr. PETTUS] insisted upon calling for the regular order, which shut off all further proceeding.

Mr. ALLEN. The RECORD will show that there was no likelihood of reaching an agreement to take the vote.

Mr. HALE. That must——

Mr. ALLEN. And the Senator from Vermont [Mr. PROCTOR] strenuously objected and we could not agree upon a date, and after the debate had run along a short time in that way the junior Senator from Alabama called for the regular order.

Mr. HALE. The Senators who were then present will remember.

Mr. FORAKER. I think the RECORD will show that we were on the point of agreeing to take the vote on Wednesday.

Mr. HALE. We were on the point of agreeing.

Mr. FORAKER. I so understood it. But however that may be, I do not want——

Mr. MORGAN. I beg leave to say that I understood distinctly it was the Senator from Vermont who made the objection which carried the bill over.

Mr. ALLEN. The responsibility rests with the Senator from Vermont.

Mr. MORGAN. I leave that matter for my colleague to take care of when he comes in. He is able to do it.

Mr. FORAKER. We all recognize that. What I want to say

in answer to all that has been suggested is that I have no disposition to find fault with anybody about it. I think it is pretty generally the wish of Senators that the bill should be brought to a vote. I know it is my wish, and I know it is my purpose, in so far as I can, to press it to a vote, and bring it to a vote at the very earliest day possible. But I am glad to take advantage of this opportunity to give notice to Senators that commencing with to-morrow I shall insist upon the consideration of the unfinished business, whatever the state may be, and when I make that remark I mean that, whether the bills shall be separated or be considered together, I shall insist upon the consideration of the unfinished business to the exclusion of everything else, except a privileged question, until it is disposed of.

Mr. ALLEN. I should like to ask the Senator from Ohio if the caucus deliberations have indicated a vote on the bill?

Mr. MORGAN. I do not intend to make objection to-day as regards the bill for the government of Alaska, but I propose before the bill goes over——

Mr. HALE. What is the parliamentary status, Mr. President? Has the unfinished business been laid aside?

The PRESIDING OFFICER. The unfinished business has not been laid aside. Unanimous consent has been asked, but it has not yet been granted.

Mr. MORGAN. I have the floor on the Puerto Rican bill, if the Senator wants to know. That is the business before the Senate.

Mr. HALE. The Senator objects to the request that the bill be laid aside.

Mr. MORGAN. No; I have not, and I said I would not do it.

Mr. HALE. Then let the Chair put that question.

The PRESIDING OFFICER. Is there objection?

Mr. MORGAN. No; that motion has not been made. The bill is before the Senate.

Mr. HALE. It is not a motion; it is a request. It is privileged above all other things.

Mr. MORGAN. I know. I wish to inquire of the Chair what is the amendment pending to the Puerto Rican bill?

Mr. HALE. I ask first that the Chair put the question for unanimous consent.

Mr. MORGAN. Then I object. Perhaps that will end that matter.

Mr. CARTER. I trust that this colloquy will take some other turn than what now seems possible.

Mr. MORGAN. Now, Mr. President, I have the floor, and I do not want any personal explanation about this business. I wish to inquire of the Chair what is the parliamentary condition of this bill? What amendment is pending?

Mr. FORAKER. Being more familiar, possibly I can answer the question if the Senator from Alabama will allow me. There are quite a number of amendments which have been proposed and printed, and which are lying on the table to be offered whenever the time comes to offer amendments.

Mr. MORGAN. What amendment, Mr. President, is pending to this bill? That is my question.

The PRESIDING OFFICER. The Chair will state that the amendment pending to the Puerto Rican bill is the amendment offered by the Senator from Ohio to insert after the word "also," in line 23, page 19, the words "as to railroad, telegraph, and telephone franchises."

Mr. MORGAN. That is the amendment which is pending?

The PRESIDING OFFICER. That is the amendment now pending.

Mr. MORGAN. I just wanted to know what it is. Now I withdraw my objection.

Mr. CARTER. Let the Chair again state the request.

The PRESIDING OFFICER. Unanimous consent is given, the Chair understands, that the unfinished business shall be laid aside.

Mr. HALE. Temporarily.

Mr. FORAKER. Temporarily, without prejudice.

The PRESIDING OFFICER. Temporarily. It is so ordered. The Senator from Nevada has the floor.

Mr. STEWART. Mr. President, when the morning hour expired I was calling attention to the inadequacy of a justice of the peace to preside over a trial for mining claims—for placer mines in new districts where the mines are very valuable. The decision in a controversy over mining claims must be quick. The powerful party will get into possession before any relief can be had in any other court. He will either have worked the claim or will have become so powerful that the other party can not contend with him in litigation at all. That would not be the case if the realty could not be destroyed in a very short time.

In this case we have a district judge in that locality who is very capable, and with a good district judge near at hand he will be during the summer season constantly engaged in trying these cases. Probably he has only one more mining camp in his jurisdiction. There is no beneficent result to be obtained by conferring jurisdiction on a justice of the peace. If you confer the power on him the decision will be in favor of the strongest party. He will not decide it otherwise, and justices of the peace never did decide otherwise in an important case when they had jurisdiction in California. So I move to strike out the whole provision and let the matter in regard to mining claims be tried by the district court.

Mr. BATE. Mr. President, I do not know about that. I am unfamiliar with mining ways and its interests. The Senator from Nevada who has just taken his seat is familiar with all those things. I would be very much inclined to follow what he might do. But it seems to me that in such a country as Alaska, and as this bill is to apply to the whole Territory, hundreds and thousands of miles in extent, there can not be a judge close to every mining camp, at every place where trials may be required to be had, and there should be jurisdiction, with some officer to look after these things and to see that trials are had and that justice is done.

The Senator says that there will be a district judge at Cape Nome, where it is supposed there will be perhaps as many as fifty or one hundred thousand miners this coming summer. But will he be over at the other parts of that district, which are 100 miles and some of them nearly a thousand miles apart? If we give jurisdiction to a justice of the peace it would certainly not interfere much with that at Cape Nome, where the judge will be, and at the same time it would give the jurisdiction to the justice of the peace at other points more remote from the court. It would require a man to travel for a week or ten days before he could get to the court in order to have his rights tried in reference to a mining claim, but if it was under the jurisdiction of a justice who lived in that immediate neighborhood it seems to me it could be done with greater benefit to the interests of society, and that it would also be to the interest of those who were litigants.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Nevada to strike out all of chapter 104.

Mr. BATE. The amendment is to strike out section 1042.

The PRESIDENT pro tempore. The entire chapter was the motion.

Mr. STEWART. The entire chapter.

Mr. BATE. I do not so understand it.

Mr. STEWART. Yes; the entire chapter down to "forcible entry." That I do not want to strike out. I want to move to amend that.

The PRESIDENT pro tempore. Will the Senator please state the exact part of the bill he moves to strike out?

Mr. STEWART. I move to strike out all on pages 436, 437, and 438 down to chapter 105.

Mr. CARTER. That is all of chapter 104?

Mr. STEWART. It is all of chapter 104.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Nevada to strike out chapter 104.

The amendment was agreed to.

Mr. HANSBROUGH. Mr. President——

Mr. STEWART. I hope the Senator will let me finish my amendments.

Mr. HANSBROUGH. Very well.

Mr. STEWART. In relation to the section in regard to forcible entry and detainer, I am aware that the same language employed in that is frequently used. It might not be very harmful, and be all very well in the older States; but even there it leads to confusion and sometimes to injustice.

On page 439, section 1052, line 2, I move, after the word "when," to strike out "an entry shall be made in a peaceable manner and;" and in line 3, after the word "held," to strike out "by force" and insert "after the expiration of the lease or agreement therefor." The language of the section is this:

SEC. 1052. When a forcible entry shall be made upon any premises, or when an entry shall be made in a peaceable manner and the possession shall be held by force, etc.

It frequently happens that a man is in possession, and I have known instances of a man being rightfully in possession by forcible entry and detainer; but it was alleged that he held the property by force, and therefore nobody else could get title from him. That was not the intention of the law. Sometimes he held the property by force, and that changed the possession. The provision should apply only where an entry has been by force and where possession is held by force.

I think those who have had experience in such matters will agree with me that that should be eliminated. After such cases have been brought to the attention of the court, and a justice of the peace has overruled them once or twice, this has been frequently corrected. So I submit the amendment which I have offered.

Mr. BATE. To what section does the Senator propose his amendment?

Mr. STEWART. To section 1052, on page 439, so that when amended the clause will read:

When a forcible entry shall be made upon any premises, or when the possession shall be held after the expiration of the lease or agreement therefor,

the person entitled to the premises may maintain an action to recover the possession thereof, etc.

Mr. CARTER. I question the wisdom of the amendment proposed by the Senator from Nevada [Mr. STEWART], and will suggest to him these considerations: The section merely gives the right of action to the person entitled to the possession of the premises. It gives the right of action to the person entitled to possession as against one who has taken forcible possession.

Mr. STEWART. That is righ

Mr. CARTER. Then it gives the right of action to the person entitled to possession, even though the possession has been taken peaceably and is held by force. For instance, your premises, your house, may be entered peaceably during your absence, but upon your arrival there the occupant refuses to surrender possession to you. It is wholly immaterial to you under such circumstances whether he entered forcibly or not. The fact that he entered peaceably should be no bar to a suit for the recovery of possession.

This section, I think, upon close analysis, will be found to give merely the right of action; and it will be no bar to such right of action for the person to plead that he entered peaceably.

Mr. STEWART. That is very true. Cases of that kind might happen, and they ought to be guarded against. A case of the other kind may sometimes happen, and such cases have come under my observation, where a person enters peaceably, but afterwards holds forcibly against another's adverse possession. There ought to be some qualifying words; and perhaps, if the amendment is passed over temporarily, we can fix it; but I think cases such as those I have suggested ought to be provided for.

Mr. CARTER. I suggest to the Senator that he withdraw the amendment temporarily.

Mr. BATE. I should like to have the Secretary read the parts proposed to be stricken out and to read the words proposed to be inserted, so that we may understand the amendment.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment of the Senator from Nevada.

The SECRETARY. On page 439, section 1, line 2, after the word "when," it is proposed to strike out "an entry shall be made in a peaceable manner and;" and in line 3, after the word "held," to strike out "by force" and insert "after the expiration of the lease or agreement therefor."

Mr. CARTER. I understand that the Senator from Nevada temporarily withdraws the amendment for the purpose of adjusting it hereafter, if he shall determine to press it.

Mr. STEWART. I withdraw the amendment for the present, because there is one condition suggested by the Senator from Montana in regard to the bill which would not be provided for by my amendment, and an amendment remedying one evil might create another. I want to examine the matter further, and perhaps we can frame language to meet both cases.

Mr. HANSBROUGH. I offer the amendment which I send to the desk, to come in on page 469, to strike out section 73 and insert a new section as a substitute.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out section 73, on page 469, as follows:

SEC. 73. The title to any lands heretofore conveyed shall not be questioned nor in any manner affected by reason of the alienage of any person from or through whom such title may have been derived;

And in lieu thereof to insert:

SEC. 73. Aliens shall not be permitted to locate, hold, or convey mining claims in said district of Alaska; nor shall any title to a mining claim acquired by location or purchase through an alien be legal. In any civil action, suit, or proceeding to recover the possession of a mining claim, or for the appointment of a receiver, or for an injunction to restrain the working or operation of a mining claim, it shall be the duty of the court to inquire into and determine the question of the citizenship of the locator.

Mr. STEWART. I should like to inquire of the Senator offering that amendment if that would be reciprocal? Would the action be in correspondence with the action of the Canadian government in treating our miners? I have heard a good deal of complaint of their treatment of our miners by their harsh laws; but it seems to me this is probably a little more severe than are the regulations they have imposed upon us.

Mr. HANSBROUGH. Mr. President, it would be entirely reciprocal, if my information is correct. The fact is, that when gold was first discovered in the Cape Nome district, there was quite a rush of miners, chiefly Americans, from the Klondike on the Canadian side. Upon the arrival at Nome of a party of American miners—I now refer to American citizens—it was found that quite a number of aliens, including several Laplanders who had been sent to that country in charge of reindeer by this Government, had staked out the very best claims, the richest claims on the principal creeks in and about the Nome district.

This condition naturally excited the opposition of those American miners who were American citizens, because it has never been the rule in this country that aliens shall have the advantage of our mining laws. When the American citizens undertook to stake out claims over those of the alien Laplanders, the military authorities on the ground arrested several of the American citizens, dragged them two or three hundred miles away from the scene, and undertook to intimidate them and compel them to relinquish any claim they might have had to those mines.

Not only the Laplanders, but other aliens, staked out the richest claims in that region, and they took a great many of the claims, in fact, it is said, they staked the richest section of all the creeks in that region, until now the American miner has been shut out of the opportunity of obtaining his share of that rich region.

The object of this amendment is to compel the courts to inquire into the citizenship of the persons asking for a title to any mines in that region.

Mr. STEWART. Mr. President, for many years in the West, when mining was very prosperous, all aliens had the right to work mines. There was a foreign miners' license tax for a short time, which was collected only upon the Chinese. The miners made their own laws for about twenty years, but they never, after they had the power to do that, excluded aliens from locating and working mining claims. I think the practice is a very bad one. I think we ought to be more neighborly.

There has been a great deal of complaint, and very just complaint, against the Canadian government officials for the manner in which our miners have been treated, and some notice ought to be taken of it by our Government. But by setting an example of harshness and exclusion it will certainly come home to plague us, because there is a vast, unexplored portion of this region belonging to Canada and Great Britain to which our miners want to go. They have been in the habit of freely going to Australia and coming back from there; and there never has been any serious friction until within the last few years up at Dawson and about that vicinity. To retaliate now and break up the good-fellowship which has generally existed would be bad policy; and particularly, since you have adopted the gold standard, you ought to develop the gold mines of the whole world, and mining ought to be free.

Our policy originally was to hunt in the mountains of all the world for mines. Miners like to travel; they do not want to be limited to any locality; they enjoy prospecting; and I believe in extending the widest privileges to them and protesting against the policy pursued by Great Britain in unfair dealing toward our citizens.

In the Alaskan country there has been a good deal of ill feeling, which is very detrimental to the general business of mining and detrimental to us. All along the Canadian border in British Columbia there are a great many mines, and American citizens are interested there in mining and making money. Canada will retaliate and our citizens there will be excluded if we enact hostile legislation toward them. If you should commence this warfare, it will cause the confiscation of a great deal of property of American citizens.

We ought to stop right here and show that we pursue a generous policy, so as that a similar policy will be cultivated on the part of all nations; for if anything is terrible, it is going to a new country, spending all one has got in the development of mining property, and then having his work stopped and his property taken away from him by a government official.

I think the Senator had better withdraw that amendment. Let us protest against the exclusiveness which has been practiced by other countries, and let us set an example of generosity and fair dealing such as has heretofore prevailed in this country.

Mr. HANSBROUGH. This amendment is not aimed at the Canadian miner. There is no conflict, as I understand, between the Canadian miners who have gone to the Nome district and the American citizens who are there. It is aimed at the Laplanders who were brought to this country in charge of a herd of reindeer that we brought from Lapland, and who, by reason of the fact that they were in charge of those reindeer, were enabled to travel much faster and get to the gold fields earlier than were the American citizens, who had to drag their sleds over the snow and ice by hand. The object of this amendment is simply to do away with that kind of business. Those Laplanders, as I understand, were under contract with this Government. After they had performed the service of bringing the reindeer here and caring for them up to a certain point, they were to return to Lapland. Instead of that they found rich diggings and preempted the entire section to themselves—they and a few others—and when American citizens, those who are entitled to the American mines, came along, their opportunities had fled and the Laplanders were in charge. To cure that evil is the object of my amendment.

Mr. PERKINS. Mr. President, in the abstract the Senator from Nevada [Mr. STEWART] is right. It was the custom and has been the custom, in all the Western mining States, that those who went in as pioneer miners might locate their mining claims under such rules and regulations as the local miners should have made. The instances to which the Senator has referred I know of my own knowledge to be correct; but these claims were only for 20 feet, perhaps, running upon a creek, or 100 feet square of a placer mine, or perhaps 200 feet of a bench claim or a mountain claim.

But the conditions in Alaska are altogether different. The locations there are made under the United States mining laws, which give to each individual 20 acres. Foreigners and aliens propose to go in there. I care not whether they go in there from Canada or from Lapland, they are not American citizens; they can not take up a homestead or preempt land under our general land laws; and while I would be generous and while I would give privileges to foreigners who come here to assist in developing the resources of our country, even if it is to benefit themselves, while I would give them every privilege, I think the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH] is right in principle, that the alien who has not even declared his intention of becoming a citizen of the United States should not have the right or the privilege to come in and acquire a United States patent to 20 acres of mining or mineral land.

The conditions to which the Senator from Nevada [Mr. STEWART] referred are altogether different. That custom prevails now in mining camps where they are not seeking to obtain Government titles to the land; but if we permit aliens, those who have no intention of becoming citizens of the United States, to acquire a right by which they may obtain a United States patent, they may transfer that right to A, B, and C, and so take advantage of our own people.

Mr. President, I believe in first being just to our own household; I believe in giving these privileges to American citizens, to those who by accident were born here. As to those who come here of their own volition, who take the oath of allegiance, and who declare their intention to become American citizens, I believe in giving them the same privileges as are given to those who are to the manner born.

Mr. ALLEN. I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Nebraska?

Mr. PERKINS. With pleasure.

Mr. ALLEN. Would the Filipinos have the right to go to Alaska and enter mineral land?

Mr. PERKINS. Mr. President, I have been in the Philippine Islands in my younger days, but I never yet saw a Filipino who cared to work a mining claim, or any other kind of a claim, and therefore——

Mr. ALLEN. I thought they conducted mines there.

Mr. PERKINS. I am told there are a great many mines in the Philippine Islands, but it will take American enterprise and American energy, like that which my friend from Nebraska possesses, to go there and develop those latent resources.

Mr. ALLEN. Would not the Laplander be quite as acceptable as the Filipino?

Mr. PERKINS. It is not a question of the Laplander or the Filipino or the Russian or the Scandinavian. There is a principle involved in this; that one who is not an American citizen, one who has not declared his intention to become such, ought not to have the right to go upon our public domain and take up mineral land, agricultural land, timber land, swamp or overflowed land, or any other character of land.

Mr. ALLEN. Does the Senator regard the Filipinos as citizens of the United States?

Mr. PERKINS. There are some Filipinos who are very intelligent and bright men. Some of them have been educated in our colleges in this country.

Mr. ALLEN. I ask the Senator if he regards them as citizens of the United States?

Mr. PERKINS. Some of them have declared their intention to become citizens of the United States; and when they have done that and conformed to our naturalization laws, I think they ought to have the right to take up mining claims.

Mr. ALLEN. But are they citizens of the United States?

Mr. PERKINS. I think after a Filipino has properly declared his intention and has taken the oath of allegiance he is an American citizen.

Mr. ALLEN. But what is his status under the treaty of Paris?

Mr. PERKINS. That is a constitutional question which I will refer to my friend from Nebraska.

Mr. ALLEN. I should like to have the Senator's opinion about that.

Mr. HANSBROUGH. Mr. President, perhaps I should state——

Mr. SHOUP. Will the Senator yield to me for a moment?

Mr. HANSBROUGH. I will yield to the Senator presently. I have merely a word or two to say.

Perhaps I should state that when the Laplanders and other aliens came upon the scene in the Nome district they held a miners' meeting under the provisions of the Revised Statutes, which I see my friend from Nevada [Mr. STEWART] is now examining; and they decided that the size of the placer claims thereabouts should be 1,320 by 660 feet. Up to that time I am informed that the size of claims along the creeks in Alaska had been 500 feet up and down the creeks—much smaller than 1,320 by 660 feet.

When the American citizens came upon the ground, they found that the aliens had complied with the law of the United States with respect to the taking of mining claims; but the Americans were not satisfied with the conditions and they proceeded to call a miners' meeting to rearrange matters. There were several hundred of them gathered in a hall, as I am told, at the city of Nome. A little bunch of military that was there—one company, I believe—ordered the miners to disperse; and they did disperse that miners' meeting, that meeting of American citizens, at the point of the bayonet, and the Laplanders and other aliens were left in possession of the mines.

Mr. SHOUP. Mr. President, in regard to the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH], if he will modify it by confining it to the location of mining claims, I shall be in accord with him; but when it comes to disposal or sale, that is a question which is entirely different. That is being done all over the United States to-day. Mining properties are being sold to foreign corporations, companies, or individuals, as the case may be, and they are paying liberal prices for them. But as to the matter of location, I thoroughly concur with the Senator that aliens ought not to be granted that privilege. They are not American citizens, and certainly ought not to be entitled to the privilege of locating mining claims. We do not permit it to be done in my State, and I do not know that I have ever known it to be done in any State; certainly not under my personal observation. If it has been done, my attention has never before been called to it.

Where a mine has been permitted to be located, except as stated by the Senator from California [Mr. PERKINS], in some small mining districts, they never stopped to make inquiry whether this or that man was a citizen of the United States; but the first man on the ground was entitled to 20, 50, or 100 feet, as the case may have been. If, however, he applied for a patent, there was no patent issued in the case referred to by the Senator from California; but when application is made for a patent, it is my judgment that the applicant ought to be an American citizen. I would go further than does the Senator from Nevada [Mr. STEWART], and not only require the foreigner to take out his first papers, but I should exact that he should be a full citizen of the United States before these rights and privileges are accorded to him.

Mr. STEWART. Mr. President, it is true that under this system of free mining injustice may sometimes be done, but it will be done in fewer cases than will result if we enact harsh legislation.

Mr. JONES of Arkansas. Let the amendment be again read.

Mr. STEWART. It excludes foreigners.

Mr. JONES of Arkansas. I should like to hear the amendment again read.

Mr. STEWART. I have no objection.

The PRESIDENT pro tempore. The amendment submitted by the Senator from North Dakota [Mr. HANSBROUGH] will be stated.

The Secretary again read the amendment proposed by Mr. HANSBROUGH.

Mr. STEWART. Mr. President, the liberal policy adopted in California in the first instance was of immense benefit to that country and to American miners. It was immediately reciprocated in Australia, where thousands of our people went, and thousands of Englishmen came to our country. California was developed under that liberal policy.

Mr. JONES of Arkansas. What was that policy?

Mr. STEWART. That policy was that any person might locate a mining claim and be protected in his rights; it was his property if he located it. There was free mining to all, and our citizens had the privilege of free mining in Australia for a quarter of a century without molestation.

Mr. PERKINS. If the Senator will permit me, I want him to dwell a little upon the fact that the idea in adopting this proposition was that it was to apply only to small claims.

Mr. STEWART. I will answer that.

Mr. PERKINS. The claims in question here may cover 20 acres.

Mr. STEWART. I will explain that; and it will be seen that there is nothing in the objection when the matter is understood. At that time the size of the claims was regulated both here and in Australia. After gold was discovered in California the system adopted in California spread through Australia, and they let it alone and there was great satisfaction with it. The only exception was an attempt to strike the Chinamen with a license tax. Everything else was open to all. That went on without any friction in any part of the world worth mentioning until some years ago, when an act was passed here prohibiting foreigners from holding real estate.

One of the arguments for the admission of new States was that they might be enabled to allow foreigners to deal in mining claims, regarding that as an important matter. Nobody in any one of those mining States ever favored that law. Such a law might be made to apply to agricultural lands with more propriety than to mining lands. Under the law established by the miners

themselves an amendment was offered by Judge Field, when he was a member of the legislature in 1851, to the California statutes, which read in about this way: In actions respecting mining claims the rule and regulations established at a particular bar or diggings may be offered in evidence, and when not in conflict with the laws of the United States or of the State, shall govern the decision of the action. Before that time such matters had been left to arbitration. The miners' rules were recognized, and that system went on until 1866.

In 1866 Mr. Julian, of Indiana, was chairman of the Committee on Public Lands in the House of Representatives. He ran twice for Congress upon a platform to sell the mineral lands at auction, so as to help pay the war expenses. I was in the Senate at that time, and I resisted his scheme and explained to the Senate what was then the condition of affairs. There were a million inhabitants in prosperous States who were living under the laws they themselves had made, not only governing the possession of mining claims, but the possession of nearly everything else—water, timber, and almost everything. We had some fifteen or twenty of the California reports, mostly composed of questions relating to the possession of mines, water rights, and timber, under those rules.

After Nevada was admitted into the Union a case finally went up to the Supreme Court, I arguing it on one side and Mr. O'Conor and Mr. Curtis on the other side. They took the position that the Supreme Court had no jurisdiction; that we were all trespassers. There was never any doubt about that. They claimed that those rules were against the most positive law, and they were very sure that the court would dismiss the action. I had ex-Attorney-General Black with me. I replied by stating what had occurred, giving the history of what had grown up under free mining, under nonaction by Congress; and when I got through, my colleague said he could not add anything to it. I did not argue the law at all. I did not say a word about the law. I just told the court what occurred.

In rendering the decision the court held that possessory right was property; that they could not shut their eyes to what had occurred by the nonaction of Congress, and ordered to some of my remarks put into the appendix. You will find it in the appendix to 3d Wallace. The court held there that the legislation they had there for twenty years should be recognized by the courts. Shortly after that Congress passed a law, the act of 1866, recognizing the rules and regulations that the miners had made and provided for their getting patents. The first law was not a very perfect one. Bills were introduced from year to year, and in 1872 the Congress passed the present mining law, which has been so satisfactory that nobody has been able to amend it.

All that was very satisfactory to other nations and other people, and there was no friction; but some ten or fifteen years ago the alien land act was passed and that created friction and we have had some retaliation. As to the retaliation that we have had, the harsh treatment that has come from the Canadian government within the last two or three years, in the discussion they alluded to this legislation of the United States. It inspired bad feeling. It has done us no good whatever, because the people of those States wanted foreign capital to come in and help develop their mines. There was no friction, no injury, and there was no reason why such restrictions should be applied.

Petitions came for its repeal, and it would have been repealed except from the agricultural standpoint. They were in favor of it. It would have been carried by the unanimous vote of the mining States if they could have controlled the matter. It was tried at every session of Congress almost, but most of them had become States, and they adopted that policy which to them seemed best. I do not know exactly what policy they have.

Mr. JONES of Arkansas. Then the Senator from Nevada is opposed to this amendment?

Mr. STEWART. I am, most decidedly.

Mr. JONES of Arkansas. I should like to ask a question for information. I know nothing about the facts. I understand the most profitable mining in that region first was in the Klondike country, and that was on the British side?

Mr. STEWART. Yes.

Mr. JONES of Arkansas. On what terms were American miners allowed to go into the British country to mine?

Mr. STEWART. They mined there, but there were certain restrictions and regulations of which they complained; that they were harsh, and they were taxed differently, and they said that the British had commissioners of mines of whom they complained. The liberal spirit which prevailed in California and Australia, and which had made such good feelings and led all countries to permit miners to go where they pleased to prospect, was not observed there.

Mr. JONES of Arkansas. Was there any difference between the way American and English miners were treated in the Klondike region?

Mr. STEWART. It was claimed that there was. That was the complaint.

Mr. JONES of Arkansas. Can the Senator state what the difference was?

Mr. STEWART. I can not. I know there was complaint.

Mr. JONES of Arkansas. Can the Senator from Montana give us any information on that point?

Mr. CARTER. In 1898 we passed a law entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," which was intended, so far as section 13 is concerned, to facilitate some kind of a reciprocal arrangement between miners in the Klondike and miners in Alaska. The section reads as follows:

SEC. 13. That native-born citizens of the Dominion of Canada shall be accorded in said district of Alaska the same mining rights and privileges accorded to citizens of the United States in British Columbia and the Northwest Territory by the laws of the Dominion of Canada or the local laws, rules, and regulations; but no greater rights shall be thus accorded than citizens of the United States or persons who have declared their intention to become such may enjoy in said district of Alaska; and the Secretary of the Interior shall from time to time promulgate and enforce rules and regulations to carry this provision into effect.

The purpose of this provision was to place the Interior Department in position to negotiate with the authorities of the Northwest Territory or the Dominion of Canada for the purpose of having the onerous restrictions that had theretofore been applied to American citizens in the Klondike country removed. In order to enable the Secretary to progress with such negotiations we gave him this authority, as outlined in the section I have just read.

No progress whatever has been made in the way of securing the release or mitigation of any of the onerous or burdensome conditions applied to American miners in the Klondike country. In the first place, a rule was promulgated and enforced by the Dominion police, known as the mounted police, whereby our citizens were compelled to yield an exorbitant revenue to the government of the Dominion, in the way of a percentage of what they took out of the mines in that country. That royalty was somewhat limited by later action.

Mr. SHOUP. It is 10 per cent.

Mr. CARTER. It is now 10 per cent.

Mr. JONES of Arkansas. Of the gross product?

Mr. CARTER. Of the gross products. Now, I believe it is seriously proposed, while our miners are subjected to these burdens on the east side of the Alaskan line, to permit Canadians, Laplanders, Chinese, Japanese, people from anywhere and everywhere, to locate mining claims and acquire, hold, and defend their rights in the same manner that American citizens may do. You may call this free mining, but it is mining entirely too free to suit the average American citizen who finds himself denied like privileges everywhere else.

Mr. STEWART. The Senator from California lays great stress on the size of the claims, and he called my attention to that fact. It is true they make small claims. I have known claims to be limited to 25 feet in length along a ravine. I have known them to be two or three hundred feet or four or five hundred feet long, depending upon conditions; but there is nothing in this statute which limits the power of the miners to make a claim any size they see fit. There is only a limit of the maximum. They can make it 600 feet wide or 1 foot wide. They can make it 600 feet long or 1 foot long. The statute only defines the maximum size of the claim, so that they are free to make claims the size they please.

Now, as to the harshness and injustice in Canada, I am very certain that that course results from the legislation we passed in Congress, without any intention of doing injury. There was no proscription anywhere in the world until we commenced it. Our people went everywhere they pleased, and others came here, and they discovered mines, and it was generally beneficial. There is a great deal of unexplored country to be examined. Take the territory of the Russian Empire and China, where there were great mines in former times, when the means of mining were very limited and the methods were crude.

Africa is not yet explored. If we inaugurate a dog in the manger system, we will be confined to our territory and others will be confined to their territory, and the general good feeling and general benefit to mankind of prospecting all over the world will be lost. It is a hard life. It is an enterprising class of people who follow it.

As to the treatment by the Canadians, I think the way to modify that is for our Government to apply to the Canadians for like privileges, and have an understanding all over the world, because if we are going to have real mining we must have free access to the mines. The prospector must be permitted to examine any mountain he feels like in any part of the world, and he will find mines if you let him alone. If you let him alone, he can protect himself. Do not hamper him by rules and regulations.

The absolute exclusion of foreign miners from Alaska will create great friction. Our miners must make up their minds that they can not go anywhere outside of the United States. They can

not go to South Africa or anywhere else and mine, for if we take this stand, we shall be followed. I think it is very objectionable.

Mr. JONES of Arkansas. Would the Senator change the present law? The law that allows English miners to mine in Alaska on the same terms on which American miners are allowed to mine in the Klondike seems to me to be fair.

Mr. STEWART. I would let that stand.

Mr. JONES of Arkansas. You are not in favor of repealing that?

Mr. STEWART. No, sir; I am not. Let that stand now, because it calls attention to the condition and gives opportunity to negotiate. I think the State Department ought to consider the matter. We ought to pass a resolution calling the attention of the State Department to it. I am in favor of letting that law stand. But cut off here that system, and stringent laws will be passed all over the world. The American miner will have to stay in his own country, and if American and English miners can not travel, Asia will remain undeveloped. It is the genius of the Anglo-Saxon race to find and develop mines.

Mr. PERKINS. Would the Senator impose the same tax upon miners in Alaska that the Canadian government now imposes upon those who mine in its territory?

Mr. STEWART. I would not; certainly not. I think it is a great hardship and an outrage. We do not want to commit like outrages and confine our miners to our territory by having retaliatory laws. Let this law stand without this amendment another year, and our Government call the attention of the British Government to it, and have it discussed in its large sense.

It is a question of sufficient importance to receive diplomatic discussion. The miner ought to be free to go anywhere he pleases. He is a pioneer. Ninety-nine out of a hundred spend their lives and get nothing, but occasionally they make a find which benefits mankind. It is absolutely necessary that mining shall go on. If we do not, we are going to have hard times.

Mr. JONES of Arkansas. My understanding is that the law at present is that British miners have to labor under the same embarrassment in our country that our miners labor under in their country. I think that is right. I understood the Senator from Nevada to say that he is in favor of that.

Mr. STEWART. I am in favor of allowing the law to stand, and see if we can not make it milder and better by negotiation.

Mr. PERKINS. Our Government imposes no taxes upon either the gross proceeds or net proceeds of the mines in Alaska.

Mr. JONES of Arkansas. I understood the Senator from Montana a moment ago to read a section of the law that we passed a year ago which does that very thing.

Mr. PERKINS. The Senator misunderstood it, I think.

Mr. CARTER. The section of law permits the Secretary of the Interior to promulgate rules and regulations whereby he shall extend to citizens of the Dominion of Canada the same rights and privileges extended to citizens of the United States in British Columbia or the Northwest Territory.

Mr. JONES of Arkansas. It merely permits it?

Mr. CARTER. It permits it.

Mr. JONES of Arkansas. He has not done it.

Mr. CARTER. There has been no disposition on the part of the Secretary of the Interior to levy a royalty upon any miners working in American territory.

Mr. JONES of Arkansas. Then, while American miners have been required to give up one-tenth of the gross proceeds of their labor in Canadian territory, the Canadians who come across the line into American territory have no such burdens to bear.

Mr. PERKINS. That is it precisely.

Mr. STEWART. Make that mandatory on the Secretary.

Mr. JONES of Arkansas. I think that is an outrage.

Mr. PERKINS. There is one other proposition which my friend the Senator from Nevada neglected to state. I agree with him that the miner should be encouraged. He and I have had some experience, tramping over mountains and camping in the snow and rain at night. They should be encouraged, but we want to encourage Americans or those who desire to become Americans.

But aside from that proposition he has not stated the whole case. Canada, aside from imposing this 10 per cent onerous tax upon the gross proceeds of every mine that is worked in their dominion, concede or delegate to the parliament of British Columbia, one of the provinces, the power to make and regulate the mining laws in that province. What is the result? British Columbia to-day has laws upon her books, or at least they are enforced by her agents, that prevented American miners who went into the Atlin district in Alaska from even locating a claim; and petition after petition was sent to me when I was in Juneau last summer, saying that American miners in the Atlin district, under the dominion of British Columbia, had no rights whatever.

Mr. JONES of Arkansas. Mr. President, I wish to say, as the result of what the Senator from California just stated, namely, that where an imaginery line divides this country and Alaska, and on the British side of the line onerous conditions are imposed on Americans and they are compelled to give up, at the very least, 10 per cent gross on all they get for their labor out of British mountains, and, in addition to that, in many localities are practically prohibited from having any rights whatever, and on our side, while the Secretary of the Interior has authority to impose like conditions on British miners coming into our country, no action whatever has been taken—it seems to me that that is a sort of subserviency to British interests which is simply an outrage.

Mr. CARTER. Will the Senator from Arkansas permit me to explain?

Mr. JONES of Arkansas. Certainly I will.

Mr. CARTER. By paying the 10 per cent royalty in the Dominion of Canada or British Columbia, the American miner may locate a mining claim. In the Territory of Alaska a citizen of Canada can not locate a claim at all by paying 10 per cent or any other royalty.

Mr. JONES of Arkansas. I understood the statement to be made just now that a lot of Laplanders had gone up there and located claims without number.

Mr. CARTER. That is the proposition to which the amendment goes, and I think the amendment is a meritorious one.

Briefly I desire to call the attention of the Senate to the questions here presented. Section 73 of this bill, found on page 469, reads as follows:

> The title to any lands heretofore conveyed shall not be questioned nor in any manner affected by reason of the alienage of any person from or through whom such title may have been derived.

This section was copied from the code of Oregon. It is obvious from reading it that special conditions existed in Oregon at the time this act was passed, and that the legislature intended to relieve certain property from a clouded title. The section crept into this compilation and escaped attention, so far as the members of the committee are concerned, I believe. Later it was suggested that its effect would be to render invulnerable the title of mining claims acquired by location by certain aliens in the district of Alaska. In view of that construction, the Senator from North Dakota offered the amendment which is now pending.

In connection with this amendment he states—and I believe the statement is correct—that locations were made by a large number of persons in the employ of the United States, having charge of a reindeer herd of which we became possessed in the excitement attendant upon an alleged condition of starvation in the Klondike some years ago, a condition which the Senator from Missouri will recall. I remember when the matter was under consideration before the Committee on Military Affairs, the worthy Dr. Sheldon Jackson explained to the committee that these people up in the Klondike country were in dire distress and actually starving, and that nothing could possibly be done to relieve their distress unless he were permitted to repair to Lapland and there purchase a lot of reindeer and employ a lot of Laplanders to drive them over the Alaskan country. In a moment of mental aberration, I think, the committee, later both Houses of Congress, acceded to that proposition.

It was found, after a little investigation, that no distress existed in the Klondike country at all, that there was no necessity for any Laplanders, that there was no necessity for any reindeer. But in the meantime we had chartered a steamer way over in the North Sea somewhere, had landed the reindeer and Laplanders in Jersey City, had chartered a special train to convey them in great haste across the continent, and then through the Alaskan waters to Skagway, where the Laplanders fell ill. The reindeer could not be sustained with the grass and shrubs in the vicinity, and most of the reindeer were lost. The Laplanders survived. They are still, I believe, in the employ of the Government of the United States, herding the remnant of that purchase of reindeer.

They were in the vicinity of Cape Nome, and immediately on hearing that rich discoveries had been made there they employed this Government transportation, the reindeer—these rescuers of the sufferers in the Klondike—and made a grand rush for Cape Nome. As a matter of fact, they could outstrip the ordinary miner going afoot over the ice and snow, and when Americans reached the Cape Nome region in numbers they found that the Laplanders, the employees of the United States, the rescuers of the distressed miners in the Klondike, were in there with their reindeer in full form and good shape to take up every desirable mining claim in that country. They had located the desirable portions of the region. Their locations stand to-day.

This section of the bill would give validity to those locations. The amendment of the Senator from North Dakota would leave the locations subject to the scrutiny of the court, and require the court to inquire into the citizenship of the locators. Under the mining laws of the United States a valid location of a mining claim can not be made by a person who is not a citizen or who has not declared his intention to become such. Our mining laws are the most liberal of any in the world. The original theory was that the title to the precious metals would remain in the crown, in the sovereign. We departed from that theory and permitted titles to mining claims to pass to citizens of the United

States, or to persons who had declared their intention to become citizens. It is now proposed by the Senator from Nevada that we go further still and leave the whole district of Alaska open to exploration and location by citizens of Japan, Korea, India, Lapland, or any other part of the civilized world, or the uncivilized, if you please.

It is a fact well known that just across the Bering Sea, beyond Cape Nome, is the coast of Siberia; that a large number of Russian miners are now at work and have been at work for many, many long years along that coast exploring the coast for gold and developing the mines when found. If we should refuse to adopt this amendment, we would extend a general invitation to those Russian miners to come across Bering Sea, rid themselves at once of the royalty paid to the Russian Government, and take up the mines which the enterprise of our own people had located and assisted in developing.

There does not seem to be any just ground upon which to debate such a proposition for a moment. It has been the theory of our law from the day the first mining law found its way on our statute books up to this hour to preserve the public domain of the United States for exploration and location by American citizens or people who had declared that they desired to become American citizens. To depart from that settled policy now and invite people from everywhere to take up as quickly as they can the mining region of Alaska is such wild folly as would not, it seems to me, seriously be entertained by any body of American citizens anywhere.

Mr. President, the Senator from Nevada says let us be liberal, give away everything we have in Alaska, in the vain hope that, excited thereto by our wonderful generosity, other people may extend to us some such privilege in the indefinite elsewhere. This amendment is in harmony with the time-honored policy of the Government with reference to our mining claims and should, in my judgment, be adopted.

Mr. COCKRELL. Will the Senator from Montana yield to a question?

Mr. CARTER. Certainly.

Mr. COCKRELL. I should like to ask what are the restrictions over on the Russian coast? Can an American go over there at all and take a claim?

Mr. CARTER. Certainly not. The Empire of Russia reserves unto itself absolute control of all mining claims in the realm and does not alienate a single foot of its soil. The principal mines in Siberia are being worked by the convicts or exiles, the political prisoners, sent to that far-away country as a penalty for some alleged offense. They work for the Government as its servants.

Mr. FORAKER, Mr. STEWART, and Mr. MORGAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. STEWART. Let me make an inquiry of the Senator from Montana.

Mr. FORAKER. I move that the Senate do now adjourn.

Mr. MORGAN. Let me offer an amendment first.

Mr. STEWART. I desire to ask if section 73, on page 469, is in the bill as it is proposed to pass it?

Mr. CARTER. It is proposed to strike out that section.

Mr. STEWART. I propose a substitute for it, which I think will be better than to strike it out.

Mr. MORGAN. I wish to call attention——

Mr. CARTER. The amendment of the Senator from North Dakota is offered as a substitute for that section.

The PRESIDENT pro tempore. The Senator from Ohio has been recognized, and he moves that the Senate adjourn. Will the Senator from Ohio permit the Chair to lay some business on his desk before the Senate?

Mr. FORAKER. I withdraw the motion to adjourn.

Mr. MORGAN. If I can have for one second the attention of the Senator from Montana in charge of the bill, I desire to suggest to him that the amendment which I now send to the desk and ask to have read and printed may be a solution of the entire subject. I want his consideration of it.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

The rights and privileges of mining for gold in Alaska shall be extended to the subjects of Great Britain and Russia on the same terms and conditions that are granted by said Governments, respectively, to the citizens of the United States in the provinces or departments of said Governments that border on the Arctic Ocean or Bering Sea.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. FAIRBANKS. I ask the Senator from Ohio if he will not withdraw his motion and allow me to make a motion to go into executive session?

Mr. FORAKER. In view of the Senator's request, I withdraw my motion.

The PRESIDENT pro tempore. The Senator from Indiana will withhold the motion for one moment. The Chair calls the attention of the Senator from Missouri to a bill which he lays before the Senate.

Mr. COCKRELL. Just let it be presented to the Senate.

LEVI C. FAUGHT.

The PRESIDENT pro tempore laid before the Senate the bill (S. 477) granting a pension to Levi C. Faught, returned from the House of Representatives in compliance with the request of the Senate.

Mr. COCKRELL. I ask that the bill may lie on the table for the present. The chairman of the committee is not in his seat at this moment.

The PRESIDENT pro tempore. The bill will lie on the table.

PURCHASE OF DISTINCTIVE PAPER.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury transmitting a letter from the chief of the division of loans and currency submitting an estimate of appropriation, $14,383.20, required for the purchase of distinctive paper for the remainder of the current fiscal year upon which to print national-bank currency; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

YANKTON INDIANS IN SOUTH DAKOTA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs and accompanying copy of an agreement of October 2, 1899, made in accordance with the provision of the Indian appropriation act of June 7, 1897, with the Yankton Indians in South Dakota for the cession of the Pipestone Reservation, in Minnesota, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

EXECUTIVE SESSION.

Mr. FAIRBANKS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After twenty minutes spent in executive session the doors were reopened, and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 27, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 26, 1900.

CONSUL.

John J. Girimondi, of California, to be consul of the United States at Santos, Brazil, vice Frank D. Hill, appointed consul at Amsterdam.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. Henry J. Hunt, Sixth Infantry, to be captain, January 29, 1900, vice Walker, Eleventh Infantry, promoted.

Second Lieut. James B. Allison, Seventh Infantry, to be first lieutenant, January 29, 1900, vice Hunt, Sixth Infantry, promoted.

Second Lieut. John L. De Witt, Twentieth Infantry, to be first lieutenant, January 29, 1900, vice Schenck, Twenty-fifth Infantry, killed in action.

APPOINTMENT IN THE ARMY.

To be chaplain.

Rev. Barton W. Perry, of California, March 24, 1900, vice Macomber, retired from active service.

APPOINTMENT IN THE VOLUNTEER ARMY OF THE UNITED STATES.

Thirty-seventh Infantry.

Maj. B. Frank Cheatham, Thirty-seventh Infantry, to be colonel, March 13, 1900, vice Wallace, deceased.

PROMOTIONS IN THE VOLUNTEER ARMY.

Thirty-seventh Infantry.

Capt. Benjamin M. Koehler, Thirty-seventh Infantry, to be major, vice Cheatham, nominated for appointment as colonel.

First Lieut. Charles H. Sleeper, Thirty-seventh Infantry, to be captain, vice Koehler, promoted.

Second Lieut. Alvin K. Baskette, Thirty-seventh Infantry, to be first lieutenant, vice Sleeper, promoted.

APPOINTMENT IN THE VOLUNTEER ARMY.

To be assistant quartermaster with the rank of captain.

Alvan C. Gillem, of Tennessee (late major First Tennessee Volunteers), March 24, 1900, vice Palmer, honorably discharged.

PROMOTION IN THE NAVY.

Lieut. Commander Edward B. Barry, to be a commander in the Navy, from the 9th day of March, 1900, vice Commander Washburn Maynard, promoted.

WITHDRAWALS.

Executive nominations withdrawn March 26, 1900.

THIRTY-SEVENTH INFANTRY.

Lieut. Col. Thomas R. Hamer, to be colonel.
Maj. Charles T. Boyd, to be lieutenant-colonel.
Capt. Benjamin M. Koehler, to be major.
First Lieut. Charles H. Sleeper, to be captain.
Second Lieut. Alvin K. Baskette, to be first lieutenant.

CONFIRMATION.

Executive nomination confirmed by the Senate March 26, 1900.

COLLECTOR OF CUSTOMS.

Herbert Morissey, of Massachusetts, to be collector of customs for the district of Plymouth, in the State of Massachusetts.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 26, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read, corrected, and approved.

BRIDGE ACROSS MISSISSIPPI RIVER, MEMPHIS, TENN.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that the bill H. R. 8247, which is on the House Calendar, be taken from the Calendar and recommitted to the Committee on Interstate and Foreign Commerce.

I make this request by direction of that committee, who desire to give a further hearing to the parties interested in the bill.

Mr. SULZER. What is the title of the bill?

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 8247) to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.," approved April 24, 1888.

The SPEAKER. The request of the gentleman from New York is——

Mr. SHERMAN. That the bill be recommitted to the Committee on Interstate and Foreign Commerce.

The SPEAKER. That the bill be recommitted to the Committee on Interstate and Foreign Commerce. Is there objection?

There was no objection.

TRANSPORTATION OF DUTIABLE GOODS TO ASTORIA, OREG.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 359) to extend the privilege of immediate transportation of dutiable goods to the port of Astoria, Oreg.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the privilege of immediate transportation of dutiable goods, in accordance with the provisions of an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, and the amendments thereto, be, and the same is hereby, extended to the port of Astoria, Oreg.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. Mr. Speaker, I object.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Army appropriation bill.

Mr. SIMS. A parliamentary inquiry, Mr. Speaker.

Mr. HULL. I will state——

Mr. SIMS. Before the motion is put, I want to make a parliamentary inquiry. Is not the unfinished business on the Calendar this morning the pension bills reported from the Committee of the Whole on Friday last, with the previous question ordered thereon?

The SPEAKER. That is the unfinished business.

Mr. SIMS. I demand the regular order.

Mr. HULL. I think my motion is in order always and is a privileged question.

The SPEAKER. The Chair is of the opinion that the demand for the regular order calls up the unfinished business, which is the consideration of the pension bills reported from the Committee of the Whole on Friday last, upon which the previous question was ordered upon all of the bills and the amendments to their passage. The Clerk will report the first bill.

HOUSE BILLS WITH AMENDMENTS PASSED.

On the following House bills, reported from the Committee of the Whole with amendments, the amendments were severally considered, and agreed to, and the bills ordered to be engrossed for a third reading; and being engrossed, they were read the third time, and passed:

A bill (H. R. 1800) granting a pension to Hulda L. Maynard;

A bill (H. R. 7799) to grant an increase of pension to Franklin M. Burdoin (title amended);

A bill (H. R. 4089) granting a pension to Emily Burke;

A bill (H. R. 3214) to increase the pension of J. S. Dukate (title amended);

A bill (H. R. 2633) for the relief of Melville Oliphant (title amended);

A bill (H. R. 4791) granting a pension to Catherine A. Schwunger, of Berks County, Pa. (title amended);

A bill (H. R. 7488) to pension John C. Ray (title amended);

A bill (H. R. 301) for the relief of James T. Donaldson, jr. (title amended);

A bill (H. R. 6486) to increase the pension of Orange F. Berdan (title amended);

A bill (H. R. 4991) granting a pension to Maria V. Sperry;

A bill (H. R. 3775) granting an increase of pension to Robert Boston;

A bill (H. R. 5088) granting a pension to William G. Willoughby (title amended);

A bill (H. R. 8045) granting a pension to Wilford Cooper (title amended);

A bill (H. R. 5961) to authorize and direct the Secretary of the Interior to reissue the pension certificate of Charles A. Hausmann and increase the rate of his pension (title amended);

A bill (H. R. 3821) granting a pension to Frances D. Best, widow of Lieut. Col. Joseph G. Best (title amended);

A bill (H. R. 4180) granting an increase of pension A. J. Pickett (title amended);

A bill (H. R. 2076) granting an increase of pension to Horace N. Brackett;

A bill (H. R. 8395) to increase the pension of Henry Johns (amendment to title disagreed to);

A bill (H. R. 8405) granting a pension to Sophronia Seeley;

A bill (H. R. 2748) granting an increase of pension to Henry Schnettberg, of Indiana, Pa. (title amended);

A bill (H. R. 3654) for the relief of Calvin Myers, of Overton County, Tenn., a soldier in the Mexican war (title amended);

A bill (H. R. 625) granting a pension to Wesley Reed (title amended);

A bill (H. R. 5169) granting an increase of pension to Charles Weed;

A bill (H. R. 4805) for the relief of Isaac Price (title amended);

A bill (H. R. 741) increasing the pension of Zedock C. Andrews (title amended);

A bill (H. R. 5970) for the relief of Phebe S. Riley;

A bill (H. R. 3962) granting an increase of pension to Alanson C. Eberhart, of York, York County, Nebr.;

A bill (H. R. 7599) granting an increase of pension to John F. Crawford;

A bill (H. R. 2728) to pension Thomas T. Garrison (title amended);

A bill (H. R. 6784) granting a pension to Henry H. Neff, of Winchester, Randolph County, Ind. (title amended);

A bill (H. R. 3758) for back pay and increase of pension for Joshua Ricketts (title amended);

A bill (H. R. 6372) granting a pension to Annie Webster (title amended);

A bill (H. R. 5134) granting an increase of pension to J. F. Allison (title amended);

A bill (H. R. 7177) granting a pension to John N. Breed (title amended);

A bill (H. R. 2999) granting an increase of pension to George M. Brown;

A bill (H. R. 6785) to increase the pension of Maria Egan,

widow of Michael Egan, late captain Company G, Eighty-eighth New York Volunteers (title amended);

A bill (H. R. 4696) granting an increase of pension to Ruthven W. Houghton;

A bill (H. R. 4247) granting a pension to Francis S. Wolf (title amended);

A bill (H. R. 3312) for the relief of Ellen V. Myer, widow of George V. Myer, late of Company K, Fifteenth Pennsylvania Infantry (title amended);

A bill (H. R. 3307) for the relief of Matilda Hennessy (title amended);

A bill (H. R. 657) granting a pension to Francis A. Kitchen, late surgeon, United States Army (title amended);

A bill (H. R. 6995) to pension Catherine Harris (title amended);

A bill (H. R. 8599) granting a pension to Ellen J. Williams;

A bill (H. R. 7596) granting an increase of pension to Mrs. Eliza Wight (title amended);

A bill (H. R. 6624) granting an increase of pension to John C. Bradley;

A bill (H. R. 5209) granting an increase of pension to Samuel A. Greeley;

A bill (H. R. 8112) granting a pension to John Vogler;

A bill (H. R. 4681) granting a pension to Elizabeth Keiff (title amended);

A bill (H. R. 8378) for the relief of Mary Steffens, widow of Henry Steffens, deceased, Company F, Ninth Ohio Infantry Volunteers (title amended);

A bill (H. R. 1147) granting an increase of pension to Dr. Luke H. Cooper, now totally blind (title amended);

A bill (H. R. 5127) granting a pension to John Lafollett;

A bill (H. R. 4138) granting a pension to Elizabeth A. Hyatt (title amended);

A bill (H. R. 3642) granting an increase of pension to Adolphus Lavine, late captain of Company I, One hundred and sixty-ninth New York Volunteers (title amended);

A bill (H. R. 4276) granting a pension to John R. Eggeman (title amended);

A bill (H. R. 6900) granting an increase of pension to Benjamin F. Kurtz;

A bill (H. R. 6885) granting an increase of pension to Horace B. Durant;

A bill (H. R. 5886) granting a pension to William H. Lane;

A bill (H. R. 6952) to pension Carrie L. Dale, widow (title amended);

A bill (H. R. 457) granting a pension to Mrs. Clara L. Harriman (title amended);

A bill (H. R. 3131) to restore to the pension roll the name of Matilda O'Connor (title amended);

A bill (H. R. 3941) to restore the pension of Samuel B. Weeks (title amended);

A bill (H. R. 4654) granting a pension to Simon Van Der Vaart (title amended);

A bill (H. R. 5170) granting a pension to Cyrus Johnson;

A bill (H. R. 8610) granting a pension of $50 per month to Abner S. Crawford (title amended);

A bill (H. R. 8120) granting an increase of pension to David I. Wentworth;

A bill (H. R. 7535) granting an increase of pension to Clare H. Burleigh;

A bill (H. R. 493) granting a pension to Fanny M. Hays;

A bill (H. R. 642) to increase the pension of Gen. C. C. Doolittle (title amended);

A bill (H. R. 1681) granting an increase of pension to Isaac M. Lock (title amended);

A bill (H. R. 4398) to grant a pension to Julius Vogt (title amended);

A bill (H. R. 1172) granting a pension to Mrs. Rebecca J. Jones (title amended);

A bill (H. R. 4562) for the relief of Lois A. Fields, widow of George W. Fields, late of Company I, Forty-seventh Pennsylvania Militia Volunteers (title amended);

A bill (H. R. 6159) granting a pension to Arnold Bloom, of Curwensville, Pa. (title amended);

A bill (H. R. 4030) for the relief of Minnie and Lottie M. Coleman, helpless children of Thomas R. Coleman (title amended);

A bill (H. R. 5435) to increase the pension of Alexander P. Baugher, of Company G, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry (title amended);

A bill (H. R. 3021) granting a pension to Eliza H. Getchell (title amended);

A bill (H. R. 2397) granting a pension to Eliza S. Redfield;

A bill (H. R. 4832) granting a pension to Martha E. Graves (title amended);

A bill (H. R. 6195) granting a pension to Livingstone B. Gregory, formerly private, Company F, One hundred and eighty-ninth Regiment New York Volunteer Infantry (title amended);

A bill (H. R. 6731) granting a pension to William F. Tait (title amended);

A bill (H. R. 2203) to increase the pension of John M. Garrett (title amended);

A bill (H. R. 3693) granting an increase of pension to Abraham Sandford;

A bill (H. R. 548) granting a pension to Edward Harris;

A bill (H. R. 3869) granting a pension to Joseph H. Hamrick (title amended);

A bill (H. R. 6089) to pension Alfred T. Moreland (title amended);

A bill (H. R. 737) granting a pension to Cyntha A. Middleton;

A bill (H. R. 8390) granting an increase of pension to Joshua Mitchell;

A bill (H. R. 5171) to increase the pension of William H. Wallace (title amended);

A bill (H. R. 240) granting an increase of pension to George W. Wakefield, of Pawtucket, R. I. (title amended);

A bill (H. R. 1946) granting a pension to Jane F. Chalmers;

A bill (H. R. 6344) to remove the charges of desertion from the records of the War Department against Frederick Mehring;

A bill (H. R. 3268) granting an increase of pension to James W. Kessler;

A bill (H. R. 4828) to place on the pension roll the name of Susie E. Johnson (title amended);

A bill (H. R. 6304) to increase the pension of James J. Lyon (title amended);

A bill (H. R. 1677) granting an increase of pension to Missouri B. Ross;

A bill (H. R. 8669) granting an increase of pension to Eliza A. Lake;

A bill (H. R. 8083) granting an increase of pension to James Winnie;

A bill (H. R. 3563) to grant a pension to T. Gilbert Floyd (title amended);

A bill (H. R. 8800) granting an increase of pension to Libbie Fries (title amended);

A bill (H. R. 5211) granting a pension to Lizzie M. Dixon;

A bill (H. R. 3655) granting an increase of pension to Timothy B. Eastman;

A bill (H. R. 4657) granting a pension to Mrs. Laura S. Pontius, of Dayton, Pa. (title amended);

A bill (H. R. 7767) to pension Alice D. Roatch (title amended);

A bill (H. R. 8339) granting an increase of pension to Charles H. Gates;

A bill (H. R. 6019) granting a pension to Mrs. Therese W. Hard;

A bill (H. R. 6375) granting an increase of pension to Chester Willis;

A bill (H. R. 3225) granting a pension to Elizabeth Bent Cooper, of Yorktown, Pa. (title amended);

A bill (H. R. 4267) granting an increase of pension to Ezra A. Bennett, of Basin, in the State of Nebraska (title amended);

A bill (H. R. 5110) to increase the pension of Edward T. Kennedy (title amended);

A bill (H. R. 3454) granting a pension to Joseph E. Baldwin, of Topeka, Kans. (title amended); and

A bill (H. R. 4675) to recognize the rank and rerate the pension of Robert Jones (title amended).

The following Senate bills, reported from the Committee of the Whole, were severally considered, ordered to a third reading, read the third time, and passed:

A bill (S. 1713) granting an increase of pension to Alice S. Jordon;

A bill (S. 265) granting an increase of pension to Jane McMahon;

A bill (S. 343) granting an increase of pension to Mary J. Freeman;

A bill (S. 495) granting a pension to Ambrose J. Vanarsdel;

A bill (S. 1592) granting a pension to Jane E. Augur;

A bill (S. 39) granting an increase of pension to Caroline V. English;

A bill (S. 2346) granting an increase of pension to Alfred Bigelow;

A bill (S. 1254) granting a pension to Catherine E. O'Brien;

A bill (S. 3129) granting an increase of pension to Henry McMillen;

A bill (S. 1752) granting a pension to James J. Wheeler;

A bill (S. 2368) granting a pension to Mary A. Randall; and

A bill (S. 195) for the relief of Louis Miller.

HOUSE BILLS PASSED.

The following House bills, reported from the Committee of the Whole, were severally ordered to be engrossed for a third reading; and being engrossed, they were read the third time, and passed:

A bill (H. R. 8605) granting a pension to Joseph Champlin Stone;

A bill (H. R. 9070) granting an increase of pension to Daniel H. Kent; and

A bill (H. R. 8079) granting a pension to Bertha M. Jordan.

HOUSE BILLS LAID ON THE TABLE.

On the following House bills, reported from the Committee of the Whole with the recommendation that they do lie on the table, the recommendation of the Committee of the Whole was agreed to:

H. R. 3202. A bill granting a pension to Catherine E. O'Brien; and

H. R. 7400. A bill for the relief of James J. Wheeler, Lagrande, Union County, Oregon Volunteers.

Mr. SULLOWAY moved to reconsider the several votes by which the various bills were passed, and also moved to lay that motion on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr HULL. Mr. Speaker, I renew my motion.

The SPEAKER. Will the gentleman yield to the gentleman from Wisconsin?

Mr. HULL. Certainly.

Mr. BABCOCK. Mr. Speaker, under the rules of the House this is District day. I understand more important legislation is coming before the House, and I ask unanimous consent that it be in order to call up District business next Monday.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, asks unanimous consent that Monday, one week from to-day, be set apart for business from the District Committee. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. Mr. Speaker, I now renew my motion, that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill making appropriations for the Army.

The SPEAKER. The gentleman from Iowa, chairman of the Committee on Military Affairs, moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the military appropriation bill.

Mr. HULL. And pending that, Mr. Speaker, I want to say that the committee this morning arranged for general debate to run until Wednesday at 2 o'clock, and then to consider the bill under the five-minute rule and vote on the bill and pending amendments on Thursday at 4 o'clock. In view of the fact that an hour or more has been taken to-day, I will modify that, after consultation with members of the committee, and ask unanimous consent for an agreement on the part of the House that general debate may run until Wednesday at 3 o'clock, when the bill shall be considered under the five-minute rule until Thursday at 4 o'clock, when a vote shall be taken upon the bill and the pending amendments.

Mr. SULZER. And it is also agreed, as I understand it, that all members who speak on the bill shall have the privilege of extending their remarks in the RECORD. This was agreed to by the committee.

Mr. MOODY of Massachusetts. Mr. Speaker, I should like to ask if the result of that agreement might not be that the bill would not be read through for amendment?

Mr. HULL. I think I can say that that might be the result; I do not think it would be.

Mr. MOODY of Massachusetts. Then I object.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from Iowa that the House resolve itself into Committee of the Whole House on the state of the Union——

Mr. RICHARDSON. Mr. Speaker——

Mr. MOODY of Massachusetts. I do not object to the first part of the arrangement.

Mr. RICHARDSON. I was going to suggest that the request might be modified.

Mr. HULL. I do not think there is any doubt on earth but that we shall read the bill through in the seven hours devoted to that purpose. There is no fight on the bill.

Mr. MOODY of Massachusetts. I think that would be likely to be true, but why does not the gentleman from Iowa modify his request so that the bill may be read under the five-minute rule until its completion and a vote then taken? There will be no roll call on the bill.

Mr. HULL. The only idea the committee had in fixing this was at the request of gentlemen on the other side of the House, to give as much time as possible for general debate on the ground that there is no contest over the bill, and that there was no doubt about getting the bill read under the five-minute rule in that time. Consideration of the bill would not take a day. General debate is not for the bill.

Mr. MOODY of Massachusetts. We might read and pass the bill first and talk about it afterwards. [Laughter.]

Mr. HULL. I am not willing to extend the general debate for two days and then take the chances on having an indefinite general debate under the five-minute rule. The questions discussed do not bear any relation to this bill.

Mr. RICHARDSON. The suggestion I was going to make was in line with that made by the gentleman from Massachusetts [Mr. MOODY]. It is a bad precedent to fix the time arbitrarily for a vote on an appropriation bill when you may not complete its reading under the five-minute rule. I do not think there will be any objection to closing general debate on Wednesday at 3 o'clock, and then reading the bill under the five-minute rule, and think it can be concluded on Thursday. I hope that agreement can be made.

Mr. MOODY of Massachusetts. It would be very easy if the rule was invoked strictly under the five-minute rule and the debate was compelled to be germane; but no one can tell whether that rule will be enforced strictly or not. I agree with the gentleman from Tennessee that we ought never to enter into such an agreement as to permit us to pass an appropriation bill without considering it in detail.

Mr. RICHARDSON. It is at least liable to abuse where an agreement is made that cuts off the reading of an appropriation bill through under the five-minute rule.

Mr. HULL. Well, Mr. Speaker, if there can be no agreement which will bring a vote on the bill not later than Thursday, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill, and I shall move to close debate when, in my judgment, the time shall arrive.

Mr. SULZER. I ask unanimous consent, Mr. Speaker, that general debate on the bill close at 3 o'clock on Wednesday, and the bill be then taken up under the five-minute rule, and that a vote be had on the bill at 4 o'clock on Thursday.

Mr. MOODY of Massachusetts. That is the same proposition to which I objected.

Mr. SULZER. Very well, then; I now ask unanimous consent that general debate on this bill close at 3 o'clock on Wednesday.

Mr. HULL. I object to that. We do not need now to fix the time allowed for general debate.

The SPEAKER. The question is on the motion of the gentleman from Iowa that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Army appropriation bill.

Mr. COX. Mr. Speaker, I do not know what the objection of gentlemen is. It was agreed to in the committee.

Mr. HULL. The agreement in the committee went clear through; the idea was to get as early a vote on the bill as we could. It was an agreement as a whole. If you leave the other part open, you may have an indefinite contest. If we are to have an unlimited debate under the five-minute rule, we do not know when it might end.

Mr. SULZER. Mr. Speaker, I trust the gentleman from Iowa will agree to my proposition that general debate end on Wednesday next at 3 p. m., as the committee agreed on this morning. This is an important bill.

Mr. STEELE. I call for the regular order.

The SPEAKER. The regular order is demanded. The question is on agreeing to the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The House will now resolve itself into Committee of the Whole on the state of the Union. The gentleman from New York, Mr. SHERMAN, will take the chair.

Mr. SULZER. Mr. Speaker, all points of order are reserved on this bill.

In accordance with the motion of Mr. HULL, just agreed to, the House resolved itself into Committee of the Whole on the state of the Union (Mr. SHERMAN in the chair), and proceeded to the consideration of the bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901.

Mr. HULL. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. HULL. Mr. Chairman, I desire to occupy but a brief time in explanation of this bill. I think the bill as submitted to the House has the support of the Committee on Military Affairs as a whole—both the majority and minority members. The amount carried by the bill is $111,600,364.55. This is a reduction of the estimates, which, as submitted by the War Department, carried $127,712,183.55. The main reduction in the bill is in regard to transportation of our troops, with a small reduction of the pay of the Army, both officers and men. All estimates submitted are always for the full number of men authorized by law to be enlisted, yet we all know, as a matter of fact, that the condition never exists when the Army is absolutely at its maximum strength. The reduction in this case is something over 10 per cent of the amount of the estimate, and the Army at this time is more than 10 per cent below its maximum, and, as recruiting is not going on actively, the prospect is for a further reduction in the Army; so that the amount reported in this bill is, in my judgment, more than ample to meet the expenditures for the fiscal year for which we are appropriating.

The estimate of the Department in regard to transportation was

for the mustering out and the return to this country within the next fiscal year of the entire Army, because on the 1st of July, 1901, the term of enlistment of all the men recruited under the law passed by Congress at its last session expires, and under that law the Army is to be reduced to the 25,000 provided for at the outbreak of the Spanish war, with the exception of the addition which was made in the artillery branch of the service. So that if no further legislation is had the Army will be reduced on the 1st of July, 1901, to the neighborhood of 28,000 enlisted men. But every gentleman here knows that with the term of enlistment expiring on July 1, 1901, comes in a fiscal year beyond the period for which we are now appropriating. It will be utterly impracticable for the entire Army to be returned to this country during the fiscal year covered by this bill. So we have reduced the estimate in that particular some $8,000,000, allowing, in my judgment, more than will be necessary to provide for the wants of the Government during the fiscal year ending June 30, 1901. These, I think, are the main reductions made from the estimates.

Mr. STEELE. I do not see how it follows that the law with reference to the mustering out of these troops can not be complied with. If it is necessary to commence in February preceding the 1st of July, the law ought to be so framed that we may have the money on hand to make it operative without the necessity of another appropriation.

Mr. HULL. The law, Mr. Chairman, provides for the expiration of the term of enlistment on the 1st of July, the day the next fiscal year begins. What is paid by this bill is before the 1st of July, 1901. At the second session of Congress there will be another appropriation bill brought in, when, if necessary, this matter can be provided for without any trouble whatever and without a deficiency.

Mr. STEELE. If Congress is not in session, the Department will have to wait until December before it can have the money with which to bring these men home.

Mr. HULL. We are not providing now for the fiscal year ending next July, but for the fiscal year ending June 30, 1901. Congress will convene on the first Monday of December next, and we shall then have more information on this matter than we have now. There will be another appropriation bill presented for another fiscal year; and if there is a shortage or any danger of difficulty, it can be provided for without any damage to the interests of the service in any particular whatever. I think the gentleman from Indiana will agree with me that in these matters—and they are only estimates—the Department estimates for the largest amount that can possibly be required.

The last appropriation bill carried about $80,000,000, in round numbers. There was a deficiency in these appropriations of some $45,000,000, caused by a change of the law, provision having been made for a temporary force to be mustered out and mustered in in a manner not provided for at the time our appropriation was made.

I think you gentlemen who were here at that time will remember that in answer to a question by Mr. Dockery, when the House bill and the Senate bill were being considered, we very frankly stated that our appropriation was largely a matter of guess, because the law had not been settled; but that if the Senate bill prevailed, there would be a deficiency of at least $30,000,000. The deficiency actually exceeded that somewhat. But I do not believe, Mr. Chairman, that if this bill is passed just as it is reported from the committee, there will be a deficiency of any considerable amount in any of the items appropriated for.

Now, I want to call the attention of the committee to the new legislation that is proposed in the bill.

On page 4, line 1, we make an appropriation—

> For the purpose of connecting headquarters, Department of Alaska, at St. Michael, by military telegraph and cable lines with Fort Egbert, Cape Nome, and other military stations in Alaska, $450,550: *Provided*, That commercial business may be done over these military lines under such conditions as may be deemed, by the Secretary of War, equitable and in the public interests, and that the sum hereby appropriated shall be immediately available.

I do not believe that this is subject to a point of order. It is in the line of our appropriation so far as it has been made for years, with the exception that it specifically provides where a certain amount of money shall be expended. It is called for by the report from the War Department submitted by General Greely, the Chief of the Signal Corps, and approved by the Secretary of War.

I simply want to call attention to the fact that it is a new provision. I do not believe it is subject to a point of order; but upon the same page, the proviso commencing in line 15 and ending in line 18 is also new legislation. That proviso is as follows:

> *Provided*, That hereafter length of service pay of all officers in the Regular Army holding commissions in the provisional army shall be paid on their rank in the Regular Army.

Whether that is subject to a point of order or not I am not now prepared to give an opinion. It is called for by the fact that we have many officers in the Regular Army serving with provisional regiments. We have captains of the Regular Army who are colonels of provisional regiments. These captains have length of service pay as captains. The law provides that while serving as colonel of a regiment the officer shall have the pay of that rank, and not have the pay proper of his regular rank or lineal rank in the Regular Army.

In other words, the pay proper of a captain is suspended. The office is not vacated, but the pay proper is suspended, and the officer is paid as colonel of the provisional regiment. But, in addition to that, the Department has given him what is called "length of service" pay on his higher temporary rank. As captain in the Regular Army he has length-of-service pay, increasing 10 per cent on his regular rank each five years up to 40 per cent. After twenty years' service there is no increase of service pay, but in place of figuring the service pay on his lineal rank in the Regular Army, they figure it on his rank as a colonel in the Volunteer Army, making a considerable addition to his compensation other than that of the pay of a colonel; and it seemed to the committee that a captain who succeeded in securing one of these very desirable appointments—because every captain in the Regular Army would be delighted to have such an appointment—would get his pay increased to the rank in which he is serving, and that he had no claim in justice or in equity to have also his length of service pay increased over that of the other members of the Army of his lineal rank who could not get these commissions, by computing the length of service pay on the higher compensation.

Mr. CLAYTON of New York. Will the gentleman allow me?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from New York?

Mr. HULL. I do.

Mr. CLAYTON of New York. If these captains are getting this extra pay, is it not because they have served a long time?

Mr. HULL. Certainly.

Mr. CLAYTON of New York. Does not the committee think, then, that they are entitled to this extra pay?

Mr. HULL. Certainly; and they get it as captains or on their lineal rank. It does not cut them off from their regular length of service pay as captains or rank in the Regular Army.

Mr. CLAYTON of New York. Well, then——

Mr. HULL. But the point that the committee made was this: Suppose the gentleman from New York and myself were both captains——

Mr. CLAYTON of New York. I understand the point thoroughly, but it seems to me that these men are selected because they are meritorious, are selected over their comrades because of good service, and I submit that they ought to have the compensation which would naturally come to them.

Mr. HULL. The length of service pay does not come from a service of five years or more as a colonel. One of these captains serves a year as a colonel, and after his service as colonel is over he goes back to his place in the Regular Army as captain.

Mr. CLAYTON of New York. Neither does that take place with reference to any other officer.

Mr. HULL. That is true.

Mr. CLAYTON of New York. If a man is made a brigadier-general to-morrow——

Mr. HULL. Then there is no length of service pay at all.

Mr. CLAYTON of New York. If he is made a colonel, he gets it.

Mr. HULL. If he is a colonel in the regular establishment, he gets it, and ought to, because that is his regular place.

Mr. CLAYTON of New York. I can not see the difference.

Mr. HULL. This is the difference: Here is a man commissioned from the State of New York as a colonel of a State regiment. He gets his pay as colonel of a regiment. Here is another man selected out of the Regular Army, from a lower grade, and commissioned as colonel of a regiment. This gentleman is colonel of a provisional regiment, and he holds the same rank as the other colonel. They will both go out in two years from the time when the regiment was recruited. The one who was commissioned from civil life gets the full pay of a colonel and nothing else. The other, from the Regular Army, gets the full pay of a colonel, and in addition to that he gets his length of service pay. Now, he has earned the length of service pay as a captain, but he has not earned it as colonel of a regiment.

Mr. STEELE. Mr. Chairman, I think I agree with the gentleman in some respects; but suppose two officers started into the service, say, on the 23d day of February, 1866, when a great many of these colonels were appointed. There are a very few officers who are serving in regiments that were not fortunate in regimental promotions, and until we had lineal promotion in order to make the promotions equal they were at great disadvantage. So that officers who had service in the Volunteer Army higher than some others, but who came into the Regular Army regiments that gave them slow promotion, are yet majors, while there are colonels appointed on the same day and who have had no more regular service and not as much volunteer service as they had.

Now, these men have been at a disadvantage all these years because they happened to be in regiments where lineal promotions did not obtain.

Mr. HULL. This proviso does not affect that. It only affects temporary commissions.

Mr. STEELE. If a captain who has been serving just as long as a colonel has had just as much experience, and because of his experience is made a colonel, it seems to me that when he is serving right along with an officer who has had no more service than he has he ought to have the same pay that the other colonel has, and the reason why he gets more than the volunteer colonel is because of his greater experience.

Mr. HULL. This does not affect a colonel in the Regular Army at all.

Mr. STEELE. I know it does not, but it affects a captain who has been promoted to be a colonel in a volunteer regiment.

Mr. CAPRON. A colonel of volunteers.

Mr. HULL. Not in the Regular Army.

Mr. STEELE. I mean an officer—a captain, if you please—who has been appointed a colonel in a volunteer regiment. He has served just as long and has had the same experience as the regular colonel, and yet he will not get the longevity pay of a colonel but will only get the longevity pay of a captain instead.

Mr. HULL. I think there are very few captains who have had the same service as the men who are now colonels in the Regular Army.

Now, I want to get along with my remarks——

Mr. STEELE. I will not take your time.

Mr. HULL. I am glad to have the gentleman mention that, so that we will have it to consider.

On page 11 of the bill there is a provision for 10 junior veterinary surgeons. That is absolutely new legislation increasing the number of veterinary surgeons and providing in regard to their pay. That provision is as follows:

For pay of 10 junior veterinary surgeons, $9,000: *Provided*, That the additional veterinary surgeons provided for in this bill shall be graduates of some recognized veterinary college: *Provided further*, That junior veterinary surgeons shall be allowed and paid monthly the sum of $3.71 during the entire period of their service in lieu of the clothing allowance of a sergeant-major.

I think that would go out on a point of order without any doubt, but I hope the point of order will not be made, as these men will save the Government many times their salaries, and it is just as important for the artillery to have veterinary surgeons as it is for the cavalry. The cavalry have one veterinary surgeon now for part of their regiments only. Some of them are without veterinary surgeons. Some of them have two. The total number of veterinary surgeons in the Army is ten. The total number of cavalry regiments is ten, and the total number of artillery regiments is seven. You ought to provide each of these regiments with veterinary surgeons.

On page 14, commencing with the proviso in line 12 and ending with line 18, is new legislation. That proviso is as follows:

Provided, That hereafter the pay of all officers and enlisted men serving beyond the limits of the United States in the islands in possession or under the control of the United States, and in the Territory of Alaska, shall be increased 10 per cent for officers and 20 per cent for enlisted men over and above the rates of pay as fixed by law in time of peace.

That is subject to a point of order, but again I express the hope that members will give it careful consideration and recognize the justice of it, so that when we come to pass upon it no one will raise the point of order.

I want to explain what it is as briefly as possible. You gentlemen will remember that in enacting the law under which our Army was raised at the beginning of our war with Spain, we put in a proviso that the enlisted men should have 20 per cent increase of pay during time of war. The flat pay of enlisted men is $13 a month, and under this proviso they get $15.60. But the war is over. I do not believe they have a right to pay this now; and without any question, after the money appropriated by the bill that this Congress passed to pay this extra compensation has been exhausted, the Treasury can not pay it to the Army.

I believe the men in the Philippines are entitled to the 20 per cent additional pay. We have provided for it in this bill. More than that, there was a provision in the bill which gave officers 20 per cent additional, but that was stricken out before that bill passed. This bill gives to the officers 10 per cent additional pay and is manifestly new legislation, and yet I think every man here will admit that an officer serving in the Philippines is at more disadvantage than the 10 per cent will make up for. I can give you one illustration. A major in the Regular Army went to the Philippines with the first expedition and stayed there until recently, when he returned, and is now on duty here. All the time that he served there he had to hire his own quarters, and lost at least $1,200 of actual cash by serving there.

Now, the allowance made for commutation of quarters here is $12 a month for each room, and a major would have four rooms, which is $48 a month. He lost all that. It cost him the extra money over what the man serving in Washington had to meet when serving his country under a detail that very few of them are very anxious to fill. They would all rather stay here. They go because it is their duty and they are ordered to go. This 10 per cent additional to officers will not make up the actual additional expense that the officer is put to while serving in that country.

Mr. RICHARDSON. Will the gentleman yield to me for a question upon that point?

Mr. HULL. Yes.

Mr. RICHARDSON. Do I understand the gentleman to say that this 10 per cent additional pay to officers and 20 per cent additional pay to enlisted men is now being paid?

Mr. HULL. Ten per cent to officers is not being paid; but the 20 per cent additional to enlisted men is, as I understand.

Mr. RICHARDSON. Up to a very recent time was it not under a ruling of the Comptroller of the Treasury that they were entitled to it?

Mr. HULL. I do not know as to that. It is paid, and the Treasury has not hung it up.

Mr. RICHARDSON. If it is being paid, what is the necessity for any legislation?

Mr. HULL. Because I think the whole question is largely by sufferance. If this Congress, early in the session, had not passed a special appropriation to pay it, it would have been held up. The language of the old law is "in time of war."

Mr. RICHARDSON. I understand that very well; but the gentleman said, and I understand it to be true, that 20 per cent to enlisted men has been paid all along, and is now being paid under a ruling of the officers of the Treasury Department.

Mr. HULL. I do not know about any ruling of the Treasury, but it has been paid.

Mr. RICHARDSON. If that is true, and they are still paying it, does the gentleman mean to take the position that what has been heretofore paid has been improperly or unlawfully paid?

Mr. MARSH. I would say to the gentleman from Tennessee that this provision is inserted in the bill for the purpose of removing any doubt upon that point.

Mr. RICHARDSON. I do not see how there can be any doubt on the point.

Mr. MARSH. The gentleman says there can be no doubt, and we think there is doubt.

Mr. RICHARDSON. How can there be, if there has been a ruling?

Mr. MARSH. I do not want to argue the matter. I say that this has been put in for the purpose of covering any doubt there might be on that question. I think the money ought to be paid, and if there is any doubt as to whether the men could be paid under the existing law this removes that doubt.

Mr. RICHARDSON. I understand that; but if the ruling has been made——

Mr. MARSH. And that doubt grows out of the construction as to whether there is a war going on in the Philippines or not.

Mr. RICHARDSON. Now, I understand a ruling has been made, and under that ruling it has been paid; and if so, no one objects; and I can not see what necessity there is to amend existing law.

Mr. HULL. I want to say to the Committee the first decision of the War Department after the conclusion of the treaty was that they could not continue this payment, and afterwards they determined to continue it, and asked Congress for an appropriation, which was given in this Congress.

Mr. MARSH. This Congress?

Mr. HULL. Yes; this Congress. We did not amend the law. Now the war is over; we all know that; and the construction has been liberal in the past—and I want to say to the gentleman from Tennessee in my judgment it has properly been liberal—in giving them this additional pay for the great services that they are called upon to render in those island possessions, under different conditions from those which prevail at their homes; and there can be no doubt of the further fact that unless we provide in this bill something of this kind, the Department will be compelled to adjust the pay to the flat pay of $13 a month. If any member believes that these men should be paid this small increase, then there is no reason for any point of order being raised against it. Now I will yield to the gentleman from Kansas.

Mr. RIDGELY. I think there will be no objection to paying the 20 per cent, but there is one other matter that seems to be an open question with the War Department, and I want to know if you have provided for it. That is, the extra month's pay to all the soldiers who served in the Spanish war.

Mr. HULL. We have that bill before us as a separate measure. It is not in order on this bill.

Mr. RIDGELY. I hope the bill will be reported favorably.

Mr. HULL. I will say that the bill we have before us is for

more than that. It involves two months' pay to some parties and one month's pay to others.

Mr. RIDGELY. And the gentleman thinks the committee will report such a bill?

Mr. HULL. Yes; but I do not know it.

Mr. RIDGELY. I am glad to know it.

Mr. GRIGGS. Will the gentleman allow me an interruption at this point?

Mr. HULL. Yes.

Mr. GRIGGS. I want to ask a question for information solely. I understand the officers of the Regular Army who served in the volunteer regiments during the war between the United States and Spain are denied the extra pay given to volunteer officers who served in the war.

Mr. HULL. Certainly; and they ought to be.

Mr. GRIGGS. Is that the truth?

Mr. HULL. Certainly; it is the business of the regular officers to fight. It is their life business. The volunteer goes in as a matter of patriotism; he is not obliged to go. After a short time in the service he goes back to neglected business.

Mr. GRIGGS. I am not contesting the provision. I simply wanted to ask if this bill provided that officers of the Regular Army who served in volunteer regiments shall now receive it.

Mr. HULL. Not at all; and as far as I am concerned, I would oppose actively such a proposition.

Now, Mr. Chairman, on page 16, lines 17 to 20, there is simply some new language inserted to make clear whom they are paying. It is not subject to a point of order because they have been paid; it is simply making the bill more particular, and in detail, than it has been heretofore since we have had this class of people to pay.

On page 19, commencing after the word "soldier," in line 3, "and to enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Army who have died or who may hereafter die while in the employment of the War Department in Cuba, Puerto Rico, and the Philippines;" that is new legislation. I think it is unnecessary to take the committee's time in saying what it is, for every member knows what that provides for.

On page 20 that proviso is a limitation or a direction on how some of this money shall be used. It was placed there at the request of the War Department, because it was necessary to make it immediately available. I do not believe that would be subject to a point of order, as I think in appropriation bills there is the widest latitude as to limits placed upon the funds provided for.

On page 24 there are two items that are subject to a point of order. The first begins after the word "discharge," in line 12, in these words:

For indemnity to officers and men of the Army for clothing and bedding, etc., destroyed by order of medical officers of the Army for sanitary reasons.

The War Department submitted to us that there had been in the neighborhood of $10,000 worth of personal clothing of men and officers destroyed on account of being exposed to contagion in Cuba and other islands, especially in Cuba, and it is a direct loss to the officers and to the men; and we believe that while in the line of duty they not only exposed their clothing but their lives, the Government ought at least to make good the amount of clothing destroyed by the sanitary officers, taken from them and burned up. So that while it is new legislation, it seems to me that it will appeal to the sense of justice and right of every member of the House.

The next provision is much wider in its scope. Commencing after the word "dollars," in line 15, and going down to the close of line 23, on page 34, there is this proviso:

Provided, That on application of the governor of any State or Territory the Secretary of War is authorized to replace the quartermaster stores which the volunteers from said State or Territory carried into the service of the United States Army during the recent war with Spain, and which have been retained by the United States, exclusive of such stores as have been allowed for in the office of the Auditor for the War Department and such award accepted by a State.

We in our last appropriation bill provided for doing exactly this as to the ordnance stores and supplies. We all know that when the war broke out the Government was short of tents, short of clothing and camp equipage, and that in a large number of States, if not all of them, where there was militia, or the organized National Guards, they went into the service, and their clothing, tents, and camp equipage were turned over to the Government. In place of making every State and Territory go before the Department and prove what the clothing and tents and equipage were worth, we return it in kind.

It is a liberal proposition on the part of the Government, but it is no more than should be done under the circumstances. It is true many of the tents were old, much of the clothing had been worn, and that we will give them new, but, gentlemen, it came into the service of the Government at a time when the country was anxious to see the boys as well cared for as possible; it gave us clothing, tents, and camp equipage at a time when the Government could not immediately provide it, and, in my judgment, this Congress will not do any damage to the Treasury or the interests of the country if it deals liberally with the National Guards and the militia of the States in returning them new clothing and new camp equipage for what they surrendered to the Government at the outbreak of the war.

Mr. WM. ALDEN SMITH. How is that to be determined?

Mr. HULL. The Government has on its record now the amount that every State furnished. The officers of the Government have been going over these supplies to find out their value, and I will say to the gentleman very frankly that those officers in a large number of cases have determined that the value of this material furnished by the States is very small. Still it is true that these supplies answered the purpose of the Government at that time. The supplies properly belonged to the States or to their guards. The Government had the benefit of it all. No matter if it was not new, no matter if the supplies were not as good as they might have been, they answered the purpose of the Government, and by dealing liberally with the States in this matter we are only supporting our own people, providing for our own defense, and encouraging our own great reserve in the National Guard. Every State is interested in this matter.

Mr. WM. ALDEN SMITH. Can the gentleman give us any approximate idea of what this property amounts to in value?

Mr. HULL. I think it will amount to only $800,000 or $1,000,000; and if the provision of the bill on this subject is not stricken out on the point of order, the committee have instructed me to move to add, in line 15, after the words "eight million," the words "five hundred thousand;" so that the total appropriation under that head will be $8,500,000—being an increase of the appropriation for the purpose now under consideration.

Mr. MAHON. As I understand, if we do not return these things on application of the governors, we shall have to pay for them?

Mr. HULL. Certainly. But the amount which the States would receive in money would not equal the value of the material which we propose to return to them.

Mr. WM. ALDEN SMITH. Why not give them the money instead of the stuff?

Mr. HULL. Because if you give them the money they can not, with the amount which will be received, supply themselves to the same extent with material. If you give them the money under the present law, you have got to find out how much these things were worth. Now, take a tent, for instance, furnished by a State to the Government. It may have been in use for some years. If put on the market it would have sold as old material and would have brought but a small price; yet it answered the purpose of the Government; it might have answered the purposes of the guard for years, yet in active service it would soon go to pieces. If that tent were returned in kind, the State would receive a new tent. So far as I am concerned, I am willing that the Government should give to the States new tents—new material in all cases in return for that which they tendered the General Government when the war commenced.

Mr. WM. ALDEN SMITH. This proviso leaves the question entirely open as to the amount to be paid and the method by which the property is to be returned.

Mr. HULL. Not at all.

Mr. WM. ALDEN SMITH. What I want to know is, why you can not appropriate a sum of money to cover the expense which the States may prove to have been incurred by them, and then let them procure in their own way such equipment as they themselves think they need for the National Guard.

Mr. HULL. Why, Mr. Chairman, if we appropriate the money we appropriate it only for the amount that the material was worth. In returning the material in kind we shall be doing what the National Guard of every State has asked us to do, and what the State authorities of every State, so far as we have heard from them, request that Congress shall do. We do the same thing with our ordnance and with our camp equipage, etc.

Mr. WM. ALDEN SMITH. But these States, in getting their original equipments, did not get their supplies from the General Government; they supplied themselves in their own way, according to the facilities they then had at hand.

Mr. HULL. The General Government at no time has undertaken to supply the National Guard with quartermaster's supplies.

Mr. WM. ALDEN SMITH. The point I desired to make is this: If we give a State a sum of money which it proves is sufficient to reimburse it for what it has lost, then in its own way it can buy such equipments as it may deem necessary.

Mr. HULL. That is the law now.

Mr. WM. ALDEN SMITH. Why not leave it that way?

Mr. HULL. Because when we give the States the value of what they supplied to the Government, they can not with that amount supply themselves with the same quantity of new material. But

when we return them the property in kind, they will receive the same number of uniforms for the same number of men, the same number of tents, the same amount of camp equipage that they turned in; and as that was old material, we are giving all that they lost and more, too. It is that "more, too," that I am in favor of giving them.

Mr. WM. ALDEN SMITH. I hope the gentleman will not understand that I am opposed to the proposition to make this return. I agree that there ought to be a proper return made, but I think the States would prefer to receive the money and then in their own way buy what would suit their purposes. I think they can supply themselves with what they want better than the General Government can supply them.

Mr. HULL. If we should appropriate a lump sum to be distributed among the States, the amount would have to be apportioned in accordance with the number of men in service. It would be paid to the State treasury, of course, and could only be expended when the legislature of the State had made the necessary appropriation.

Now, in the very nature of things, the State of Iowa or the State of Michigan or any other State can not supply the same quality of uniform, the same amount of tents and equipage, etc., for the same amount of money that the General Government could, because it makes or purchases large amounts of these materials. So the State itself, under the arrangement proposed, will fare better than if we made a lump appropriation of money.

Mr. BROMWELL. Allow me to suggest, too, that the Government, especially when the war in the Philippines is closed, will have large quantities of ordnance supplies, together with tents and other equipage, which will be available for this purpose, and which otherwise it would have to store or sell at a very low price. But, availing itself of that material already on hand, it can make the return to the States in kind.

Mr. HULL. I think that they have a great deal that they can return in kind now.

Mr. THROPP. It is not the purpose of the Government to return to these States the old tents that have been used in the Philippines, as I understand it, but it is to return to the States an equal number of new tents in place of the old tents.

Mr. HULL. If they have them to spare, it will be out of their stock. If they have not got them to spare, it will be to furnish them tents anyhow.

Mr. THROPP. The States will be better supplied.

Mr. HULL. Yes; and I want to say that in this matter we have followed the universal request of the National Guard, who have the matter at heart more than we have, and have followed the requests of the governors of the States.

Mr. SHAFROTH. Several bills have been introduced in this Congress relative to increasing the appropriation for the equipment of the National Guard from $400,000 to $2,000,000. Is that covered by this bill?

Mr. HULL. That is not. That comes before the Committee on the Militia, of which the gentleman from Illinois [Mr. MARSH] is chairman. The matter has been favorably reported, and it is in charge of the gentleman from Illinois.

On page 28 there is a very little amendment, in lines 18 and 19, by which, if this provision carries, we will furnish powder for the firing of salutes at burials of soldiers at soldiers and sailors' State homes, as well as at the National Homes. That is all there is to that. It includes that, and also the firing of morning and evening guns at the State homes. That is a new provision, which will be subject to a point of order, but everybody knows exactly what it means.

I think the only other provision that is new is on page 30, commencing with line 7 and ending with line 14, as follows:

> Hereafter all volunteer officers and soldiers who served in the United States Army, regular or volunteer, during the late war with Spain, and all who served, or shall serve, in the Philippine Islands, shall be admitted to the benefits of the National Home for Disabled Volunteer Soldiers on the same terms and conditions as officers and soldiers who served in the late war for the suppression of the rebellion from 1861 to 1865.

The object of that amendment is to open the National Homes for Disabled Volunteer Soldiers to those who fought in the Spanish war or to those who are hereafter disabled in the Philippines or in any part of our possessions. That is all there is to that, and I think, Mr. Chairman, these are all the new provisions that are in the bill in any form whatever.

I will say to gentlemen that the committee have instructed the offering of an amendment to this section, if it is not stricken out on a point of order when it is reached under the five-minute rule, which amendment enlarges the scope of it a little more than the bill does.

My understanding is that the law as it now stands opens these volunteer homes to men who served in the war of 1812, the Mexican war, and the civil war, and who have been honorably discharged; but the construction of the language is such that men who served in the Mexican war and afterwards served in the war of the rebellion against the Government can not gain access to these homes. The amendment that will be offered to this section will provide that the men who served in the Mexican war or in the recent war or any war can have access to these homes, regardless of service in the Confederate army.

Mr. WM. ALDEN SMITH. Will the gentleman permit a question?

Mr. HULL. Certainly.

Mr. WM. ALDEN SMITH. I should like to ask whether this proviso at the bottom of page 28—

> *Provided*, That hereafter the Chief of Ordnance is authorized to issue such obsolete or condemned ordnance, gun carriages, and ordnance stores as may be needed for ornamental purposes to the Homes for Disabled Volunteer Soldiers, the Homes to pay for transportation and such other expenses as are necessary—

is intended to mean the National Homes only, or whether that would cover such homes as the Michigan Soldiers' Home?

Mr. HULL. I think that is construed to cover simply the National Homes, but am not sure.

Mr. WM. ALDEN SMITH. Why not let it cover the State homes? I make that suggestion.

Mr. HULL. I will say to the gentleman that I will get a construction of that from the War Department before the bill is taken up under the five-minute rule. I have no objection to its reaching all homes, and I think, upon a second thought, the language should have that construction. I may be mistaken in my first suggestion.

Mr. WM. ALDEN SMITH. While the Michigan Soldier's Home is a State institution, it is also somewhat national in its character.

Mr. HULL. That is true of all our homes.

Mr. WM. ALDEN SMITH. And we would like that privilege extended to the State homes.

Mr. HULL. That would come up under the five-minute rule. Now, if there is no other gentleman who desires to ask me a question——

Mr. DRIGGS. I desire to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. HULL. I do.

Mr. DRIGGS. For my own information, I should like to know if the gentleman from Iowa can tell me what were the total appropriations for the Army and everything connected with the Army for the fiscal year ending July 1 or June 30, 1900?

Mr. HULL. That was during the war period, and we had many extra appropriations, and I do not remember. I have never counted it up. For the fiscal year that will end the 1st of July next my impression is that the total is about $128,000,000. That includes the deficiencies, that have already passed this Congress, for the balance of this fiscal year.

Mr. DRIGGS. That is about $17,000,000 decrease in appropriation.

Mr. HULL. Yes; this decreases that, and I think very properly.

I reserve the balance of my time, Mr. Chairman.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. PARKER having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On March 14, 1900:

H. R. 1806. An act for the relief of W. W. Riley;

H. R. 2321. An act granting an increase of pension to Horatio H. Warren; and

H. R. 2637. An act granting an increase of pension to Albert Hammer.

On March 16, 1900:

H. R. 6767. An act to grant an American register to the steamer *Windward*.

On March 19, 1900:

H. J. Res. 204. Joint resolution to provide for the removal of snow and ice in the city of Washington, in the District of Columbia.

On March 21, 1900:

H. R. 2391. An act granting a pension to Elizabeth R. Holt;

H. R. 3260. An act granting a pension to Susan M. Button;

H. R. 438. An act granting a pension to Emma M. Kitt;

H. R. 5188. An act granting a pension to David C. Dane;

H. R. 1979. An act granting a pension to Sophronia Bailey;

H. R. 2066. An act granting a pension to John M. Laughlin;

H. R. 232. An act granting a pension to John Vars;

H. R. 5440. An act granting a pension to Smith Jeweal;

H. R. 4090. An act granting an increase of pension to Henry H. Brown;

H. R. 5710. An act granting an increase of pension to Charles W. Jerome;

H. R. 5186. An act granting an increase of pension to Zadok C. Perkins;
H. R. 4652. An act granting an increase of pension to Charles Perkins;
H. R. 2169. An act granting an increase of pension to Nelson B. Lutes; and
H. R. 825. An act granting an increase of pension to Fannie H. Riggin.

On March 22, 1900:
H. R. 1885. An act granting a pension to Harvey Grant;
H. R. 2526. An act granting a pension to Margarethe Bomke; and
H. R. 2599. An act granting pension to Philip Yoe.

On March 23, 1900:
H. R. 1040. An act to amend section 4445 of Title LII of the Revised Statutes of the United States, relating to the licensing of officers of steam vessels.

On March 24, 1900:
H. R. 9080. An act appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law;
H. R. 2749. An act granting a pension to Susan Garrison;
H. R. 6575. An act granting a pension to Matilda G. Higbee;
H. R. 5509. An act granting a pension to Malinda Jones;
H. R. 309. An act granting a pension to James M. Kercheval;
H. R. 4648. An act granting an increase of pension to William G. McLain;
H. R. 4416. An act granting an increase of pension to Henry Geesen;
H. R. 524. An act granting an increase of pension to Andrew J. Davis;
H. R. 5156. An act granting an increase of pension to Frances C. Kirby;
H. R. 3072. An act granting an increase of pension to William W. Wharton;
H. R. 3071. An act granting an increase of pension to John F. Nelson;
H. R. 3067. An act granting an increase of pension to Melvina Bottles;
H. R. 2477. An act granting an increase of pension to George H. Pennington;
H. R. 5299. An act granting an increase of pension to Joseph McCune; and
H. R. 854. An act granting an increase of pension to John J. McCormick.

ARMY APPROPRIATION BILL.

The committee resumed its sitting.

Mr. SULZER. I ask the Chair to recognize the gentleman from Illinois [Mr. JETT], a member of the committee.

The CHAIRMAN. The gentleman from Illinois.

Mr. JETT. Mr. Chairman, as has been stated by the gentleman who has just taken his seat, the chairman of the Committee on Military Affairs, this bill carries in round numbers $112,000,000. It is $16,000,000 short of the estimates that were furnished to the committee by the War Department.

I am of the opinion that before the fiscal year ends, for which this appropriation is made, there will be a deficiency, and that there will be a deficiency carried for the Army in the next deficiency bill for the fiscal year closing June 30, 1901. I base this upon the estimates made by the War Department, and upon what the expenditures of the War Department have been for the present fiscal year which will close June 30, 1900.

As will be remembered, in the appropriation bill for the Army that was passed for the fiscal year closing June 30, 1900, we appropriated $80,000,000. In the deficiency bill which passed this House during the early part of the session there was an appropriation of $47,000,000 carried for the Army, which will make the total expenditures for the Army for the fiscal year ending June 30, 1900, the sum of $127,000,000. The estimates for the fiscal year ending June 30, 1901, were $128,000,000. There was cut, by the committee, out of one item, for instance, the item for the pay of enlisted men, the sum of $1,000,000. There was taken out of the estimate of the War Department, from the items of travel pay for enlisted men, $2,800,145. There was a deduction from the item estimated by the War Department for clothing not drawn, $1,000,000. There was also taken out of the item of total pay of the Army, which item is estimated by the War Department at $47,969,000—out of this item alone the sum of $5,254,595 was deducted. But the largest deduction that was made was in the item for transportation of the Army and supplies. In that item alone over $8,678,000 was deducted.

I simply mention these facts to substantiate what I said a moment ago, that while this bill carries $112,000,000 and the estimates were $128,000,000, I believe the appropriation made at this time is not and will not be sufficient to defray the expenses of the Army for the fiscal year ending June 30, 1901.

Mr. Chairman, among other items carried by this bill I see one on page 10 that reads as follows:

For pay of officers on the retired list and for officers who may be placed thereon during the current year, $1,273,000.

Now, I do not suppose that there is any material opposition to the passage of this bill. There may be some slight changes in its phraseology. In some of the items there may be slight increases and in others slight deductions may be made; but the total amount carried by the bill will be necessary for the support of the Army; and while I am opposed to the policy that requires such a large appropriation for the maintenance and support of the Army, yet since they have been called into the field under the directions of the Commander in Chief of the Army and Navy of the United States, I believe every member on this floor as well as myself is in favor of making liberal appropriations for the proper maintenance of the Army while it is so serving. So I desire to call the attention of the committee for a short time to this item which refers to retired officers. I am not going to criticise the officers who are on the retired list, but there is this significant statement in this item. It says:

For pay of officers on the retired list, and for officers who may be placed thereon during the current year.

Just what significance we may give to the latter part of this item I suppose is a mere difference of opinion in the minds of each member of the House. But I want to call the attention of the committee more definitely to the wholesale appointments and retirements that have been made during the last three years—during the present Administration. My attention was called a short time ago to an article on this subject in one of the great newspapers that is published in the State of Illinois. It was there charged that there is an unlimited retired list, notwithstanding the corps of active brigadier-generals is restricted by law to six, and that in pursuance of this policy many brigadier-generals have been placed on the retired list long before they would have been compelled by the age limit to retire.

After thinking about this matter for some time, I concluded to investigate for myself, and I desire now to submit here a list of appointments of major and brigadier generals that have been made within the last three years, showing the time of appointment and the length of service in the positions to which they were appointed, together with the date of retirement.

The list is as follows:

List of appointees.

Name.	When appointed.	When retired.
MAJOR-GENERALS.		
Frank Wheaton	Apr. 2, 1897	May 8, 1897
J. W. Forsyth	May 11, 1897	May 14, 1897
Zenas R. Bliss	May 14, 1897	May 22, 1897
John R. Brooke	May 22, 1897	Not retired.
BRIGADIER-GENERALS OF STAFF.		
Samuel Breck	Sept. 11, 1897	Feb. 28, 1898
W. H. Bell	Nov. 14, 1897	Jan. 28, 1898
S. T. Cushing	Jan. 28, 1898	Apr. 21, 1898
M. I. Ludington	Feb. 3, 1898	Not retired.
Henry C. Corbin	Feb. 25, 1898	Do.
W. H. Nash	Apr. 21, 1898	May 2, 1898
C. P. Eagan*	May 3, 1898	Suspended.
Asa B. Carey	Jan. 30, 1899	July 12, 1898
A. R. Buffington	Apr. 5, 1899	Not retired.
Alfred E. Bates	July 12, 1899	Do.
BRIGADIER-GENERALS OF THE LINE.		
W. R. Shafter	May 3, 1897	Oct. 16, 1899
W. M. Graham	May 26, 1897	Sept. 28, 1898
James F. Wade	....do....	Not retired.
John M. Mizner	....do....	June 7, 1897
Anson Mills	June 17, 1897	June 22, 1897
C. H. Carlton	June 28, 1897	June 30, 1897
H. C. Merriam	June 30, 1897	Not retired.
H. S. Hawkins	Sept. 28, 1898	Oct. 4, 1898
Jacob F. Kent	Oct. 4, 1898	Oct. 15, 1898
Guy V. Henry†	Oct. 11, 1898	Oct. 27, 1899
W. S. Worth	Oct. 29, 1898	Nov. 9, 1898
W. M. Wherry	Jan. 27, 1899	Jan. 18, 1899
J. H. Patterson	Jan. 18, 1899	Feb. 6, 1899
William Sinclair	Feb. 8, 1899	Feb. 13, 1899
M. P. Miller	Feb. 15, 1899	Mar. 27, 1899
E. V. Sumner	Mar. 27, 1899	Mar. 30, 1899
T. M. Anderson	Mar. 31, 1899	Jan. 21, 1900
A. C. M. Pennington	Oct. 16, 1899	Oct. 17, 1899
Royal T. Frank	Oct. 17, 1899	Oct. 18, 1899
L. H. Carpenter	Oct. 18, 1899	Oct. 19, 1899
S. Ovenshine	Oct. 19, 1899	Oct. 20, 1899
D. W. Burke	Oct. 20, 1899	Oct. 21, 1899
E. R. Kellogg	Dec. 5, 1899	Dec. 16, 1899
G. S. Carpenter	....do....	Dec. 20, 1899
S. B. M. Young	Jan. 2, 1900	Not retired.
A. McArthur	....do....	Do.
William Ludlow	Jan. 21, 1900	Do.

* Suspended by court-martial. † Died.

Mr. Chairman, the law in force as to the number of major and brigadier generals is as follows:

From and after the date of the approval of this act the Army of the United States shall consist of three major-generals and six brigadier-generals.

This is the permanent establishment—the Regular Army.

Now, Mr. Chairman, I desire simply to call the attention of the House to the list to show the number of retirements that took place within so short a period after the appointments were made. In many instances after the officer had been promoted to the rank of a brigadier-general he was placed immediately, almost, upon the retired list; in some cases he only served in the capacity of a brigadier-general, after having received his appointment, until he was retired—a period of one or two days, some of four days, some of six, eight, ten, and twelve days, and some for two or three weeks.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. JETT. Certainly.

Mr. MANN. Can the gentleman, without difficulty, inform us what is the difference of pay of those retired officers where the promotion is made in that way?

Mr. JETT. I will come to that, I will say to my colleague, in a short time, before I conclude what I have to say upon this subject.

Mr. Chairman, I find that General Wheaton was made a major-general on the 2d day of April, 1897. He was retired May 8, 1897. That Gen. J. W. Forsyth was appointed major-general on the 11th day of May, 1897, and he was retired on the 14th day of May, the same year.

Gen. Zenas R. Bliss was made a major-general on the 14th of May, 1897, and he, too, was retired on May 22, 1897. Gen. John R. Brooke is the only major-general who was appointed—and his appointment was made on May 22, 1897—that is now in the service of the Government. There have been appointed ten brigadier-generals of the staff since the coming in of the present Administration. On September 11, 1897, Samuel Breck was promoted to the position of brigadier-general, and on February 25, 1898, he was retired. On the 14th of November, 1897, Gen. W. H. Bell was made a brigadier-general of the staff, and on the 28th of January, 1898, he, too, was retired. On the 28th day of January, 1898, being the same day that General Bell was retired, Gen. S. T. Cushing was made a brigadier-general, and on the 21st of April, 1898, he was retired.

On February 3, 1898, Gen. M. I. Ludington, present Quartermaster, was made brigadier-general of staff, and he is at the present time in actual service. Gen. H. C. Corbin was, on the 25th of February, 1898, made a brigadier-general of staff, and he is in the service of the Government at the present time.

On April 21, 1898, Gen. W. H. Nash was made a brigadier-general, and on May 2 of the same year he, too, was placed upon the retired list.

On the 3d of May, 1898, Gen. C. P. Eagan was made a brigadier-general, and he is now suspended; a fact with which every member of this committee is very familiar, not only of his suspension, but of that which occasioned it.

Mr. CLARK of Missouri. And is it not true that he is getting his full pay during his holiday?

Mr. JETT. Yes; he is now on a pleasure trip in the Hawaiian Islands, drawing a salary of $5,500 a year. [Laughter.]

On the 30th day of January, 1899, Gen. A. B. Carey was made a brigadier-general, and on July 12 of the same year he too was retired.

On the 5th day of April, 1899, Gen. A. R. Buffington was made a brigadier-general, and he is now in the service, as is Gen. Alfred E. Bates, who was also made a brigadier-general July 12, 1899.

Mr. Chairman, I will now call the attention of the committee to the brigadier-generals of the line, of those that have been appointed since the coming in of the present Administration, and show just how many have been appointed and how many have been retired and the length of service of each.

Mr. PARKER of New Jersey. Will the gentleman permit a question?

Mr. JETT. Certainly, to my colleague on the committee.

Mr. PARKER of New Jersey. I want to ask the gentleman a question. Have you any statement as to how many of these officers served in the civil war?

Mr. JETT. I have not that data at my command at this time, but it can be secured very conveniently, I suppose, by reference to the Army Register.

Mr. PARKER of New Jersey. Did not they all serve in the civil war?

Mr. JETT. I am not prepared to say whether they did or not, but I will refer my friend to the Army Register, where that can be ascertained without any difficulty. But if they did, is that any reason why they should a few hours, a few days, or a few weeks before they have reached the retirement age be promoted to the next higher rank expressly for the purpose of receiving the higher pay when they are placed on the retired list?

Mr. PARKER of New Jersey. Does not the gentleman think that after their service, after thirty-five years, that something more than a retired colonel's pay is due to these men?

Mr. JETT. I did not understand my colleague.

Mr. PARKER of New Jersey. Does not the gentleman think that after a service since the war of thirty-five years, besides their services in the late war, some promotion is really due to these men?

Mr. JETT. I will say this. I prefaced my remarks by saying that I was not criticising the officers themselves, but for a generation almost this country was in profound peace, and they received the benefits and emoluments of the positions they were then filling. If they saw fit to cast their lot with the Army, they ought to be willing to take upon themselves the incidents and burdens of the Army without asking at the hands of Congress or of the people of this country a position on the retired list with a higher grade simply and solely for the purpose of enabling them to draw $1,500 more salary per year out of the Treasury of the United States.

As I said before being interrupted, I desire to call the attention of the committee to the appointment of brigadier-generals of the line. The first name I see is that of Gen. W. R. Shafter, who was made a brigadier-general on May 3, 1897, and I will say I believe served longer in the capacity of brigadier before he was retired than any of these gentlemen who were or have been promoted since the present Administration came in. General Shafter was retired October 6, 1899.

I find that Gen. W. M. Graham was made a brigadier-general of the line May 26, 1897, and he was retired September 28, 1898.

I find Gen. James F. Wade was made a brigadier-general May 26, 1897, and he is now in the service.

Gen. John M. Mizner was made a brigadier-general on May 26, 1897, and retired June 7, the same year.

Gen. Anson Mills was made a brigadier-general June 16, 1897, and he was retired on the 22d of June, 1897.

I find that Gen. C. H. Carlton was made a brigadier-general of the line June 28, 1897; that he served his country in the capacity of brigadier-general from June 28, 1897, to the 30th of June of the same year. [Laughter.]

I see that Gen. H. C. Merriam was made a brigadier-general June 30, 1897, and is now in the service.

Gen. H. S. Hawkins on the 28th of September, 1898, was made a brigadier-general, and was retired on the 4th day of October of the same year.

Gen. Jacob F. Kent was made a brigadier-general on the same day that General Hawkins was retired, which was October 4, 1898, and he, too, was retired on the 15th day of October, 1898.

I want to say this: It appears that one vacancy was used in such a way that five or six men received promotion by reason of the fact that one vacancy had alone been created, and when one general was promoted to the high position of brigadier-general he only acted in that capacity for a short time, until he stepped down and out and another was appointed to take his place.

Gen. Guy V. Henry was appointed brigadier-general October 11, 1898, and he departed this life October 27, 1899, while in the service of his country. Gen. W. S. Worth was made a brigadier-general October 29, 1898, and on the 9th day of November of the same year was retired. Gen. W. M. Wherry was made a brigadier-general January 7, 1899, and on January 18, 1899, he was placed upon the retired list. Gen. J. H. Patterson was made a brigadier-general on the 18th of January, 1899, and served in that capacity only till the 6th day of February of the same year, when he, too, was placed upon the retired list.

Gen. William Sinclair was made a brigadier-general February 8, 1899, served his country in that rank for a period of five days, or until February 13, 1899, when he was placed upon the retired list. Gen. M. P. Miller was made a brigadier-general March 15, 1899, and served as such only until March 27 of the same year, when he was placed on the retired list. Gen. E. V. Sumner was made a brigadier-general of the line March 27, 1899, served in that capacity only till March 30 of the same year, when he was placed upon the retired list. Gen. T. M. Anderson was made a brigadier-general March 31, 1899, was placed on the retired list January 21, 1900.

Gen. A. C. M. Pennington was made a brigadier-general October 16, 1899, and on the next day, October 17, 1899, was placed upon the retired list. Gen. Royal T. Frank was made a brigadier-general October 17, 1899, being the same day General Pennington was retired, and on the following day, October 18, 1899, was placed upon the retired list. Gen. L. H. Carpenter was made a brigadier-general of the line October 18, 1899, being also the same day General Frank was retired, and was placed on the retired list October 19, 1899. Gen. S. Ovenshine was made a brigadier-general October 19, 1899, and retired October 20 of the same year. He served in the capacity of brigadier-general for a period of one day. Gen. D. W. Burke was made a brigadier-general October 20, 1899, and

placed upon the retired list October 21 of the same year. He, too, served in the capacity of brigadier-general for a period of one day only.

So I might go down through this long list and mention Gen. E. R. Kellogg and Gen. G. S. Carpenter, who have been promoted to the rank of brigadier-general and soon retired, after a very brief service in the rank to which they had been promoted. Nor are these all, Mr. Chairman. For instance, Gen. S. B. M. Young was appointed a brigadier-general January 2, 1900; Gen. A. MacArthur, who was made a brigadier-general January 2, 1900. Gen. William Ludlow was promoted to the position of brigadier-general January 21, 1900. These last three, with Gen. James F. Wade and General Merriam, are the only ones in all this list of brigadier-generals of the line who are now in the service of the Government. They have all been promoted and retired during the present Administration.

As members have observed, a great many of these officers have been retired, some on the next day after their promotion, some after having served three, four, or five days, and some after having served only a month. I call attention to this matter for the purpose of showing that while our friends on the other side are proclaiming their patriotism they are at the same time getting for their friends all the high positions in sight.

Mr. STEELE. Ought it not to be taken into consideration that many of these officers have served forty or forty-five years without having the opportunity for promotion?

Mr. JETT. I did not catch the gentleman's remark.

Mr. STEELE. I say that many of those officers served for a long time without receiving any promotion; and, after long terms of active service, it was only a matter of justice that they should be at last promoted before being retired.

Mr. JETT. The gentleman from New Jersey [Mr. PARKER] asked me a short time ago a question on this subject. I said to him, and I repeat it now, that these gentlemen saw fit to cast their fortunes in the Army, and they should have been willing to have accepted all incidents thereto. While our country was at peace for years and years they were upon the pay rolls, having but little to do, and simply because of the fact that they had served for a long number of years, it may be, in some lower ranks of the Army, that is no good reason why, when they are about to be retired, the people of this country should be compelled to pay them annually an additional salary of $1,500 and more because in contemplation of the fact that they were about to be retired. I know of no other business or profession that retires men, who have followed it for years, upon an increased salary.

I am not criticising these gentlemen for getting all the benefits that they possibly can; but I say I do not believe it is right that simply because these officers have been long in the service until they have arrived at the age when they can be retired they should receive greater pay than they would have received if they had been retired at the rank in which they had served. The presumption, of course, is that every man knows the law; we all know that these gentlemen knew sufficiently well what the law was. They knew what pay would necessarily follow when they came to be retired, that it would depend upon the rank which they held at the time of retirement, and if it was that of a colonel or captain he should be willing to accept it.

I am not blaming these officers because of the fact that they have been enabled to control sufficient influence to get themselves placed upon the retired list at a rank higher than that in which they had served; but I am calling the attention of this committee and of the country to the fact that these wholesale appointments have been made for the sole purpose, as I believe and as I have a right to believe, of entitling them to receive on the retired list the pay of a higher rank than that in which they had served. They have heretofore been paid for their services salaries that were in keeping with their rank. During all the years of peace they drew regularly their pay; and if retired with the rank in which they had served or had reached when the time of retirement had come, they have no right, in my judgment, to complain.

Mr. STEELE and Mr. RIDGELY rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. JETT. I will yield first to the gentleman from Indiana [Mr. STEELE] and then to my friend from Kansas [Mr. RIDGELY].

Mr. STEELE. Take the case of Colonel Burke, who was forty-five years a soldier, who served first as an enlisted man and then was promoted to be an officer on account of gallant service during the war. After serving in a great many battles he was severely wounded at Gettysburg and was put in what is known as the Veteran Reserve Corps, where only wounded officers could go.

In 1870, because the Army seemed to be larger than necessary, he was consolidated with the Fourteenth United States Infantry and put on the active list notwithstanding his severe wounds. While he was a lieutenant he was in a regiment where promotions were not rapid and lost the advantage of promotion, but finally he got to be a colonel. If he had been made a colonel as others were who had not had as much service as he had, for which he was not responsible, but the law was responsible, he would, in the natural course of events, have been made a brigadier-general; but he went through the Spanish war and did gallant service there. He is one of my Democratic friends.

Mr. JETT. That is a very good recommendation for him.

Mr. STEELE. He was retired as a brigadier-general for his gallant service during the war, and not on account of any political influence whatever.

Mr. JETT. That may have been a case, such as we usually know of, where an injustice has been done to a Democrat. [Laughter.]

Mr. STEELE. No, he is retired as a brigadier-general because of his gallant service. He was a gallant officer. I had the honor of serving with him for many years on the frontier and I know him to be an honest, straightforward man and a very good soldier.

Mr. JETT. There may be some particular reason why some men are entitled to more than others, but here a wholesale lot of appointments and retirements have been made in comparatively a short period of time.

Mr. STEELE. I happen to know the circumstances in this case.

Mr. JETT. If they have been entitled to this for years and years, how is it that they have not been able to get it until the present Administration came into power?

Mr. STEELE. Because the President of the United States was a soldier himself and he has a sympathy for all good soldiers. [Applause on the Republican side.] I have no doubt that there are other cases with which I am not familiar, as I happen to be familiar with the circumstances in this case, which cases have been acted upon for like good reasons.

Mr. JETT. I have sympathy for a good soldier. Since I have been a member of the Committee on Military Affairs no man has done more for the soldiers who have been called into the service than I have myself. I have at all times been in favor of liberal appropriations. While I have detested the policy which has called our soldiers to some places to do service, yet I know that they are only acting under the instructions of their superior officers and they are compelled to do service; hence my voice and my actions have been in the interest of the soldier. And as long as they are called away, whether I agree with the policy for which they are serving or not, I am going to favor liberal appropriations for their maintenance, and to provide supplies for them.

Now, I will yield to my friend from Kansas [Mr. RIDGELY].

Mr. RIDGELY. I think my question comes in here very properly. We are all very generous to our soldiers. The sentiment of our entire country has ever been generous to its soldiers; but while this generosity exists we must also remember the great army of taxpayers who of necessity must carry the burdens. Now, my question is this: Have the Committee on Military Affairs made any estimate, so that the gentleman himself or any member of the committee can state to us what the increased burden will be in the years to come by reason of the increased number of retired officers necessarily resulting by reason of the large increase of our standing Army?

Mr. JETT. Well, I will say to my friend from Kansas that so far as I know there has been no estimate made along that line. I suppose it would be very difficult to make an estimate along the line that has been suggested by my friend. I quite agree with the suggestion that the taxpayers of this country ought not to have such burdens thrust upon them as are evidenced by the facts which I have related here this afternoon. When any officer is retired he receives three-fourths of the salary which he receives while he is in active service, and the difference between the retirement of a colonel and of a brigadier-general is $1,500 a year. Of course the amount that would necessarily have to be paid by the taxpayers of this country on account of the facts suggested by my friend would necessarily depend upon the number placed upon the retired list. I will say that there is at this time carried in this bill for the payment of officers for the year 1901, who had been placed upon the retired list, the sum of $1,273,000, and there is appropriated in this bill the sum of $600,000 for those who are on the retired list who were not officers.

Mr. Chairman, my friend from Indiana, Mr. STEELE, says these promotions and retirements were made at this time because the President has a sympathy for all good soldiers. Is that all? Does not this list indicate more than that? I say it does. To my mind it is indicative of the fact that there was much more politics in these appointments than sympathy. Here is the proof of this assertion:

The retirement of Brigadier-General Shafter alone was made the occasion for the appointment of five brigadiers. General Shafter was retired October 16, 1899, and on the same day General Pennington was made a brigadier and retired on the next day, and on the same day of his retirement General Frank was made a brigadier, and he, too, retired before he got his uniform warm;

and the same is true as to Gen. L. H. Carpenter, General Ovenshine, and General Burke.

Mr. LITTLE. Does my friend mean to say to the House that appointments and retirements were made daily for five days in succession?

Mr. JETT. That is just what I mean, and all done upon one vacancy created by the retirement of General Shafter.

Again, by noticing the list of appointments it will be seen that four major-generals were appointed and three retired upon the vacancy made by the retirement of General Ruger, and these three retirements were made within a period of fourteen days. Was all this the occasion of sympathy alone, or is it the act of a shrewd and experienced politician? I am constrained to say that it was the act of the latter.

Again, Mr. Chairman, it can not be said that these numerous appointments were necessitated by the Philippine or Spanish war. These events caused no increase in the generals of the Regular Army. The increased requirements were met by the appointment of volunteer officers.

In conclusion, let me say that we have here the appointment of 27 brigadiers to a corps of active officers restricted to 6; in all, 41 appointments within three years. I do not believe that the people's money should be so trifled away by the Administration. Many easy places have been made that command additional pay, which must come from the people.

Mr. Chairman, this is not all. The policy adopted is calculated to and is building up an aristocracy in the Army. It creates rank and increased salary, both of which are calculated to build up an aristocracy. This is contrary to the institutions of our country, and I am unalterably opposed to it.

Mr. Chairman, I have not intended to be harsh about these things, but have stated what the records will show upon investigation, and my sole object in view is to call the attention of the House to this wholesale making of appointments and retirements that the members might be in possession of the facts. This manner of taking care of political friends and henchmen at the expense of the taxpayers I do not believe will be approved of by the people. [Applause.] If this policy is to be pursued in the future as it has been during the last three years, the item of $1,173,000 that is carried in this bill for the payment of retired officers will in future bills have to be much increased. I thank the committee for their attention. [Applause.]

Mr. MCCLELLAN. I desire to thank my friend the chairman of the Committee on Military Affairs [Mr. HULL] for his invariable courtesy in yielding time to me.

The CHAIRMAN. How much time did the gentleman yield?

Mr. MCCLELLAN. I understood the gentleman from Iowa [Mr. HULL] to yield an hour to me.

I do not propose to make a political speech, but I desire to address myself exclusively to the subject of the reorganization of the United States Army. I know that it is a dry subject and not popular. Gentlemen who have not devoted any time to its consideration are, as a rule, not interested in it, especially in time of peace. The Regular Army is too often looked upon as a mere machine and chattel of the Government, that should be kept as much as possible out of sight until actual necessity occurs for its use. The United States Navy is by far more popular and closer to the affections of the people. Possibly Kipling's homely lines fit our case as well as that of his own country:

For it's Tommy this, and it's Tommy that, and it's "Chuck him out, the brute!"
But it's "the savior of his country" when the guns begin to shoot.

We have a term of endearment for the enlisted man of the Navy. Who has not heard Jacky's praises sung, and who has failed to do honor to Jacky's pluck and Jacky's valor, and yet so little is our enlisted man of the Army thought of that we have not even paid him the compliment that Great Britain has of conferring upon him any term of endearment whatsoever. "Its savior of his country when the guns begin to shoot;" but if the enlisted man of the Army, if the regular, is to be his country's savior, we must make it possible for him to accomplish that salvation.

For five years I have stood in my place on this floor, session after session, urging with all the slight strength that is in me the necessity of a reorganization of the United States Army, and session after session I have spoken and I have worked, only to see my hopes blighted and to see a continuance of a policy of "laissez aller, laissez faire" that, however wise in theoretical socialism, certainly does not conduce to the welfare of the United States Army.

In speaking for a reorganization, I appreciate that I am speaking to a limited audience. I know that, directly, I represent a little constituency composed of the officers of the United States Army, who have given this subject lifelong thought and lifelong study, but in a broader sense I know that I speak for a vast constituency; one composed of every patriotic man in this country, of every American who is interested in his country's welfare.

We have all of us heard the cry of militarism. We all know that the great party that sits upon this side of the House is opposed, heart and soul, to militarism and to a large standing army in time of peace. While the expressions "militarism" and "large standing army" are used somewhat loosely and are defined in various ways, gentlemen, with very few exceptions, are agreed on the necessity of the maintenance of a standing army of some sort and of some size in time of peace, but gentlemen differ as to the sort and size of the standing army. Some are in the habit of fixing an arbitrary maximum, and, having fixed it, of saying that this maximum represents liberty, but that the addition of one private soldier to the maximum means militarism and a large standing army.

Some gentlemen say that a five-year enlistment means militarism, while a three-year enlistment means liberty. I trust that I will not be considered presumptuous if I submit my own definition. I think that a large standing army and that militarism mean the maintenance in time of peace of one enlisted man or of one officer more than is necessary to form a nucleus for mobilization in time of war. No one feels a sincerer admiration than do I for the gallantry of our volunteer soldiers. No one appreciates more than I the spirit of self-sacrifice, the spirit of heroism, which has always actuated them when the country has been in need; but an army of volunteers is of little use, unless time is given to organize the regiments. During our civil war, after they had been seasoned, our volunteers made as magnificent troops as the world has ever seen. But the organization and the seasoning of raw troops requires time, and modern wars are fought so quickly that were we to be attacked to-morrow by any of the first-class powers of continental Europe we would find ourselves almost helpless to beat off the enemy for a sufficient length of time to permit of the organization of a volunteer army.

I do not favor a large standing army in time of peace; I do not believe in government by injunction, nor do I believe in using United States troops for police duty which can be performed as well by the organized militia of the several States; but I do believe in the maintenance of a standing army in time of peace large enough, and no larger, to be expanded in time of war to make a first line of defense strong enough to hold off a foreign enemy until the volunteers can be organized to constitute the second line. Our Army can only be a nucleus, but a nucleus sufficiently elastic and sufficiently mobile to permit of automatic expansion.

If I am right in this opinion—if I am sound in my objection to the spirit of militarism and to a large standing army—the problem to be solved in Army reorganization is clearly defined. It is this: What shall be the organization of our Army so as to allow the maintenance of a minimum of troops in time of peace and to permit of a maximum of expansion in time of war? In discussing this subject we must consider our existing establishment; its strength and its defects; suggestions that have been made for its improvement, and then compare existing conditions with the perfect solution of the problem I have suggested.

There are before the Committee on Military Affairs two bills for Army reorganization; the bill introduced by the chairman of the Committee on Military Affairs, which represents the views of the Secretary of War, and the bill introduced by myself, which is the result of years of patient study and of consultation with the leading authorities of our Army. It has been drafted with the purpose of providing a small standing army capable of great expansion in time of war, and has been based upon the present size of the Regular Army, although the total enlisted strength provided could be either reduced or increased without injury to the principle involved.

The first annual report of the new Secretary of War showed that its author was a man who had brought to the study of the question of Army reorganization a strong mind and a clear intellect. Mr. Root and I are as far apart politically as the two poles. I absolutely dissent from the conclusions of the political part of his report, but in all fairness I wish to bear testimony to the wisdom with which he handles purely military questions. Such being the case, it was to have been expected that the bill sent by the Secretary to both Houses of Congress would have sought to accomplish the objects recommended in the Secretary's report.

When I first glanced over the Root bill it struck me as being most excellent, but I regret to say that the oftener I read it and the more I study it the less I like it; so that I am now convinced that unless it is radically amended and almost recast, its passage would make conditions, already bad, even worse. Should the bill come before the House, I shall discuss it in detail. I trust that it will come before the House amended so that I can give it my hearty and enthusiastic support.

In justice to those gentlemen upon the floor who are not in the habit of studying military questions, I wish at this time to briefly point out the chief defects in the Root bill. Although containing many sections, the Root bill may be divided into five parts according to the objects sought to be accomplished. That part which

refers to the reorganization of the artillery I will discuss further on when I reach the general subject of artillery organization. That part which abolishes post chaplains and creates regimental chaplains is excellent so far as it goes and needs no comment from me. I may say in passing that it only provides chaplains for the cavalry and infantry and excludes the artillery from the benefit of religion. The other three parts of the bill provide, respectively, for detail to the so-called "staff" departments for promotion and for the transfer of duties from one so-called "staff" department to another.

The bill provides that all officers now in the so-called "staff" departments, with some few exceptions, shall return to the colors for one year in every five. This is a most excellent provision, in so far as the Adjutant-General's, Inspector-General's, and Ordnance Departments are concerned. It provides further that the President may summarily retire at any time the chief of any "staff" department who holds a permanent appointment and select his successor from the Army at large. Of course it is claimed that no President will ever make a selection that is not a proper one. This power virtually permits the President to retire any one of our departmental chiefs and fill his place by the appointment of the junior second lieutenant of the Army if he sees fit. The assumption that no President will ever make an improper appointment is equivalent to saying that our Presidents are not human and not liable to error. It gives to the President of the United States a power unheard of in the history of our country. Details to the staff departments are in the future to be made for a period of four years by assignment of officers according to their service records, and every third promotion to the grade of field officer is to be made by the President in the same manner, according to the service records of our officers.

Now, the full meaning of these assignment and promotion sections can only be understood when we know what an officer's service record is. I hold in my hand two forms of blanks used in making up an officer's service record; one is the officer's individual report, made out by himself, in which he states the duty he has performed during the year, which is a matter of record; whether he is married or single, the number of his minor children, and the studies he has pursued during the previous year, the number of foreign languages he can speak and translate, his business experience, the books he has written or published, essays that he has prepared, lectures that he has delivered or the papers he has read. Modest as our officers are, it has been found in practice that they have a flattering opinion of their own knowledge and ability when required to submit it to their superior officers.

The other blank that I hold is that which is made out and filed with the officer's individual report by that officer's commanding officer. It gives a statement of the duties he has performed, his habits and general conduct, his professional zeal, condition of the men under him, his capacity for command, and whether he is qualified for the position he fills. It has been found by experience that our commanding officers, like their juniors, are only human, and are unwilling, except in flagrant cases, to report otherwise than in a kindly and considerate way of their subordinates; in fact, that the commanding officer's report is but little more than a perfunctory indorsement of the officer's own estimation of himself.

Mr. STEELE. May I interrupt the gentleman there?

Mr. McCLELLAN. Certainly.

Mr. STEELE. Are not the reports made each year?

Mr. McCLELLAN. They are.

Mr. STEELE. So you have a chronological report?

Mr. McCLELLAN. Certainly, so far as it goes.

I may call attention to the fact that no method is employed for verifying the service record of an officer, except his duty record, by either examination or careful investigation. It therefore comes to this, that the real service record of an officer depends on the duty performed by him during the year previous to the filing of his report, and that therefore an officer who has seen active service will necessarily have a vast advantage over one who has not. Take two officers in the United States Army—for the sake of argument, two captains—one, who graduated from the Academy, we will say, five years before the other and who stood far higher in his class than the other, remains with his battery on garrison duty at one of the fortifications upon our coast, while the other officer, in whom his Senator has discovered signs of marked genius, is commissioned a lieutenant-colonel in one of our volunteer regiments serving in the Philippines. He does his duty there, for, thank God, every officer of the United States Army does his duty [applause], but at the end of the year his service record is so much better than that of his unknown comrade serving with the great guns that he must necessarily be preferred for detail to one of the so-called "staff" departments, or for promotion under the terms of the Root bill, to his less fortunate brother, who may be the better officer.

It is conceded perfectly frankly that the purpose underlying the provisions in the Root bill making promotion and details upon the service record of officers is to reward the officers now serving with the volunteer regiments, the theory being that the officers who have been given increased volunteer rank are the best officers in the United States Army and that it would be ignominious for them, after the muster out of the volunteer regiments, to return to their original rank in the regulars. Under the Root bill it would be possible to promote a captain now serving as a lieutenant-colonel or colonel of volunteers to the grade of colonel of regulars in a very few months. I do not question that the regular officers serving with our volunteer regiments are as good as any other officers in the Army, but I do question if their superior talents would have been discovered without the assistance of the divining rod of some Senator or Representative, and I do question the justice of confining the benefit of promotion and of staff detail to them because they have been fortunate enough to have influence behind them.

We know that favoritism has greatly injured the efficiency of our service. This bill will make matters infinitely worse, for its benefits will not only be confined exclusively to the officers of the volunteer regiments, but it will put into the hands of the President a power over the administration of the War Department, over promotions, transfers, and retirements in the United States Army, second only to that at present held by the German Emperor. While I am perfectly confident that in most cases our Presidents would not misuse that power, we must remember that our Presidents in almost every case are civilians and politicians, and that the institutions of our country and the sentiments of our people will never willingly permit Congress to make the President of the United States an irresponsible and supreme War Lord.

Mr. STEELE. Will the gentleman allow me an interruption?

Mr. McCLELLAN. I am glad to have the gentleman interrupt me.

Mr. STEELE. What recommendation would the gentleman make?

Mr. McCLELLAN. I shall state that as I come to it, if the patience of the House will last.

Mr. STEELE. Then I will not ask the gentleman to do it now.

Mr. McCLELLAN. I will state now that I should promote in the line as at present, and to the general staff by competitive examination from the Army at large.

Even those of us who have not made Army organization a special study are aware that conditions in our so-called "staff" departments are not by any manner of means what they ought to be. I have so often discussed the defects in our administrative organization that I will not again weary the House by any long statement upon the subject, contenting myself with summarizing the faults of our administration in the War Department. All the faults, the weaknesses, and the shortcomings that have been apparent for many years can be traced directly to a defective system. There is lack of responsibility; there is divided responsibility; there is no responsible military head of the Army, and without responsibility there can be no harmony of action and no general accord in results. The immediate effect of divided responsibility is wastefulness and extravagance in administration and inefficiency in organization.

It is customary to call our so-called "staff" departments the "general staff," but in the sense in which we employ the expression it is absolutely meaningless. The words "general staff" mean the staff of the general, and not a universal staff. Its misuse comes from an incorrect understanding of the German words. The German general staff is called the "General Stab," which, as I say, means the staff of the general. Its application to our supply departments is erroneous and has come from translating the word "general" as though it were the word "allgemein." The correct expression in German for our so-called "general staff" would be "Allgemeine Intendantur," or the universal intendance, or the universal business management, or general business management, if you like. When this is kept in mind it will be seen how absurd it is to speak of our supply departments, our intendance, as the "general staff."

We have no general staff, no military brain to assist the general commanding, whoever he may be, in the military problems he is called upon to solve. The Secretary of War, thoroughly realizing existing conditions in our so-called "staff" departments, has begun the organization of what he calls a war college, but which when complete will be nothing more and nothing less than one of the sections of the Prussian general staff. Our Adjutant-General's Department, with the military information division and the war college, will by indirection become a general staff.

The Secretary's bill contemplates the mere assignment of officers to the general staff for a period of four years, after which they are to return to the line for at least one year, with no assurance that they will ever be reassigned to the staff, and provides, as I have said, that these details shall be made upon the service records of the officers so detailed.

A general staff, to be effective, must be composed of the very flower of the Army, and its members must devote their lives to the study of that particular branch of the profession to which they belong. If it is to be anything but a parody of the name it must be composed of officers possessing the greatest intelligence, the greatest brain power, the greatest knowledge of their profession, and not of the officers possessing the greatest pull. It should be composed of a small body of officers, permanently belonging to the corps, selected by competition and promoted after rigorous and searching examinations, who, to keep in touch with the troops, must be returned to the colors for service in their respective grades every few years.

The Root bill does not abolish the Inspector-General's Department. While this department is composed of some of the best officers in our Army, I do not doubt that under its present organization it is well-nigh useless. During the late Spanish war almost every regular in that department was commissioned to the command of troops, and its most important functions were performed, or rather not performed, by volunteers, who, necessarily, were ignorant of its requirements. Under the present system an officer who has served in the infantry is detailed to inspect fortress artillery, of which he can not possibly have any knowledge, and a fortress artilleryman is detailed to inspect cavalry, of which he is probably equally ignorant. Inspections should be made, as in every continental army, by officers detailed from that branch of the service which they are called upon to inspect. So that the talent and the intellect of our present Inspector-General's Department may not be wasted, its personnel should be absorbed in the general staff.

The Root bill does not propose any change in the Ordnance Department, and proposes to permit a continuance of the present curious system by which one department designs and manufactures munitions of war, while another branch of the service is called upon to employ this war material without having any voice in its design or construction. Officers of the Ordnance Department are in the habit of saying that for a period of eleven years in the early part of the century the artillery manufactured war material, and that the system proved so defective that the country returned to an independent ordnance department. Granted that this is true, it is merely a reflection upon the personnel of United States officers seventy-five years ago, and not a reflection upon the system that is in force in every army on earth but our own. Ordnance officers are in the habit of saying that if they are required to return from time to time for service with troops, as provided in the Root bill, they will forget that peculiar knowledge of scientific subjects which they claim to possess. If the practical application of what they have learned or supposed to have learned will unfit our ordnance officers for the practice of their profession, the sooner we abolish the Ordnance Corps or the sooner we get a different set of officers the better for the service.

The Root bill continues the high rank of our various supply, pay, and legal officers, and, with the exception of the Judge-Advocate's corps, details them in the same manner that it proposes for the general staff. Personally, I believe that the possession of rank by the medical officers, supply officers, and paymasters is an absurdity. They are noncombatant, and their functions are purely administrative; they are the various component parts of a great department store, of which the Army is the sole customer. They should have relative rank only, but I have begun to believe that the giving of relative rank to our paymasters and our commissaries is an iridescent dream which will only be realized in that millennium when officers cease to be politicians, when pulls cease to exist.

The duties of supply officers and paymasters being purely administrative and clerical, do not require that these officers should serve with troops otherwise than in their proper functions, in the discharge of which they never deal directly with the men constituting the Army, but only with the supplies furnished to the men.

Our present establishment fails to draw any general distinction between combatants and noncombatants. The distinction is clearly defined. Combatant officers should have absolute rank and noncombatant relative rank only. The Adjutant-General's Department, the Inspector-General's Department, the Corps of Engineers are all composed of officers who are combatant, while the Medical Department and the supply departments are composed of officers who are purely noncombatant. Officers of engineers are as clearly line officers in the sense that line officers mean combatant officers as are officers of the cavalry or of the infantry.

The Root bill offers no relief to the present overworked condition of the Quartermaster's Department. The Quartermaster's Department is to-day the hardest worked and one of the most efficient of our so-called "staff" departments. The commission which investigated the conduct of the war commented upon this fact and suggested the creation of a new "staff" department to be called the equipment department, and recommended that the Quartermaster's Department be confined to its legitimate duties of transportation. Accordingly in the McClellan bill an equipment corps is created which furnishes all equipments for the Army, and the Quartermaster's Department is confined strictly to transport and train service.

In view of the constantly increasing need of trained officers and in view of the necessity for more officers for the Army, the McClellan bill increases the corps of cadets to more than double its present size by giving to each Congressional district 2 instead of 1, and to each State at large 2, and to each Territory 1, and permits the President to appoint 10 at large each year. It is thought that the Army will readily absorb this increase. Should it not, the graduates of the Academy for whom no vacancies exist can return to civil life benefited by a military education and be ready to serve their country in time of war in volunteer regiments.

The Root bill offers no improvement in the organization of the line of our Army with the exception of the artillery. The line of the Army now consists of the battalion of engineers, the infantry, the cavalry, and the artillery. It is a rigid, inelastic organization, capable of absolutely no expansion and possessing no mobility. There are a fixed number of units all recruited to the maximum, which maximum can not be exceeded successfully. In discussing the several branches of the so-called "line," I will speak of them in the usual European order.

Engineer troops can not be organized quickly. We should maintain them in time of peace upon a war footing, for the duties of the enlisted men are so complicated that recruits are of little value until they have served two years. The unit of organization of the engineers should be the company. It is very exceptional when more than one company serves with any body of troops.

The Root bill proposes a radical reorganization of the artillery. Recognizing the fact that most of the points which we are called upon to defend, while very numerous, require comparatively small garrisons in time of peace, it establishes the battery as the unit of organization and consolidates the officers of artillery into one corps of artillery. The unit of organization in the French and German armies is the battalion; but it must be remembered that the points there to be defended consist chiefly of fortresses of the first, second, and third classes, and that their garrisons are kept very near war strength in time of peace.

It should be remembered that fortress artillery is in no sense a part of the field army. The field batteries of course serve in the field, but the units of fortress artillery serve constantly in fortifications. Their number should not be considered in estimating the total strength of our Army, for from the very nature of their duties they can not be considered as a part of the field army. The work of the fortress artilleryman is that of a machinist caring for and handling complicated and delicate pieces of machinery. The stations are invariably far from the cities, usually most unattractively situated, and even in action the work more closely resembles that of the engineer force on a man-of-war than that of a cavalryman in the field. It is hard work, unromantic work, disagreeable work, with poor pay, with no glory, with no chance of advancement or promotion even in time of war, with no satisfaction except that which comes to every honest man who knows that he has done his duty well, no matter how inconspicuous or humble that duty may have been.

We have had great difficulty in recruiting artillerymen and still greater difficulty in obtaining the proper kind of men for noncommissioned officers. The noncommissioned officer of fortress artillery must be a good mathematician, well versed in algebra and trigonometry, and, what is more, he must constantly study. It is needless to say that with the ridiculous pay that we have given them it is impossible or well-nigh impossible to get the men we ought to have. The pay of the fortress artillery should be the same as that of enlisted men in the engineer battalion.

Mr. SLAYDEN. Will the gentleman allow me an interruption?

Mr. McCLELLAN. Certainly.

Mr. SLAYDEN. So far as I am informed of the matter, I favor the proposition to increase the artillery to the extent of properly caring for the guns and coast-defense works, but I would like to have the gentleman tell me if it is not possible for men from the infantry line to be assigned to the work of taking care of these guns, and would they not be able to do it as well as the artillerymen?

Mr. McCLELLAN. If permanently assigned, they would become fortress artillerymen, but the gentleman must bear in mind that an artilleryman must have an excellent knowledge of algebra and trigonometry, and he must study night and day. We have great difficulty in getting fortress artillerymen. We can not keep them. You could assign them, but you would have to make their assignment permanent.

Mr. SLAYDEN. Do I understand the gentleman to say that these noncommissioned officers serving as artillerymen of coast defense must have a good knowledge of the advanced mathematics?

Mr. McCLELLAN. Certainly.

Mr. SLAYDEN. How do you expect to get them?

Mr. McCLELLAN. We do not get them. Go into any fortification, and what do you find? An 8-inch gun covered with grease and tarpaulin and two or three men cutting grass and making paths, but not handling the guns.

Mr. CLAYTON of New York. I want to say to the gentleman from New York that down in my district, at Fort Hamilton, they do not have time to cut the grass, and there are not enough there to keep the guns cared for.

Mr. McCLELLAN. Certainly; that bears out what I say.

The number of men required to man our seacoast defenses is a mere question of arithmetic—that is, assuming that we wish to man our seacoast defenses and not continue the present policy of treating our costly guns as so much old metal, so much junk, only for the scrap heap. Every man detailed to a seacoast gun has his duties clearly defined. In serving a gun there must be one man or two men or three men, as the case may be, for each particular part of the operation of firing the gun. Thus, as an example, let us take the 10-inch disappearing rifle. There must be 1 gun commander, 1 gunner, 7 in the breech detail, 2 in the traversing detail, 2 in the lifting detail, 2 in the charge detail, 1 ammunition sergeant, 2 in the cartridge-room detail, 4 in the shell-room detail, 2 in the hoist detail, 1 in the platform detail, 1 telephone man, 1 dial-telegraph man, 2 for the battery-position-finder detail, 2 for the relocator and main range finder, making a total of 31 men for each 10-inch gun, which only furnishes one shift with which to serve the gun and furnishes no additional men for special duty, for cooks, orderlies, etc.

Gentlemen who have not seen great gunnery drill do not realize the enormous physical work involved in rapid-fire practice. It has been found that at the end of fifteen minutes one gun shift will be completely exhausted. In time of war there must be at least two shifts for every gun. Now, these being the facts, to get at the total number of men required in time of peace for our fortress artillery it is only necessary to take the number of guns of each kind that have been mounted or are about to be mounted and multiply them by the number of men required for each shift for one gun, a mere matter of multiplication.

Now, for each of the 4-inch and 5-inch rapid fires, 14 men are required; for each of our 6-inch rapid fires, 19 men; for each of our 8-inch rifles mounted in barbette, 29 men; for each 10-inch rifle mounted in barbette, 31 men; for each 12-inch rifle mounted in barbette or on gun lift, 36 men; for each 8-inch rifle, disappearing carriage, 29 men; for each 10-inch rifle, disappearing carriage, 31 men; for each 12-inch rifle, disappearing carriage, 39 men; for each 12-inch mortar, 24 men; for each 15-pounder, 13 men; for each 6-pounder, 8 men.

Now, we have mounted to-day at eighty-eight points upon our coast, seventy 4-inch and 5-inch rapid fires; thirty-seven 6-inch rapid fires; eight 8-inch rifles, mounted in barbette; ten 10-inch rifles, mounted in barbette; thirty-two 12-inch rifles, mounted in barbette and on gun lifts; sixty-four 8-inch rifles, disappearing carriages; one hundred and eight 10-inch rifles, disappearing carriages; fifty-four 12-inch rifles, disappearing carriages; three hundred and forty-three 12-inch mortars; one hundred and twenty 15-pounders; and seventy 6-pounders, making a total of nine hundred and twenty-two guns, which would require, for one shift each, 20,987 men. But there have been contracted for and will be mounted in two years five hundred and thirteen guns in addition, requiring an additional force of 13,662 men, or making a total of guns mounted and ordered of one thousand four hundred and thirty-five, requiring, for one shift each, 34,649 men. I will append to my remarks a table which I have prepared, showing the number of guns of each kind mounted and ordered and the number of men required for each gun for each position.

The Secretary of War has asked for less than 18,000 men for our artillery, including fortress and field batteries, but proposes to obtain the increased number by transfer from the infantry and cavalry regiments. It will probably be possible to get on with this number at the present time, but there is no question but that the immediate future will require more men. The Secretary does not, however, provide for any expansion of our artillery force in time of war. As I have pointed out, where one gun shift will suffice in time of peace, we must have two in time of war.

Military authorities say that the maximum of recruits that can be absorbed by a minimum of trained troops in the artillery is 60 recruits by 60 trained troops; that the maximum of men that can be handled by 3 officers in fortress artillery is 120, but that there will be more efficient fire control and better fire discipline if the proportion is 3 officers to 90 men.

In the bill that I have introduced I think the problem of artillery expansion is nearly solved. The bill provides for 200 batteries in time of peace of 90 men each, and permits the President in time of war to increase the number to 300 batteries at 120 men each; and further allows him to appoint additional second lieutenants for each battery to serve only during the war. The manner in which this would operate is as follows: Assuming that war is declared, the President directs the mobilization of the additional 100 batteries. Thirty trained men are detailed from each of the 200 peace batteries to the 100 new batteries, giving an average of 60 trained men to each battery. All of the 300 batteries are then increased by the addition of 60 recruits to each battery, which is the proportion of recruits that can be absorbed without friction. My bill provides for 3 officers for each of the 200 peace batteries. The addition of 300 temporary second lieutenants will permit of the detail of first lieutenants to the command of the 100 new batteries, distributing the temporary lieutenants among all of the 300 batteries.

The Root bill provides for 18 batteries of field artillery, presumably of 6 guns, as at present. We have to-day only 14 batteries of 6 guns each, which gives us only 84 guns in all, sufficient in time of peace, but inadequate in time of war. In the McClellan bill the usual European organization has been followed and 24 batteries of field artillery at 120 men each are provided, each of 4 guns, while in time of war 2 guns would be added to each battery and the enlisted strength raised to 180 men each, giving in peace 96 guns and in war 144 guns. The proportion of guns to men required by modern science is 1 gun to every 1,000 men, although the Germans have in recent years far exceeded that number. Under the present establishment we have 84 guns to 65,000 men, more than the required proportion, but with no method of increasing the number in time of war. Under the Root bill 108 guns are provided in the peace establishment, but with no possibility of expansion, while in the McClellan bill 96 guns are provided in time of peace and 144 in time of war, both large enough for probable contingencies.

The cavalry, as at present organized, consists of 10 regiments of 12 troops, each organized into 3 squadrons and recruited up to the maximum, giving us a total cavalry force of 12,740. For some unknown reason there are 3 establishments. Twenty-four squadrons consisting of 401 men each, 3 squadrons of 454 men each, and 3 squadrons of 481 men each. The squadron is the real unit of organization, for it is the real battle unit, cavalry seldom serving in modern warfare in larger units than squadrons. Owing to our peculiar position we have been taught by experience that in time of war we need a far larger proportion of cavalry than do European armies. Our present organization will not permit of an increase in the cavalry except by the organization of new regiments and squadrons, which necessarily will not be as efficient as regulars until many months after organization.

The usual European organization in time of peace is a certain number of field squadrons—two, three, or four, as the case may be—and a depot squadron having a full complement of officers, but only a detail of enlisted men. This organization has been followed in the McClellan bill. The total number of enlisted men on a peace basis for the cavalry therein provided is 10,515, or somewhat less than the present establishment. It is organized, however, into 15 regiments instead of 10, each regiment consisting, in time of peace, of two field squadrons and a depot squadron, the latter to be mobilized in time of war and the squadrons to be increased from 332 each to 680, the depot squadrons to be mobilized by transfer from the field squadrons, and all the squadrons increased by the enlistment of recruits. In time of peace the depot squadron would drill recruits and purchase and train the remounts, purchases being now made not very satisfactorily by the Quartermaster's Department.

I know that there is a deep-seated prejudice in favor of the three-battalion organization for the infantry regiments. Until comparatively recently leading military authorities considered the regiment the unit of organization, but the trend of modern science has been to displace the regiment in favor of the battalion as the real unit, not only of organization, but as the battle unit as well. The regiment is treated more as an administrative unit for the purpose of economizing officers. In the Austro-Hungarian army the infantry regiment in time of war consists of four battalions, with economy as the principal object in view. Our own War Department has followed the trend of modern thought, and we are bringing back to-day from the Philippines battalions and not regiments, the battalion having become in practice the real unit.

In support of this view of the case it is only necessary for me to refer to two of the greatest military authorities who have ever written on line organization, names which will carry conviction with every student of the subject, Maj. Fritz Hoenig, of the Prussian army, and Gen. Lieut. Z. D. von A. von Witzleben. The latter insists in his standard book, Heerwesen und Infanteriedienst des deutschen Reichsheeres, that the battalion is the true infantry unit and should be made so for administrative purposes as well as battle tactics. In the bill I have introduced 30 regiments of infantry are provided, each consisting of 2 field battalions and 1 depot battalion, the latter to be used for the training of recruits, or 90 battalions to be mobilized in time of war in the

same manner that I have suggested for the cavalry. This provides in time of peace for 27,180 men, as against 37,046, under the present establishment, but permits of an expansion in time of war to 73,020 without the slightest possible friction.

To summarize, the existing establishment of the line of our Army permits of no expansion in time of war. The Root bill does not better existing conditions. The McClellan bill, on the contrary, provides a small standing army capable of being almost trebled in size in the event of war. Under that bill a total of 65,000 men is provided in time of peace, of which 63,143 are combatant and 44,627 constitute the field army. In time of war it is capable of being automatically expanded, without friction and with the addition in officers of only temporary second lieutenants, to a total of 150,920, of which 149,063 are combatant and of which 112,547 constitute the field army, with guns in time of peace numbering 96 and in time of war 144, larger than the proportion required by modern science.

The lack of interest in the service and the lack of popularity of the soldier among the people is sought to be remedied in my bill by Territorial recruitment of the various regiments, the regiments and batteries being assigned among the different States and Territories as nearly as possible in proportion to population and according to local facilities for furnishing men and animals. Thus, for example, the depots of the various cavalry regiments and of the field artillery batteries would be in the horse-raising States, while the depots of the fortress artillery batteries would be in the seaboard States, and the infantry depots would be distributed where recruitment would be most facilitated. The Territorial method of recruitment has invariably been found to be the most successful. Volunteer regiments raised in one locality are always more efficient than volunteer regiments recruited at large. There is a local pride and popularity extending to the home regiment. Recruitment is more rapid, for young men are far more willing to enlist when sure of finding their schoolmates in the same regiment or company.

The inducements for good service are greatly increased, while desertion becomes almost unknown. The eyes of the people at home are constantly on the regiment, following its ups and downs and watching its history and the records of the individuals composing it. So that the enlisted strength of regiments may not become undisciplined from association with home surroundings, a proviso is added to this section that in no case shall any company, troop, or battery be stationed in the State or Territory where recruited for a longer period than one year out of every five.

It has been my purpose in drafting this bill to suggest a method by which our Army may be made efficient and by which it may be brought closer to the people.

I trust that I have not unduly imposed upon the good nature of the House in my frequent speeches upon the subject of Army reorganization; but, Mr. Chairman, it is a subject very near my heart, for I am a soldier's son, and it is one that, in my judgment, is of such vast, such overwhelming importance that it is the duty of every man, of every American who by inclination or by accident may know a little more of the subject than his fellows, to spare no effort and to spare no work, to write and to speak, day after day and year after year, in the hope that sooner or later the interest of our people will be sufficiently aroused to force Congress from its lethargy into activity in Army matters. If any feeble effort of mine, if any words that I may have spoken, will sooner or later help in the accomplishment of my purpose, I shall feel that my work has not been in vain. [Applause.]

APPENDIX.

TABLE A.—*Showing the number of pieces of ordnance for the fortress artillery mounted, and contracted for, for 33 points on the coast of the United States, and the number of men required to man them in time of peace.*

	4-inch Driggs-Schroeder; 4.72-inch Armstrong; 5-inch Bol. Pil. mount.	6-inch disappearing; 6-inch Vickers.	8-inch barbette.	10-inch barbette.	12-inch barbette; 12-inch gun lift.	8-inch disappearing.	10-inch disappearing.	12-inch disappearing.	12-inch mortar.	15-pounders.	6-pounders.	Total.
Gun commander	1	1	1	1	1	1	1	1	1	1	1	.....
Gunner	1	1	1	1	1	1	1	1	1	1	1	.....
Breech detail	5	4	4	6	8	5	7	9	4	3	1	.....
Traversing detail	.....	.....	2	2	2	2	2	2	.....	.....	.....	.....
Elevating detail	.....	.....	2	2	2	2	2	2	.....	.....	.....	.....
Charge detail	4	6	4	4	6	2	2	4	4	4	2	.....
Ammunition sergeant	1	.....	1	1	1	1	1	1	1	1	.....	.....
Cartridge detail	1	1	1	1	1	2	2	4	4	4	2	.....
Shell-room detail	.....	3	4	4	5	4	4	5	3	1	.....	.....
Hoist detail	.....	.....	2	2	2	2	2	4	.....	.....	.....	.....
Platform detail	.....	.....	1	1	1	1	1	1	.....	.....	.....	.....
Telephone men	1	1	1	1	1	1	1	1	1	1	.....	.....
Dial telegraph men	.....	1	1	1	1	1	1	1	1	.....	.....	.....
Proportion for battery position finder for one gun	.....	.....	2	2	2	2	2	2	1	.....	.....	.....
Proportion for relocator and main range finder	.....	.....	2	2	2	2	2	2	1	.....	.....	.....
Total	14	19	29	31	36	29	31	39	24	13	8	.....
Total guns mounted	70	57	8	10	32	64	108	54	343	120	76	922
Total men required	980	703	232	310	1,152	1,856	3,348	2,006	8,232	1,560	608	20,987
Total guns ordered	25	35	.....	.....	.....	81	95	47	230	.....	.....	513
Total men required	350	665	.....	.....	.....	2,349	2,945	1,833	5,820	.....	.....	13,962
Total guns mounted and ordered	95	72	8	10	32	145	203	101	573	120	76	1,435
Total men required	1,330	1,368	232	310	1,152	4,205	6,293	3,839	13,752	1,560	608	34,649

NOTE.—The plan of the so-called "Endicott Board" provided for 469 8-inch, 10-inch, and 12-inch rifles, 962 12-inch mortars, 642 rapid fires; in all, 2,093 pieces of ordnance, to be distributed at 104 points in 27 harbors.

TABLE B.—*Showing distribution of enlisted men of United States Army under the McClellan bill and under present establishment.*

	Establishment proposed by the McClellan bill.				Present establishment.	
	Peace.		War.			
Combatant forces.						
Engineers	24 companies of 164 men each	3,936	24 companies of 164 men each	3,936	1 battalion of engineers	732
	2 bands of 28 men each	56	2 bands of 28 men each	56	Signal corps	800
		3,992		3,992		1,532
Field Artillery	24 batteries (4 guns each) of 120 men each	2,880	24 batteries (6 guns each) of 180 men each	4,320	14 batteries (6 guns each) of 162 men each	2,268
	2 bands of 28 men each	56	2 bands of 28 men each	56	Bands	.....
	Noncommissioned staff	4	Noncommissioned staff	4	Noncommissioned staff	.....
		2,940		4,380		2,268
Cavalry	30 squadrons of 332 men each	9,960	45 squadrons of 680 men each	30,600	24 squadrons of 401 men each	9,624
					3 squadrons of 454 men each	1,362
					3 squadrons of 481 men each	1,443
	15 bands of 28 men each	420	15 bands of 28 men each	420	10 bands of 28 men each	280
	Noncommissioned staff	135	Noncommissioned staff	135	Noncommissioned staff	31
		10,515		31,155		12,740
Infantry	60 battalions of 436 men each	26,160	90 battalions of 800 men each	72,000	24 battalions of 437 men each	10,488
					15 battalions of 488 men each	7,320
					36 battalions of 513 men each	18,468
	30 bands of 28 men each	840	30 bands of 28 men each	840	25 bands of 28 men each	700
	Noncommissioned staff	180	Noncommissioned staff	180	Noncommissioned staff	70
		27,180		73,020		37,046
		44,627		112,547		53,606

TABLE B.—*Showing distribution of enlisted men of United States Army under the McClellan bill and under present establishment*—Continued.

	Establishment proposed by the McClellan bill.				Present establishment.	
	Peace.		War.			
Combatant force—Cont'd.						
Fortress artillery	200 batteries of 90 men each	18,000	300 batteries of 120 men each	36,000	84 batteries of 113 men each	*10,080
	10 bands of 28 men each	280	10 bands of 28 men each	280	7 bands of 28 men each	*196
	Noncommissioned staff	236	Noncommissioned staff	236	Noncommissioned staff	*201
		18,516		36,516		10,477
Total combatant force		63,143		149,063		64,083
Noncombatant force.						
Quartermaster's Department.	Quartermaster's Corps	909	Quartermaster's Corps	909	Post quartermaster sergeants	105
Subsistence Department	Subsistence Corps	909	Subsistence Corps	909	Commissary sergeants	165
Military Academy	Military Academy band	39	Military Academy band	39	Military Academy detachments.	250
Miscellaneous	Indian scouts		Indian scouts		Indian scouts	75
	Recruiting parties, etc		Recruiting parties, etc		Recruiting parties, etc	322
		1,857		1,857		917
Total combatant and noncombatant forces.		65,000		150,920		65,000
Not included in total under act of Mar. 1, 1887: Medical Department	Medical Corps	3,750	Medical Corps	3,750	Medical Department	2,000
Aggregate		68,750		154,670		67,000

*Including Ordnance Department.

TABLE C.—*Showing the distribution of officers of the United States Army under the McClellan bill and under the present establishment.*

COMBATANT FORCE.

	McClellan bill.	Present establishment.
Lieutenant-general	1	
Major-generals	6	3
Brigadier-generals	12	a 7
	19	10
General staff.		
Major-general	1	(b)
Brigadier-generals	2	3
Colonels	3	8
Lieutenant-colonels	6	9
Majors	12	9
Captains	26	
	50	29
Engineers.		
Brigadier-general	1	1
Colonels	12	7
Lieutenant-colonels	25	14
Majors	50	28
Captains	60	35
First lieutenants	50	26
Second lieutenants	25	13
	223	124
Artillery.		
Brigadier-general	1	c 1
Colonels	30	11
Lieutenant-colonels	27	12
Majors	80	33
Captains	302	136
First lieutenants	312	128
Second lieutenants	224	98
	976	419
Cavalry.		
Colonels	15	10
Lieutenant-colonels	15	10
Majors	45	30
Captains	210	140
First lieutenants	270	160
Second lieutenants	180	120
Total	735	470
Infantry.		
Colonels	30	d 26
Lieutenant-colonels	30	26
Majors	90	76
Captains	420	354
First lieutenants	540	403
Second lieutenants	900	300
Total	1,470	1,185

TABLE C.—*Showing the distribution of officers of the United States Army under the McClellan bill and under the present establishment*—Continued.

NONCOMBATANT FORCE.e

	McClellan bill.	Present establishment.
Medical Corps.		
Brigadier-general	1	1
Colonels	10	6
Lieutenant-colonels	20	10
Majors	110	50
Captains	160	70
First lieutenants	200	55
Total	501	192
Quartermaster Corps.		
Brigadier-general	1	1
Colonels	10	4
Lieutenant-colonels	15	8
Majors	25	14
Captains	70	30
Total	121	57
Equipment Corps.		
Brigadier-general	1	
Colonels	2	
Lieutenant-colonels	3	
Majors	10	
Captains	35	
Total	51	
Subsistence Corps.		
Brigadier-general	1	1
Colonels	4	2
Lieutenant-colonels	6	3
Majors	10	8
Captains	27	8
Total	48	22
Pay Corps.		
Brigadier-general		1
Colonels	1	2
Lieutenant-colonels	4	3
Majors	8	20
Captains	13	
First lieutenants	34	
Total	60	26
Judge-Advocate Corps.		
Brigadier-general		1
Colonels	1	1
Lieutenant-colonels	2	3
Majors	5	3
Captains	6	
Total	14	8
Chaplains	70	34

TABLE C.—*Showing the distribution of officers of the United States Army under the McClellan bill and under the present establishment*—Continued.

SUMMARY.

	McClellan bill.	Present establishment.
Combatant forces.		
General officers, line	19	10
General staff	50	29
Engineers	223	124
Artillery	976	419
Cavalry	735	470
Infantry	1,470	1,185
Total combatant	3,473	2,237
Noncombatant forces.		
Medical Corps	501	192
Quartermaster's Corps	121	57
Equipment Corps	51	
Subsistence Corps	48	22
Pay Corps	60	26
Judge-Advocate Corps	14	8
Chaplains	70	34
Total noncombatant	865	339
Aggregate	4,338	2,576

a Including one Chief Signal Officer.
b Adjutant-General's and Inspector-General's Departments and Record and Pension Office combined.
c Artillery and ordnance combined.
d Infantry and Signal Corps combined.
e Under the McClellan bill, all noncombatant officers have relative rank only.

Mr. LENTZ. A parliamentary inquiry, Mr. Chairman. Was it not arranged at the beginning of this discussion that gentlemen who spoke on this bill should have the right to extend their remarks in the RECORD?

The CHAIRMAN. It was not.

Mr. JETT. I had that understanding, and I desire, therefore, to ask unanimous consent that I may be permitted to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON of New York. Mr. Chairman, while this military bill is before the House, I desire to call attention to one matter of very great importance, which is, I believe, pertinent at this particular time, and I hope that I may have the attention of the House for a few minutes.

I desire to call attention to that neglected post of Fort Hamilton, N. Y., and the bill H. R. 876, providing for the reconstruction of the same, and the report from the Military Committee upon that bill.

There was some question in my mind about the expediency of bringing this matter up at this time. I asked a member of long experience here what he thought about it. His advice was, "If the bill has any weak points, you had better wait; if it is meritorious and an all-around good bill, go ahead."

I believe the bill to be a good measure from every standpoint, and should be enacted into law as early as practicable.

I have more important matter bearing on the bill than I have time to read. I therefore ask permission to extend my remarks in the RECORD.

In considering the reconstruction of the post of Fort Hamilton it is well to keep in mind the location of the defensive works there. Fort Hamilton is on the Long Island shore, at the very entrance to New York Harbor. It is true there are coast defenses farther out at Sandy Hook, but there the distance between Sandy Hook and the opposite shore is so great that it is always possible for a vessel to slip by in a fog or at night. This is not the case at Fort Hamilton. The bay here is narrow, and the guns at Fort Hamilton are built out on a high projecting point and from their position easily command the bay for miles. If these guns are properly manned, no fleet in the world could get past that point. It is the main dependence against foreign war vessels sailing right up to the very city of New York. The fortification has been remodeled and new rifle guns of improved type have been put in, and the mortar battery is now nearing completion.

While the importance of this point has been recognized by those in charge of appropriations for coast defenses, nothing has been done for the accommodation of a garrison large enough to man the fort. The post is in the same antiquated and dilapidated condition that it has been in for some years. Many years ago it was made large enough for a battalion of artillery. I am now informed by the War Department, and I know from personal knowledge as well, that it requires a regiment of artillery to man the present works. The importance of the location requires not only that there should be provided accommodations for the men necessary to man the works alone, but also that some provision should be made for the accommodation of light batteries to be used anywhere along the coast. The grading of the reservation and the laying of sewer and water pipes should be arranged with a view to the encampment of a force of infantry in case of war. Many of our young men lost their lives in our home camps in 1898 because of the unhealthy conditions which prevailed in the camps.

The outbreak of typhoid fever and other camp diseases was greatly increased because of want of proper water supply and drainage facilities in our camps. It appears good reasoning to reconstruct now the post at this very important strategic point where troops must be assembled in case of war with any first-class power. Provision should be made in time of peace, so that should the occasion ever arise we may be able to put a force of men here in camp where they would be healthy, ready for duty, and of easy access to any point where they would be needed. This, however, is only an additional reason for making a complete, businesslike job of the reconstruction of this post. Even for the permanent garrison that must be put there on account of the armament which has already been placed, reconstruction is absolutely necessary.

In the bill H. R. 876, as reported from the Military Committee, the first section gives the Secretary of War power to straighten out the boundary line of this post. It does not tie him down to any particular plan, but very properly leaves that to his discretion. At present the western boundary of the post extends some 25 feet into Fort Hamilton avenue. This avenue leads from Prospect Park, Brooklyn, down to the water on the west side of the post. It is necessary that this side of the post should be moved back 25 feet, so that a sidewalk may be constructed along there in conformity with the many improvements made by the city of New York on all the streets surrounding the post. On the northeast side of the post the boundary is a broken line, with several ugly jogs in it. It is desired by the War Department to straighten this line out and give the post a regular and sightly boundary in accordance with some complete plan, which, I believe, has not yet been fully decided upon. For the purposes of this section $50,000 is appropriated.

The second section provides for the reconstruction and grading of the post under a complete plan to be adopted by the Secretary of War. It gives to the Secretary of War the necessary authority to have the roads constructed on the reservation, for they have very poor roads there now, and for the building of all the new barracks, storehouses, etc., that are required. There has been expended at this post very little money in recent years. There are a few good buildings at the post, such as the forage storehouse, four sets of noncommissioned staff officers' quarters, quartermaster's stables, and hospital building, which can be retained under a new plan, and the buildings which can not are old and unsafe buildings and some temporary sheds built during the recent war. These can not be pulled down too soon. The amount provided for the reconstruction of this post is very moderate, but is believed by the Quartermaster's Department to be sufficient to carry out this necessary work.

For comparison, I submit the following table, showing the cost of a number of posts in different sections of the United States constructed in recent years. These tables show whether completed or not on March 10, this year.

FORT ETHAN ALLEN, VT.

Buildings, etc.	Cost.	Buildings, etc.	Cost.
Purchase of additional land	$10,000.00	Administration building.	$10,234.00
4 double barracks	128,000.00	Magazine	551.00
Commanding officers' quarters	10,050.00	Subsistence storehouse	7,881.00
11 double sets officers' quarters	121,589.00	Stable guardhouse	1,800.00
5 double sets noncommissioned staff officers' quarters	13,842.85	Forage storehouse	6,776.00
Hospital	26,561.59	Ordnance storehouse	1,309.50
Guardhouse	7,000.00	Cavalry drill hall	20,187.00
8 cavalry stables	90,449.00	Band barrack	5,480.00
8 double stable guard buildings	5,194.00	Wardrobe lockers	1,612.80
Bakehouse	3,000.00	Bake ovens	1,700.00
Quartermaster's storehouse	8,500.00	Extra work on new buildings	1,492.11
Scale house	500.00	Plumbing	20,800.33
Fuel storehouse	2,200.00	Heating	23,819.57
Shop building	3,000.00	Gas piping	1,748.00
Quartermaster's stable	5,400.00	Water-supply system	42,118.00
Picket lines	2,350.80	Sewer system	4,829.25
Blacksmith shop	1,870.00	Roads	27,856.90
Quarters for 4 bachelor officers	12,386.40	Walks	11,675.15
Pumphouse	4,230.00	Rifle range	2,770.00
Wagon shed	2,300.00	Band stand	550.00
Oil house	200.00	Railroad track scale	876.82
Hospital steward's quarters	2,574.00	Railroad platform	440.00
		Improving grounds	16,815.20
		Fencing	2,194.47
		Pay of employees	14,337.94
		Miscellaneous	4,558.79
		Total	715,559.07

Nearly completed for 8 troops of 65 men each and regimental headquarters.

NEW POST NEAR SPOKANE, WASH.

Buildings, etc.	Cost.	Buildings, etc.	Cost.
1 double barrack	$31,424.82	Scale house	$675.00
4 double sets officers' quarters	44,387.56	Oil house	298.00
2 double sets non-commissioned staff officers' quarters	5,450.58	Wagon shed	1,492.35
Administration building	8,931.00	Shop building	2,906.00
Quartermaster's stable	7,000.00	Bake house and ovens	3,158.00
Quartermaster and subsistence storehouse	9,580.00	Plumbing	9,652.07
Guardhouse	6,205.00	Heating	12,699.22
Hospital	15,148.00	Gas piping	1,019.35
Hospital steward's quarters	2,228.00	Water system	8,385.49
Coal shed	3,044.00	Sewer system	6,993.14
Magazine	450.00	Grading	10,052.00
		Roads and walks	7,712.39
		Pay of employees	4,493.17
		Miscellaneous	2,322.31
		Total	205,705.45

Completed for 2 companies of 65 men each.

FORT BLISS, TEX.

2 double barracks	$47,681.00	Hay storehouse	$1,835.00
2 outhouses for same	4,795.00	Oil house	124.75
6 sets captains' quarters	45,387.00	Hospital stewards' quarters	2,500.00
8 sets lieutenants' quarters	49,791.00	300 wardrobe lockers	1,461.00
Mess hall and administration building	29,800.00	Reconstruction of buildings damaged by storm	22,528.27
Guardhouse	6,450.00	Cavalry stable	3,767.13
3 double sets noncommissioned staff officers' quarters	9,840.00	Outhouse for cavalry corral	204.33
Hospital	13,250.00	Fences	834.06
Quartermaster's storehouse	10,500.00	Grading	530.00
Subsistence storehouse	8,143.00	Trees	522.15
Stable	4,950.00	Bake ovens	1,200.00
1 workshop	2,700.00	Temporary water supply	2,233.74
1 coal shed	2,250.00	Roads	1,562.60
1 wagon shed	850.00	Water system	31,754.37
Forage storehouse	4,444.00	Sewer system	6,532.37
Flagstaff	239.75	Plumbing	22,414.28
Band stand	709.08	Heating apparatus	3,800.00
Magazine	147.50	Cooking apparatus	4,778.05
Earth closets	1,545.00	Miscellaneous	8,275.61
		Total	358,280.04

Completed for 4 companies of 65 men each.

FORT HARRISON, MONT.

1 commanding officer's quarters	$11,300.00	Administration building	$9,992.00
6 double sets officers' quarters	76,580.00	Magazine	524.90
4 sets bachelor officers' quarters	9,228.00	Forage storehouse	3,950.00
2 double barracks	63,512.00	Oil house	235.00
1 band barrack	5,581.00	Hose cart house	962.00
3 double sets noncommissioned staff officers' quarters	9,833.00	Plumbing	17,657.82
Guard house	5,575.90	Heating	24,414.15
Quartermaster's stable	7,775.00	Gas piping	1,757.15
Bakery	1,498.00	Wardrobe lockers	1,002.00
Scale house	440.00	Bake ovens	1,233.00
Quartermaster's and subsistence storehouse	6,533.00	Water-supply system	20,033.14
Wagon shed	1,867.00	Sewer system	11,749.31
Shop building	3,800.00	Cemetery fence	505.50
Hospital	16,200.00	Reservation fence	6,500.00
Hospital stewards' quarters	2,850.00	Branch railroad	8,690.00
Fuel storehouse	2,060.00	Roads	4,809.27
		Walks	5,130.01
		Grading	3,911.84
		Pay of employees and miscellaneous expenses	17,783.48
		Total	366,390.35

Completed for 4 companies of 65 men each and regimental headquarters.

FORT LOGAN, COLO.

14 double sets officers' quarters	$168,028.66	Balloon shelter	$2,150.00
3 single sets officers' quarters	26,362.95	Ice house	655.00
8 sets bachelor officers' quarters	16,610.00	Root house	550.00
10 barracks	145,036.00	Double stable guardhouse	995.00
1 storehouse	11,660.00	1 magazine	471.00
1 subsistence storehouse	7,482.00	1 granary	2,251.00
1 quartermaster's stable	7,950.00	1 gun shed	699.38
1 administration building	12,398.00	Coal and forage house	4,873.00
1 guardhouse	6,459.10	Hay shed	1,250.00
1 bakehouse	6,302.19	Riding-track inclosure	808.64
1 hospital	22,655.95	Heating in buildings	39,022.20
1 hospital deadhouse	900.00	Plumbing in buildings	14,764.00
1 hospital steward's quarters	1,464.69	Wardrobe lockers	908.00
2 cavalry stables	15,200.00	Water-supply system	34,313.52
3 double sets noncommissioned staff officers' quarters	8,129.00	Irrigating pipe line	1,100.00
Shops	2,836.50	Sewer system	5,837.44
1 wagon shed	1,285.00	Roads and grading	14,039.63
1 band barrack	3,630.00	Walks	12,752.68
Rebuilding guardhouse	4,204.00	Fences	2,272.70
Oil house	158.00	Trees	1,310.75
		Flagstaff	961.70
		Railroad track scale	1,200.00
		Advertising, printing, and miscellaneous	10,854.68
		Total	622,862.38

NOTE.—Completed for 8 companies of infantry and 2 troops of cavalry, of 65 men each.

FORT M'PHERSON, GA.

Buildings, etc.	Cost.	Buildings, etc.	Cost.
14 double sets officers' quarters	$192,283.00	10 pavilion-hospital buildings, and converting 9 of them into storehouses	$26,425.00
2 single sets officers' quarters	23,704.00	Fire-apparatus building	1,000.00
3 double barracks	73,905.00	Mess hall	24,100.00
1 triple barrack	29,420.00	Guardhouse (new)	13,100.00
Administration building	10,924.00	Magazine	500.00
Subsistence storehouse	4,730.00	Band stand	524.00
Bakehouse	2,730.00	Scale house	1,723.00
Bake ovens	1,500.00	Hospital laundry	1,168.00
Guardhouse	6,119.09	Wood-saw building	181.04
Quartermaster's storehouse	7,383.90	Hospital storeroom	602.00
Connecting storehouses	2,797.00	Servants' closets	1,475.00
Quartermaster's stable and corral	7,639.17	Fences	6,648.19
6 single sets noncommissioned staff officers' quarters	9,955.00	Track and wagon scale	2,675.00
Hospital	12,973.87	Water and sewer systems	50,427.96
Oil house	492.00	Drainage	1,677.47
Shops	1,400.00	Heating and gas piping	24,456.05
2 coal sheds	6,789.00	Plumbing	15,976.00
Engineer's quarters	2,530.00	Grading and filling	55,238.99
Hospital steward's quarters	1,199.50	Roads	29,840.00
Rock-crusher building	208.18	Walks	8,814.70
Garbage cremator	1,985.50	Trees and grass	1,061.00
1 subsistence storehouse	7,200.00	Miscellaneous expenditures	25,549.22
1 ordnance storehouse	1,250.00	Cost of site	29,740.00
		Cost of rifle range	16,500.00
		Total	748,521.43

Complete for 8 companies of 65 men each and band.

FORT CROOK, NEBR.

Site	$66,616.66	Band barracks	$5,781.00
Water-supply system	49,781.80	494 wardrobe lockers	2,463.57
Sewer system	11,340.00	Guardhouse	11,285.49
Drainage	4,882.30	Quartermaster and subsistence storehouse	20,352.79
Roads	50,925.81	Quartermaster's stable	8,469.93
Walks	10,381.48	Workshops	4,190.90
Grading, etc	1,864.00	Coal house	3,537.32
Reservation fence	2,007.68	Hospital	20,775.00
Railroad side track and switches	7,699.00	Hospital stewards' quarters	2,100.00
Track and wagon scales	1,171.75	Wagon shed	1,900.00
Rifle range	1,445.00	Cremator	2,100.00
12 double sets officers' quarters	145,485.91	Magazine	750.00
Alterations in cellars of 4 sets quarters	000.00	Corral fence	82.00
Commanding officer's quarters	9,200.00	Oil house	238.00
9 sets brigade officers' quarters	19,500.00	Forage storehouse	4,146.00
3 sets noncommissioned staff officers' quarters	8,621.01	Plumbing in buildings	27,751.68
Mess building	37,792.11	Heating in buildings	39,943.04
Basement under same	1,572.00	Gas piping in buildings	1,834.00
Bake ovens	1,112.60	Plumbing, heating and gas piping in hospital	5,320.00
2 barrack wings for 8 companies	83,626.54	Cooking apparatus in mess hall	2,631.50
		Miscellaneous	41,872.14
		Total	723,155.01

Completed for 8 companies of 65 men each.

FORT SHERIDAN, ILL.

Infantry barracks wing	$63,902.00	Coal house	$3,671.00
Cavalry barracks wing	67,110.00	Battery corral	429.67
Extras on cavalry barracks	632.15	Cold-storage house	2,087.00
13 sets captains' quarters	117,523.89	Forage storehouse	14,873.00
16 sets lieutenants' quarters	109,640.00	Extras on same	50.00
Mess hall	42,402.00	Oil house	1,013.00
Extras on mess hall	2,161.96	Hospital	19,950.00
Officers' mess and 12 sets bachelor officers' quarters	54,613.70	Additions, etc., to hospital	6,272.50
2 sets field officers' quarters	20,502.00	Dead house	1,057.00
3 double sets noncommissioned staff officers' quarters	20,054.00	Cow shed	400.00
1 double set engineers' quarters	6,156.00	Sawing-machine shelter	447.00
5 cavalry stables	78,625.50	Garbage cremator	997.00
Extras on cavalry stables	3,530.12	Extras on same	55.00
2 quartermaster's stables	18,864.00	Railroad platform	567.00
Extras on same	55.50	Track and wagon scale	1,177.89
Quartermaster's corral	467.00	Plumbing and gas fitting	63,250.64
2 buildings for stable sergeant and saddlers	5,814.00	Heating and cooking apparatus	100,385.47
Water-closet building for same	3,000.00	Lighting	3,829.67
Guard building for quartermaster's stable	2,447.40	Water system, including tower and pumping station	125,683.00
Wagon shed	1,916.80	Sewerage and drainage	20,487.21
Shops	6,821.00	Roads	86,515.95
Blacksmith shop	3,742.75	Walks	30,112.68
Infantry drill hall	27,272.00	Bridges	21,751.00
Extras on same	314.25	Wharves and breakwaters	31,201.00
Guardhouse	13,820.00	Grading	35,288.29
Ordnance storehouse	3,371.85	Grubbing and clearing land	876.00
Extras on same	39.00	Post garden	1,149.00
Magazine	3,877.10	Seeding	352.00
Moving same to new site	649.90	Trees and shrubs	1,424.00
Gun shed	5,385.00	Fences	5,441.43
Quartermaster's and subsistence storehouse	12,700.00	Cemetery fence	300.00
Bakery	4,356.00	Flagstaff	750.00
Fire station	2,197.00	Clearing and grading target range	4,971.50
		Buildings, trench, and wall	9,448.00
		Targets, butts, etc	4,152.32
		Miscellaneous	16,266.13
		Total	1,320,047.93

Completed for 8 companies infantry and 4 troops cavalry of 65 men each.

The following is a summary of expenditures in this same line that have been made at Fort Hamilton, N. Y., in recent years:

FORT HAMILTON, N. Y.

Cost of buildings constructed since January 1, 1895, or under construction on March 12, 1900.

Buildings, etc.	Cost.	Buildings, etc.	Cost.
Forage storehouse*	$7,180.41	Plumbing in same	$3,250.00
Wagon shed*	2,500.00	3 temporary mess halls and kitchens	2,112.00
Boathouse*	242.00	1 temporary light battery stable	884.88
4 double sets noncommissioned staff officers' quarters*	17,537.00	6 temporary pavilion hospital wards	17,124.00
Plumbing, gas piping, and heating in same*	1,968.00	Plumbing in same	4,200.00
Quartermaster's stable*	6,995.00	1 temporary mess hall and kitchen for same	1,539.00
Plumbing in same*	384.00	Covered way for same	1,770.00
Hospital building*	16,451.45	Picket guardhouse*	1,000.00
Plumbing, heating, and lighting in same*	3,462.50	Heating in same	100.00
7 temporary barracks for 431 men	7,378.00	Total	96,008.24

NOTE.—Of the above buildings, one double set noncommissioned staff officers' quarters and the picket guardhouse are now under construction.

It is probable the buildings checked thus (*) will be retained and utilized in the new scheme of improvement. The temporary buildings are cheap frame construction, and can either be torn down or utilized as storehouses, etc., in the new plan.

Now, I submit these figures only for the purpose of showing the necessity for the amount called for in the bill for this post, where it is estimated that 665 men and 25 officers will be required to furnish one relief for the armament, which has already been nearly completed at Fort Hamilton. There were good reasons, I have no doubt, for the establishment of all the posts that I have here named, and I do not at this time wish to raise any question about them, but it is evident to all that the post at Fort Hamilton is by far more important than any here mentioned. It is, I believe, the most important post in the United States. It was well demonstrated in 1898 that naval vessels could not make much headway against good modern land fortifications well manned.

In case of war we can not tie our Navy to one particular city, but the Navy must be free, as it was in 1898, to seek and destroy the enemy's vessels wherever found. Nothing could be accomplished by the Navy if they had to keep vessels in the harbor of important points like New York for the protection of the cities. A land defense costing but little more than one first-class battle ship could stand off half a dozen very effectively. Moreover, in speaking for this post, it is desired only to complete what has already been nearly done at great expense. The engineers have built the fortification. It now only remains for the Quartermaster's Department to build the post.

Section 3 of the bill gives the Secretary of War the necessary authority to get rid of any old material which can not be used to any advantage in the new work.

I desire to call the attention of the members of the House to the resolutions of the Brooklyn League and the resolutions of the municipal assembly of New York City and the letter from the Secretary of War, transmitting the indorsements from the War Department printed in the report of the Military Committee on the bill.

[Extract from resolution of Brooklyn League, January 24, 1900.]

Fort Hamilton, situated as it is, is the most important military post protecting New York Harbor, forming the central fortification, and being the point at which would be located the greatest number of batteries of artillery in case of war, and also being the strategic location of a supporting army.

The present buildings are the result of a piecemeal growth, having been built from time to time as necessity demanded. They are scattered all over the reservation, and are in most instances either brick structures, entirely inadequate for even present needs, or of wood and crowded with valuable quartermaster supplies, which are liable to be destroyed by fire at any time. A large number of men are now quartered in wooden structures, covered only by thin sheathing, which serve very inadequately to protect them from the inclemency of the weather, and the heating and drainage arrangements of the buildings are to all intents and purposes nil. The barracks are located from one-eighth to nearly one-half a mile from the fortifications, and in the haphazard process of building they have so encroached upon the parade ground that it is very circumscribed in dimensions and entirely inadequate for the use to which it is put.

Even the best of the present buildings are badly in need of repair and are much too small, and if any patchwork efforts are made the expense will be very large, and the renewals from time to time would be so expensive that in a short period the outlay will be as great as the proposed appropriation now asked for. The reservation is very uneven, being low in places and at others rising into unsightly mounds of earth, notably the old redoubt, which was built under ancient military science for army occupation. * * *

ALFRED T. WHITE, *Chairman*,
HENRY HENTZ,
CHARLES NAEHER,
CHAS. A. SCHIEREN,
CARLL H. DE SILVER,
JACOB G. DETTMER,
Committee on Public Works and Local Improvements of the Brooklyn League.

IN MUNICIPAL ASSEMBLY.

* * * * * * * *

Resolved, That the municipal assembly of the city of New York hereby approves the bill introduced in the House of Representatives by Congressman B. F. CLAYTON, known as House of Representatives bill No. 876, which authorizes the Secretary of War to reconstruct the post of Fort Hamilton according to a new and appropriate plan, and requests the Representatives of the city of New York in Congress, the Senators representing the State of New York, and the members of the Committee on Military Affairs in the House of Representatives to give consideration to the facts recited above, in addition to those showing the necessity of an improvement of the post for military reasons, and to use their best efforts in furthering the passage of said bill.

* * * * * * * *

Adopted by the council, February 6, 1900.
Adopted by the board of aldermen, February 13, 1900.

WAR DEPARTMENT, *Washington, January 2, 1900.*

MY DEAR MR. CLAYTON: Referring to your letter of November 14, the bill (H. R. 876) authorizing the reconstruction of the post at Fort Hamilton seems to meet with general approval by the officers of the Army familiar with that post. I hope that the bill will pass.

I send you copies of the indorsements of the captain and quartermaster at Fort Hamilton, of the colonel of the Fifth Artillery, commanding the post, and of Major-General Merritt, commanding the Department of the East, to whom the bill has been referred; and I send you also copy of an extract from the report of the Major-General Commanding the Army for 1895, which relates to this general subject, in which I hope you may be interested as well as in this particular post.

Very truly, yours,
ELIHU ROOT,
Secretary of War.

Hon. BERTRAM T. CLAYTON,
House of Representatives.

[Second indorsement.]

QUARTERMASTER'S OFFICE,
Fort Hamilton, New York Harbor, November 28, 1899.

Respectfully returned to the adjutant, Fort Hamilton, N. Y.

The inclosed bill covers, it is believed, every contingency required to enable the military authorities to plan and construct a post suitable both to the military requirements and to the surrounding city improvements as begun by the municipal authorities of the borough of Brooklyn, city of New York.

The condition of this post is such that the present time is the most favorable, for economical reasons, to lay out anew such a post as the future requirements will demand. The plans of defensive works are probably so far complete as to indicate what these requirements will be, and the work is so far advanced that in one year from this date they will be nearly finished.

The present buildings have been so located that expansion of the post to meet requirements is impossible on any plan consistent with sanitary requirements, drainage, police purposes, or appearances consistent with the prominence of the site within the corporate limits of the city of New York.

The barrack buildings are almost the most remote ones of all those at the post from the guns and works which the troops are to care for and serve in drill and in war. They have less than half the capacity required for the present and probable future strength of batteries of artillery.

The only brick structures at the post which answer the present requirements are the hospital, three double sets of noncommissioned staff officers' quarters, one quartermaster's stable, and one forage storehouse, while the four barrack buildings above referred to are the only other brick structures.

For report on the condition of the present buildings attention is respectfully invited to the "Annual report of inspection of public buildings," prepared by Lieutenant McGlachlin, Fifth Artillery, and transmitted with my signature after relieving him as quartermaster in April of this year.

A blue print showing the present arrangement of the post and principal defensive works, as well as the surrounding lands, is inclosed.

Also a drawing intended as a suggestion of the limits of ground and best general location of officers' quarters and barracks, as near to the ground covered by defensive works as the requirements of the latter will probably permit. Two alternative boundary limits are indicated thereon as dependent upon the retention of the old redoubt for use in plan of defensive works. If the redoubt can be dispensed with and leveled down, the earth removed therefrom would be useful in the necessary general grading and appearances would be greatly improved.

A list of buildings to fulfill requirements of the post is inclosed. Of these the hospital and noncommissioned staff officers' quarters might be left as at present, the quartermaster stable and forage storehouse of brick and wagon shed of wood moved to suitable site, the other buildings to be entirely new.

Some of the buildings for barracks and officers' quarters might be located on the plan, but left to be completed later, when demanded. They should, however, be included in the plan and space reserved for them.

S. E. ALLEN,
Captain and Quartermaster, Fifth Artillery, Quartermaster.

[Third indorsement.]

FORT HAMILTON, N. Y., *November 29, 1899.*

Respectfully referred to the adjutant-general, Department of the East.

The present reservation contains 166 acres, more or less, but it is of such irregular shape that a plan for the necessary buildings for a garrison can not be adjusted thereto.

The present buildings are an odd lot, located without plan, and the grounds have never been properly graded or drained. Situated within the limits of the city and in view of the progressive improvements by the municipal authorities, the whole condition is discreditable and calls for the reconstruction of the post on some definite and well-digested plan. I recommend that favorable consideration be extended to the bill proposed by Colonel CLAYTON.

JNO. I. ROGERS,
Colonel, Fifth Artillery, Commanding Post.

[Sixth indorsement.]

HEADQUARTERS DEPARTMENT OF THE EAST,
Governors Island, N. Y., December 14, 1899.

Respectfully forwarded to the Adjutant-General of the Army. Attention invited to the second, third, and fifth indorsements upon the within letter to the commanding officer, Fort Hamilton.

I concur in the recommendation of Col. John I. Rogers, Fifth Artillery, commanding Fort Hamilton. The defenses at Fort Hamilton are nearing completion; the present buildings are old, inadequate, and badly placed, and provision should be made for a sufficient garrison to man the works.

The time seems a good one for laying out the post on some consistent plan and one comporting with the importance of this post and the dignity of its surroundings.

W. MERRITT,
Major-General, U. S. A., Commanding.

[Extract report of the Major-General Commanding Army for 1895.]

I can not, therefore, too earnestly recommend that ample appropriation be made for the construction, as soon as practicable, of all the high-power guns and mortars, with the emplacements, mortar beds, barbette, and disappearing carriages, called for in the general plan of the Board of Ordnance and Fortifications and also the Board of Engineers, as well as in the recommendations of the chiefs of engineers and ordnance on this subject. I am aware that the Government is required to make large appropriations for civil and military purposes, and that the expense of constructing modern high-power guns, mortars, gun carriages, and emplacements is very great.

To meet these requirements I would recommend that to wholly or in part provide for the necessary appropriations called for in this estimate authority be granted for the sale of such military reservations as have been abandoned and are no longer of any strategic value. I think it would be advisable that the selection of such reservations be made by the Board of Ordnance and Fortifications, or a similar board of experienced officers, with the approval of the honorable the Secretary of War, and that such abandoned reservations be judiciously disposed of, and such funds resulting be used, as far as practicable, in payment for guns and gun carriages already contracted for and for which the Government has obligated itself, and for such as may be required in the future.

To this end I earnestly recommend the construction of suitable buildings for the necessary garrisons to man the guns and mortars already in position and those to be constructed and placed in position.

And in addition to these indorsements I desire to read the following from the Chief of Engineers, from Major Marshall, Engineer Corps, from the Quartermaster-General of the Army, and the indorsement of the Major-General Commanding the Army. These indorsements, received since the report of the Military Committee was made, add very much to the argument in favor of the bill.

The legislature of the State of New York has passed resolutions indorsing and urging this improvement.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, January 27, 1900.

SIR: I have the honor to return herewith H. R. 876, Fifty-sixth Congress, first session, "A bill authorizing the Secretary of War to reconstruct the post of Fort Hamilton, N. Y., according to a new and appropriate plan, to purchase or acquire by exchange, or both, the necessary ground adjoining the Government reservation, and to erect buildings," referred to this office for remark, and to submit the following report:

The main line of defense of New York Harbor against a naval attack is located at the Narrows, and consists of powerful batteries located at Fort Hamilton, on the Long Island side, and at Forts Wadsworth and Newton, on the Staten Island side.

Owing to its small extent it has been found necessary to occupy the entire water front of Fort Hamilton Reservation with defensive works, thereby restricting the area available for building purposes. Owing to the magnitude of the defenses a garrison of considerable size will be required for their proper service.

It appears that a reconstruction of the post is necessary to meet the conditions brought about by the construction of the modern defenses already completed and in process of construction, and that the object of the bill is to enable such reconstruction to be carried out in the best manner. Inviting attention to the accompanying report and blue print, submitted by Maj. W. L. Marshall, Corps of Engineers, in local charge of the defensive works, it appears that the post quartermaster desires an area beyond the present eastern limits of the reservation, for which an area at the extreme north end and a strip along Fort Hamilton avenue may possibly be exchanged in part payment. I am not informed as to the details of the proposed plan of reconstruction, but the interests of the defensive works will be sufficiently conserved if the area recommended by Major Marshall and indicated on the map be reserved for fortification purposes. I have no suggestions as to changes to be made in the bill. It is suggested that it would be well to obtain the views of the department commander, the Quartermaster-General, and the post commander upon this subject.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Brigadier-General, Chief of Engineers, U. S. Army.

Hon. ELIHU ROOT, *Secretary of War.*

UNITED STATES ENGINEER OFFICE,
New York City, January 25, 1900.

GENERAL: I have the honor to return herewith the bill (H. R. 876, Fifty-sixth Congress, first session) entitled "A bill authorizing the Secretary of War to reconstruct the post of Fort Hamilton, N. Y., according to a new and appropriate plan, to purchase or acquire by exchange, or both, the necessary ground adjoining the Government reservation, and to erect buildings," with the following report as required by Department letter addressed to Colonel Benyaurd, dated December 11, 1899.

The post needs reconstruction, and the bill is drawn to give the United States agents latitude in rectifying to best advantage the post boundaries. It is believed that the park authorities of Brooklyn would like to widen Fort Hamilton avenue 20 to 25 feet, so as to have a sidewalk along the present line of officers' quarters, and the quartermaster at Fort Hamilton, in proposing the reconstruction of this post, has in mind cooperation with the park officials of Brooklyn if the post were so laid out that the road past the new officers' quarters proposed be in prolongation of the driveway through Meadow Park to Coney Island.

I send herewith the outline sketch of the entire reservation, showing the area needed, in my opinion only, for defensive purposes; that which may be used for garrison purposes and that which may be exchanged without detriment; provided it may be accepted in whole or part payment for land (also indicated) to be obtained by exchange, or by exchange and purchase.

With reference to the lands I have marked as necessary for defensive purposes, I have to say that part of the glacis of the old fort lies outside of this area, and also an old redoubt. The land front of old Fort Hamilton and this redoubt were for the land defense in the days of the old smoothbore muskets and guns, and in my opinion are now of little value. Fort Hamilton, if land defense is necessary, must be defended, if at all, by supports farther in rear of the batteries, with the quarters for the garrison within and not without the line of defense. The redoubt is now used "for garrison purposes," as a post bakery is therein installed. For the purposes of reconstruction of the new post it is desired to raze this redoubt and grade around it. There has been indicated near this redoubt a post commander's station and a battery commander's station. If it be razed these stations must be raised on towers or mounds.

I suggest that the disposition of this redoubt be referred to the Board of Engineers to determine the question of its relative value for defensive or garrison purposes.

With reference to the land that is marked as admitting exchange, I have already spoken of the 25-foot strip along Fort Hamilton avenue for a sidewalk. It might possibly be exchanged for streets to be vacated in the area to be acquired. The trapezoidal area on the extreme northeastern limit of the post is a number of feet below the street grade, having been used for barrow pits to get earth for filling in low places on the reservation. It may possibly be disposed of by exchange in part payment for the area desired by the quartermaster of the post on the eastern side of the reservation.

I have no changes to suggest to be made in the bill.

Very respectfully, your obedient servant,

W. L. MARSHALL,
Major, Corps of Engineers.

Brig. Gen. JOHN M. WILSON,
Chief of Engineers, U. S. A., Washington, D. C.

[Seventh indorsement.]

WAR DEPARTMENT, QUARTERMASTER GENERAL'S OFFICE,
Washington, March 5, 1900.

Respectfully returned to the honorable the Secretary of War, inclosing H. R. bill No. 876, Fifty-sixth Congress, which provides for sale of old buildings and appropriates $50,000 for purchase of additional land and $500,000 for erection of new buildings at Fort Hamilton, N. Y., with the following report thereon:

There can be no doubt but that much work must be done at Fort Hamilton to properly provide for the garrison necessary to man the modern armament, and any such improvements undertaken should be planned with a view to a complete scheme for a complete post suited to modern requirements and the location within the limits of by far the largest and most important city in the country.

The provisions of the bill herewith, if enacted into law, would permit the Department to do this.

I have no suggestions to offer in the way of changes in the bill, except that it might be well to more clearly authorize the Secretary of War to sell or exchange for other land such portion of the present reservation as, in his opinion, is not needed for either garrison or defensive purposes.

The bill in its present shape confers this authority by implication only.

M. I. LUDINGTON,
Quartermaster-General, U. S. A.

HEADQUARTERS OF THE ARMY,
Washington, D. C., March 12, 1900.

Respectfully returned to the Secretary of War, recommending that the amount mentioned in bill H. R. 876, Fifty-sixth Congress, first session, be appropriated for the purpose indicated therein.

NELSON A. MILES,
Major-General Commanding.

The four or five millions of people in New York City and its suburbs, with their billions of dollars of property right on the water navigable by the largest vessels, are fully alive to the great importance of the fortifications situated at the Narrows, the gateway from the sea to New York City.

The two fortifications at the Narrows, and especially the one at Fort Hamilton, would in time of war be utilized to prevent anchorage of fleets in Gravesend Bay and in the deep water south of Coney Island, and, above all, they form the inner line of defense at the southern entrance to New York City.

The people of Brooklyn take great pride in this post at Fort Hamilton, and the city has shown a very liberal spirt in making improvements surrounding this post. They feel that, both on the ground of safety to the city and of the obligations of the Government to keep up this property in conformity with the character of the city in which it is located, the reconstruction of this post should be undertaken without further delay. [Loud applause on the Democratic side.]

[Mr. RIDGELY addressed the committee. See Appendix.]

After a pause, during which no member addressed the Chair,

Mr. HULL. Mr. Chairman, I do not know that anybody on this side wants to speak now. We are letting this debate run to allow the minority a hearing. If no further debate is desired, I will call for the reading of the bill under the five-minute rule.

Mr. SULZER. The gentleman from Ohio [Mr. LENTZ] wants to occupy an hour. I think he will be here shortly. I hope gentlemen on the other side will use some of their time.

Mr. HULL. I will remind the gentleman from New York that we can extend the time for debate under the five-minute rule. I do not want to cut anybody off, but I do not believe we ought to neglect our opportunity to legislate.

Mr. SULZER. There are several gentlemen here who desire to talk on this bill—the gentleman from Ohio [Mr. LENTZ], the gentleman from Virginia [Mr. HAY], the gentleman from Tennessee [Mr. COX]——

Mr. HULL. Let some of those gentlemen go on. It is not yet 4 o'clock.

Mr. SULZER. I suggest to the gentleman from Tennessee [Mr. COX] that he now proceed.

The CHAIRMAN. The gentleman from Tennessee [Mr. COX] will be recognized.

[Mr. COX addressed the committee. See Appendix.]

Mr. ATWATER. Mr. Chairman, I had not intended to say a word upon this bill, but I believe the sentiments of the people of the district which I have the honor to represent are entitled to be heard on this question. North Carolina in its history has ever been true to the call for the defense of what she believes to be right. In the war that we have just gone through with with Spain she was equal to the emergency. Believing that our cause

was just, that the oppression and the starvation of the people of Cuba by the Spanish Government was cruel, our people responded to the call of the Chief Executive. We believed that when we had conquered Spain and provided a way by which the Cubans could have independence and freedom, when peace was restored and Spain was driven from those islands, the Army would be reduced and unnecessary expenses would stop. But when it was attempted to extend our dominions over other islands, that were not thought of when the first call for troops was issued, the people of my State believed it to be an unjust war.

Had the President defined the present position of the Administration at that time we believe that the people of this country would not have been in favor of his policy, and we would not be called upon now to make large appropriations for the Army. If after Admiral Dewey had captured the Spanish fleet at Manila he had put on all steam and gone to the shores of Spain to conquer the remainder of the Spanish navy, every man in this country would have rejoiced; but the attempt to subdue the people of the Philippine Islands has never met with the hearty response from the people of the State which I have the honor in part to represent. I believe that if the President of the United States were to define his policy to-day and to say to the Philippine insurgents, "If you will lay down your arms, civil government will be given to you," I believe that in less than three months all armed resistence in the Philippines would cease and peace would be restored, so that our troops could be recalled from that country, where they are dying, not only from rebel bullets but from disease.

I believe, as an American, that we ought to define our position and let those people know that we do not intend to take their islands as our possessions. I believe we would be a hundred times better off without them than with them. I believe that if this policy is continued Congress will be called upon year after year to make appropriations for the Army to maintain a government in those islands. I, for one, believe that it is the duty of the Chief Executive to call a halt; to give the people in those islands to understand that we do not intend to crush them; but that a nation which is powerful enough so that it can afford to be generous will give them their freedom and the right to self-government. [Applause.]

Mr. HULL. Mr. Chairman, if there is no other gentleman who desires to talk——

Mr. SULZER. I yield to the gentleman from Louisiana [Mr. MEYER].

Mr. MEYER of Louisiana. Mr. Chairman, I have no opposition to make to the features of the bill now before the House. I recognize that we have an army in the field, an army confronted with serious and grave dangers, and I would not say a word in antagonism to any reasonable plan or proposal to maintain that army until it has accomplished its work. Therefore, Mr. Chairman, I will not address myself to the question of the appropriations embraced in the present bill, but to a question which may well be regarded as germane to it—our relations to and with the Philippine Islands and the course we should pursue concerning them.

I. WAR IS THE SPORT AND GAME OF KINGS.

Mr. Chairman, the war that has been going on in the Philippine Islands and the questions of public policy growing out of this war constitute grave and momentous issues for the American people, issues that may affect our destinies for all time to come. The American people come of a warlike stock, but they are not a war-loving people. The deplorable civil war between the States ended over thirty years ago. The war with Spain closed after a very brief struggle in the triumph of our arms. Peace jubilees followed at once all over the land. The good sense of the American people has steadily recognized peace as an inestimable blessing, and war, even when necessary, they regard as a great calamity. War is the sport and game of kings. Nobles and kings may well delight in war. They reap the honors and rewards. The heroism of the private soldiers all go to enhance the glory of monarch, nobles, and officers. The gallant deeds of the privates are known only to a few surviving comrades. The sacrifices and sufferings of the war, the grievous taxes paid, the impoverishment of the family, the loss to the wife and children of their sustaining prop and protector, the struggles of the maimed and crippled veteran to eke out a support, the burden of debt and taxation fastened on labor for generations to come—what has the monarch, the noble, or the rich contractor to do with all this? How can they sympathize with all these sufferings and hardships—they who have reaped only riches and fame from this widespread human misery?

If this be true in the case of the victors, how much worse is the case of the vanquished? The poor man, the peasant, the farmer, if he survives the war it is probably to find a desolated habitation, perhaps only a blackened chimney to remind him of a once happy home, a beggared family, and, it may be, wrongs to his helpless family of which I dare not speak. If to his own fury and passions the conqueror adds the specious plea that he is the chosen instrument of God's wrath to punish some alleged crime of another nation or people, or that it is his duty to carry civilization and religion to distant lands by the military arm, then you may expect to witness a double installment of man's malice. If you doubt this, read the history of the so-called religious wars of Europe and Asia and the story of Roman and British conquests. Recall the names of Verres and the Roman proconsuls, of Clive and Hastings, Pizarro and Cortez, and some others of our own day and generation who have plundered, scourged, and oppressed a subject population.

II. NO DISHONOR IN TREATING WITH ALLEGED REBELS.

Our Revolutionary war of 1776 was a righteous war, one of self-defense, and for the right to govern ourselves. At the outset our petitions for peace and justice were "spurned from the foot of the throne." We were told that "rebels" in arms could not be treated with; that we must lay down our arms and submit. The terrible contest went on and on with varying fortunes, until finally the King of England condescended to treat with us. Peace and independence were the result. Sir, there is no dishonor, there can be none, in negotiating with alleged rebels or insurgents. If there were such dishonor, then England might have held out indefinitely. We have ourselves often made treaties of peace with Indian tribes who had defied our authority. The brave and the strong can always afford to be generous. The story of that period supplies another moral. France had helped us greatly. At the close we were exhausted, almost helpless, but she asked no pecuniary reward and no surrender of any territory as compensation for her powerful succor, and still less did she dream of selling out her allies, the American colonies, to any country for a sum of money, or of buying England's title to our shores. She quitted the fight clean-handed, with her honor unstained. No Frenchman need blush for that page of history.

III. POWER TO MAKE WAR RESTS WITH CONGRESS.

The American statesmen of that day had pondered well the lessons of history. They had seen kings make war again and again regardless of the people's wishes. They, therefore, refused to trust the President with the war-making power. They would not trust it to the Senate, high as that body was to be, and then deemed most unlikely to be influenced by patronage. They would not trust the power of making war even to the President and Senate combined. I am aware, sir, that there are some politicians of our day who claim that the President and Senate combined can by a treaty make a war and can even empower Congress to legislate in United States territory outside of the Federal Constitution; but this is not the doctrine of the good and great men who created our form of government. They, indeed, allowed the President and the Senate to make peace by the form of a treaty; but this power to make war, so solemn, so awful in its responsibilities, they would confide only to Congress. Therefore, in order to make war, it is necessary under our Constitution to have the concurrence of the people's immediate representatives, chosen every two years, and of the Senate, a body chosen by the State legislatures and presumed to be more free from popular passion and excitement. Yet you have additional restraints upon the making war. If the President does not approve the act declaring war, two-thirds of each branch of Congress are necessary in order to overrule him and make it his duty to draw the sword. Sometimes a President is more conservative than Congress.

These limitations upon the war-making power are not mere empty forms. They concern the rights, the happiness, and the liberties of the people, to whom all public officials are not masters, but servants. Ours is or ought to be a government of public opinion. In order to ascertain that opinion, these forms were devised by statesmen compared with whom those of the present day fall very far short.

IV. CONSTITUTIONAL FORMS OBSERVED IN WAR WITH SPAIN.

In the war with Spain these constitutional forms were observed. The President did not desire war. He did not undertake to make war. It is only justice to him to say that he strove to avert war by making demands which he thought Spain would concede. Finally, he reported the whole facts of the situation to Congress, making no specific recommendation, and devolving upon that body the responsibility of making the dread decision of war or peace. Congress acted promptly. Congress demanded that Spain should relinquish her authority in Cuba, and directed the President to employ, if necessary, the land and naval forces of the United States in order to carry the resolution into effect.

It was foreseen that this action would involve a war for the liberation of Cuba. In view of this contingency, Congress was careful to embrace in the joint resolution a declaration of our motives and purposes in this armed intervention. This was done in the most explicit language. Repelling the idea of some persons that our motive was merely greed for new territory, Congress positively disclaimed any purpose to exercise dominion over the island of Cuba except for its pacification, and pledged the republic when

that pacification should be accomplished to leave the government of the island to its own people. Nothing was said of the other possessions of Spain. Our country knew nothing of the Philippine Islands and cared nothing about the struggles and disorders in that remote locality. There was no struggle at all in Puerto Rico as in Cuba—no revolt, no reports of discontent with Spanish rule. Now, it could not be supposed that while rejecting the rich and beautiful island of Cuba, in order to avouch the purity of our noble endeavor for its freedom, we should make any reservations, whether mental or verbal, that we would appropriate other colonies of Spain as compensation for a war alleged to be begun solely for the cause of humanity and civilization. It seems to me that the declaration of disinterestedness asserted in respect to Cuba ought to have been regarded as an expression of the policy of the two Houses of Congress and of the American people in relation to the whole war and its incidents. The war was not to be waged for money or territory, but for honor, for humanity, for civilization, and, as was well said by an eminent Senator, to "abate a nuisance."

War followed the President's signature on the 20th of April, 1898, to these pregnant resolves of Congress. As soon as Spain learned of the President's signature to the joint resolution requiring her to withdraw from Cuba, she proceeded to terminate all diplomatic relations with the United States. She notified Mr. Woodford, our minister at Madrid, that the Spanish Government regarded this joint resolution as "equivalent to an evident declaration of war." This was done on April 21, 1898. On the following day, April 22, the President declared a blockade of certain Cuban ports, but he based this act and also his proclamation calling for volunteers upon the joint resolution by Congress of April 20 and upon an act of Congress approved April 22, 1898. It was felt, however, by all persons that as war was to ensue it ought to be preceded by an act of Congress. Following the spirit and text of the Constitution, the President on April 25, 1898, after reciting the precise situation of affairs, recommended to Congress the adoption of a resolution declaring that a state of war exists between the United States and the Kingdom of Spain. Congress acted immediately on his suggestion, and that very day the President signed the resolution declaring war. Here was the authority for the war with Spain, in these two acts or resolutions of Congress dated the 20th and 25th of April, respectively, both passed pursuant to the Constitution. It was not a Presidential war or an act of usurpation, but a war made by the full authority of the American Congress.

I have been careful in reciting the various steps by which we went to war with Spain, because I wish you to compare them with the history of our present war in the Philippine Islands. Every step in making the war with Spain was in perfect accordance with constitutional forms. Congress declared war. Congress defined the causes and purposes of the war. These laws are inscribed on our statute book. The war thus constitutionally declared was supported by the American people regardless of party. The valor of our troops and sailors was worthy of our traditions as a martial people and was crowned with speedy and brilliant success.

But consider the war now being waged against the people of the Philippines. Was that war declared by Congress? Everyone knows the contrary to be the truth. Were its causes and purposes defined by Congress? Never! The legislative body could easily have been convened last spring. Under our Constitution, Congress can not meet in special session without a call of the President, but that act of assemblage by Congress would be a less stretch of power than the initiation of war or hostilities without the authority of Congress.

V. CONGRESS SHOULD HAVE BEEN CONSULTED.

The President could have summoned Congress to meet in March, 1899, to deal with all questions growing out of the Spanish war, but he would not do so; and thus this war in the Philippines, begun irregularly, has gone on day by day, with its catalogue of suffering and bloodshed, assuming as it progressed larger and larger proportions, until the Administration was obliged to employ 65,000 armed men in a war against a people on the opposite side of the globe! And all this is done without formally consulting Congress or the American people! I ask you, is this consistent with the American Constitution? Does it not violate that sacred instrument in one of its most vital provisions—the regulation of the great war-making power? I admit that when Congress is not in session we may be assailed and our rights invaded by a foreign government, and that in such cases the President is bound to protect American interests and, if necessary, to employ force for this purpose; but it is equally his duty in grave and serious cases to convene Congress at once in extraordinary session to pass on the question of war and peace. His functions in such emergencies are defensive. It is for Congress only to convert defensive hostilities into war. In a monarchical government the sovereign may decline to summon the national legislature to his aid. He may deem himself wise and great enough to take into his own hands the question of war and peace. But our Government is not a monarchy. It is a republic; and we must reason strictly on that basis if we desire to preserve our birthright of freedom.

It may be said, however, that Congress was in session on the 4th of February, 1899, when hostilities began in the Philippines. This collision was a very serious event—an armed conflict with a people who but a short time before were as friendly to Americans as they had been hostile to Spain, and who had waged a noble battle for freedom which all of us had applauded. If, when this sad event occurred, the policy of the Government was to refuse all peace negotiation and to conquer by the sword the nine or ten millions of people residing in these islands, it was unquestionably the duty of the President to submit the facts to Congress and announce his plans for their consideration and decision. This is substantially what he so wisely did in respect to Cuba.

If he considered that, with only one short month of the session remaining and the great annual appropriation bills still not framed into laws, the Fifty-fifth Congress would not have the time required for the proper consideration of these great and new questions, it was easy for him to summon the Fifty-sixth Congress. That Congress had been chosen and could have been assembled in two weeks or even less time. In both bodies of that Congress there was a majority of the President's party friends. Surely it will not be said that in such a body as that there could not be found the wisdom to grapple with the problem. Remember that the war with Spain was closed entirely in 1898. Spain had submitted to our demands. The treaty of peace with her was ratified by the United States Senate early in February, 1899, and very soon afterwards by the Spanish Government. Obviously the time had now come for Congress to adjust all the questions growing out of the Spanish war—the disposition of Cuba, Puerto Rico, and, more particularly, the Philippines—when prompt action by Congress might stay the further effusion of blood. In a public address, delivered at Boston the 16th of February last, the President declared that the final disposition of the Philippines belonged to Congress. By failing to summon Congress together he made himself the actual master of the situation.

Look at the precedents. Mr. Lincoln called Congress together in 1861. When in May, 1846, hostilities occurred on the Rio Grande between our forces and those of Mexico, President Polk laid the facts before Congress immediately and recommended the policy which Congress then adopted. Mr. Madison asked the consent of Congress before making war against Great Britain in 1812, although acts of hostility had previously occurred, and our flag had been fired upon. The examples of Presidents so distinguished ought to govern us, even if we had no written Constitution and were groping in the dark for the path of duty. If the Executive may conduct a foreign war for nine or ten months without the authority or direction of Congress, why may he not, on the plea of necessity or emergency, impose new taxes and customs duties, or perform any other function expressly assigned to Congress by the Federal Constitution?

VI. EVENTS PRECEDING HOSTILITIES.

Mr. Chairman, it is not my purpose to detain the House by reciting at length the history of events in the Philippines prior to the collision which in February last year led to the present unhappy conflict. That history in all important respects is reported in Senate Document No. 62 of the third session of the Fifty-fifth Congress. This document and the dispatches to the press tell the story of a general revolt against Spain in the island of Luzon, and a general occupation of the country by the insurgents prior to Dewey's destruction of the Spanish fleet on May 1, 1898. That document informs us how the insurgents in large numbers were encamped near Manila and threatening that city. Before Dewey sailed from the coast of Asia, overtures had been made by the United States officials at Singapore and Hongkong for the cooperation of Aguinaldo in the fight against Spanish power.

They arranged for an interview between Commodore Dewey and Aguinaldo before Dewey sailed. Dewey telegraphed in reply, "Tell Aguinaldo to come at once." It was pursuant to these arrangements for cooperation and alliance with the Americans that Aguinaldo went to Manila. Arriving there soon after Commodore Dewey's victory of May 1, 1898, he put himself in cooperation with Dewey and received arms and other aid from him. He put himself at the head of the insurgent forces and movement. He armed them largely with his own means, and at a time when the Americans had no land forces there he had driven the Spanish forces into Manila and closely invested the city on the land side, cutting off their supplies of food and water supply and harassing them with constant attacks. He was a friend and an ally—a valuable ally to the United States forces, for it was a good while before enough of our troops arrived at Manila to render his further cooperation unnecessary. All this time the relations of the United States officers and of the Filipinos were most friendly. It

was at this time—the 29th of August, 1898—that Commodore Dewey wrote the Navy Department:

> In a telegram sent to the Department on June 23 I expressed the opinion that these people are far superior in their intelligence and are more capable of self-government than the natives of Cuba, and I am familiar with both races. Further intercourse with them has confirmed me in this opinion.

These favorable opinions of the Filipinos are confirmed by the recorded testimony of President Schurman, Professor Worcester, Mr. John Barrett, Gen. Charles A. Whitten, Gen. Charles King, and a number of eminent Americans familiar with the islands and their inhabitants.

On June 12, 1898, the Filipinos proceeded to hold a national council and to form a provisional government. They were then investing Manila on the land side. They had probably more men in arms than the colonies had at any one time from 1775 to 1783 in the struggle with Great Britain. A few days later, on June 23, Dewey telegraphed that this people were more capable of self-government than the Cubans. Is not this dispatch a proof that he was then in sympathy with their movement for self-government and independence? He certainly expressed no disapproval of the steps they were taking, nor did any other Army officer or official then representing the United States Government.

The Filipino government was formally proclaimed on the 23d June, 1898. A congress was provided for, which was to assemble at Malolos, in Luzon, about September 20, 1898. This was an independent government. Its formation was matter of world-wide notoriety. Its existence was known in Washington City almost as well as at Manila. Yet no protest or objection was made against it by our Government or any of our officers. Generals Anderson and Merritt did not say a word against it. If there was any purpose on the part of our officials to hold on to these islands, or even to Luzon, would it not have been the fair thing to notify these people that they were going too far? Was it not natural and reasonable for them to assume that they would be allowed by us to indulge their ardent aspiration for a government of their own choice? How could they look upon us as mere vulgar conquerors and imitators of the Spaniards? They had a highly educated class among them who were probably familiar with our public declaration of disinterestedness in respect to Cuba and who concluded that we would pursue a like policy in regard to them. They had indeed done far more to achieve their independence than the Cubans had done. They held then all of Luzon save a few square miles containing the city of Manila. All their manifestoes and public declarations evinced a profound respect and admiration of the American Government and people.

It is somewhat difficult to fix the precise time when the scheme of annexing the Philippine Islands was resolved upon. At the very outset the British press sought to commit us to the retention of the Philippines and to the imperial policy. It has been asserted that British diplomacy was exerted to the same end, possibly with a view to a broader and more far-reaching alliance by which her interests were to be promoted and guarded. All this ran counter to the wise counsels of Washington and Jefferson. If the President agreed with this policy he did not declare it to Congress when it met in December, 1898. In his annual message, dated December 5, 1898, he said that he—

> would not discuss at that time the government or the future of the new possessions which will come to us as the result of the war with Spain. Such discussion will be appropriate after the treaty of peace shall be ratified.

The spirit of this remark was wise and in conformity to the genius of our institutions.

It is true that as early as October 31, 1898, our commissioners at Paris demanded of Spain the cession of these islands, but the fact was not officially made known to Congress until by the President's message to the Senate of January 4, 1899. The terms of the treaty were, however, generally understood, prior to this, to include the cession of the Philippine Islands by Spain for the sum of $20,000,000, and this fact, coupled with some of the President's public addresses, was well calculated to alarm and disquiet the Filipino people. Thus the relations of the two parties in Luzon, though not hostile, became much strained, not to say unfriendly. But no formal issue had been made. The President was not yet formally committed to annexation. The treaty itself had not been ratified. The Senate might perhaps amend it, or, if the Senate preferred to ratify it as it stood rather than run the risk of prolonging a costly war with an unsettled state of affairs following, the President might still turn over to Congress the momentous question of settling the destinies of the nine or ten millions of people living in these islands. It was an easy matter to make the payment of the twenty millions a basis for the native government surrendering to us such naval station or stations as we might desire and reimburse us the twenty millions as their revenues might permit. This sum was a small amount compared with what we had expended in order to free Cuba from Spanish rule.

The Filipinos would probably have been only too happy to make such arrangements with us and maintain their self-government under an American protectorate. These people probably reasoned on these lines of thought, for all during the month of January, 1899, they maintained a diplomatic representative at Washington City. He was not received, though he represented a people who had been our allies during the war with Spain. I mean allies in fact and in friendly feeling and with a cordial understanding.

VII. THE FATAL COLLISION.

I come now to the unfortunate collision which ensued between the American troops and the Filipinos on February 4, 1899. It was an affair of outposts. There is much dispute as to who were the aggressors, into which question I do not care to enter. But there are some historical facts pertinent to this event which are undisputed. The treaty of peace with Spain ceding us the Philippines, to which she had only a technical and a paper title, without any actual possession whatever, was signed on December 10, 1898, at Paris. On December 21, 1898—that is to say, before the treaty was communicated to the United States Senate—the President issued positive instructions to the Secretary of War to be promulgated in the Philippines. He stated therein that the destruction of the Spanish fleet, followed by the capture of Manila, had practically effected the conquest of the Philippine Islands; that Spain had ceded these islands to the United States, and that under the rights of sovereignty thus acquired the "actual occupation and administration of the entire group of the Philippine Islands" had become "immediately necessary," and that "the military government previously maintained by the United States in the city, harbor, and bay of Manila was to be extended with all possible dispatch to the whole of the ceded territory."

Now, at this very time the military lines and occupation of the Filipinos covered nearly the whole of the island of Luzon—all of it, indeed, save Manila and a very few square miles near by, which constituted hardly a hundredth part of the whole island. The Filipino government had been in actual operation over six months, with its capitol located at the city of Malolos, in Luzon, and governing the island, with the full consent of the United States authority. The language of the proclamation undoubtedly meant that these people were to give up their own government, disband their armies, and submit implicitly to the United States military forces of which General Otis was the head. If they should not at once and unanimously give up their government and disband all their armies, conflict was inevitable. In case of resistance "firmness" and "severity" were to be employed. Such language can have but one meaning. The Filipinos, or many of them, probably construed it to mean war. Certainly such an interpretation on their part was very natural.

It deserves to be specially noted that this document was not sent to the United States Senate until the 4th of January, 1899. It was then sent in as a confidential document or with confidential papers. It was promulgated in Manila on the same day it went to the United States Senate.

Would it not have been a wiser course, instead of this order requiring "immediate" action by our army in Luzon, for the Executive to maintain the status quo in the islands, holding on to Manila and any other point then in our actual possession, and leaving to the Filipinos, our late allies, the temporary occupation of the remainder of the island, which by their heroism and sacrifices they had wrested from Spain? This state of things had existed for over six months with peace and good will. Surely it could well be suffered to continue at least until the Senate should have acted on the treaty and until Congress should make some decision as to the future of these islands, as was apparently contemplated by the President in his annual message to Congress. What public interest would have suffered by a course of patience and conciliation?

With this proclamation, so well calculated to alarm and irritate this people who had indulged a fond dream of independence, it is indeed strange that the Filipino leaders should have been able to restrain their followers as long as they did. Even after the collision of February 4, 1899, there is ground for the belief that the leaders would have been very glad to make a pacific arrangement, but there was no disposition to accept anything but their unqualified submission. I shall not recite the history of the war. Our armies were reenforced to the number of 65,000 men. Our Navy gallantly cooperated. The American soldiers showed, as all expected, that they knew how to fight for their flag. The Filipinos have shown that they also know how to make sacrifices and, if need be, to die for their independence. Both sides have suffered greatly.

The island of Luzon has been overrun with the usual waste and havoc, and the Filipinos are now split up into small bands. Resistance is not yet extinguished, but it may be extinguished. On the other hand, some of our best military men say that the war will go on indefinitely. The manner in which ten or fifteen thousand insurgents in Cuba kept up a contest with Spain and her army of 200,000 men for ten or more years shows the great difficulty to be expected in suppressing resistance in a tropical country, with jungles, morasses, swamps, and mountains for the natives to retreat to and make a stand. It is utterly vain now to

attempt a prophecy about the military situation. I should be glad if this suffering and misery could be brought to a close, but I fear the end is not yet near at hand.

Much as I deplore the waste and havoc of war, the loss of valuable lives, the burden of grievous taxation and increased public debt, there are, to my mind, other evils which may come to us from this unfortunate situation. We are confronted with the serious question whether we are to leave these people to their own government or whether we are to rule them as subjects. It is not now proposed by anybody to admit these people to our citizenship or to allow them to become at any time a governing power in our confederated Republic. No, sir. The proposition is to treat them as subjects, perhaps by the military arm, perhaps by the form or pretense of a civil government, the latter to be reenforced by the sword if necessary. How many troops are to be used for our permanent army of occupation we are not told; nor the cost, nor how long this state of things is to last. But it is obvious that the leaders of the Republican party are fully committed to the plan of holding these islands by the strong hand of power at any and all cost of blood and treasure. They even go so far as to assert that Congress has a right to legislate for these islands outside of the Constitution. In their creed our noble Constitution is a movable feast, and not the daily bread by which the spirit of liberty is to be fed. Yet many of those who now uphold this strange doctrine not long ago stood up in this very Hall and swore before God to support and obey the Constitution of the United States.

VIII. THE PLEA OF A LARGER TRADE WITH THE ORIENT.

The pleas upon which we are to adopt this new policy of conquest and empire are utterly devoid of truth and logic. Such especially is the claim that our trade with the Orient will be largely enhanced and become exceedingly profitable. It is said that we must have new markets and that the trade of these islands is but a stepping-stone to that of China. It is over 600 miles from Manila to Hongkong, and it is hard to see any connection between the trade with Manila and that with China. Vessels going to China do not touch at Manila; it is far out of the way. I admit, I recognize the great importance of our present trade with China. I admit and can easily foresee that if our rights and interests are properly cared for our prospective trade with China may swell to grand proportions, and perhaps in time equal or surpass our present trade with Europe. Why do I say this? Because China is inhabited by four or five hundred millions of an industrious, energetic race, who live in a temperate climate like our own and who are just beginning to adopt the industrial arts by which a people become rich and powerful. They are keen traders and industrious artisans.

At present the body of the population live on very scanty wages; they produce very little per capita. Consequently they have not a great deal at present to offer in exchange, and all commerce rests on an exchange of surplus products. Their production will increase rapidly—perhaps I may say dangerously—and with the surplus products to export they will be able and willing to import. But, sir, I am reminded that it is already announced that the State Department has concluded arrangements with foreign powers by virtue of which if they hold or acquire territory in China, or have what is called "spheres of influence" our wares and merchandise are to suffer no prejudice, but are to be admitted freely into China, as heretofore. I fear very much that such understanding may have very little practical value when the crisis arises.

If, however, I am mistaken in this and our future commerce is well guarded, then we may dismiss the Philippines as a factor in the China trade. If, however, as may well turn out, our trade in and with China is to be discriminated against by rapacious European powers who are now actively grabbing Chinese territory, then our power to protest and repel such injustice and injury to our trade will not be augmented by our being loaded up with a rebellious set of colonies in the Philippines, which we are to watch, guard, and keep in order. The energies, the money, the military and naval power already expended in the conquest of the Philippines might very well be reserved for employment in the great and important problem now looming up before us, namely: Are we to have the trade with China to which we are fairly entitled by reason of our varied products, the skill and energy of our people, and our favorable position on the Pacific Ocean? Does it not look, sir, as if we were sacrificing substance for shadow in our frantic struggles to absorb the Philippines?

IX. VALUE OF THE PHILIPPINES' TRADE.

The trade with the Philippines—how much is it worth? How much can it be worth to us as compared with our trade in other directions? Well, you will not, under a free-trade or "open-door" policy, have any special advantages. The European nations, by virtue of the Suez Canal, are nearer to the Philippines than we are or will be until perhaps a canal is built across the Isthmus. But assume that after annexing the Philippines we impose a tariff sufficient to give us the control of the whole import trade. It would give us very little. According to the last returns, when the island of Luzon was at its best, the total foreign trade was only about $30,000,000, and our profit on it would be a mere bagatelle compared with the cost of ownership—the Army and Navy needed to suppress revolts and protect our new possessions. It may be said that this small trade of the islands, with nine or ten millions of people, was because everything was blighted or repressed by Spanish rule.

There may be something in this point, but I read that under Spanish rule Cuba was once a very rich island and had a very valuable trade. I beg you to remember that the great body of the people of the Philippines have very few wants. They are very near the equatorial line; the climate is hot. In such climates there is little demand for animal food. A little rice and bread goes a long way. Warm clothing is not required, nor much clothing of any kind. The body of the people live in very cheap habitations. They have very few wants. They can live comfortably and have all the necessaries of life on 5 to 10 cents per day. All tropical experiences and reports go to show that under such conditions the inferior races—the African, Indian, and Malay races—will not work any more than is absolutely necessary to make a bare support. They will produce no surplus for export. They do not care for your civilization or your artificial wants, the product of a high civilization. They will not work to accumulate. The Mongolian adventurers or laborers may be more industrious. They constitute a little over a twentieth part of the whole population of the islands.

Suppose, however, that by some magic you can recreate the people of Luzon and give them the wants and cravings of our own people and that they will then go to work and produce something wherewith to trade with you. What will it be? What can they produce that we will want? As the able gentleman from Mississippi [Mr. WILLIAMS] pointed out lately in this House, will not the new and augmented productions involve a dangerous competition with our own industries by a class of laborers who can live well on 10 cents a day while our laborers expect a dollar and upward? Look at their products. What are they? In the first place, there is the product of sugar. There was a time in our history when Louisiana produced one-half of the sugar the country consumed.

Now we have the competition of beet sugar—I mean the American beet-sugar industry. This is a fair rivalry, of which Louisiana does not complain. But you are letting in the cooly and slave or contract grown sugar of the Hawaiian Islands duty free, and you will soon let in free the pauper-grown sugar of Puerto Rico. Your next step is to develop sugar in the Philippines and crush out the beet-sugar industry of the Pacific coast and the cane sugar of Louisiana. Do you propose to carry the negro laborers of Louisiana to the Philippines after you have starved them out? Suppose you develop the growth of tobacco. Will that help the tobacco grown in Virginia, Kentucky, Missouri, or Connecticut? Are the profits of this class, burdened so heavily already by your internal-revenue tax, so large that you must needs spend the resources of the whole Union in order to break them down by the competition of Malays and Mongolians?

X. INFLUENCE UPON MARKET FOR COTTON AND OTHER PRODUCTS.

It has been suggested by some inconsiderate people that we could have a profitable market for our cotton in the Philippines. It would be far wiser to send our coals to Newcastle. Living in a tropical clime, these people have little need for clothing and would consume very little cotton; but with industry on their part, or, what is more likely, on the part of Chinese and Japanese laborers, they can, in all probability, produce cotton of the best quality. They had produced long-staple cotton until the Spanish Government stepped in and arrested the production. They can resume this product and develop it, beyond a doubt. With the Chinese and Japanese, if not with native Malay labor, they can manufacture this cotton, paying 5 or 10 cents per day for their operatives. How would this sort of "expansion" benefit New England or South Carolina or Georgia or other States in which the manufacture of cotton goods is a profitable industry? Is this your "white man's burden" that you are so eager to assume?

I consider, sir, that the argument of the Representative from Mississippi [Mr. WILLIAMS] is conclusive on this subject, and that if the production of these islands is to be stimulated, it will be on agricultural lines and will form a competition with home industries that are now barely able to maintain themselves under a system of taxation that has little regard for the farmer or the planter.

There is one other industry in which our people are even more likely to suffer. I refer to the hemp-growing industry, a most important one in some of our Western States. This industry has already been developed in Luzon; and if peace ever comes, then, by the aid of Chinese labor, it will be a formidable competitor with our own hemp-growing industry.

XI. TROPICAL TRADE.

Sir, there is a wide misapprehension in respect to the relative value of a tropical trade. In order to estimate it properly, it

may be well to consider where our exports go to. It will be found, sir, that they go chiefly to countries lying in temperate regions—to races like our own—energetic, intelligent, industrious, and who have developed the wants and needs of a high civilization. Now, for the calendar year 1898 our total exports were $1,255,546,266; for the year 1899, they were $1,275,499,671. I take the latter year. Of this last sum we sent to Europe, $959,234,520. We sent to France, $70,107,127; to Germany, $161,405,852, and to the Netherlands, $83,601,438. To Great Britain we sent $509,958,335. We sent to British North America, $88,284,778.

Now, compare these exports with our exports to tropical countries: To Brazil, with its enormous area and varied production, we sent $11,453,997; to all the West Indies, lying right at our door, $44,071,055; to Cuba, although at peace, we sent only $24,861,261. It may be said that Cuba was still suffering from the war. Then turn to Mexico, peaceful, orderly, and progressive. She took from us only $29,309,802. It is a very large country, with considerable variety of soil and products and with our railroads running through the country, but she needed only twenty-nine millions of our exports. Mexico is a tropical or semitropical country, and her people have different wants from our own or from Canada, to which we sent some $88,000,000.

To the Philippine Islands we exported $69,459 in 1897. That was prior to our war with Spain. In 1898 we exported $147,846, and last year only $1,663,213, though we had a large army there. There is nothing to prove that we can ever expect to have a large export trade with the Philippine Islands compared with what we may expect with South America, Brazil, Cuba, Mexico, and Central America. As compared with our export trade to Europe and our prospective exports to China, the possibilities of our export trade with the Philippines are absolutely insignificant. But if tropical trade is to dominate our imagination and control our policy, it would be far better to see what we can do in the West Indies, or Mexico, or Central America, or in South America, or tropical Africa, instead of wasting our blood and treasure in building up customers in Luzon. Our present policy there may lead to some large demand for mourning goods, but that wretched people will not be able to buy them.

I repeat it, sir, we should avail ourselves of our great natural advantages and proximity to Cuba and the West Indies, to Mexico, Central America, and the South American governments. Our political relations with Mexico and South America are cordial. Practically these governments are, by virtue of the Monroe doctrine, placed under an American protectorate. We say to Europe, "Stand off; no land grabbing there." With such relations, with a study of their markets and requirements, our people ought to be able to absorb much the larger portion of the trade with South America, the West Indies, and Mexico. Here is a prize indeed, but let it be pursued by the arts of peace. The sword is not needed. Let American skill, invention, and genius solve the problem. There may perhaps be legislative aids to such trade, which I have not now the time to discuss. But I hope that there will be no effort by our Government to develop trade with those countries at the expense of our own struggling agricultural industries.

XII. A SUMMARY.

In the remarks I have submitted I have endeavored to show that, starting out with the proposition that war, even when necessary, is an awful calamity and sacrifice, we have drifted into this present war against the people of the Philippines without any necessity and occasion for it; that they were our allies in the fight with Spain; that they were most friendly and cordial toward the Government and people of the United States; that the government they set up at Malolos, in the island of Luzon, was organized without objection from our officers in Luzon or from the Washington Administration; that they had every reason to suppose it would be recognized; that this government operated for over six months all over the island of Luzon save a very few square miles including the city of Manila, and that the attempt to overthrow it and substitute therefor a military government of the United States Army was an act premature and tending to conflict, and was never authorized and approved by Congress, to which body, under our Constitution, belonged the settlement of the whole matter. I recall these facts, not with any feeling of acrimony or to impute bad motives to others, but to show that the policy pursued has been most unwise and unfortunate.

At this stage of affairs, after a year of costly war in Luzon, we are confronted with the grave questions: Are these islands to be permanently held as a part of our possessions either as a subject colony or as an incipent State or States of the Union? Very few persons, if any, propose the latter scheme at this time, but as there are no limits to human folly some will probably urge it in the future. The great body of the so-called "expansionists" propose to hold the Philippines as dependencies and to govern them as England governs India, Ceylon, and Jamaica—that is, by military force—or as France dominates Madagascar. The advocates of this plan rest their case chiefly on the commercial argument that this "forcible annexation" would promote our trade with China and would also give us a valuable trade with these islands themselves.

I think that I have shown successfully that there is nothing in the so-called commercial argument; that the only trade possible with the islands, if it could be developed, would be to stimulate dangerous competition with our own agricultural industries by the growth of hemp, sugar, tobacco, and cotton; that so far from aiding our trade with China the retention of a colony of rebellious subjects would, by requiring an army and navy to be kept there, embarrass us in the attempt to enforce our rights and interests in respect to the great prospective trade of China, and finally, that there are large and fertile countries to the southward, such as Cuba, Mexico, Central America, Brazil, and others far more worthy of our attention and where trade would be more easily secured.

The commercial argument, therefore, is opposed to all our experience and to common sense and is shown to be worthless. It has rested on the pure assumption of hasty and ignorant declaimers. Unless this argument can be shown to be perfectly well founded, it can not be counted against the cost of the war, the evils of a colonial system, the growth of militarism, and the serious injury to our form of government—the abandonment of the republican idea and the adoption by us of European ideas and methods of government. It must also be considered that if we are going into the business of land-grabbing and conquest in Asiatic waters, we weaken the position and arguments by which we have heretofore maintained the Monroe doctrine in North and South America. The two policies are absolutely contradictory. In the one case we forbid conquests and forcible annexation by others; in the other case we employ 65,000 soldiers and our Navy to work out a conquest over an unwilling people 7,000 miles off, who desire independence. We set the example of the very policy we object to in European governments.

XIII. COST OF THE WAR.

What, sir, is the cost of the war in the Philippines? All the orators who favor imperialism seem to shrink from giving us this important information. Is it because they do not regard the question of fifty or a hundred millions of dollars per annum as worthy of consideration by the American taxpayers, or is it because they feel that it would be a dangerous branch of the subject for them to discuss? We have no estimates from any of them on this subject. We are called on to plunge into this new policy without considering whether it will or will not increase the public burdens. I may remark right here that the estimates of cost from the opponents of imperialism have not been challenged, so far as I know. I believe, sir, that the Army of the United States, in proportion to its numbers, is more expensive than that of any other country. The estimate of cost per man, taking officers and men together, is $1,000 per man for a year. As we have 65,000 men in the Philippines, that alone would mean $65,000,000.

But when you consider that all your men, munitions of war, food, and other supplies must be transported 7,000 miles from our coast, it is apparent that the expense of the war must be fully one hundred millions per annum, especially if you include the unusual expenses for the Navy. This does not include the prospective expense from pensions. Considering the climate and the character of the service, this charge must be very large, even if there were to be no further combats or special exposure on the part of the troops. Probably no troops have ever had to undergo greater hardship and exposure since the days of the French invasion of Russia by Napoleon. The estimates of some good judges place the cost of this war at $150,000,000 per annum. One thing is certain, the actual cost of war almost always outruns expectations or estimates. No one ever dreamed the Spanish war would cost as much as it did.

It may be urged, sir, that the cost of the war and of retaining the Philippines will be much less hereafter. A people who have held our Army at bay for over a year and are still fighting us will, in any case, require a large army of occupation. Luzon is a large island. It is 40,000 square miles, and the country presents every facility for insurrectionary operations—more, even, than Cuba. It would be necessary to keep up garrisons all over the islands and to protect their communications. You would require fortifications, not only against the natives, but against all possible antagonists. You would need a strong naval force. The expense of occupation could not be brought much below a hundred millions of dollars.

XIV. QUI BONO?

But this is not all. After you have done it all—put down all resistance, conciliated the people you are crushing, and caused them to love you—have you not given a hostage to fortune? Is not Hawaii now at the mercy of any European government with whom you may have a war? Would not the Philippines be even more exposed? Can you say that you will have no war hereafter with any strong power? You have had actual hostilities with France in the past, and strained relations with Germany not long

ago, and with Italy also. With Great Britain you have had two long and bloody wars and a number of difficulties leading to the very verge of war. You have still unsettled questions with her. What is your naval power? We are greatly inferior to France and Russia, and are outranked by Great Britain eight or ten to one. We are now about equal in sea power to Germany, but if the naval programme of the German Government be carried out we will be much inferior to that Government two or three years from now. Italy is perhaps not quite equal to us, but a combination of Italy and Austria is not unreasonable. If we fought one we would have to fight both. Japan will probably be stronger than we are on sea two or three years from now.

Those are not pleasant facts, but they are undeniable. So that unless we greatly increase our naval armament our new possessions will be cut off from us in case of war. It follows that no matter how clear our cause of quarrel, we will be hampered in case of war by this new imperial policy. In this connection it is well to reflect that two-thirds of our whole Army is now in the Philippines. A considerable portion of our Navy is also there. It would take much time and expense to bring them home. Is it not obvious that while we have by this unfortunate policy multiplied the chances of war with other powers we have really lessened our war-making power and diminished our security at home against a foreign foe? Instead of protecting our grand home country on the Atlantic and the Pacific, we shall have to guard Puerto Rico, Hawaii, and the Philippines, or at least so much of the latter as we now occupy. There is a very large part of the Philippine group, say one-half of the whole, where we have made no attempt whatever at occupation. There the savage polygamist roams at will—his own sweet will.

I think, sir, that if we are to pursue the policy on which we are entering, a regular army of at least one to two hundred thousand men will be required and a navy at least four or five times what we now possess. More than that, we will need a British or some other alliance to guard against any possible combination against us. It would not be enough for us to be strong. We would have to combine with one or more powers. I need not tell you, sir, that such an alliance with England or other countries would involve concessions by us and bargains and sacrifices that nobody now could foresee. I believe that the advice of Washington to avoid "entangling alliances" embodies a sound national policy and is yet dear to all patriotic Americans.

I wish to say here that if three years ago any man had predicted that the United States Government would send an army of 65,000 soldiers across the seas to conquer a people of eight or ten millions of another race, with the purpose to hold them as a subject colony, he would have been regarded either as a madman or a slanderer of the American people and their Government.

XV. FACE TO FACE WITH MILITARISM.

We are now brought face to face with militarism. Some twenty years ago a great railroad president publicly advocated an army of 40,000 men. It was after a great strike of employees. The proposition was justly scouted as a monstrous departure from our traditional policy of a small standing army. Now we are invited to adopt the colonial system of European monarchs and the system of militarism and great armies which has been the curse of France, Germany, Austria, Russia, and all the Continent. Even England is not free from it. She is now busy sending 150,000 to 200,000 soldiers many thousand miles by sea to conquer two little republics in South Africa, and is spending at the rate of three or four hundred millions of dollars per year in an unnecessary war. It is this system of "militarism" which has driven so many good men to this country which we are now called on to imitate in this favored land. Sir, I fear that it means much more than foreign conquest. It means the subversion of our free institutions, the rule of the sword, and the reduction of our workingmen to the condition of vassalage exceeding that proposed for the Philippines. It means an absolute conquest of labor by the forces of capital.

XVI. GRAND RESULTS OF LEGITIMATE "EXPANSION."

An attempt is made to cover up this policy of imperialism and militarism by the employment of the mild phrase "expansion." Sir, there is no objection from any quarter to legitimate expansion, such as the expansion of this grand Republic from 1789 up to the advent of this unhappy war. It was an expansion in territory—contiguous and unsettled territory—expansion in wealth, commerce, population, power, science, invention, in all the wonderful arts of peace, by an intelligent, free, and liberty-loving population. This expansion has been the wonder and admiration of the world. It has lifted us from the position of a feeble Republic with some three millions of people in 1783 to the rank of a first-class power, able to face any nation on the earth in a just quarrel. Yes, "a world power"—not because we have coveted foreign territory all over the world, but because there was no power in the world that dared to do us a wrong. A "world power" because our political ideas and example had permeated the thoughts of men all over the civilized world, gained for the common people a better recognition of their rights, and pointed the way to the liberation and advancement of all mankind. A nation that could do this by purely moral force was more than a world power in modern vulgar acceptation.

When was there ever such expansion as ours? We subdued the forest and the field; we conquered all obstacles between us and the Pacific; we dominated the forces of nature or harnessed them to our chariot. We did all this without the sacrifice of our free Constitution, without wrong or injustice to other nations, without making a king out of a president or invading the grand sovereign power of the American people.

All honor to this expansion, an expansion not half completed, hardly begun, and destined to go on so long as American genius, force, and industry shall live under free institutions. But we must be careful not to suffer to be substituted for our American expansion the cheat, the bastard child of European imperialism.

XVII. THE LOUISIANA PURCHASE.

The large territorial acquisitions we have made on this continent were all made fairly and honorably. Our first acquisition was the great Louisiana purchase by Thomas Jefferson—a vast domain sold to us by France and practically unoccupied at the time we acquired it. There were in Louisiana—I mean the present limits of the State—a few thousand whites who freely accepted our rule, and outside there were large areas over which numerous savage and nomadic tribes wandered, camped, and fought, without order, progress, cities, farms or civilization. The country was contiguous to our western borders. It was the natural outlet for our advancing settlements, and was capable of being molded into great and prosperous States composed of a white and homogeneous population. We introduced no dangerous or incongruous elements into our political system. The acquisition of Florida was in like fashion. Texas was a free and independent State composed mainly of white people, which sought our political embrace. It has grown to be a great Commonwealth. California and New Mexico were occupied by our forces during the Mexican war. They were very sparsely settled. They might have been claimed and held by us as a war indemnity, but we paid Mexico for this territory, and now they are settled by a vigorous and enterprising white race of our own blood. In all this there was no vulgar greed of conquest. They were contiguous countries, practically unsettled and unoccupied, and were capable of being fashioned by immigration into homogeneous American communities, as they have been.

To assert that these honorable, natural, and wise acquisitions of territory on our own continent resemble the proposed forcible annexation of the inferior races, some 9,000,000 or more, inhabiting the Philippine Islands, 7,000 miles from our western shores and densely populated, is to insult the popular intelligence. What alien, hostile, and incongruous nations and organized communities did we subjugate in order to acquire Texas, California, Florida, and Louisiana? What peoples did we conquer, overrun, and ravage in order to deprive them of their government and to substitute our own?

Let it not be forgotten that the Philippine Islands are 7,000 miles away from our extreme western coast, that their total area is only 114,000 square miles, and that they are already more densely populated than Ohio or New York by a population who do not desire our rule, but are resisting it and sacrificing property and life itself to maintain their independence. Is not this policy one of imperialism? Will anybody say it is republicanism—the republicanism of our fathers? In what does it differ from the policy of British, German, or French imperialism? How does it differ from the British policy in India or in South Africa? We subjugate alien and inferior races many millions in number; we govern them by the sword as subjects, and yet we shrink from the little word "imperialism." It is not necessary, however, to discuss terms or phrases when you once discard liberty, set aside your free Constitution, and enthrone a government of force and despotic authority.

Is it true that empire is the real and final goal and outcome of all free republics? Is our old logic false, our Constitution a mistake or out of date, and the immortal Declaration an inconvenient reminiscence—a threadbare garment which fashion and interest require us now to discard? Is our creed henceforth to be the right of the stronger power, not the divine principle of justice? The Monroe doctrine, long so hateful to European monarchies—is it to be discarded as mere rubbish? For if the idea of foreign conquests and forcible annexations is to prevail, we will certainly find it very hard to hold on to the Monroe doctrine.

XVIII. OUR TRUE GLORY.

There is another and a better way than all this folly. Our true glory, our growth, our freedom consist not in conquest, subject colonies, or militarism, but in the paths of liberty, industry, and peace. Every great power desires our friendship. Pursuing our old methods, what have we to fear from any one of them? What need of a great standing army, of war and conscription, or of a great absolute government governing colonies by the sword,

repeating all over the world the cruelties and the wholesale corruptions which have so often stained the pages of history and from which it was our proud boast that we were entirely free? We have reached, I believe, the turning point in our national history. We can stand by the old Constitution and the old ways, or we can enter upon the new paths—new to us, but long familiar to the infamous despots of the Old World. The new programme of colonies and imperialism involves a deadly conflict with the very genius of free government and with all the fundamental principles of our free institutions.

The issue is so momentous, so immediate and pressing, that it can not be obscured by questions of currency and tariff, however important they may be. The issue is before the American people to-day for their decision. Heretofore they have not had the opportunity to pass upon it, but they will ere long be heard from, and I can not doubt their verdict. It will be, I believe, for liberty, the Constitution, and the Union, without any admixture of imperialism, huge standing armies, militarism, conscriptions and wars, or entangling alliances with foreign powers. [Great applause on the Democratic side.]

I should like to have an opportunity to conclude my remarks to-morrow.

Mr. HULL. Can not the gentleman conclude his remarks to-night?

Mr. MEYER of Louisiana. I would rather not. I have some matter that I desire to produce then.

Mr. HULL. Would the gentleman be willing to have permission to extend his remarks in the RECORD, so that he could fix it up in that way?

Mr. MEYER of Louisiana. I have some very good matter which I would like to present to the House upon a proper occasion.

The CHAIRMAN. Does the gentleman reserve the balance of his time and yield the floor?

Mr. MEYER of Louisiana. Yes, sir.

Mr. HULL. I want to say that I understand the gentleman from Ohio [Mr. LENTZ] will come in in the morning, and after he has concluded, if there is no one on this side who wants to speak, I want to move to close debate.

Mr. SULZER. I hope the gentleman will not make that motion. There are several other gentlemen on this side who want to be heard.

Mr. HULL. It seems to me that we have this afternoon virtually gone through the time that they desired, and I believe gentlemen would have preferred to speak under the five-minute rule and extend their remarks in the RECORD. One gentleman said his only object in jumping in was to fill up the time. Now, I submit that the Committee on Military Affairs is exceedingly pressed for time. It has an investigation on hand that is costing the Government at least $100 a day, and with a vast amount of work that it ought to do, and which in justice to Congress ought to be submitted to it, the sooner we get through with this bill the better it will be for the Government and all parties concerned.

Mr. RICHARDSON. In reply, Mr. Chairman, to what the gentleman has said, a number of gentlemen on this side of the House who desired to speak really on the bill were not prepared after 4 o'clock and did not know that an opportunity would be given to them to speak this afternoon, and for that reason there was some little difficulty for a few moments in getting a speaker; but there are gentlemen on this side who desire to be heard and ask for the time.

Mr. HULL. In the consideration of the bill under the five-minute rule they could obtain a reasonable time. There will be no disposition to hold members down strictly to the rule of the House in regard to what they may say in the five-minute debate, and believing there would be a liberal construction in the committee, I am anxious to permit a full enough debate in this way.

Mr. SULZER. I trust my friend will carry out the agreement made this morning in the committee.

Mr. HULL. That agreement can not be carried out, because it can not be carried out in full.

Mr. SULZER. So far as we are concerned, we are willing to carry it out the same as it was agreed upon in committee.

Mr. HULL. So far as debate has been had, no gentleman on this side has demanded any time, except the time that I took for the purpose of trying to explain the bill, and I do not know of any gentleman on this side who wants time.

Mr. SULZER. I know of three members of the committee who each want an hour.

Mr. HULL. I want to serve notice on my friend from Louisiana, so that if any motion is made to-morrow he can not say advantage was taken of anybody.

Mr. RICHARDSON. But the gentleman knows that this bill carries about $112,000,000 or $115,000,000.

Mr. HULL. Certainly.

Mr. RICHARDSON. And the members of the committee who desire to be heard ought to be heard upon it.

Mr. HULL. Certainly.

Mr. RICHARDSON. And they do desire to be heard on this bill.

Mr. HULL. Now, I will say to my friend that of all the members of the committee that I have talked to, the gentleman from Virginia [Mr. HAY] told me when leaving, as he had to leave to-day, that if he could have twenty or twenty-five minutes under the five-minute rule it would amply suffice for him; and the gentleman from Ohio [Mr. LENTZ] said he was not ready to speak to-day, and if he had an hour that would amply suffice him; and these are the only gentlemen that have made any requests to me on the matter.

Mr. SULZER. I want my hour; I want the gentleman from Iowa to understand that.

Mr. MEYER of Louisiana. To avoid any further controversy, Mr. Chairman, I can continue my remarks to-night; but I am not so well prepared, and I am afraid they will not be so interesting as they might be if I postponed them until to-morrow.

Mr. HULL. I am willing to remain a half or three-quarters of an hour in order that the gentleman from Louisiana may finish his remarks.

The CHAIRMAN. The gentleman from Louisiana has the floor.

Mr. MEYER of Louisiana. Mr. Chairman, I will yield the remainder of my time to the gentleman from New York [Mr. SULZER].

Mr. HULL. I want the gentleman from Louisiana to understand that I would not cut him off to-morrow if the general debate is to last indefinitely. That is the only question. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The gentleman from New York does not demand the floor and the gentleman from Iowa moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 8582, and had come to no resolution thereon.

REPRINT OF ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I understand that it is impossible for members of the House to get copies of the bill, the edition having been exhausted. I ask unanimous consent that a reprint of the bill be ordered, so that it may be here to-morrow morning.

The SPEAKER. The gentleman from Iowa asks unanimous consent for a reprint of House bill 8582, being the Army appropriation bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SULZER. Mr. Speaker, I ask unanimous consent that general debate on the Army bill be concluded at half past 2 on Wednesday next.

Mr. HULL. I object to that, Mr. Speaker; we do not need so much debate.

The SPEAKER. Objection is made.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 4854. An act granting a pension to James L. Whidden;

H. R. 6031. An act granting an increase of pension to James W. Carmody;

H. R. 6028. An act granting a pension to John H. Meeker;

H. R. 2792. An act granting a pension to Peter Cummings;

H. R. 7623. An act granting an increase of pension to Peter M. Heaton;

H. R. 5239. An act granting a pension to Sarah Potter;

H. R. 6139. An act granting a pension to Lucinda Haggard;

H. R. 6144. An act granting an increase of pension to Margaret A. Porter;

H. R. 3809. An act granting an increase of pension to Elisha B. Seaman;

H. R. 206. An act granting an increase of pension to Isaac D. Smith;

H. R. 1944. An act granting an increase of pension to Eli C. Walton;

H. R. 5126. An act granting an increase of pension to James J. McMains;

H. R. 541. An act granting a pension to Ellen Norwood;

H. R. 2382. An act granting an increase of pension to Eli Overhultz;

H. R. 7114. An act granting an increase of pension to John S. Parker;

H. R. 7896. An act granting an increase of pension to Samuel Lybarger;

H. R. 5180. An act granting an increase of pension to Thomas Adams;

H. R. 4298. An act granting an increase of pension to John M. McCord;

H. R. 539. An act granting a pension to Louisa S. Wilson;
H. R. 4961. An act granting an increase of pension to Margaret Gangloff;
H. R. 6911. An act granting an increase of pension to James R. Sawtell;
H. R. 5949. An act granting a pension to Frederick Weber;
H. R. 1989. An act granting a pension to Marie Wiersang;
H. R. 4441. An act granting an increase of pension to Samuel C. Krickbaum;
H. R. 2802. An act granting an increase of pension to John W. Brisbois;
H. R. 5346. An act granting an increase of pension to George White;
H. R. 3966. An act granting an increase of pension to David Talmon;
H. R. 5544. An act granting a pension to Lona A. Morgan;
H. R. 6092. An act granting a pension to Louisa Stearns;
H. R. 7368. An act granting an increase of pension to Sherman D. Plues;
H. R. 3470. An act granting an increase of pension to George W. Weeden; and
H. R. 2389. An act granting an increase of pension to Edward Boyle.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for an additional clerk in the office of the Commissioner of Education—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for royalty for telescopic sights furnished the War Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a communication from the Commissioner of Indian Affairs and the draft of a bill relating to cession of the Pipestone Reservation, in Minnesota—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BROSIUS from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 1118) for the better control of and to promote the safety of national banks, reported the same with amendment, accompanied by a report (No. 770); which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9879) to detach certain counties from the United States judicial district of northern California and to annex such counties to the United States judicial district of southern California, to divide said southern district of California into two divisions, and to provide for the holding of terms of court at the city of Fresno and city of Los Angeles, reported the same without amendment, accompanied by a report (No. 771); which said bill and report were referred to the House Calendar.

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred House bill 9492, reported in lieu thereof a bill (H. R. 9995) levying certain taxes for the education of children residing in the Indian Territory, and for other purposes, accompanied by a report (No. 772); which said bill and report were referred to the House Calendar.

Mr. STANLEY W. DAVENPORT, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6959) to amend an act approved January 5, 1893, entitled "An act granting increase of pension to soldiers of the Mexican war in certain cases," so as to extend the provisions of said act to all Mexican soldiers pensionable under law, reported the same with amendment, accompanied by a report (No. 773); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STANLEY W. DAVENPORT, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7418) granting an increase of pension to George Garrett, reported the same with amendment, accompanied by a report (No. 774); which said bill and report were referred to the Private Calendar.

Mr. CRAWFORD, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2734) granting an increase of pension to Dolly L. Harroll, reported the same with amendment, accompanied by a report (No. 775); which said bill and report were referred to the Private Calendar.

Mr. STANLEY W. DAVENPORT, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2621) granting a pension to Ida Wiederhold, reported the same with amendment, accompanied by a report (No. 776); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 9990) to establish a diplomatic, consular, and civil-service college of the United States at or near Washington, D. C.—to the Committee on Foreign Affairs.

By Mr. JENKINS: A bill (H. R. 9991) to acquire by condemnation land and water rights at the Great Falls of the Potomac—to the Committee on the District of Columbia.

By Mr. MANN: A bill (H. R. 9992) to fix the compensation of surfmen employed in the Life-Saving Service of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. CUMMINGS: A bill (H. R. 9993) to amend section 4965, chapter 3, Title LX, of the Revised Statutes of the United States, relating to copyrights—to the Committee on Patents.

By Mr. BUTLER: A bill (H. R. 9994) abolishing the further employment of per diem draftsmen and establishing a force of naval architects as a part of the regular establishment of the Bureau of Construction and Repair in the Navy Department—to the Committee on Naval Affairs.

By Mr. LITTLE, from the Committee on Indian Affairs: A bill (H. R. 9995) levying certain taxes for the education of children residing in the Indian Territory, and for other purposes—to the House Calendar.

By Mr. OLMSTED: A bill (H. R. 9996) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims against the United States for private property taken and used in the military service or damaged or destroyed within the limits of the State of Pennsylvania during the war with Spain—to the Committee on War Claims.

By Mr. WILLIAM E. WILLIAMS: A bill (H. R. 9997) making appropriation for dredging Hamburg Bay—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9998) for the appointment of a commission to investigate the overflow and sanitary effects caused by the Kampsville Dam on the Illinois River—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG: A bill (H. R. 9999) for the relief of certain officers and enlisted men of the Volunteer Army, and for other purposes—to the Committee on War Claims.

By Mr. FLYNN: A bill (H. R. 10000) for the protection of the members of Osage and Kansas tribes of Indians in Oklahoma Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. SHERMAN: A bill (H. R. 10033) to authorize the Secretary of War to purchase Constitution Island, in the State of New York, for the use of the United States—to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 10034) for establishing a permanent consulting and circulating library in the city of Manila, Philippine Islands, for the use, principally, of American soldiers and sailors—to the Committee on Insular Affairs.

By Mr. LOUD: A bill (H. R. 10035) to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BAKER: A bill (H. R. 10001) for the relief of the heirs of Joseph T. Stout—to the Committee on Ways and Means.

By Mr. BERRY: A bill (H. R. 10002) for the relief of Reuben Tedrow—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 10003) for the relief of Lewis F. Self—to the Committee on Claims.

By Mr. CALDWELL: A bill (H. R. 10004) for the relief of W. S. Carpenter—to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 10005) granting a pension to Mrs. S. M. Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10006) granting a pension to Joseph Turnbaugh—to the Committee on Invalid Pensions.

By Mr. CHANLER: A bill (H. R. 10007) granting a pension to Blanche Duffy—to the Committee on Invalid Pensions.

By Mr. COCHRANE of New York: A bill (H. R. 10008) granting a pension to Virginia Hull—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 10009) granting a pension to Robert Bruce—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 10010) granting an increase of pension to E. H. Brady—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 10011) granting an increase of pension to James V. Hutts, late corporal, Company E, Ninth Missouri State Militia Cavalry—to the Committee on Invalid Pensions.

By Mr. DE VRIES: A bill (H. R. 10012) to increase the pension of Eugene Stellman—to the Committee on Invalid Pensions.

By Mr. DAVEY: A bill (H. R. 10013) to correct the military record of J. W. Freeman, late a private in Company D, Second United States Volunteer Infantry—to the Committee on Military Affairs.

By Mr. EMERSON: A bill (H. R. 10014) for the relief of Silas Darling—to the Committee on Military Affairs.

By Mr. GILBERT: A bill (H. R. 10015) for the relief of Thomas Noon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10016) for the relief of M. D. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10017) for the relief of Ben F. Bryant—to the Committee on War Claims.

By Mr. HEMENWAY: A bill (H. R. 10018) granting a pension to William H. Robinson—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 10019) granting a pension to Dorcas Swan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10020) to remove the charges of desertion against John W. Stapleton—to the Committee on Military Affairs.

By Mr. JACK: A bill (H. R. 10021) granting an increase of pension to John R. Robinson—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 10022) to enable John Collinson, a subject of Her Majesty the Queen of Great Britain, to dispose of his right, title, and interest to certain lands situate in the Territory of New Mexico—to the Committee on the Territories.

By Mr. LESTER: A bill (H. R. 10023) for the relief of the heirs of James W. Bellah, deceased—to the Committee on War Claims.

By Mr. MUDD: A bill (H. R. 10024) to increase the pension of William H. Cole—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 10025) for the relief of James N. Robinson and Sallie B. McComb—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 10026) for the relief of the estate of William Hughes, deceased—to the Committee on War Claims.

By Mr. RYAN of Pennsylvania: A bill (H. R. 10027) granting an increase of pension to Amanda Helms—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 10028) granting a pension to Frank E. Whittemore—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 10029) granting a pension to Elizabeth Springer, widow of Charles Springer, late of Company G, Ninth Ohio Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 10030) granting an increase of pension to Albert D. Scovell—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD (by request): A bill (H. R. 10031) for the relief of the estate of Rev. Edward McMeans, deceased, of Jefferson County, Ala.—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 10032) granting an increase of pension to Margaret McCuen, widow of the late Alexander McCuen, late captain Company K, Seventy-second Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of N. Gilbert and 25 citizens of Dundee, Iowa, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. ADAMS: Petition of A. H. Love, of Philadelphia, against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Philadelphia Board of Trade, requesting the passage of the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Association of United States Government Employees of the navy-yards and arsenals of Philadelphia, urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

Also, petition of the Chicago Federation of Labor, protesting against the passage of House bills placing a tax on process butter—to the Committee on Ways and Means.

By Mr. BARBER: Petitions of Colonel J. Miller Post, No. 273; L. F. Chapman Post, No. 61; Robert Oldham Post, No. 527, and Lafayette Post, No. 217, Grand Army of the Republic, Department of Pennsylvania, indorsing the bill to establish a Branch Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BARHAM: Petition of citizens of Modoc County, Cal., against the ceding of large areas of the public domain to individuals and corporations—to the Committee on the Public Lands.

By Mr. BELL: Petition of the Congregational and Methodist Episcopal churches of Fruita, Colo., favoring a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of citizens of Walsenburg Colo., urging the passage of House bill No. 5475, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

By Mr. BOWERSOCK: Resolution of the Chicago Federation of Labor, and protest of the Commercial Club of Kansas City, Mo., against the passage of certain bills relating to the butterine industry—to the Committee on Ways and Means.

Also, petition of the Manufacturers' Association of New York City, relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

Also, remonstrance of the citizens of Fort Scott, Kans., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BRENNER (by request): Petition of the Woman's Christian Temperance Union of West Manchester, Ohio, against the slavery of the saloon in our new possessions—to the Committee on Insular Affairs.

Also, petition of the Christian Union of Fair Haven, Ohio, urging the passage of House bill No. 5475, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

Also, petition of druggists and citizens of Miamisburg, Ohio, for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. BROMWELL: Resolution of William Nelson Post, No. 186, of Cincinnati, Ohio, Grand Army of the Republic, indorsing the bill to establish a Branch Home for Disabled Soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BURLESON: Resolutions of Kennedy Rifles, Company I, First Regiment Texas Volunteer Guards, of Corpus Christi, and Troop C, First Regiment Texas Cavalry, Volunteer Guard, of Austin, Tex., in favor of the passage of House bill No. 7936, increasing the appropriation for the State militia—to the Committee on Militia.

By Mr. BURTON: Petition of the First Methodist Episcopal Church and Woman's Christian Temperance Union of Cleveland, Ohio, protesting against the expansion of the liquor traffic in our new possessions—to the Committee on Insular Affairs.

Also, resolution of the North Side Board of Trade of the city of New York, indorsing joint resolution in relation to extension of Harlem Ship Canal through the Harlem Kills—to the Committee on Rivers and Harbors.

By Mr. BUTLER: Petition of Grand Army of the Republic Post No. 25, of Chester, Pa., favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CANNON: Resolutions of Whipple Post, No. 414, Grand Army of the Republic, of Kankakee, Ill., in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CUMMINGS: Petition of A. J. Dittenhoefer relating to the copyright law, to accompany house bill No. 9993—to the Committee on Patents.

By Mr. DAHLE of Wisconsin: Petition of W. C. Griffis and others, of Beaverdam, Wis., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. STANLEY W. DAVENPORT: Petition of Charles H. Reilay Post, No. 567, Department of Pennsylvania, Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, protest of citizens of Cunningham, Pa., against the passage of the Loud bill relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of T. R. Huff and others, of Town Hill, Luzerne County, Pa., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. DE VRIES: Papers to accompany House bill to increase the pension of Eugene Stillman—to the Committee on Invalid Pensions.

Also, memorial of the Pacific Stockmen's Association, relating to the leasing of public lands, etc.—to the Committee on the Public Lands.

By Mr. DOLLIVER: Petition of R. H. Miller and other citizens of Algona, Iowa, for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. ESCH: Resolutions of the Wisconsin Humane Society, protesting against the passage of the bill extending the time that live stock may be permitted to be confined in cars, boats, or vessels—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD of Massachusetts: Resolutions of the Manufacturers' Association of New York, relating to the reorganization and the improvement of the consular service—to the Committee on Foreign Affairs.

Also, resolutions adopted at a meeting of the citizens of Waterbury, Conn., expressing sympathy for the peoples of the South African and Orange Free State Republics—to the Committee on Foreign Affairs.

Also, resolution of the Trades League of Philadelphia, Pa., approving the Senate amendments to the legislative bill respecting the Hydrographic Office, Navy Department—to the Committee on Appropriations.

Also, petition of New England Sportsman Publishing Company, against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of D. Albert Hiller, M. D., suggesting that the Republic of Nicaragua be "invited to join the United States and become one of the States of this nation"—to the Committee on Foreign Affairs.

By Mr. GASTON: Resolution of Linesville Post, No. 352, Grand Army of the Republic, Department of Pennsylvania, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Erie, Pa., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of citizens of Berrien Springs, Mich., favoring House bill No. 5457, to abolish the Army canteen—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: Resolutions of the Chamber of Commerce of New Haven, Conn., favoring the proposed amendment to House bill No. 9243, for regulations to limit the length and width of tows in inland waters—to the Committee on the Merchant Marine and Fisheries.

By Mr. HEPBURN: Papers to accompany House bill to correct the military record of John W. Stapleton—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to Dorcas Swan—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petition of citizens of Cranbury, N. J., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. JACK: Papers to accompany House bill granting an increase of pension to John R. Robinson—to the Committee on Invalid Pension.

Also (by request), resolutions of the Woman's Christian Temperance Union of Glen Campbell, Pa., asking for the prohibition of the liquor traffic and urging other reforms in our new possessions—to the Committee on Insular Affairs.

By Mr. JOY: Petition of Harry P. Harding Post, No. 107, of St. Louis, Mo., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of members of the house of delegates of St. Louis, Mo., favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOX: Petition of Grand Army of the Republic post of Peabody, Mass., favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

Also petition of Lucy Upton and 14 others, of Lawrence, Mass., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Resolution of the Pacific Northwest Wool Growers' Association and Idaho Wool Growers' Association, in regard to sheep grazing on forest reserves—to the Committee on the Public Lands.

Also, resolutions of Phil Kearney Post, No. 40, of Oskaloosa, Iowa, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of a meeting of fourth-class postmasters of Mahaska County, Iowa, praying for the passage of the Cummings bill increasing the compensation of postmasters of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of John Newcomer and others, of Newburg, Iowa, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of the Des Moines News Company and other publishers in the city of Des Moines, Iowa, urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

By Mr. LANE: Petition of Shelby Norman Post, No. 231, Department of Iowa, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LATIMER: Resolutions of the Board of Trade of Georgetown, S. C., favoring the erection of a public building at Georgetown, S. C.—to the Committee on Public Buildings and Grounds.

Also, resolution of the Board of Trade of Georgetown, S. C., favoring appropriation of money to reopen Wingate Bay, South Carolina—to the Committee on Rivers and Harbors.

By Mr. LITTLEFIELD: Petition of Edmon Eaton and 21 citizens of Livermore Falls, Me., favoring the Grout bill relating to dairy products, etc.—to the Committee on Agriculture.

By Mr. LONG: Petition of Dr. A. H. Bressler, Raymond, Kans., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, resolution of Judson Kilpatrick Post, No. 36, Grand Army of the Republic, Department of Kansas, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MANN: Petition of W. G. Valentine and other druggists of Chicago, Ill., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of Company C, First Infantry Illinois National Guard, in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on Militia.

Also, protest of the Chicago Federation of Labor, against the passage of the Grout, Tawney, or other bills to increase the tax on butterine—to the Committee on Ways and Means.

By Mr. MERCER: Petition of the American Society for the Prevention of Cruelty to Animals, protesting against the passage of bill extending the limit of time for holding live stock in transit from twenty-four to forty hours—to the Committee on Interstate and Foreign Commerce.

By Mr. NEVILLE: Resolutions of Tucker Post, No. 96, Department of Nebraska, Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of a meeting of fourth-class postmasters of Sherman County, Nebr., praying for the passage of the Cummings bill increasing the compensation of postmasters of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Tucker Post, No. 96, and E. V. Lenner Post, No. 12, Department of Nebraska, Grand Army of the Republic, urging the passage of Senate bill No 1716 and House bill No. 4742, to amend section 1225 of the Revised Statutes, to provide for the detail of active and retired officers of the Army and Navy to assist in military instruction in public schools—to the Committee on Militia.

By Mr. OLMSTED: Petition of citizens of Harrisburg, also, petition of Market Square Christian Endeavor Society, also of citizens of Derry Church, Pa., favoring the passage of House bill No. 7433, providing for the construction of a reservoir for the Pima Indians—to the Committee on Indian Affairs.

Also, petition of the Harrisburg (Pa.) Firemen's Relief Association, urging the defeat of Senate bill No. 1743, as affecting their relief funds—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: Petition of Charles T. F. Howard, of Frederick County, Md., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. POWERS: Resolutions of Skinner Post, No. 24, of Manchester, Vt., and W. P. Russell Post, No. 29, of Middleburg, Vt., Grand Army of the Republic, indorsing the bill to establish a Branch Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Rutland, Vt., in favor of Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of the Board of Trade of Philadelphia, Pa., praying for legislation to build up the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. ROBINSON of Indiana: Resolutions of Nelson Post, No. 69; W. H. Link Post, No. 301; Dinsour Post, No. 104, and Post 307,

of Hamilton, Grand Army of the Republic, Department of Indiana, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of C. W. Heitz, of New Era, Ind., to abolish the Army canteen—to the Committee on Military Affairs.

By Mr. RUSSELL: Petition of the New Haven (Conn.) Chamber of Commerce, favoring House bill No. 9243, providing regulations to limit length and width of tows in inland waters—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHAFROTH: Petition of citizens of Weld County, Colo., in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. SHATTUC: Papers to accompany House bill No. 3953, granting honorable certificates of discharge to certain officers and enlisted men of the United States volunteer service who were called out by the proclamation of Gen. Lewis Wallace issued September 5, 1862—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to Elizabeth Springer—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolutions of the Chamber of Commerce of New Haven, Conn., favoring House bill 9243, providing for regulations to limit the length and width of tows in United States inland waters—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Merchants' Association of Waterbury, Conn., urging the passage of the bill for a public building at Waterbury, Conn.—to the Committee on Public Buildings and Grounds.

By Mr. STARK: Petition of W. F. Barry Post, No. 159, Etna, Pa., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 7812, granting a pension to Lydia Strang, dependent foster mother of William P. Lewis, late of Company I, First Nebraska Volunteer Infantry, Spanish war—to the Committee on Pensions.

By Mr. SULLOWAY: Petition of Oliver B. Pettee and 32 other citizens of Francestown, N. H., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, protests of Miss Vera Cate and others, of Charmingfare, and Edward M. Hoyt and others, of Dover, N. H., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SUTHERLAND: Petition of Louis Sawyer and 10 citizens of Madrid, Nebr., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Gettysburg Post, Grand Army of the Republic, of Trenton, Nebr., in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WILSON of New York: Resolutions of the New York Board of Trade and Transportation, in relation to the Puerto Rican tariff—to the Committee on Insular Affairs.

By Mr. WRIGHT: Resolutions of Posts 582, 584, 211, and 389, Department of Pennsylvania, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. YOUNG: Resolutions of the New York Board of Trade and Transportation, expressing confidence in the wisdom of the Administration and of Congress in relation to legislation in the interests of the island of Puerto Rico—to the Committee on Interstate and Foreign Commerce.

By Mr. ZENOR: Petition of Captain W. W. Sloan Post, No. 318; W. L. Sloan Post, No. 191, and Delahunt Post, No. 152, Grand Army of the Republic, Department of Indiana, indorsing the bill to establish a Branch Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

SENATE.

TUESDAY, *March 27, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

AGES OF EMPLOYEES IN EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 16th instant, certain information relative to the number of persons employed in the several bureaus of the Post-Office Department between certain specified ages, etc.; which, on motion of Mr. GALLINGER, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 240) granting an increase of pension to George W. Wakefield;

A bill (H. R. 301) granting a pension to James T. Donaldson, jr.;

A bill (H. R. 457) granting a pension to Clara L. Harriman;

A bill (H. R. 493) granting a pension to Fanny M. Hays;

A bill (H. R. 548) granting a pension to Edward Harris;

A bill (H. R. 625) granting an increase of pension to Wesley Reed;

A bill (H. R. 642) granting an increase of pension to Charles C. Doolittle;

A bill (H. R. 657) granting a pension to Francis A. Kitchen;

A bill (H. R. 737) granting a pension to Cyntha A. Middleton;

A bill (H. R. 741) granting an increase of pension to Zedock C. Andrews;

A bill (H. R. 1147) granting an increase of pension to Luke H. Cooper;

A bill (H. R. 1172) granting a pension to Rebecca J. Jones;

A bill (H. R. 1677) granting an increase of pension to Missouri B. Ross;

A bill (H. R. 1681) granting an increase of pension to Isaac M. Locke;

A bill (H. R. 1800) granting a pension to Lutheria H. Maynard;

A bill (H. R. 1946) granting a pension to Jane F. Chalmers;

A bill (H. R. 2076) granting an increase of pension to Horace N. Brackett;

A bill (H. R. 2208) granting an increase of pension to John M. Garrett;

A bill (H. R. 2397) granting a pension to Eliza S. Redfield;

A bill (H. R. 2623) granting a pension to Melville Oliphant;

A bill (H. R. 2728) granting a pension to Thomas T. Garrison;

A bill (H. R. 2748) granting an increase of pension to Henry Schnetberg;

A bill (H. R. 2999) granting an increase of pension to George M. Brown;

A bill (H. R. 3021) granting a pension to Eliza H. Getchel;

A bill (H. R. 3131) granting a pension to Matilda O'Connor;

A bill (H. R. 3214) granting a pension to John S. Dukate;

A bill (H. R. 3225) granting a pension to Elizabeth Bent Cooper;

A bill (H. R. 3268) granting an increase of pension to James W. Kessler;

A bill (H. R. 3307) granting a pension to Matilda Hennessy;

A bill (H. R. 3312) granting an increase of pension to Ellen V. Myer;

A bill (H. R. 3454) granting a pension to Joseph E. Baldwin;

A bill (H. R. 3563) granting an increase of pension to Julia A. Floyd;

A bill (H. R. 3635) granting an increase of pension to Timothy B. Eastman;

A bill (H. R. 3642) granting an increase of pension to Adolphus Lavine;

A bill (H. R. 3654) granting a pension to Calvin E. Myers;

A bill (H. R. 3693) granting an increase of pension to Abraham Sanford;

A bill (H. R. 3758) granting an increase of pension to Joshua Ricketts;

A bill (H. R. 3775) granting an increase of pension to Robert Boston;

A bill (H. R. 3821) granting an increase of pension to Frances D. Best;

A bill (H. R. 3869) granting a pension to Joseph H. Hamrick and Ella G. Hamrick;

A bill (H. R. 3941) granting a pension to Samuel B. Weeks;

A bill (H. R. 3963) granting an increase of pension to Alanson C. Eberhart;

A bill (H. R. 4030) granting an increase of pension to Margarett L. Coleman;

A bill (H. R. 4089) granting a pension to Emily Burke;

A bill (H. R. 4188) granting an increase of pension to Elizabeth A. Hyatt;

A bill (H. R. 4180) granting an increase of pension to Austin J. Pickett;

A bill (H. R. 4247) granting an increase of pension to Francis S. Wolfe;

A bill (H. R. 4267) granting an increase of pension to Ezra A. Bennett;

A bill (H. R. 4276) granting an increase of pension to John R. Eggeman;

A bill (H. R. 4398) granting a pension to Julius Vogt;

A bill (H. R. 4562) granting a pension to Lois A. Fields;

A bill (H. R. 4654) granting an increase of pension to Simon Van Der Vaart;

A bill (H. R. 4657) granting a pension to Laura S. Pontious;

A bill (H. R. 4675) granting an increase of pension to Robert H. Jones;

A bill (H. R. 4681) granting an increase of pension to Elizabeth Keiff;

A bill (H. R. 4696) granting an increase of pension to Ruthven W. Houghton;
A bill (H. R. 4791) granting a pension to Catharine A. Schwunger;
A bill (H. R. 4805) granting a pension to Isaac Price;
A bill (H. R. 4828) granting a pension to Susie E. Johnson;
A bill (H. R. 4832) granting an increase of pension to Martha E. Graves;
A bill (H. R. 4991) granting a pension to Maria V. Sperry;
A bill (H. R. 5067) concerning the boarding of vessels;
A bill (H. R. 5088) granting an increase of pension to William G. Willoughby;
A bill (H. R. 5110) granting an increase of pension to Edward T. Kennedy;
A bill (H. R. 5127) granting a pension to John Lafollett;
A bill (H. R. 5134) granting an increase of pension to Joseph F. Allison;
A bill (H. R. 5169) granting an increase of pension to Charles Weed;
A bill (H. R. 5170) granting a pension to Cyrus Johnson;
A bill (H. R. 5171) granting an increase of pension to William R. Wallace;
A bill (H. R. 5209) granting an increase of pension to Samuel A. Greeley;
A bill (H. R. 5211) granting a pension to Lizzie M. Dixon;
A bill (H. R. 5435) granting an increase of pension to Alexander P. Baugher;
A bill (H. R. 5552) for the relief of Northrup & Chick, and also of Thomas N. Stinson;
A bill (H. R. 5886) granting a pension to William H. Lane;
A bill (H. R. 5961) granting an increase of pension to Charles A. Hausman;
A bill (H. R. 5970) granting a pension to Phebe S. Riley;
A bill (H. R. 6019) granting a pension to Mrs. Therese W. Hard;
A bill (H. R. 6089) granting a pension to Alfred T. Moreland;
A bill (H. R. 6159) granting an increase of pension to Arnold Bloom;
A bill (H. R. 6195) granting a pension to Livingston B. Gregory;
A bill (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C.;
A bill (H. R. 6304) granting an increase of pension to James J. Lyons;
A bill (H. R. 6344) to remove the charges of desertion from the records of the War Department against Frederick Mehring;
A bill (H. R. 6372) granting a pension to Abbie E. Webster;
A bill (H. R. 6375) granting an increase of pension to Chester Willis;
A bill (H. R. 6486) granting an increase of pension to Orange F. Berden;
A bill (H. R. 6624) granting an increase of pension to John C. Bradley;
A bill (H. R. 6731) granting an increase of pension to William F. Tait;
A bill (H. R. 6784) granting an increase of pension to Henry H. Neff;
A bill (H. R. 6785) granting an increase of pension to Maria Egan;
A bill (H. R. 6885) granting a pension to Horace B. Durant;
A bill (H. R. 6900) granting an increase of pension to Benjamin F. Kurtz;
A bill (H. R. 6952) granting a pension to Carrie P. Dale;
A bill (H. R. 6995) granting a pension to Catharine Harris;
A bill (H. R. 7177) granting an increase of pension to John N. Breed;
A bill (H. R. 7488) granting a pension to John C. Ray;
A bill (H. R. 7535) granting an increase of pension to Clare H. Burleigh;
A bill (H. R. 7596) granting an increase of pension to Eliza Wight;
A bill (H. R. 7599) granting an increase of pension to John F. Crawford;
A bill (H. R. 7767) granting a pension to Alice D. Roatch;
A bill (H. R. 7799) granting an increase of pension to Franklin M. Burdoin;
A bill (H. R. 7939) to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;
A bill (H. R. 8045) granting an increase of pension to Wilford Cooper;
A bill (H. R. 8079) granting a pension to Bertha M. Jordan;
A bill (H. R. 8083) granting an increase of pension to James Winnie;
A bill (H. R. 8112) granting a pension to John Vogler;
A bill (H. R. 8120) granting an increase of pension to David L. Wentworth;
A bill (H. R. 8339) granting an increase of pension to Charles H. Gates;
A bill (H. R. 8378) granting an increase of pension to Mary Steffens;
A bill (H. R. 8390) granting an increase of pension to Joshua Mitchell;
A bill (H. R. 8395) granting an increase of pension to Henry Johns;
A bill (H. R. 8405) granting a pension to Sophronia Seely;
A bill (H. R. 8599) granting a pension to Ellen J. Williams;
A bill (H. R. 8605) granting a pension to Joseph Champlin Stone;
A bill (H. R. 8610) granting an increase of pension to Abner S. Crawford;
A bill (H. R. 8669) granting an increase of pension to Eliza A. Lake;
A bill (H. R. 8800) granting an increase of pension to Bell Fries; and
A bill (H. R. 9070) granting an increase of pension to Daniel H. Kent.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:
A bill (H. R. 206) granting an increase of pension to Isaac D. Smith;
A bill (H. R. 539) granting a pension to Louisa S. Wilson;
A bill (H. R. 541) granting a pension to Ellen Norwood;
A bill (H. R. 1944) granting an increase of pension to Eli C. Walton;
A bill (H. R. 1989) granting a pension to Marie Wiersang;
A bill (H. R. 2382) granting an increase of pension to Eli Overhultz;
A bill (H. R. 2389) granting an increase of pension to Edward Boyle;
A bill (H. R. 2792) granting a pension to Peter Cummings;
A bill (H. R. 2802) granting an increase of pension to John W. Brisbois;
A bill (H. R. 3470) granting an increase of pension to George W. Weeden;
A bill (H. R. 3809) granting an increase of pension to Elisha B. Seaman;
A bill (H. R. 3966) granting an increase of pension to David Talmon;
A bill (H. R. 4298) granting an increase of pension to John M. McCord;
A bill (H. R. 4441) granting an increase of pension to Samuel C. Krickbaum;
A bill (H. R. 4854) granting a pension to James L. Whidden;
A bill (H. R. 4961) granting an increase of pension to Margaret Gangloff;
A bill (H. R. 5126) granting an increase of pension to James J. McManes;
A bill (H. R. 5180) granting an increase of pension to Thomas Adams;
A bill (H. R. 5229) granting a pension to Sarah Potter;
A bill (H. R. 5544) granting a pension to Lona A. Morgan;
A bill (H. R. 5546) granting an increase of pension to George White;
A bill (H. R. 5949) granting a pension to Frederick Weber;
A bill (H. R. 6028) granting a pension to John H. Meeker;
A bill (H. R. 6031) granting an increase of pension to James W. Carmody;
A bill (H. R. 6092) granting a pension to Louisa Stearns;
A bill (H. R. 6139) granting a pension to Lucinda Haggard;
A bill (H. R. 6144) granting an increase of pension to Margaret A. Porter;
A bill (H. R. 6911) granting an increase of pension to James R. Sawtell;
A bill (H. R. 7114) granting an increase of pension to John S. Parker;
A bill (H. R. 7368) granting an increase of pension to Sherman D. Plues;
A bill (H. R. 7622) granting an increase of pension to Peter M. Heaton; and
A bill (H. R. 7896) granting an increase of pension to Samuel Lybarger.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a memorial of Local Union No. 86, National Brotherhood of Electrical Workers, of Rochester, N. Y., remonstrating against the enactment of legislation to regulate electrical wiring in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry druggists of Fredonia and Jamestown, N. Y., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Presbyterian Church of Dryden, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army

canteens and also in any of the new possessions; which was referred to the Committee on Military Affairs.

He also presented a petition of Dorpian Lodge, No. 204, International Association of Machinists, of Schenectady, N. Y., praying for the enactment of legislation granting thirty days' annual leave of absence to navy-yard and arsenal employees; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Manufacturers' Association of New York, and a petition of the Chamber of Commerce of Utica, N. Y., praying for the enactment of legislation providing for the reorganization of the consular service; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Manufacturers' Association of New York, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Typefounders' Union, No. 1, of New York, praying that the Public Printer be authorized to print the label of the Allied Printing Trades on all publications issued by the Government; which was referred to the Committee on Printing.

He also presented a memorial of the German Insurance Journal, of Brooklyn, N. Y., and a memorial of E. L. Kellogg & Co., of New York City, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce, of Utica, N. Y., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of Syracuse Lodge, No. 381, International Association of Machinists, of Syracuse, N. Y., and a petition of Lock City Lodge, No. 439, International Association of Machinists, of Lockport, N. Y., praying for the enactment of legislation to increase the salaries of machinists employed in the Government Printing Office; which were referred to the Committee on Printing.

He also presented a petition of Madison County Pomona Grange, Patrons of Husbandry, of Earlville, N. Y., praying for the enactment of legislation to prohibit the adulteration of food products, for the election of United States Senators by a popular vote of the people, for the construction of the Nicaragua Canal, etc.; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the New York Zoological Society, of New York City, praying for the enactment of legislation relative to the protection and preservation of wild birds and quadrupeds; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Kings County Medical Association, of Brooklyn, N. Y., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Dunkirk, N. Y., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. SEWELL presented resolutions adopted at a mass meeting of sundry citizens of Flemington, N. J., extending sympathy to the people of the South African Republic and Orange Free State in their struggle for independence; which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Haddonfield, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in our new possessions, and also in our Army; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented sundry memorials of the members of the District Medical Society of Mercer County, N. J., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5503) granting an increase of pension to Samuel Hanson;

A bill (H. R. 2681) granting an increase of pension to Calista F. Hall;

A bill (H. R. 3865) granting an increase of pension to Louis H. Gein; and

A bill (S. 3536) restoring to the pension roll the name of Mary J. Calvin.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3206) granting an increase of pension to Moses King, jr., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3306) granting an increase of pension to Lucinda D. Dow;

A bill (S. 1593) granting an increase of pension to Clara H. Inch;

A bill (S. 1907) granting an increase of pension to Rebecca Paulding Meade;

A bill (S. 1822) granting an increasee of pension to Isaac M. Shup;

A bill (S. 1226) granting a pension to George G. Kemp;

A bill (S. 2550) granting a pension to C. W. Hobart;

A bill (S. 3508) granting an increase of pension to Edward F. Phelps; and

A bill (S. 3293) granting a pension to Helen Harlow.

Mr. GALLINGER (for Mr. KYLE), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 292) granting an increase of pension to Martha G. D. Lyster;

A bill (H. R. 3167) granting an increase of pension to Thomas H. Cook;

A bill (H. R. 2170) granting a pension to Angeline Eyestone;

A bill (H. R. 153) granting a pension to Elizabeth Johns; and

A bill (S. 3502) granting a pension to Elizabeth Whisler.

Mr. GALLINGER (for Mr. KYLE), from the Committee on Pensions, to whom was referred the bill (S. 3630) granting an increase of pension to J. N. Smith, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER (for Mr. PRITCHARD), from the Committee on Pensions, to whom was referred the bill (H. R. 1890) to increase the pension of John Houk, reported it without amendment, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom was referred the bill (S. 2994) granting a pension to Fanny F. Robertson, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER (for Mr. TURNER), from the Committee on Pensions, to whom was referred the bill (S. 306) granting an increase of pension to Warren L. Eaton, reported it with an amendment, and submitted a report thereon.

He also (for Mr. TURNER) from the same committee, to whom was referred the bill (S. 3049) granting an increase of pension to Mary U. Wilmarth, reported it with amendments, and submitted a report thereon.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 434) granting an increase of pension to Jesse Smith;

A bill (H. R. 1754) granting a pension to Helen M. Hull; and

A bill (H. R. 3694) granting an increase of pension to James Bottoms.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 4655) granting a pension to Elizabeth C. Rice; and

A bill (S. 682) granting a pension to Wilhelmina Hippler.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1207) granting a pension to Levi Chandler;

A bill (S. 1627) granting a pension to George B. Hayden; and

A bill (S. 2110) to restore John R. McCoy to the pension roll.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1672) granting a pension to Susie Gilbert; and

A bill (S. 647) granting an increase of pension to John Sirrine.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 3079) granting an increase of pension to William Oliver, reported it with amendments, and submitted a report thereon.

Mr. MCCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 92) granting a pension to William M. Ferry, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1463) granting an increase of pension to Jasper Pitts;

A bill (H. R. 1458) granting an increase of pension to John E. Whinnery; and

A bill (H. R. 1507) granting an increase of pension to William H. La Count.

Mr. MCCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 2001) granting a pension to John M. Essington, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (S. 3154) granting an increase of pension to Kate Cadwell, reported it with amendments, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 480) granting an increase of pension to Juliet Gregory;

A bill (S. 3748) granting an increase of pension to Washington Baker;

A bill (H. R. 2809) granting an increase of pension to Moses F. Woods;

A bill (H. R. 7322) granting an increase of pension to Frederick E. Vance; and

A bill (H. R. 5346) granting a pension to Elizabeth B. Norris.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 1734) granting a pension to Mary S. Belding, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 1201) granting a pension to James McNutt; and

A bill (H. R. 6527) granting an increase of pension to George Myers.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (S. 390) to regulate the taking of proofs and filings in certain land cases, reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, submitted a report to accompany the bill (S. 3421) to grant lands to the State of Alabama for the purposes of education of colored students at Montgomery, Ala., heretofore reported from that committee.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 3803) granting a pension to Cecelia B. Chauncey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 3804) to amend section 4965, chapter 3, Title LX, of the Revised Statutes, relating to copyrights; which was read twice by its title, and referred to the Committee on Patents.

Mr. BAKER introduced a bill (S. 3805) for the relief of Sylvester S. Van Sickel; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HARRIS introduced a bill (S. 3806) granting an honorable discharge to John W. Tiffany; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MARTIN introduced a bill (S. 3807) making appropriation for the removal of an obstruction in the naval channel of Elizabeth River, Virginia, in the approach to the navy-yard, known as Hospital Point; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3808) to carry ont the findings of the Court of Claims in favor of R. L. Pritchard & Co., of Page County, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3809) for the relief of E. H. Murrell; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 3810) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. LODGE introduced a bill (S. 3811) authorizing the Postmaster-General to consolidate the Quincy and Wollaston post-offices, in the city of Quincy, in the State of Massachusetts; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN introduced a bill (S. 3812) to establish a code of law for the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLAY introduced a bill (S. 3813) for the relief of R. B. Goodman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3814) for the relief of W. L. Barnes; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3815) for the relief of Patrick J. Finley;

A bill (S. 3816) for the relief of the estate of John T. Rawlings, deceased;

A bill (S. 3817) for the relief of W. A. Hopper, administrator of David Hopper, deceased;

A bill (S. 3818) for the relief of Joseph S. Acuff;

A bill (S. 3819) for the relief of James H. Knox;

A bill (S. 3820) for the relief of Henry M. Cobb;

A bill (S. 3821) for the relief of the estate of T. J. McFarland, deceased;

A bill (S. 3822) for the relief of Jacob Joiner;

A bill (S. 3823) for the relief of Lewis Jones;

A bill (S. 3824) for the relief of James T. Blair;

A bill (S. 3825) for the relief of Aquila Bowie;

A bill (S. 3826) for the relief of the estate of Jane N. Gibson, deceased;

A bill (S. 3827) for the relief of Patrick Foley;

A bill (S. 3828) for the relief of the estate of Benjamin Hawes, deceased;

A bill (S. 3829) for the relief of U. Lunenburger;

A bill (S. 3830) for the relief of the estate of Dr. J. P. Davis, deceased;

A bill (S. 3831) for the relief of the estate of Mary H. Moore, deceased;

A bill (S. 3832) for the relief of the estate of Thomas P. Young, deceased;

A bill (S. 3833) for the relief of Susan C. Robinson;

A bill (S. 3834) for the relief of Solomon Geisenberg;

A bill (S. 3835) for the relief of Elizabeth Johnson;

A bill (S. 3836) for the relief of Mrs. Ann M. Brown;

A bill (S. 3837) for the relief of Louis Sommer;

A bill (S. 3838) for the relief of the estate of Mrs. C. L. Shaifer;

A bill (S. 3839) for the relief of the estate of William R. Tinsley, deceased;

A bill (S. 3840) for the relief of the estate of D. B. Downing;

A bill (S. 3841) for the relief of the estate of W. S. Hyland, deceased;

A bill (S. 3842) for the relief of D. O. Perkins;

A bill (S. 3843) for the relief of the estate of Z. C. Offatt, deceased;

A bill (S. 3844) for the relief of the estate of Landon L. Lea;

A bill (S. 3845) for the relief of L. B. F. Champion;

A bill (S. 3846) for the relief of the estate of J. K. Morrison, deceased; and

A bill (S. 3847) for the relief of Robert Moss.

Mr. WOLCOTT introduced a bill (S. 3848) granting an increase of pension to Azariah S. Elwood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3849) granting a pension to John D. Vaughan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3850) to establish and maintain, in connection with the Department of Justice of the United States, a division to be known as the Bureau of Criminal Information, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

CASSIUS M. BARNES, GOVERNOR OF OKLAHOMA.

Mr. HARRIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish to the Senate all papers on file in the Department of the Interior, including all charges, affidavits, letters, protests, and exhibits against Cassius M. Barnes, governor of Oklahoma Territory, filed since March 4, 1897, prior and subsequent to his appointment as such governor, together with the opinion of the Assistant Attorney-General and recommendation of the Secretary of the Interior, if any, concerning such charges.

STENOGRAPHER FOR COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. McMILLAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the District of Columbia be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report hearings upon matters that may be pending before said committee, the expense to be paid from the contingent fund of the Senate, and that the necessary expenses of the inquiries already made by said committee be paid from said fund.

READJUSTED SALARIES OF POSTMASTERS IN MAINE.

Mr. FRYE submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the State of Maine between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled David Vinal and others *vs.* The United States, No. 18236, each such stated account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884, and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in the said circular and publication in the newspapers and in circular form No. 1223, the text of each of which under date of November 8, 1897, was transmitted by the Postmaster-General to the Attorney-General for use in the case of Jane Yarrington and others *vs.* The United States, No. 16345.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

Mr. STEWART. I submit an order for which I ask immediate consideration. I will state that I have had an estimate of the cost

of printing the report referred to, and am informed that it can be done for $500.

The order was read, considered by unanimous consent, and agreed to, as follows:

Ordered, That there be printed for the use of the Senate 4,000 copies of Senate Report No. 711, Fifty-sixth Congress, first session, on the public schools of the District of Columbia.

LEVI C. FAUGHT.

Mr. COCKRELL. I ask that the bill returned from the House granting a pension to Levi C. Faught may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the following bill, recalled from the House of Representatives.

The SECRETARY. A bill (S. 477) granting a pension to Levi C. Faught.

Mr. COCKRELL. I ask that the motion to reconsider the votes by which the bill was read a third time and passed be now acted upon.

The motion to reconsider was agreed to.

Mr. GALLINGER. This is a bill for a blind ex-soldier. It has passed in a form that probably would result in the Bureau of Pensions not granting the pension. I move to amend it by adding to the bill the words: "and pay him a pension at the rate of $30 per month."

The PRESIDENT pro tempore. The Senator from New Hampshire proposes an amendment, which will be stated.

The SECRETARY. After the word "Guards," in line 7, insert "and pay him a pension at the rate of $30 per month."

The amendment was agreed to.

Mr. GALLINGER. I ask unanimous consent that the bill may be put upon its passage.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I move that the Senate proceed to the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The question before the Senate is on the amendment offered by the Senator from North Dakota. [Mr. HANSBROUGH]. The amendment will be again read.

Mr. CARTER. At the time the motion was made to proceed to the consideration of executive business yesterday afternoon the Senator from Nevada [Mr. STEWART] was addressing the Senate on this amendment. I observe that he is not at the present moment in the Chamber, and I therefore ask that the amendment be temporarily laid aside, to the end that he may be present when it is further considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana, that the motion to amend be temporarily laid aside? The Chair hears none. It is so ordered.

Mr. CARTER. I present an amendment to be inserted as indicated.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 23, at the end of section 26, insert the following additional proviso:

Provided further, That, subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions, all land and shoal water below mean high tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States, shall be subject to exploration for gold and other precious metals by citizens of the United States, or persons who have legally declared their intention to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made, or may hereafter make, governing the temporary possession thereof for exploration and mining purposes, until otherwise provided by law; and all permits heretofore granted authorizing any person or persons, corporation or company, to excavate or mine under any of said waters are hereby revoked and declared null and void.

Mr. CARTER. Mr. President, the amendment just read relates to a subject on which some comment was made a few days ago in the Senate Chamber in connection with a resolution presented by the senior Senator from Washington [Mr. TURNER], calling upon the Secretary of War to advise the Senate what, if any, permits or privileges had been granted to any person or corporation to mine upon the coast of Alaska. In reply to that resolution the Secretary of War, by a communication dated the 23d instant, explains the conditions under which permits were issued, the extent or scope of such permits, and the purpose he had in view in issuing them.

The conditions existing at Cape Nome and along the coast of Bering Sea are unique. They were not in contemplation at the time certain laws were enacted for the regulation of persons or companies desiring to excavate under the shoal waters of the sea. For the purpose of preventing encroachments upon the navigable waters, the erection of structures tending to obstruct navigation, or excavations intended to injuriously affect navigable waters, Congress, it seems, from the report of the Secretary of War, passed this law on the 3d of March, 1899, to wit:

It shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same.

The Secretary then proceeds to show the penalty provided by law for any violation of the section which I have just quoted. The penalty, in short, is that on conviction thereof—that is, of any of the acts enumerated in the statute—the person shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment not exceeding one year, or by both such punishments, in the discretion of the court.

The Secretary of War, believing that this act would injuriously affect and unnecessarily restrain citizens of the United States desiring to explore the shoal waters of Bering Sea for minerals, determined deliberately, as a course of policy, to issue permits to any citizens of the United States upon recommendation of the Chief of Engineers to explore this gold-bearing coast within the 3-mile limit. That his purpose was a laudable one and in harmony with the general sentiment existing in Congress there can be no question. He merely exempts by the permit a citizen who may desire to mine on that coast from the penalties which would be inflicted under the law if the permit were not granted previous to the beginning of the work.

In a personal interview I inquired of the Secretary of War the reason why a general order had not been promulgated authorizing all persons to prosecute investigations and explorations on that coast. In reply he cited the law, which provides that the work must be recommended by the Chief of Engineers, and in consequence of this recommendation being a prerequisite, each application must pass through the office of the Chief of Engineers and be separately passed upon by him. Under the law as it now stands the Secretary of War, in the exercise of the discretion given by the law, will exempt all citizens who may apply to him in the regular manner prescribed by the statute from the penalties inflicted on those who do not secure permits.

It is obvious that upon arriving in Bering Sea hundreds of persons may desire to avail themselves of the privileges of mining along the coast, but will be deprived of so doing unless at the hazard of incurring the severe penalties prescribed by the statute until they shall have had time to send an application to the Chief of Engineers, to be by him passed on to the Secretary of War.

Mr. ALLEN. I should like to ask the Senator a question. I did not hear the beginning of his remarks. What remedy does the Senator propose for the evil that is complained of?

Mr. CARTER. The remedy proposed is embodied in an amendment which I have presented, and which is now under consideration.

Mr. ALLEN. Will the Senator be kind enough to have it read? I did not hear it.

Mr. CARTER. I would be glad if the Secretary would again report the amendment for the information of the Senator from Nebraska.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read Mr. CARTER'S amendment.

Mr. ALLEN. I should like to suggest to the Senator that this amendment ought to include a provision nullifying any permits hereafter granted by the Secretary of War.

Mr. CARTER. No permit can hereafter be granted under the terms of the amendment in those waters, because by the express terms of the amendment——

Mr. ALLEN. Under what provision of law does the Secretary profess to have this power?

Mr. CARTER. The provision I have heretofore cited. I will cite it again for the Senator's benefit. In the act of Congress approved March 3, 1899, this provision occurs:

It shall not be lawful to excavate or fill or in any manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater or of the channel of any navigable water of the United States unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same.

On the next page of the report the Senator will find that a drastic penalty is provided for any violation of this law by the individual.

Mr. ALLEN. But what I was calling for is the law that gives the Secretary of War authority to grant mining permits between high and low tide.

Mr. CARTER. No permit has ever been granted by the Secretary of War for mining purposes. It so happens—it is a matter of common knowledge, indeed—that the purpose of dredging in those waters would be for gold, but the same permit is granted there that would be granted along the New Jersey coast to a farmer, or builder, or a person having use for sand, to excavate and carry away loads of sand from along that coast.

Mr. ALLEN. I should like to ask the Senator another question. Are not all the mining lands of the United States, upland and tide lands, withdrawn from permits of this kind by other statutes?

Mr. CARTER. Not at all. The jurisdiction of the Secretary

of War is extended over the navigable waters of the United States for the purpose manifestly of protecting navigation.

Mr. ALLEN. For the purposes of navigation and commerce.

Mr. CARTER. And in connection with navigation the right is given to protect the bottom of the sea, the lakes, the inlets, and shoal waters from excavation or intrusion or invasion by any person except by a permit from the Secretary of War.

Mr. ALLEN. If the Senator will permit me, suppose there is no necessity for improvement at this harbor, but a man goes to the Secretary of War and says, "There is gold underlying the waters there; there is no necessity for improvement for navigation purposes, but I should like to have a permit to go there and deepen the harbor and receive my compensation in the gold or precious minerals that I can find in the sand," does not the Senator realize that a permit granted under those circumstances is a mere subterfuge and does not come within the purview of this statute?

Mr. CARTER. I think that the permit comes within the purview of this statute precisely as a permit granted to a farmer on the New Jersey coast to build a pier out into the sea a hundred feet for his own accommodation would come within the authority of the Secretary of War under this section of the statute.

Mr. COCKRELL. But it gives no monopoly of that right.

Mr. CARTER. No monopoly was granted here. None was pretended to be granted.

Mr. ALLEN. If the Senator will permit me, the power granted by this statute is a power to improve the harbor for commercial purposes.

Mr. CARTER. The Senator in that respect is in error. The authority granted here is for the purpose of preventing injury to the navigable waters of the United States and not for the improvement of them.

Mr. ALLEN. Injury in what respect?

Mr. CARTER. By placing obstructions, making injurious excavations, or in any one of the many ways in which navigation might be injuriously affected.

Mr. ALLEN. But, if the Senator will bear with me, it is not claimed that in any one of these instances there was any necessity for improvement or a necessity for any repairs to that harbor at that time.

Mr. CARTER. None whatever; nor was it expected that any repairs would ever be made along that coast.

Mr. ALLEN. Now, then, if there was no necessity for improvement, why does the Secretary of War, under this slimsy power or slimsy statute, which does not cover his case at all, grant permits the primary and sole purpose of which is to go into those waters and disturb commerce by mining?

Mr. CARTER. The Secretary of War did not give a mining permit, but gave such a formal permit as would relieve the individual obtaining it from the penalty of the statute that was manifestly not intended by Congress to apply under such conditions.

Mr. ALLEN. I suppose he knew that the permit was valuable only in consequence of the minerals, and that that was the chief purpose in taking out the permit. Is not that knowledge to be construed as a part of the permit, and is it not to be construed into a permit to mine?

Mr. COCKRELL. And excluding everybody else.

Mr. ALLEN. And excluding other persons from doing so?

Mr. CARTER. Mr. President, there was no exclusion and no intention to exclude.

Mr. COCKRELL. Did it not operate in that way?

Mr. CARTER. The Secretary of War merely relieved the individual who received the permit from the penalties of a statute which would inevitably and by operation of law apply to the individual if not protected by the permit.

Mr. ALLEN. Did not the Secretary of War thereby say, "You may go on and mine those sands ad libitum?"

Mr. WOLCOTT. May I interrupt the Senator from Montana to answer the Senator from Nebraska, as the Senator from Montana and I have both looked more or less into this question?

Mr. CARTER. I yield to the Senator.

Mr. WOLCOTT. In the waters of Cape Nome, below the low-water mark, where developments have shown that the soil is rich and the sands are gold bearing, they have to be reached by boats and dredges, for, as a matter of fact, there is no navigation there; there is no channel to help or to injure. Those sands are far away from the possibilities of development by helping the channel by excavation or injuring navigation by their presence; but when prospectors for gold reached those waters they found the presence of a statute upon our books which never was intended to apply to such a case as this, for in the whole history of the world there never was a time when the rich alluvial sands under the ocean bore gold until here.

But this statute existed. It was a form of prohibition along our coast forbidding anybody to excavate or dredge except under the authority of the Secretary of War. It was a fiction so far as its applicability to these soils went; but it was an existing statute forbidding work. Whereupon the Secretary of War issued these permits, Congress not having acted. He issued the permits indifferently to every responsible person who applied for them, to do away with the formality of the statute. There seems to have been no favoritism, no desire on anybody's part to exclude anybody, but to open the land so far as could be in this anomalous condition, and to do away with the prohibition of the statute by giving permits alike to every responsible person who asked for them.

Mr. JONES of Arkansas. I wish the Senator would read that statute.

Mr. WOLCOTT. I have it not with me, but the Senator from Montana [Mr. CARTER] has it.

Mr. CARTER. The statute refers to the prohibition and likewise to the penalty, and will be found in Senate Document No. 239, the response of the Secretary of War to the resolution of the Senate of March 21, 1900.

Mr. ALLEN. Will the Senator from Montana, in the kindness of his heart, indulge me a moment, that I may reply briefly to the Senator from Colorado?

Mr. CARTER. Most assuredly, and with great pleasure.

Mr. ALLEN. Mr. President, there is nothing in this statute, not a word, that would give the Secretary of War the power to issue mining permits. It simply provides that—

> It shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same.

It is not claimed that the Chief of Engineers recommended this.

Mr. CARTER. It is claimed that the Chief of Engineers recommended it in every case. That is the fact.

Mr. ALLEN. Mr. President, without consuming too much of the time of the Senator from Montana, who has been kind enough to give way to me, let me drop this observation: The purpose of this statute was to control the harbors, rivers, havens, bays, etc., within the limits of the United States, for the purposes of navigation. They were put under the charge of the War Department that they might be systematically improved where improvement was necessary, and that individuals and corporations might not run indiscriminately into the navigable waters of the United States, and by excavations disturb the channels and waters, thereby impeding navigation.

The Senator from Colorado [Mr. WOLCOTT], I think, correctly states the fact that this condition is anomalous. There has been nothing in the history of the world like it. But, Mr. President, when these parties applied for permission to disturb the waters and the sands beneath them at Cape Nome, it was known that those sands were valuable for mining purposes solely. No person had recommended the dredging at that cape; there was no purpose on the part of Congress to make appropriation to dredge or to widen it, or in any respect to change it from its natural condition; but it was known that the wash of the rivers and creeks from the mainland had put into the sands of Cape Nome large deposits of valuable gold; and when these persons applied to the War Department to secure these permits, that knowledge, at least presumptively, was in the possession of the Secretary of War; and when he granted the permits, he granted them with the full knowledge that the purpose of the licensees was to go into the waters there and dig into those sands for minerals.

Now, do not both the Senator from Colorado and the Senator from Montana believe that it would have been more in keeping with the dignity of a great Cabinet officer to have said, "This harbor does not need improvement at this time; there is no purpose of improving it; let this matter rest until Congress convenes, and let these sands be treated as a part of the mineral reserve of the United States," and withheld these permits and not given these special privileges?

Mr. WOLCOTT. Mr. President, may I remind the Senator from Nebraska that we have by law again and again declared that the mineral lands of the United States are open to entry, prospecting, and occupation by citizens of the United States or those who have declared their intention to become such; and does not the Senator from Nebraska know that the lust for gold stops at nothing? Wherever there are valuable metals to be found—the Arctic region is not too far north, nor the Torrid region too hot for men to search for them—and to say to such men, to these hardy prospectors, "Until Congress acts you shall not get at these shifting sands under the water" would have been, first, to deny to the people their rights, and second, would have been a useless effort to prevent those hardy prospectors from doing what they would be sure to attempt. Does not the Senator think that what the Secretary of War did was the wisest possible thing—to issue permits, and not leave those people in the technical position of violating the law?

Mr. ALLEN. No, Mr. President, the Secretary of War simply perverted a statute which was intended to protect the harbors and navigable waters of the United States and territory under the jurisdiction of the United States Government from disturbance

by interlopers. He simply perverted that statute, which has no relation whatever to mining, into granting mining permits to a few individuals to go into the harbor and mine without restraint. However much it may be glossed over, that is what it is.

Mr. DAVIS. I should like to know whether any of these permits covered any particular area of surface or are they general?

Mr. CARTER. The permits protect the persons within certain specified limits. The Secretary of War very wisely refrained from granting to any person an unlimited right as to the extent of country to disturb the waters of Bering Sea.

Mr. DAVIS. Was it to equally protect every person having a permit within certain limits?

Mr. CARTER. Unquestionably.

Mr. DAVIS. And not giving any exclusive privileges?

Mr. CARTER. Not giving any privileges or exclusive rights. It was not a permit to mine, and by no kind of contortion can it be made to appear so. It was an exemption from the penalties of the statute.

Mr. ALLEN. Suppose some other person had gone on to the 2-mile limit granted to this particular individual. What would have happened to him?

Mr. CARTER. If he had a permit he would be exempt from prosecution—simply that, and nothing more.

Mr. ALLEN. Suppose one man was granted a 2-mile permit, and possibly some interloper, having the lust for gold to which the Senator from Colorado [Mr. WOLCOTT] has referred, and which I presume exists, had gone on to that 2-mile limit. What would have happened to him?

Mr. CARTER. Why, Mr. President, 100 permits might have been granted to as many persons for excavating within the same square mile.

Mr. ALLEN. I know; but here are 2 miles granted to one individual.

Mr. CARTER. The individual in that permit named can not be prosecuted by the authorities of the United States for excavating sand within that limit; and if another person without a permit should go on it, he would become liable to the penalties provided by law.

Mr. ALLEN. Suppose some other person having a permit had gone on the sands of a person holding a permit; what would have been his status?

Mr. CARTER. His status would have been that of any other person who disregarded the laws of the United States. Having the possibility of getting a permit, and having neglected so to do, he would incur the penalty, of course.

Mr. ALLEN. Was not the permit really the granting of an exclusive easement in the licensee?

Mr. CARTER. It was not, and can not be so considered. The licenses granted would have been granted to any citizen of the United States, or any person having declared his intention to become such, upon application to the Secretary of War in the manner prescribed by the law of the country.

Mr. ALLEN. The Senator does not apprehend my question. A receives a permit extending over 2 miles——

Mr. CARTER. Certainly.

Mr. ALLEN. And B, without a permit, trespasses upon the land embraced within A's permit. The Senator says B would be a trespasser and amenable to the law.

Mr. CARTER. Not as against A. He would be a violator of the laws of the United States, and could not protect himself, if prosecuted, by showing a permit.

Mr. ALLEN. Does not the Senator think it would have been wiser for the Secretary of War to have declared that all these lands, if they were to be opened by an order of his, should be open to the public indiscriminately?

Mr. CARTER. But if the Senator will read the statute to which I have repeatedly referred, he will find that the permit can only be granted on application presented through the Chief of Engineers and recommended by him. Permits can not be made by invisible people; the action of the Secretary of War can not have been based upon a dream.

Mr. ALLEN. No; but could not the Chief of Engineers have recommended the opening of the whole tide lands or the whole bottom of the cape?

Mr. CARTER. Not upon his own motion.

Mr. ALLEN. I know; but in the same way he did recommend it, could he not have recommended it to be opened up to all persons?

Mr. CARTER. I think the Secretary of War fairly construed the law, and I think the Senator will perceive that his contention is not well founded in that behalf.

Mr. ALLEN. I claim this law has no application whatever to the case.

Mr. CARTER. That is what the Secretary of War thought, and he thought therefore the penalties of the law ought not to be applied to persons going upon that coast.

Mr. ALLEN. Why did not the Secretary of War open the whole thing up to the people to go there indiscriminately, as miners go into any other mining camp?

Mr. CARTER. The Secretary of War undoubtedly felt that Congress, having given him warrant for action, expected him to act in all proper cases. It is not the province of the Secretary of War or of any other Cabinet minister or officer of the Government to do more than execute the law as passed by Congress and approved by the President.

Mr. JONES of Arkansas. I should like to call attention to the language of the law in question. It does not seem to me that there was any occasion for any permit to be asked from the Secretary of War or from anybody else to excavate those sands. The law quoted by the Secretary of War himself is as follows:

> It shall not be lawful to excavate or fill or in any manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same.

I do not believe by any legitimate construction that can be held to apply to every particle of shore line of the United States away from a harbor or the mouth of a river or a breakwater or a canal. One of these permits here given states that it is 12 miles away from the mouth of Snake River. It seems to me the operation of the permit is simply this: Where there is no law to forbid persons going and excavating these sands, the Secretary of War has been induced to issue an order which, in effect, says that under this law no one, except by permission, may go and excavate these sands. He issued an order to Mr. George Max Esterly, of Seattle, Wash., in these words:

> And whereas Mr. George Max Esterly, of Seattle, Wash., has applied to the Secretary of War for permission to excavate or fill within the following-described area in Bering Sea, near the mouth of Snake River, Alaska, commencing at a point 200 feet east of the junction of mean low-tide water on Bering Sea and the mean low water at the mouth and on the east bank of Snake River, which latter empties into Bering Sea about 12 miles a little north of west of Cape Nome, in Alaska; then extending along on the said mean low-tide line in a general westerly direction for a distance of 2 miles, and extending out 500 feet from the mean low-tide line, which work has been recommended by the Chief of Engineers:
>
> Now, therefore, this is to certify that the Secretary of War hereby gives permission to said George Max Esterly and assigns to excavate or fill within the area described above in Bering Sea, near the mouth of Snake River, Alaska, upon the following condition:
>
> That the work herein permitted to be done shall not interfere with navigation or the rights of riparian owners, and shall be subject to the supervision and approval of the commanding general, Department of Alaska.

This permit begins 200 feet away from low water, at the mouth of Snake River, and runs 2 miles along the coast, where there is no river, no harbor, no canal, nothing on the face of the earth but open coast line. The Secretary of War has been induced to issue this order; and this Mr. Esterly will go in and say, "The Secretary of War says it is not lawful for any man to come here and excavate unless he does it by my permission. I am the only one who has permission; and you people who propose to come here and excavate and mine must, under the law, get out." The order of the Secretary of War has been obtained to put a meaning on the law that it has not, that it can not have, and that no court of justice anywhere in the world will give it.

It seems to me to be an absolutely indefensible outrage. I can not imagine any excuse for it. There is certainly nothing in the law to justify it, because it does not apply to an open coast line such as this, and can not be made to apply to it.

The next permit says:

> And whereas F. S. Wood, of Alliance, Ohio, has applied to the Secretary of War for permission to excavate and fill within the following-described area in Bering Sea, near the mouth of Snake River, Alaska, commencing at mean low tide 3 miles east of the mouth of Snake River, which latter empties into Bering Sea about 12 miles a little north of west of Cape Nome, in Alaska; and from said point extending 1 mile east along shore at mean low tide and extending out into Bering Sea 500 feet, thus covering a space of 1 mile by 500 feet, which work has been recommended by the Chief of Engineers, subject to the condition hereinafter set forth:
>
> Now, therefore, this is to certify that the Secretary of War hereby gives unto said F. S. Wood and assigns permission to excavate and fill within the area described above, it being understood that this instrument is simply a permission to excavate and fill under said act, and is not exclusive within said area—

That language is not in the first permit. The first permit has no such words; and we all understand that a man thousands of miles away from the seat of government, hundreds of miles away from any court of justice, will claim that the order of the Secretary of War, putting those words in one permit and not putting them in the other, would mean that the other man had the right to claim that his privilege was exclusive, and to use it for himself alone, to the exclusion of everybody else. In addition, this second permit, this exemption from penalty by prosecution, makes it assignable, allows the holder to transfer his indemnity, which he derives from the Secretary of War, to anybody else who chooses to take it. It goes to F. S. Wood and his assigns, anybody to whom he proposes or chooses to transfer his immunity from prosecution.

It can go from him by assignment. That is a valuable right. What would be the use of having it assignable if any other man

had the same right and there was nothing exclusive in it, excepting it be claimed that this man having gone to the Secretary of War and got this right, the other man could not come in? There would be nobody there to protect such people, no court there to vindicate their rights, but only such laws as the miners may choose to enact. It is a simple means of driving honest miners out of an opportunity to labor and to confer the prosecution of this whole business on a handful, or at least a few, people who are considered responsible.

I did not finish reading that paragraph. It continues:

and that it may be withdrawn as to future work at the discretion of the Secretary of War.

Why has the Secretary of War the right to withdraw this sort of a permit and forbid people the right of excavating sands along the shore line of the country? The law he quotes only authorizes him to interfere where there is a likelihood of injury being done to some navigable water, to a harbor, to a breakwater, to a canal, to a river. It is not intended, never was intended, and can not by any violence of construction be held to apply to the simple shore line of the United States.

Mr. CARTER. Mr. President, the statement of the Secretary of War very clearly sets forth the reasons why the permits were granted, and, with the permission of the Senate, I will insert in my remarks the portion of the statement which is explanatory.

WAR DEPARTMENT, *Washington, March 23, 1900.*

To the Senate of the United States:

I have the honor to reply to the following resolution of the Senate, dated March 21, 1900.

"*Resolved*, That the Secretary of War be directed to inform the Senate whether any concessions or grants to excavate the gold-bearing bed of the sea at or in the vicinity of Cape Nome, in Alaska, or in other Alaskan waters, has been made to any individual or individuals, or to any corporation or association of individuals, by the Secretary of War, or by any other official of the War Department, and, if so, to inform the Senate upon what theory of power or authority, if any, such concessions or grants were made."

No concessions or grants to excavate the gold-bearing bed of the sea at or in the vicinity of Cape Nome, in Alaska, or in other Alaskan waters, have been made by the Secretary of War or any other official of the War Department. Numerous applications have been received by the War Department for permits to excavate in the bed of the ocean in the vicinity of Cape Nome, in Alaska, in the exercise of the authority conferred upon the Chief of Engineers and the Secretary of War by section 10 of the act of Congress approved March 3, 1899, which provides:

"* * * It shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same."

Section 12 of the same statute makes it a criminal offense to excavate without the required authority, however lawful the work may otherwise be, and provides that the offender "on conviction thereof shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment not exceeding one year, or by both such punishments, in the discretion of the court." As this statute was designed solely for the protection of navigation, it has been the practice of the War Department to grant permits to persons desiring to excavate for any purpose when the work is not such as to injuriously affect navigation and is otherwise lawful. Permits thus granted are not exclusive; they do not preclude any number of similar permits applicable to the same territory; they are not grants or concessions, and they confer no rights whatever except immunity from prosecution under the statute above quoted secured in accordance with the terms of the statute and by reason of a compliance with the provisions thereof.

As there seems to be no legal reason why all citizens of the United States should not have the same opportunity to prospect for gold and acquire mining rights under the mining laws upon land under water as they have upon lands not under water, the Department determined, as a general policy in the exercise of the discretion vested in the Chief of Engineers and Secretary of War by this statute, to relieve all citizens applying from the obstacle interposed by this statute so long as their proposed operations do not in fact interfere with navigation. All applications made under this statute have accordingly, so far as it has been possible to dispose of them, received favorable action. No application of this description has been denied. Upon two, permits have been granted. Upon a third, papers have been prepared and were awaiting the Secretary of War's signature at the time of the passage of your resolution. Three others were approved by the Chief of Engineers and were in the hands of the Judge-Advocate-General for the preparation of the necessary papers. Eleven others are still in the office of the Chief of Engineers in process of examination upon the question whether they interfere with navigation. Four more just received are in the office of the Secretary of War, and will to-day be sent to the Chief of Engineers.

Unless otherwise directed by Congress, the Secretary of War will deem it his duty, in the exercise of the discretion vested in him by law, to grant permits in all of these cases and upon all other similar applications by citizens of the United States, provided that the work proposed does not injuriously affect navigation.

I annex hereto a copy of the form of permit prepared by the Judge-Advocate-General and used by the first two cases, and also an amended form which has been prepared by the Judge-Advocate-General for the Secretary of War's signature in the three cases mentioned, and which is being followed in the preparation of the papers in the other cases.

Very respectfully,

ELIHU ROOT,
Secretary of War.

It is true this permit was made to the person named and to his assigns. That was a very proper thing to do.

Mr. COCKRELL. One question. Does the Chief of Engineers, then, pass upon the right of that assignee or does the Secretary of War thus delegate this right of the Chief of Engineers and himself to this one man, so that he can pick out anybody he chooses?

Mr. CARTER. Mr. President, I have no doubt the Secretary of War intended the most liberal issue and the most liberal and unrestrained use of the privileges of mining within the waters under his jurisdiction without any possibility of prosecution by the Federal authorities.

It has been the settled policy of this Government since gold was discovered in the country on the public domain to encourage the exploration, location, and development of mines. In the Cape Nome country the miners, in prospecting, came down to the waters of the sea, and there found that the rich gravel extended far beyond and under the water; but, as the Senator from Colorado [Mr. WOLCOTT] has stated, at that point they were confronted by a penal statute of the United States, which said "thus far, but no farther." They found in the laws of the country what they believed constituted an authority in an executive officer to exempt them from the penalties to be inflicted if they invaded this sacred soil under the sea. They applied to the Secretary of War. Whereupon, recognizing the settled policy of the country to encourage rather than to retard the development of its mineral resources, and acting upon the inspiration drawn from that settled policy, the Secretary of War concluded that this penal statute was not intended to restrain the legitimate development of the mining industry. Actuated by that view, he issued these permits.

Now comes the Senator from Arkansas [Mr. JONES], and in glowing terms he informs us that the jurisdiction of the Secretary of War is complete over some of the navigable waters of Bering Sea, but not complete over other navigable waters of Bering Sea; or, in other words, the theory of the Senator from Arkansas would compel us to take a sounding line and determine by depth of water, if you please, where the jurisdiction of the Secretary of War ended and where nobody's jurisdiction applied. Are you to stop the Secretary of War where the water is 10 feet deep or 20 feet deep or 30 feet deep? Is his jurisdiction to be limited to 1 fathom or 10 fathoms? If the theory of construction and limitation upon his authority contended for by the Senator from Arkansas be true, then the exact line of his jurisdiction can never be determined until you have actually determined, first, the depth of the water which shall be the test, and then the depth of the water at the place where the party proposes to mine.

No, Mr. President, that is not a correct conception of the law nor a correct construction of it. The United States Government intended that some officer should have jurisdiction over navigable waters. In the wisdom of Congress that jurisdiction was placed in the Secretary of War; and it extends over all bodies of water within the 3-mile limit of the seashore and within the jurisdiction of the United States.

Mr. President, it would seem that the exemption of an American citizen from a penalty, simply that, because nothing else was done, constituted a heinous offense, an outrage of the most gigantic proportions, according to the version of the Senator from Arkansas. These permits, according to the declared purpose of the Secretary of War, have been issued without limitation as to persons, to citizens of the United States or persons who have declared their intention to become such; and, further still, the Secretary of War says, in a clear, straightforward, manly, and unmistakable way, relying for authority upon the law, believing that under his oath of office it is his duty to execute it according to the light given him, he will continue to issue these permits until Congress shall otherwise direct.

Now, in the amendment here proposed we think we otherwise direct. We relieve the citizen upon that extensive coast of Bering Sea from the necessity of coming forward in each and every case and making an application through the Chief of Engineers; we allow every citizen and every person who has declared his intention to become a citizen to mine, explore, and excavate below mean high tide on the shores of Bering Sea within our jurisdiction, subject only to such reasonable limitations as may be necessary to prevent the actual obstruction of commerce, and subject to such reasonable rules and regulations as the miners themselves may prescribe. That is the sum and substance of the amendment. Its adoption is in harmony with the purpose of the Secretary of War, and will obviate the necessity for the issuance of innumerable permits, because it will give him general authority.

Mr. JONES of Arkansas. Mr. President, the Senator from Montana always sheds light on any question he discusses; and I find that I see very much more clearly, and I think I understand much more fully the purpose and the origin of this permit system than I did before the Senator submitted his last remarks. He says, as I understand him, that these people in Alaska found this law, which would prevent their making these excavations, and they came down here and asked permission of the Secretary of War to be allowed to excavate. I had supposed up to this time that this thing was simply a blunder of somebody in the War Department. I think now it is perfectly clear that it was a deliberate scheme on the part of a few people who wanted to monopolize the whole of those rich gold-bearing sands, that they found this section of the statute, and choose to put a construction upon it which no court will put upon it, and which I do not believe the Senator from Montana himself will say that any Senator would put upon it, to wit, that it should cover and protect from excavation the sands along all the coasts of the country.

I wish to read that section of the statute again, and to call the special attention of Senators to it. It is as follows:

It shall not be lawful to excavate or fill, or in any other manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, etc.

Will any man say that this piece of open coast line is either a port or a roadstead?

Mr. WOLCOTT. Why not a roadstead?

Mr. LODGE. Why not a roadstead?

Mr. JONES of Arkansas. Because, being between the low-water mark and 500 feet below, it is utterly impossible for it to be a roadstead. You could not make a roadstead of it or conceive it to be a roadstead. A roadstead goes farther out to sea. A roadstead never comes within 500 feet of the shore line, because it is very shallow and it is utterly impossible to have a boat on it. I do not believe it is possible for that sort of construction to be put on that at all, but I do believe that this section of the statute was picked out as a pretext for the purpose of enabling these people, who wanted to monopolize all of this gold-bearing sand, to do so. They came down and got their permits from the Secretary, and one of which went to the extent of 2 miles away from the river, not touching the channel of the river, not going anywhere where this law would apply, and running 2 miles up the coast line. Then he will claim that every other man who chooses to shovel a shovelful of sand within those 2 miles is a trespasser, because he has not the permission of the Secretary of War. He therefore makes it his own and holds it.

After this had gone on some time it seems the Secretary of War put into another permit, application for which came along afterwards, that it was not exclusive; that he himself had the right to allow other people to go there, but that they could not go there unless they had the right from him. It seems to me to be the most unfair proposition I ever heard of to undertake to make this law, which was never intended to apply to such a situation as this, but was intended to protect the navigable waters of the United States, apply to a condition of this kind.

Mr. WOLCOTT. Mr. President, with some of the observations of the Senator from Arkansas [Mr. JONES] I personally am in agreement. It is a fact, however, that for months and months citizens of the Cape Nome district have been actively urging upon Congress and upon those of us who come from mining States some legislation—the devising of some method whereby this soil and the deposits under the low-water mark could be worked. I agree, and so I have no doubt the Secretary of War would agree, that any attempt by the summoning of this statute to his assistance to give to anybody an exclusive mining right would be in violation of law and unjustifiable.

Perhaps he might have met it. The obvious way to meet the situation would have been to issue a general proclamation declaring that outside of certain streams, or outside of certain portions of the harbor or the roadstead, the statute should not be deemed and held to apply; but there was an excellent reason for not doing this. That reason was that in the crowd and press of people in that district, where the law is imperfectly administered, where they are not yet enjoying a civil government, it might have led to friction and to trouble and to all sorts of contests and injury. There is land enough up there that is rich, I am told, and so I suppose the Secretary of War, to avoid the clashing of interests, sought not to grant exclusive rights, but sought to give everybody the right, and so to cover the ground that there should be as little conflict as possible. That is all. He was working under an imperfect statute concerning a case to which the statute did not apply. But all that the Senator from Arkansas has said is an argument in favor of the amendment offered by the Senator from Montana. I think all will agree to that.

But, Mr. President, I am compelled to suggest an amendment to the amendment offered by the Senator from Montana. The amendment offered by the Senator from Montana provides that the miners of the mining district may make such rules and regulations as they see fit for governing the working of these deposits. As has been said before, the policy of the law, the open declaration of our statutes, is that the mineral lands of the United States are open to exploration and occupation and possession by all of its citizens or those who have declared their intention to become citizens of the United States. This is an anomalous case. All of our mining statutes apply to lodes and to placer claims.

In lode mining the length of the claim is limited to 1,500 feet and its width to 600, but the law gives permission to the States and Territories and the rules of miners in the district to make the parallelogram smaller. The law also limits placer grounds to 20 acres in the possession of one person, or says an association of people may take a hundred and sixty acres, the policy of the law being to limit the mining claim to a small but sufficient area to secure its active development. The policy of this Government is, of course, to get out the precious metals from the earth, and prospecting is encouraged by limiting the area so as not to make it too small, but enough to protect the miner in its use. The law provides that these rules and customs of miners shall prevail subject to the general law which limits the maximum of the areas.

Now, the amendment of the Senator from Montana says that the rules as to the development of this area shall be in accordance with the rules and customs of miners in the district. If it should be so that but comparatively few people are there now to those who shall come hereafter, and if it should be that the policy of those now upon the ground should be to enlarge greatly the area which might be taken, the policy of our law in that respect might be overridden; and therefore I hope the Senator from Montana will permit an amendment providing that they shall secure the approval of the Secretary of War of the rules and customs of the miners in the district, and which, although, as I have said, the situation is entirely anomalous, shall perhaps as well provide that the rules and regulations for mining shall be, so far as is feasible, in accordance with existing law.

I do not suppose out in the open sea you could limit a man to 20 acres, but you could perhaps limit an association to a hundred and sixty acres. I do not know how they could anchor their claims. The boundaries would be difficult and fluctuating, and yet there ought to be an ability to declare some law that would be, so far as feasible, in accordance with existing statutes, and I do not think the miners of the district ought to arbitrarily make a final rule as to the area, the work required, and the other regulations which shall govern mining, but it should be done by the experts of the Interior Department, until after further investigation and development Congress may pass the necessary legislation.

Mr. COCKRELL. Will the Senator from Colorado yield for a question?

Mr. WOLCOTT. Certainly.

Mr. COCKRELL. What would be the effect of that amendment on the regulations that the miners there have already prescribed and laid down?

Mr. WOLCOTT. The regulations as to mining in any territory where the laws of the United States prevail could not now exceed the existing area, I should think; but this amendment authorizes them to make rules which will arbitrarily govern.

Mr. COCKRELL. The Senator would then hold that any rule made up to this time——

Mr. WOLCOTT. Must be in accordance with existing law.

Mr. COCKRELL. Could not be in contravention of the provisions of existing law?

Mr. WOLCOTT. Certainly.

Mr. STEWART. I suggest that they would form companies to work in the sea and get 160 acres, and that ought to be ample.

Mr. WOLCOTT. I wonder if it is. I do not know how those seas are. I have seen waves that high; they looked so.

Mr. STEWART. I think if the Senator would amend it so that the extent should not exceed——

Mr. WOLCOTT. Let me ask the Senator, who is an experienced mining lawyer, whether he does not think the rules and regulations of miners should be first approved and regulated by the Secretary of War, and should be, so far as feasible, in accordance with existing law?

Mr. STEWART. I think you can do it in a word here. I think I would not confine them as to shape, the rectangular shape, by the law.

Mr. COCKRELL. Why not?

Mr. STEWART. I will tell you why. The areas should not exceed a certain maximum. Take so much front and go on down. Fifteen hundred feet might not be sufficient in length, because the water might be shallow. I would let them vary the shape, but they should not increase the area above that allowed by statute.

Mr. WOLCOTT. Let me suggest an amendment.

Mr. STEWART. That was very common in California, I will say, where they had a mountain that had an ore bed in the gravel, and they would locate along for miles and miles, so many feet front, running into the hill without limit. They might have so many feet on the beach, running down without limit.

Mr. WOLCOTT. As far as the Sandwich Islands?

Mr. STEWART. But the area should not exceed the amount allowed by law—a hundred and sixty acres. They might make it, say, 10 feet wide, and arrange all that.

Mr. WOLCOTT. Just keep right around the earth?

Mr. STEWART. Yes.

Mr. WOLCOTT. And come out at the other end?

Mr. STEWART. Limit the area, but let them fix the shape. I think I can amend it.

Mr. WOLCOTT. I suggest this amendment to the consideration of the Senator from Montana and the consideration of the Senate, and let us see if it meets the views of those interested in the mining feature of this bill:

It shall be the duty of the Secretary of the Interior to declare and publish proper rules and regulations whereby the auriferous deposits in Alaska which lie below the low-water mark of the ocean and its tributaries shall, if feasible, be open to exploration and development by citizens of the United States, which said rules and regulations shall, so far as is practicable, be in accordance with existing statutes as applicable to placer mining. The rules and customs of miners in mining district nearest said deposits shall, when not inconsistent with such regulations, be recognized and shall govern the working

of said deposits. The authority of the Secretary of War respecting said auriferous deposits shall be limited to policing the same, and to protecting navigation as he is now by law empowered. Any grants or rights heretofore granted respecting said deposits by any authority are hereby declared void and of no further effect.

Mr. STEWART. The objection to the proposed amendment is that it can not be carried into effect speedily enough. The idea is very good, but we must reflect that there are ten or fifteen thousand people there who must be provided for before the Secretary could get the rules and regulations out there.

Mr. WOLCOTT. You can not telegraph them. Something has got to get there. A fellow has to carry them out. Why could he not carry the regulations out just as well as a copy of the law?

Mr. STEWART. I doubt whether the Secretary will be able to make rules until after he has made further examination. I think very likely he would be as much in the dark about the regulations as we, and if he were to take time, as such officers always do, to correspond, these regulations would not get there for six months or a year after the passage of the act. Many acts have been passed requiring the Secretary to make regulations, and I never knew them to get out inside of six months, and we could not wait for that delay.

I would suggest, and perhaps it can be framed, an amendment to limit the area, and allow the shape to be elastic; and with that addition I think the amendment of the Senator from Montana is perfect.

Mr. COCKRELL. Why not make it a parallelogram of some kind?

Mr. STEWART. Well, a parallelogram.

The PRESIDING OFFICER (Mr. BACON in the chair). Has the Senator from Colorado offered an amendment?

Mr. WOLCOTT. No; I do not offer it. I was merely suggesting it to the Senator from Montana; but I apologize for having interfered with his course of conduct of the bill.

Mr. BATE. Is the area indicated in the amendment to the amendment?

Mr. WOLCOTT. I say it shall be as far as practicable in accordance with existing law, and shall be under regulations declared by the Secretary of War, and that, subject to these rules and regulations, the rules and customs of miners shall govern.

Mr. LODGE. Mr. President, I was somewhat surprised to hear the Senator from Arkansas [Mr. JONES] say that it could not be a roadstead because it is within 500 feet of the shore. I know a number of roadsteads which are within my own personal observation every summer where boats ride, and they are roadsteads within 50 yards of the shore and sometimes much nearer. A roadstead—I find my impression is correct—is a place near the shore where vessels may anchor, differing from a harbor in not being sheltered. A roadstead may be an open roadstead, or it may be a sheltered roadstead. Hampton Roads is sheltered, but it may be an open road. It is merely a place where vessels may anchor. That is all it amounts to, and it may be within 500 feet or 500 yards or 2,500 yards. It is a very general expression. There are plenty of places where there are cities with ports which are merely open roads—that is, nothing but the open shore—and the vessel only gets anchorage.

Mr. JONES of Arkansas. I was not conscious of saying it could not be a roadstead because it was within 500 feet of the shore.

Mr. LODGE. I so understood.

Mr. JONES of Arkansas. I am sure ports may be within 500 feet of the shore. My understanding was that this permit was given to excavate for 500 feet from the shore, because that was about the width in which the sand could be easily reached and from which the water would in great measure recede, and the water would be very shallow in that place, along the coast, and I inferred that it could in no sense be a roadstead. If there is any statement that this is a roadstead, then, of course, the Secretary might have the right to grant these permits, but I do not suppose there is any roadstead or that anybody would say that there is a roadstead on any part of this ground. It would have to appear affirmatively that there is a roadstead before that could be the case. The definition of a roadstead, as I see it in Worcester's Dictionary, is an anchorage at some distance from shore, which, I think, is correct, and which, it seems to me, would not bring any of the proposed territory within this law, as quoted by the Secretary of War.

Mr. LODGE. The only defined point about a roadstead is that it is an anchorage. Judging from the map, there are no harbors within 50 or 60 miles of Cape Nome. There is nothing near the gold-mining strip. They have to take vessels there to land passengers and all that, and if vessels anchor off that region in Cape Nome, as they doubtless will, in order to land passengers and freight and all that, that constitutes it a roadstead.

Mr. JONES of Arkansas. I have no doubt about that, but I had no idea that where a vessel can anchor such permits would be granted.

Mr. LODGE. Anywhere where a vessel can anchor is a roadstead.

Mr. JONES of Arkansas. This would not reach any such place.

Mr. LODGE. I do not know about that.

Mr. JONES of Arkansas. I say if it does not, the law does not apply.

Mr. CARTER. Mr. President, the amendment presented by the Senator from Colorado I have read and glanced at merely, but in a general way I may state now the obstacles in the way of Congress in legislating upon this question. It has been held over and over again that the Government of the United States holds the tide lands along the shores of navigable waters of Territories in trust for the future State. We can not without a violation of that trust apply the general mining laws in such manner as to attempt to give a fee-simple title to the locator. This rule would apply not only to tide lands, but to the lands beyond the tide or low mean tide mark. The amendment pending provides for only temporary possession by the miners. It avoids reference to the mining laws because of the apprehension that by some course of construction it might hereafter be contended that title could be obtained to the tide lands under the general mining laws of the United States.

This amendment as presented merely grants unrestrained permission to miners to temporarily explore and possess these tide lands and shallow waters for mining purposes until otherwise provided by law. We allow a mere easement. It is true that in the enjoyment of the easement the estate may be to some extent despoiled, but we do not pretend to give a fee-simple title, nor do we use any language calculated so to imply. I believe that in the amendment offered by the Senator from Colorado we might at some time in the future encounter construction which would lead to widespread litigation relative to this trust property. I think we ought to hold the trust sacred. Yet we are confronted by a condition where hundreds and thousands of our citizens are going forth to explore that country for gold, and it is the desire that we should permit them to go unrestrained upon the tide lands and over the shallow waters for that purpose.

In the Seattle tide-land cases the Supreme Court of the United States held that the land within the limits of the tide flats was not subject to disposition by Congress. We do not pretend to dispose of the fee or of the soil, but to permit a mere temporary use of both. I believe it is better to leave the disposition of matters of detail to the miners on the ground than to undertake to allow a clerk in the office of the Secretary of the Interior, 6,000 miles away, to deal with conditions of which he has little or no knowledge. From last December until this the residents of Alaska district have been importuning Congress to pass some law which would govern and regulate the operations of miners on the tide lands. We have steadily refrained from attempting any legislation, because of a lack of knowledge concerning the subject. In our ignorance of what to do we might do that which would trouble the miners there and come back to trouble us here.

This amendment transfers from Congress to the American citizens directly in charge of the subject the power, which is but temporary, to govern and control their workings from day to day. No title can be obtained save of a possessory kind. That title the miners may provide, and I believe will provide, shall hang from day to day upon the possession of the individual in the actual work of mining. It would be a calamity; it would be an injury and an injustice to the prospectors in the country to permit A, B, C, and D, under general rules and regulations of the Secretary of the Interior, to stake out a portion of the shallow water and tide lands and then move back into the States after performing trifling assessment work. It is an inclement climate. It is not a pleasant place to remain any great length of time, if all reports be true, or if half of what is said be true.

The miner will go there by the earliest boat moving out from Seattle, Tacoma, Portland, or San Francisco; will press his way through the gorging ice of Bering Sea and reach the gold coast of Cape Nome. He will desire to go to work at once. Not a day can he afford to lose, because the summer will be short and a severe winter will drive him home. In the meantime, Mr. President, he will meet others situated exactly as he is situated; he will meet these other men from everywhere—from the States and Territories of the Union—men familiar with miners' meanings, men familiar with their system of legislating, and in the meeting which will result from common impulse rules and regulations will be evolved permeated with justice and specially suited to the situation.

Mr. COCKRELL. When is that meeting to be held?

Mr. CARTER. That meeting comes together in a mining camp as naturally as the rain falls from the sky.

Mr. COCKRELL. Suppose that, as soon as this bill passes, there are, say, fifty or a hundred men there on the ground. They immediately hold a meeting and lay down their rules and regulations to suit themselves only. What will become of the others who may come there?

Mr. CARTER. There is no place in this world where true democracy so prevails without taint of any sort as in a mining camp. The majority rules. Laws are modified and holdings are limited, claims are reduced according to the supreme will of the majority. And when the larger crowd come in and find upon

the records of the miners' meetings of days or weeks before some rules or regulations in the interest of a job or a clique, they will assemble and wipe out such rules without ceremony or faltering. That is the way they do it. The Senator from Nevada knows of that. He passed through the early days of Nevada and California. My colleague, the Senator from Montana, knows of it, as does the senior Senator from Colorado. A dozen witnesses in this Chamber can bear testimony to the fact that in the miners' meeting you get the quintessence of simple justice.

The junior Senator frem Colorado would transfer this to an $1,800 clerk in the Interior Department, who I am sure does not know as much about it as any Senator in this Chamber, and there is not a Senator in the Chamber to-day who would dare sit down at his desk and attempt to prescribe rules and regulations to govern conditions of which he has only speculative knowledge. I think the amendment presented here may well and safely be adopted. I think its operation will prove satisfactory. The Senator from Nevada suggests, as does the Senator from Colorado, that we might provide that in no case shall rules and regulations allow the possession of a larger area than that prescribed by the placer-mining laws of the United States.

Mr. COCKRELL. Is not that right?

Mr. CARTER. I think the Senator from Nevada is preparing such an amendment. I will gladly accept it, because it will be a limitation in the right direction. It will fix the maximum and the miners will fix the minimum.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. I yield.

Mr. TILLMAN. Will the Senator give us some information on this matter, if he has it? I have seen it in the papers somewhere, I do not recall where—I am interested in this matter only as one Senator here who has been listening to the debate—that the holders of these permits from the Secretary of War had been subletting them by issuing licenses to men at so much a day or something like that, and all others are arrested by the soldiers—Uncle Sam's bluecoats—who are there. If that be true, it would follow that anything the miners might do in a public meeting would have no effect upon the War Department.

Mr. CARTER. If the Senator will permit me a moment, by referring to the document he will find that these permits were issued at a recent date. It will be impossible for any human being to reach the country to which they refer before the 1st day of next June.

Mr. TILLMAN. No; it was last fall that I saw the statement about the soldiers arresting men who did not hold permits of the licensees, licenses, or permits that had been granted by the War Department.

Mr. CARTER. There were no permits granted. I will state, however——

Mr. STEWART. Will the Senator allow me? I suggest an amendment to his amendment, to insert after the word "law:"

Provided, That the rules and regulations of miners shall not authorize larger claims than are allowed by the placer-mining laws of the United States.

Mr. WOLCOTT. Mr. President, I desire to say a word or two in reference to some of the remarks which the Senator from Montana has made respecting this measure. It disturbs me to be compelled to differ with him upon any of the features of this bill concerning Alaska, over which he has spent so much time and which he has so intelligently presented to the Senate, but I hope Senators will consider before they vote on this amendment. When it comes to dealing with the waters of the United States below low-water mark, I think the executive department of the Government should supervise the rules and regulations touching its development. I do not think it should be left to the miners at miners' meetings to declare areas or to declare rules, except subject to the approval of the Government.

It is common and it is unjust to talk about an $1,800 clerk determining the action of one of the great Executive Departments of the Government. The amendment I offered was that the Secretary of the Interior should prescribe the rules and regulations governing the working of these claims. The Senator from Montana assumes that that means an $1,800 clerk. He served for three years as Commissioner of the General Land Office of the United States, and we had some very important promulgations of rules very ably done. Were they done by an $1,800 clerk?

Mr. CARTER. Well, generally so.

Mr. WOLCOTT. If they were, an $1,800 clerk is very competent to deal with this question. But I know they were not. They were done by the Senator from Montana. Our officers who administer the affairs of that Department of the Government are able and intelligent.

The only suggestion I have heard that would militate at all respecting this amendment is the question of time. If the pressure is great, the Department will act with promptitude. I have no question, Mr. President, that everybody will be more contented if the Government of the United States here holds its hand upon the final control of the rules and regulations which may be made for working those claims. I therefore feel impelled to offer the following as a substitute for the amendment of the Senator from Montana. I ask to have it read.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read as follows:

It shall be the duty of the Secretary of the Interior to declare and publish proper rules and regulations whereby the auriferous deposits in Alaska which lie below the low-water mark of the ocean and its tributaries shall, if feasible, be open to exploration and development by citizens of the United States, or those who have declared their intention of becoming such citizens, which said rules and regulations shall, so far as is practicable, be in accordance with existing statutes as applicable to placer mining, and shall limit the area of each claim to the acreage now allowed by law.

The rules and customs of miners in the mining district nearest said deposits shall, when not inconsistent with such regulations, be recognized, and shall govern the working of said deposits.

The authority of the Secretary of War respecting said auriferous deposits shall be limited to policing the same and to protecting navigation, as he is now by law empowered.

Any grants or rights heretofore granted respecting said deposits by any authority are hereby declared void and of no further effect.

Mr. PETTUS. Mr. President, it seems to me that the amendment proposed by the Senator from Montana (Mr. CARTER) ought to prevail. I had some little experience about these matters in old times. The miners, as the Senator from Montana says, are about as just a set of men as I have ever seen assembled together. Rough, self-willed, they govern themselves by a vote of the mining camp. They will govern themselves in that same way in spite of any enactment that we make here, and they govern as justly as Congress could possibly do. They submit to the ruling of the majority. It is a rough rule, but, as a general thing, so far as I have ever observed, and I had more than two years' experience with them as a part of them. They administered their own laws fairly and equally, and they punished the man who violated them with a promptness that would be worthy of all imitation in the courts of the United States. It was done promptly. It is true there was not very much of the statute law in their conduct.

But what the Senator from Montana is aiming at is the right thing to do, because we ought to give sanction to a good government wherever we find it, and we ought to make that lawful which will take place whether you make it or not. Remember that the miners are separated from all other communities; they are off by themselves; they are a community to themselves; they are not interfering with people at a distance; they are not interfering with what is taking place 5 miles off. Their rules have no influence or control, except that they might be imitated. Mr. President, I want the amendment of the Senator from Montana to pass because it is going to be the law in Alaska whether you pass it or not, and I want their conduct to be lawful.

Mr. BATE. In view of what has been said, as many of us know knothing about mining interests or the mode of operating them and want to do what is right in this matter, I think it is proper now to have the amendment of the Senator from Montana read in connection with the one which has just been read, so that we may understand the question clearly.

The PRESIDING OFFICER. The Senator from Tennessee calls for the reading of the amendment offered by the Senator from Montana. It will be read.

Mr. CARTER. I suggest that in that connection the amendment proposed by the Senator from Nevada [Mr. STEWART], which tends to perfect the amendment offered by me, should be read. I am willing to accept the amendment.

Mr. STEWART. It is, after the word "law," to insert the following:

Provided, That the rules and regulations established by the miners shall not allow the location of mining claims larger in area than placer claims under the laws of the United States.

Mr. CARTER. I accept that, and it may be read in connection with and as part of the amendment.

The PRESIDING OFFICER. The Secretary will read the amendment of the Senator from Montana as modified.

The SECRETARY. On page 23, at the end of section 26, insert the following:

Provided further, That, subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions, all land and shoal water below mean high tide on the shores, bays, and inlets of Bering Sea within the jurisdiction of the United States shall be subject to exploration for gold and other precious metals by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made, or may hereafter make governing the temporary possession thereof for exploration and mining purposes, until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall not allow the location of mining claims larger in area than placer claims under the laws of the United States, and all permits heretofore granted authorizing any person or persons, corporation or company to excavate or mine under any of said waters are hereby revoked and declared null and void.

Mr. WOLCOTT. I have offered a substitute, which I ask may be read, so that the two may be compared together, and then I shall ask for a vote.

The PRESIDING OFFICER. The amendment of the Senator from Colorado will be read.

The Secretary read as follows:

It shall be the duty of the Secretary of the Interior to declare and publish proper rules and regulations whereby the auriferous deposits in Alaska which lie below the low-water mark of the ocean and its tributaries shall, if feasible, be open to exploration and development by citizens of the United States or those who have declared their intention of becoming such citizens, which said rules and regulations shall, so far as is practicable, be in accordance with existing statutes as applicable to placer mining, and shall limit the area of each claim to the acreage now allowed by law.

The rules and customs of miners in the mining district nearest said deposits shall, when not inconsistent with such regulations, be recognized, and shall govern the working of said deposits.

The authority of the Secretary of War respecting said auriferous deposits shall be limited to policing the same, and to protecting navigation as he is is now by law empowered.

Any grants or rights heretofore granted respecting said deposits by any authority are hereby declared void and of no further effect.

Mr. STEWART. Mr. President, I much prefer the amendment of the Senator from Montana for several reasons. One is that much time will necessarily be consumed before any regulation can be made, and that will be very prejudicial, inasmuch as there is a large immigration now rushing there, and it is imperative to have at once law and order and the ascertainment of rights. Besides, I believe in leaving as much of the regulation and government of the people to themselves as possible. I have seen a good deal of what has occurred where the people made their own rules and regulations. In September, 1850, the question came up, What shall be done with the California miners?

Mr. LINDSAY. Mr. President—

Mr. STEWART. Do not interrupt me now.

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Kentucky?

Mr. STEWART. No; not now.

Mr. LINDSAY. I only want to ask a question.

Mr. STEWART. I do not want to be asked a question now. I want to finish.

Mr. LINDSAY. All right.

Mr. STEWART. The question came up in the Senate of the United States what to do, and there was quite a discussion as to rules and regulations for leasing the mining land, etc. Finally it was suggested by Mr. Benton, and Mr. Seward concurred, and so did Governor Chase, who was in the Senate at the time, and after a colloquial discussion had gone on in the Senate, they concluded to let the miners alone. They were let alone for about twenty years. They built up a system of laws, and they met every emergency reasonably well. They made their own rules and regulations. Finally, after a lapse of about twenty years, those rules and regulations were adopted by Congress and they are now the law of the land, Congress making some maximum limitations and providing for obtaining patents, but still adopting the rules and regulations. That was done in 1866. Then it was perfected in 1872 as it now stands.

At that time there was a strong desire to have the law administered here. Those of us who live in that country contended, and contended very strenuously, that inasmuch as we were adopting the miners' laws we ought to leave the administration, the ascertainment of the right of possession, to local authority. So it was provided that the local court should have jurisdiction; that wherever there was a contest the case should be tried before the local court, and only that should come up here. It was intended that all the Department would have to do with it would be merely administrative. It is impossible for any person here, however intelligent, who has not been a part of the creation of those laws to administer them. The miners know a good deal more there than the lawyers do here about the laws, their application, and whether they are beneficial or otherwise. Even as to the regulations, they will make better regulations than can be made here.

Mr. WOLCOTT. Let me ask the Senator if he did not help devise the present mining law?

Mr. STEWART. I did.

Mr. WOLCOTT. And advocate it?

Mr. STEWART. I did.

Mr. WOLCOTT. Then what is the matter with it?

Mr. STEWART. I drew it. What is the matter with it? It is a good law. Of course it is a good law if I drew it. I worked hard to procure it. That law recognizes the rules and regulations of the miners and enacts them into law. Congress did make more rules and regulations, but they are based on those. Their right to legislate is preserved in that law right through, and it has been most beneficial.

It has been so beneficial that there has been no disposition to change it. There has been no power to change it. Whenever there is any attempt to change it, even in some little matters where it is thought it would be proper to make a change, we find the people so jealous of it that they come in and protest. They are satisfied with it; it is based on their rules and regulations. That is the basis of it. I recollect very well when a case was before the Supreme Court whether there was any property involved, so as to give the United States courts jurisdiction. I simply stated the case and nothing else. I showed what we had done, and, in opposition to everybody, the court said they could not shut their eyes to what had occurred for twenty years of nonaction by the Government, and they affirmed it.

The PRESIDENT pro tempore. The Senator from Nevada will suspend one moment while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. Mr. President——

Mr. STEWART. Just one minute. Let me finish a sentence.

Mr. FORAKER. I will yield for a minute.

The PRESIDENT pro tempore. The unfinished business will be laid aside for a moment.

Mr. STEWART. The court recognized the persons who had gone there as trespassers as having legal rights contrary to law on account of what had grown up. So I think we had better trust the people. Inasmuch as the amendment of the Senator from Montana is in line with what has been so thoroughly successful, I am disposed to follow that Senator.

The PRESIDENT pro tempore. The Chair will be compelled to ask the indulgence of the Senator from Ohio for a few moments. The Chair lays before the Senate a message from the President of the United States.

INQUIRIES RELATIVE TO THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Philippines, and ordered to be printed:

To the Senate of the United States:

In further response to the resolution of the Senate of January 17, 1900, requesting copies of communications between the Executive Departments of the Government and Aguinaldo or other persons undertaking to represent the people in arms against the United States in the Philippine Islands, together with other official documents relating to the Philippine Islands, and the conduct and events of the insurrection against the authority of the United States in the Philippine Islands, and having reference to my message to the Senate of March 5, 1900 (Senate Document, Fifty-sixth Congress, first session, No. 208), and that paragraph of the resolution of January 17, 1900, reading as follows:

"And that the President be further requested to communicate, without delay, so much of such information as is now in his possession, or in that of any Department at Washington, without waiting to obtain so much of said information as may require considerable delay or communication with the Philippine Islands, and to communicate the remainder of the information as soon thereafter as it can be obtained"—

I transmit herewith the following additional papers:

First. Copies of English translations of minutes of insurgent meetings held at Hongkong, China, February 24 and May 5, 1898, respectively, and of a certain other paper, appended hereto, marked "I," said documents being found in insurgent public records recently captured by our troops in the Philippine Islands.

Second. Copies of documents containing information of the treatment of prisoners, either Spanish or American, by the people in arms against the authority of the United States. Said copies of documents are appended hereto, marked "II."

Third. Copies of papers and documents, or English translations of the same, found in insurgent records recently captured by our troops in the Philippine Islands, containing information as to aid or encouragement received by Aguinaldo and his followers from persons in the United States; as to what pamphlets, speeches, or other documents emanating from the United States and adverse to its authority and to its policy were circulated in whole or in part among the Filipinos in arms against the United States, among the other inhabitants of the islands, or among the soldiers of the United States. Said copies of documents are appended hereto and marked "III."

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *March 27, 1900.*

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 240) granting an increase of pension to George W. Wakefield;

A bill (H. R. 301) granting a pension to James T. Donaldson, jr.;

A bill (H. R. 457) granting a pension to Clara L. Harriman;

A bill (H. R. 493) granting a pension to Fanny M. Hays;

A bill (H. R. 548) granting a pension to Edward Harris;

A bill (H. R. 625) granting an increase of pension to Wesley Reed;

A bill (H. R. 642) granting an increase of pension to Charles C. Doolittle;

A bill (H. R. 657) granting a pension to Francis A. Kitchen;

A bill (H. R. 737) granting a pension to Cyntha A. Middleton;

A bill (H. R. 741) granting an increase of pension to Zedock C. Andrews;

A bill (H. R. 1147) granting an increase of pension to Luke H. Cooper;

A bill (H. R. 1172) granting a pension to Rebecca J. Jones;

A bill (H. R. 1677) granting an increase of pension to Missouri B. Ross;

A bill (H. R. 1681) granting an increase of pension to Isaac M. Locke;

A bill (H. R. 1800) granting a pension to Lutheria H. Maynard;

A bill (H. R. 1946) granting a pension to Jane F. Chalmers;

A bill (H. R. 2076) granting an increase of pension to Horace N. Brackett;

A bill (H. R. 2203) granting an increase of pension to John M. Garrett;

A bill (H. R. 2397) granting a pension to Eliza S. Redfield;
A bill (H. R. 2623) granting a pension to Melville Oliphant;
A bill (H. R. 2728) granting a pension to Thomas T. Garrison;
A bill (H. R. 2748) granting an increase of pension to Henry Schnetberg;
A bill (H. R. 2999) granting an increase of pension to George M. Brown;
A bill (H. R. 3021) granting a pension to Eliza H. Getchel;
A bill (H. R. 3131) granting a pension to Matilda O'Connor;
A bill (H. R. 3214) granting a pension to John S. Dukate;
A bill (H. R. 3225) granting a pension to Elizabeth Bent Cooper;
A bill (H. R. 3268) granting an increase of pension to James W. Kessler;
A bill (H. R. 3307) granting a pension to Matilda Hennessy;
A bill (H. R. 3312) granting an increase of pension to Ellen V. Myer;
A bill (H. R. 3454) granting a pension to Joseph E. Baldwin;
A bill (H. R. 3563) granting an increase of pension to Julia A. Floyd;
A bill (H. R. 3635) granting an increase of pension to Timothy B. Eastman;
A bill (H. R. 3642) granting an increase of pension to Adolphus Lavine;
A bill (H. R. 3654) granting a pension to Calvin E. Myers;
A bill (H. R. 3693) granting an increase of pension to Abraham Sanford;
A bill (H. R. 3758) granting an increase of pension to Joshua Ricketts;
A bill (H. R. 3775) granting an increase of pension to Robert Boston;
A bill (H. R. 3821) granting an increase of pension to Frances D. Best;
A bill (H. R. 3869) granting a pension to Joseph H. Hamrick and Ella G. Hamrick;
A bill (H. R. 3941) granting a pension to Samuel B. Weeks;
A bill (H. R. 3962) granting an increase of pension to Alanson C. Eberhart;
A bill (H. R. 4030) granting an increase of pension to Margaret L. Coleman;
A bill (H. R. 4089) granting a pension to Emily Burke;
A bill (H. R. 4138) granting an increase of pension to Elizabeth A. Hyatt;
A bill (H. R. 4180) granting an increase of pension to Austin J. Pickett;
A bill (H. R. 4247) granting an increase of pension to Francis S. Wolfe;
A bill (H. R. 4267) granting an increase of pension to Ezra A. Bennett;
A bill (H. R. 4276) granting an increase of pension to John R. Eggeman;
A bill (H. R. 4398) granting a pension to Julius Vogt;
A bill (H. R. 4562) granting a pension to Lois A. Fields;
A bill (H. R. 4654) granting an increase of pension to Simon Van Der Vaart;
A bill (H. R. 4657) granting a pension to Laura S. Pontious;
A bill (H. R. 4675) granting an increase of pension to Robert H. Jones;
A bill (H. R. 4681) granting an increase of pension to Elizabeth Keiff;
A bill (H. R. 4696) granting an increase of pension to Ruthven W. Houghton;
A bill (H. R. 4791) granting a pension to Catharine A. Schwunger;
A bill (H. R. 4805) granting a pension to Isaac Price;
A bill (H. R. 4828) granting a pension to Susie E. Johnson;
A bill (H. R. 4832) granting an increase of pension to Martha E. Graves;
A bill (H. R. 4991) granting a pension to Maria V. Sperry;
A bill (H. R. 5088) granting an increase of pension to William G. Willoughby;
A bill (H. R. 5110) granting an increase of pension to Edward T. Kennedy;
A bill (H. R. 5127) granting a pension to John Lafollett;
A bill (H. R. 5134) granting an increase of pension to Joseph F. Allison;
A bill (H. R. 5169) granting an increase of pension to Charles Weed;
A bill (H. R. 5170) granting a pension to Cyrus Johnson;
A bill (H. R. 5171) granting an increase of pension to William R. Wallace;
A bill (H. R. 5209) granting an increase of pension to Samuel A. Greeley;
A bill (H. R. 5211) granting a pension to Lizzie M. Dixon;
A bill (H. R. 5435) granting an increase of pension to Alexander P. Baugher;
A bill (H. R. 5886) granting a pension to William H. Lane;
A bill (H. R. 5961) granting an increase of pension to Charles A. Hausman;
A bill (H. R. 5970) granting a pension to Phebe S. Riley;
A bill (H. R. 6019) granting a pension to Mrs. Therese W. Hard;
A bill (H. R. 6089) granting a pension to Alfred T. Moreland;
A bill (H. R. 6159) granting an increase of pension to Arnold Bloom;
A bill (H. R. 6195) granting a pension to Livingston B. Gregory;
A bill (H. R. 6304) granting an increase of pension to James J. Lyons;
A bill (H. R. 6372) granting a pension to Abbie E. Webster;
A bill (H. R. 6375) granting an increase of pension to Chester Willis;
A bill (H. R. 6486) granting an increase of pension to Orange F. Berden;
A bill (H. R. 6624) granting an increase of pension to John C. Bradley;
A bill (H. R. 6731) granting an increase of pension to William F. Tait;
A bill (H. R. 6784) granting an increase of pension to Henry H. Neff;
A bill (H. R. 6785) granting an increase of pension to Maria Egan;
A bill (H. R. 6885) granting a pension to Horace B. Durant;
A bill (H. R. 6900) granting an increase of pension to Benjamin F. Kurtz;
A bill (H. R. 6952) granting a pension to Carrie P. Dale;
A bill (H. R. 6995) granting a pension to Catharine Harris;
A bill (H. R. 7177) granting an increase of pension to John N. Breed;
A bill (H. R. 7488) granting a pension to John C. Ray;
A bill (H. R. 7535) granting an increase of pension to Clare H. Burleigh;
A bill (H. R. 7596) granting an increase of pension to Eliza Wight;
A bill (H. R. 7599) granting an increase of pension to John F. Crawford;
A bill (H. R. 7767) granting a pension to Alice D. Roatch;
A bill (H. R. 7799) granting an increase of pension to Franklin M. Burdoin;
A bill (H. R. 8045) granting an increase of pension to Wilford Cooper;
A bill (H. R. 8079) granting a pension to Bertha M. Jordan;
A bill (H. R. 8083) granting an increase of pension to James Winnie;
A bill (H. R. 8112) granting a pension to John Vogler;
A bill (H. R. 8120) granting an increase of pension to David L. Wentworth;
A bill (H. R. 8339) granting an increase of pension to Charles H. Gates;
A bill (H. R. 8378) granting an increase of pension to Mary Steffens;
A bill (H. R. 8390) granting an increase of pension to Joshua Mitchell;
A bill (H. R. 8395) granting an increase of pension to Henry Johns;
A bill (H. R. 8405) granting a pension to Sophronia Seely;
A bill (H. R. 8599) granting a pension to Ellen J. Williams;
A bill (H. R. 8605) granting a pension to Joseph Champlin Stone;
A bill (H. R. 8610) granting an increase of pension to Abner S. Crawford;
A bill (H. R. 8669) granting an increase of pension to Eliza A. Lake;
A bill (H. R. 8800) granting an increase of pension to Bell Fries; and
A bill (H. R. 9070) granting an increase of pension to Daniel H. Kent.

The bill (H. R. 5552) for the relief of Northup & Chick, and also of Thomas N. Stinson, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C., was read twice by its title, and referred to the Committee on the Library.

The bill (H. R. 6344) to remove the charge of desertion from the records of the War Department against Frederick Mehring was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 7939) to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, was read twice by its title, and referred to the Committee on Commerce.

H. K. CARROLL'S REPORT ON PUERTO RICO.

Mr. COCKRELL. I hold in my hand a document entitled "Report on the island of Porto Rico; its population, civil government, commerce, industry, productions, roads, tariff, and currency, with recommendations, by Henry K. Carroll, special commissioner for the United States to Porto Rico. Respectfully

submitted to Hon. William McKinley, President of the United States, October 6, 1899. Washington: Government Printing Office, 1899." "——" "Treasury Department, Document No. 2118. Office of the Secretary."

This document has never been furnished to Congress, so far as I have been able to discover. It has never been in our document room. I think if it is of such value as to justify a special commissioner to go there and collate these data and submit them to the President and the Secretary of the Treasury, and to have the Government pay for its publication, it ought to be published so that it may reach at least Congress and all its members.

I therefore ask that 3,000 copies of this document shall be printed for the use of Congress, 1,000 of which shall be for the use of the Senate and 2,000 for the use of the House. I will prepare a resolution.

The PRESIDENT pro tempore. Has the Senator any idea what the cost might be?

Mr. COCKRELL. I have sent for Mr. Smith, the Printing Office clerk, who can tell us, hoping that he would get here before I had to call it up. If it costs over $500, it will have to be a concurrent resolution. If it costs under $500, the Senate can pass a simple Senate resolution. I will make the resolution to correspond with the cost. I will get the information in a few minutes.

The PRESIDENT pro tempore. The Senator will present the resolution later on, then.

Mr. COCKRELL. Yes, sir.

Mr. COCKRELL subsequently said: I submit a resolution which I prepared after consultation as to the cost of the document. We can print 1,200 copies for $500 or less.

The order was considered by unanimous consent, and agreed to, as follows:

Ordered by the Senate, That there be printed for the use of the Senate and placed in the Senate document room, 1,200 copies of "The report on the island of Porto Rico; its population, civil government, commerce, industries, productions, roads, tariff, and currency, with recommendations, by Henry K. Carroll, special commissioner for the United States to Porto Rico. Respectfully submitted to Hon. William McKinley, President of the United States, October 6, 1899."

PENSION APPROPRIATION BILL.

Mr. SHOUP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6627) "making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, and 4.

That the House recede from its disagreements to the amendments of the Senate numbered 5 and 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following:

"*And provided further*, That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to, and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described.

"The reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of Interior may prescribe."

And the Senate agree to the same.

GEORGE L. SHOUP,
J. V. QUARLES,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.

S. S. BARNEY,
J. T. McCLEARY,
JOHN C. BELL,
Managers on the part of the House.

The report was agreed to.

GOVERNMENT FOR PUERTO RICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. Mr. President, before proceeding with the consideration of the unfinished business, I think I should state to Senators that I have concluded not to ask a separation of the two propositions—one the House bill and the other the Senate substitute providing a civil government for Puerto Rico—but have concluded to proceed with the unfinished business in the state in which it is. In order that Senators might be fully advised as to the committee amendments, about which there was some complaint made the other day—in a good-natured way, of course—I had the bill reprinted, so as to show in the text all the amendments which have been adopted by the Senate, and also to show, in the way indicated in the note at the head of the bill, the amendments yet to be proposed, upon which I shall ask the judgment of the Senate as rapidly as they can be considered.

I understand the Senator from Nevada [Mr. STEWART] desires to speak on this bill. I do not know to what particular point he desires to speak; but there is one amendment under consideration, which has been discussed to some extent, which I should like to have disposed of. Still if the Senator would prefer to speak first, I will yield to him.

Mr. STEWART. I will make what remarks I have to make now.

Mr. FORAKER. Very well; then I will yield to the Senator at this time to submit his remarks.

Mr. ALLEN. I should like, if I may be permitted, to offer an amendment.

Mr. STEWART. Certainly.

Mr. FORAKER. I should have called the attention of Senators to the fact that each Senator will find on his desk the reprint of the bill in the form which I have indicated.

Mr. ALLEN. I desire to offer and to have pending the amendment which I send to the desk.

The PRESIDENT pro tempore. There is now an amendment pending. The Senator can have his amendment printed and have it lie on the table.

Mr. ALLEN. Can there not be more than one amendment pending at the same time to different parts of the bill?

The PRESIDENT pro tempore. No two amendments can be actually pending at the same time. The Senator's amendment will be printed and lie on the table, subject to his call.

Mr. STEWART. Mr. President, has the expenditure of blood and treasure in the Spanish war and in the war with the Filipinos been a criminal blunder? Will Puerto Rico, Cuba, and the Philippines, if acquired and held by the United States, be a blessing or a curse? Will William McKinley be regarded by posterity as a benefactor for adding to the United States islands abounding in tropical products, or will he be execrated for a criminal attempt to subvert the Constitution and injure the industries of the people by the acquisition of pestiferous, poisonous, and worthless lands beyond the sea? These questions are now being discussed in the public press, in the pulpit, and at the firesides of the people.

The same sentimentality and narrow prejudice which embittered the discussion in the time of Jefferson, Monroe, and Polk, on account of the acquisitions of territory made by them, are potent factors in the opposition to the acquisition of the most productive and valuable islands in all the seas. Such opposition was anticipated. Fault-finders as well as broad-minded and practical citizens are the outgrowth of free institutions.

ELEMENTS WARRING AGAINST NATURAL GROWTH.

Unfortunately, there are other elements warring against national growth and expansion which never before appeared in discussions of this character. No agricultural interest ever before opposed the acquisition of more good land because it would produce what the people consumed at less cost than any land hitherto owned by the United States. The Louisiana purchase and the territories acquired from Spain and Mexico were much better adapted to the production of many farm products than the States of the Northeast, but no one opposed those acquisitions because the land was too good. The sentimental objectors contended that the land was worthless for any purpose whatever.

The strange phase of the present controversy is the opposition of the sugar and tobacco interests. It is asserted that those commodities can be produced in these islands for less than one-half the expenditure required in their production in other sections of the United States. This argument is about as reasonable as it would have been for Massachusetts to have opposed the Jefferson purchase because it would cheapen breadstuffs. Would the great mass of the people of the United States be injured if what the advocates of the sugar interests assert were true? If the price of sugar could be reduced 50 per cent, would the poor complain? The people of the United States are now compelled to pay to foreigners between ninety-five and one hundred million dollars annually for sugar which they could produce themselves if the islands wrested from Spain were in the peaceable possession of the United States. A protective tariff is maintained for the purpose of encouraging home production by keeping out foreign sugar. Why not protect the sugar growers of this country by the acquisition of islands where our people can produce sugar at less cost than any other people on the face of the globe? These arguments apply equally to the production of tobacco and all other commodities which are the natural growth of the new acquisitions.

THE ISLANDS FURNISH RICH MARKETS.

The export of gold, so long as that commodity is the only material upon which money can be stamped, is a standing menace to the business of the country and is watched with more anxiety than any other cause affecting the price of property. The buying of tropical products in foreign lands now absorbs more than two hundred and fifty millions of our annual exports. If this ever-increasing obligation to foreigners could be avoided by the production of tropical products in our island possessions, the United States would have the advantage, both financially and commercially, of any other country on earth. The people could then produce everything they consume, except luxuries to indulge the pride and vanity of the rich.

These islands, notwithstanding the robbery, tyranny, and extortion of Spanish misrule, imported annually more than $120,000,000 in value of foreign merchandise. It would be safe to anticipate with honest and stable government that American enterprise and

capital would increase the consuming capacity of the islands more than fourfold, and the people of the United States would in the near future enjoy a market of from three hundred to five hundred millions a year for their surplus manufactures and farm products, and they would receive in exchange tropical products of equal value, including sugar, tobacco, and many other staple commodities.

Would not such a market furnish more employment for labor and benefit the farming and manufacturing interests of the country more than can possibly be done by tariff walls to force the production of tobacco and sugar on land designed by nature for the cultivation of the cereals, fruits, grasses, and other products of the temperate zone? Why turn these islands over to anarchy, discord, and ruin, or, what would be more injurious to the United States, to be occupied and their resources developed by some European power which would take advantage of their great productive capacity to compete with the tariff-nursed sugar and tobacco of the United States? Why should anyone argue that cheap sugar and tobacco produced in our own country would injure our consumers, or that the vast demand for our manufactures and farm products in these islands would be prejudicial to the laboring man by diminishing his opportunities for employment?

TERRITORIAL GOVERNMENTS ADAPTED TO ISLANDS.

No promise has been made and no obligation will exist to create States in these islands until such time as the people shall determine through their representatives in Congress that new States beyond the seas would be beneficial to the United States. No reasonable person will pretend that our successors will not be as wise and patriotic as ourselves. No one denies that Congress has power to do many harmful things which might subvert the Government, but if the time ever arrives when patriotism is dead in the Congress of the United States, the danger of admitting new States will not be the most alarming danger.

Our Territorial forms of government, which have grown and developed with the growth and development of the country, are admirably suited to the government of these islands. It is the established practice of our Government to accord to the Territories as much self-government as they are capable of enjoying. Although by the treaty of Guadalupe Hidalgo the United States agreed to form States out of the newly acquired territory, New Mexico has remained for more than fifty years under a Territorial form of government. The greater part of Alaska, measured by the time of communication, is vastly more remote than the Philippines. Congress has no difficulty in governing Alaska and applying to it so much of our Territorial system as circumstances justify. The only voice a Territory has in the government of the country is the voice of advice and consultation through a Delegate elected by the people, who has no vote in Congress.

The natives of these islands at the time of the acquisition from Spain will never be citizens of the United States without the action of Congress. The treaty with Spain expressly referred the matter of citizenship to Congress. But it can make no difference whether or not they are citizens; they will have no power to injure the Government of the United States until they have a voice in that Government by the admission of their islands as States. The citizenship of persons born in the islands after the acquisition can not injure our Government as long as such persons are not allowed to participate in its control.

NO FEAR OF CHINESE COMPETITION.

The attempt to alarm the laborers of this country by the false assertion that the acquisition of these islands will let in Chinese laborers is demagogism. Our exclusion laws apply to Chinese from whatever country they may come. The law that excludes Chinese immigration to this country can be made applicable to all our possessions and the Chinese residents of the Philippines may be treated in the same manner as the Chinese residents of the United States.

The suggestion that laborers from the islands who are not Chinese may migrate to this country and compete with American labor has no foundation to support it. Nature marks the line which laboring migration must follow. Witness our own country. The Swedes and the Norwegians find congenial homes along the Northern Lakes and Canadian borders. Germans follow along a little farther south. The Irish prefer the central regions of the United States as corresponding more nearly to the climate of their native land. The Italians generally go farther south and on the Pacific coast to find climatic conditions similar to balmy Italy. Never in all the ages has the population of the Tropics crossed the isothermal lines to inhabit and cultivate the soil of the temperate zones, nor have laborers from the north succeeded in cultivating tropical lands. Merchants, traders, bankers, and business men readily accommodate themselves to the climate of the torrid, temperate, or frigid zone. Business and professional men from the north enjoy southern climes, and the same is true of business and professional men of the south when they emigrate to the north. Successful labor follows but does not cross the line separating the tropical from the temperate zone.

MUTUAL BENEFITS RESULTING FROM RETENTION OF ISLANDS.

The resources of the United States in everything found in the temperate zones are inexhaustible and practically untouched. Modern machinery and the genius of American people can always produce more of the products and manufactures of the temperate zone than the people can use. These islands under American control and enterprise will produce vastly more tropical products than they can consume. The interchange of the products of the farm, the mine, and the factory for the sugar, coffee, tobacco, fruits, and other products of these islands will give employment to millions in the United States as well as in the islands. The storm of criticism and the rancorous vituperation of disappointed ambition will soon pass away, and when the American people are in full enjoyment of the new acquisitions they will view them as serenely and with as much satisfaction as they now contemplate the teeming population and the wonderful productions of the countries acquired during the Administrations of Jefferson, Monroe, and Polk, and posterity will wonder why anybody could have opposed the rich inheritance which the war against Spanish cruelty brought to the United States, as they now wonder why it was that the acquisitions of territory which we have heretofore made were opposed by persons otherwise considered sane and sensible.

The establishment of self-government and the inauguration of industry under the benign influence of the principles of the Declaration of Independence in the gems of the sea, which good fortune has placed within the reach of the American people, are delayed and embarrassed by the timidity of the friends of expansion and progress. The suggestion that there is some nebulous, open-door policy in the far East which would prevent the United States from extending our customs laws over the Philippines is a dream of folly which will not disturb the American people. The idea that the United States will hold the Philippines and maintain their ports free to all the world and at the same time separate them from our country by a tariff wall which would exclude them from our markets and deprive us of the benefit of their trade can not be seriously considered.

The contention that any of the islands which we wrested from Spanish rule would injure American industries on account of their productions is a pure invention. Some gentlemen seem to regard it as a matter of no consequence that the consumers are compelled to pay $250,000,000 a year for tropical products which these islands will produce, and that the farmers and manufacturers of this country would be deprived, by the loss of these acquisitions, of an annual market of from three hundred to five hundred million dollars.

SCHEMES OF AMBITIOUS STATESMEN.

Perhaps the most unfortunate opposition to expansion comes from the schemes of ambitious statesmen to connect their names with original methods of government unknown to the fathers of the Republic. They seem to assume that the principles of freedom and local self-government which have spread over the vast areas of territory already acquired are not suited to land surrounded by water; that human rights and the principles of government are different on islands from what they are on broad continents, and that while Jeffersonian Territorial governments were good enough for Orleans, Florida, and the great West, it is the duty of a rising statesman to invent some new form of government for the islands never before tried in the history of man. I implore them to consider if it is not possible that the heroic struggles for liberty and self-government which have established on the American continent the freest, the grandest, and the greatest Government of ancient or modern times may not furnish some lessons in the establishment of governments for the islands which it might be useful to study.

Impatience and haste are also obstacles to the accomplishment of the great work of establishing free and stable governments in our island possessions. It was a military problem in the beginning and must remain so until civil governments can be formed. The great virtue of the American system is that civil governments grow out of military enterprises, and God forbid that this order of things should be reversed and military government be established on the ruins of the Constitution. The government of Louisiana in 1803, after the acquisition of that country from France, was a combination of military and executive power while the President of the United States was inaugurating civil government. Florida was acquired in 1819, and it remained a purely military government until 1822, when Congress legislated, establishing civil rule, which had been previously inaugurated by Monroe.

California was acquired in July, 1846, when Commodore Sloat, at Monterey, raised the American flag, and the country remained under military rule without any interference on the part of Congress and very little on the part of the President until the admission of the State in September, 1850. The military officers in that country governed it, inaugurated the present State government without any action by Congress, and finally, when Congress was called upon to act, California had a firmly established State government with a constitution and a system of laws which compare favorably with the constitution and laws of any State in the

Union. On the 9th of September, 1850, Congress accepted what the military officers and people had done and admitted California as a State of the Union.

UNWISE TO LEGISLATE WHILE CONDITIONS ARE UNKNOWN.

It is unwise to legislate for any of these newly acquired islands until it can be ascertained what legislation is necessary and beneficial. The war and the executive power of the Government have been and must continue to be the pioneers in establishing law and order and developing the condition of newly acquired territory before Congress can be possessed of the necessary information for appropriate legislation. Let the arm of the President be strengthened by Congressional authority, as was done in the case of Jackson and Monroe, and let the responsibility of initiating local self-government in the islands remain with the President, where the necessity of the situation requires it to remain. Leave him untrammeled, as other Presidents have been under like circumstances, and let him be responsible for progress in the right direction.

The appointment of a commission to aid in the establishment of local self-government in the Philippines is wise and necessary. Let Congress make it effective by arming the President with legislative sanction, that Aguinaldo and his deluded followers may know that the United States is determined to put down the rebellion and maintain its jurisdiction in every island of the archipelago. Already we hear that guerrilla warfare has been commenced under the belief that the United States is not in earnest, that the President will not be sustained, and that Aguinaldo's dictatorship will ultimately be recognized.

QUESTION ABOVE PARTY.

This is a question above party. It is a question of country. Whatever of hesitation, of selfish or unreasonable opposition may be made to acquiring Puerto Rico, Cuba, and the Philippines, there can be but one result. These islands will, with the approbation and consent of the American people, become a most important and valuable part of the United States. When all questions of the acquisition of these islands shall have been settled, peace, order, and local self-government established, the United States will have inexhaustible resources in everything needful and useful which can be found in any part of the world. The people of the United States will then be as proud of their whole country as they are today of any part thereof, and will enter into friendly commercial competition with all the nations of the earth without the slightest apprehension or fear of the triumph of free institutions for the benefit of the human race. The necessities of our people will then be supplied in our own country without depending on foreigners for moral, material, or military support.

The Jeffersonian bill introduced by the Senator from Wisconsin [Mr. SPOONER] and reported by the committee will give President McKinley the same support in the Philippines as Jefferson and Monroe had in the countries acquired during their Administrations. The bill should become a law with Puerto Rico included and remain in force until the pioneer work in the new acquisitions is done and before any form of government or system of revenue is provided by Congress. The premature contention over details, without a full knowledge of what ought to be done, has already created excitement and unrest in the country prejudicial to the peaceful, speedy, and successful establishment of law, order, and local self-government in our new possessions. If I were permitted to give advice, I would suggest the propriety of amending the Spooner bill so as to include Puerto Rico, pass the appropriation bills and other necessary legislation, and adjourn Congress, and let the people decide whether the policy of expansion inaugurated by the fathers of the Republic shall be continued until the United States is as independent of all other countries for material resources as she is and has ever been independent in her political career.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Ohio [Mr. FORAKER], which will be stated.

The SECRETARY. On page 19, line 23, after the word "also," it is proposed to insert "as to railroad, telegraph, and telephone franchises."

Mr. FORAKER. Since Senators now have a different print of the bill, I will state that the proposed amendment is in line 3, on page 24, according to the reprint.

Senators may remember the nature of this amendment. Possibly some of them were not in the Chamber when it was under consideration a few days ago; and for the benefit of those, let me say that this is the clause as to the granting of franchises. The provision on that subject, as found in the bill reported by the committee, was that franchises in Puerto Rico should be granted by the executive council, subject to the approval of the governor, and subject also to the approval of the President. That required every franchise, whether it was important or otherwise, to be sent here to be acted upon by the President.

It was thought, after some consideration had been given to the subject, that it would not be necessary to send here for the President to act upon any but the most important ones, such as railroad, telegraph, and telephone franchises; and the purpose of this amendment is to make it unnecessary to send here for the action of the President any franchises granted in Puerto Rico excepting only those relating to these three subjects—railroads, telegraphs, and telephones. All other franchises, such as those for electric lighting, gas lighting, or any other kind which may be thought of, will be acted upon and disposed of by the executive council, with the approval of the governor.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Ohio [Mr. FORAKER].

Mr. PETTUS. Mr. President, I desire to know what will be the effect of passing these amendments in this way, whether the Senate will be thereby concluded; in other words, whether the action of the Senate in making these amendments is a final action?

The PRESIDENT pro tempore. It is not. The amendments now being made to the bill are being made in the Senate as in Committee of the Whole, but it will be open to amendment after the bill goes into the Senate; and, then again——

Mr. PETTUS. But not as in Committee of the Whole?

The PRESIDENT pro tempore. The bill is now before the Senate as in Committee of the Whole.

Mr. PETTUS. I ask is it conclusive on the Committee of the Whole, as the Chair rules?

The PRESIDENT pro tempore. No; it is open to all manner of amendments as in Committee of the Whole; to any amendment.

Mr. PETTUS. I have some amendments to propose—that is, amendments which I have had printed and which are now upon the table, in reference to this very matter—and I want to know whether I can have them acted upon when the committee get through with their amendments?

Mr. FORAKER. With the permission of the Chair, if the Senator will allow me, I understand the amendment which the Senator has given notice he will propose is one requiring all these franchises to be acted upon by the legislative assembly.

Mr. PETTUS. And the governor and the President of the United States.

Mr. FORAKER. And the governor and the President of the United States—by all of these officials. I think, therefore, it relates to this same matter, and that our present action would include action also upon the Senator's amendment. I did not speak of his amendment, because I supposed the Senator from Alabama would present his amendment in this connection.

Mr. ALLEN. Mr. President, I understand the force of the amendment of the Senator from Ohio is to place in charge of the territorial council and the governor all franchises excepting those for railroads, telegraphs, and telephones, which are to be in their charge and in the charge of the President of the United States—that is, as respects the three last named, they will require the approval of the President of the United States before they can become effective. So that the force or the legal effect of the amendment is to deprive Congress of all jurisdiction over the subject of granting franchises in the island of Puerto Rico. Is that correct?

Mr. FORAKER. Well, Mr. President, that is probably the result of it, though that never occurred to me before in connection with the amendment. Of course, all legislation by the legislative assembly is subject to the approval of Congress and may be annulled by Congress when reported, but there is no provision here as to franchises that would be granted by any authority other than the executive council and the President. This provision requires that all these franchises that the President may approve shall be reported to Congress.

Mr. ALLEN. I know; but what has Congress to do after they are reported, if they are first approved by him?

Mr. FORAKER. The Congress, I presume, could do whatever it might see fit to do about the matter.

Mr. ALLEN. Under the terms of this bill, if it shall become a law, a franchise can be granted to a railroad or a telegraph or telephone corporation by the council and governor of Puerto Rico and approved by the President, and that deprives the Congress of all jurisdiction, and there would be no revisory power in Congress whatever, because it amounts to a contract between the Government and the recipient.

Mr. FORAKER. I supposed when we were drafting the bill, and that is the opinion the committee had, that the safeguards provided were sufficient. If the Senator thinks that Congress also ought to be empowered to take action in the matter, I personally have no objection to that kind of a provision being inserted in the bill.

Mr. ALLEN. Section 30 provides:

Provided, however, That all grants or franchises, rights and privileges, or concessions of a public or quasi-public nature shall be made by the executive council, with the approval of the governor, subject also, as to railroad, telegraph, and telephone franchises, to the approval of the President of the United States, who shall report the same to Congress.

It leaves it in this condition, that if the council and governor of Puerto Rico and the President of the United States shall approve a charter for a railroad, or a telegraph, or a telephone company, it is conclusive upon the Government irrevocably, and can not be amended or altered or changed in any respect during the life of

the charter; and Congress has nothing to do with the matter, except to receive a mere nominal report from the President of the United States, which he may or may not make. We have no power to require him to make it.

Mr. FORAKER. If the Senator will allow me to interrupt him, I will say that I have no objection to this provision being amended so as to read as does the conclusion of the preceding section with respect to legislation:

Provided, however, That all laws enacted by the legislative assembly shall be reported to the Congress of the United States, which hereby reserves the power and authority, if deemed advisable, to annul the same.

I have no objection to having those words inserted at the end of the section.

Mr. LINDSAY. Or modify.

Mr. FORAKER. So that it shall read:

Who shall report the same to Congress, which hereby reserves the power to annul or modify the same.

If that will answer the objection, let those words be inserted. I think the objection is well taken.

Mr. ALLEN. I suggest this:

Shall report the same to Congress; and said franchises shall not have any legal force or effect until approved and ratified by Congress.

Mr. FORAKER. I would only suggest this difficulty about that phraseology: It might unreasonably delay enterprises and the development of the island. I think if we put it in the form in which the power of Congress to annul is usually reserved, and that is the form that comes at the end of the preceding section——

Mr. ALLEN. I would be perfectly willing to trust the Senator from Ohio to reform it at his leisure, so as to preserve the right of Congress to pass upon these franchises.

Mr. FORAKER. I can insert it now if that language will be satisfactory to the Senator, and I will say to him that I should have inserted it without any suggestion if it had occurred to me.

Mr. ALLEN. I do not pretend to know what the force of that language will be; but I do want to observe——

Mr. FORAKER. I do not hear the Senator from Nebraska, there is so much noise in the Chamber.

Mr. ALLEN. I do not profess to know what the force of the language will be which the Senator proposes to use in the amendment; but I think, all the way through this bill, in every section and in every provision, most ample safeguards ought to be preserved to Congress to revise and control the government of Puerto Rico and its domestic institutions in all respects. There can be nothing clearer than that the government of Puerto Rico must be such as Congress may prescribe.

Congress has the sole power of prescribing a government for the island. It is not within the power of the President of the United States to prescribe a government for Puerto Rico or for any other of these newly acquired islands except as he derives the power to institute a military government incident to military occupation. Now, if that be true, and we being in the transition state from a military to a civil government in Puerto Rico, the greatest caution ought to be observed in the drafting and passage of bills affecting the people and territory of that island in preserving our revisory control.

Mr. PETTUS. Mr. President, I will read the amendment which I propose about this matter. It is lying on the table. It is in this section to insert "legislative assembly" instead of "executive council." My purpose in proposing that amendment was the very matter that is being talked about. This section in reference to the action of the legislative assembly provides that Congress may repeal any action of the legislative assembly, and I wanted to have these franchises granted by the legislative assembly and thereby subject them to the revision of Congress. Now, if the Senator will add at the end of that section that all franchises granted in Puerto Rico shall be subject to revocation or modification by Congress, I do not care anything about this amendment.

Mr. FORAKER. Let me ask the Senator if he would require that as to minor, unimportant ones, or simply as to the important ones?

Mr. PETTUS. Yes, sir; as to all of them. These franchises are more the subject of fraud than any other species of property in the United States. They are more the subject of fraud in the cities than anything else in the cities, and they ought all to be subject to the revision of Congress, and to put that sort of power into a council without having any control is simply to abandon these valuable properties, because they are properties, to those who succeed in having influence over the men in power in that island. They ought to be subject to the revocation and modification of Congress.

The PRESIDENT pro tempore. The Senator's amendment will be in order as soon as this amendment is disposed of.

Mr. FORAKER. The Senator from Alabama has stated that if I would make a certain change he would withdraw his amendment. I am perfectly willing to do so. I want to ask the Senator if the language which I propose to offer now will be satisfactory; and I am obliged both to the Senator from Nebraska and the Senator from Alabama for calling my attention to the matter. It was the purpose of the committee to guard the granting of franchises, because they appreciate that that is a very important matter, and they would have left it to the legislative assembly except for the fact—I think I ought to say this in justice to the committee—that the legislative assembly can not be in session more than sixty days in any one year. The granting of franchises is something that may come up at any time, and the executive council and the governor will always be there to act upon such applications.

I propose, if the Senator will follow me, so to amend that the clause will read as follows:

Subject also as to railroad, telegraph, and telephone franchises to the approval of the President of the United States; and all franchises granted in Puerto Rico shall be reported to Congress, which hereby reserves the power, if deemed advisable, to annul or modify the same.

Mr. PETTUS. Why "if deemed advisable?" Just say it reserves the power.

Mr. FORAKER. I do not object to that. I took the language out of the other statute. That is how that came in. I will say:

And all franchises granted in Puerto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.

I ask that it may be read at the Secretary's desk, so that there may be no mistake about it.

Mr. PETTUS. I have no objection to that, and withdraw my amendment.

Mr. MONEY. I should like to ask the Senator from Ohio who has charge of this bill if it would not be well enough to strike out subject "to the approval of the President of the United States." It is not usual for Territorial legislation that comes here to be revised or approved by Congress to be treated in that way.

Mr. FORAKER. I have no objection to its being stricken out, as we propose now to bring it under the review of Congress.

Mr. MONEY. I think it better, if the Senator will permit that amendment. It is putting the cart before the horse. The President's approval comes after the Houses have acted and not before.

Mr. FORAKER. I presume it would have to be transmitted through some official. The provision as to the President approving came about in the way I have indicated. It was thought impracticable to give the power to the legislative assembly, because it is in session only sixty days in the year, and here were the executive council, and the governor, a part of the council, in session all the time, so that applications might be granted at any moment, or rather might be acted upon at any moment.

Mr. MONEY. Then it will come just as it does in the case of legislation from other Territories.

Mr. FORAKER. I wanted to say to the Senator that my purpose in offering this amendment was to avoid imposing upon the President the necessity to deal with every minor franchise.

Mr. MONEY. I will suggest, if the Senator will accept the amendment, to strike out "to the approval of the President of the United States, who shall report the same to Congress." Let it come through the usual channels.

Mr. FORAKER. Very well.

Mr. MONEY. Of course you can arrange the phraseology so as to make it conform. That is the idea, that it is to be reported in the usual way, as in the case of other Territories.

Mr. FORAKER. Then it will be unnecessary to say anything about railroad, telegraph, and telephone franchises, but let the provision read, commencing in the middle of line 2:

With the approval of the governor; and all franchises granted in Puerto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.

That is satisfactory to me, if it is to others. Now let the Secretary state it.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 19, line 22, section 30, after the word "governor," it is proposed to strike out the rest of the paragraph and insert:

And all franchises granted in Puerto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FORAKER. Mr. President, inasmuch as the bill has been reprinted, and that was the last of the amendments that had been brought before the Senate when we were formerly considering the bill, I ask that we may go back to the beginning of the bill as now reprinted and consider amendments as indicated in their order. The first amendment proposed will be found on page 4, and it is to insert, in line 16, after the word "citizens," the following:

Of Puerto Rico, and as such entitled to the protection.

This is the clause that fixes the civil and political status of the inhabitants of the island.

The PRESIDENT pro tempore. The clerks at the desk have no copies of the new print.

Mr. MORGAN. I wish to make an inquiry of the Senator from

Ohio. We have been over this bill once and put into it the amendments that are called committee amendments. Now the bill seems to be perfected in such form as the committee want it, as I understand.

Mr. FORAKER. Not yet. We went over the bill considering only such amendments as were not contested. Now I am taking up the amendments proposed by the committee about which there will no doubt be more or less debate. I asked consent that the committee amendments might be first considered. That was given, and then I announced that I would first ask the consideration by the Senate of such amendments as I supposed would not be contested, and if when one was offered there was a contest I passed it. Now I am going back to take up those passed over upon objection being made, with a view of having them considered and finally disposed of.

Mr. MORGAN. Many amendments have been presented and many of them have been contested. We have been occupied in this peculiar kind of labor here for about three or four days on this bill, and other Senators who have amendments that they want to offer to the text of the bill it seems will never get an opportunity.

Mr. FORAKER. I have no objection if the Senator wants at any time to offer an amendment. I do not wish to cut him out or cause him to postpone. I will yield at any time when a Senator may wish to offer an amendment or speak upon it.

Mr. MORGAN. If I offer an amendment I want it to be the subject of the action of the Senate.

Mr. FORAKER. Certainly.

Mr. MORGAN. Then I will offer an amendment to the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. It is proposed to insert after section 7 the following:

SEC. —. That any citizen of the United States who shall deposit for coinage, at any mint in the United States, silver bullion of the value of not less than $100, estimated at the rate of 371¼ grains of pure silver per dollar, and at the same time and as a part of the same deposit shall also deposit gold bullion for coinage of equal or greater value, estimated at the rate of 23.22 grains of pure gold per dollar, shall be entitled to have such gold and silver bullion coined in such lawful denominations of gold and silver coins of the United States as he shall designate, and after such deposit none of said bullion shall be withdrawn as bullion from such mint, but such gold and silver bullion shall be coined and the coin shall be delivered to the depositor, his or her assigns or legal representatives, in discharge of the certificate of deposit issued for such deposit.

The superintendent of such mint shall issue to such depositors certificates of deposit, in accordance with this act, and shall refine and coin such bullion of gold and silver for and on account of such depositors in the same manner as if the same was owned by and was coined on account of the Government of the United States, and the charges for refining and coining such bullion shall be the same as are lawfully made in such cases.

No gold or silver bullion shall be deposited for coinage under this act that has been coined or manufactured as an article of commerce, or that is not the product of mines in the United States.

Mr. MORGAN. Mr. President, the committee has unanimously reported section 7 of this bill, which contains virtually, if not expressly, a free proposition for the coinage of silver. I will read it:

SEC. 7. That for the purpose of retiring the Puerto Rican coins now in circulation in Puerto Rico and substituting therefor the coins of the United States, the Secretary of the Treasury is hereby authorized to redeem, on presentation in Puerto Rico, all the silver coins of Puerto Rico known as the peso and all other silver and copper Puerto Rican coins now in circulation in Puerto Rico, not including any such coins that may be imported into Puerto Rico after the 1st day of February, 1900, at the present established rate of 60 cents in the coins of the United States for 1 peso of Puerto Rican coin, and for all minor or subsidiary coins the same rate of exchange shall be applied.

The Puerto Rican coins so purchased or redeemed shall be recoined at the expense of the United States, under the direction of the Secretary of the Treasury, into such coins of the United States now authorized by law as he may direct, and from and after three months after the date when this act shall take effect no coins shall be a legal tender, in payment of debts thereafter contracted, for any amount in Puerto Rico, except those of the United States; and whatever sum may be required to carry out the provisions hereof, and to pay all expenses that may be incurred in connection therewith, is hereby appropriated, and the Secretary of the Treasury is hereby authorized to establish such regulations and employ such agencies as may be necessary to accomplish the purposes hereof: *Provided, however*, That all debts owing on the date when this act shall take effect shall be payable in the coins of Puerto Rico now in circulation, or in the coins of the United States at the rate of exchange above named.

We have recently passed what is called the gold bill. It is now the law. My opinion in regard to that bill is that it is entirely radical in its effect upon the coinage system of the United States as well as other parts of our financial system. It is claimed on this side of the Chamber and by those who opposed that bill that the effect of it was to make the legal-tender silver coins of the United States now in existence redeemable at the Treasury of the United States in gold, not by a direct operation dependent upon a direct demand of the holder of the coin, but by the incidental arrangement of converting the silver coin into silver certificates and then taking those certificates to the Treasury and having them redeemed in gold.

I have accepted that law as fixing upon this country that condition. If that is a correct interpretation of the present condition, the silver dollars or other silver coins in use in the United States, amounting to some eight hundred and odd million dollars, are all that will ever be obtained by the people of the United States of that description of coinage so long as that law shall remain in force. It closes the door forever to the coinage of legal-tender silver dollars.

There is now no possibility, under the law as it exists, of having any silver dollars coined, either by a purchase on account of the Government, or as the personal right of the holder of silver bullion. I was much gratified to find that, in view of that condition of affairs, this honorable committee, a majority of whom are Republicans, have brought forward a measure, in section 7 of this bill, which gives to the holder of the Puerto Rican coins, or Spanish coins in Puerto Rico, the right to go to the Treasury of the United States and have them redeemed, and to have the bullion of which they consist coined; that is, the coinage of silver bullion by the Government of the United States after it has exchanged silver dollars for that bullion on the demand of its owner.

The right that is given by this bill is given to the holders of these Spanish coins whoever he may be. It is not even limited to citizens of the United States. Any holder of a Spanish peso or peseta or any other form of Spanish silver coin will have, under this bill if it becomes a law, the personal right to carry it to the Treasury of the United States and have it exchanged for silver coin at a certain fixed per cent per peso.

That is the free coinage of silver on the demand of the man who holds the Puerto Rican coin, and it is nothing else. There is nothing in the bill which indicates that anything else is the purpose. The committee have come to the conclusion that it is a right that belongs to the holder of the Spanish coins in that island, and of course it must equally belong to the holders of Spanish coins in other islands acquired from Spain, to bring their Spanish money to the Treasury of the United States and exchange it for silver coin, and then to have the bullion coined. It is the free coinage of silver bullion held by Spanish people, or Puerto Ricans, or anybody else on the demand of the holder.

Mr. LODGE. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN. Certainly.

Mr. LODGE. The Senator speaks of bringing Spanish bullion. This bill provides, I understand, only for the coinage of the Puerto Rican peso, which circulates only in the island, and the amount of which is absolutely limited. It does not provide for the coinage of the Spanish peseta. This is special coinage, the Puerto Rican peso, existing only in the island and circulating nowhere else in the Spanish possessions.

Mr. MORGAN. It is none the less silver bullion because it is a Puerto Rican coin. It may have been coined in Puerto Rico, but it is none the less bullion than if it had been coined in Spain. It is bullion and nothing else. It is not money in the view of our statutes. It has no money value here as a coin. Its bullion value is its only value.

Mr. FORAKER. There is this provision in the bill, which possibly the Senator from Alabama overlooked. It authorizes the recoinage of only Puerto Rican coins now in circulation in Puerto Rico.

Mr. MORGAN. Very good. That is, to say, Puerto Rican coins now in circulation, which means simply the silver bullion in circulation as coin. That is all it means. It is not coin according to our statutes. It goes the whole length of opening our mints to the free coinage of Spanish bullion, coined under Spanish law in Puerto Rico, at a fixed price of 60 cents an ounce. The right given for the free coinage of this bullion would be the same in law, if the price fixed was 100 cents per ounce. It is a right given to compel the mints of the United States to coin certain silver bullion, and this is all that the phrase, "the free coinage of silver" means.

It adopts the principle, and I approve it, and I am greatly gratified at it. The same principle was carried in the bill which was reported by a commission of which I had the honor to be a member, for the government of Hawaii. We reported a bill, and when it came to the Senate it was separated from the main measure and sent to the Committee on Finance, and it is pending there now. That provision was to take the bullion as we found it in Hawaii and convert it into coin of the United States. It was the same principle precisely that is found in this bill. It is the whole doctrine of the free coinage of silver on the demand of the holders of bullion, and is not anything else.

Now, inasmuch as we have asserted that right as a correct principle of government in this bill, which I thoroughly approve, I propose to extend it to the people of the United States, not on terms of equal liberality that we extend it to the holders of Puerto Rican pesos or pesetas, but on terms that are somewhat more circumscribed. This step takes us far in the direction of the good we must ultimately reach in our necessary return to the constitutional duty of providing for the coinage of gold and silver on equal terms.

But, before I proceed to define and to explain as well as I can the situation in regard to that particular duty and necessity, I wish to call attention to another state of facts. In these Spanish possessions we have acquired thirteen million of population, or thereabouts, all of whom have transacted almost the entire business of

all the islands, great as it is, upon the basis of silver money. Now, one of two things we ought to do. We ought either to let stand in those islands the Spanish laws that make these coins a legal tender and that provide for their increased coinage, or else we ought to convert them into American coins, as is done in this bill, on the demand of the holder of the Spanish coins, for we can not put those people to a worse disadvantage or inflict upon them greater trouble than to deprive them of the silver coin which they are using in their business and refuse to supply our coins in place of it.

There is nothing that we could do which would give greater distress, bring more serious ruin and disaster upon those people, than to refuse to legalize the silver coins that they have now, and then refuse to supply their places after having stricken them down. No duty the Government of the United States owes to humanity, even to say nothing of its treaty obligations and its obligations under the laws of nations, surpasses in its imperious demand for our consideration this duty of supplying those people with money to carry on their business. It is the vital point. In all their business it is the one indispensable thing. Not only is it cruel, but, Mr. President, it is a reproach to us, that we should undertake to set up a government there and, in doing that duty, destroy the coinage of those people in which their business has been conducted for centuries and provide nothing to supply the place of it.

This bill wisely supplies the place of it, so far as that coinage is concerned. It ought to go further, and it ought to permit coins to be made at the mints of the United States for the purpose of using them in the governmental operations in all these islands, every one of them. We can not take these islands and skim the cream of commerce off of them and supply nothing to them in the way of facilities for conducting that commerce without destroying our own reputation amongst the nations of the earth for ability to govern them wisely. We can not break those people down and leave them a wreck in their financial and commercial condition without providing some substitute for what we are taking away from them.

I do not find any provision here for establishing national banks in Puerto Rico; and I suppose there is none in contemplation for establishing national banks in the Philippine Islands or in Hawaii.

Mr. FORAKER. If the Senator will allow me to interrupt him, there is a provision in this bill which extends to Puerto Rico all the laws of the United States of a statutory character, all the enactments of Congress not locally inapplicable, and I presume under that provision a national bank could be established in Puerto Rico.

Mr. MORGAN. Well, if that is a correct assumption on the part of the Senator from Ohio, it shows that we can establish national banks in those islands. That is the proposition?

Mr. FORAKER. That is what we supposed.

Mr. BATE. Then it is not a foreign country.

Mr. MORGAN. Then it is not a foreign country in any sense of the word. It is a country against which you can make no discrimination, because if the national banks are carried into that new country under this bill, every law of the United States is carried in there that can be made useful or be made applicable to any condition that is found in the island of Puerto Rico. There can not be any question whatever about the logic of that proposition.

Therefore I approve, Mr. President, of the exchange of these coins for coins of the United States, with a mandatory provision that they shall be coined. I approve of the proposition that they shall be coined in the mints of the United States on the demand of the owner, and the further proposition that the individual who brings the bullion shall have the benefit of his demand and shall get his pay in the coin of the United States for his bullion at the price agreed upon. That is a good movement. That is in the right direction. That is what has contented me with this bill more than anything else. It was the fact that this movement was made absolutely necessary by conditions that were unavoidable which more than anything else has reconciled me to the expansion of our power and our influence over the newly acquired possessions, and also the further inevitable necessity which the Senate now is looking at with apprehension on the other side of the Chamber, that the tariff laws of the United States shall also be modified to suit these new possessions.

It is the fact that the Republican party, in order to expand the power and influence of this country and carry its flag into the Spanish possessions, find it necessary to come back to Democratic principles for the sake of conducting good government there which causes me to welcome an opportunity that otherwise never would have occurred, perhaps, for a hundred years, to force them to the adoption of Democratic principles and Democratic law as the true law and the true principles of the Government of the United States.

"All things come to him who waits," and, sooner than was hoped for, a protectionist Republican President demands free trade with Puerto Rico and Hawaii, and a gold Republican from Ohio reports this bill with a free-coinage provision in the seventh section.

Now, sir, I propose to use this principle thus admitted, this wise doctrine of political economy thus confessed, for an additional purpose for the benefit of those people and also for the benefit of ourselves. I want to give to the individual American citizen who owns silver bullion the right to go to the mints of the United States and have it coined exactly as if the bullion he owned were gold bullion. Under the laws of the United States as they exist now, whether gold bullion is in one form or in another, whether it is in the virgin form in which it left the mine, or whether it has even been wrought into articles of commerce, or whether it has been coined into foreign coin, if it is gold bullion, every American citizen and everybody else has the right to carry that bullion to the mint, demand a certificate of deposit for it, have it coined on his own personal account, and take that coin and circulate it through the country and through the world without the consent of any bank or banker or anybody else.

No Democrat has ever complained of that privilege being given to the American people. It has been a boast of the Democratic party always that gold bullion should be coined at the mints of the United States on the personal demand of its holder and that it should be handed out to him as coin after it is converted and stamped in the mint.

That is a principle, Mr. President, which belongs and has always belonged to American citizenship. It belongs to us under the Constitution; for at the time our Constitution was adopted and when we were British colonies and when we threw off the yoke of bondage to Great Britain, it was the law in all of the colonies of Great Britain, by act of Parliament, that every British subject, wherever he might be in all the realm, had the right to go to the British mint and have his gold bullion and his silver bullion coined into money.

That was the law at the time the Constitution was adopted, and it was with reference to that very law that that feature of the Constitution was adopted which forbids the States to permit any other kind of money to be made a legal tender except coins of gold and coins of silver. That had reference to the British statute, which secured a personal privilege—a most valuable personal right—to every British subject. It was retained, secured, and guaranteed in the Constitution and made obligatory on Congress.

Now, what is the personal right of the American citizen, at least as to gold? We have continued that right in our statutes, and under them to-day the right is perfect in any American citizen to have his gold bullion coined at the mints of the United States on his own private account.

The Democratic party, Mr. President, have always insisted that the same right should be extended to silver, and this is "free coinage." That right existed for seventy-odd years—for seventy-three years, I believe—unquestioned in the United States, and those who have denied that right to American citizenship have denied something that was guaranteed to them by the Constitution and by the laws of England at the time we became an independent power, and has always been approved and sustained by the Democratic party. It is the denial of a personal right to an individual that is just as personal to the man himself as the right to the writ of habeas corpus or trial by jury to deny him the right to have the Government convert his bullion into money, whether it is silver or gold. The Government has the sole power to convert bullion into money, and the citizen has the right to demand its exercise. The power can be regulated, but its exercise can not be refused, so as to destroy the value of gold or silver bullion.

Now, we have come to a point where, after having passed this great gold bill and put the country upon what is called a gold basis, we begin to relax in the very first bill that is presented here for consideration after that time; and in that we find the principle reaffirmed, that a man who owns silver bullion in Puerto Rico has the right to bring it to the mints of the United States and have it coined at a certain fixed rate. We are indebted to a Republican Senator from Ohio, Mr. President, for this new departure in search of the old road, I will call it, on the part of that great political organization, and I profoundly thank him for the courage, the manhood, and the recognition of duty that are involved in the report of the seventh section of this bill.

On another occasion, perhaps twenty years ago, we were indebted to another great Ohio Republican, Stanley Matthews, for resolutions which the present Senator from Ohio to-day follows out, giving to the people of the United States the right of the free coinage of gold and silver upon terms of equality, so far as the mint privilege is concerned, and at a ratio fixed by law. From that time until the passage of the gold bill in the Senate a few days ago, the Democratic party, along with some very valuable and very honorable allies who have been associated with us in our efforts, have fought year in and year out, have struggled with all possible power, energy, and determination, to get as much as we could get of silver money coined in the United States, and to enlarge, as far as it was possible to enlarge, the right of the

citizens of the United States to coin silver bullion into money. We have made great progress through great difficulties, many obstructions, some of them coming from Republicans and others coming from Democrats in the Presidential office. We have made great progress.

Finally it has come to this condition, Mr. President, that this country is not only on a gold standard, but that the bond debt is made perpetual, an irredeemable bond debt, redeemable only in name and not in fact. The national banks are the sole dispensers of the power of the Government of the United States in the distribution of money and are given the absolute control of it. But in this bill the first movement is made which I am proud to say I believe will ultimately result in the entire freedom of silver as to its coinage, and it comes again from a Republican Senator from the great State of Ohio, and I welcome the movement.

It may be long delayed through the obstructions of the capitalized classes, but its necessity is confessed in this measure in a bold and, I trust, in a sincere way that can not be hereafter denied. The cerements are suddenly broken by this bill, and silver is released from its new-made grave.

The addition which I propose to make to this section I will now read. It is exactly in line with the seventh section. It does not in the slightest degree conflict with it except that it is a narrower provision than the seventh section. It places upon the American citizen some restrictions in regard to the right to have silver bullion coined that are not found in the seventh section of this proposed act.

I will read my proposition:

Any citizen of the United States who shall deposit for coinage, at any mint of the United States, silver bullion of the value of not less than $100, estimated at the rate of 371¼ grains of pure silver per dollar—

Just as here we estimate the peso at 60 cents of the American dollar—

and at the same time and as a part of the same deposit shall also deposit gold bullion for coinage of equal or greater value, estimated at the rate of 23.22 grains of pure gold per dollar—

That is 16 to 1 fixed by law, just as it is fixed by law to-day, the silver dollar which we are now required to redeem in gold, as is asserted, every silver dollar now bears the relation to a gold dollar of 16 grains of silver to 1 of gold—

shall be entitled to have such gold and silver bullion coined in such lawful denominations of gold and silver coins of the United States as he shall designate, and after such deposit none of said bullion shall be withdrawn as bullion from such mint—

That is to prevent a fraudulent deposit and to force the coinage when you make the deposit, without the liberty of withdrawing it—

but such gold and silver bullion shall be coined and the coin shall be delivered to the depositor, his or her assigns, or legal representatives, in discharge of the certificate of deposit issued for such deposit.

The superintendent of such mint shall issue to such depositors certificates of deposit, in accordance with this act, and shall refine and coin such bullion of gold and silver for and on account of such depositors in the same manner as if the same was owned by and was coined on account of the Government of the United States, and the charges for refining and coining such bullion shall be the same as are lawfully made in such cases.

No gold or silver bullion shall be deposited for coinage under this act that has been coined or manufactured as an article of commerce, or that is not the product of mines in the United States.

There is another limitation, a very much more stringent limitation than the one that is imposed by the seventh section of this bill upon the Puerto Rican coin. They are bullion. What I offer to have coined under this additional section is bullion. They are bullion that has been coined in the Puerto Rican mints. What I offer is the virgin silver and the virgin gold that come from the American mine and belong to American citizens and must be deposited in one deposit and in equal quantities, or at least that there shall be as much gold deposited as there is of silver in value, and when coined the coin shall be delivered into the hands of the depositor.

Now, Mr. President, where is the injustice of that? Who can suggest that there is some inequality in this proposition, that there is some advantage given in favor of silver over gold or of gold over silver? They are to be deposited in equal amounts, deposited together, coined at the same mint and under the same deposit, and the money is to be handed out when coined into the hands of the depositor. Where can be the injustice; where can be the danger to the national banks, or the capitalists of the country, or the holders of gold mines, or to any other person when every time we coin a silver dollar we must also coin a gold dollar and put it in circulation?

The silver money of this country, after it has been dethroned from its constitutional attitude of a money metal, is made to play the part of a transgressor against the law; something that has committed some public sin against the general welfare, something that is unworthy of a place in the American coinage, except in virtue of the provision that it is made redeemable in gold coin. It is the theory of the gold bill, it is the theory of the Republican party at this time, that there stands behind every silver dollar in the United States a pledge of gold redemption. That is the theory, although it is infinitely far from the fact. Now, if under this section that I propose to add to the bill you issue a gold dollar at every time you issue a silver dollar, you produce the redeemer at the same time that you create the sinner.

The alleged silver token is always attended with its redeemer and can not be coined in its absence. The antidote goes along with the alleged poison, and the redemption takes place instantly; they both pass out into the country, the one to stand for redemption and the other to be redeemed, just like it is on the presentation of a silver dollar or of a gold five-dollar piece at the Treasury Department and the taking out of a gold certificate or a silver certificate. That remains in circulation among the people for the purpose of redeeming the silver dollar that was put out at the same time, and the parity is made perfect.

Now, what effect will this have upon the country? The first effect will be to stimulate the production of gold in the mines of the United States. Is there any reason why the production of silver metal should not be encouraged in the United States from mines within our own limits when we know perfectly well that silver is not a useless and worthless thing; when we know that the nations of the earth are bound to have it, at least for subsidiary coinage; when we know that the Almighty gave us these facilities here for the purpose of enabling the people to carry on their work, and without which it can not be carried on? We can not treat or consider the possession of silver mines as being a matter of no value to the people and no source of wealth for them. On the contrary, it is our duty to make for ourselves, our people, and our Government all the advantage that we can out of the ownership of these silver mines.

The most irrational and fatuous neglect and abuse of a vast and peculiar source of wealth to our people—our silver mines—is locked up by the hand of avarice, and the key is handed over by our politicians to the money kings of Europe. I fear it will remain so until some terrible war has forced us to look to our silver resources to supply the place of European credit and capital, from which we shall then be divorced. We can prevent such a war if we will now begin to coin these treasures.

Senators know perfectly well that it is only in the Western Hemisphere that silver is produced in any appreciable quantities. The Western Hemisphere is the silver-bearing part of this world. The Eastern Hemisphere has gold in great quantities, but very little silver is there to be found—a little in Germany, a little in Russia; and where else will you go in the Eastern Hemisphere to find silver? A very small fraction is produced in China, possibly a little in Japan, but the great silver-bearing region of this world is the Western Hemisphere, commencing with the mountains of Alaska, extending to Patagonia, through the whole sweep of this great range of mountains.

As the world is obliged to have silver, and as nations and cities and dense communities could not subsist without the use of silver subsidiary coin, why should we not, being the possessors of the most valuable silver mines in the world, create a policy here which will stimulate the production of silver and also of gold? Europe and Asia must furnish us with a market for silver that can never fail. Have we got to the point where we are afraid of an inundation of specie money? Are we afraid that the time has come or is about to come or that it will ever come when there will be too much specie money in this country?

Well, Mr. President, I can say for a vast mass of the people of the United States who are called Democrats that there is not one of them who ever shivered at that prospect, not one. The Democrats of the United States would gladly welcome an extension of the specie basis of this country, and at the proper time—which, I think, is any time—a motion will be made to compel the national banks of this country to substitute in place of the national bonds as a basis of their banking circulation this specie basis of gold and silver. We shall have to come to that pretty soon.

Ultimately we will be bound to come to it; we can not avoid it. This country can not go along on the plan of issuing bonds and continuing to issue bonds, to be charged as interest upon the labor and industry of the country, in order to furnish a foundation for a national-bank system. We have got to get some other foundation for it. The laboring men of this country are not going to consent to be taxed, they and their children, for ages and ages to come, to sustain the national banks and the classes of society to which they pander and which they assist in building up into exclusive and masterful communities in this land.

The Democratic idea, Mr. President, will prevail upon this question. It is bound to work out. It may be said that the silver question is dead. Suppose it was dead, Mr. President—dead as Hector. We have found the Republican Senator from Ohio [Mr. FORAKER] bringing it up in the seventh section of this bill and opening it again. He is obliged to bring up the silver question and put it into the bill in order to keep those poor Puerto Rican people from starving to death, and that is exactly what we have got to do in the United States to keep a great many other people from starving to death after a little time.

This is what is destroying India to-day. Seventy million people in India to-day are in starvation. The Senate of the United

States, it seems, can look at that with perfect complacency. We, perhaps, need not disturb our slumbers or our dreams in our own splendid condition of present enjoyment by reflecting that there are 70,000,000 people in India to-day who are starving. It is very hard to get our people to believe it, and yet that is the fact. The British Government is straining every possible energy and using all of its vast resources for the purpose of trying to prevent the starvation, which they themselves have caused.

Mr. President, it is not the withholding of the rain, or the refusal of the hand of labor, or the presence of disease or of war—for there is no war in India—that has caused this starvation there. What has caused it? The British gold policy. How has it caused it? By taking off the supply of money from the poor people, who live on small amounts of money daily. It has reduced the supply of money in India, and food can not be obtained, not so much because of the failure of the crops as because you can not get interchange of produce from one part of that country with another, even where they have railroads and canals, but where the money is not in the hands of the people to buy provisions. When the British Government carries the provisions to them, they must do it as a bounty, the people themselves not being able, for want of a sufficient circulating medium in that country, to buy anything.

That is the condition of India. Senators may make light of it, but they can not find any other reason for it. That is a plain and palpable fact, and it will come in this country when our populations get congested to two or three times the number of people we have got here unless we accept the invitation of the Almighty and open our mines of gold and silver and allow the people to use gold and silver as coin in the conduct of their business, as they have the constitutional right to do.

The first impression that will be produced by the passage of this bill is that it will stimulate the silver mines in this country to production. That ought to be done. They ought not to go to waste. The silver ought not to be allowed to remain locked up in the bowels of the earth. Silver ought to be doing its duty among the business men of this country, rich and poor, but particularly and chiefly amongst the poorer classes of the people. There will be an addition to the value of money in this country. There is no doubt of that.

Mr. President, when we think of the enormous additions of population to our country even through immigration, to say nothing of the natural increase from year to year, we find that it is necessary to increase the volume of money to correspond with it. Can any Senator here name a country in this world, except Argentina, that is receiving an acquisition of population by immigration besides the United States? If so, what country is it that in its daily reports of its population shows that it is receiving an increase of popular strength from the other parts of the world?

To what country is it that the American emigrates? What line of migration has ever started in any part of the United States to draw our people away from this country, to carry them to some more favored land? Nothing of that sort has ever occurred.

Mr. President, so long as our institutions are what they are and so long as we carry into effect that grand, splendid pledge of individual liberty found in the Constitution of the United States, this emigration will never take place. It may follow expansion into distant places, under the flag of the country, but there is no man who has ever tasted of American liberty who is willing to exchange it for the liberties of any other country in the world.

No man who has ever shared the honors of its flag is willing to exchange them for the honors of any other flag that floats on sea or land. So that there is no disposition on the part of Americans to emigrate. But this country is filling up annually with from six hundred thousand to a million of new acquisitions of population from other countries. That is keeping on and on. Every man who comes here requires that much more of currency created by law in this country in order to transact his business. If we had as many people in the United States to-day as there are in China, which has not much over two-thirds of the area of territory that we possess, the amount of money that we have here of all kinds and descriptions, gold, silver, paper money, national-bank notes, and Treasury certificates, would not be one-third of what would be requisite for carrying on the business of the country, and paralysis would take place in all classes of industry almost instantaneously.

As the country expands and as it grows without expansion it is the duty of the Government of the United States to increase the volume of sound money, just such sound money as is provided for in the seventh section of this bill. I can not assume in justice to the honorable Senator from Ohio that in the seventh section of this bill he proposes to pay to the Puerto Ricans any unsound money for the Spanish pesos and pesetas. He takes a Spanish peso and he prices it at 60 cents, and pays for it with silver coin. You are not giving that man unsound money; you are not tricking him out of his little earnings and sending to him silver money which is unsound. That would not do; that would be immoral; that would be, Mr. President, scarcely less than petit larceny by an act of Congress.

So it is sound money that we are giving to those people, and it is sound money that I propose to issue dollar for dollar, gold and silver in company, so that no silver dollar shall issue without its accompanying dollar of gold. That is sound money, and if gold is the redeemer, it needs no other atonement. It is that much sounder than the silver would be by itself if the Republican doctrine is true. I accept the situation for the sake of the argument, not because it is true. Out goes the silver dollar, attended by its escort and redeemer, the gold dollar; one can not go without the other. In doing that we are filling up the substratum, the real foundation, the basis of currency in this country, to meet the many exigencies that are arising, exigencies created by immigration to this country, exigencies created by the expansion of our territorial domain; exigencies created, Mr. President, by the command of the Almighty that we shall make good use of all the materials we have in our possession that He has bestowed upon us. We can not ignore that duty without doing ourselves a serious and an unchristian wrong.

I have now, I think, explained this matter so far as it is necessary to go with it at the present time. If anyone else wishes to discuss this subject, I shall be very glad to hear some objections that can be urged against this measure; I shall be very glad to have pointed out to me some disadvantage it can possibly be to the people of the United States or the people of Puerto Rico.

My purpose in bringing the question forward, Mr. President, is not the mere idea of a party man trying to gain a political advantage. I present this subject at the first opportune moment, which has been furnished in the seventh section of this bill, and upon exactly the parallel principles that are found in the seventh section, for the purpose of inviting the attention of the Senate of the United States and the Congress and the people of the United States to the fact that we still have open to us under the gold law an opportunity to enlarge the specie basis of this country, to improve the value of our mines, and, Mr. President, above all, to hold them in the control of the Government of the United States.

If we pass this proposition that I present now to the Senate of the United States, it will not be one year until every dollar that can be taken out of the silver mines of the United States will be coined as it is taken out. Men will easily find the gold bullion to carry in company with their silver in order to get the right of joint deposit and to get the money that will result therefrom. This will cause the mints to increase their output of money with great rapidity, and it will bring into the coinage every dollar of silver that we can produce from our mines. Is that going to flood the country with iniquity and wrong and disaster and crime?

Has it ever been heard of, or will it ever be heard of, that it is an unjust thing or a dangerous thing to open the mines of this country and send out the silver and gold in equal quantities? Mr. President, that would destroy this competition between gold and silver, which means the competition between the capitalist and the ordinary toiler in the fields. Neither of them would have any advantage; but the toiler would have the right to produce, if he were a miner, at the point of his pick, when the sun went down upon his daily labor, the bullion which he can mint into money and circulate in the payment of his debts and the purchase of what he wants, without asking the consent of any banker that lives; and until we get into that condition we will not realize, as we did for seventy-three years in this Government, the true, real, actual, individual liberties of the citizen.

It is a part of my liberty, sir, that I have the right to have gold coin. That is secured to me by law. Why is it secured to me by law that I can take gold bullion and go to the mint in Philadelphia or to the Treasury here in Washington and demand its coinage, instead of keeping it in bullion in my pocket? Because that is secured to me by the Constitution of my country and by the law of my country. Why can I not take silver, if I hold that in bullion, and have that coined? It was a right that existed under the Constitution and under the laws of the United States and under the laws of England for two centuries before the Constitution of the United States was adopted.

I had that right, which a political party, for the purpose of setting up the national banks in supreme control of the financial affairs of this country, have taken away from me. That is all of it. I am a man robbed of his rights as an American citizen by an act that I consider, Mr. President, unconstitutional and excessively cruel and very unjust to the whole country; and I think it is a shameful defiance of the laws of God—that is my view about the silver question—a shameful defiance of the laws of God.

Now, sir, when I offer to do this, when I present the proposition to the Senator from Ohio, following the principles of the proposition he himself has offered in this bill, not departing from them one iota, it can not be said of me that I am attempting to work some political purpose; it can not be said of me that I am bringing up a subject of irritation for the purpose of delaying the Puerto Rican government, which I am very anxious should be established by this bill.

I do it, Mr. President, for the purpose of addressing myself to this question at a moment and under circumstances where I have

the precedent and the rule laid down in section 7 of this bill. I follow it strictly, closely, and do not depart from it; and I insist that I have the right, under the logic of the seventh section, to extend this free-coinage privilege that is given to the Puerto Rican citizen, so as to recover back my right to have silver coined if I can produce gold to accompany it, and to let the two metals accompany each other.

The voting down of this amendment, Mr. President, will be the final declaration on the part of the Senate of the United States that no more silver dollars in this country shall ever be coined so long as the Republican party has the power to prevent it. Now, I am willing to meet them on that issue, politically speaking. If they have the judgment which I suppose they are possessed of, they will hesitate a long time before they raise a question of that kind in the campaign to be determined in November next; for when the people of the United States see that this gold law means that there is to be no more silver coined forever so long as the Republican party is in power, they will make way for putting that party out of power very suddenly.

There is nothing demanded here that is not right, that is not constitutional, that is not just and equitable, that is not safe. If any Senator wants to discuss this question after I take my seat, I hope he will address himself to any possible danger that might arise out of the adoption of this amendment.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN. On that I call for the yeas and nays.

Mr. FORAKER. Mr. President, I only want to say before a vote is taken that the amendment proposed by the Senator from Alabama is in the nature of general legislation, while the legislation under consideration has reference only to Puerto Rico and to affairs and questions concerning Puerto Rico.

The provision the Senator finds in section 7 is not a provision, as I understood him to characterize it, providing for the free coinage of silver bullion, but it is a provision for the exchange and redemption of Puerto Rican coins in the manner provided in that section, in order that the people of Puerto Rico may have for the transaction of their business only one kind of coin, and that American coin. The whole purpose of the provision is to meet a necessity which is existing in that island, and which, according to present conditions, is working very great hardship in the way of a handicap, as it were, upon all kinds of business transactions.

It does not seem to be necessary, Mr. President, to answer the Senator further than to simply make this general statement. I think the statement of the Senator that the provision is in the nature of a provision for free coinage generally is entirely unwarranted and that his amendment is out of harmony with this bill. We are not in favor of the free coinage of silver, even when tendered with such compliments as the Senator saw fit to bestow upon the author of the section in question.

It is always a delight, Mr. President, to hear the Senator from Alabama. He is so able and so fertile; he is so kind; he is so agreeable that I hope the day is far distant when he will not belong in this Chamber. He is a delight to every member of this body, and he enjoys the unqualified respect and esteem of all who are in political opposition to him. That is well known to all here, but that is not enough to induce us to accept this amendment.

I hope, Mr. President, that the Senator will understand that we are not showing any lack of appreciation for the proposition he has made in dismissing the matter without discussing it at length and in the serious way in which he has presented it to the Senate.

Mr. MORGAN. Mr. President, this proposition can not be passed over and will not be passed over by the people of the United States in any light way.

The Senator makes a distinction, or attempts to do so, between the redemption of a peseta or peso of the Puerto Rican coinage and the coinage of American bullion. Suppose I should change the phraseology of my amendment, and say that when $100 of gold and $100 of silver, the product of an American mine, is presented at a mint, it shall be redeemed in the coin of the United States, of gold or silver, at the rate of 371¼ grains of pure silver or 23.25 grains of pure gold, would there be any difference between the two propositions? There would be only a difference in words.

When I have the right to deposit gold and silver at the mints and demand for it the coinage of the United States to be handed back to me, whether that coinage shall consist of the same metal or some other metal, it makes no difference—that is the redemption, if you please to call it such, of the bullion in the coin; it is a conversion, to use the proper term; and while the Senator has used the word "redemption" here, it is only a conversion; it is a change of the Spanish peseta into the American dollar or the Spanish peso into the American dollar or other American coin; for the bill provides that when this coin is deposited by the holder in his own right in a mint of the United States it shall be coined into the silver money of the United States. It is redeemed; it is converted; it is changed; it is coined.

The idea and the principle is precisely the same, and there is no refinement of language or argumentation that can get away from the main fact that we give to the Puerto Ricans here the right to come or to anybody who owns those pesetas or pesos the right to come to the mint, to deposit them, and have them coined, and to receive for them the silver coins of the United States. That is all I claim for the people of the United States.

The Senator spoke as if the people of Puerto Rico were not to be citizens of the United States; that it was a favor given to some foreign people, some people in some peculiar situation. Well, that only makes the argument stronger in my favor, for we ought to do for our own citizens what we are not compelled to do for citizens of other countries, if the argument is that they are not citizens. But they are citizens. The treaty of Paris makes them citizens. It puts it in the power of the Government of the United States to use them in its armies, to do anything else with them, to force their obedience to our laws, and they are subject to our power. If in that light they are not citizens of the United States, then we have no citizens. I do not know what their powers may be as provided by act of Congress, and I have not looked at that subject as it is presented in this bill; but I do claim that they are citizens of the United States in respect to this particular function and power which is given to them in the seventh section of this bill.

No, sir; this matter can not pass off lightly; it can not pass off without notice; it is a serious proposition; it is not out of order; it is no departure from the principle or the plan of the bill; it is directly in line with it; it is the subject of legitimate legislation, just as much so as when the seventh section gives the right of coinage or the right of redemption or the right of exchange in favor of the owner of Spanish money—just the same.

It may be, Mr. President, that the country have not caught upon the idea, it may be that they have not yet appreciated the situation in regard to the gold law. That is very true. Our people are as dead as if they were frozen in an Alaskan glacier on the subject of gold and silver at this moment; but as soon as the people have discovered the work that has been done against them you will see, Mr. President, that the reaction will be volcanic. The people will rise in their majesty, and they will throw off the men and the powers that have enchained them in that gold law. I am furnishing the Senators now an opportunity to pacify the people; an opportunity to do them justice; an opportunity to show that the Republican party of the United States are not for ever and ever compelled by their present committals against the restoration of silver money to the people of this country.

Is silver dead absolutely? Is the silver dollar gone out of the coinage, gone out of existence, except something that remains to be redeemed? Has it now become so thoroughly demonetized that it requires the action of the Congress of the United States to bring it back to life? That seems to be the situation. It has been destroyed. There is no doubt about that, Mr. President. Silver money is in nothing like so favorable a condition to-day as it was when the John Sherman Act of 1873 was passed. The act of this Congress in passing the gold bill has placed silver money in a far worse condition than it was placed in 1873; and yet the people seem to be sadly looking on. They are dazed. They have not yet comprehended what has happened to them.

Some of us understand it and have been trying to inform them as to the great outrage which has been perpetrated upon them in that bill; and now when I come forward with a measure which will give the people very great relief, they say that because they like me they do not wish to treat the subject very harshly; they do not wish to debate it because they are pleased with me and my presence in this Chamber. I warn Senators that they must not think the crow will drop the grapes from his mouth because the fox at the foot of the tree is trying to beguile him.

This movement which is going on here before the Senate, where 90 per cent of the seats are vacant, when the Senators are off amusing themselves or attending to other matters of business, will strike to the very bottom of the political situation of this country.

The PRESIDING OFFICER. Does the Chair understand the Senator from Alabama to suggest the absence of a quorum?

Mr. MORGAN. I did not. The people of the United States will call this debate in question. They will examine into what is being said. They will examine into the merits of this amendment. They will hold the Republican party of this country responsible for what the Senator from Ohio has said here this evening—that the subject is hardly worthy of consideration.

Mr. FORAKER. Oh, Mr. President, I did not say the subject was not worthy of consideration. The Senator entirely misunderstood my remarks if he thought I said any such thing. I think it is a very important subject; but I said the amendment of the Senator is in the nature of general legislation, and therefore we did not feel disposed to take it into serious consideration in connection with this bill, which is special, simply providing a civil government for Puerto Rico and dealing only with Puerto Rican affairs.

Mr. MORGAN. Suppose it is in the nature of general legislation. Where is legislation more general than that found in this bill? It is the first effort we are making to control these Spanish possessions. There is wrapped up in the provisions of this bill more general legislation than I ever saw in one bill. There are more general provisions, each one extremely important, found in the body of this bill than in any other bill which has been reported to the Senate since I have been in the body. It is a new movement on the part of the United States. It includes every interest of everybody, not only in the Spanish islands but in the entire country. It includes the most profound discussions and considerations of the Constitution of the United States in all of its bearings and in regard to all of its departments, legislative, executive, and judicial.

This is, sir, a general bill, as much a general bill as any that was ever offered at that desk; and general legislation, providing for the people of the United States, is as much at home upon this bill as it would have been upon the gold bill. It is not only at home, but it is here by invitation, for the gentlemen, finding that they could not get along without providing silver money for Puerto Rico, have come back to the general proposition that it is their duty to do it, and they are proposing to supply that money by what they call an act of exchange or redemption of Puerto Rican money into American coin.

What obligations are we under to redeem Puerto Rican money? Put it upon that ground—that this money shall be redeemed at the Treasury. Are we under an obligation to those people that their money shall be as good as gold? If we have come under any obligations at all, that is the effect—that their money, which was as good as gold in Puerto Rico and circulated freely as legal tender, shall be as good as gold in the United States. But instead of complying with that obligation, we price it at 60 cents on the dollar, put our own price on it, and compel them to do it or else banish it from the island. That is the legislation we are indulging in here, legislation of the most general character.

A man anywhere who owns one of these pieces of money can go and demand its redemption at 60 cents on the dollar at any mint in the United States. A citizen of the United States or of Spain (whether he resides in one of these States or Territories or in Puerto Rico makes no difference under this bill) has the general, universal right to go and demand redemption. Is not that general legislation? Is not that legislation that affects everybody in the United States?

How can the Senator content himself with answering the argument that has been made here this afternoon, and others very much stronger that could be made by abler men, by saying that this appears to be a departure; that this is specific legislation for Puerto Rico and not general legislation. Sir, we are always engaged in general legislation when we are dealing with the principles of this Government, and especially those that are based upon the Constitution of the United States. We can not escape it. Senators need not suppose that there is any possibility of escaping the full measure of responsibility to the people of the United States for the rejection of this amendment. It is an important subject. It is a proper subject.

The view I present in this amendment is a just view. If it is unjust toward any person in the world, it is toward those who own silver bullion, the product of American mines. I repeat that we have limited the right to the citizens of the United States and to bullion produced in American mines that has never been mined or wrought into articles of commerce, and we have priced it upon exactly the basis that obtains to-day between gold and silver coins in this country; that is to say, the basis of 16 to 1. That obtains here now. Nobody has ever attempted to change it until we come to this bill, when the basis is changed to a different rate and 30 per cent is knocked off the value of a silver peso, nine-tenths fine, standard silver. Thirty per cent is knocked off in order to give those people down there the money.

How much money are we going to make out of this and at what rate are you going to coin this bullion when you get it into the Treasury of the United States? Four hundred and twelve and a half grains make a dollar, and we buy that much money from these Puerto Ricans, by compulsion, at 60 cents. That is what this bill provides for. We compel them to go without money or take it at 60 cents on the dollar.

What kind of justice is that to them, if you please? Why not say to them, "You shall bring your money into the Treasury of the United States, to the mints of the United States, and have it coined in any of the mints at the rate of 16 grains of pure gold for 371¼ grains of pure silver?" Why not say that to them? Why do we not place their silver money upon exactly the same basis that other silver money occupies in this country to-day? For it can not be denied that a legal-tender silver dollar, if there is any such existing in the United States now, does contain 412½ grains of silver, nine-tenths fine. That can not be disputed.

When we are dealing with this subject we ought not to act arbitrarily. We ought to deal with it on principles of exact justice. The Government of the United States will make money, large money, out of the seventh section of the bill and out of the poor Puerto Ricans. It is bound to do it, for a peso containing as much silver as there is in an American dollar is brought here under the compulsion of this law and "redeemed" at 60 cents.

There is a margin of 30 cents on the dollar that we are making as a Government for giving them the privilege of using our coin; exchanging it, as they call it; redemption, they call it, when we are under no obligation to redeem; when there is no promise outstanding for redemption. There is no redemption about it, because there is no promise to be redeemed. There is no obligation to be lifted. Under this specious and improper word "redemption" we are forcing these people to deliver up their coins at the mints of the United States in exchange for American coin at 60 cents on the dollar. We call it redemption.

No, sir; it is free coinage. It gives them the privilege of doing it or not doing it. They can take this money and go to Spain with it, where it is at par, and use it there. The result of the bill that we are passing now, in its seventh section, unattended with the section I propose, will be to drive the Spanish money out of Puerto Rico and leave those people poorer and worse off than they could possibly be in any other way.

The bill provides that after its passage nothing shall circulate there as legal tender except the money of the United States. What then becomes of all these pesos and pesetas, all the silver money in Puerto Rico, and what will become of it in the other islands, where about 13,000,000 people are in daily use of it? It will all be swept out and carried back to Spain. These islands will be denuded of silver currency until we can supply the place of it, and our laws do not provide any means of supplying the place of it except under a measure like that which passed here yesterday for the purchase of silver bullion to be coined into subsidiary coin of the United States.

There is no power in the United States to-day to coin a legal-tender silver dollar. There is no possibility of it, and a legal-tender silver dollar could not go into Cuba or Puerto Rico or the Philippine Islands or any of the late Spanish possessions unless we take it there through our Governmental agencies and pay it to the people out of the money already coined into silver dollars. The fate of the silver dollars was sealed by the gold bill. No other silver dollars ever will be or can be coined while that bill is the law of the United States. Here comes the island of Puerto Rico, with a million inhabitants, knocking at the doors of the consciences of the Senate, finding a ready response in the heart of the honorable Senator from Ohio, who proposes to them "if you will take 60 cents on the dollar for your peseta that is worth a hundred cents we will let you have American coin for it."

Mr. FORAKER. If the Senator will allow me, does he not know that this peso in Puerto Rico is now worth in our money really only about 45 or 48 cents?

Mr. MORGAN. I think so.

Mr. FORAKER. And that we are proposing to give them 60 cents, as the Senator said a while ago, in gold, I believe, or the equivalent of gold at any rate.

Mr. MORGAN. This is a very munificent thing. We are rich and can afford to do that. Why not give them a dollar?

Mr. FORAKER. What I wanted to call to the attention of the Senator is the fact that we are not seeking to deprive them of any value, but we are paying them far in excess of the real value, which is all they can realize there.

Mr. CLAY. Will the Senator from Ohio allow me to ask him a question right here?

Mr. FORAKER. Certainly.

Mr. CLAY. I desire to ask if it is not true that the peso of which he speaks contains an ounce of silver, and if we take it and redeem it in silver or gold, American money, and coin it, will we not really coin it into a dollar and will we not get a dollar for it? It contains the same amount of silver, I understand, that our silver dollars contain.

Mr. FORAKER. I do not know into what it will be coined, but I know it is worth only what I have indicated. We are proposing to pay them more for it than it is worth. If it be only bullion, as the Senator from Alabama stated, they are selling it at a good price, one advantageous to them. We are not compelling them to turn in their coins and to have them redeemed and to take other coins in exchange.

We are simply giving them that opportunity, in order that there may be only one kind of money in Puerto Rico. If they prefer to take their money to Spain or to send it there, where the Senator says it will have greater value, that is their privilege. They are not denied that. The Puerto Ricans, so far as I am aware, are not making any complaint, but they are very greatly pleased with the proposition. We are under no obligation to make their Puerto Rican coins legal tender there or elsewhere. We take the situation as we find it.

Mr. CLAY. Is it not true that we get from them the same amount of silver that we put into our silver dollars? If that is so,

will we not really get a dollar's worth of silver from them and pay them 60 cents for it, and recoin it, and place it in circulation for a dollar?

Mr. FORAKER. It is true that we are paying them 60 cents for what we might buy elsewhere for less money. We can do with it as we like after we get it, I presume. The United States is not buying it with the idea of coining it into money and increasing the silver coinage of the country or of making any profit. If we were, we could buy all the silver we could coin for years to come for a much less price, as I understand it.

Mr. MORGAN. I called attention in the opening of my remarks on this subject to the fact that the seventh section of the bill requires this money to be coined into coins of the United States; whether it is dollars or half dollars or quarter dollars makes no difference. It is coin of the United States at the rate of 412½ grains of silver nine-tenths fine. The ounce of silver that is contained in a peso, as the Senator from Georgia very properly suggests, is worth a dollar in our coinage.

We go to the people whom we have brought within the influence of our sovereign power, who are entirely helpless, and we find them in possession of a coinage of silver without which they can not live, the only money in Puerto Rico they ever used in their business at all, and we say to them: "You are citizens of the United States; you are liable to serve in our armies; we can tax you; this bill taxes you; this bill imposes a government upon you that is very expensive, and all that; you have money here that rates at only 45 cents on the dollar, and we propose to raise it from 45 up to 60;" and the Senator from Ohio says that is a great benefaction to the people of Puerto Rico, and that the people down there are greatly pleased with it. Suppose we found a Territory in the American Union here within the body of our old organization that was in the same condition.

Would we ever think of taking up the money of the people of that territory at 60 cents on the dollar, as they have always used it, and paying them for it in coins of the United States at that rate? We do make 30 cents on every dollar, for the reason that the bill requires that the money shall be coined, and when we coin it the Spanish peso produces in value in gold 100 cents, and we pay for it 60 cents to the poor, miserable Puerto Ricans. That is what this bill does.

I did not intend to object to the bill on that account if I could get the privilege in favor of American citizens of doing what the Puerto Rican can do, come here and have his bullion coined. We say to the Puerto Rican, "You can bring it here to the mint and you shall have it coined. We will price it at 60 cents on the dollar." I say in the amendment to the American silver miner and the man who owns bullion in this country, "Bring your silver here; bring along with it its redeemer, gold; put them both to work at the same time, so that one shall have no advantage over the other, so that there shall be no inundation of either kind of metal, and we will give you the right to have your silver coined along with the gold. We will restore to you that personal privilege, and put it into your hands, so that you can go to the mint with your silver bullion, just as you can now go with the gold bullion, and demand the coinage of it as a right." That is what I want. That is the free coinage of silver.

People usually do not properly estimate the meaning of that phrase—"free coinage of silver." It does not mean that silver shall be coined without some payment for the manufacture of it from bullion into coin. It does not mean that you must go and melt up the spoons and dishes in the country to make silver money of them, though sometimes that would be very useful, especially in time of war. I have seen times, Mr. President [Mr. ALLEN in the chair], and you have, when that expedient would have been very valuable to both sides whom we were representing at that time. It does not mean that. The free coinage of silver means the right of the individual man who owns the bullion to take it to the mint, as he does when he owns gold, and demand the coinage of it.

It is the right of the free man to do with his property what the Constitution of the United States provided and what God intended when he made it. That is all. That is the free coinage of silver. The law fixes the rate. It fixes the rate between every silver dollar existing in the United States and every gold dollar—16 to 1. In this bill it is fixed at 60 cents on the dollar, which is a wrong and injustice to the Puerto Ricans, and it is one that we can not remedy in any other way so as to give those people silver money, except by giving them this privilege when they are American citizens, to bring the silver or allow somebody else to do it and have it coined without getting the consent of a certain class of people in the United States.

Mr. President, we are not on an equality with each other about these things. There is a certain very valuable class of property in the United States that the Almighty has never condemned, the experience of mankind has never condemned, a class of money that to-day your Government lives upon, for if you could take these silver dollars that exist in the United States to-day and melt them back into bullion your Government would go to ruin in twenty-four hours. It would go into bankrupty. Your banks would fail. Your business would stop. All the operations of commerce would cease. If we were to strike out of existence as coin and return it into existence as bullion the 800,000,000 silver dollars that we have coined since 1877 this Government would go to bankruptcy in twenty-four hours.

This Government is now living upon the silver that we have coined in this country through many trials and labors and tribulations in the last thirty years. That silver has a legal relation to gold at 16 to 1, and it will stay there. But there will not be a dollar added to it. It makes no difference what the growth of the country may be, what its necessities may be in time of famine or war or pestilence, the inexorable law of the gold bill that we passed here the other day forbids the coinage of another dollar of silver.

My heart, sir, leaped with joy when I found the honorable Senator from Ohio, a Republican, coming into this Chamber with a free-coinage proposition for silver. I propose to avail myself of it. I propose to improve upon it as I did once before, twenty-three years ago, when the honorable Stanley Matthews brought forward his celebrated resolutions. Upon that foundation all the work we have done since has been built.

I am glad that the Senator from Ohio has been forced by circumstances which were irresistible and which he tries now to smile away as if he were under no compulsion and under no pressure—I rejoice, sir, that the conditions of this country have forced him to bring this question to the front and have compelled him to put a free-coinage section in his bill. This is not to be laughed down. It is not to be passed by at an idle moment as an amusing episode in legislation. What is being said here now, not by me, but in the language of this amendment and this bill, will reach down to the hearts and consciences of the American people, and they will enact it at the expense of the Republican party.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. MCBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. As he is absent, I withhold my vote. If he were present, I should vote "nay."

Mr. MCMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. LINDSAY]. He not being present, I withhold my vote. I should vote "nay" if he were present.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. GEAR]. If he were present, I should vote "yea."

Mr. NELSON (when his name was called). I am paired with the junior Senator from Missouri [Mr. VEST]. I transfer my pair to the senior Senator from New Jersey [Mr. SEWELL] and will vote. I vote "nay.'

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], who is absent on account of family affliction. I therefore withhold my vote. If he were present, I should vote "yea."

Mr. CLARK of Wyoming (after having voted in the negative). Inadvertently I voted in the absence of the Senator with whom I am paired, and I suggest to the Senator from Alabama that we exchange pairs, which will permit my vote to stand.

Mr. PETTUS. Very well, sir.

Mr. CLARK of Wyoming. I allow my vote to stand.

Mr. PETTUS. I vote "yea."

Mr. PROCTOR (when his name was called). I am paired with the senior Senator from Florida [Mr. MALLORY]. I transfer my pair to the senior Senator from Rhode Island [Mr. ALDRICH] and will vote. I vote "nay."

Mr. QUARLES (when his name was called). I have a general pair with the junior Senator from Texas [Mr. CULBERSON]. If he were here, I should vote "nay."

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MASON]. He not being present, I withhold my vote.

Mr. TURLEY (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea" and he would vote "nay."

Mr. QUARLES. Suppose we transfer our pairs.

Mr. TURLEY. Very well. I will transfer my pair with the Senator from Wisconsin [Mr. SPOONER] to the Senator from Texas [Mr. CULBERSON], which will enable the junior Senator from Wisconsin and me to vote. I vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER], and therefore withhold my vote.

Mr. WELLINGTON (when his name was called). I have a

general pair with the Senator from North Carolina [Mr. BUTLER]. In his absence I withhold my vote.

The roll call was concluded.

Mr. WETMORE. My colleague, the senior Senator from Rhode Island [Mr. ALDRICH] is unavoidably absent. On this question a pair has been arranged between him and the Senator from Florida [Mr. MALLORY]. If present, he would vote "nay."

Mr. QUARLES. By the arrangement which has been made I can now vote. I vote "nay."

Mr. JONES of Arkansas (after having voted in the affirmative). I voted inadvertently on the roll call. I am paired with the Senator from Connecticut [Mr. PLATT]. If he were present, I would vote "yea."

Mr. HANSBROUGH. I have a pair with the senior Senator from Virginia [Mr. DANIEL]. If agreeable, I will transfer that pair to the Senator from Nebraska [Mr. THURSTON] and vote "nay."

Mr. HANNA. I have a general pair with the Senator from Utah [Mr. RAWLINS]. If he were here, I would vote "nay."

The PRESIDING OFFICER (after Mr. ALLEN had voted in the affirmative). The junior Senator from Nebraska being paired with the junior Senator from North Dakota [Mr. MCCUMBER], who is absent, he withdraws his vote.

Mr. BURROWS (after having voted in the negative). I am paired with the senior Senator from Louisiana [Mr. CAFFERY], but I voted, believing that that Senator is in accord with me upon this proposition. Yet I do not know but that I ought to withdraw my vote, because I am not positive. Therefore I will withdraw my vote.

Mr. WELLINGTON. I am paired with the Senator from North Carolina [Mr. BUTLER], who is absent. The Senator from Arkansas [Mr. JONES] is paired with the Senator from Connecticut [Mr. PLATT], I understand, and with his permission we will transfer our pairs so that we can both vote. I vote "nay."

Mr. JONES of Arkansas. I vote "yea."

Mr. MCBRIDE. The senior Senator from Alabama [Mr. MORGAN] is paired with the junior Senator from Iowa [Mr. GEAR], and I suggest to the Senator from Alabama that we exchange pairs so that the Senator from Mississippi [Mr. MONEY] will stand paired with the Senator from Iowa [Mr. GEAR].

Mr. MORGAN. That is agreeable to me.

Mr. MCBRIDE. I vote "nay."

Mr. MORGAN. I vote "yea."

Mr. WETMORE (after having voted in the negative). I should like to inquire whether the senior Senator from Georgia [Mr. BACON] has voted?

The PRESIDING OFFICER. The senior Senator from Georgia has not voted.

Mr. WETMORE. Then I will withdraw my vote.

Mr. HANNA. I will transfer my pair to the Senator from Indiana [Mr. BEVERIDGE] and vote. I vote "nay."

Mr. CLARK of Montana (after having voted in the affirmative). I have a general pair with the junior Senator from Indiana [Mr. BEVERIDGE], who is not here, and I withdraw my vote.

The result was announced—yeas 9, nays 25; as follows:

YEAS—9.

Bate,	Jones, Ark.	Morgan,	Stewart,
Berry,	Martin,	Pettus,	Turley.
Clay,			

NAYS—25.

Bard,	Foster,	Kyle,	Quarles,
Chandler,	Frye,	Lodge,	Ross,
Clark, Wyo.	Hale,	McBride,	Shoup,
Cullom,	Hanna,	McComas,	Wellington.
Deboe,	Hansbrough,	Nelson,	
Fairbanks,	Hawley,	Perkins,	
Foraker,	Kean,	Proctor,	

NOT VOTING—53.

Aldrich,	Daniel,	McLaurin,	Spooner,
Allen,	Davis,	McMillan,	Sullivan,
Allison,	Depew,	Mallory,	Taliaferro,
Bacon,	Elkins,	Mason,	Teller,
Baker,	Gallinger,	Money,	Thurston,
Beveridge,	Gear,	Penrose,	Tillman,
Burrows,	Harris,	Pettigrew,	Turner,
Butler,	Heitfeld,	Platt, Conn.	Vest,
Caffery,	Hoar,	Platt, N. Y.	Warren,
Carter,	Jones, Nev.	Pritchard,	Wetmore,
Chilton,	Kenney,	Rawlins,	Wolcott.
Clark, Mont.	Lindsay,	Scott,	
Cockrell,	McCumber,	Sewell,	
Culberson,	McEnery,	Simon,	

The PRESIDING OFFICER. No quorum being present and voting, the Secretary will call the roll.

Mr. FORAKER. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 28, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 27, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. JOY indefinitely, on account of important business.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the Army.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

Mr. HULL. Pending that, Mr. Speaker, I want to ask unanimous consent that general debate may run until 4 o'clock this afternoon, the time to be equally divided between this side and the other side of the Chamber, one half to be controlled by the gentleman from New York [Mr. SULZER] and the other half by myself.

Mr. SULZER. Mr. Speaker, that is satisfactory to our side.

The SPEAKER. Pending the motion, the gentleman from Iowa asks unanimous consent that general debate on the military appropriation bill be concluded at 4 o'clock to-day, after which it will be considered under the five-minute rule, the time for general debate to be divided between the two sides, one half to be controlled by the gentleman from Iowa [Mr. HULL] and the other half by the gentleman from New York [Mr. SULZER].

Mr. HAY. Mr. Speaker, I understood there should be coupled with that a further request that the gentlemen who speak on the bill should have the privilege of extending their remarks in the RECORD.

Mr. HULL. It was understood that if general debate was agreed to be closed at 4 o'clock, then there would be a request that all parties who spoke on the bill should be permitted to extend their remarks in the RECORD. I will ask unanimous consent before going into committee that all members speaking on the bill may have ten days to extend their remarks in the RECORD.

The SPEAKER. Pending the motion, the gentleman from Iowa asks that unanimous consent be given to all gentlemen who speak on the bill to extend their remarks in the RECORD for ten days. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LENTZ. That privilege is for ten days?

The SPEAKER. For ten days. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Iowa that the House resolve itself into Committee of the Whole for the further consideration of the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERMAN in the chair, for consideration of the Army appropriation bill.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the consideration of an appropriation bill the title to which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8562) making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901.

Mr. HULL. Mr. Chairman, I believe there is no one on this side that wants to speak now.

Mr. SULZER. Then, Mr. Speaker, I yield fifteen minutes to the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. Mr. Charirman, we are face to face with an age of reckless and enormous appropriations, and especially large is the appropriation for the military arm of the country, and, Mr. Chairman, within the limited time allowed me I can not hope to go into any general discussion of this bill. It is a bill carrying a tremendous appropriation, somewhere in the neighborhood of $125,000,000, but it does seem to me that while there appears to be no particular objection to this bill upon general principles, it is a useless waste of time for members on both sides to be standing up here indulging in crimination and recrimination against each other instead of pointing out different items in the bill which it might appear ought to be eliminated as unnecessary. If they desire to economize and have an idea of economy, they might go to work and lop off some of the extravagance here and some of the extravagance there as it appears all along through the bill as reported to the House.

Now, while I do not propose to make any objections to any of these appropriations in a specific manner, for I have not the time,

I say that we are running into a channel of tremendous extravagance in making appropriations to defray the expenses of this great Government of ours, not only for the Army and Navy but in other departments. I took occasion some time ago to call the attention of the House to the fact that in view of these things we might begin to curtail expenses by looking over the pension rolls of this country and at least revising the plan of giving so much time to special legislation for the granting of pensions, and to call a halt at least long enough to reflect a moment or so in reference to such reckless expenditures in this Department.

And it seems to me that it would be a good idea, if it could be done, and it can be, to have published a list of those persons drawing a pension from the Government at the present time, stating the amount being drawn, how first obtained, and the general condition of the pensioner. These facts given to the public, I think, would make some very interesting reading indeed, especially at this time.

And, Mr. Chairman, right here, in view of the fact that I have been severely criticised by some parties and some papers for making that move, which I made with a view of economizing some of the expenses of this Government, by criticising special pension legislation, I want to send to the desk and have read in my time a letter that appeared in the Sunday Post of this city on the 11th of this month—a letter which will explain itself and will go for what it is worth. It will show that at least one gallant, brave, and courageous old Union soldier is not afraid to speak his mind, and before the letter is read and in order to emphasize my views upon certain questions and measures I want to say that I am opposed to imperialism, I am opposed to this Republican expansion, I am opposed to the enormous extravagance that is being indulged in at the present time by this Government, and I ask the Clerk please to read this letter, which gives me somewhat of a vindication, at least, for attempting to lop off some of the expenses of the Government in the way of private special pension legislation as well as in other directions.

That letter was written by a brave Federal soldier from New York, to whom a medal was voted for bravery upon the battlefield. It shows that he coincided with me, although ridiculing me a little in a humorous way.

The gentlemen from Pennsylvania [Mr. MAHON and Mr. DALZELL] in their speeches the other evening exonerated every Democrat but myself from a desire to curtail expenses in pensions and placed the blame entirely upon me, saying in the discussion of the special rule brought in on this question that I alone was responsible for its enactment.

If that be true, and no Democrat dissented at the time or opened his mouth, I want to say that I glory in that distinction, if I am the only Democrat with manhood enough to raise my voice against that kind of extravagance. It seems that my brother Democrats believe in denouncing extravagance upon the floor; but when it comes to opposing and voting against extravagant pension claims, they fail to come up to the scratch. I denounce it and then vote against it.

Now, then, I want to say that that letter was written by a brave Federal soldier, as I said before, and a soldier, too, who is not drawing a pension, while one, the gentleman who so severely criticised me a few evenings ago and threatened even to try to throw me out of the House, if I am not mistaken from his looks, and if I am not misinformed, he must himself be drawing a pension from this great and liberal Government. He can answer for himself. I do not want to do him injustice or misrepresent him. I ask the Clerk please to read now the letter as it appeared in the Post on the 11th March last.

The CHAIRMAN. If there be no objection, the Clerk will read. The Chair hears none.

Mr. TALBERT. I am not asking unanimous consent, but am demanding my rights.

The Clerk read as follows:

House night school—Refractory pupils brought to book by Professor Talbert—Compulsory-attendance issue—Number of members who "play hookey" has been growing, session after session, and the South Carolinian now insists that there must be a reform—There will be no school at night hereafter unless a quorum is present. [Copyright, 1900, by Amos J. Cummings.]

Mr. LACEY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LACEY. For the purpose of making an inquiry.

The CHAIRMAN. Does the gentleman yield to the gentleman from Iowa?

Mr. TALBERT. Why, certainly; I always yield to my friend, and I do not object to being questioned. I suppose he wants to object, as did the gentleman from New York [Mr. PAYNE] the other day.

Mr. LACEY. I observe that this article has been copyrighted. I understand the Public Printer has been annoyed somewhat by litigation growing out of the publication of copyrighted articles in the RECORD.

Mr. TALBERT. I have the consent of the gentleman who copyrighted this article that it may be printed in the RECORD. I have consulted him on several occasions.

Mr. LACEY. I do not see the gentleman present [Mr. CUMMINGS] who has that valuable copyright. I should like to be sure and to have it a matter of record that the gentleman consents to this publication.

Mr. TALBERT. I want to say to the gentleman that I have his consent to publish the letter, and I have stated this fact to the gentleman from Iowa and I hope he does not question my veracity.

Mr. LACEY. No; I do not doubt the gentleman's veracity, but under the statute of frauds I think the gentleman's verbal statement is not a sufficient waiver. I think we ought to have the statement of the holder of the copyright made in the open House. I make the point of order that we can not print a copyrighted article without the consent of the party holding the copyright.

Mr. TALBERT. Is the gentleman drawing a pension himself? Will the article hurt him, or is he afraid it will come out that some other member will be hurt?

Mr. LACEY. Not at all. I am not drawing a pension. I have never either received or applied for a pension.

Mr. TALBERT. I understand that there are a number of gentlemen on this floor drawing pensions, whether it be the gentleman from Iowa or not, and I want to say that some time in the future it will be brought to light, and if they have sufficient manhood they ought to get up and say that they do not need them any longer, for a man who is getting $5,000 a year from the Government has no right to come and draw a pension in addition from the Government unless he has lost a leg or an arm or something of that sort. And unless he has been disabled otherwise to the extent of a loss of a limb, a man who is physically sound has no right to a pension.

Mr. LACEY. I will relieve the mind of the gentleman by saying, so far as I am concerned, that I not only am not drawing any pension, but I have no reason for drawing one. I am in good health.

Mr. TALBERT. I am glad to hear the gentleman say that, and I hope soon to hear other gentlemen rise and explain——

The CHAIRMAN. Does the Chair understand the gentleman to make a point of order?

Mr. LACEY. I make the point of order that the article is copyrighted and therefore can not be printed in the CONGRESSIONAL RECORD without the consent of the gentleman holding the copyright.

The CHAIRMAN. The Chair can not pass upon the question of the copyright. The Chair can put to the committee the question whether or not they desire to hear the paper read under the rule.

Mr. LACEY. The article itself shows that it is copyrighted.

Mr. TALBERT. I am not asking any privilege. I am demanding this as my right, in my own time, to have that letter read, and I will contend for my rights upon this floor, and I appeal to the Chairman to protect me in my rights.

The CHAIRMAN. The Chair can not pass upon the question of copyrights.

Mr. TALBERT. And I hope, Mr. Chairman, this will not be taken out of my time.

The CHAIRMAN. The Chair can not pass upon the question whether or not a copyrighted article can be read here. He simply can act under the rules of the House, and if anybody makes objection to having the article read, he will ask the committee to decide whether or not they desire to have it read.

Mr. MAHON. It is a good article, and there is a lot of fun in it.

Mr. TALBERT. The gentleman from Pennsylvania seems to be more friendly to me now than a few evenings ago.

Mr. LACEY. The point is this——

Mr. TALBERT. I refuse to yield any further.

The CHAIRMAN. Ah, but the gentleman is discussing a point of order on which the Chair desires to hear him. This will not be taken out of the gentleman's time.

Mr. TALBERT. All right, then, "let her roll."

Mr. LACEY. The Public Printer has been——

Mr. TALBERT. I hope this will not come out of my time.

The CHAIRMAN. This will not come out of the gentleman's time.

Mr. TALBERT. Then I have no objection.

Mr. LACEY. The Public Printer has been harassed by litigation growing out of the publication of copyrighted articles. Now, seriously, sir, it seems to me that an article which, upon its face, appears to be properly copyrighted ought not to be published in the CONGRESSIONAL RECORD and thrown broadcast all over the country without the consent of the party holding the copyright. I am told by the gentleman from South Carolina that he has some consent from the holder of the copyright, who is a member of this House, and who no doubt could speak for himself.

Mr. TALBERT. Let me interrupt the gentleman.

Mr. LACEY. The gentleman has no right to waive the copyright of the gentleman from New York.

Mr. TALBERT. I stated to the gentleman that the gentleman from New York [Mr. CUMMINGS] had consented that I might print this. I hope my friend does not doubt my veracity.

Mr. LACEY. I am not questioning the gentleman's veracity.

Mr. TALBERT. I am glad the gentleman disclaims any reflection upon my veracity. I misunderstood what he said. I know the gentleman's sense of justice would not allow him to do me any such injustice.

Mr. RICHARDSON. Upon the question of order, I only wish to be heard a moment. I did not agree that the point of order is well taken. It may be unlawful to publish a copyrighted article in the RECORD, and that is all which can be claimed; but everything that is unlawful is not unparliamentary, and the Chair can only look to the question of parliamentary law in the matter. Even if it were conceded that the article was copyrighted and that the gentleman had no right to use it in his speech, the question of order would not be good, because it is not unparliamentary.

Mr. LACEY. Oh, it is always unparliamentary to violate the law.

Mr. RICHARDSON. If the law is violated, that is one question.

Mr. LACEY. It is always unparliamentary to violate the law. The Ten Commandments say, "Thou shalt not steal." A copyrighted article published by any publishing house becomes the subject of litigation. The holder of the copyright is entitled to protection in this House as much as anywhere else. Suppose the gentleman, instead of publishing this article, had introduced a novel that could be read within his time, a novel which was copyrighted. Would it be contended that that might go into the RECORD?

Mr. TALBERT. The gentleman is dealing in supposition. Suppose the gentleman had no nose.

Mr. RICHARDSON. I am not addressing myself to the illegality of the thing. The only question is whether it is parliamentary. Whether it is obnoxious to our rule is the only question here, and there is no rule which would prevent the publication of an article because it is copyrighted. I undertake to say, Mr. Chairman, that we very often read from copyrighted books. Indeed, all books, or nearly all, are copyrighted, and if the point of order is well taken we could not insert extracts from copyrighted books without the consent of the author if the point was made.

Now, I say that the most that can be said in this case would be that the gentleman who undertakes to publish this would do so at his own risk; but as to violating or infracting any rule of the House, I do not think there is any ground in the contention.

The CHAIRMAN. The Chair is perfectly clear on the subject. This is a question which the House must settle, and not the Chair. The Chair must therefore overrule the point of order. If the House prefers not to hear the article, not to have it published in the RECORD, that is for the House to determine, not for the Chair. The Clerk will proceed.

Mr. TALBERT. Then, Mr. Chairman, I demand the reading of the letter.

The Clerk read as follows:

The House has at last opened its night school for Congressmen. Aristophanes would not have termed it a thinkers' school and Socrates would have agreed with him. Alcibiades might have called it a gabbing school. The Hon. W. JASPER TALBERT, of South Carolina, has taken charge of it for the session. He favors a compulsory system of education. The qualifications for admission are not astringent, although United States Senators are debarred. Mr. TALBERT'S equanimity, however, has been temporarily upset by an unruly scholar. He comes from Iowa, and his name is WILLIAM P. HEPBURN.

Night schools have been held under the Reed and other rules for many years. They occur once a week, Friday nights being set apart for them. These are what are called pension nights. The school hours are from 8 p. m. to 10.30 p. m., with no general recesses. The two and a half hours are allotted by the House for the consideration of bills reported from the Committee on Invalid Pensions. They also occasionally take in measures for the removal of charges of desertion. Professor TALBERT has been a close student of these schools ever since he first entered Congress. He has no affection for deserters, bounty jumpers, and coffee coolers.

In previous Congresses he has distinguished himself by bitter opposition to all their demands. In many cases he was successful, but occasionally a deserter slipped through the lines despite his efforts. He made no opposition to bills he considered meritorious, and preferred the claims of private soldiers to those of the field and staff. In the last Congress he frequently crossed blades with GEORGE W. RAY, who, as chairman of the Committee on Invalid Pensions, had charge of such bills. In the present Congress his saber will be uplifted against the claymore of the Hon. CYRUS A. SULLOWAY, of New Hampshire, who succeeds Mr. RAY.

A FIGHTING PROFESSOR.

TALBERT is a wonderful fighter. He uses his sword manfully, and there is no trickery about him. A veritable Hotspur in discussion, he talks fluently, and at times with great energy. No man questions the sincerity of his convictions. Every fiber of his body attests it. He roars like a lion when thoroughly aroused, and pounds his desk like a trip hammer. He has no trouble in securing the attention of the House. It is always willing to listen to what he says. A word in return has a similar effect to a spark thrown into gunpowder. It forces a volcanic eruption.

Expletive sentences flow from him like molten lava, and usually some neophyte is caught in the fiery stream. At times, however, there are indignant protests. In the Fifty-fourth Congress the lava inundated the feet of William E. Barrett, of Massachusetts. As the smell of burning leather began to pervade the Chamber, Barrett showed his apprehension. He moved a resolution of censure. It led to a short but acrid debate. The Carolinian at last made an extremely graceful apology, and the man with the burnt feet oiled his blisters and retired.

The first night school of the present session was held on February 2, with 246 scholars of the 354 absent. Professor TALBERT was present. Wrangler J. F. LACEY, Speaker pro tempore, called the school to order. The rule under which it was opened was read, when the monitor from South Carolina seized a hickory gad and made himself manifest. He asked for ten minutes in which to address the pupils. Mr. LACEY politely replied that he should recognize the chairman of the Committee on Invalid Pensions, Mr. SULLOWAY. CYRUS arose on the Republican side of the House, like a cedar in a stubble-field, and gave way to Professor TALBERT.

The South Carolinian read a newspaper extract saying that the Grand Army of the Republic wanted Order 164 reestablished in the Pension Bureau. No. 164 was in operation only three years, but the newspapers stated that in that time it fastened $50,000,000 every year upon the Government. If reestablished, the pension appropriation would be increased from $60,000,000 to $75,000,000 a year. Tutor TALBERT then read an extract from the Philadelphia Press, edited, he said, by Postmaster-General Charles Emory Smith. It referred to the Cullom bill making deserters pensionable, as well as all militia organizations who served sixty days in the Army and Navy of the United States.

HE SAID IT AND HE MEANT IT.

"I now give timely notice," said Professor TALBERT, cutting the air with his switch, "and I mean it, that so long as I may be able to drag myself to the Capitol, no pension bill—and there is no qualification to this ultimatum—shall pass this House unless a quorum of the members are present. The responsibility must rest upon those who will not come out to see that justice is done to the old soldier."

At this Mr. SULLOWAY moved to go into Committee of the Whole to consider bills on the Private Calendar. Eighty-six smart schoolboys voted in the affirmative and none in the negative. This was 92 votes less than a quorum. A call of the House showed little change. In vain did Mr. DE GRAFFENREID, a post-graduate from Texas, and Mr. MIERS, not yet matriculated, from Indiana, appeal to the gentleman with the hickory gad. The pedagogue shook the switch all the more fiercely. Bedlam ensued, and at 10.30 o'clock Mr. SULLOWAY withdrew from the stubble and school was dismissed.

The second session of the night school was held on February 9. The schoolmaster from Parkville, Edgefield County, was again on hand with a big rawhide. Speaker HENDERSON was in the chair when the resolution for going into committee was presented. There was a division of the vote. Only 86 of the 354 scholars were present. TALBERT again snapped his whip by shouting, "No quorum!"

The yeas and nays were demanded. One hundred and sixty-nine scholars responded. Mr. HENDERSON counted 15 present who had not voted, and announced a quorum. The House, therefore, went into committee, with Scholar WILLIAM P. HEPBURN in the chair. In Committee of the Whole only 100 votes are required for a quorum. The first bill taken up provided for a pension of $17 per month to James H. Kercheval. Committee amendments were read, and agreed to, and the bill was laid aside to be reported to the House favorably.

All this time Monitor TALBERT vainly clamored for recognition. He undoubtedly wanted to demand a division, with a view of ascertaining whether there was a quorum still present. The Chair utterly ignored him. The tutor rushed up and down the main aisle, snapping his whip and demanding his rights, while a score or more of abecedarians were hissing and shouting.

DEMANDED HIS RIGHTS.

"I submit, Mr. Chairman," he shouted, "that I have rights and I am here to demand them. It is an unheard of thing when a member gets up to address the Chair, and when the Chair sees him, for the Chair to deliberately refuse to listen to him."

"The gentleman from South Carolina is out of order and will take his seat," the refractory scholar in the chair responded.

"The Chair is out of order," returned the indignant preceptor. "It has acted in an arbitrary and tyrannical manner. I resent it, and I will stand by what I say. I will take my seat when I get ready."

Under a strict construction of the rules, the monitor was undoubtedly out of order, as he had no right to the floor while the committee was dividing. The unruly learner from the Hawkeye Commonwealth recognized him after the amendments to the bill were agreed to.

TALBERT declared that his action was not governed by the slightest feeling against the men who fought on the Northern side in the war between the North and the South, and he insisted that a quorum should be present. His opposition was to the loose, reckless, unconstitutional method of passing bills at Friday night sessions. He again insisted upon the presence of a quorum when school was open.

Thirty-six pension bills were then passed in committee before the school was dismissed. Mr. TALBERT himself advocated the passage of one because the soldier was old and blind and he believed that he should have a pension.

At the close of the afternoon session on February 16 Mr. SULLOWAY, the good boy from the good old Granite State, asked that the night school be postponed until the evening of Monday, February 19. A fierce snowstorm was raging at the time, and it was evident that there would not be a quorum of the House present if the school was opened at the usual hour on Friday night. The House agreed to Mr. SULLOWAY'S proposition.

The third night school was therefore opened at 8 o'clock on Monday night. The preceptor from the Palmetto State was again on hand, ready to administer hickory consolation. Mr. SULLOWAY being sick, Philologist HENRY R. GIBSON, of Tennessee, took his place. The roll call showed that only 64 scholars out of 354 were present. Thus 290 were off on a lark, playing "hookey." Professor TALBERT again shouted "no quorum." Unruly scholar WILLIAM P. HEPBURN, who was acting as Speaker, allowed that it was evident that no quorum was present.

Thereupon the philologist from East Tennessee arose smiling, with the face of a man about to tickle a frog, and turning to Mr. TALBERT, asked if there was not some way whereby they could arrive at some agreement. "Anything you may propose," said Mr. GIBSON, "we will agree to."

Unlike Mark Twain's frog, the South Carolina batrachian was not loaded with shot. He jumped as though he had been touched by a wire attached to a galvanic battery.

"I have nothing to propose, Mr. Speaker," he shouted, "except to bring a quorum here to transact business, legally, lawfully, and constitutionally."

CONFUSION IN THE SCHOOL.

Sophomore JAMES A. NORTON, of Ohio, who is always at fever heat where the interests of old soldiers are at stake, promptly demanded a call of the House. For an hour or more the school was in utter confusion. The doors were closed, and the boys present were denied leave of absence. This was peculiarly unfortunate for a modest but earnest and faithful devotee of night schools, GEORGE EDMUND FOSS, of Chicago. Two weeks before this he had made an engagement to address the Young Men's Christian Association of Washington on this evening.

Over 300 of these good young men were at this time seated in their hall

awaiting the appearance of Mr. Foss, who is a member of the association. A sympathizing Christian from New York, aware of Mr. Foss's dilemma, stated these facts to the House and asked that Mr. Foss be excused. The unruly scholars laughed in derision. They evidently had no sympathy for the diffusion of Christianity, for they refused the request. This disgraceful action, however, does not appear in the CONGRESSIONAL RECORD. Some unknown Government censor struck it out.

Professor TALBERT, however, with a due regard for missionary work, promptly moved that the House adjourn. This would have given Mr. Foss an opportunity to fill his engagement. The irreverent juveniles refused to adjourn, and Foss remained in purgatory. At 10 o'clock Philologist GIBSON renewed the motion to adjourn. A viva voce vote was taken and Refractory Scholar HEPBURN declared it carried. Sophomore NORTON indignantly demanded a division, but the unruly boy from Iowa declared the school dismissed, threw down the gavel, and disappeared.

Professor TALBERT's fight on behalf of a system of compulsory education will undoubtedly commend itself to the country. It is a sincere effort to confine legislation within its legitimate channels—to conduct public business, not upon the formal, but the real expression of the House. The purse strings of the nation, it would seem, should be unloosed by the House itself, and not by a fragment of the House. Either TALBERT is right or the Constitution is wrong, and no one will apparently recognize this fact quicker than the old soldier himself. The people will issue diplomas to the graduates of this night school next fall.

AMOS J. CUMMINGS.

Mr. TALBERT. Then this letter speaks for itself; and I want to say that this pension matter can not be ridiculed out of court, and Congress must take notice of the enormity of this abuse. And now, Mr. Chairman, as I said at the outset, this Congress seems to be going ahead making extravagant appropriations for various ways in every Department of this Government without stopping to think that every dollar of it must come out of the pockets of the people, amounting to millions and billions of dollars. They do not stop to think that the Government has not a single dollar with which to pay these enormous sums except as they first get it from the people.

I am absolutely opposed to the imperialistic tendencies of this Republican Administration. I am absolutely opposed to the Republican idea of expansion. I am absolutely opposed to standing armies in times of peace. I am opposed to all these things because all of them will only increase the burden of taxation upon an already downtrodden and tax-ridden people. This policy leads toward militarism and large standing armies, entailing countless thousands of dollars more upon the people to pay.

And I want to say to the Republican members of this House that you are responsible for the present unholy and unjust war in the Philippines; and if you would only declare a liberal, humane policy toward these people, the war would end in two weeks and peace abound all over the land.

Then, I say, if you will continue to carry on the war and call for these enormous appropriations, why is it that you do not levy an income tax upon the tremendous incomes of the rich in order to make them bear an equal portion of their burdens? Why not tax the enormous wealth of the millionaires and billionaires of this country to help pay the expenses? You take the young men of our country from their homes to defend the flag, and yet you refuse to go into the coffers of the rich and take a single dollar to help pay the expense. Tax their ill-gotten gains and make them do their duty to the country. As said by the gentleman from Kansas, "the demand for these things only comes from organized capital and officers who are to be benefited."

The gentleman from Illinois in his eloquent address on yesterday brought to light the fact that Army and Navy officers are being appointed to a position one day and retired the next, thus establishing a tremendous civil pension list, and in the end building up and establishing an official aristocracy in this free country of ours. In addition to this there are measures proposed here to pension all the civil employees of this Government in every governmental Department, and members here stand ready to support them.

In conclusion, let me say that I stand here to commence by unearthing and wiping out the immense frauds that exist in the Pension Bureau in its various ramifications and workings, and this pernicious habit of granting private pensions by private bills to undeserving persons, and so long as I may be able to stand up here I shall raise my voice and cast my vote against all such abuses. Let us stop this carping about abuses and set to work to correct them by voting against every fraud, every extravagant appropriation, and by giving to our people an economical and just administration of the Government. [Applause.] Let us stand by the teachings of our forefathers—the Monroe doctrine—and a government of, in, by, and for the people. [Applause.]

Before the reading of the foregoing article was concluded,

The CHAIRMAN said: The time of the gentleman from South Carolina has expired.

Mr. TALBERT. I ask leave to print the remainder of the article, with my remarks, in the RECORD.

The CHAIRMAN. General leave has already been extended.

Mr. SULZER. I yield fifteen minutes to the gentleman from Tennessee [Mr. PIERCE].

Mr. PIERCE of Tennessee. Mr. Chairman, on last Saturday in the House I read and commented on a matter published in the Evening Star of this city, which has stirred up considerable excitement, and I think it but just and right, both to that paper and to the gentleman who wrote the article or gave an account of the interview detailed in the Star, that I should, so far as I can, put in the RECORD the answer of the Star to the charges which have been made and the alleged falsity of that interview.

Now, the Star, which we all know to be an orthodox Republican paper, one which has always been high-toned and honorable in all its dealings in the past, so far as my knowledge goes—fair as to both measures and men—has never intentionally misrepresented nor wronged any one, neither in its editorial department nor through the agency of those gentlemen who represent it as reporters. It has been honorable, honest, and fair in all its dealings. I now read from the Star:

THE SUGAR TRUST—OXNARD IS AND ALWAYS HAS BEEN SERVING IT—WHY THE SUGAR TRUST IS OPPOSED TO THE PUERTO RICO TARIFF.

The assertion by Mr. PAYNE, of New York, in his speech in the House Saturday, that the sugar trust interests were not served by the Puerto Rican tariff, and that if the trust were putting up boodle it would be on the other side, does not accord with the understanding of the matter in Congress for many years, nor with the history of tariff legislation. Mr. Oxnard, being a beet-sugar producer, has for years, whenever the tariff was under consideration in any way, appeared in the sugar interests persistently as a beet-sugar producer, and has endeavored to maintain that he was not a representative of the sugar trust.

But the interests of the sugar trust have been served through his persistence for tariff protection to the sugar interests, and there has not been in the history of tariff legislation of recent years a conflict between his representations and the interests of the sugar trust.

ASSOCIATED WITH THE SCANDAL.

The sugar-trust scandals during the consideration of the recent tariff bill were associated with him, and his recommendations as to sugar duties have been influential to secure legislation which was the basis in the recent bill under consideration of sugar speculations which were investigated in Congress.

Both Mr. Oxnard and Mr. Myrick, representing agricultural journals, were active in securing the adoption by the committee and the passage of the Puerto Rican tariff bill, and in hearings before the Congressional committees were insistent upon the tariff provision. Mr. Oxnard disavows any connection with the sugar trust, but this disavowal is regarded as technical, and it is reported that he has agreements and contracts with the sugar trust which make his interests as a beet-sugar producer and those of the sugar trust coincide.

The assertion of Mr. PAYNE that the sugar-trust interests were in conflict with the tariff in Puerto Rico is negatived by another statement in his speech. His reference to the Puerto Ricans, where he said "who receive," referring to Puerto Ricans, "this small price for their sugar, less the tariff, when they sold it to the American Sugar Refining Company."

SYSTEM OF BUYING RAW SUGAR.

This reference to the sugar price less the tariff is in accordance with what is understood to be the system of the sugar trust in buying raw sugar, which is to make the producers from whom it purchases bear the tariff by deducting it from the price paid. Mr. PAYNE was asked this morning what he meant by that reference, and he said that the sugar refiners paid the tariff and deducted the amount from the market price in New York. That was what he meant.

Under this system it is quite obvious that the sugar trust could have no special interest in free trade, and as a matter of fact the sugar trust has insisted during all the tariff legislation upon a protection according to a schedule of its own making.

BENEFITED BY THE TARIFF.

The facts in the case appear to be that the sugar trust, instead of having, as Mr. PAYNE declares, an interest in free trade, is benefited by the tariff to an enormous extent and has fought for it at all times, not being opposed to even the tariff on the raw material, the burden of which does not fall on it.

In this instance its particular interest extends not only to Puerto Rico, but to all the islands, including Cuba, lest rival refineries should be established on these islands to compete with it.

I put this matter before the House and publish it in the RECORD in justice to the Star and in reply to criticisms which have been made not only on this floor by Mr. PAYNE, of New York, but by the distinguished Senator from Ohio, Mr. HANNA, the chairman of the Republican national committee, whose language, uttered in the Senate yesterday, I desire to read as reported in the CONGRESSIONAL RECORD:

Mr. HANNA said the interview was one supposed to have been given to a reporter for the newspaper in question.

"I do not believe," said Mr. HANNA, "that any Republican member of the House of Representatives ever made the statement attributed to him."

He said the statement carried on its face evidence that it was false.

"I hope measures will be taken to investigate this statement. I brand it as a malicious lie."

In answer to that I will publish what the Star has to say in reply, and if gentlemen want this matter investigated, it will be observed that the Star challenges you to do it. Introduce your resolution of investigation, if you please, and let this whole matter be inquired into. Now let us see if any gentleman on that side will accept the challenge of the Star.

Mr. STEELE. Does not the gentleman think that the Republican member who is charged with having made that statement is somewhat challenged?

Mr. PIERCE of Tennessee. I did not catch the gentleman's remark.

Mr. STEELE. Does not the gentleman think the challenge is thrown down to the member alleged to have made that statement, when Mr. HANNA says that he was a miserable liar, rather than what the paper had said about the matter? If any Republican

member has said what is alleged, the inference is that he lied, and I think he has.

Mr. PIERCE of Tennessee. It is a challenge to the Republican member of the House and to that side that the member who says that your party and your leaders were influenced by what that member has stated as reported in the Star for the purpose of securing a campaign fund from those interests [applause on the Democratic side], and it is a reflection upon those in control of this House. If he or your side wants an investigation, he can get it. Now let me give you what the Star says in reference to it:

The interview was had, as reported in the Star Friday, with a Republican member of the House who supported the Puerto Rican tariff bill with his vote. It was written a very short time after the conversation between the Representative and the Star reporter closed. This fact can be supported by the oath of the man who wrote the interview, who is perfectly willing to take oath to it.

Now, then——

Mr. STEELE. I would like to ask the gentleman another question.

Mr. PIERCE of Tennessee. Certainly.

Mr. STEELE. Would you believe the man who made that statement on oath?

Mr. PIERCE of Tennessee. Would I believe him? I do not believe that any man who occupies a position upon the Star would deliberately and maliciously misrepresent any gentleman on this floor.

Mr. STEELE. I do. If such a statement was made, as charged, by a Republican member, would you believe that member under oath? I mean——

Mr. PIERCE of Tennessee. I can only answer the gentleman as to that from the facts as they are.

Mr. STEELE. If it embarrasses you, you need not answer it.

Mr. PIERCE of Tennessee. It does not embarrass me. It looks to me as if the statements are true. [Applause on the Democratic side.]

Mr. STEELE. You only believe that the man said it.

Mr. PIERCE of Tennessee. Take the evidence before the committee in the Senate upon this question, and that before the House committee, and this interview is in accord with the evidence given before these committees, explaining the miraculous change of gentlemen on that side from "plain-duty" free trade with the Puerto Ricans to 15 per cent protection. [Loud applause on the Democratic side.]

Mr. STEELE. Will the gentleman allow me to ask him another question?

Mr. PIERCE of Tennessee. Certainly.

Mr. STEELE. If he believes the statement, I want him to point out how it could be true, directly or indirectly, that a campaign fund could be raised out of the legislation proposed on our side.

Mr. PIERCE of Tennessee. I do it by the fact that these corporations who favor this legislation "and their next of kin," the great national banks, etc., contributed millions of dollars to the Republican campaign fund in 1896 to elect President McKinley [applause on the Democratic side], and that the vice-president of the National City Bank of New York, the bank of the Standard Oil Company, had the audacity to write the Secretary of the Treasury, Mr. Gage, and jog his memory of the fact that he and his associates had contributed largely to the Republican campaign fund in 1896, and ask financial favors from him in his official capacity, and that Mr. Gage dared not rebuke him for the insult. [Great applause on the Democratic side.]

THE HEPBURN LETTER.

THE NATIONAL CITY BANK OF NEW YORK,
New York, June 5, 1897.

MY DEAR MR. GAGE: The National City Bank of this city, of which I recently became vice-president, through the consolidation of the business of the Third National with it, is one of the banks designated as a United States depository, and I write to request that any changes which may be made under the Administration we may not be disturbed in this respect. We should like to remain a United States depository as at present. Of course, the bank is very strong, and if you will take the pains to look at our list of directors you will see that we also have very great political claims, in view of what was done during the canvass last year.

Yours, very truly,

A. B. HEPBURN.

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

Mr. STEELE. Out of the Puerto Rican bill, who is competent to pay money but the sugar trust, which is on your side of the question?

Mr. PIERCE of Tennessee. The Star says not. That is good Republican authority. [Laughter on the Democratic side.] The Secretary of the Treasury dare not resent the insult given, and what else may we not expect from that side? [Applause on the Democratic side.] Now, then, it is for you gentlemen to investigate the charge, as Senator HANNA says you should. Are you going to investigate it? You have the right under the rules of the House, and you can do it. Now, then, I have here the testimony before the Senate.

Mr. HEPBURN. Will the gentleman allow me to ask him a question?

Mr. PIERCE of Tennessee. Certainly.

Mr. HEPBURN. Now, the gentleman seems to be anxious that there should be an investigation of this matter, and that it should be inaugurated.

Mr. PIERCE of Tennessee. I am not anxious; but I think the investigation should come from that side. We on this side are not the accused.

Mr. HEPBURN. Does not the gentleman know that, in all human probability, if the editor of that paper is brought here and interrogated as to who wrote that article he would refuse to answer? Now I want to ask the gentleman the question, if that should be so, would the gentleman and his friends on that side unite with this side in punishing him for his contumacious refusal?

Mr. PIERCE of Tennessee. I never cross a bridge until I get to it.

Mr. HEPBURN. Ah!

Mr. PIERCE of Tennessee. Wait until you can find him guilty. I believe he told the truth. [Applause on the Democratic side.] Now, Mr. Chairman, I ask permission to print in my remarks, in part, an editorial in the Chicago Times-Herald, the greatest Republican newspaper in the Northwest, and some of the testimony on the Puerto Rican matter before the Senate committee.

PARTY POLITICS AND PUERTO RICO.

The Times-Herald has been besieged by requests "for fuller and definite information concerning the origin of the present folly which has been foisted upon the party by its 'leaders' in the House of Representatives," to use the words of "a lifelong Republican," who writes from Earlville, this State. "If the President has solid base for his change," writes the pastor of a Methodist Church in Lake Linden, Mich., "he is in duty bound to make it known to the country." From various sources come queries of the same tenor, all expressing wonder, amazement, regret, and indignation that the Republican party should have been placed in an utterly untenable position by its leaders in Washington, and all with one voice repudiating the action of those leaders.

The Times-Herald frankly confesses that the reversal of the policy of the leaders of the Republican party in Congress is as inexplicable to-day as it was when the Committee on Ways and Means reported the 25 per cent tariff measure. In both the House and Senate the Puerto Rico bills went in free-trade lambs and came out tariff wolves.

There is nothing in the testimony before the Senate Committee on Puerto Rico reported February 5 that can in any way explain or justify the departure of that committee from its original bill, which gave free trade to Puerto Rico. True, Henry T. Oxnard, of Oxnard, Cal., the representative of the beet-sugar industry, and Herbert Myrick, of Springfield, Mass., chairman of the League of Domestic Producers, and claiming to represent the beet-sugar, cane-sugar, tobacco, wool, cotton, fruit, vegetable, rice, and nut producers, appeared before the committee. The latter demanded the defeat "of pending treaties of reciprocity with the British West Indies, whereby sugar and other products are to be admitted into the United States at a reduction in tariff rates, and of the admission to this market of Puerto Rican products duty free."

This Mr. Myrick fairly threatened the committee with the loss of 500,000 votes to the Republican party if it fulfilled the pledge of the President to give free trade to Puerto Rico. Some idea of what transpired in the committee may be learned from the following question asked by Senator PERKINS (Republican), of California:

"You speak of 500,000 of your subscribers through your publications every week. The question is troubling me. This committee has before it a bill for the government of Puerto Rico. It belongs to the United States to-day—is as much a part of the United States as territory as the Hawaiian Islands or Alaska. How can we in justice to this people and to the honor of our country have a different law for the people of Puerto Rico than for those of Hawaii? I see the force of your argument, and I shall be very glad if you can show us a way out."

Mr. Myrick ducked, confessing that he was not posted "in the matters of social economy," his forte being "doctrines of agriculture." Senator DEPEW tried his hand on Mr. Myrick with this question:

"Could any government sustain itself in having one kind of policy in the relations of Alaska to the United States and Hawaii to the United States and another kind in the relations of Puerto Rico to the United States, those all being purchase places?"

Again, Mr. Myrick appreciated "the magnitude and the delicacy of the questions," but excused himself from illuminating the problem. The examination was turned to the "expediency and justice and fair play" of treating Puerto Rico differently from Hawaii and Alaska, and the following colloquy occurred between Senator NELSON and the witness:

"Senator NELSON. Are you opposed to free trade in any form with Puerto Rico?

"Mr. MYRICK. Yes, sir.

"Senator NELSON. Then you are in favor of Puerto Rico placing a tariff on our wheat and flour and meats exported from this country?

"Mr. MYRICK. Yes, sir; as they always have.

"Senator NELSON. You want them to put a tariff on it?

"Mr. MYRICK. Yes, sir.

"Senator NELSON. And that is the way you represent the Northwestern farmers?"

The chairman of the committee, Senator FORAKER, asked Mr. Myrick this pointed question, which went to the very root of the matter: "Leaving out constitutional questions, would you treat it (Puerto Rico) as a foreign country or as belonging to the United States?" What Mr. Myrick would do is enveloped in that dumbness which comes to every man who is cornered between "I dare not and I would."

In these questions and replies the reader has got as near as he is likely to get to the mysterious influence that has pushed the Republican party to the verge of a precipice, over which lie dishonor, injustice, and disaster. The hollow threat made by Mr. Myrick of what he could and would do with his 500,000 subscribers and his associated producers, coupled with the wild talk of cigar makers, stampeded the committees of both Houses of Congress.

We ask the careful perusal of the questions put by Senators PERKINS, DEPEW, NELSON, and FORAKER, as demonstrating that up to January 20 no Republican leader in the Senate dreamed that it was either constitutionally or morally possible or expedient to treat Puerto Rico differently from any other territory belonging to the United States.

Now, then, what else do we find? I noticed, as reported in the morning Post, that your position has changed again. In the Senate the steering committee has changed again and altered their

measure. As the Post remarks, you started down the hill three weeks ago and reached the bottom, and now you are starting back again. That is the position you are in. Who knows where your President stands? He is first one way and then another.

I will quote from this morning's Post an interview with a distinguished Republican from Vermont [Mr. POWERS]. He changed front after making a powerful constitutional and "plain duty" speech in favor of free trade with Puerto Rico, and then, to the surprise of this side of the House, in whose time he had spoken, he turned a somersault and voted for the tariff bill. The gentleman has just returned from a visit home, and he takes us into his confidence and tells us why he "somersaulted."

[Interview in Washington Post, March 27, 1900.]

VERMONT AFLAME FOR FREE TRADE.

Representative H. H. POWERS, who has returned from a week's trip to his home in Vermont, said yesterday that he was surprised at the sentiment for free trade prevailing in the Green Mountain State. "I heard talk in favor of free trade and in condemnation of the tariff everywhere I went," said he. "The Vermonters are ridiculing the idea of Puerto Rico not being a part of this country and under our Constitution. Many of the voters illustrate the absurdity of such a doctrine with quaint illustrations quite to the point."

"On what do they base their objections to a tariff?" he was asked.

"Oh, they call up the proclamation made by General Miles," replied Judge POWERS. "They tell one that the islands came under our rule without resistance, and that it is a breach of faith for us now to set up a barrier and tell them that they are not a part of the United States. I do not suppose they care so much for the legal arguments of the case; they look at the matter from the standpoint of squareness and fair dealing."

"But it is generally believed that the people of New England are paying little attention to the Puerto Rican question, and care little whether there be tariff or free trade."

RESPECT FOR M'KINLEY'S POLICY.

"Well, as far as political support of their members of Congress is concerned," answered Judge POWERS, "the voters may not waver in their loyalty. I told my people that I was for free trade; they knew I had made a speech in favor of free trade. I explained that I voted for the tariff bill after it had been modified, and that I did so at the request of the President."

Now, my friend from Vermont is here, and if this reported interview is wrong, now is the time for him to deny it and say that President McKinley has not been continually changing front so that even that side does not know where he "is at." [Laughter and applause on the Democratic side.] The papers say that your leaders have told Mr. HANNA that it will not do to amend your bill and let it come back here, for if it does there is danger of its defeat. You remind me of a fellow I knew in Benton County, now in my friend SIMS's district.

We had a law in Tennessee after the war, passed by a carpetbag legislature, making horse stealing a capital offense, with the right of the jury to commute to not less than ten nor more than twenty-one years. This fellow had been tried and convicted of horse stealing, and the jury commuted his sentence to twenty-one years in the penitentiary. The judge ordered the defendant to stand up to receive sentence, and wanted to know if he had any reason to give why sentence should not be passed upon him. He said he had; that as to the judge and the prosecuting attorney, he did not have anything to say, but that he was tried by the damnedest infernal set of horse-stealing jurors that any man was ever tried before. [Laughter.]

One of the jurors who had just gone out and sold his jury ticket and bought a quarter section of ginger cake and a quart of hard cider and got on the outside of them, and was in the court and heard what the defendant said, arose and addressed the court: "Jedge, let us set on him agin, and we'll send him up for ninety-nine years." [Laughter and applause.]

Gentlemen, from the mutterings of discontent we have heard coming from that side, I believe there are many of you who, if the Senate will give you another chance "to set on the bill," will send it up for ninety-nine years. [Applause on the Democratic side.] Gentlemen, you are in the middle of a bad fix—Hanna, the trusts, and visions of a campaign fund on one side; the people, "plain duty," and humanity on the other; you know not which way to go; "you will be damned if you do, and you will be damned if you don't." [Loud applause on the Democratic side.]

[Here the hammer fell.]

Mr. SULZER. Mr. Chairman, I will ask the gentleman from Iowa if he can not use some of his time?

Mr. HULL. I know of no one on this side that desires to speak now.

The CHAIRMAN. The gentleman from Iowa does not care to consume any time at present.

Mr. HULL. I do not know that we want much time anyway. I have no idea that we shall take much time—certainly not if the debate runs as it does now. I am perfectly willing to suspend the general debate now and proceed under the five-minute rule if the gentleman from New York will agree.

Mr. SULZER. If the gentleman from Iowa does not want to use his time, will he yield it to me?

Mr. HULL. No; not now.

Mr. SULZER. If the gentleman has no use for his two hours, he might yield it to me——

Mr. HULL. I am not yielding at this time.

Mr. SULZER (continuing). I am having trouble over here to get time enough.

The CHAIRMAN. To whom does the gentleman from New York yield?

Mr. SULZER. I yield fifteen minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I want to take advantage of the time given me to insert a few things in the RECORD from distinguished men and equally distinguished newspapers of this country, some of them Democratic and some of them Republican, upon the Puerto Rican question generally, the inconsistencies and self-stultifications of the Republican party upon that question, and the cavity in which it has deposited itself on account of these inconsistencies. [Laughter on the Democratic side.] I will quote first from the Cincinnati Enquirer. It says:

Had the Republican management confessed that it was intended to rifle a land distant 10,000 miles from our shores, lay waste cities and populous districts, and kill and have killed under the science of war tens of thousands of people whose crime consisted of love of home and country and the enjoyment of liberty as they sought best to enjoy it, William McKinley would not have polled a single vote in the electoral college. Had the Republican leaders in the canvass of 1896 scouted our Declaration of Independence, in which our forefathers in 1776 appealed to mankind for approval; had they scoffed the Constitution of the United States and mocked the teachings of the fathers of the Republic, such a political organization as the Republican party would not be to-day in existence. Public opinion would have scorned the party to death. Yet the Administration of William McKinley has done all these things.

It has done something more than "these things," Mr. Chairman. It has contended that certain parts of the earth are neither in the United States nor outside of the United States, and then has contended in the next breath that these certain parts of the world are both within the United States and outside of the United States. You have taken the curious position that Congress, the creature of the Constitution, has powers beyond the Constitution. Then, again, some of you have said: "No; that is false, but something else is true—unless and until Congress legislates the *President*," another creature of the Constitution, "has powers beyond the Constitution; but we do not think that *Congress* has powers beyond the Constitution."

Here are some truths tersely put by a couple of great men who are members of the Republican party. I refer to the speeches of Judge Harman and Judge Taft at the farewell banquet to the latter as he was taking his departure to go as one of the appointees of the President as commissioner to the Philippine Islands.

Mr. SHATTUC. May I ask the gentleman how long it has been since Judge Harman joined the Republican party?

Mr. WILLIAMS of Mississippi. I have understood that both these gentlemen are Republicans. If one of them is a Democrat, all the more respectable is his testimony. He is then much more apt to be a good judge of the Constitution and sound public policy.

Mr. SHATTUC. Judge Harman is a Democrat out and out, and Judge Taft is an extra refined Republican.

Mr. WILLIAMS of Mississippi. That is a rather rare sort of a Republican bird—rara avis in terris with our Republican friends.

Here are some of these epigrams of Judge Harman:

Our history and principles are a perpetual promise to peoples struggling for freedom and independence.

We now hear the usual plea of doers of doubtful things. "The deed is done; it is too late to discuss it." It is never too late to retrace a misstep, to right a wrong.

Again, I read from Judge Harman:

If the people shall decide—

And this is what they have decided hitherto in our history, and it is to be hoped that they will decide it again—

If the people shall decide that no nation is good enough to rule another nation without that nation's consent; if they shall conclude that this country can not long exist part vassal and part free, then there will be no difficulty in doing what we ought to have done in the beginning—leave the Filipinos to manage their own affairs and serve notice to the world that they are under our protection.

The Philippine question, as it involves right and wrong, will never be settled until it is settled right.

Judge Taft says, and remember Judge Taft is a Republican, and, moreover, is the Republican appointee of a Republican President as a Philippine Island commissioner:

I have always hoped that the jurisdiction of our nation would not extend beyond territory between the two oceans.

Again Judge Taft says:

We have not solved all the problems of popular government so perfectly as to justify our voluntarily seeking more difficult ones abroad.

And how much more difficult, Mr. Chairman, is the problem when the question is not the government of a homogeneous people with common aspirations and common traditions whence those aspirations flow, but the government of a people alien to us in race, in religion, in institutions, in law, in aspirations, in traditions, in environment, in everything, and inferior to us in every respect.

Here is something which I find quoted from Gen. Lew Wallace. I do not know whether he is a Republican or a Democrat. I have

always understood that he was a Republican and an original McKinley man. Perhaps he is super "extra refined;" I do not know:

When the President recommended free trade with Puerto Rico, that was William McKinley speaking from his heart. When he urged Congressmen to cast their utterances and vote for a duty on the industries of the island going and coming, that was MARK HANNA, the great Ohio suspect. Either the Puerto Ricans are fellow-countrymen or people in relation to us not yet defined. If fellow-countrymen, free trade should govern in all our dealings with them, and their institutions should be Americanized, something impossible under military control. If they are in relation unknown and undefined and poor and helpless, then charity, the essence of Christianity, should have had the molding of our policies.

It is idle to talk about the island being outside of the Constitution. Is Congress the creature of the Constitution or the Constitution a device of Congress? It is unfortunate that none of the men invited to see him and come away converted has told us of a word dropped by the President in explanation of his own conversion. It is not pleasant to think of the President exerting himself to control the action of an independent branch of the Government. What shall stop him next from interfering with the judges of the Supreme Court?

That I find attributed to Gen. Lew Wallace, ex-minister by Republican appointment to Constantinople and the author of Ben Hur.

The following I take from a Mississippi paper. It strikes me as very good doctrine:

An Associated Press dispatch says Senator SULLIVAN, of Mississippi, offered a resolution that the Philippine Islands are the rightful property, honorably acquired by the United States, and that "while misguided Filipinos continue the present war, brought on by them against the rightful authority of the United States, as long as a single gun in their hands is trained upon our flag, no expression or intention as to the future course of the United States with respect to them should be made by the Senate."

The Vicksburg Dispatch, commenting on that proposed resolution, says:

That leans too much toward imperialism for the Southern people. It is not unworthy a free people like the United States to inform the Filipinos exactly what we propose to do with the islands on which they have lived all their lives, and what treatment we intend to accord them. If we refuse to inform them of our purpose, and leave them to determine their fate by what the Hanna-McKinley Administration is saying and doing, it would be the same as telling them they have no rights at all.

The Senator's resolution is very unpalatable to the citizens of this State and to the people of the South. *A brave and just people are always willing to inform those they are fighting what their purpose is.* Of course, if we wish to conquer the brave Filipinos, lately our allies, and hold them as vassals, the Senator's resolution would be all right. But the American people are not ready for that yet awhile.

A few more things here, Mr. Chairman, and I will read rapidly. I find this from the St. Paul Pioneer Press, a Republican paper:

SKINNING PUERTO RICO.

This country will not tolerate the idea of skinning Puerto Rico for the supposed benefit of highly protected industries.

And in that connection, why is it that the Republican party upon this floor failed to follow the recommendation of the President when he said that it was "our plain duty" and that it was "evident justice" to allow these people free commercial intercourse with the balance of the United States? Has one of you undertaken to answer it? Will one of you dare do it now? Will one of you give the reasons for your new departure that exist to-day that did not exist when he wrote that message? Will one of you state a single reason cited by him for his own conversion? Will one of you prove that he is converted?

Mr. STEELE rose.

Mr. WILLIAMS of Mississippi. One moment and I will let the gentleman interrupt. I will tell you what was the matter, and you know what was the matter, too. You know and I know that after that message was written the cigar and tobacco interests of Connecticut became alarmed, the sugar-beet industry became alarmed, the tropical-fruit industry of southern California and Florida became alarmed, the cane-sugar industry became alarmed. Great bodies of American workingmen, threatened with the bodily incorporation of Tagalo and cooly wage competitors, became alarmed.

Industries, organizations, and class interests sent men here to your various committees, and they besought you for what? Not to let those islands alone, which was a very good way and the only constitutional way of getting out of it, but to violate the Constitution of the United States in order that you might at one and the same time do two things—things in law and justice irreconcilable—namely, own, control, govern, and exploit the islands, and still at the same time not admit them to the freedom of traffic and the freedom of travel, which is the innate as well as the constitutional right of every American citizen. You had not the moral courage to recede from a mistaken policy nor the political courage to defy those interests by carrying out your policy to its bitter and bad but only logical conclusion under the Constitution.

Now I will yield to the gentleman from Indiana.

Mr. STEELE. The gentleman challenged anyone to give any reason.

Mr. WILLIAMS of Mississippi. Any reason that exists now that did not exist then.

Mr. STEELE. That did not exist when the President called our attention to the fact that absolute free trade was necessary.

Mr. WILLIAMS of Mississippi. Yes.

Mr. STEELE. In the course of the investigation it was ascertained, among other things, that Mr. Finley, who is at present the British consul, located in Puerto Rico, was very anxious for free trade between this country and Puerto Rico. It was also ascertained that he was the largest producer of sugar on the island and that he has as much sugar there now as any other man; that he has 1,500 acres of land that he says is worth $500 an acre.

It occurred to some of us that there must be something behind his interest in American affairs that made him so anxious to have free trade. An investigation has proven that instead of paying $1.60 a hundred, as he has been paying under the Dingley Act, he was not willing to pay the 40 cents a hundred that he would have to pay if he had come in under the original House bill or the 24 cents a hundred coming in under the present bill. Why did he object? Simply because he could put every farthing in his own pockets and not a single dollar of it go to the poor people of the island.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have now heard the explanation. How long have we not waited for it; and now that it has come, what an explanation! "Montes laborant, nascitur ridiculus mus." "O lame and impotent conclusion!" I am now informed that the Chief Executive of a great nation of 75,000,000 people, that the legislative body of that people, representing the traditions, the history, the aspirations of the greatest Republic upon the surface of this earth, has changed a policy of "plain duty," of "evident justice," for fear that some money might go into the pockets of a man named Finley! A new and revolutionary departure from our Territorial policy, lest Finley should grow rich! [Derisive laughter on the Democratic side.] Is there any other explanation from that side of the House of any reason existing now that did not exist at the time the President wrote his message.

Mr. STEELE. Let me say further that this man is not paying a cent of taxes on this land.

Mr. WILLIAMS of Mississippi. I understand that. I am taking for granted that this thing would enrich Finley. I am taking it for granted that Finley is a British subject. I am taking it for granted that Finley is the archdevil himself, and yet I can not see that all the decisions of the Supreme Court of the United States as to uniform taxation between the different parts of the United States and the hitherto traditional policy of the United States, which has been that whenever we added populations to our people we treated them just as we did our other people, should be set aside on his account. Finley may be a great man, a bad man, but I would rather see him a millionaire than to see all that. "Finley, oh, Finley, what crimes are committed in thy name!"

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. How much time does the gentleman want?

Mr. WILLIAMS of Mississippi. I should think it would take seven or eight minutes to finish it.

Mr. SULZER. I yield five minutes to the gentleman.

Mr. WILLIAMS of Mississippi. I will try to finish it in that time. Here is an article from the Carthage (Ill.) Gazette, Republican in politics:

PART OF THE UNITED STATES.

As Puerto Rico is a part of the United States, we believe it and its inhabitants are entitled to all the rights and privileges enjoyed by any of its Territories or the people thereof.

And we have in all our history held that in regard to other Territories. But Finley was not made profert of in the other cases. Perhaps if Finley had been there it would have been different. Here is something from the Peoria (Ill.) Journal, which, I believe, is a Republican paper:

APPEAL SHOULD BE HEEDED.

The appeal of the Puerto Ricans for the privilege of free trade with the balance of the United States is not one that should be rejected. The party that neglects to heed this appeal will suffer for it.

Here is something from the Cincinnati Commercial Tribune, Republican:

A REPROACH TO THE FLAG.

Puerto Rico suffers because of Congressional tardiness. And in her sufferings is the flag reproached and the nation discredited. This is a condition that discounts American statesmanship.

Here is something from the Chicago Times-Herald. It is Republican, undoubtedly.

A COWARDLY PARTY.

The truth is that the consistency and honor of the Republican party were sacrificed for cheap and cowardly political reasons, and the moral sense of the party was outraged at the bidding of the smallest fly that ever buzzed around the hub of progress.

Here is something from the Racine (Wis.) Times, Republican again. I especially recommend this to those of you who say you are taxing the Puerto Ricans "outside of the Constitution" for their own good:

INDEPENDENCE DESTROYED.

It is not by making beggars and paupers of our new charges that we will make good citizens of them. The very first lesson we should have attempted to instill into the minds of a people who have been held in subjection to a monarchy is the necessity of independence and self-help.

Not satisfied, the Chicago Times-Herald continues in another issue in this original manner:

BEFOGGED WITH TOBACCO SMOKE.

Is it not about time for the advocates of the Puerto Rico tariff bill to select some apology for that amazing political blunder upon which they can stand over night? In the six weeks that have elapsed since the Ways and Means Committee cut its safe moorings to the dock of duty and ventured forth on the stormy sea of broken faith and temporary shifts each week has seen the invention of a new explanation to replace an exploded excuse. Take them in the order in which they were invented and abandoned, the Government will not fulfill the pledges of Miles, the "necessity" of Davis, the "justice" of Root, the "plain duty" of the President.

"It is not by making beggars and paupers of our new charges that we will make good citizens of them."

I commend that to you for sound common sense. Grant them their rights. That is what they demand and are entitled to. Do not first treat them as aliens and men without rights by your exercise of the taxing power, and then treat them as paupers and beggars by your exercise of your appropriation power.

Here is something from the Portland Oregonian, a Republican paper:

AVARICE AND GREED TRIUMPH.

What especially concerns the country is this striking proof that protected avarice and greed have been able to control the House of Representatives and overbear the President against plain duty, manifest justice, and the interests of industry and trade between peoples under the common flag of the United States.

That would have sounded bitter coming from me. What must be the magnitude of your crime to provoke its utterance by a partisan Republican newspaper!

Here is something from the Angola (Ind.) Magnet, Republican. It is headed "People are not fools."

Of course it means "most people:"

Some of the members of Congress tell us that the people do not understand the Puerto Rican tariff bill. Perhaps they do not, but they have a pretty well established belief that the clause in the Constitution which declares that "all duties, imposts and excises shall be uniform throughout the United States" means precisely what it says.

Here is something from the Baltimore American, Republican:

THE COUNTRY DEMANDS JUSTICE.

At this time, when General Miles's pledge, the provisions of the peace treaty, the President's "plain duty" message, Secretary Root's unqualified recommendation, and the temper of the Puerto Ricans are all taken into consideration, the country refuses to believe that there can be any right or justice in the latter-day effort to treat the island as an alien.

Here is something from the Philadelphia North American, Republican, that is very good reading. It is headed "Un-American treatment."

No wonder the Puerto Ricans are not satisfied—

I recommend it to you; there is nothing like a dilemma.

No wonder the Puerto Ricans are not satisfied. If they are foreigners, let them ship their goods on foreign vessels if they find that to their advantage, and let them trade with foreign countries without the impediment of the Dingley tariff. If they are Americans, let them be treated like other Americans. They have a right to be considered one thing or the other.

You apply your navigation laws to them, because it is for your benefit. There you are exploiting them as if within the Union for your benefit, and then when it comes to giving them uniformity of traffic and travel, as guaranteed by the Constitution to all parts of the United States, you put them outside of the Union, because you can make more money out of them that way. You exploit them again for your benefit.

In applying your navigation laws you exploit them for the benefit of your merchant marine on the theory that the island is a part of the United States.

In refusing to apply uniform impost and excise taxes, but in contempt thereof "protecting" other "parts of the United States" against their products, you exploit them on the theory that the island is not a part of the United States.

Here is something from the Minneapolis Journal, Republican, from the Republican Northwest. This paper dares to say that you are blind:

CONGRESS IS BLIND.

It begins to look as if the people who lack for information were not in the country among the constituents, but were in Washington in the Ways and Means Committee and in the House meekly following the lead of its blind leadership. It will not hurt the Republican party to abandon this mistake, and the Republicans look with hope to the Senate to save the party from persisting in a dangerous error.

Then the peaceful rest and grassy quiet of the City of Brotherly Love is disturbed by the following plaint, occasioned by your bad faith:

SOLEMN PLEDGES BROKEN.

"Every consideration of justice and good faith," as the Secretary of War declared in his last annual report, demands that Congress shall accept the obligation of "plain duty" as it was announced by President McKinley. Should Congress fail to do that, it will do it not only at the risk of defeating the Republican party in November next, but with the certainty of breaking solemn pledges, of violating the bed-rock principles of the Constitution, of inflicting monstrous wrong and injustice upon a people who came to us cheerfully and welcomed us effusively because of their confidence in the good faith of our Government.—*Philadelphia Ledger* (Republican).

Now comes a voice from the Hub of the Universe, and the cultured and protected gentlemen who have hitherto voted the Republican ticket in the Athens of America must have their self-contemplative satisfaction disturbed by the following appeal to common sense made by a Republican newspaper:

A STUFFED BOGY.

The stuffed bogy that the admission of Puerto Rican goods into our markets without the payment of duty would be a step toward free trade as a national policy has lost its force, if it ever had any.

We have heard of mother countries, like France and Spain, which force their colonies to buy everything in the motherland. We never heard of any mother country which forced the colonies to sell all their goods outside the motherland. If we insist upon exacting tribute from the suffering island, we shall be acting the motherland very strangely. It will be more like the stepmotherland of the conventional style.—*Boston Transcript* (Republican).

The Cleveland Leader, Republican in politics, actually accuses the "great party of moral ideas," the "G. O. P.," of being immoral.

Drink of it, dissolute man;
Lave in it if you can.

REPUBLICAN PARTY IMMORAL.

It is long since any policy adopted by the representatives of the Republican party in Congress has been attacked by so great a proportion of the best Republican newspapers in the United States as have resolutely opposed the Puerto Rican tariff bill. The outbreak of dissatisfaction is so wide and intense that it may well alarm the most sanguine leaders of the party.

The reason is that the question is largely a matter of morals. Foremost in the issues raised by this unfortunate bill is the plea of Puerto Rico for kindness and justice. That is what breaks the lines of the Republican party. It is the appeal to the moral sense of the people. Republican policies can not safely or successfully be turned away from the instinct of right and justice involved in the demand for free trade between the United States and the little island which welcomed the American flag with high hopes and every demonstration of joy.

And then the Indianapolis Journal even forgets that it is Republican, and remembers only that it is human and American:

THE PAUPER ARGUMENT.

There is no weaker argument in defense of the Puerto Rican tariff bill than that based on the ignorance and poverty of the people of the island. We are told that when we got the island a large majority of them could not read or write; that thousands of them were never clothed beyond wearing a shirt; that 85 per cent of them went barefoot, and so on.

Much the same might have been said of the Southern plantation negroes at the close of the war, yet we gave the latter unrestricted free trade with the United State and the ballot besides. If ignorance and poverty furnished a justification for discriminating duties or taxes there would be a great deal of class legislation in this country.

The Detroit Tribune comes very near to calling you hypocrites. The idea that a Republican paper should "let that cat," of all cats, "out of the bag!"

CHARITABLE ROBBERY.

The proposition made by some of the Senators to levy a tariff equal to 15 per cent of the Dingley duties upon imports from the United States free is probably the most remarkable compromise ever offered. Certainly nothing more extraordinary has been proposed since duty and destiny established themselves in the seats of the mighty.

The principal argument advanced by the supporters of the House measure is that Puerto Rico needs the revenue. Now, the solemn Senators come along and say, "Let us do the right thing by these helpless people. We will keep their products out of the United States, but we will permit them to buy our products without paying anything extra for the blessed privilege." Humanity and benevolent assimilation can go no further. If the Puerto Ricans are not tickled now, it is hardly worth while trying to please such a fickle and frivolous people.

Then comes the Evangelist, and in the stern tones of a "God-fearing covenanter" announces what one might have known would be its opinion, dictated by the great heart and hard head of Presbyterianism:

COMMERCIAL DEGENERACY.

Some commercial degenerates are said to have used the argument with the President that Puerto Rico sugar and tobacco will compete with the American product. We must protect our own growers. Our own growers! Is not Puerto Rico our own? What kind of absorption is this? What kind of Americanization of our new dependence does it portend? It would leave Puerto Rico worse off than it was under Spain, and it would impose on the people of this generous and justice-loving Republic the harder lot of exchanging places with Spain and coming down from our ideals to the level of that once proud and magnanimous people.

Then to make the sad irony of your fate "sadder yet and yet sadder" comes the voice of commercialism itself. Listen to the New York Board of Trade and Transportation, then cry, "et tu Brute" and die.

ROOMS OF THE NEW YORK BOARD OF
TRADE AND TRANSPORTATION,
MAIL AND EXPRESS BUILDING, 203 BROADWAY,
New York, March 22, 1900.

At a special meeting of the New York Board of Trade and Transportation, called for the purpose of considering the Puerto Rican tariff matter and held this day, the board adopted the following resolutions, viz:

Resolved, That in the judgment of the New York Board of Trade and Transportation the policy of the United States toward the island of Puerto Rico should be definitely and immediately determined upon considerations and conditions which relate to that island alone, and that such policy so decided upon should not in any particular or degree be affected, influenced, or warped by other and different questions, conditions, and considerations which may be involved in the relations of the United States to the island of Cuba and to the Philippines.

Resolved, That the people of Puerto Rico, in the opinion of the New York Board of Trade and Transportation, are entitled by every consideration of justice, equity, and honor to the most beneficent treatment by the Government of the United States. We believe that in assuming the existing relation toward Puerto Rico this country accepted obligations which can not honorably be evaded, and that, apart from all other considerations, due regard for pledges given demand the extension to that island of free commercial intercourse with the United States and a civil form of government.

Resolved, That it will be a dishonor to the American flag, which now floats

over the island of Puerto Rico, if by reason of any consideration unworthy of this great nation any act of ours shall impose upon the people of that island burdens less tolerant than those from which they have been released, and they shall come thereby to regard our flag as the emblem of avarice and not of liberty and happiness.

Resolved, That while giving expression to the foregoing sentiments, the New York Board of Trade and Transportation renews its expressions of confidence in the wisdom of the Administration and of Congress, and of their desire and purpose to legislate upon the interests of the island of Puerto Rico, in accord with the overwhelming sentiment of the people of the United States, which, in our judgment, favors the keeping of good faith pledged by General Miles and other representatives of this Government.

Resolved, That a copy of these resolutions be forwarded to the President of the United States and to the members of the Senate and of the House of Representatives.

Resolved, That the president be authorized to appoint a committee of five members of this board, who shall have full power to take such action as they may deem conducive to the carrying out of the views of this board as expressed in the foregoing resolutions.

A true copy.

W. H. PARSONS, *President*.

Attest:
FRANK S. GARDNER, *Secretary*.

Are you going to disappoint their expressed, even if not entertained, confidence in your wisdom, so deftly interwoven as it is with their denunciation of your known purpose? You used to ding into the ears of us poor free-silver fellows the constantly recurring refrain:

Oh, listen to the boards of trade!
Oh, hear what the boards have said!

Make your hymn the guide of your own conduct. Surely it has not ceased to be true that the New York Board of Trade is the source of all wisdom?

If so, then perhaps some wisdom may dwell farther west—even in the far land of Buffalo. If so, hear these parts of an editorial in the Buffalo Evening News—a proselyte to Republicanism, and therefore zealous in the faith:

If the tariff wall is to be raised between the United States and Puerto Rico, the Republican party may well look about for another candidate for President, for William McKinley has himself written the epitaph which will be his if that happens. His message to Congress put upon Congress, as a matter of conscience, the duty of opening our markets to the annexed island. If he yields to pressure, and in the end consents to wrong Puerto Rico, the responsibility will be his, and it will be a grave one.

* * * * * * *

The attempted betrayal of Puerto Rico has divided the Republican party in Congress. It will divide it in the nation if the policy is carried out. The responsibility rests mainly with the President. This is a year when, of all years, the Republican party should be united, hopeful, and aggressive. It should not be put on the defensive. The prestige of a successful war and returning industrial prosperity makes it invincible if it will only be true to American ideals.

* * * * * * *

The President should speak out, and should stand by his message in the manly fashion which is his in matters of principle, however he may compromise in matters of policy and detail. The Republican State legislature of Iowa has protested against the betrayal of Puerto Rico. In New York a great mass meeting is to be held Thursday night to voice a similar protest. Soon it will be too late for the Chief Magistrate to break silence with self-respect. For political reasons, for personal reasons, above all for patriotic reasons and for the welfare of the whole country, the President should speak out, and he should speak out now.

Wants the President to "speak out." Poor fellow! So anxious to please everybody! He has "spoken out" so often and so variously that he has spoken himself out of alluring breath and some of you out of Congress. What a predicament you have gotten one another into!

Let the Washington Post, which expresses it well, speak. It calls itself "independent" in politics. It has been, as all will admit, Administrationist. Here is what it says:

THE REPUBLICAN PREDICAMENT.

May we be pardoned for suggesting that the Republican party seems at this moment to be in a highly interesting condition? May we add that, as is usual in such cases, it is the party's own fault? In the absence of objection—and we follow Big Tom Reed's methods in this respect—we declare both motions carried and a quorum present. The Republican party is in an interesting but very unpleasant situation, and the party has itself to blame.

Let us survey the field!

When Congress assembled last December, the President's message was, of course, the first number on the programme. In that message Mr. McKinley declared himself, unreservedly, for free trade with Puerto Rico. By way of supplement to this, the Secretary of War—one of the most eminent and gifted jurists in the country—urged the measure in even more elaborate terms. While the President appealed to "our plain duty," Secretary Root reminded us that "justice and good faith demand," etc. Only the most callous and indurated of Congresses could have resisted such clarion calls, and the Congress to which these illustrious gentlemen addressed themselves was, notoriously, a Congress of unusual sensibility.

No wonder, therefore, that the Ways and Means Committee of the House promptly reported a free-trade bill with reference to Puerto Rico and still less wonder that all the forces of altruism and humanity and beneyolence rallied as one man to praise and to commend the proposition. Right there, however, is where the trouble began and where the Republican party entered upon a course of stultification and moral acrobatics and intellectual hide and seek which has enshrined it permanently in the disrespectful amazement of the country.

Let us be businesslike!

Explanation first. The Republican Congress could not grant free trade to Puerto Rico without committing the party to the principle that "the Constitution follows the flag." (Note: No legislation with reference to Puerto Rico would affect the constitutional question, one way or another, pending a decision by the Supreme Court.)

Explanation second. A tariff on Puerto Rican products was necessary so as to create a fund which could be applied to the necessities of the people. (Note: A bill was passed appropriating $2,000,000 to relieve those necessities, thus giving the Puerto Ricans more relief than would have been afforded in one year by the proposed tariff.)

Explanation third. It was indispensable to uphold the principle of protection. Labor—organized labor—was supposed to demand such a policy. (Note: This principle had already been abandoned in the case of Hawaii, and no evidence could be presented to show that organized labor cared three straws about Puerto Rico.)

Explanation fourth. If we give free trade to Puerto Rico, we must also give it to the Philippines, and perhaps, later, to Cuba. This would establish a dangerous precedent. Moreover, the idea of giving Puerto Rico a representation in Congress was fraught with mischief and alarm. (Note: The precedent had been established in the matter of Hawaii, both as to free trade and representation in Congress. Mr. LODGE says so himself.)

Thus we find that in none of their squirmings and tergiversations have the Republican leaders a shadow of justification in fact. They are in the position of advocating a policy—nay! insisting upon it—which the President and the Secretary of War have with force and eloquence, if by indirection, denounced, and for which they can offer no rational excuse. And to complete the illustration of the party's sad predicament, we need only refer to the remarkable declaration of General GROSVENOR'S Ohio convention Tuesday—the Eleventh Congressional district—which for obscurity, noncommitalism, obfuscation, and general elasticity is without parallel since the days of good Jack Bunsby.

It may be that at some period in the past a great national party has found itself upon the threshold of a campaign in such a humiliating plight. But we do not at this moment recall the incident.

While we are quoting from the press of the Federal city, I will furnish some other choice specimens of what it thinks.

The chief daily papers are the Star, partisan Republican; the Times, partisan Democrat; the Post, Administrationist, but not always or chiefly partisan.

Read these from the Post, and first the following sermon on a text from the lips of the President:

WHAT THE FLAG MEANS.

"Our flag does not mean one thing here and another thing in Cuba or Puerto Rico."—*President McKinley to 20,000 Methodists at Ocean Grove on August 25, 1899.*

Our flag wherever it flies as an emblem of our sovereignty means constitutional government.

* * * * * * *

There are two kinds of government authorized by the Constitution and sanctioned by the Supreme Court. One rests on the authority of the President as Commander in Chief of the Army and Navy. In that way New Mexico and California were governed and well governed for years. In that way Puerto Rico has been governed since her people welcomed our invading army as deliverers from oppression. It would have been lawful for the President to continue to govern Puerto Rico for some years without invoking aid from the legislative department.

The President might have been able to discharge "our plain duty" toward the loyal people of that little island by giving them free trade with the United States. That would have been such an indication of the meaning of our flag as would have commended it to warmer affection for its starry folds than can be felt by wards of the nation subjected to an oppressive and impoverishing discrimination.

But although a circuitous route may be taken to bring to the Puerto Ricans a full realization of the meaning of our flag, they are sure to get it. Congress can not govern any island or any part of any continent outside of the Constitution. There is a power higher than Congresses or Presidents in determining what may or may not be done in the name of the Constitution. That power, following its own precedents, will decide that "our plain duty" must be discharged.

If Congress, in face of the thunderous protest of the people, attempts to impose a tariff tax on Puerto Rican products, the tribunal which interprets law to Congresses and Presidents will declare that our flag can not mean one thing here and another in that island. But it would be better for all concerned and immeasurably better for the Republican party to get back without needless delay to the text of the President's message; better to discharge "our plain duty" directly than to do it grudgingly under compulsion of a Supreme Court decision.

And if there are Senators and Representatives who doubt this, let them put their ears to the ground.

Read this pathetic appeal to "stand by the President:"

STAND BY THE PRESIDENT.

A Republican who is neither a statesman nor a philosopher, but merely one of "the plain people" of the great Northwest, asks the Post to oblige him by frankly stating whether or not there is truth in the reports that the President has changed his mind respecting "our plain duty" toward the inhabitants of Puerto Rico.

"Is it not," inquires our correspondent, "our best policy to assume, in the absence of any contrary statement by the President, that he stands just where he stood when he made that declaration and convinced the country that he was right?" Our correspondent asserts that it would be impossible for the Republican leaders in the Northwest, however arduously they might exert themselves in that direction, to carry the people with them in support of the pending tariff measure. "Standing with the President on his message to Congress," he says, "we can carry the Northwest in this year's campaign."

Having no doubt that this inquirer correctly represents the situation, knowing from the press of the Northwest that he utters the general thought of "the plain people," we feel that in addressing him we are speaking to the masses of that section. As to the reports respecting a change of mind, the Post has no hesitancy in saying that the best Republican policy is to ignore them altogether. What this or that Senator or Representative may have said as regards the President's opinion need have no weight against the latest public and official declaration of the President himself.

Let the Republican masses stand with the Republican press and the President on and by and for the promise made by General Miles: "Puerto Rico under the American flag will enjoy the same privileges and the same immunities as the citizens of the United States and Territories of the Union." Repudiation of that pledge should be impossible. "The plain people" of this nation are honest. Therefore they stand with the President and not with the House of Representatives.

The same mistake that was made by the Republicans of Fairfax County, Va., in their convention last Monday—the blunder of charging the President with having receded from his position—has been perpetrated in other quarters. For example, President Hyde, of Bowdoin College, one of the great institutions of learning of which New England is justly proud, a college among whose graduates have been Presidents, Chief Justices, Senators, governors, and men of fame in every honorable calling, has preferred to credit rumor rather than stick to the only official evidence in the case.

The Lewiston Journal, the leading Republican paper in Maine with which

the late Governor Dingley was so long identified, prints in its issue of the 19th instant a special telegram from Brunswick, dated the 18th, under a highly sensational display head, which reads as follows:

"President Hyde's talk in chapel this afternoon widely differed from his usual short Sunday afternoon sermons, and has caused much comment among the students.

"The Scripture lesson read was the story of Balaam, and the talk which followed had 'inconsistency' as its text, but consisted almost entirely of a criticism of Governor Roosevelt for his removal of Dr. Backus, and of President McKinley for his action regarding Puerto Rico.

"'Roosevelt,' said President Hyde, 'has had such a good previous record that this mistake of his may be forgotten, but McKinley has shown his fatal characteristic; is becoming distrusted by the people, and if not strongly intrenched in his party could not be reelected next November.'

"Continuing, he compared McKinley to Gladstone, saying, 'Gladstone changed his mind; McKinley has allowed his mind to be changed for him.'

"In concluding, President Hyde said: 'No man who so acts can command the respect and confidence of the American people. Remember the relapse of Roosevelt; remember the downfall of McKinley.'"

The Post's advice to Dr. Hyde and his friends, should they happen to ask for sober counsel, would be the same that has been given in this article to a Western correspondent. Stand with the President. He is not responsible for the House or the Senate. The world knows where he stood three and a half months ago. And he has not said a word to the people of the United States since that time indicative of a change of mind. If the Republican masses continue to stand for "our plain duty," Congress will not long hesitate to align itself with them.

No measure has ever passed both Houses of Congress against such opposition as the Puerto Rican tariff bill has evoked. No party is or ever will be strong enough to bear unharmed the strain of the passage of a measure thus opposed.

Later, when that seemed unavailing, this despairing appeal was made to the President to stand by himself. I still read from the Washington Post:

MR. M'KINLEY'S OPPORTUNITY.

So far as the country now knows—so far as the Post knows—so far as any authentic utterance warrants the humblest citizen in believing—the President still stands upon the declaration contained in his message, and advocates free trade for Puerto Rico. He made that declaration so deliberately, and based it upon such a solemn and persuasive array of facts, the whole country responded to his overture with fervor and sincerity. If he has changed his mind since then—if any of this agitation in Congress for a tariff against Puerto Rico has his encouragement and sanction—the American people do not know it, and have no reason to believe it.

That something has occurred; that some pressure has been brought to bear to launch Congress upon a course which, three months ago, it would not have dreamed of taking; must be evident to the most careless observer of public events. As a matter of fact, we see the President's closest and most enthusiastic supporters urging this tariff bill. We are aware—we could not ignore it if we would—that they are using every possible influence to obtain support for a measure which Mr. McKinley in his message denounced by implication as an injustice and a breach of faith.

The spectacle presented to the country is baffling and confusing and mysterious beyond measure. The masses wish to stand by Mr. McKinley, who has won their entire respect and confidence, and yet they are confronted by a situation which involves his notorious champions and spokesmen in an organized hostility to what they had supposed—on the strength of his own deliberate announcement—to be his personal desire and conviction.

What are Mr. McKinley's supporters, the loyal Republican masses of the nation, to infer? Are they to take his word as he proclaimed it last December, or are they to assume that Mr. LODGE and Mr. Smith, the Postmaster-General, are authorized to represent him as having changed his mind? It is perfectly evident that members of the House have voted for the tariff bill against their wishes and convictions. It is notorious that the House, if permitted to reconsider its former action, free from all compulsion and duress, would defeat the tariff by an overwhelming majority.

Everybody knows that Senate Republicans, having heard from home meanwhile, are strongly disposed and frankly anxious to bestow free trade on Puerto Rico. What, then, is the meaning of this extraordinary complication? How is it that the country can not understand the seeming incongruity, and why does not the President at once relieve his friends and satisfy the people by giving out, upon his own responsibility, a statement that will set all doubts at rest?

He enjoys the affection and the confidence of the country. If he has changed his mind about Puerto Rico and will give the reasons for that recantation, his fellow-citizens will still believe in his sincerity and cherish him in their affections. If he has amended his views; if, after demanding free trade for Puerto Rico, he now insists upon a tariff, he has only to make candid acknowledgment of the fact and thereby retain the respect and confidence of the country. He owes this to himself, to his supporters, and to the American people. He can lose nothing by paying the debt.

Afterwards the President thought to get out of the imbroglio by giving back with one hand what he proposed unlawfully to continue to take with the other. Then the Post thus exposes it all:

[Editorial, Washington Post, March 3, 1900.]

TINKERING WITH PUERTO RICO.

In response to a special recommendation by the President the House of Representatives yesterday passed a bill providing that all moneys collected as a result of the tariff on Puerto Rico products shall be applied to the development and improvement of the island.

Discussion was suppressed, and the measure put through practically without investigation. It sounds well. It bears the earmarks of a cheap but worthy altruism. We fancy that this noble outburst would figure powerfully in a sophomore address at a female seminary commencement, or make so crushing a peroration in a Washington High School debate as to wreathe Superintendent Powell's speaking features in honest ecstasy. The question, however, is whether it clarifies or still further muddles and obscures the situation.

Frankly, we think it does the latter thing. If the moneys collected from the tariff on Puerto Rican products are to be returned to the island; if the United States Government relinquishes all idea of profit; if our purpose be truly benevolent and humane, as we profess, why set up this complicated machinery, involving large clerical expense and a painful multiplication of official equipment? Why not consider the preferences of the Puerto Rican producers, and save money at both ends?

It is sufficiently evident that the representatives of industry in the island want free trade, and the opportunity of applying their resources in such fashion as their judgment may dictate. They are the people to consider. They can be trusted to know what is best for them. If we are legislating for the material interests of Puerto Rico, surely we should think first of the classes who represent those interests. Not to beat about the bush, we make bold to say, without further palaver, that the President's new attitude is more mysterious and distasteful than the situation it affects to modify.

It looks to us—and we believe it will so impress the American people—like an attempt to placate the overwhelming hostile criticism which, without reference to party or section, has buried the Puerto Rican tariff bill in popular contempt and reprobation. It will fail, however. It is a confession of blunder and injustice, and there is nothing in it to appease the wrath and sorrow of the country. There is a principle involved—a principle which the new arrangement violates as brutally as the other did—and the nation's conscience is as wounded and as scandalized as it was before.

What, we wonder, is behind all this? It is impossible to believe that the superficial aspect is other than a mask.

This was on March 3. But, alas! on March 13 this lover and well-wisher of the President could not restrain the following utterance:

WORSE AND WORSE FOR PUERTO RICO.

The last state of Puerto Rico is, in our opinion, worse than the first. It is now proposed, we understand, to give the island free trade with a string to it. All our products are to be taken in without a cent of duty. The natives may have our churns, sausages, mowing machines, baby carriages, washboards, missionaries, etc., and not pay so much as the fraction of a penny on any of them. So far it is the perfection of altruism—may we say benevolent suffocation? The only thing is that Puerto Rican products—the results of native enterprise and effort and the basis upon which the people's prosperity must be founded—the only thing is that these products are to be taxed when they reach our ports.

In other words, the United States is free to flood Puerto Rico with its merchandise, but Puerto Rico must pay on everything it sends to our markets. The situation reminds us of a deal once made between China and Great Britain, and of the reply made by the English representative when asked how the deal would operate. "Heads I win, tails you lose," said the Englishman—and so it was. We are a promising pupil of England, under present auspices, and England must look to her laurels as a spoliator if we ever get ourselves really educated.

Seriously, however, we feel moved to say that this new proposition is even more inexcusable than any yet advanced. We are to introduce our wares into Puerto Rico free of charge, and Puerto Rico is to be taxed on everything she produces and sends to us. Just how Congress can discuss this with a straight face we do not pretend to say. Even the Roman augurs contented themselves with winking at each other. They never gave the game away to the ribald multitude. In this case, however, the dullest intellect can grasp the meaning of the situation. It is as plain as daylight that the object is to enrich our producers and merchants while we industriously fleece the Puerto Ricans.

We went into the war against Spain sobbing with sorrow for the downtrodden victims of Spain's oppression. We girded up our pious loins and swore a great and righteous oath that we would uplift the groaning generation. How well do we recall the passionate orations which fired the pious heart and waked to fine frenzy the American zeal for noble works! To this day we thrill responsive to the hysterical appeals of the great and good men who made the halls of Congress ring with their denunciations of Spanish tyranny. And now we are told that our scheme of rescue and exaltation consists in free trade for the United States and taxation for Puerto Rico!

Verily, it seems to us that this is the very carnival of humbug and hypocrisy!

Then it leaves unheeding Executive and legislative for the nonce aside, and on March 19 reasons to the "plain people" in a manner almost sound enough to be Democratic:

"THE PLAIN PEOPLE" AND PUERTO RICO.

The Philadelphia Press is one of the quintet of Republican papers that support the Puerto Rican tariff bill. The Press, referring to the passage by the Senate, with amendments, of the Puerto Rico appropriation recommended by the President, says:

"There is no disposition anywhere to deal with the island of Puerto Rico except on the most generous principles. The return of these duties shows this, and the proposition to relieve the island of all but a very small fraction, 15 per cent, of the Dingley duties, and then hand that 15 per cent over to the island for the sole benefit of the Puerto Ricans, is another example of national generosity which some good people persist in misunderstanding, and some not so good misrepresent and distort for their own fell purposes. We do not believe they will succeed in deceiving the plain people or make them believe that it is dealing harshly with a people to collect a trifling duty on their goods and then hand the money collected back to them."

There are few of the "plain people" in this country so dull as to be deceived by the flimsy pretense that the collection of a tax from individual Puerto Ricans and then appropriating the proceeds for public works on that island is a fulfillment of our duty in the premises. It is substituting charity for such just action as would place the people beyond the need of humiliating assistance. It is a violation of our pledged faith, a direct breech of the promise held out to the Puerto Ricans when our Army landed on their shore. President Schurman, of the Philippines Commission, appears to be one of those "good people" who "persist in misunderstanding" this business, and therefore cooperate with "some not so good" in efforts to "deceive the plain people." He stands by and on the President's message calling for free trade with Puerto Rico. He says:

"We are bound to this course by solemn promises. The supreme and irresistible reason for removing all customs barriers between the United States and Puerto Rico is the promise made by General Miles, when first landing American forces on the island, that the Puerto Ricans should enjoy the same rights, privileges, and immunities as the people of the United States. On this understanding the Puerto Ricans accepted American sovereignty, not only without opposition, but with joyful trust and confidence. The present issue is simply this: Shall we repudiate or shall we fulfill the national engagements? Shall this great Republic break faith with the little island of Puerto Rico? Having secured the fruits of General Miles's promise, shall we now renounce the promise?"

Does the Press imagine that the "plain people" will fail to understand that? Is it not as clear as a ray of sunlight? And it goes to the country commended by the fact that the gentleman who wrote it possesses, in the most marked degree, the respect and confidence of the President.

President Schurman not only stands on the President's message, but on the annual report of Secretary Root, in which he said:

"The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States. We should treat the interests of this people as our

own. I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed."

Is there any difficulty about "the plain people" comprehending that? And will they misunderstand ex-President Harrison's declaration that he regards the Puerto Rican tariff bill "as a most serious departure from right principles?" Senator Davis, of Minnesota, has some influence with "the plain people." We suspect the Philadelphia Press has a very high opinion of his judgment. Did the Press follow him when he said to the Senate the other day, "What is the reason that this tariff rate, anomalous, unheard of, unprecedented, and temporary, should be applied to Puerto Rico while the other day a bill was passed in the other House appropriating $2,000,000 for Puerto Rico from the Treasury?"

There is an ex-Senator from Vermont now residing in Philadelphia, for whose opinion on a constitutional question his countryman, "plain" and otherwise, have as much respect as for that of any other living man. We refer to George F. Edmunds, and cite his declaration that "the Puerto Rican tariff bill is clearly unconstitutional and violates all our agreements with and pledges to the Puerto Ricans."

"The plain people" are with the President and his Secretary of War, with General Miles and President Schurman, with ex-President Harrison and George F. Edmunds, with the almost unanimous press of the United States. And it is a case in which conscience plays so large a part that judgment refuses to be warped by selfish representations of political expediency.

Remember Professor Schurman is the President's own appointee as chief of the commissioners to the Philippines.

On March 18 the Post, commenting on an appeal made by the Chicago Times-Herald to Republicans in both Houses not to "defy the will of the people" in this Puerto Rican matter, in part says:

There is a clear and very significant recognition of the peril which now confronts the Republican party. The great Republican States of the Northwest are intensely in earnest in their demand for fair dealing with the Puerto Ricans.

In Indiana, Illinois, and Minnesota this demand is so imperative, expresses a sentiment so deep and all-pervading, that a defiance of it by Congress would, in the opinion of the most competent local judges, render even the most strongly Republican of those three Commonwealths extremely doubtful fighting ground in the Presidential campaign. The Times-Herald's warning might be treated as the result of overanxiety if that paper stood alone, but standing with all the Republican and independent papers of that section, and with nearly all the influential papers in the entire Union, and known to be a warm friend of the President, its admonition should have serious weight with those who have in a special manner the fortunes of the Republican party in their keeping.

The Chicago Inter Ocean is a thick and thin, uncompromising Republican paper. It is in close touch with stalwart Republicanism throughout the Northwest. Referring to the report that Senator HANNA is telling United States Senators that free trade with Puerto Rico will injure the Republican party with the working people of the United States, the Inter Ocean says:

"If Mr. HANNA and his associate Senators wish to know what is really injuring the Republican party, not only with working people of the United States but with all the rest of the people, at the present moment, we can tell them.

"It is the proposal on the part of Republicans in Washington to repudiate this nation's pledges to Puerto Rico. It is their efforts to violate the faith pledged by the President of the United States and his representatives to the island."

It would be easy to fill columns, pages, or volumes with extracts similar to that from newspapers that are friendly to the Administration and desire the success of the Republican party. They stand and they demand that Congress stand with the President as to "our plain duty." Those newspapers have an ear to the ground and a finger on the public's pulse.

Meantime, on March 1, it had passed through the stage of upbraiding the House, "moved," as it says, "by an influence mysterious and inexplicable," for not "following the President." Poor House! How anxious a majority of its Republican majority had been to "follow" him, if only it could ascertain "whither he was drifting." Listen:

[Editorial of Washington Post, Thursday, March 1, 1900.]

THE HOUSE AND PUERTO RICO.

The House has repudiated—rejected by a vote representing almost the full Republican strength of that body—the President's solemn and righteous injunction regarding Puerto Rico.

"Our plain duty," said Mr. McKinley, in his message to Congress, "is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets." How has the House responded to this earnest recommendation? By passing a bill that, if concurred in by the Senate, will impose a tariff tax of $1,200,000 to $1,000,000 upon the struggling, poverty-stricken people of the little island.

What a spectacle is thus presented to the country! A Republican House overrules the solemn and just decree of a Republican President! The country has no knowledge of any changed conditions since the President's message was written. It knows of no change of policy or sentiment on the part of the Executive. Our duty is as plain, as pressing to-day as it was in December last. There was a ring of genuine, generous Americanism in the President's utterance. It was the recommendation of a Christian, a patriot, and a statesman. Yet the House of Representatives, moved by an influence mysterious and inexplicable, proclaims to the nation that Mr. McKinley was wrong; that we really do not owe such a duty to Puerto Rico as he so clearly and earnestly indicated.

Verily this is a spectacle not only for the country but for the world. What of our boasted mission to redeem and Christianize? What of our lofty pretensions of a year or so ago? Are we giving evidence of good faith by imposing a tariff upon our own wards more burdensome than that provided in the pending reciprocity treaties for the benefit of the British tradesmen of Jamaica and Trinidad?

The proposition is wicked upon its face, and the great mass of honest American people will continue to look at it askance in spite of all the oratory from the stump which Republican speakers can put forth.

As showing how the "plain people" of the United States, not being, like the House, "moved by an influence mysterious and inexplicable," regarded your high-handed, unjust, and unconstitutional, colonialistic, and imperialistic departure from all historic American precedent, read these specials to the Post from Indianapolis, Ind., and Portland, Me.

What receptions the people gave CRUMPACKER and LITTLEFIELD for defying your party lash!

BLUNDER WILL COST VOTES—INDIANA REPUBLICANS BITTERLY DENOUNCE ACTION ON PUERTO RICO—JUDGE CRUMPACKER'S COURAGEOUS STAND IS UNIVERSALLY INDORSED, AND IT MAY MAKE HIM GOVERNOR.

[Special to the Post.]

INDIANAPOLIS, IND., *March 1.*

The action of the House of Representatives in passing the bill imposing a tariff tax upon the products of Puerto Rico—contrary to the recommendation in the President's message—is denounced by the Republican press of the State without exception. The Journal, News, and Press of this city have assailed the measure vigorously.

Representative LANDIS is being sharply criticised for his assertion in an interview that the people of the State were not interested in the bill. The papers say that he is out of touch with his constituents on this subject, and does not understand the feeling in the State.

Judge CRUMPACKER, the only Indiana Representative who voted against the bill, is receiving universal praise and commendation for his courageous stand. The change of front by Representative WATSON at the last moment was a sore disappointment to his friends, who had enthusiastically applauded his announced determination to vote against the bill.

The Puerto Rican issue is likely to figure to some extent in the pending gubernatorial campaign. Judge CRUMPACKER'S availability for the nomination is now being favorably discussed, and in case of a deadlock in the convention, there is more than a probability of CRUMPACKER being selected as a compromise candidate. His vote against the Puerto Rican bill has made him a popular factor in State politics.

The Republican leaders unhesitatingly denounce, in interviews, the action of the Hoosier delegation. Ex-President Harrison privately remarked two days ago that the measure was very unwise, and his opinion has been generally circulated. To-day, when approached, he said:

"I do not feel that I care to say anything offhand in a newspaper interview on a matter of such grave importance. I may prepare a careful article for some magazine on the subject, but I have not made up my mind yet."

Sergeant-at-Arms Dan Ransdell, of the Senate, came in this morning and dropped in the Columbia Club, where his ears were set buzzing with the bitter denunciation of the Administration's course. At the Marion Club there was the same high feeling. Postmaster Hous said the act was one of political suicide. He pronounced the Congressional action as outrageous. Ex-Attorney-General Ketcham, Federal Judge Baker, Ex-Supreme Justice B. K. Elliott, and many other prominent Republicans, in interviews, showed how unwise was the action of the Congressmen.

State Chairman Hernley set out for Washington this afternoon to protest against further progress of the bill. He was reticent as to his mission. Governor Mount wrote Senator FAIRBANKS a letter a few days ago, pointing out the grave political danger in passing the bill. Almost every business man and politician interviewed condemns the matter in the strongest terms.

At the Republican clubs there is much talk of Roosevelt for President, and frequent comments are made that an anti-McKinley delegation will be sent to the Philadelphia convention.

REPRESENTATIVE LITTLEFIELD INDORSED.

PORTLAND, ME., *March 1, 1900.*

The Portland Board of Trade to-day emphatically indorsed the views expressed by Congressman Littlefield against the Puerto Rican bill, and praised him for his "courageous stand" in the matter.

In this connection keep in mind that the most partisan and hidebound Republicans in all the land, outside of East Tennessee and the mountains of Kentucky, are the Republicans of Indiana.

Why, even ex-President Harrison, in an authenticated interview, said on Saturday, March 3: "Yes; I regard the bill as a serious departure from right principles."

So far have things gone in Indiana Republicandom.

But perhaps you would rather hear the voice of a "dyed-in-the-wool" Republican paper?

This is from the Washington Star of March 11.

NO REASON FOR A TARIFF.

There is no longer an emergency money question connected with the Puerto Rican tariff matter. The House, upon the President's recommendation, passed a bill returning past revenue duties collected from the island, and the Senate yesterday, with an important amendment, indorsed the measure. The amount thus made available for public purposes in Puerto Rico is a trifle over $2,000,000—a sum almost equal to what the emergency tariff bill would produce during the two years to which it is limited.

The question then recurs, to adopt parliamentary lingo, on the reasons for erecting a tariff wall around Puerto Rico. Ready money for the island has been provided. It is not necessary to levy a tariff tax in order to settle the question about whether Congress may do this thing or that thing as to a new possession. The Philippines are not involved. Congress will have as free a hand when the Philippines are reached as it now has. Why, then, this tariff proposition, and why, especially, should it be insisted on in the face of an overwhelming public sentiment against it?

It is useless to beat about the bush. The Republican party is in power, and is responsible for legislation. In the matter of these new possessions it is making very important history, and it is within eight months of having to answer to the people at the polls for the deeds done in the body. The question of imperialism as it now stands is comparatively harmless. The country is not overrun with soldiers, nor is there any Man on Horseback on the horizon. Expansion is an accomplished fact, and the people not only accept the situation but recognize the importance of the new condition in all calculations about the future. They want the new possessions held and want their affairs well administered.

But what will the people say if the Republicans start in by legislating against the new possessions? What will they say if the first measure of importance applying to them is shaped by a few protected industries in the United States? The Man on Horseback does not exist. But how about the Man on a Sugar Barrel? How about the Wooden Indian? Does the Republican party purpose making this campaign with those two imposing figures in the foreground? Can it hope to conquer in the sign of sugar and tobacco?

The two editorials from the Star of March 21 are edifying reading for all:

TINKERING NOT IN ORDER.

The latest compromise suggested as to Puerto Rico is that the tariff shall cease whenever the civil government shall certify to the President that the

duties so collected are no longer necessary for the support of the island. What would this be but to transfer to Puerto Rico the unseemly scheming which we are now witnessing here on this very subject?

Once establish the tariff by act of Congress, and the sugar and tobacco growing interests of the United States will exert themselves to the utmost to prevent the repeal of the law. All the persuasive influences of a powerful lobby will be brought to bear in Puerto Rico against any certification of the conditions suggested. And the civil government of Puerto Rico, it may safely be assumed, will never be superior to the everyday human nature of which it will be composed. Besides, if sugar and tobacco carry the day here, why should they not be strong enough to carry the day in Puerto Rico?

If the Puerto Ricans are worthy to decide this question, why not let them decide it now? They are anxious to do so. The whole case is made up. Their immediate necessities are to be relieved by the bill returning to them two million and odd dollars of revenue duties they have already paid to the United States, and there is only to be considered now the proper plan for raising revenue for the future. The great majority of the people of the United States are opposed to a tariff for this purpose, and all the people of Puerto Rico are. Free trade between the island and the United States is the generally expressed desire.

Why should it not be established? Why not start the first civil government off in sympathy with the prevailing sentiment there and here on this subject, rather than hampered with a tariff bill which it will want to get rid of at as early a day as possible, but which will be supported by all the corrupting agencies known to up-to-date lobbying?

The supporters of this tariff measure are engaged now not in considering the question on its merits, but in devising a trick to help them escape from a hot corner. They are trying to save themselves at the expense of their party and the country. They can not hope to succeed, for the only serious threat against Republican success in November is embraced in this bill, and if their party goes down they, of course, will go down with it.

PUERTO RICO'S PLEA.

The interview with Delegate Larrinaga, of Puerto Rico, which appears in the news columns to-day, puts the case of the island upon a basis of easy understanding. The islanders want civil government and a market. They hope for free trade, not because they believe the Constitution applies to them of its own force, but because they believe that the United States will act equitably toward them and grant them this inspiration to feel in touch with the Republic. Their present condition is deplorable and demands immediate relief. Charity and emergency measures will not reach the vital issue or encourage capital or restore activity to the plantations and prosperity to the island. Permanence is required, fixed laws and forms of government, definite tariff rates, if any at all, and a prospect of assured employment for the people.

This is a reasonable proposition, and should strengthen the case of the island in the Senate. It will not do for the tariff faction to declare that Puerto Rico's willingness to sacrifice principle for a market to enable it to live justifies the inequity of a tariff imposition. Free trade is required by every consideration of fairness, of precaution, of shrewd political management. The Republican party, by heeding the voice of the American people to-day and passing a free-trade bill, will not only enshrine itself in the respect and love of the Puerto Ricans, but it will immeasurably strengthen its position at home.

The pleas uttered by representative Puerto Ricans such as this delegate are piteous in their emphasis. Mr. Larrinaga declares that if they were not a Christian people the Puerto Ricans would welcome extermination in preference to the slow death of trade depression and insecurity under military government certain to ensue. This little island, he says, was self-supporting and affluent before the American occupation, and with the least degree of considerate legislation it could once again become prosperous, with plenty of money for current expenses and for needed improvements. Will the Senate crush this gem as a worthless thing, or cherish it as of value and beauty?

On the subject of the "moving influence," "mysterious and inexplicable." Hear this from the Star, of March 7:

MR. OXNARD'S WORK—PUERTO RICAN TARIFF BILL HIS INSPIRATION—INFLUENCE BEHIND THE MEASURE—SUGAR TRUST AND TOBACCO PEOPLE BROUGHT PRESSURE—ARE WILLING TO TRADE.

The amendments proposed to the Puerto Rican tariff bill by Senators DAVIS and NELSON, of Minnesota, to extend the customs laws to that island have been instantly met with a proposition to trade. The supporters of the bill are ready to accept a provision that breadstuffs—in which Minnesota is particularly interested—may be admitted free. It is understood also that if the meat-product interests are determined in opposition to the bill as it now stands, an amendment excepting meat products from the tax will be accepted. There is a disposition to trade anything necessary to render the passage of the bill perfectly safe and to quiet the resentment of a considerable commercial element, so long as the sugar trust and tobacco interests are cared for.

INFLUENCE BEHIND THIS BILL.

The influences behind this bill, which neither the Republican leaders in Congress nor the President are able to resist, though the President, in yielding and in urging others to yield, still insists that the bill is not a good one, though he accepts it, are those which Mr. OXNARD can command. Mr. OXNARD is the great original anti-expansionist, a commercial anti-expansionist, yet men in Congress who profess to want the American flag carried to the ends of the earth yield to his demands. Mr. OXNARD began his fight against the growth of this country by opposing the annexation of Hawaii.

One of the most determined fights ever put up in Congress was that made by him against the raising of the American flag over Hawaii, and his method of attack was similar to the method employed by him now to have a tariff collected upon Puerto Rican sugar and tobacco. He had letters written to men in Congress by alleged farmer sugar-beet producers from various parts of the country, protesting against the annexation of Hawaii, and insisted that it was the poor farmer, not the innocent sugar trust, that wanted protection. Exactly the same thing was done in this case. Members of the Ways and Means Committee attempt to justify their support of the Puerto Rican tariff, as the opponents of the Hawaiian annexation attempted to justify their position, by asserting that they were receiving petitions from "the farmers" against interference with the beet-sugar industry.

SUGAR-TRUST INFLUENCES.

It is asserted on behalf of Secretary ROOT that, while he wrote the Puerto Rican bill, he did so merely in response to a request, and without approving of the proposition.

The facts of the case appear to be that influences, chiefly of the sugar trust and tobacco people, were brought to bear upon the President and Congress at about the same time, and that the President and the Republican members of the Ways and Means Committee consulted together as to what was best to do in the matter some time—ten days, it is said—before the public had been informed that there was any plan to overthrow the President's recommendations for free trade with Puerto Rico. The President insisted that his position was right, but yielded to the pressure brought to bear in favor of the abandonment of his position.

MR. OXNARD'S WORK.

Before this Mr. Oxnard, it is said, had held a conference with members of the Protective Tariff League in New York, and there had inspired the movement which resulted in the present bill. It is said also that he had prepared substantially the bill afterwards reported from the Ways and Means Committee, and that this bill was in the hands of Mr. RUSSELL, of Connecticut, who disputes with Mr. ROOT the authorship of the present bill, it being based on the one he presented. As a matter of fact, the Russell bill appears to have been the basis of the bill prepared by Mr. ROOT, who undertook merely to put it in better shape without giving it his approval.

It appears that, without being too exact as to mere phraseology, Mr. Oxnard is really entitled to the credit of the authorship of the bill, it being done by his inspiration, if not by his hand.

But perhaps you would like something more specific, something showing the consideration to be paid by this "moving influence," "mysterious and inexplicable." Anticipating your desire, the Star on March 23 published what follows:

A MATTER OF MONEY—CAMPAIGN CONTRIBUTION IN RETURN FOR PUERTO RICAN TARIFF—SERIOUS STATEMENT OF A REPUBLICAN—DESPERATE EFFORTS WILL BE MADE TO PASS THE BILL—PEACE COMMITTEE TO CONFER.

"The action of the Iowa legislature can not affect the situation in Congress. The deal has been made. It is a matter of money for the campaign, and the tariff measure will be carried through."

This statement was made by a Republican member of the House who supported the bill in the House by his vote.

"You may as well set it down that the deal will be carried out," he added. "The carrying out of the recommendation of the President for free trade with Puerto Rico would have deprived the party of a very considerable contribution. The adoption of the reverse policy insures a very large contribution.

"The possible unpopularity of the Puerto Rican tariff was balanced against the certainty of money to use in the campaign, and the decision was in favor of the campaign contribution. It was not expected that the storm of protest would be as strong as it is, but it is now too late for a change."

The Star never told a lie on a Republican yet, and, so far as I know, never published a false or unauthentic interview with anybody of any political faith. The Post bears witness to the character and standing of its rival and contemporary in an editorial dated March 24, as follows:

CAN SUCH THINGS BE?

We reproduce from the Washington Evening Star of yesterday an utterance so remarkable, not to say astounding, as to call for the most careful and vigilant inspection:

"'The action of the Iowa legislature can not affect the situation in Congress. The deal has been made; it is a matter of money for the campaign, and the tariff measure will be carried through.'

"This statement was made by a Republican member of the House who supported the bill in the House by his vote.

"'You may as well set it down that the deal will be carried out,' he added. 'The carrying out of the recommendation of the President for free trade with Puerto Rico would have deprived the party of a very considerable contribution; the adoption of the reverse policy insures a very large contribution.

"'The possible unpopularity of the Puerto Rican tariff was balanced against the certainty of money to use in the campaign, and the decision was in favor of the campaign contribution. It was not expected that the storm of protest would be as strong as it is, but it is now too late for a change.'"

It is quite unnecessary to say to our local readers that the Evening Star is not a yellow journal, or a sensation monger, or an irresponsible purveyor of scandal and excitement. If the Star declares—as it does in this instance—that a member of Congress has made the statement above quoted, it is perfectly safe to assume that it speaks the truth.

The Star has everything to lose and nothing to gain by disseminating falsehood—and we may add, upon our own motion, that the Star does not bear the reputation of reckless or unsupported statement. We feel that we are warranted, therefore, in assuming that our esteemed contemporary speaks with knowledge and conviction when it quotes—if anonymously—a member of the House as declaring that the Puerto Rico tariff bill has been inspired by the detestable and base purposes of a campaign fund. To say that is to say that the Republican party is using the Administration and the Congress as the foodpad exploits the defenseless wayfarer—for mere plunder in the form of cash!

We have frequently wondered, and as frequently asked, what there is behind all this astonishing determination in Congress to afflict Puerto Rico with a tariff. Unable to understand it ourselves, we have appealed to the country at large for enlightenment—for even a suggestion. Every consideration of honor and good faith and justice demands that we should treat Puerto Rico as the President eloquently indicated in his message last December. Almost without exception, the press—especially the Republican and the independent press—has supported this demand.

And now comes the Evening Star, as if to answer the almost passionate anxiety of the country, explaining in deliberate terms that the tariff against Puerto Rico has been devised, not for any purpose of statesmanship, not even in mistaken loyalty to national honor, not even to establish a precedent in the public interest, but simply and solely to placate certain corporations which will contribute handsomely to a party campaign treasury!

If this be the case; if Puerto Rico is to be sacrificed to the sordid uses of a political contest; if these innocent and trustful people, who welcomed us with open arms and confided their destinies to our honor and generosity, are to be immolated on the altar of a detestable and mean party emergency; if it be true that the Republican Congress, backed by the Republican Administration, deliberately intend to trade upon the misery and the helplessness of a people who have thrown themselves upon our mercy, then we say—and we believe—that the country will make haste to denounce and to condemn and to rebuke an infamy so monstrous and so indefensible.

This is our first experiment in proconsular government. Rome had some experiences ages ago. Are we to expect the same results, legislation founded on intrigue and produced by corruption? If we begin thus with little Puerto Rico, so near our doors and whose people possess our sympathies, what are we to expect when you come to deal legislatively with the domestic affairs of the Philippines, a thousand in number, at our antipodes and whose people have incurred hatred of so large a proportion of our own? All shades of newspaper opinion at the city of Washington

blend into one color of opposition on this question. Hear without comment the following utterance from the Washington Times, Democratic:

THE PUERTO RICAN CRIME.

As far as the House of Representatives is concerned, the crime against our suffering fellow-Americans in Puerto Rico, and against the Constitution of the United States, is complete. The Republican party and its Administration have crossed the Rubicon. They have at last thrown off all pretense of respect for the fundamental law of the country or of the rights of its inhabitants sacredly guaranteed by that law. They have registered the declaration that henceforward they will own no allegiance to the Constitution, oaths of office to the contrary notwithstanding, and will do no act of legislation that is not in the interests of and dictated by the oligarchy of the trusts and monopolies they so humbly and criminally serve.

* * * * * * *

In view of the facts of the case, it would be folly for Democratic Senators to offer any serious or prolonged resistance to the Payne iniquity. The sooner it is placed on the statute books the sooner it will be wiped out by the Supreme Court. It is a dastardly outrage on the Puerto Ricans, who so gladly threw off the yoke of Spanish sovereignty and accepted ours, under the promise of our Government that they should enjoy the blessings and privileges of American institutions.

But they must bear their burden with what patience they may, knowing that the honest people of the country, which is equally theirs and ours, will punish their oppressers in November; and knowing also that there is a power in the United States which an Administration and a majority in Congress, owned, controlled, and operated by the trusts and monopolies, can not long defy, however great may be their combined ability to do mischief and commit public crime for the time being. That power is the Constitution, which will speak by the voice of its prophet, the Supreme Court—a tribunal which never yet has tolerated the impudent assumption that any territory under the flag and sovereignty of the nation can be considered or treated as foreign, or denied any basic right enjoyed by citizens of the component States of the Union.

Were it not for the cruel suffering which this infamy will impose upon nearly a million loyal Americans, we could regard the political situation created by the course of the trusts and their executive and legislative agencies not only with equanimity, but with positive delight. The defense of American justice and the Constitution against the designs and assaults of a robber enemy is an issue upon which a united Democracy can sweep the country. In this connection there is great encouragement in the record of yesterday's vote.

Out of all the Democratic members of the House only four could be found sufficiently open to trust influence to violate the principles of their party in the matter of monopolies oppressive of the people and their duty to support the Constitution. This is brilliant evidence that the vast majority of Democrats are still true to the faith of the fathers, notwithstanding the unfortunate differences that have kept the party disunited for years and given the organization of the oligarchy an enormous advantage on the political battlefield.

[Washington Times, March 8.]

THE REPUBLICAN SPECTACLE.

Mr. McKinley's position in regard to the attempt to loot the Puerto Ricans for the benefit of the oil, sugar, tobacco, and rum trusts is not any more pleasant or edifying to contemplate than it is comfortable for him. In spite of inspired denials, it is evident that before the interested magnates made their now historical descent upon him and compelled him to deny his words, his conscience, and his oath to defend the Constitution, no man in the country was more thoroughly convinced than he that "duty and good faith," as well as the fundamental law of the land, demanded that the illegal exactions of Dingleyism should not be imposed upon the commerce of Puerto Rico.

It is true that, wishing to evade the constitutional consideration involved, he made his recommendation to Congress without referring to the sacred right which the island possessed, under American sovereignty, to the relief he proposed. Secretary Root was at one with the President, and even more strenuously urged that free trade should be accorded with as few words as possible.

Both of these trained and ruseful politicians realized that the little trade with Puerto Rico could not hurt the trusts. By permitting it they believed that the constitutional status of our separated Territories might be avoided until after the Presidential election, and that the Administration would be able to achieve popularity through a policy of apparent equity and generosity toward a suffering American community. The White House attitude was completely illustrated in the Payne letter of January 24, in which the chairman of the Ways and Means Committee delared that Puerto Rico was entitled to free trade, because that right had been recognized in the case of "every other State and Territory, and of Alaska, not organized into a Territory."

Under what promises or threats Mr. McKinley was induced to change his mind it is not for us to say. What is important in the present connection is that, having changed it, he felt compelled to convert all the Republicans in Congress possessed of consciences who had followed him originally to his new way of thinking or, at least, acting. It is notorious that it took many White House conferences with Representatives inclined to be honest to so deprave them that they would consent to save the Payne infamy from defeat; but success finally crowned the effort, and a great many Republican members are now sorry that it succeeded. From end to end of the country the people are denouncing this Administration surrender to the trusts, and Representatives by the dozen who supported the infamous measure are booked for defeat in the November elections.

To cap the climax Mr. McKinley, the Jove without the assistance of whose thunderbolts HENDERSON, PAYNE, DALZELL, and CANNON would have been helpless to jam the bill through the House, is now, with characteristic unctuousness, attempting to shift all the blame on the legislators who obeyed him and voted for it under duress. He causes it to be advertised that he is still, as he always was, in favor of free trade for Puerto Rico, and that he only surrendered his convictions on the overwhelming demand of his party in Congress. A similar explanation is made in behalf of Secretary Root, who drew the Payne bill, but "only because the act was forced upon him." By whom? It was not PAYNE or his followers in the House. It must have been the missionaries whose arguments were so powerful with Mr. McKinley.

It happens that the unfortunates who were coerced by the White House into support of a measure which their souls and—what is more to the point—their knowledge of political consequences, abhorred, are riotously minded toward the amiable chief who is attempting to make them carry the bag, while he poses as the pure person who always contemned the crime. They say that they will not stand it; that the Administration shall not use them for a nefarious purpose and then run away and hide behind a hedge of consistent virtue, while they have to face political ostracism and death because they have been persuaded to obey their party rather than their consciences. Verily, in dealing for a valuable consideration, with the mammon of unrighteousness, Mr. McKinley has not added a cubit to his stature, and assuredly he has made soreheads among the House Republicans to an extent that will be visible in the future.

The subterfuge resorted to, in order to allay the indignation which is boiling over throughout the country, is only another evidence of Administration panic and paresis. That the free-trade Northwest may be reconciled, and the threatened punishment of Congressmen from that section and the Middle West be averted, the Administration influence now proposes such alleviations as are included in the amendment to the Payne bill offered by Senator MCCUMBER of North Dakota, which provides for free trade in all cereal and meat products.

Ultimately the willingness to trade will lead to an offer of a tariff surrender on every commodity enumerated in the Dingley law except those controlled by the trusts. That may help to appease party anger in Congress, but it will only increase the luridness of the spectacle which the Administration is presenting to the country. It will only emphasize the picture already hung on the walls of history. The Administration is ready to violate the dictates of humanity and to defy the Constitution that trust profits may be protected; but protection in other directions it will cheerfully surrender Only oil, sugar, tobacco, and rum are sacred.

Washington Times, March 18, says:

A MOST SIGNIFICANT VOTE.

What would the great men who evolved the Constitution of the United States have thought if they had been in the Senate Chamber on Friday. On that day, with hardly more care or ceremony than would have been devoted to the confirmation of a postmaster, a proposition going to the very root of American rights under the Constitution was dismissed perfunctorily by a vote of 36 to 17, 34 Senators not voting. Of the majority all but 1 were Republicans. Of the minority all were Democrats but 3.

The vote was taken on an amendment to the Puerto Rican revenue bill offered by Senator ALLEN, as follows:

"*Provided*, That the Constitution was, by force of the treaty concluded between the United States of America and the Kingdom of Spain at the city of Paris, France, April 11, 1899, extended over the island of Puerto Rico and its inhabitants."

Mr. ALLISON moved to lay the amendment on the table, and the motion prevailed:

YEAS—36.

Allison,	Foraker,	Lodge,	Ross,
Baker,	Foster,	McBride,	Sewell,
Bard,	Gallinger,	McComas,	Shoup,
Beveridge,	Gear,	McCumber,	Simon,
Carter,	Hale,	McMillan,	Spooner,
Davis,	Hanna,	Penrose,	Thurston,
Deboe,	Hawley,	Perkins,	Warren,
Elkins,	Kean,	Pritchard,	Wellington,
Fairbanks,	Lindsay,	Quarles,	Wetmore.

NAYS—17.

Allen,	Chilton,	Harris.	Tillman,
Bacon,	Clark, Mont.	Kenney,	Turley.
Bate,	Clay,	McLaurin,	
Berry,	Cockrell,	Morgan,	
Butler,	Culberson,	Rawlins,	

What are we to understand by this? In the golden days when the Senate was, and was recognized as, the most dignified and able deliberative body in the world; in the days, in fact, when its great figures were Webster, Clay, Calhoun, Cass, Benton, and such men, compared with the Hannas, Beveridges, Wellingtons, Pettigrews, Kyles, and Hales of to-day, such a basic definition of constitutional power and vigor, if there had been any doubt about its truth or applicability, would have been debated for days and weeks. But here we have the statement of a self-evident truth—self-evident because it has been held and applied in the case of the Louisiana purchase, the Mexican cession, and the Alaska purchase—calmly voted down.

It is an astounding thing for the country to contemplate. Only a few weeks ago the President was urging that justice and good faith demanded that the tariff barriers between an American island and the American mainland should be torn down. His Secretary of War pleaded with Congress to the same end. The Governor-General of Puerto Rico represented that nothing less would prevent the present famine in the island from becoming universal. And Mr. McKinley's own special commissioner declared in his formal report that nothing could avert general destruction of Puerto Rican life and property but the unrestricted domestic free trade to which, as all constitutional lawyers know and all honest Americans believe, Puerto Rico is entitled under the Constitution.

It is our duty and privilege to congratulate the Democratic minority in the Senate upon its course in voting solidly for the Allen amendment, supporting the principle, and the sacred principle, that the Constitution follows the flag. But a single Democrat—Mr. LINDSAY, of Kentucky—sided with the majority on the occasion under review; and his adherence to the faith of the fathers has been too variable and uncertain in the past to make his new stand in favor of the views advanced by the proprietors of the Republican Administration either surprising or worthy of present consideration.

The question that the Senate has so flippantly passed by is one which the American people hold to be more important than any now before the country. They can no longer appeal to Congress, it seems. They must await the final action of the Supreme Court.

On March 24, the Washington Times, referring to the unanimous resolutions of the Iowa legislature condemning the action of their Representatives in this House and the bill of interterritorial tariff for which they voted, said:

The more the Administration forces in Congress pondered over this unanimous declaration by the Iowa house of representatives yesterday the more uncomfortable and desperate they felt. They might defy the comments of their own party organs in Chicago and refuse to believe the evidence of their senses concerning the tidal wave of denunciation flowing toward them from the whole Mississippi Valley, but they could not ignore a monumental and official fact like the Iowa resolution.

There is every evidence that the blow was as staggering as it was unexpected. It was a remarkable commentary upon Senator FORAKER's prediction of ten days ago, that the storm would blow over and the country would forget all about the iniquity in a short time. On the contrary, each succeeding day has only added to the popular excitement and indignation. At last the Administration has overloaded that patient ass, the American people. It has submitted to everything from Eaganism, Algerism, and Sampsonism down to the deal between Gage and the Standard Oil bank, with scarcely an audible murmur. But violation of a solemn pledge to Puerto Rico and deliberate inhumanity toward the people of that national territory, in defiance of the Constitution of the United States and at the demand of the trusts, is the last straw.

Mr. McKinley and his principal advisers and the Republican Senators and Representatives are all amply convinced that the country is thoroughly aroused against them, and that if they carry out their purpose to make the treatment of Puerto Rico as foreign territory a party issue, and on that ground drive the Payne-Foraker bill through the Senate, they will incur a terrible risk of defeat in the impending campaign. But long immunity from the wrath of man and of God has rendered them callous, and in addition they are desperate.

Prominent men, close to the Administration, declare with open cynicism that the Payne-Foraker bill is a deal with the trusts for a heavy campaign contribution which can be secured in no other way. The outburst of national protest and anger is much greater than had been expected. Nevertheless, as between public opinion and the cash promised by the trusts, the Administration will consider the latter and force Congress to persist in the unconstitutional and criminal oppression of Puerto Rico.

The natural presumption is that in adopting this course the Administration feels itself strong enough to defy the consciences of the American people and the principles held sacred by them. The experience of 1896 seems to have impressed the Republican leaders with the conviction that the people are a negligible quantity compared with the possession of a huge corruption fund. But can they be right in entertaining such a theory?

No doubt there are as many purchasable votes this year as there were four years ago, and quite as many politicians of the baser sort ready to stuff ballot boxes and pervert returns. On the other hand, there are vastly more voters who know the Republican party for what it is than were thus illuminated in the former campaign. It has pretty well thrown off the mask of hypocrisy by this time, and is hardly ashamed to acknowledge itself the servile creature of the trusts and monopolies it most notoriously is.

Therefore it is barely possible that the impudent position assumed by the Administration and its following, after the bursting of the Iowa bombshell, is neither as good nor as safe politics as the trust-Republican combination may imagine. But any doubt on the subject is liable to be dispelled on the 6th of November next.

Washington is the political metropolis of the country. Let us hear from the great commercial centers, and first from that marvelous American growth—Chicago:

[Special dispatch to The North American.]

REPUBLICAN EDITORS VOICE THEIR OPINIONS.

CHICAGO, *March 5.*

The Times-Herald, which is edited by Mr. H. H. Kohlsaat, the representative supporter of the McKinley Administration in the West, will say editorially to-morrow morning:

"Senator DAVIS, of Minnesota, has raised the true standard of American obligations to Puerto Rico, around which all Republicans can rally for the salvation of the party from the amazing blunder of the 15 per cent House compromise with our duty. Mr. DAVIS's free-trade amendment to the Senate bill comes not a day too soon nor goes a step too far to save his party from the direful consequences of that unaccountable aberration from the straight path of national justice and honor.

"From every section of the Union Republicans have called upon their Republican Representatives to undo the great wrong contained in the tariff provision of the Puerto Rico bill.

"We in the great West know that that demand is almost unanimous throughout the Republican party in this section. We know, too, that if it is complied with—if the Republicans in Washington act upon Senator DAVIS's amendment promptly—that in two week's time the mistake will be forgotten in thankfulness that it was remedied.

"But if that wrong is persisted in—if the Republican party in Congress, through false pride or in obstinate servility to the mysterious power behind the House bill, enacts its Puerto Rico tariff into law, it will become the overshadowing issue in the Presidential campaign.

"How can the Republicans meet such an issue? Up to the day Mr. PAYNE introduced the amended Puerto Rico bill in the House, every report, pledge, message, and tradition of the Republican party was committed to the principle of no customs barrier between parts of the United States. Republican sophistries will be choked back into Republican throats by the report of Republican pledges, professions, and principles.

"We do not know what they think in Washington would be the result of such a campaign; but here in the West we know that such a tidal wave of popular indignation would sweep across the prairies that the Democrats would capture the House of Representatives, even if they did not defeat President McKinley.

"Senator DAVIS has shown the path of duty to his party, which is the only path open for its salvation it can take and be forgiven, its blunder forgotten, and its campaign saved. It can refuse and prepare for the penalty which fate exacts from those who despise the warnings of honor, justice, and duty."

And "on to-morrow morning" "Editor Kohlsaat" did say it "editorially. Later he proceeded to say other things, to wit:

[From the Chicago Times-Herald—Republican.]

NO QUESTION OF RATE.

Whether the Puerto Rican tariff is 25 or 5 per cent, indeterminate or for two years, makes not a particle of difference with its justice. It will not be acceptable to the American people because of the plea that it is such a little breach of "our plain duty," as acknowledged by President McKinley.

* * * * * * *

[From the Chicago Times-Herald.]

"AFRAID OF THE HOUSE"—PROGRAMME THAT "WOULD DRAG DOWN ANY PARTY, HOWEVER POWERFUL."

Senator ALDRICH could hardly have grasped the full meaning of his plea for the Senate's acceptance of the House Puerto Rico bill. The argument he used was that an amendment would endanger the whole programme, because it would make it necessary for the House to vote once more, and, as he said, "we do not know whether or not we can hold the House again."

On the supposition that this is a popular government, the Senator's own programme thus appears as a political trick to defeat the popular will. Why is it that there is doubt if the House can be held again? Simply because the House has been hearing from the people. Having a regard for their representative character, as well as for their own convictions and the prospect of future punishment, the Congressmen feel that they have committed a mistake which they should rectify. They recognize that the power which they wield is delegated to them by their constituents; that it belongs in the last resort to their constituents, and that it should be employed as those constituents decree.

This is undeniably the correct theory, but what is the proposed practice of Senator ALDRICH? He admits in effect that there is no question about the trend of public sentiment, and then suggests a betrayal. For the present the Congressmen have the advantage of position. They are in office for a fixed term and may do as they please. Therefore they should use their advantage in a way that is antagonistic to the people.

Naturally the question arises, What is the consideration for this conduct? The Senator would probably reply that it will be found in the interests of his party. But no party has an interest in offending the public. This persistence can be referred only to some organized, selfish force that is playing for a personal profit, and that force can be discovered only in the lobby.

To this complexion does it come at last. The implied alliance would drag down any party, however powerful.

[From the Chicago Times-Herald—Republican.]

RING DISCIPLINE.

It may be said that the lower tariff of the bill and its disposition of the revenue are "compensating benefits" for the lost trade, but it is impossible to escape the "plain duty," and the Senate committee did not try to do so. It made free trade a feature of its own bill, so that this policy was twice sanctioned in the highest councils of the party.

The change, so far as the House is concerned, was brought about by a few members acting like autocrats. If they finally succeeded in whipping all but a small minority of their party into line, that was not because the majority was persuaded that they were right on principle. It was simply because they arrogated to themselves the authority of leadership and harped on the dangers of a division in the ranks.

Aside from the incidental benefits to the lobby, it may be said that the party plea has been used solely for the purpose of preventing their personal humiliation. Whether the other party authorities will be as solicitous on their account as the House remains to be seen. It is to be hoped that the Senate will reject the bill, that its Republican members will take a broader view of party policy, and not imagine that the fortunes of half a dozen individuals are of more importance politically than a wise consistency and devotion to principle.

[Special to the Post.]

MEANS PARTY DEFEAT—EDITOR KOHLSAAT ON THE PENDING PUERTO RICO BILL—MUST UNDO GRIEVOUS WRONG—UNIVERSAL SENSE OF AMERICAN JUSTICE AND HONOR OFFENDED BY ACTION OF THE HOUSE—THE COUNTRY'S INDIGNATION WILL NOT DOWN, AND ADMINISTRATION CAN NOT TOO QUICKLY REALIZE THE "STUPENDOUS AND HUMILIATING BLUNDER" THAT HAS BEEN MADE.

CHICAGO, *March 4, 1900.*

The Chicago Times Herald, stalwart in its Republicanism, and whose editor, Mr. Kohlsaat, is a close personal and political friend of President McKinley, prints an editorial which, in the vigor of its attack upon the pending Puerto Rico tariff legislation and its prediction of dire results to the party if the bill be passed, be fairly sensational in character. With the heading "Undo the great wrong to Puerto Rico," the Times-Herald will to-morrow say:

"It must be evident to the Government at Washington by this time that the treatment of Puerto Rico as alien to our institutions, foreign to our markets, and only entitled to our charity, contemplated in pending legislation, offends the universal sense of American justice and honor. When such a cool-headed and conservative constitutional lawyer and Republican as ex-President Harrison says, 'I regard the bill as a most serious departure from right principles,' it is time for the Republican majority in Congress to face the situation with the courage and wisdom that dares to acknowledge a grave mistake and undo a grievous wrong. Mr. Harrison merely packed into one sentence the well-nigh unanimous sentiment of Republicans of the Mississippi Valley.

"In the popular mind Puerto Rico occupies a very different place from Cuba or the Philippines. It came under the protection of the Stars and Stripes more than willingly—gladly. The people do not forget, if politicians do, that we sent an army under General Miles to conquer Puerto Rico. That army went prepared to meet the fiercest resistance, not only from the soldiers of Spain, but from the inhabitants of the island. What was the fact? From the landing at the port of Ponce to the entrance into San Juan the resistance was nominal and the welcome was generous. General Miles and his soldiers were everywhere greeted as deliverers. When they entered San Juan the children, dressed in white, strewed flowers before the feet of our marching host.

"OUR PLAIN DUTY," SAID THE PRESIDENT.

"Our conquest of Puerto Rico was a peaceful ovation. There was no haggling over terms, no talk of independence, no quibbling about relations. General Miles pledged the protection of the Stars and Stripes, and Puerto Rico accepted the pledge with all that it implied.

"When we contrast the attitude of the Puerto Ricans, loyally accepting the situation and confiding their future without question or condition to the honor of the United States, with that of the Cubans and Filipinos, we understand how the American people feel bound to extend to the former ungrudgingly every privilege and benefit that American institutions afford.

"This sentiment was reflected in the report of Governor-General Davis, of the Puerto Rico Commission, and of Secretary of War Root. It was embedded in President McKinley's message of last December in words that met with instant approval throughout the Union. It seems little short of providential that the common will of 75,000,000 Americans to less than a million Puerto Ricans should have found such simple yet imperishable expression in the very heart of a state document of over 26,000 words long.

"But there it is, telling us 'our plain duty' in a sentence that can not and will not down.

"How came it that the President, moved by the same impulse that yet sways the vast majority of his fellow-countrymen, has permitted himself to lend his influence to the perpetration of a political blunder that has sent a shudder of apprehension throughout the Union? It is a question that is being asked in every hamlet and home in the United States, and upon its answer depends more than was dreamed of in the mysterious meeting from which the Puerto Rico bill came without a father and without a sponsor who would give to it his name.

PATERNITY OF BILL NEVER ACKNOWLEDGED.

"To this day no man has acknowledged the paternity of the bill, which, like a veritable apple of discord, threatens to bring disruption to a great party.

"While we can not trace the parentage of the Puerto Rico bill beyond the doors of the Ways and Means Committee, it is not difficult to comprehend how, having found its way into the House of Representatives, it became a party fetich that has involved Congress and the President in a serious conflict with popular sentiment. Having become a party measure, the well-nigh irresistible influence of party discipline and traditions were enlisted on its behalf. But even these were not strong enough to insure its passage through the House. A majority of Republicans were opposed to the principle of the bill and faithful to the thought and purpose of the President's message.

"The defeat of the bill was imminent, and the prestige of the Republican majority in the House was in peril. Then the President was appealed to. It was represented to him that nothing could save the party from a humiliating division and defeat but some sign that he receded from the recommendation of his message. The leaders of the party were permitted to suggest that he had changed his mind; but this was not sufficient to bring the recalcitrants into line. The President was again appealed to, and under pressure

from the party leaders in the House he personally urged several Representatives to support the bill so as to preserve an unbroken Republican front in the House."

FRAUGHT WITH DIRE POSSIBILITIES.

"Thus was the grievous blunder committed. How grievous and fraught with what dire possibilities, not only to the Republican party, but to the country, neither Congress nor the President could have foreseen. But they must realize now that the tariff section in the Puerto Rico bill has aroused a storm throughout the country that will not down.

"If Congress and the President persist in their present course, nothing can save the Republican party from defeat next November. It will surely cost them the House of Representatives, and it may cost them the Presidency.

"Worse than any of these possibilities, it may involve the election of Bryan, with all that that implies.

"But one course is open to the Republican party. Let it face the situation with the only spirit that can compel respect in the presence of a stupendous and humiliating blunder. Let it acknowledge the mistake and make haste to regain popular confidence by undoing the contemplated wrong to Puerto Rico.

"There is no shame in retreating from the verge of a precipice before taking the last irretrievable step. The only salvation for the Republican party is through the gate that gives free trade to Puerto Rico.

"The country looks to President McKinley to rise to the full stature of a statesman who dares to acknowledge a mistake and to undo a wrong."

Now, hear the Chicago Inter-Ocean, another straight Republican organ which protests against the Republican Puerto Rican tariff:

THE REVOLT OF DECENCY.

Men who are protectionists to the backbone, whose lives and fortunes have been devoted to the advocacy of protection as a policy, will revolt and are revolting against the proposal to exclude the people of Puerto Rico from full and free participation in the benefits of national trade and against a scheme to debar the people of the United States from the advantages of free intercourse with American territory that has been won by expenditure of their blood and treasure. Cuba and Puerto Rico were not redeemed from serfdom in the spirit of the cry, "Help the trusts!" Nor are they to be administered in such a spirit.

And in another issue of the Inter-Ocean I find this ultra expansionist organ using this language:

The Puerto Rican tariff bill is in effect a betrayal of the doctrine which in the last two years has become synonymous with Americanism and Republicanism.

Thousands of telegrams and letters have gone forward to Congress from all parts of the Union in protest against thus nullifying the platform of the Republican party. The people of the Middle West should join in this demonstration. They should multiply the letters and telegrams a hundredfold. Every man interested in the welfare of the nation, in the policy that is to carry us forward in the world's commerce, in the doctrine by which the Republican party must stand or fall in the elections of next fall, should telegraph or write to his Representative and Senators to correct the great wrong done by the House last Wednesday.

The Middle West gave first impulse and momentum to the expansion policy. Every man in it to-day should rally to the aid of the President. In his message of December 5, 1899, William McKinley declared: "The markets of the United States should be opened up to her (Puerto Rico's) products. Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico, and give her products free access to our markets." This declaration still stands. It is the voice of the President rebuking the Republican Congressmen who would break faith with the people.

These Congressmen, with six honorable exceptions, repudiated every recommendation of the President. They declined to recognize Puerto Rico as a Territory or part of the United States. They simply provided new tariff regulations between the United States and Puerto Rico on the principle that the island was but one degree removed from foreign territory.

The President in his message clearly defined the Republican policy. This fact was universally recognized at the time. If a Territorial bill had been presented on December 6, 1899, there would have been no opposition on the part of Republicans or Democrats. The President's recommendations appealed to both parties and to the whole people, because they followed the precedents of Louisiana and Florida and fulfilled the pledges of the United States to its new possessions. But with delay there came into the field a lobby representing the sugar and tobacco interests of the East, and all Republican members except six were induced to betray the party's policy. This action was taken in defiance of nine-tenths of the Republican newspapers, East and West, North and South. It was taken in the face of popular protests from every part of the country.

In the Senate there has been substituted for the House Puerto Rican bill a measure following the recommendations of the President in some respects, but containing the atrocious tariff clause. If this bill should pass, the betrayal of the expansion policy would be complete and beyond recall. Therefore, there should go forth to Washington from every city and town in the Middle West at once a general protest against the outrage. It should be made so clear that the common sense of the party and the conscience of the people are arrayed so strongly against this measure that the Senate will not dare to countenance the wrong to Puerto Rico.

The President is right. Let the people stand by him. Let them serve notice of their intent on their Representatives in Washington. And let them act quickly, lest they act too late.

It is a pity this great though partisan newspaper can not see a little further into this great problem, and while recognizing that Puerto Rico should have a Territorial government within the Union, also recognize the grave peril of retaining the Philippines at all—peril to our institutions if we violate the Constitution by governing them as a province inhabited by subject peoples, peril to both institutions and industries if we govern them constitutionally—as a Territory and a part of the United States—their people vested with the constitutional rights of freedom of trade, freedom of travel, and freedom of religion, and with local self-government. But hear the Tribune, another Chicago Republican journal:

UNCONSTITUTIONAL.

Many lawyers who are competent to pass upon questions of this kind believe that any attempt to establish discriminating duties as against a part of the territory of the United States will be declared unconstitutional by the Supreme Court, and if this shall be the ultimate fate of the present bill and all other measures like it, few tears will be shed by those members of the Republican party who are not controlled in their opinions by the financial or business interests of other people.

In another issue the same paper actually suggests that you and the President need "advisers," and need them in the shape of men of sense who know something about "government."

The Administration has fallen into difficulties in many directions. It is evident the Administration is in urgent need of judicious advisers. By "advisers" we do not mean editors of newspapers, but men who have had experience in public life. The President should consult more frequently than he seems to have done men who know something about legislation and know it by experience in legislative or executive offices. They should be men who have served in a city council or a State legislature, if not in Congress; and men, too, who are not so far removed from the people as to be ignorant of their sentiments and emotions. Much used to be said of the President's purpose to keep his "ear near the ground." If his ear has been "near the ground" of late it has not been in close relations with American soil.

The Republican majority in the Senate has appointed a "steering committee" made up of its most judicious members. That committee has assumed control of legislation in the Senate, and to a certain extent in the lower branch. While Republican Senators have picked out as advisers the persons in whom they justly have the most confidence, the President has trusted too much to men who have not had experience in public life and whose immature opinions have led him astray.

Instead of sticking resolutely and firmly to his original and righteous views regarding some great questions, the President has been persuaded by incompetent advisers to abandon those views. He was right in the first instance as to Puerto Rico. Had he stood by his own sound intuitions he would be now one of the most popular men in the United States.

Unhappily, he was induced to abandon his convictions and give up an impregnable position at the instance of a few special interests or of possibly disinterested but altogether ill-informed advisers. Nor is that all. He was induced to bring his influence to bear upon Representatives to "get them into line." He sent for recalcitrant members and absolutely entreated them to vote, against their convictions and against the wishes of their constituents, for a measure which he himself at the outset strongly and properly opposed—a bill which flew in the face of his own positive recommendations to Congress. There are some Republicans who can not turn corners as sharply as the President can, and they are not sorry for their lack of flexibility in this respect.

The President, without needing to do it, has assumed the whole responsibility for the passage by the House of the maimed, mutilated, crippled, and inadequate Puerto Rico bill, a measure which eventually will be repudiated by both Houses of Congress. He might have kept his hands off and let the House "work out its own salvation in fear and trembling," and have looked to the Senate and a conference committee for judicious legislation on the subject.

A storm is gathering. The House Porto Rico measure will have to be sacrificed. It is scarcely supported by anybody. The three newspapers in Chicago which have stood by the President are against him in this matter. So is the Indianapolis Journal, while all Indiana is in a tumult and a ferment over it. It is evident that the feeling against the House bill is becoming more intense. The only mode of allaying it is for blundering leaders to admit they have led the party from its true course and promise an immediate return to safer ways.

There is need of a judicious "steering committee" in the House. There is still greater need of a pilot in the Cabinet. There is great need of fresh material there—of men who are not "amateurs" in politics, but who are experienced in public life, who are trained in the arts of statesmanship, and who know the temper of Congress and of the people. Men who are destitute of these qualifications, who are influenced by social considerations in Washington, and who deem it the acme of human felicity to be asked to dine with the British ambassador are not fit constitutional advisers for an American President. He should have at his council board men who look at American interests from an American point of view.

That is what is needed. The sooner that need is met the better. If President McKinley wishes to retain the confidence of the public, he will bring into his Cabinet before long advisers more sagacious than some of those he has there now. Otherwise the feeling will go abroad that the Administration is nerveless, spineless, and without convictions, adopting good policies only to abandon them at the dictation of incompetent advisers.

Then the Chicago Journal, an independent paper, joins Representative SWANSON, Senator PROCTOR, and others who have paralleled your policies with those of Lord North and poor, foolish, obstinate George III. Hear:

[From the Chicago Journal—Independent.]

MR. M'KINLEY AND LORD NORTH.

Up at the White House plain duty appears to have collided with party unity, and, so far as anybody can see, has come off second best. * * * The President has shown pretty plainly where he stands. He is ready to sacrifice the interests of a people to the exigencies of party politics. It is a hard thing to believe about Mr. McKinley, but he has lent plausibility to it by his significant failure to say a word against the bill when he knows a single syllable would have defeated it long ago.

If anything was needed to insure injustice and corruption in our dealings with our dependencies and make it reasonably certain that our government of them was to be one long, miserable failure in everything that could redound to their benefit or ours, it will be supplied in this effort to inject the spirit of party politics into our administration of their affairs. If the President has been correctly quoted, he has disposed of all pretext that the tariff was needed to supply revenue for the island. The islanders will know they are being taxed not to supply their public wants, but to promote party unity in another country. Lord North's tax on tea was nothing to this.

In the following brief blast it goes further and asserts that Spain herself, with the worst Government in Christendom, was more just, generous, and enlightened in her dealings with Puerto Rico than you are in yours! To what are we fallen!

[From the Chicago Journal—Independent.]

WHEN DID SPAIN DO WORSE?

What did Spain ever do to the present inhabitants of Puerto Rico that was worse than the things the tobacco ring and the sugar trust, through a lot of servile Congressmen, are proposing to do to them, and to which William McKinley, conscious of his "plain duty," to quote his words, seems willing to assent rather than embarrass his party? If that is the spirit in which Puerto Rico is to be governed, what have the inhabitants of the Philippine Islands to hope for from submission to American rule?

Then hear this from another Chicago paper:

[From the Chicago Record—Independent.]

"THE PLAIN DUTY."

It is the "plain duty" of Congress to provide for free trade between the United States and Puerto Rico. The advocates of this policy apparently are

in the ascendency. They should not allow themselves to be induced through a caucus compromise to forego the fruits of victory. Let the policy of justice to the Puerto Ricans prevail.

Thus speaks the great city of the mighty West. Let us hear from the London of the New World—New York:

[From the New York Sun—Republican.]

NO DELAY.

The essential justice of the situation demands that the free trade of Puerto Rico, which the bill promises in two years, should be made to begin now.

[From the New York Times—Independent.]

THE COUNTRY'S VERDICT.

The opposition to this measure within the Republican party in the House is as nothing compared to the opposition, without regard to party, throughout the country. The American people do not like meanness; they do not like perfidy; they do not like cruelty. And with these base qualities the bill the House has passed is branded.

[From the New York Mail and Express—Republican.]

A COMPROMISE WITH DISHONOR.

The fatal weakness of the measure, we believe, is that, like most compromises, it signifies nothing. It is neither free trade nor protection, imperialistic nor anti-imperialistic, and therefore is just the legislation that demagogues thrive on. It is so easily susceptible of misrepresentation that no one will fear convincing refutation of his charges, no matter how he maligns its purpose and spirit.

We have not believed that the Republican party should be compelled to defend such a law, particularly when it is to be the first general legislation affecting our new possessions. Rather have we looked for a measure that would embody in its terms and principle a clear, explicit, and vigorous expression of the disposition of our people toward the Puerto Ricans, and that if it erred at all it would do so on the side of the island people. The bill passed by the House yesterday, however, is a weak response to that sentiment. It dallies with a situation that should have been met decisively, cordially, and promptly. It lacks heart and force and will have many enemies, but few friends here and in Puerto Rico.

A great opportunity for the country and for the Republican party has been needlessly frittered away.

[From the New York Evening Post—Independent.]

OUR NATIONAL FAITH.

The bill now goes to the Senate. The duty of all who have fought it while it was before the House is to keep up that fight while it is pending in the Senate. Indeed, they should now redouble their efforts to avert the national disgrace involved in the enactment of the bill into a law.

This fight should be made in behalf of the national honor. Questions of constitutional construction are interesting subjects for discussion, but the issue of good faith in redeeming our pledges to a suffering people is the fundamental one. That is the issue to keep before the American people until they force their representatives in the National Legislature to do justice.

[From the New York Evening Post—Independent.]

A SHAMEFUL SPECTACLE.

The open contempt with which the wishes and needs of the Puerto Ricans themselves have been treated will be an eye-opener to many and a serious burden for the Republican party to carry. The cool brutality of the whole affair is well brought out by the statement which the Puerto Ricans themselves made. This Government has actually negotiated a reciprocity treaty the effect of which is to give the inhabitants of Trinidad free food and free agricultural implements at the very moment it is proposing to tax its starving subjects in Puerto Rico 15 per cent of the high Dingley rates on the same articles. If such a thing is done the Republican party will be on the defensive from the very beginning of the campaign.

[From the New York Evening Post.]

MR. M'KINLEY'S POSITION.

President McKinley's attitude in this whole matter is to be discussed on higher than personal grounds. The poor figure he cuts as a man we pass by, but as the incumbent of a great office he has brought humiliation upon it as well as upon himself. To "stand by" him is impossible for his most earnest supporters, since he does not stand by himself. No man can serve two masters, nor a single master with two minds, neither of which he himself knows. "I had hoped," sneered a Democrat in the House yesterday, "that there was one question of which the President was not on both sides."

There was no answer to the taunt, for there could be none. Mr. McKinley is quoted vehemently both for and against the Puerto Rico bill, and he sits silent under the open charge of double dealing. The only question on which he is known to have firm and unchangeable opinions is that of his reelection. It was the unconcealed threat to defeat that which set him to jumping back and forth over the Puerto Rico fence with such agility. But why could he not have confronted his sordid and minatory visitors, if not as a brave man, at least as a courageous President? Why did not his office, if not his character, make him despise their threats?

[From the New York World—Democratic.]

ROBBERY AND HYPOCRISY.

The pretense that "all the money collected will go to the Puerto Ricans" is of a piece with the rest of the fraud and hypocrisy and robbery that are back of this bill. The duties paid upon the food and clothing of the starving and naked Puerto Ricans will not go back to the poor wretches who pay them. It will go to the carpetbag officials and other agents of the government that Mr. McKinley has set up there.

The bill violates the Constitution. It imposes upon the Puerto Ricans the tyranny of taxation without representation against which our forefathers rebelled. It violates the promise of General Miles to the inhabitants, never disavowed by our Government, that "Puerto Rico under the American flag will enjoy the same privileges and the same immunities as the citizens of the different States and Territories of the Union." It makes of Puerto Rico a "crown colony" instead of an American Territory.

After the London of the New World, let us see what the Athens of America thinks. I have in my introductory remarks quoted somewhat from the Boston newspapers. Hear furthermore these from Boston:

[From the Boston Post.]

NOT FOR PARTY CAUCUS TO DECIDE—RIGHT OF CONGRESS TO LEVY A TARIFF TAX ON PUERTO RICO.

We believe that the United States Government has no more right to collect duties upon goods imported from Puerto Rico than upon the products of Oklahoma or Arizona.

This is the view held also by Congressman McCALL, Congressman LITTLEFIELD, and other Republicans who have an old-fashioned regard for the Constitution. And, however Congress may vote on the question, it is the Supreme Court of the United States that must finally decide it. The matter is of too great and far-reaching importance to be allowed to rest upon the authority of a majority of a party caucus. It might be permissible, so long as Puerto Rico and the Philippines are held under military rule, for the President, by his authority as Commander in Chief, to levy taxes and tariffs in extraconstitutional form. But Congress, which is itself a creature of the Constitution, can not override or nullify the provisions of the source of its authority.

This body is restrained by limitations which do not exist in the case of the Executive acting as the supreme military power. Sooner or later the Supreme Court will have to pass upon whatever act of this character Congress may pass. This court is composed of six justices appointed as Republicans and three appointed as Democrats. But it is unlikely that party designations will rule in the judgment of this matter. Judge Brewer, as is known by his public utterances, does not sympathize with the imperialist policy. Judge Harlan holds traditional ideas of the relations of Congress and the Constitution. In short, if the Republican tariff bill for Puerto Rico is passed, there is a very likely chance that the whole scheme, including the Philippines and all the rest, may be ripped up by the Supreme Court.

[From the Boston Journal—Republican.]

A WANTON TAX.

There is no need of tariff discrimination against Puerto Rico to protect any American industry. The sugar product of the island is only 45,000 tons, or less than one-quarter of that of Hawaii—and Hawaiian sugar has been coming duty free into the United States for many years without appreciable effect upon domestic cane and beet producers. Puerto Rican tobacco is of a quality that does not compete with the Connecticut Valley or Virginia leaf. Coffee is the Puerto Rican staple of the future, and coffee has been on the free list for more than a quarter of a century. There is no reason in tariff conditions, therefore, why Puerto Rican products should be subjected to even 15 per cent of the Dingley rates.

[From the Boston Journal—Republican.]

THE FULFILLMENT OF A PROMISE.

Months ago President McKinley and Secretary Root pointed out the course which ought to have been taken. It was direct, intelligible, fair to the Puerto Ricans, just to all concerned. It was the unqualified admission of the island within our tariff system, with absolute freedom of commercial intercourse. The Journal considered this proposition at length at the time, and heartily approved it as the proper fulfillment of our plain obligation to the Puerto Rican people whom we had brought beneath our flag.

[From the Boston Traveler—Independent.]

"SOLD OUT."

"Sold out" is the only fitting epitaph to describe an Administration whose pledge to the world has been broken, by whose recreancy to the high principles it caused to be promulgated the American flag is made to stand for indirection and oppression, instead of liberty and relief for oppressed peoples. Shame upon President McKinley for eating his own words, publicly spoken, upon the rights of Puerto Rico.

"There should be no discriminating tariff against our new possessions." At the bidding of the great sugar and tobacco trusts he now says let them be taxed without representation. Let the Constitution be forced to permit of this grave injustice.

Sold out to sugar and tobacco!

I have previously quoted from the Boston Transcript. Let us hear further from the "City of Homes"—Philadelphia. The North American (Republican) on March 8 says:

It is evident that what the leaders of both parties at the capital still need to learn is that the country is not thinking of tariff percentages or points of constitutional construction in connection with Puerto Rico. The people know simply that it is our plain duty to deal justly with the inhabitants of this American island; that our plain duty will not be done until the Puerto Ricans, who supposed they were becoming Americans when they threw off their allegiance to Spain, are treated as Americans.

Anything short of that will be condemned by the sense of fair play, which the people of the United States have not lost. No fine-spun explanations of the necessity of sacrificing Puerto Rico in order to establish a precedent for use in the Philippines will satisfy. If the Philippines can not be retained without committing a crime against justice and liberty in Puerto Rico, it is highly probable the popular judgment will be that it would be better to turn the Philippines over to the Filipinos than to hold them at any such cost. If freedom does not follow the American flag when it is carried beyond this continent, then it had better be kept for use only where it does mean freedom.

This Puerto Rico outrage is breeding a rebellion against expansion. If we are not to expand except as imperialists, making ourselves hated as oppressors where we go, there will be an irresistible demand for the abandonment of a policy that can not be brought into harmony with the Constitution and that denies to others the rights which we claim in the Declaration of Independence for ourselves as natural and inalienable.

The Republican leaders at Washington are leading the Republican party away from Republicanism. President McKinley is face to face with a crisis, party and personal. The North American hopes to see him return to his message of December and take his stand inflexibly upon his recommendation of free trade with Puerto Rico. That stand was right and politic, and should never have been departed from, no matter what the nature or the strength of the adverse pressure. And we believe the President will return to it. He is too wise a man, too good a politician, to antagonize stubbornly the will of the masses of his party and the conscience of the American people.

[From the Philadelphia North American—Republican.]

SIX HONEST REPUBLICANS.

We congratulate the six Republicans who held out to the last against a pressure seldom felt, and seldomer resisted, and voted in accordance with their views of the Constitution and their personal sense of their duty to their country. Any country is the better for the possession of such high-minded and patriotic citizens—men who act upon the often quoted but seldom heeded maxim that "He serves his party best who serves his country best."

[From the Philadelphia Ledger—Republican.]

THE PUERTO RICO INFAMY—ROBBED AT HOME AND ABROAD.

On the day that the Republican majority of the House imposed upon Puerto Rico the rigors of a law intended to operate only against aliens—a law which, in the case of any part of this country, is opposed by the Declaration of Independence, which presents as a just cause of the Revolution taxation without representation, and which is condemned by the Constitution, which declares that all Federal taxation must be uniform throughout the United States—several hundred of the people of Puerto Rico, employed in the construction

of military roads for the Washington Government, went on strike to secure an increase of remuneration for their labor from 3 cents to 5 cents per hour.

It appears that these workingmen, recently brought under the benevolent safeguard of the country's flag, are compelled by the United States Government's contractors to work on Government work under "the old flag" ten hours a day for 30 cents, or less than many of our workingmen here justly receive for a single hour's work.

It would be interesting to learn what the Republican leaders in and out of Congress think of the contractors of the Government who are constructing the military railroads, paying a wage of 3 cents an hour, or 30 cents for the labor of a ten-hour day, to their Puerto Rico employees. It might be similarly interesting to learn what our workingmen here at home think of their Government making all the money it can out of the Puerto Rican workmen by levying unconstitutional taxes upon them, upon the one hand, while on the other it pays them 30 cents a day on which to pay the taxes and sustain life.

[From the Philadelphia Ledger—Republican.]

SERVING THE TRUSTS.

The bill is a purely selfish one. It is directly in the interest of two of the most notorious trusts in the country. If the sugar trust and the New England Tobacco Association were out of the way, there would be no effort to starve the people of Puerto Rico, under the plea of giving them a government.

[From the Philadelphia Press—Republican.]

A BACKWARD STEP.

Complete freedom of trade between the United States and Puerto Rico is the ultimate condition of affairs between the Union and its dependency to which all look forward. Every step toward this is desirable.

[From the Philadelphia Evening Telegraph—Republican.]

WORSE THAN SPAIN.

What the Puerto Ricans need, and what they rightfully demand, first of all, is a fulfillment of the express and implied promise that their condition would be improved under American control, instead of being made worse, as is actually the case, than it was while they were subject to the corrupt and inefficient rule of Spain.

[From the Philadelphia Record—Independent.]

PETTY LARCENY.

The bill in the form in which the House passed it should be dubbed the petty larceny bill, and for the credit of the country and to save our weak-backed President from the disrepute of his own nerveless vacillation the Republican leaders in the Senate should fall foul of it when it shall reach that body and strangle it in committee. The people of the United States stand pledged to a different course of action toward the unfortunate people of Puerto Rico. They should make their pledges good in spite of protectionist repudiation.

But now, "Ho, for the Middle West," Indianapolis:

[From the Indianapolis News.]

PRESS WILL NOT BE SILENCED—WILL NEVER GIVE UP THE FIGHT AGAINST THE PUERTO RICAN TARIFF ACT.

Our friends in the East need not fear that the people and papers of Indiana will give up the fight against the Puerto Rican tariff act. They have enlisted for the war. And as the days go by the more clearly does it appear to them that the President has made a grave mistake—a mistake from every point of view. He has hurt his prestige, seriously weakened the party, and injured the standing of the country in the eyes of the world. After all the "explanations" that have been made, and in spite of the attempts to "educate" them, the people of Indiana, unlike Mr. McKinley, adhere to the opinion that we ought to do what the President said was "our plain duty."

The virtue and vigor of a free and untrammeled press have rarely been more plainly illustrated than by the conduct of the American newspapers since the Puerto Rican tariff measure was proposed. There are defenders of it among the press, but they are few and far between. The prominence, the persistence, and the force with which the measure has been opposed by the press in all parts of the country is one of the best guaranties that the people can have of a great defense and guardianship of liberty. As long as the press is not hampered by law, and is undeterred by private interests, that is, as long as it is free and honest, so long the people have a most potent defender against invasions of every liberty, be these what they may.

In the Puerto Rican case there is apparently no cessation of opposition. Day after day, first one, then another, and sometimes all together, there are shots at this measure. Why should we treat Puerto Rico with less consideration now that she is ours than we did when she belonged to Spain? It is recalled that there was a reciprocity treaty negotiated with Spain when Mr. Harrison was President, which put Puerto Rican sugar, molasses, coffee, and hides on the free list, while it gave a number of our products, including flour, free entry to the island. What we were willing to do then we hesitate to do now.

Now, when the island belongs to us, when we are responsible for the care of its people, we refuse to do what we were willing to do when it was a colony of Spain. We have just now negotiated a treaty with the island of Trinidad, a British possession in the West Indies. It will receive all articles of machinery, implements of husbandry, and nearly all food supplies free, the free list being larger than the list of articles admitted free from Puerto Rico by Executive order, but all of which it is proposed to tax under the bill that Congress is now considering. Thus we are proposing to treat the possessions of other countries better than our own, and discriminating among our own possessions! Verily, the American people will not stand this.

[From the Indianapolis Journal.]

MISTAKE OF ADMINISTRATION—"CAMPAIGN OF EDUCATION" ON THE PUERTO RICAN TARIFF WILL FAIL.

If the attitude and policy of the Administration regarding the Puerto Rican tariff bill are correctly foreshadowed by Washington dispatches, it will add another to the mistakes already made in this matter. It is said to have been decided upon at a Cabinet meeting to inaugurate a campaign of enlightenment and education of the people, in the belief that when they understand the question in all its bearings they will withdraw their opposition to the House bill and admit that in the peculiar circumstances of the case a tariff on commerce between the United States and Puerto Rico is proper and necessary.

It is said the campaign of education will include evidence that the proposed tariff is only a temporary measure; that it is necessary to establish a precedent for the Philippines, and that its real effect will be to give the Government a free hand in fostering Puerto Rican industries. All this ground has been gone over. It is straw twice thrashed.

The people have considered the matter from a broad and liberal point of view, without regard to temporary expedients or makeshift policies, and they are of opinion that a fair construction of the Constitution in the interest of national honor and justice requires that the door to trade between the United States and Puerto Rico, both ways, be thrown wide open.

No argument of political expediency or party advantage can lead the people to look at the matter differently. They breathe a different atmosphere from that which sometimes pervades party caucuses and conferences in Washington, and they must be permitted to reach their conclusions in their own way. No campaign of education is needed in this case. It is not only unnecessary, but it will be politically injurious.

[From the Indianapolis Journal—Republican.]

A BAD BILL AT BEST.

The Journal has already stated the reasons why, in its opinion, the bill should not be passed. Those reasons relate to the constitutionality, the justice, the fairness, the wisdom, and the expediency of the measure. All the arguments in favor of it are based on sordid and mercenary considerations which should have no place in the policy of a great nation toward the people of a newly acquired territory. The bill should not be passed at all, and the two years' proposition does not help it any.

[From the Indianapolis Press—Republican.]

A DAMAGING COMPROMISE.

The American people do not take kindly to invasions of their primary rights. They see in this Puerto Rican measure—or if they do not now they will see later—a dangerous departure in constitutional construction. It means a reversal of American traditions.

I have previously read to the House a part of another strong editorial from the Indianapolis Journal, and a special from Indianapolis appears earlier in my remarks.

The same cry comes from all parties in Baltimore:

[From the Baltimore American—Republican.]

COLONIAL RIGHTS.

There should be no discrimination. Puerto Rico should be made to feel that her interests are identical with our own. This can not be done by raising a tariff barrier between her and this country. The recommendations made several months ago by President McKinley, Secretary Root, and Governor-General Davis were made after fullest investigation and careful thought. They were then the wisest, considering all conditions. The true manhood of the nation, considering first the good of the people of Puerto Rico, fails now to comprehend how, in so short a time, those recommendations can be said to have been erroneous and opposed to the best interests of all concerned.

[From the Baltimore Herald—Republican.]

ADVICE TO THE SENATE.

In justice to the people of Puerto Rico and in recognition of their reasonable claims upon the generosity of the United States, it is to be hoped that the Senate will resist the imposition of a duty. The population of the island was led to expect liberal treatment, and was induced to welcome American control by promises which, if not very explicit, are none the less binding. Having lost the Spanish markets as a result of the war, Puerto Ricans may rightfully look to us for assistance.

[From the Baltimore Sun—Democratic.]

POLITICS AND INHUMANITY.

The purpose of the Administration in setting up a tariff barrier between the United States and a part of its territory is very plain. The President holds that Congress has the right to govern our dependencies without regard to the Constitution—in fact, to keep the territory which we have acquired by purchase, conquest, or annexation permanently outside of the Constitution.

From this point of view, as stated on the authority of Mr. Henry L. Nelson, Congress has the power to establish one tariff system in Puerto Rico, another system in the Philippines, and a third in Hawaii; or, if it pleases, to impose duties on the products of Puerto Rico and the Philippines, but to admit the products of Hawaii to the United States free of duty. In order to establish this principle the starving and indigent Puerto Ricans will be taxed, ostensibly for the purpose of raising revenue for the island, on articles of food and deprived of all the privileges which the Constitution gives to the people of the country by which they have been annexed. To maintain this extra-constitutional theory, therefore, the party in power has deliberately committed itself to an act of inhumanity unparalleled in the history of the United States.

The refrain is taken up by the rival cities, Cincinnati and Louisville:

[From the Cincinnati Commercial-Tribune—Republican.]

A HELPLESS PEOPLE.

If permitted to sell their products in the United States free from duty and buy what American products they need duty free, the Puerto Ricans will be able to pay all the taxes that will be required to raise money for the support of the insular government. To give them less than this is to take criminal advantage of helplessness.

I have previously quoted some strong language from this same Commercial-Tribune, and also from its Democratic rival, the Enquirer.

[From the Louisville Courier-Journal—Democratic.]

THE PRESIDENT'S DOWNFALL.

In December last the Republican party, speaking through its President, who owed his nomination—whatever may be true of his election—to his zeal for protection, said it was the "plain duty" of this country to give free trade to Puerto Rico. Now, political exigencies may change. Policies must necessarily be modified to meet changing conditions. But expediency does not change the moral law. "The Ten Commandments will not budge." A "plain duty" in December is a plain duty in February.

The fear that an honest discharge of this duty might change the vote of Connecticut or some other State next November has nothing to do with the obligation. The President has once or twice admitted that he has been coerced into doing certain things by the compelling force of the Almighty. But "let no man say when he is tempted he is tempted of God: for God can not be tempted with evil, neither tempteth He any man. But every man is tempted when he is drawn away of his own lust and enticed." No man is tempted of God to disregard a plain duty. Nothing can be clearer than that.

Then there is a word to be said by Kansas City:

[From the Kansas City Journal—Republican.]

UNFAIR AND UNGENEROUS.

Even if the bill pass both Houses and receive the President's signature, the fact will remain that the Puerto Ricans are being treated unfairly and ungenerously at the hands of the country from which they had a right to expect better things.

[From the Kansas City Times—Democratic.]

THE ISLAND'S CONDITION.

Peurto Rico is run down and needs good care for a time, but we have "infant" industries crying for the sustenance that might otherwise go to her. They have their millions as the potent weapons of political warfare, while she is impoverished in claims, except in the inferior class that appeals only to Christianity and humanity. This is a terrible handicap in a contest where practical politics seek to decide.

Both parties join in one voice of protest from Detroit:

[From the Detroit Tribune—Republican.]

TO REPUBLICAN CONGRESSMEN.

Congressmen, especially those from Michigan, have been bombarded with letters and telegrams telling them to stand firm for free trade with Puerto Rico and the honor of the nation. It remains to be seen whether the people or the protected interests will conquer. The struggle is being watched by the people, and there will be a day of reckoning for those Congressmen who capitulate to the capitalists when they come up for reelection.

[From the Detroit Free Press—Democratic.]

THE PRESIDENT'S SHAME.

Party zealots may applaud the President's performance as a precious example of peacemaking. They may extol his party loyalty in subordinating his personal convictions to considerations of expediency and advantage at the threshold of a Presidential campaign. They may say, "Behold the secret of William McKinley's political success."

But to the American minds that are unclouded by selfish political or commercial considerations, the consent of the Executive to a compromise that involves faithlessness to the noblest national traditions is anything but inspiring or sagacious. It will open the eyes of Americans who were sincere in their desire to extend the blessings of our republican institutions to oppressed and benighted peoples, and it will be seized upon by the foes of empire as confirmatory of all that they have claimed concerning the sordid character of the imperialist programme.

Then not only does the New Haven Chamber of Commerce pass resolutions calling on you to halt in your mad career of imperialistic legislation, but these resolutions are approved and reenforced by the most intellectual and statesmanlike Republican newspaper in Connecticut, perhaps in New England. You all know it. It is edited in that seat of learning, Hartford:

[From the Hartford Courant—Republican.]

THE CONNECTICUT OPINION.

There is something very significant in those resolutions of the New Haven Chamber of Commerce, protesting against a tariff upon Puerto Rican products. That is a large and representative body of business men, made up without regard to politics. It was widely known that such resolutions were to come up, and yet there was not an adverse vote. We must admit that the sentiment of the New Haven business men reflects the general sentiment of the State, as far as we have tested it. The message of President McKinley, a recognized leader of protection, advocating free Puerto Rican trade as a matter of justice, set the drift of thought all that way, and things are not especially different now from their condition when the message was read and received with applause in Congress. The feeling is widespread that we owe it to these people not to choke them to death with our embrace of welcome.

[From the Hartford Courant—Republican.]

AN APPEAL TO THE SENATE.

"No question is settled until it is settled right." This question of fair play to the Puerto Ricans has not been settled. It has been evaded and postponed. We were bound—we are still bound—in honor and decency and conscience to see to it that the people are no worse off but better off for coming under the sovereignty of the United States. They had lost the best of their old markets. We were bound—and are still bound—to make that loss good to them. Our duty was our interest, too. Better a thousand times the appropriation out of the Federal Treasury for the urgent needs of the island which President McKinley had in view than the raising of the money by a tax upon its struggling industries and a denial of its legitimate hopes.

What the purblind and blundering leadership in the House has done is grievously to disappoint the people of Puerto Rico, to chill and alienate them, and to put a new weapon in the hands of the Republican party's enemies. To say that to give free trade to Puerto Rico would have been to recognize Puerto Rico as an integral part of the United States is—with all necessary respect for a number of honorable Congressmen—to talk puerile nonsense. The Republican Senators have now an opportunity to do their country and their party a service of importance. Perhaps they may see it and improve it. We are not building any very sanguine hopes on the chance, however.

Upon this position and the expressions of the Hartford Courant the Washington Post writes this:

"THE BAD POLITICS OF IT."

Inasmuch as the tobacco interest of Connecticut was one of the principal factors in effecting that sudden an amazing change which arrayed the House of Representatives against the President's earnest recommendation of free trade for Puerto Rico, it may interest our Republican friends in Congress to learn what the Hartford Courant, the leading Republican paper of that State, thinks of the Puerto Rican tariff bill. "The bad politics of it" is the caption of a recent Courant editorial calling attention to extracts which it reproduces from "seven representative Republican journals of the great West—two of them published in the State of President McKinley and Senator HANNA."

The Courant says the bill strikes nearly all the other journals of that class out there in the same way; that not merely these big city newspapers but also the newspapers of the little cities and towns are crying out at the folly of it. It could easily fill a page, it says, with their outspoken protests against it.

That is the simple truth, and it seems to us to present a situation to which the leaders of the dominant party in Congress can not afford to be blind. The Courant adds:

"The amazement with which the Republicans of the West viewed it at first is rapidly changing to anger. The indications are that, if it were submitted to popular vote by referendum, it would be beaten a thousand to one. There is good reason for fearing that Indiana is not the only State of the Middle West that will be instantly moved over into the 'doubtful' column by its enactment.

"Is it wise politics, we again ask the politicians of the Senate and House 'steering committees,' to jam through by sheer force of party discipline a measure so obnoxious to millions of voters whose votes will be wanted—and needed—eight months from now?"

The two or three Republican Congressmen who have taken pains to inform the Post of their disapproval of its plainness of speech on this question will possibly find it convenient to write to the editor of the Courant. In common with every other independent journal and nearly the entire Republican press, the Post promptly indorsed President McKinley's view of "our plain duty" in this matter. The Post stands with the President, with his latest Republican predecessor, with President Schurman, of the Philippine Commission, with the leaders of thought in education and religion, and with the masses of the people, "the plain people," as the Philadelphia Press designates the general run of voting citizens.

In performing its imperative duty as an independent newspaper, it is not compelled, as it has sometimes been, to set itself against the current of public sentiment. It will be fortunate for the Republican party if its leaders in both Houses of Congress will give heed to the warnings of such judicious counselors as the Hartford Courant and those "representative Republican journals of the great West" to whose deliverances the Courant invites their attention.

From the far-off West, "where Oregon rolls," this:

[From the Portland Oregonian—Republican.]

THE PRESIDENT'S MASTER.

The probability, as the Oregonian supposes, is that the President, who said a while ago that it was "our plain duty" to grant struggling Puerto Rico free trade, has been badgered by selfish protected interests into silen acquiescence in this bill. In the ancient day it was said: "There are three things that are never satisfied, yea, four things that say not, 'It is enough.'" In the modern day there is a fifth. It is the "protected grafter."

From Milwaukee, "where good beer is made," this:

[From the Milwaukee Sentinel—Republican.]

DECEIVED.

If Congress does not do "our plain duty" by Puerto Rico and give her free trade with this country, if it takes the other term of the alternative, the Puerto Ricans will be justified in looking with contempt upon future American protestations of disinterested affection.

And this from the Milwaukee (Wis.) Sentinel:

SOME POINTED OBSERVATIONS ON THE PUERTO RICAN ISSUE.

Whenever the members of a political party are sharply divided in opinion upon an important question, each side accuses the other of doing the party harm. Thus Senator HANNA assures the Republican advocates of free trade with Puerto Rico that their persistence is injurious to the Republican party. At the same time those Republicans who disagree with Mr. HANNA are convinced that the party will lose a good many votes by giving Puerto Rico anything less than free trade.

As we have already taken sides in this controversy, and have seen no reason for modifying our opinions, we can not of course aspire to the office of judge between the contending forces. But it seems to us that pretty good reasons can be given for believing that it is the opponents of free trade with Puerto Rico who are doing the party most harm.

Say that they are successful and that the Republican party refuses to give Puerto Rico free trade. Upon what hypothesis can this course be explained? Not by saying that free trade with Puerto Rico would have made the island part of the Federal Union and brought it under the Constitution, because Senator DAVIS has shown by his amendment how free trade may be given at the same time that any constitutional right to free trade is denied.

Not by saying that the constitutional question involved can not be brought before the Supreme Court except by imposing a tariff, for a suit to recover duties on goods already sent from Puerto Rico to the United States would bring before the court precisely those constitutional questions which the opponents of free trade are anxious to have the court settle. Not by dropping constitutional questions for questions of revenue. Not by saying that the money which Puerto Rico needs can be raised only by a tariff between the island and the United States.

The President, by recommending an appropriation from the Treasury, and the House of Representatives, by passing a bill appropriating about $2,000,000, have shown that there is one other way of giving Puerto Rico what she needs. The Puerto Ricans themselves, by declaring that they prefer internal revenue taxation, and by submitting estimates of a greater revenue from this taxation than the proposed tariff will yield, have shown that there is a third way. Not by saying that the duties will all be paid by the sugar trust and the tobacco trust, and that these combinations now own all the sugar and tobacco on hand, because the governor-general of the island has said that Puerto Ricans are still in possession of these commodities.

None of these hypotheses is in accordance with facts. No tolerably well-informed person will be satisfied by any one of them, or by all of them, as an explanation of the refusal of free trade to Puerto Rico. But there is another hypothesis. Let us look at it. Certain protected industries, among which most conspicuous are the sugar trust and the tobacco trust, objected to free trade with Puerto Rico. They objected still more strenuously to free trade with the Philippines, and looked upon free trade with Puerto Rico as the thin edge of the wedge.

Therefore, they sent their agents to Washington, where these agents have assured Congressmen and Senators that the workingmen and the farmers are fiercely opposed to free trade and will vote against the Republicans unless a tariff be imposed. And many Senators and Congressmen have believed, upon wholly insufficient evidence, what these agents said. Next these same agents have informed the party managers that if free trade is given to Puerto Rico, not a dollar will be given to the party campaign fund by either the tobacco trust or the sugar trust. And the party managers have been impressed.

Now, this is only a hypothesis. But who can doubt not only that it is the explanation upon which the Democrats will insist, but also that it is easier to believe than any of the "Constitution" or "revenue" explanations? If the voters of the United States think that protected interests should control the policy of the United States toward its new possessions, then a refusal of free trade to Puerto Rico is "good politics." If the voters do not believe this, then it is Mr. HANNA and the Republicans who agree with him that are doing the party the most harm.

From everywhere in the North and East and West hear the voices of a self-respecting press:

[From the Minneapolis Times.]

ONE OF CHAUNCEY'S CHOICEST.

Senator DEPEW'S statement that the workingmen of this country with one voice demand a protective tariff against little Puerto Rico is one of his choicest jests. He could get a laugh at almost any banquet by repeating it.

[From the Rockford (Ill.) Republic—Republican].

UNPOPULAR AND UNJUST.

There is more danger in the Puerto Rican bill than its promoters in Congress dream of in their ostrich-like philosophy. The bill seems strong in the support of hired trust attorneys in the lobbies and occupying seats in

both Houses of Congress, and they are striving with desperate energy to force it through in defiance of the most powerful and general popular protest that has ever been aroused by proposed Congressional legislation.

[From the Los Angeles Times—Republican.]

FROM A FRUIT-GROWING STATE.

Our fellow-citizens of Puerto Rico, United States of America, are entitled to the relief which even the pending measure would afford. But absolute free trade with the United States proper would suit them better, and as a matter of simple justice they seem to be entitled to it.

[From the Cleveland Plain Dealer—Democratic.]

THE PRESIDENT'S SURRENDER.

Once more President McKinley has surrendered to dictation. He knows what is his "plain duty," but has promised he will not do it. That promise secured the passage of the bill, the principle of which had been condemned by all conversant with the situation in Puerto Rico, including the President himself.

[From the Buffalo Express—Republican.]

A NATIONAL DISGRACE.

Is the starvation of a people by the Government responsible for their welfare less criminal when enforced for industrial or fiscal reasons, or to establish a constitutional precedent, than when enforced as a war measure to put down rebellion against national authority? The United States stands shamed before all the world that eighteen months of our rule have brought the Puerto Ricans to such a pass as this.

[From the Peoria (Ill.) Journal—Republican.]

THE POLITICAL DEATH KNELL.

That Puerto Rican measure will sound the death knell of several Congressmen if they are not careful. When the people get in earnest they are not to be fooled with, and there is no doubt that they are in earnest in that matter.

From all over Dixie land, where the people revere the written Constitution as the only shield for themselves and their posterity, and where a conservative adherence to the traditional policies of the Republic and a loving obedience to the teachings of the fathers are still in vogue, these voices come:

PUERTO RICAN ROBBERY.

To enable that party to regain the ground it had lost, the bill to use the duties already paid on Puerto Rican products coming into our markets was devised. It was dictated by politics. But will this bill cure the blunder which the Republicans have made? It is very doubtful. The whole country understands now that the Republicans, in all they are doing in respect to Puerto Rico, are guided by political considerations. They are not trying to assist the poverty-stricken people of Puerto Rico; they are trying to reelect Mr. McKinley.—*Savannah News.*

The Republican press of the country is almost of one thought on the Puerto Rico tariff question. The Republican party in Congress is almost a unit upon it also. But the press and these leaders are, strangely enough, on opposite sides. If the press represents the sentiments of the Republican masses, the leaders in Congress have made a great big mistake.—*Mobile Register.*

The claim of Mr. CANNON that the sugar and tobacco in Puerto Rico are owned by the trusts, hence the proposal to tax these articles, is unique, to say the least, but it will hardly succeed in deceiving anyone.—*Birmingham News.*

With the abolition of Spanish rule in Puerto Rico the natives had an impression that the island had become a part of Uncle Sam's domain. The Republicans have apprised them of the fact that they have been turned over to the trust syndicates, with no Constitution to bar the rapacity of the latter. This is, indeed, a cheerful condition.—*Jackson Sun.*

[From the Atlanta Constitution—Democratic.]

A DISGRACE TO AMERICA.

The proposition does not even possess the merit of honesty. The suggestion that the tax be imposed for only two years is a confession that it is blackmail under form of law, a holding up of an innocent people by a highwayman, aided and abetted by the United States Government. If the tax were to be imposed as a perpetuity, honesty might be claimed, but the offer to make it temporary is full proof that there is a beneficiary held out waiting for the spoils. Was ever a more infamous raid made upon the offerings of charity? Were ever a people more outraged than the islanders who welcomed the United States flag? History fails to chronicle such a case, and if the scheme of taxation is carried through, it will be a lasting stigma upon the American name.

[From the Charleston News and Courier—Democratic.]

THE FINAL APPEAL.

The only hope of the Puerto Ricans against the outrage perpetrated by the bill lies in an appeal to the Supreme Court by some one adversely affected by the special tariff. As was repeatedly shown by the speeches in Congress in opposition to the bill, it has been invariably held by the United States Supreme Court that all territory acquired by the United States becomes ipso facto a part of the United States, and under the protection of the Constitution. Therefore the special tariff, if resisted by litigation, can not be enforced, unless the Supreme Court has become so thoroughly Republicanized (in a party sense) as to reverse all its previous decisions on the same question. We shall see what we shall see.

Why, even "Southern Republicans" who generally ask nothing but the party label, are "passing resolutions" and protesting against you as, in this respect, wrongdoers and iniquity workers! Read this Washington Post account of doings in Fairfax, Va.:

A WORD FROM "THE PLAIN PEOPLE."

The Post ventures to remind its valued and valiant contemporary, the Philadelphia Press, that there is a very considerable contingent of "the plain people" over in Fairfax County, Va., who do really and urgently need its most powerful ministrations. They are Republicans and they mean to be loyal, but recent events have placed them in an unhappy situation, as has been the case with their political brethren all over the country. They held a convention on Monday, the 19th instant, and here is the result:

"*Resolved*, That the Republicans of this county indorse the Administration of William McKinley and his devotion to the principles of the party he represents, and regret that he has been called upon, under pressure, to modify his action, as outlined in his message, in regard to the question of trade with Puerto Rico, believing, as we do, that the American flag carries with it the pledges and protection of the Constitution; but having full faith in his loyalty and devotion to the best interests of all the people, we indorse him for renomination and election as President of these United States."

The Press will perceive that these "plain people" experienced great difficulty in being loyal alike to the leader of their party and to their own convictions. Had they been less "plain" and more shrewd and diplomatic, they would have avoided any embarrassment by ignoring all rumors of a change of views on the part of the President. Their true policy would have been to frame a resolution congratulatory of the President's Puerto Rico policy, so clearly and forcibly enunciated in his message.

They might, with superb effect, have embodied in their resolution that impressive sentence in which "our plain duty" is so clearly pointed out that it can not possibly be mistaken. But, being merely "plain people," lacking in finesse, in cunning, and in the art of using words to conceal thoughts, they spoke from their simple, honest hearts just what they thought—just what millions of "the plain people" in forty-five States are thinking.

It is true they amount to nothing, but when they "dare cheep" against the party, sentiment must be strong, indeed.

But why not hear the Puerto Ricans themselves? Sixty-six per cent of them are "white people," and they are supposed to be "free," and the petitioners below referred to at least are "21." Hear what they say:

ASK STABILITY, NOT RELIEF—NEEDS OF PUERTO RICANS PRESENTED BY PETITION AT SAN JUAN—DISTRESS AND ALARM DAILY BECOMING MORE HARASSING FOR WANT OF A FIXED POLICY—UTTERLY UNABLE TO HOLD OUT MUCH LONGER.

SAN JUAN, PUERTO RICO, *March 19, 1900.*

A large gathering of 10,000 people, headed by the San Juan Chamber of Commerce, assembled at the palace of the governor-general to-day to submit a petition with reference to the needs of the island. The deputation selected to present it was received, in the absence of General Davis, who was indisposed, by Lieutenant-Colonel Hall, adjutant-general. On behalf of General Davis, Lieutenant-Colonel Hall expressed pleasure at seeing so many people who were interested in a question of such importance, and assured them that Puerto Rico would receive justice. An account of the proceedings will be transmitted to Washington.

The crowd was orderly, and dispersed without confusion amid "vivas" for the United States and the governor-general. Following is the text of the petition:

"The people of Puerto Rico, of all classes, represented by the mayor of this city and by the chamber of commerce, in peaceful assembly convened, call upon Governor-General Davis respectfully to direct his attention, and through him the attention of Washington, to the following most salient points of the present critical condition of the island:

"First. The consternation into which the business community in general has been thrown on account of recent cabled news from the United States, setting forth the negative attitude of the Senate as regards the tariff question.

"Second. The utter inability of the island to hold out much longer under existing conditions, as the Senate's delay in coming to a decision on the tariff simply aggravates the almost absolute state of penury throughout the island.

"Third. The urgent necessity of a final settlement of the question as a means of saving to their owners, mostly men of small means, the sugar and tobacco crops, which would pass under the control of speculators if a conclusion is not soon reached, this being the time for planting new crops, and a failure to act promptly being also calculated to have most prejudicial results.

"Fourth. The distress and alarm that are daily becoming more harassing in all branches of trade, owing to the virtual lack of a fixed and definite standard for transactions, and the grave apprehensions as to the future, now so generally entertained by all merchants.

"Fifth. The absence of buyers for products, which, with the loss of their former markets, as a consequence of the new régime, are now at a practical standstill.

"Sixth. The enormous depreciation of property, more especially on plantations, and the ruin staring a majority of the planters in the face as the result of the unnatural uneasiness which has made itself felt among capitalists and loan institutions, leading them to curtail or to shut off entirely the credit necessary in moving crops.

"Seventh. The lack of power as well as the absence of credit to contract a loan for the relief of most of the present necessities and the development of resources.

"Eighth. The need of undertakings of a public nature, instead of relief supplies, which, although necessary, tend to make paupers of the working classes.

"These statements, respectfully made, your petitioners respectfully request the Governor-General to bring to the knowledge of the Government at Washington, trusting that a favorable solution may speedily be found.

"ANDRES CROSAS.
"*President of the Chamber of Commerce of San Juan.*
"M. IGOZCUE,
"*Mayor of the City of San Juan.*"

If you hope, after defying both the Constitution and public opinion, still to remain in power by "dodging the issue," you may find food for reflection in the following editorial from St. Louis:

The St. Louis Republic says:

IT CAN NOT BE DODGED.

Senator DAVIS'S amendment to the Puerto Rican tariff bill recently passed by the House of Representatives is an awkward attempt at a compromise of principle by means of which it is hoped that the Administration and the Republican party may escape the penalty due for the passage of that iniquitous measure.

The Davis amendment proposes to grant free trade to Puerto Rico on a peculiar assumption that certain provisions of the Constitution apply to that island without necessarily extending to the Philippines. In this manner it would be possible for the tariff imperialists to surrender their original position favoring the taxing of Puerto Rico and yet have a fighting chance left to exact the Philippine tribute. The trick is eminently characteristic of its originators.

It is not likely, however, that it will fool the American people, now so thoroughly awake to the peril of that lofty contempt for the Constitution and the rights of Americans so flagrantly manifested by the passage of the Puerto Rican tariff bill by the House. Nor is it likely that, when the expected Republican backdown on that issue comes, the President can be effectually shielded from blame by the claim that he urged free trade for Puerto Rico in his message to Congress last December.

No one denies that the President was on the right side then, but he flopped later in a most pitiable manner. Speaker HENDERSON, Congressman WATSON, of Indiana, and other Republicans in the House assert that the Administration influence was exerted to secure the passage of the Puerto Rican tariff bill.

The President and his party must face the people on this vital issue. They have shown their purpose under a misapprehension of public sentiment. They stand committed to the repudiation of the Constitution on behalf of the tariff trusts. The people will pass judgment on that record.

But there are people who affect to despise newspapers.

Let such take counsel from those whom you yourselves have in the past recognized as great men, pure men, and patriots.

Ever since I have been in Congress there has been one giant Republican intellect that has towered above the rest of you like a giant among pygmies—sometimes narrow, intolerant, and bitter in his partisan zeal, but a marvel of quickness, penetration, and common sense, a great man—Thomas B. Reed.

He opposes your oriental expansion, colonial government, and imperialistic policies.

Benjamin Harrison, ex-President, whom you have delighted in times past to honor, appeals to you to do justice under the Constitution to the people of Puerto Rico. Ex-Senator Edmunds, ex-Senator Henderson, Carl Schurz, ex-Senators Boutwell and Sherman, Senators HOAR, MASON, DAVIS, PROCTOR, and others—members of both Houses or retired full of honors, I can not name them all—appeal to you to halt. Boards of trade and commerce, Republican conventions, State legislatures join in the appeal.

Your President has said in his message:

It must be borne in mind that since the cession Puerto Rico has been denied the principal markets she had long enjoyed and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. Her coffee was little known and not in use by our people, and therefore there was no demand here for this, one of her chief products. The markets of the United States should be opened up to her products. Our plain duty—

This is strong language: "Our plain duty."

A great American, whom all good men love, once said: "Duty is the noblest word in the English language."

Our "plain duty"—"plain" is obvious, palpable, undeniable.

Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

And yet this "plainness" has become "obscurity" for no publicly expressed reason, save the one expressed in this debate, to wit, "Lest Finley should grow rich!" And even "Finley" existed when the President wrote his message. Your Secretary of War, in his report of November 29, 1899, has used these words, which he can not unpublish, though he may regret that they arise to rebuke him:

The question of the economic treatment of the island underlies all the others. If the people are prosperous and have an abundance of the necessities of life, they will with justice be easily governed, and will with patience be easily educated. If they are left in hunger and hopeless poverty, they will be discontented, intractable, and mutinous. The principal difficulty now in the island of Puerto Rico is that the transfer of the island from Spain to the United States has not resulted in an increase of prosperity, but in the reverse. The industry of the island is almost entirely agricultural. The people live upon the products of their own soil and upon the articles for which they exchange their surplus products abroad. Their production is in the main of coffee, sugar, and tobacco. The prosperity of the island depends upon their success in selling these products.

So long as the island was a part of the Spanish possessions there was substantially free trade with Spain and with Cuba. The total exports from Puerto Rico for the four years preceding 1897 averaged about $16,609,000, of which an average of less than one-sixth part ($2,630,000) was sold to the United States and an average of one-half ($8,025,000) was sold to Spain and Cuba. Immediately upon the transfer of the island from Spain to the United States Spain erected a tariff barrier against the introduction of Puerto Rican products. The interests of Cuban agriculture led to the erection of a similar barrier in the tariff adopted for Cuba, so that Puerto Rico was debarred from the principal markets which she had previously enjoyed, and at the same time this country has maintained its tariff against Puerto Rican products just as it existed while the island was Spanish territory. The result is that there has been a wall built around the industry of Puerto Rico.

Even before the hurricane of August 8, 1899, two crops of tobacco lay in the warehouses of Puerto Rico, which the owners were unable to sell at prices equal to the cost of production. Their sugar shared the prevailing depression in that commodity, arising from the competition of bounty-fed beet sugar. Their coffee was practically unknown in the United States and had no market here. It is plain that it is essential to the prosperity of the island that she should receive substantially the same treatment at our hands as she received from Spain while a Spanish colony, and that the markets of the United States should be opened to her as were the markets of Spain and Cuba before the transfer of allegiance.

Congress has the legal right to regulate the customs duties between the United States and Puerto Rico as it pleases, but the highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

Alas! that the dread of Finley's wealth should have shunted his train of thought!

Your military commander in Puerto Rico joined his voice to theirs. Professor Schurman, the president of the Philippine commission appointed by your President, Mr. McKinley, writes the following letter to a personal friend:

ITHACA, *March 13, 1900.*

DEAR SIR: I agree with you that the United States is under obligation to extend its tariff laws to the island of Puerto Rico. But I can not accept your contention that this obligation is derived from the Constitution, which, in my judgment, does not of its own force apply to annexed territories. The obligation is moral, not constitutional. As the President said, with equal truth and felicity, it is "our plain duty."

We are bound to this course by solemn promises. The supreme and irresistible reason for removing all customs barriers between the United States and Puerto Rico is the promise made by General Miles, when first landing American forces on the island, that the Puerto Ricans should enjoy the same rights, privileges, and immunities as the people of the United States. On this understanding the Puerto Ricans accepted American sovereignty, not only without opposition, but with joyful trust and confidence.

The present issue is simply this: Shall we repudiate, or shall we fulfill, the national engagements? Shall this great Republic break faith with the little island of Puerto Rico? Having secured the fruits of General Miles's promise, shall we now renounce the promise?

The American people will not tolerate any faltering with solemn obligations. Recognizing the national good faith as the Nation's chiefest good, they will condemn any violation of it as the blackest crime. All over the country this Puerto Rican question has stirred to the deepest the national heart and conscience; legislation, inspired by a breach of good faith, will bring a terrible Nemesis. It is said that a tariff is needed between Puerto Rico and the United States to provide a case for the courts to determine the extent of our jurisdiction over the new dependencies, especially the Philippines. I answer that no convenience, no expediency, no other obligation ever justifies a breach of the national good faith.

Let me add, too, that this Puerto Rican legislation is testing us before the eyes of the Filipinos, who keep well informed of all our doings. They will judge by this legislation of the value of American promises. When the ablest and most statesmanlike of Aguinaldo's emissaries to the Philippine commission once expressed the fear that the American Government might not keep the promises it was making, for Spain, said he, made promises and broke them, I silenced him with the reply: "Signor, the United States is not Spain."

Is he now to learn, are all the Filipinos now to learn, that in the first legislation for our new dependencies we prove faithless to our pledges and recreant to our obligations? Such an exhibition of ourselves will strengthen the hands of Aguinaldo and the insurgents, because unhappily it can be used to support their persistent statement that the Americans are no more trustworthy than the Spaniards.

At the very moment when we need to inspire confidence in the minds of the conquered Filipinos, shall we commit an act which will confirm their distrust of us, quicken their suspicions, and breed new, and perhaps, ineradicable antipathies? God forbid!

I clipped it from the Washington Post of March 16. Can you not afford to heed your own "High Insular Tycoon and Paramount Imperial Mogul?"

The two greatest constitutional lawyers who have served in either House of Congress within my personal recollection were Senators James Z. George, of Mississippi, and George F. Edmunds, of Vermont.

The former is dead; the latter still lives. Here is a letter from him to Senator PROCTOR, published in the RECORD:

PHILADELPHIA, PA., *March 21, 1900.*

MY DEAR SIR: I have yours of the 20th instant, and, both as an American citizen and an original and constant Republican, am very glad to learn that you are opposed to legislation having the effect of imposing on the people of Puerto Rico—whether we call them citizens or subjects of the United States—any kind of revenue burden or benefit that is not common to the whole people of the United States. Any such measure, if enacted, will, I believe, be unique in our whole history. It will imitate and parallel the acts of the British Parliament which forced our fathers to resistance and revolution and led them to establish a Constitution which, in studied and explicit terms, forbade any such discrimination.

I know there are many gentlemen engaged in public affairs, whose intelligence and patriotism are above question, who believe that our Constitution does not embrace the Territories, and that as to them the President and Congress possess the same omnipotent powers that the British Crown and Parliament have always possessed over their possessions. While I think that position is untenable as a matter of law, I believe the proposed action is still less defensible viewed in the light of those principles of liberty, justice, and equality of rights we all profess to believe in, and which, whether we believe in and practice or not, are still living, and will live and bear fruits more and more among men, in spite of all the tyrants, well-meaning or otherwise, in the world.

I need not weary you by referring to the often stated arguments on the general subject, but I will mention one aspect of it which, so far as I have noticed, has not been particularly adverted to. Congress is the creature of the Constitution, and not the reverse. A law passed by Congress is its creation, a mere expression of its will, which it may repeal or change at pleasure. If, therefore (assuming that the Constitution does not exist in Puerto Rico), Congress were to enact a statute declaring that the present Constitution shall be extended over and be in force in that island, the Constitution gets its only force there by the virtue of the statute. It is a statutory Constitution, and nothing else, and a repeal of the statute would extinguish it.

But the Constitution, as such, I suppose all admit is not subject to the control of Congress, either to enlarge or diminish, to expand or contract, or to be applied to or withdrawn from any people or place. It is not a movable thing like the Ark of the Covenant of the Israelites, to be set up and moved here or there, as the tribes might wander. It is the actual event and condition, and not the legislative or executive will that must, in the nature of things, determine the status of a man or a country under it.

The instances in which Congress has declared in statutes organizing Territories that the Constitution and laws should be in force there are no evidence that they were not already there, for Congress and all legislative bodies have often made enactments that in effect merely declared existing law. In such cases they declare a preexisting truth to ease the doubts of casuists. Puerto Rico and its people came under the sovereignty of the United States by force of the treaty with Spain, and I think all will agree that if any part of the people of the island levied war against the United States or adhered to our enemies, etc., they would be guilty of treason. But treason is an exclusively defined constitutional crime, and it can not exist on the island unless the Constitution that defines it is in force there.

Apart, however, from considerations of fundamental equal law for all who owe allegiance to our flag of liberty and justice, there are, it seems to me, other very weighty and commanding reasons why we should treat the people of Puerto Rico on the basis of absolute civil equality of right and circumstance with the citizens of our States and home Territories, and in doing so; if, as is contended, the Constitution is not in force there, we make no precedent for the territories on the other side of the globe; for, like all measures within the discretion of Congress, each subject must of course be dealt with when it arises under its own peculiar circumstances and conditions. These people gladly yielded to our dominion on assurances, never disowned or withdrawn, of our commanders and other officers that they would become free and equal citizens of the Republic with all the rights implied by that term.

The geographical position of the island makes it, to my mind, especially important that its people should become and remain completely and earnestly loyal, and intimately acquainted and interested with the people here, and

bound to us by ties of business and friendship common to all. *If* we do not abandon or impair or imperil our supremely important and exclusive interests—common between our country and the Central American Republics and other American States—in relation to the Nicaragua Canal, Puerto Rico will in times of stress be the key of the situation. It was for this reason that, before peace with Spain was attained, I was earnestly in favor of holding the island, although I was opposed to taking dominion over the Philippines, excepting Guam. Pardon this too lengthly note, and believe me,

Faithfully, yours,

GEO. F. EDMUNDS.

Hon. REDFIELD PROCTOR,
United States Senate, Washington, D. C.

There is much worth hearing and remembering in the following letter from ex-Senator Henderson, one of the few left of the Republican "old guard," survivors from your better days:

FAIR TREATMENT OF PUERTO RICO—IT MUST HAVE ALL THE BENEFITS AND ALL THE BURDENS OF OUR LAWS.

EDITOR POST: I deeply sympathize with you in your defense against the charge of "free-trade" tendencies. We started out with thirteen States. We now have forty-five. All of the additional thirty-two, except Texas alone, were held by us as Territories previous to their admission into the Union. Did anybody ever propose to levy tariff duties on the commerce of any one of these Territories?

The tariff has been with us an active and exciting political topic ever since 1789. It has been discussed only in connection with foreign commerce. To be a protectionist has been to favor duties on the commodities of foreign countries. Trade between the States and Territories of the United States has always been free and untrammeled. This freedom of trade was a sine qua non of the Union. Without it the Union was originally impossible and without it the Union can not endure. Equality of taxation is crystallized in the Constitution. To remove it is to break the great compact upon which it is founded.

If the protected interests shall be able to wage wars at the common expense in order to create additional home markets for their products and then compel consumers here to pay tariff duties on the commodities of those annexed or subjugated countries, then the Union exists only for the purpose of dispensing bounties to the favored classes.

Puerto Rico, if annexed at all, has been annexed by the common blood and treasure of the people of the United States. We knew its products before we took it from Spain. One of these products is sugar. I do not produce sugar; I am a consumer of sugar. My money has gone into the acquisition of this territory. Have I not the same rights in the products of this territory and in its people that Mr. OXNARD has? He grows sugar and I consume it. Shall he take the whole benefit of the acquisition and I get nothing? I consume tobacco and I manufacture cigars. I need both wrappers and fillers in my business of cigar making.

Connecticut alone of the present admitted States grows tobacco suitable for wrappers. It produces from 10,000,000 to 15,000,000 pounds of these wrappers per annum, on which there is a tariff duty of $1.85 per pound. Connecticut, of course, is benefited by this enormous protective duty on foreign tobacco. But Connecticut demanded that Puerto Rico should be brought into the United States. It is now no longer a foreign State. It is now a part of the great Republic. Connecticut claims all the benefits of the transaction and leaves me none. It accepts the good and rejects the bad; or rather, it appropriates the blessings and shuffles off on me and others all the burdens.

I have a right, both constitutional and moral, to receive from Puerto Rico free of duty its oranges, its lemons, and other fruits. California and Florida object. On what ground? Simply because they are unwilling to accept the consequences of competition. The people of these States have the benefit of an enormous tariff duty on these articles, and they wish to force me still to pay them the bounties of protection. Is it right? Is it just to me and others who stand in the same situation? They know it is unjust. They know it is immoral and against conscience. They know it is unconstitutional. They vainly imagine, however, that under the old slogan of protection to American interests they can blind the people yet a little longer. What are American interests? The interests of Puerto Rico are now as much American interests as those of New York, Pennsylvania, Connecticut, or California.

Gentlemen of Congress, the only way to settle your differences is to treat Puerto Rico as a part of the United States. Give to it all the benefits and all the burdens of all your laws. Puerto Rico must pay the same tariff which we pay on goods of foreign production, but not one cent on goods produced in the United States. Between us and Puerto Rico trade must be free. You must cease to vote away money from the Federal Treasury as a cloak to cover political wrongs. The people see through the very thin gauze which mantles your pretended charity.

J. B. HENDERSON.

WASHINGTON, *March 27, 1900.*

The Washington Post on March 5 published the following extract from a sermon by the Rev. Dr. Smith, of Indianapolis:

PUERTO RICAN TARIFF A CRIME—INDIANAPOLIS CLERGYMAN DENOUNCES THE MEASURE—CRUMPACKER FOR GOVERNOR.

INDIANAPOLIS, IND., *March 4, 1900.*

The Rev. Dr. Smith, pastor of the most prominent and fashionable church here, said to-day in his sermon:

"To listen to a few magnates and burden Puerto Rico with a tariff is a criminal course. Some of our politicians are smarting under the lash of public censure, and are studying the art of being two-faced and two-voiced to extricate themselves from an awkward dilemma.

If the islands are equal to our average State on the score of intelligence, then we violate our law in laying a tax without their consent; our national enthusiasm for expansion or imperialism may carry our people so far as to override common sense and common honor. Let us keep hands off those famishing isles if we can not nurse them into strength of brain and life and love for us because we guarded them in their day of stress.

I am led to presume that the Rev. Dr. Smith is a Republican by two facts, he is pastor of the "most fashionable church" in Indianapolis, and he preaches politics from the pulpit and not merely "Christ crucified"—as was recommended by one Paul of Tarsus, who, however, did not have a "most fashionable" church.

Although none of the members of the old Cleveland régime are in high repute with the members of either party, the following utterance of ex-Postmaster-General Don Dickinson will furnish thinking men food for thought:

[Special to the Post.]

DICKINSON ON PARTY BLUNDERS—FORMER POSTMASTER-GENERAL CONDEMNS THE M'KINLEY ADMINISTRATION.

DETROIT, MICH., *March 5, 1900.* "Napoleon used to say that a blunder was worse than a crime, and in our foreign and domestic policy the Republican party, within the past few months, has been guilty of a whole series of stupendous blunders, executive, diplomatic, and legislative, the crowning one of which is the Puerto Rican tariff business," said Don M. Dickinson this morning. Mr. Dickinson, it will be remembered, was Postmaster-General under President Cleveland, but deserted the Democrats on the monetary issue in 1896, speaking from Republican platforms for the gold standard.

"First in the late series, the Administration sustains the deal of the Secretary of the Treasury with the Central National Bank of New York regarding the purchase of the custom-house, which was discreditable, to say the least, if not disgraceful," continued Mr. Dickinson. "Next, it resurrects and galvanizes into life the Clayton-Bulwer treaty, and especially that part of it most offensive to the people of the United States, which was never ratified by the Senate and was therefore invalid.

"Next, it has actually attempted to engage in a contract with Great Britain by which we are not permitted to build or control our own waterway on this continent giving us connections with our Pacific and Atlantic seaboards, except under conditions which Europe and Great Britain may name. Could there be a more complete surrender of the Monroe doctrine?

"Then comes this Puerto Rican tariff. Puerto Rico is as much American territory as Florida was after its acquirement and before it was organized as a Territory, and, therefore, protected by the fundamental law, the Constitution of the United States, which imposes a duty upon Congress to legislate for the protection of its people.

Legally, in my opinion, you can no more apply a protective tariff to imports from Puerto Rico to New York than you can from California to New York; nor can you impose a tariff upon goods exported to Puerto Rico from any State. But, bad as that is, their backing and filling, their weakness and vacillation in this matter, seem to be gaining for the majority in Congress and the Administration the contempt of the American people.

Our people admire bravery even in wrong-doing, but they despise a cowardly policy. I can not imagine what the leaders are about, except on the theory of the old Latin proverb, "Quos deus vult perdere, prius dementat" (Whom the gods would destroy, they first make mad).

As "a straw to show which way the wind blows," even in Connecticut, and how it has affected the "smaller fry," hear this, which I clip from the New York Evening Post's special report as republished in the Washington Post of March 3:

[From the New York Evening Post.]

SENTIMENT IN CONNECTICUT—A REPUBLICAN LEADER BOLTS M'KINLEY BECAUSE OF THE PUERTO RICAN BILL.

NEW HAVEN, *March 1, 1900.*

Feeling here is very bitter against Representative N. D. Sperry for his vote yesterday in favor of the Puerto Rican tariff bill, in defiance of the sentiment of both parties in his constituency. It is certain to affect the vote for him should he be renominated, and there are well-grounded rumors of an attempt in his own party to defeat his nomination.

A more significant evidence of local Republican sentiment is the declaration yesterday here of John L. Hutchinson, of Middletown, an active party worker, ex-collector of internal-revenue for the district, and a delegate in 1896 to the national convention which nominated McKinley. Mr. Hutchinson criticised severely the President's lack of backbone in the Puerto Rican tariff matter, and declared that he would not vote for him if renominated.

I have already made mention of the resolutions of the house of representatives of the State of Iowa. They were passed by a unanimous vote of that Republican body. Here they are:

IOWA ON PUERTO RICAN BILL—CONCURRENT RESOLUTION CONDEMNING TARIFF MEASURE UNANIMOUSLY ADOPTED BY LOWER HOUSE OF THE LEGISLATURE.

DES MOINES, IOWA, *March 22, 1900.*

The house of representatives of the State to-day passed a concurrent resolution, by unanimous vote, declaring that the people of Iowa are unalterably opposed to a Puerto Rican tariff. The resolution was messaged to the senate, and will be taken up there next week. Representatives Kendall, Eaton, Byers, Theophilus, Temple, Carr, and others made speeches in favor of the resolution. While Republicans generally sympathize with the sentiment of the resolution, many of them regret its passage at this time, feeling confident as they do that Congress will not pass the tariff bill.

The resolution was introduced by Representative Kendall, as an amendment to a resolution introduced by Representative Eaton, memorializing Congress to appropriate $5,000,000 for the St. Louis Exposition in 1903. The Puerto Rican resolution follows:

"*Be it resolved*, That the people of Iowa are unalterably opposed to the establishment of any tariff duties between the United States and any territory acquired as a result of the Spanish-American war, the people of which accepted the sovereignty of this Government without resistance, and voluntarily passed under the jurisdiction of its Constitution and laws."

I understand that the leader of the Iowa delegation in this House [Mr. HENDERSON, the Speaker] holds that the members of the Iowa legislature "knew not what they did." Perhaps the truth is that "exalted station" has carried the Speaker further from the people than the Iowa legislators feel that they can go.

The Washington Post in an editorial of March 23, taking these Iowa resolutions as a text, well says:

IOWA GIVES A NUDGE.

We imagine that the action of the Iowa legislature, yesterday, communicated a very unpleasant reminder to quite a number of our western statesmen who, for the past few weeks, have been slipping about on Capitol Hill in their rubber shoes and pooh-poohing the idea that the American people were really interested in free trade for Puerto Rico.

After this, however, the Iowa Congressman, like the Indiana article, will have something to think about. Senator Allison and Mr. Speaker Henderson, who is generally supposed to have thought that it wasn't loaded—these two very prominent gentlemen will find it expedient to retire to their respective closets and take a thinking part. The Iowa legislature, without a dissenting voice, and, apparently, without the smallest wish to produce one, spoke for the President's free-trade recommendation and thereby set him up against the Republicans of the House who have conspired to frustrate his benevolent and righteous plans.

As all good Republicans should do, they have backed the leader of their party and frowned upon those who would confute and baffle him. They have come out fearlessly and frankly for the policy defined by Mr. McKinley in his message of last December, and they have, incidentally, served notice on their Representatives in Congress that they have serious convictions concealed upon their persons, and that it will not be healthy for Republican officials to disregard them.

The advocates of the Puerto Rico tariff bill have spent a good deal of time

and eloquence in trying to persuade their coadjutors in Congress that the country does not feel very strongly in the matter; that there is nothing in it more than a demagogue outcry and an unthinking popular applause. We may say, moreover, that this propaganda has had a certain success—what the French call a "succès d'estime"—and that a great many gifted statesmen have been lulled into false security by listening to their seductive pleadings. But we fail to see how any really wise politician can misinterpret or ignore the warnings that have come to them from Ohio, Indiana, Illinois, Wisconsin, Minnesota, and—more recently and in formal terms—from Iowa.

Not since the outbreak of the war with Spain have we witnessed a popular demonstration so potent and so unmistakable. This question has touched the country's conscience. The feeling now prevalent is based on something much more substantial and enduring than mere sentiment. It is an impulse of honesty and justice and good faith. This Iowa declaration will put an end to the fatuous complacency that has prevailed in certain august quarters. It calls a halt upon the tiptoeing into secret places and the finger-on-the-nose business, and the general air of knowing satisfaction recently observable among the leaders. It will make certain gentlemen wish that they had adhered to their original purpose, and it will strengthen other gentlemen who were quick to recognize the wisdom of the President's original attitude and to feel the force of the popular approval thereof.

I have quoted from the New York Board of Trade and Transportation. Would their opinion be reenforced by the expression of that of the commercial and manufacturing interests of Baltimore, the "city of conservative business habits"? If so, digest this:

CONDEMN PUERTO RICAN TARIFF—MERCHANTS AND MANUFACTURERS' ASSOCIATION FAVORS NICARAGUA CANAL.

BALTIMORE, *March 21, 1900.*

The Merchants and Manufacturers' Association of this city, one of the leading commercial bodies of the South, to-day adopted, without a dissenting vote, resolutions strongly condemning the Puerto Rico tariff bill and favoring the Nicaragua Canal. The resolutions follow:

"*Resolved by the Merchants and Manufacturers' Association of Baltimore*, That we hereby express our conviction that justice demands the removal of all trade barriers between the United States and our recently acquired colonial possession of Puerto Rico, and that the inhabitants of the island of Puerto Rico be admitted to the same rights and freedom in trade that is accorded to citizens of our own country.

"*Resolved*, That we are opposed to the passage of any law by Congress which provides for the imposition of taxes upon trade between Puerto Rico and the United States contrary to the freedom of commercial intercourse which now prevails between the several States and Territories, and we therefore request our Senators and Representatives in our Congress to advocate such legislation as will establish free interchange of commerce."

Resolved by the Merchants and Manufacturers' Association of Baltimore, That the constantly increasing commerce of the world makes the construction of a ship canal connecting the Atlantic and Pacific oceans a greatly desired necessity, and that from investigations hitherto made, we believe the construction of such a canal is practicable, merely involving questions of time, cost, supervision, and title.

That, in our opinion, the most feasible route for a trans-isthmian canal is that known as the Nicaraguan route, and we therefore respectfully urge our Senators and Representatives in Congress to exert their influence in behalf of such measures as will tend to secure the construction of the Nicaraguan canal under the supervision of the United States.

It would, perhaps, be well to conclude this very incomplete, but, at any rate, representative array of utterances of legislative, conventional, and trade bodies, distinguished men and newspapers, by this clinching and conclusive editorial from the Washington Post, Administration:

"CHEAP AND COWARDLY."

The Chicago Times-Herald shows, as the Chicago Inter Ocean has done, the reason why it is proposed in Congress to violate the nation's pledge to the people of Puerto Rico, the pledge given them in behalf of the nation through a proclamation by General Miles when he landed on their island with an invading army.

The Times-Herald, in common with every other influential newspaper west of the Alleghenies, with a single exception, believes that it will be a national disgrace full of peril to the Republican party to pass the Puerto Rican tariff bill. And there is significance in the fact that President McKinley and his Administration have no more sincere and devoted friend than Mr. Kohlsaat's newspaper. That paper, in its issue of the 20th instant, says, in reply to many inquiries "for fuller and definite information concerning the origin of the present folly which has been foisted upon the party by its 'leaders' in the House of Representatives," that the matter is as inexplicable to-day as it was when the Committee on Ways and Means reported the 25 per cent tariff measure. In both the House and Senate, it says, the Puerto Rico bills went in free trade lambs and came out tariff wolves.

Having said that, our Chicago contemporary proceeds to inspect the statements made to the Senate Committee on Puerto Rico by Henry T. Oxnard, of Oxnard, Cal., the representative of the beet-sugar industry, and Herbert Myrick, of Springfield, Mass., chairman of the "League of Domestic Producers," and claiming to represent the beet sugar, cane sugar, tobacco, wool, cotton, fruit, vegetable, rice, and nut producers. It says Mr. Myrick fairly threatened the committee with the loss of 500,000 votes to the Republican party if it fulfilled the pledge of the President to give free trade to Puerto Rico.

But the Times-Herald finds nothing in the testimony given before the committee, including the threat of Mr. Myrick, to justify the committee's departure from its original bill, which gave free trade to Puerto Rico. And here is the Times-Herald's conclusion:

"The truth is that the consistency and honor of the Republican party were sacrificed for cheap and cowardly political reasons, and the moral sense of the party was outraged at the bidding of the smallest fly that ever buzzed around the hub of progress."

That is the opinion, not of one newspaper, but of the almost unanimous press of the United States. That voice comes out of the heart of the great Northwest. It is the voice of the people. Can the Republican leaders in Congress afford to defy it? Are they so confident of victory in this year's campaign as to believe they can with impunity pass a measure against a more formidable opposition in their own party than was ever before brought to bear by members of any party against any proposed action of their friends in Congress? Do those Senators and Representatives understand that they are proposing to endow the opposition with a greater wealth of campaign capital than all that they now possess?

Is it possible that Republican statesmen and politicians are going to invite the Democratic national committee to fill its campaign text-books and its reams of literature with citations from President McKinley, ex-President Harrison, President Schurman, of the Philippine Commission, ex-Senator Edmunds, 10,000 Republican editorials, and various speeches of Republican Congressmen, all condemning the Republican Congress?

Just imagine a campaign in the Northwest under the conditions which the passage of this bill will create, and you have a situation that would appall the boldest spell binder, and compel the Republican editors to either stultify themselves or bear in silence the thickest, heaviest, fiercest storm that ever burst on the heads of campaigners. And that storm would consist of Republican writings and speeches. Is it best to persist in the "sacrifice of the consistency and honor of the Republican party for cheap and cowardly political reasons"?

Let there be no doubt in the minds of the people at any time, present or future, concerning party responsibility for this more than shameful state of affairs.

Lest there may be an attempt on the part of some of the majority to wriggle out, I call attention to the—

VOTE ON PUERTO RICO BILL IN HOUSE, APRIL 30, 1900.

An analysis of the vote shows that six Republicans—Representatives CHUMPACKER of Indiana, FLETCHER and HEATWOLE of Minnesota, LITTLEFIELD of Maine, LORIMER of Illinois, and MCCALL of Massachusetts—voted with the opposition against the bill, and four Democrats—Representatives DAVEY and MEYER of Louisiana, DE VRIES of California, and SIBLEY of Pennsylvania—voted with the Republicans for the bill. In addition, Representative WARNER (Republican) of Illinois was paired against the bill with Representative BOUTELLE (Republican) of Maine for it. Two other Republicans—Representative LANE of Iowa and Representative FARIS of Indiana—were absent and unpaired. They were understood to be against the bill.

Of the four votes in favor of the bill classed above as Democrats, one is that of Mr. SIBLEY of Pennsylvania, who is not now, nor was ever at any time, a Democrat, although he voted for Bryan on account of free silver in 1896. He is now reported by the newpapers to be seeking a Republican nomination for Congress.

Two of the votes were cast by gentlemen who peculiarly represent the Louisiana sugar industry. It has become a proverb that "sugar knows no politics." The seven Republicans voting as paired against the bill, and in a less degree the two who though absent have proclaimed their opposition, deserve from the country that meed of praise and gratitude which is always deserved by men of firm resolve, fixed principles, and moral courage.

This is especially true and worthy of mention when such men are members of Congress, because the virtues they have displayed are not those in which politicians ordinarily excel.

Mr. SULZER. I ask the gentleman from Iowa to yield some of his time now.

Mr. HULL. Will the Chair kindly state how much time has been used on each side and how much time is remaining?

The CHAIRMAN. An hour and fifty-two minutes have been used on the Republican side, and an hour and twelve minutes upon the Democratic side.

Mr. HULL. Mr. Chairman, I want to take about ten minutes, possibly—not more than that. I want to be called down if I undertake to exceed that.

The CHAIRMAN. It will give the Chair pleasure to call the gentleman down. [Laughter.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1918. An act granting an increase of pension to John E. Higgins;

S. 2651. An act granting a pension to Henry Hill;

S. 1578. An act granting a pension to George W. Campbell;

S. 1246. An act granting a pension to Charles A. Perkins;

S. 1245. An act granting a pension to Oliver Demon;

S. 2290. An act granting a pension to James Richardson;

S. 2753. An act granting an increase of pension to David H. Morey;

S. 1601. An act granting an increase of pension to John Thornton;

S. 1603. An act granting an increase of pension to John W. Kaump;

S. 3078. An act granting a pension to Charles Weitfle;

S. 2539. An act granting an increase of pension to Capt. Milton H. Daniels;

S. 258. An act granting a pension to Coryden Bevans;

S. 3380. An act granting an increase of pension to Hamilton K. Williams;

S. 2335. An act granting an increase of pension to Maj. John W. Blake;

S. 2900. An act granting a pension to Hannah G. Huff;

S. 351. An act to increase the pension to Samuel S. White;

S. 1400. An act granting a pension to William Lyman Chittenden;

S. 2764. An act granting an increase of pension to William Murphy;

S. 3200. An act granting an increase of pension to Luke H. Monson;

S. 2483. An act granting an increase of pension to Lewis C. Beard

S. 2215. An act granting an increase of pension to Robert J. Koonce;
S. 2276. An act granting an increase of pension to George W. Ragland;
S. 3418. An act granting an increase of pension to Eliza Adelaide Ball;
S. 2296. An act granting an increase of pension to John J. Sears;
S. 316. An act granting an increase of pension to Louann A. Perry, of Wallace, Kans.;
S. 3289. An act granting a pension to Isabella Underwood;
S. 3215. An act granting an increase of pension to Andrew F. Dinsmore;
S. 2154. An act granting an increase of pension to William A. Owens;
S. 1890. An act granting a pension to S. E. Treadway;
S. 1996. An act revoking and annulling the subdivision of Pencote Heights, in the District of Columbia;
S. 2926. An act to prevent dangers to navigation from rafts on the Pacific Ocean;
S. 1612. An act providing for the purchase of metal and the coinage of minor coins and the distribution and redemption of said coins;
S. 2870. An act concerning disbursing officers of the Subsistence Department of the Army;
S. 3270. An act for the relief of Nathan S. Jarvis;
S. 3249. An act to remove the charge of desertion from the naval record of Charles C. Lee;
S. 3060. An act for the relief of James C. Drake;
S. 1596. An act to equalize and regulate the duties of the judges of the district courts of the United States of Alabama;
S. 3662. An act granting an increase of pension to Louise D. Smith;

Senate concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That the statue of Oliver P. Morton, presented by the State of Indiana, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of the most eminent citizens and illustrious statesmen of the Republic.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Indiana;

S. 3300. An act granting an increase of pension to Luke H. Monson;
S. 3352. An act granting a pension to Sarah Kersey;
S. 1939. An act authorizing the President of the United States to appoint a commission to study and make full report upon the commercial and industrial conditions of China and Japan, and for other purposes; and
S. R. 72. Joint resolution authorizing the President of the United States to appoint David Bagley as an additional cadet at the Naval Academy, Annapolis, Md.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 99. An act to establish a military post at or near Des Moines, Iowa; and
H. R. 9497. An act to amend an act providing for the construction of a light-ship to be located near Cape Elizabeth, Me.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 470. An act granting a pension to Jane Dykes;
H. R. 3538. An act granting an increase of pension to Charles Ross;
H. R. 6700. An act granting an increase of pension to Maria Andrews;
H. R. 6701. An act granting a pension to Serelda C. McGrew;
H. R. 3012. An act granting a pension to Sarah Claggett;
H. R. 2597. An act granting an increase of pension to Charles Kauffung; and
H. R. 1763. An act granting a pension to Ella F. Sydnor.

ARMY APPROPRIATION BILL.

The committee resumed its sitting.

Mr. HULL. Mr. Chairman, as a member of the Republican Congressional committee, I feel an interest in the charges that Republicans voted for the Puerto Rican bill in order to secure a campaign fund, as made in the Star that was published last night and reproduced in the Post this morning. I want to say to this House, Mr. Chairman, that in my judgment no man who is worthy of belief would make such a charge and withhold his name from the public. And so far as I am concerned, and those with whom I am associated, I pronounce the charges absolutely false. I believe, if the charge was made as stated, that the man making it will never dare let his name be known so that he can be proven a common falsifier; and I believe that a paper of the character of the Star has no right to send out to the public such grave charges affecting the integrity of members of Congress anonymously, so that the members are helpless to prove the falsity of any such accusations.

We heard in this debate on yesterday some very strong statements in regard to the crime we are committing in trying to enforce the authority of this Government in the Philippine Islands. We have heard to-day a large amount of newspaper criticisms and newspaper opinion upon the present situation in the United States and in the islands. It struck me that while we are reading extracts, it would be a good idea for my Democratic friends to learn the high estimation in which they are held in the Philippine Islands.

I have here some extracts that were taken from a prisoner captured just outside of Manila in the month of November, with certain papers upon him, which translated read as follows; and if my friends will follow this reading, they will see that, while they have enthusiastic admiration and love for the insurgents, for those who are killing our soldiers and defying our authority, at least those gentlemen, who are rather ignorant as to the location and as to politics in this country, are equally in love with them. This is a translation made from papers found on a prisoner who was captured trying to get the Filipinos who had enlisted with us to go over to their side, on the promise that they would give them commissions if they would go and see that they were properly rewarded after the next election.

I do not charge that these articles were ever published, but they were circulated among the Filipino insurgents and throughout the islands as if they had been, and the ignorant Filipino supposed them genuine.

[From the Hongkong Daily Press.]

THE AMERICAN AND FILIPINO DEMOCRATS.

LONDON, *September 7, 1899.*

The Democratic party of New York sustains the candidacy of Mr. W. J. Bryan for President of the United States in the coming elections.

In a meeting held yesterday by this party, a banquet was given in honor of "Aguinaldo, chief of the Filipino revolutionists," who was acclaimed as a true hero.

Here is another dispatch:

[From the Times Weekly. London edition of the 8th of September, 1899.]

"UNITED STATES.

"President McKinley arrived in Philadelphia on the 5th of September, 1899, for the purpose of attending the encampment of the Grand Army of the Republic.

"On Tuesday the representative Democrats from the vicinity of Chicago held a caucus (meeting) in Cooper Union. The speakers denounced energetically the policy pursued by President McKinley in the Philippines * * * and declared in favor of Mr. Bryan as candidate for the Presidency. The meeting cheered Aguinaldo, who was acclaimed as one of the heroes of the world.

"'Por los Democratas de la tribuna de Chicago' 'Tribuna' has the sense of the meeting place for a legislative body such as Congress, thus creating the impression that would be conveyed by Democratic caucus of the House of Representatives.'

"President arrived in Philadelphia on the 5th day of September for the purpose of attending the encampment of the Grand Army of the Republic.

"On Tuesday a meeting was held in Cooper Union by the Democrats. The speakers denounced emphatically the policy of President McKinley in the Philippines, and declared for the candidacy of Mr. Bryan for the Presidency. The meeting gave three cheers for Aguinaldo, who was declared to be one of the heroes of the world."

This and the one on the other page are translations of papers taken off a native who was tried before me this morning and found guilty of trying to get soldiers to desert and go over to the other fellows, promising them commissions, etc., if they would only go. As we were unable to prove that he was ever in the service, could not make a case against him of being a spy. They were merely writings pretending to be copy of articles that appeared in various newspapers. When you take in consideration that "Aggie's" last peace commissioners asked if a concurrent resolution of Congress would be able to tie the President's hand, you can see that the effect of the speeches you sometimes hear about are worth more here than they are in the United States.

Thinking that you might be able to make good use of these, I had a translation made for you. The originals are in the files of the S. P. C. No. 322.

A great many of the natives think that Congress will do something this winter that will make all the army leave here; and if they can see that is false, the end may come sooner.

I simply want to show by this that the insurgents are looking to the Democratic party for whatever hope they can have of ultimately driving American power from the Philippine Islands; and the war has been continued and will continue by the word that is sent from here that if they can only hold out until after the Presidential election during next fall, the Stars and Stripes will be removed from those islands and the government will be turned over to the men who have defied our authority.

It seems to me, Mr. Chairman, that these men—that is, our friends on the other side, who believe in maintaining the supremacy of the Government—should let this great Government of ours settle in our own way and in our own time what will be done. They ought to cease such speeches as the gentleman from Tennessee made yesterday, denouncing us for asserting our authority.

I now yield thirty minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Chairman, it is true that the amount appropriated by this bill is large. It represents the pay and the support and the supply of nearly 100,000 American soldiers, most of whom are fighting in the Philippines for the establishment of order and such good government as we are going to furnish them as soon as they stop shooting at us. Mr. Chairman, we shall vote the bill for the support of those soldiers, who

ask of us that when we vote to support them there we should not stab them in the back by attacking the military of the United States for putting down the insurgent rebellion in those islands.

One gentleman on the other side shrieked at us, "Where is your policy? Why don't you declare your policy? Why don't you say what you are going to do in those many islands occupied by many tribes?" Any American will declare our policy to be that when they shoot at us we will shoot back until they stop shooting, and then give them such a government as they are able to maintain and are willing to maintain. When the people of those islands, or rather the peoples of those islands, for they are many, each of them, are willing to and able, or any of them are willing or able, to accept free government, then, in so far as they are able, we will grant it. But until then I denounce the spirit that will vote money to the soldiers on the one hand, and then be ignorant enough to lend wings to the bullets against them, and force to the powers that fight against them, by talking as we have heard members talk here.

Mr. Chairman, it is not my purpose further to discuss the appropriation mentioned in this bill, but the circumstances of the case render it necessary that something should be said now as to what shall be done with our Army in the future. A large part of it is enlisted only to the 1st of July, 1901. Officers and men leave the United States service at that time. Are any of these officers to be taken into the old line? Are these men and regiments to be taken into the Army then? These are questions that will shortly come before this very Congress, probably at the next session.

Our brave defenders are entitled to know what provision is to be made before their absolute discharge. We want no such spectacle as when the magnificent army of 250,000 men which was enlisted for the war had to be discharged because the war ended and because a proper and permanent army bill did not go through both Houses of Congress. What is more, the question of army reorganization is upon us. The Secretary of War truly says, in substance, that when we remember that at the outbreak of the Spanish war we had neither modern rifles nor smokeless powder, it is well to be careful that we shall not drift back into something like the same conditions.

When we remember that in a war against a power not of the first class it took us months of weary waiting to obtain supplies, equipments, clothing, equipage, and transportation for our comparatively small Army; when we remember the weary sickness and deaths that attended that work, we must remember also that the people have not forgotten, and that they will demand of us such an organization of the Army of the United States as shall make it capable of instant, immediate extension, and mobilization without friction, so as to be able at least to furnish the first fighting line against any power on the globe; and if we do not do that, if we do not realize what is asked of us, or at least attempt it, we shall fail in our duty.

Considering the present temper of the House and their desire to get through with this bill, I have given up the idea that I had of placing before the House a carefully elaborated speech on the subject of army organization. If I do it, it will be under the leave to extend my remarks. But I can not refrain from indicating the points which I think are salient. And first, if an army be properly organized, its small size will not prevent the power that owns it from being a great military power. Germany is probably the greatest military power in the world, all in all, not perhaps in numbers, but certainly in efficiency.

But history tells us the military greatness of Germany dates from the time when Napoleon ordered that only 90,000 men should be in the German line, and when she passed this 90,000 men through the line as a process of education, keeping them in active service only two, three, four, and up to six months, until she could turn them back to their own homes as educated soldiers who knew their duty.

In this way she obtained several hundred thousand men ready to take the reserved stores of arms and march against that very Napoleon who had made that order—not only trained men, but young men, with young officers who had not grown old as officers of the regular establishment, but had the welfare of the nation at heart and were alive. The modern military motto is short service and a trained reserve, that no nation that wants to be a real military power can do without. Short service avoids expense and keeps the ranks small, while a trained reserve will fill those ranks, as Germany filled hers when she called her men to go against France in 1870 and when the millions marched to the border on a few days' notice.

This plan does not involve conscription. It is just as applicable to a volunteer army, and our Regular Army is a volunteer army. Let a man be enlisted for a period part of which he shall serve with the colors, and during the other part be at his home, ready to join those colors in case of necessity, and you have the Swiss system and the German system.

The Germans have enlarged the time of service with the colors to two years, with several years more at home ready to join on call. The Swiss allow only a few months for the training of the soldier, longer in the artillery and cavalry, and shorter in the infantry. Both nations have the system of short service, and a reserve, a system eminently American, one fit for a people's army, one fit for a nation which says that the President shall be Commander in Chief of the Army and Navy of the United States and of the militia when actually called into service of the United States.

There are some strange things about this curious provision for short service. It wakes up the officers as well as the men. If an officer has a lot of old soldiers and gets in a few recruits daily, he leaves their training to the first sergeant. But if men are only enlisted for two years, and half of the men are new every year, and if a company officer has to present the company for inspection within three months from the time it is brought to him, he must be alive.

He takes them into the regiment, and the regimental commander must be alive to present the regiment in three months to the brigade, one-half of which is composed of new men, and the brigadier-general has to be alive for three months to present his brigade in time for maneuvers in the autumn. This work runs through successive years. Thus the officers are working constantly, not simply to maintain an old and established regular army, but to train the people of the nation so that they shall be ready for the call to arms.

This plan makes it necessary to have local recruitments. Imagine the first regiment, say, of the United States infantry, with less than half of its active members in the ranks, the others having graduated from the school of war and being ready at call.

That first regiment, when it sends for its men, wants to find them together. If they are found in one State, in one city, in one locality, all that it does is to give notice to the men to repair to the halls where their guns and uniforms are kept, to put on their uniforms, to hang up their citizens' clothes, and march to the front to do their duty until they return and hang up their uniforms, put by their guns, and take their places among the people again.

One further consideration; local recruitment prevents desertion. A man does not dare to desert when his comrades live in his own neighborhood.

Again, this plan makes the army a part of the people. And the army ought to be part of the people, with sympathy the one for the other. I do not know whether the sentiment of this country can be now brought forward to such a step as to feel that the Regular Army, like the militia, should be part of the people, most of them living among the people, although subject to the call of their officers, and yet citizens following the pursuits of peace.

Whether our people are ready to adopt a plan so foreign to that of the standing Army as it has been understood may be doubtful; but it is certain that this step, which has made the German and Swiss armies a citizen army, has been the power that has worked for peace through the great continent of Europe.

Mr. RIDGELY. May I ask the gentleman a question? I am in perfect accord with the sentiment of the gentleman's speech; but I want to ask him if he does not believe and know that there is a constant pressure in this country to separate the Army as much as possible from the citizenship.

Mr. PARKER of New Jersey. I am not talking of what pressure there may be; I am talking of what ought to be. I do not believe that the gentleman's suggestion is correct; but I know that it is not germane to my argument, which is directed to what we should do as patriots.

Mr. RIDGELY again rose.

Mr. PARKER of New Jersey. I have but ten minutes, and I hope the gentleman will not press his inquiry further.

Mr. RIDGELY. The gentleman's remark suggested that there was something in the way of doing this thing.

Mr. PARKER of New Jersey. I did not go into what was in the way.

Mr. RIDGELY. You mentioned it.

Mr. PARKER of New Jersey. Tradition has been in the way—tradition since the time of Washington has been in the way. We have regarded the Army as consisting of hired men enlisted from day to day. Thank progress and the management of the Army that it now contains a different set of men. Soldiers are now allowed to buy their own discharge; if they serve faithfully they are excused from service after a certain time; they are no longer flogged by way of punishment, and they are seldom imprisoned.

The usual punishment is by light fines and other small penalties. The general sentiment of the Army has raised its tone until we are proud to associate with the "boys in blue," whom we take by the hand. Regulars and volunteers throughout, they represent the great body of the people of the country—its youth and its bravery. And now is the time to put the Army upon a permanent and yet a popular basis.

Little of my time remains, Mr. Chairman, but I will proceed to another point. The Constitution says that the President shall be the Commander in Chief of the Army and Navy of the United

States. Mr. Chairman, he must be. No general in chief of the Army can take the place of the President in war. The Army and the Navy have to work together; he only can control both. In a war the question whether an advance shall be made is not always to be governed by purely military considerations.

The President is sometimes forced to try what is desperate. The advance and battle may be dictated, as at Santiago, by considerations not only of finance, not only of home policy, but probably (though we do not know it) by high and secret diplomatic policy. We had to try; we had to go ahead; no merely military considerations as to the danger or the season or the fevers or the smallness of our preparations could keep the President back, as Commander in Chief of the Army and Navy, from ordering that victorious advance, which came so near being a defeat, but which, nevertheless, was necessary then to end the war.

Under such circumstances nobody but the President can be commander of the Army. General Schofield, who had been General Commanding the Army, who had been Secretary of War, who had likewise been major-general for years, when asked about this matter in 1898, testified before the committee that it was impossible to have a permanent General Commanding the Army; that such general had only had a real command in one year, when the command was in General Grant; that at all other times, when others held that position, whom he named, it was impossible that the General Commanding, as well as the Secretary of War, should rule.

He advised that the place of General Commanding the Army should be a mere detail, as chief of staff for the President; that the President needed some one as his executive officer to do his will, to see that it was carried out; but in order that that should be done properly, the officer should be detailed from time to time. He suggested that the President has this absolute power now, not by law, but by the Constitution, but that a definite law would enable him to exercise it without injury to anyone's feelings if it were understood that the place of chief of staff, general in chief, or whatever it be called, the President's executive officer, should be a position held only for a short time and at his order.

In this way only can a military officer be put at the head of the staff departments as he should be, as well as at the head of the line. The President changes every four years. Make the general in chief really chief of staff, the President's own adjutant, named, as the adjutant is named in a regiment, by the President himself, from time to time, and that supervisory and benign power can be exercised over both staff and line.

Many other questions in the Army may be said to be subordinate. Give full military control over staff and line, and old traditions and the crust of departments will disappear, and the live man can make himself felt.

Another suggestion as to Army legislation: It is dangerous to try to specialize too much. It could sometimes be wished, especially in time of war, that every law on the subject of the Army were wiped off the statute books and that the moneys were given directly to the Commander in Chief to provide the men and to expend almost as he sees fit.

There must be rules and regulations, but there is such a thing as specializing too much. We are the only country in the world clever enough to educate our officers in all branches of the service. At West Point we educate the officer in engineering, artillery, infantry, and cavalry, with sciences and languages.

No other school in the world does that. Elsewhere they make artillery officers or engineer officers or infantry officers or cavalry officers, but they do not teach all branches. We do it, and we have felt the good of it, because when a man becomes a general and receives an independent command he must know something of all branches. He must be enough of an engineer to intrench his troops. He must know how to deal with cavalry and artillery as well as infantry. He must, to a certain degree, be master of all arms of the service. Above all, he must be a master of the art of transportation.

In General Grant's history of the civil war he spends more time discussing the relief of Chattanooga than any battle. He details with pride how he arranged his Northern railroads to ferry the cars across the Ohio River, so that they could be sent down and dumped as fast as they were unloaded, new cars being brought down with every train, with only wild-cat engines going back, so that he was able to supply that starving army and give them the provisions and munitions of war to go forward on their triumphal march.

We all remember that the only thing known about Sheridan before the war was that he was a good quartermaster, and it stood him in good stead when he got to fighting battles and making fast marches, and he kept his men fed. We know what that means in general. In time of peace remember that the Army should be so arranged that the officers should get full staff training, and that is one reason for the system of details to the staff department proposed by the Secretary of War, a Secretary whom all admire, a Secretary who at least knows what he does know, and who says that he has accepted a retainer to take care of the Army and that he is going to do it as well as a lawyer can.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. HULL. I yield to the gentleman from New Jersey five minutes additional.

Mr. PARKER of New Jersey. Now, Mr. Chairman, let us recapitulate, for there is no time for argument. Modern experience would dictate very radical Army reforms, short service, and a reserve, local recruitment and provision for the expansion of the Army from within, when it is needed, so that your 50,000 men can become 250,000 men by the filling up of their companies, and go forward under the same officers.

The men will thus be young and the officers kept active by the constant schooling that they must give. The President should have by law what he has by the Constitution—absolute control of the Army and the right to nominate his chief of staff from year to year, if he pleases, and certainly with every new President, unless it be a reappointment.

Wherever possible there should be details to the various branches of the staff, not only so that the staff may do its duty with more knowledge of the needs of the line, but so that the line officers may learn about staff duty. This is the naval system. A war college is proposed by the Secretary of War. We should have it by all means, even if we doubt whether it is possible to make these details and some promotions by examination and certificate of a war college. I am not much of a believer in examinations myself. It may be that we will do better by sheer seniority, with the understanding that the man must do full duty in any of these departments, and that every man shall be expected to do everything that he is detailed to, and to be an all-round man.

We will do well to take hold boldly of the question of the Army. No one loves it better than I do. Relatives and friends serve in it. Nor should there be much legislation, least of all by Congressional interference with its discipline. But this House should take hold boldly and see that our Army is properly organized and reserve stores sufficient kept for the national defense.

At the outbreak of the last war we had not enough rifles. The Military Committee had done its best to get them. I believe it was at the time of the Venezuelan scare that we inquired how many we had and what facilities, and we doubled the amount requested by the Secretary of War to provide the new rifle. We have not yet enough. They are not furnished to our militia. There are 100,000 in the National Guard and they have not got those arms yet. There is no reserve for war.

It is true the manufacture is still going on, and it is hoped that this want may be filled. Under the rules of the House it has been decided that the Military Committee can not provide additional machinery in the arsenals, even for the manufacture of small arms, much less for making cannon.

Large supplies of the best arms and ammunition are absolutely necessary for proper preparation for war. Everything else can be provided on the moment. What is more, they cost little to provide. A soldier's gun and ammunition cost but a few dollars, while his support for a year averages a thousand dollars. A nation of freemen should have a rifle ready for every man. The Boer war has shown what can be done by military preparedness, just as our own war with Spain showed us what it was to go into battle with black powder and rifles of short range.

It is admitted by all that cavalry and field artillery should be maintained in time of peace rather than infantry, because they can not be provided or drilled quickly in time of war. A few years ago it was the fashion to sneer at these arms, and we heard of nothing but fixed fortifications. The South African war has shown what artillery and cavalry can do and that infantry can not ever advance safely within the range of the modern rifle without first clearing the ground by the use of these arms.

Our present provision of 10 regiments of cavalry is too small, even for our present force of 100,000 men, and entirely too small if we should be forced to enlarge our Army or call out the militia. Our provision for field and horse batteries is simply ridiculous. The numbers of guns contained in the field, horse, and mountain artillery are, in Russia, 3,912; France, 3,048; Austria, 1,524; Italy, 1,266; England, 768—but now many more—Japan, 712; Bulgaria, 414; Portugal, 216; Servia, 276; Sweden, 276, and in the United States, 84.

It is now proposed to increase each of the field, horse, and mountain artillery so as to give them 144 guns in all. Of course we have others in reserve. Our Ordnance Department is made up of men of great talent, but it needs the willingness of Congress to provide our Army with what I venture to say they have not now—nonrecoiling carriages, which allow rapid-fire, Maxim, and other small repeating cannon—and to provide them in such a quantity as that they shall be available upon a sudden call of war.

We have said nothing yet of the militia, the National Guard. There is no body of men that so much needs the same provision of short service. The older men are relied upon for the defense of

homes, for steadiness and conservatism in the midst of insurrection or riot, but the experience of the late war has shown that the active list should be composed of those who are young and ready for active service; that they should be ready at the call of the President for service anywhere, and that the older men only should be reserved entirely for the proper functions of militia. I quote from the remarks of Governor Mount at the convention of 1900 of the Interstate National Guard Association.

How to organize and better equip a national reserve or national guard is the important question for your consideration. The National Guard is not wanting in promptness, patriotism, nor in drill, but it is deficient in that it has not taught the guardsmen how to meet the needed requirements of a soldier in active service. [Applause.] It has instructed him in the manual of arms, in squad, company, and regimental drill, but not how to march, camp, draw rations, properly prepare them, and observe sanitary conditions.

* * * * * * * *

I believe it would be wise to organize a national reserve of 200,000 strong in lieu of the present National Guard. These should be mustered into United States service when enlisted, as well as into State service, and be subject to the call of the President in time of war. We saw the weakness of a National Guard in the Spanish war when called into camp—the next thing to decide whether they were going to the front to fight, and all the paraphernalia of remuster and reexamination had to be gone through. This is too serious a process for an efficient army in the emergency of war. They should be mustered under the vigilant inspection and examination of the United States, so that only men are enlisted who have the physique and the strength to become soldiers indeed. The officers should be appointed by the governors, the appointments based upon competitive examination rather than political reward or favoritism. [Applause.]

This reserve of the National Guard should be uniformed and equipped by the United States. State laws should be in accord with Federal requirements as to drill, care of uniforms, arms, etc., and yearly encampments for drill, discipline, camp training should be held under the supervision of United States officers. Regular troops should encamp and drill with these National Guard reserves. Under such provision the United States might have in reserve a formidable army without the cost and objection incident to a large regular army. The military spirit would be augmented in the State, the best men enlisted, with competent officers to command. Then the esprit de corps of the National Guard would not only be maintained, but it would be improved.

These are practical suggestions, and the militia, too, must be thoroughly armed, thoroughly equipped, and properly divided between the different branches of the service—in marching and camping, and of taking care of itself like a regular force. The people are done with the business of playing soldiers. They want the reality.

Mr. HULL. I hope the gentleman from New York will now use some of his time.

Mr. SULZER. Mr. Chairman, since the commencement of this session of Congress several resolutions expressing sympathy with the South African patriots have been introduced in this House by myself and other members. The Speaker has referred these resolutions to the Committee on Foreign Affairs, and, although ample time has elapsed, that committee has taken, so far as we know, no action, and apparently does not intend to take any action in regard to the same.

For that reason, and lest a more favorable opportunity shall not be available, I desire at this time to express and to place on record my condemnation of the unjust, the inhuman, the predatory, the cruel, and the barbarous war the Empire of Great Britain is ruthlessly and relentlessly conducting in South Africa to destroy and exterminate two brave little republics, sisters of our own, and as free and as independent as this Republic.

Mr. Chairman, the patriotic people of this country take a deep and an abiding interest in the life and death struggle between republic and empire now going on in South Africa. As an American citizen and a Representative in this Congress, I am not ashamed to have it known that my sympathy is now, always has been, and always will be with the heroic Boers in their magnificent struggle to maintain their freedom and their independence against the piracy of the corrupt oligarchy now controlling the policy of the British Empire.

I am with the Boers and I want to see them maintain their independence because they are right and because they are free and deserve to be free. In a contest between liberty and monarchy I want to see liberty win.

The cause of the patriots of South Africa is a just cause. No one who impartially reads history can honestly dispute it. They are defending their homes and repelling a tyrannical and a remorseless invader. England's attempt to steal their country is the outrage of the century, the culminating atrocity of criminal British aggression, and should be condemned by this Republic and by the Christian powers of the world.

In my judgment, if I mistake not public opinion, nine-tenths of the American people are against England in this bloody war of conquest for sordid gain and in sympathy with the Boers. The best thought of England condemns the conflict, and the awakening conscience of the British Empire demands peace with honor in the name of humanity, Christianity, and civilization.

In 1776 the patriot fathers of this Republic fought England to gain our independence. The South African patriots to-day are fighting the same country to maintain their independence. That is the only difference.

The courage of the Boers in the face of tremendous odds has challenged the admiration of mankind, and their heroism against almost insurmountable obstacles has won the respect of the civilized world. They are entitled to our sympathy, and we would be false to ourselves and to all our history if we did not give it to them. The sacrifices they have thus far made and the gallantry, heroism, and bravery they have exhibited are unequaled and unparalleled in the history of the world.

The story of the struggles, the hardships, the trials, and the triumphs of these brave people in South Africa is one of the saddest and one of the greatest pages in all history—an imperishable heritage to every lover of liberty, and to their hardy and valorous descendants an incentive to maintain their freedom, that can never be crushed. No true American can impartially read the history of the Boers without feeling a deep sympathy for them in their present struggle to uphold and defend their independence against English greed for gold, English tyranny, and criminal British aggression for land.

In regard to all the facts of the case there may be some honest difference of opinion; but if there is, it is based, I believe, to a large extent on misinformation or a lack of knowledge of all the circumstances. English agencies have been sedulously at work for some time unceasingly disseminating misinformation in regard to the Boers and the true situation in South Africa. Let me ask you all to search out the truth ere you pass judgment on the brave republicans of South Africa.

Let us briefly review the situation. We must not rely too much on the colored, the doctored, and the censored British reports from English sources in Cape Colony. England is now and always has been unscrupulous. In a war like this—a war against humanity—she has little regard for truth.

In South Africa there are two free and independent countries—one called the "South African Republic," the other called the "Orange Free State." They are duly organized Governments, republican in form, patterned to a great extent after our own, and recognized as free and independent throughout the world. As a matter of law and as a matter of fact, England has no more right to meddle with them or to interfere in their internal affairs than she has to meddle with Mexico or interfere in the internal affairs of the United States. These States are now and have been ever since the convention of 1884 free and independent States. There can be no controversy about this.

These brave South African patriots are a good deal like the patriots of our own Revolution. They love their homes, their freedom, and their liberty. They come from good old Saxon ancestors from the north of Europe. They love free institutions, the same as we do, for the sake of personal liberty. It comes to them naturally and by inheritance. Their love of liberty is not of a day or of a year, but of centuries.

They are a brave, a fearless, a patriotic, a liberty-loving, and a God-fearing people. Many years ago their ancestors emigrated from Holland, from France, and from other places in the north of Europe to Cape Colony in order to live under free institutions, enjoy the blessings of liberty, and worship their Maker according to the dictates of their own conscience.

The Puritan, the Hollander, the Irishman, the German, and the Cavalier came to this country for the same reason and for the same purpose.

These sturdy immigrants and their heroic descendants carved out unaided and alone their own destiny in the wilds of the Dark Continent amid unspeakable hardships and privations and gave to the world a civilization as good as our own. For a century and more, in sunshine and in storm, these brave people toiled and plodded on, and they builded, like the fathers of this Republic, better than they knew. Surrounded by savages, harassed by wild beasts, visited by famine and scourged by disease, in all the long weary and dreary years they never lost hope; they prayed to God and never despaired.

They are a simple Christian people, as honest as they are brave. They redeemed the wilderness, turned the desert wastes into sweeping fields of grain, made the jungle blossom and bloom like a rose, and dotted the hills with villages and towns. Notwithstanding all they had to contend with, they grew, they prospered, and they were happy until perfidious Albion came. From that day to this England has made cruel war on the Boers. She has repeatedly robbed them of their lives, their property, and their lands.

But the spirit of their love of liberty has never been broken. You can not conquer a brave people inspired by the love of freedom and battling on their own soil for their homes and their liberties. They will never surrender their principles. They will resist oppression and tyranny until they are exterminated by overwhelming and superior force. They know, like Patrick Henry, that resistance to tyrants is obedience to God. Their love of liberty is stronger and more tenacious than their love of life. Their history is an epic poem of one long heroic struggle against English greed, English tyranny, and English oppression.

These brave Boers are now fighting, perhaps for the last time, for republicanism against monarchy; for democracy against plutocracy; for home rule against the bayonet; for the ballot against the throne; for the love of home against the love of gold; for Saxon freedom against British tyranny; for the integrity of their country against a ruthless invader; for the schoolhouse against the army barracks; for religious freedom against foreign domination; for the fireside of civilization against the blazing torch of devastation; for free institutions against imperialism; and, above all and beyond all, they are fighting a battle for the rights of man. God grant that their liberties and their independence shall not be destroyed.

When we consider it all, how true seem the words of Lowell:

> Truth forever on the scaffold, Wrong forever on the throne;
> Yet that scaffold sways the future, and behind the dim unknown
> Standeth God within the shadow, keeping watch upon His own.

To-day in South Africa Truth is on the scaffold and in England Wrong is on the throne.

The absolute independence of the South African Republic was finally recognized by Great Britain in 1884, and ever since then it has been as free and as independent as our own great Republic.

Prior to the year 1884 these brave and fearless men and their ancestors had struggled and struggled for a century and more to establish what they now possess and what they are at present so gallantly fighting to maintain—a free and independent government of their own. Once, twice, three times has England violated her solemn pledge to them and trespassed on their sacred rights. She saw what they had wrought, and her greedy sons coveted it. The Boers were compelled by English greed and tyranny and power to move farther and farther inland. Whenever they thought they were secure and had the right to enjoy the blessings of liberty and self-government, England encroached on their domain, waged pitiless and savage war against them, and drove them farther and farther from the sea.

To their credit and their glory, however, be it said that every encroachment on their land, their rights, and their liberties has been manfully and stubbornly resisted. They were forced to move on, but they never gave up their freedom; they never surrendered their independence.

Prior to the present conflict Majuba Hill marks the place of the last contest with Great Britain of these valorous people for their homes and their firesides. Majuba Hill! Forever glorious in the annals of the South African Republic's struggle to maintain its independence. Majuba Hill to them is the same as Bunker Hill to us, and both will live in history to the end of time as an inspiration to man.

After this disastrous blow to British arms the convention of 1884 was entered into, and all other and prior treaties were annulled. By this treaty the South African Republic became free and independent and took its place among the nations of the world. And Lord Derby, then secretary of state for the colonies and a very different man from Joseph Chamberlain, distinctly stated in Parliament that the South African Republic was independent and free to govern itself. The question of England's paramountcy in South Africa was not mentioned, and never a word was said about British "suzerainty."

That great English statesman, friend of the Boers, friend of liberty and of Irish home rule, William E. Gladstone, said the word "suzerainty" was dropped on purpose.

Even as late as May, 1896, after the Jameson raid, Mr. Chamberlain said in the House of Commons:

> A war in South Africa would be one of the most serious wars that could possibly be waged. It would be a long war, a bitter war, and a costly war. It would leave behind it the embers of a strife which I believe generations would hardly be long enough to extinguish. To go to war with President Kruger in order to enforce upon him reforms in the internal affairs of his State, in which secretaries of state, standing in this place, have repudiated all right of interference—that would be a course of action as immoral as it would have been unwise.

Now, sir, I say, from the record, that it must be clear and plain to everyone who has reviewed the question from an English as well as a Boer standpoint that the South African Republic is and was since 1884 a sovereign and independent State. In proof of this I cite the additional fact that it was admitted to the International Postal Union, that it was a member of the Convention of Geneva, and that our own Government and all the other powers recognized it and appointed to it consuls. The United States consul at Pretoria to-day is acting in that capacity, not only for us but for Great Britain as well.

Under all the circumstances, it seems to me England is now precluded from raising the question of the independence of the South African Republic. For England to raise this contention at this late day is a mere flimsy pretext, an afterthought of Cecil Rhodes and Joseph Chamberlain, and constitutes a blunder worse than a crime.

The question of suzerainty was not raised at first in the differences with the South African Republic. There never would have been trouble if gold had not been discovered in the land. The rich find of gold there is at the bottom of it all. Love of gold is the cause of this cruel Anglo-African war.

Cecil Rhodes, the most daring and colossal grabber and manipulator of the century, coveted the Boers' golden land. He wanted it for his English chartered syndicate. He and Chamberlain instigated the Jameson raid, and Chamberlain repudiated it when the Boers made it a miserable failure. Cecil Rhodes plotted and planned against the Boers. He stirred up dissension among the people at Pretoria; he conspired in South Africa and in Europe to overthrow the Republics. He is the power behind the British ministry in this war, and Chamberlain is now, and always has been, his willing tool.

This conflict should be called Cecil Rhodes's war for gold and conquest in South Africa. He is responsible for all the woe, all the sorrow, all the despair, and all the misery this war has caused. He is the Pizarro of the nineteenth century.

Mr. Chamberlain and Mr. Rhodes began the present trouble by taking up the alleged grievances of the English aliens or uitlanders in South Africa. Mr. Chamberlain practically demanded they be enfranchised without abjuring or renouncing their allegiance to the British Crown. This proposition is, and was, preposterous. No government on earth would submit to it.

If the English aliens in the Transvaal wanted to become citizens of the Boer Republic, they had to comply with the law, just the same as English aliens in this country, in order to become citizens of the United States, must comply with our law and renounce forever their allegiance to the British Crown. The law there regarding naturalization is just about the same as the law here. If anything, it is more liberal.

But be these grievances of the foreigners in the South African Republic regarding franchise, taxation, and representation just or unjust, reasonable or unreasonable, it was no cause for this sanguinary war. As a matter of fact, however, the South African Republic was willing to comply with every request of the English Government regarding the franchise and all other alleged grievances of the uitlanders.

I think it can be safely stated that the Boers were willing to arbitrate all questions of difference between the two Governments; but England declined and began a systematic concentration of English troops on their frontier, which in itself constituted a practical declaration of war against them.

And, sir, let me say right here that if the friends and sympathizers of England urge as a reason for British interference and as a justification of this war the alleged grievances of the uitlanders in regard to the franchise, taxation, and representation in the Transvaal, the friends and sympathizers of the Boers answer that England's rules, laws, and regulations regarding American aliens in the British Klondike are more severe, more grievous, and more burdensome. And yet does anyone here urge a war with England on account of the grievances of American miners in the British Klondike?

From all the facts and circumstances in the case, I am convinced and clearly of the opinion that England has no right to interfere in the internal affairs of the Boers. Her pretexts for doing so are untenable, and her entire course in the matter has been selfish, cruel, unjustifiable, and dishonorable.

The war she is waging against them to-day is the most criminal, the most defenseless, and the most predatory war in all history. The Boers at all times were willing to concede every fair and just demand England made. Nothing would satisfy Rhodes and Chamberlain. They wanted the land of the Boers because it contained gold, and all the other incidental demands were merely pretexts. As soon as one was conceded, another and a harder one was made.

The truth is, and history will so record it, that England wanted the control of this country because it is the richest in gold in the world. England always puts in a claim where gold is found.

England is now, and always has been, the aggressor against the Boers. The concentration of British troops on the frontier of the Orange Free State and the South African Republic was a virtual declaration of war. England forced the war. England began it. The Boers yielded everything but independence to satisfy England. If the Boers had not struck for their rights, their firesides, and their independence when they did and as they did, they would have been overwhelmed by superior British forces before they could have struck a blow and resistance would have been useless. They were right in striking when they did.

I glory in the spunk of grand old Paul Kruger. He is one of the world's great heroes. He knew only too well how dangerous was delay, and everything that has occurred since he issued his defiant ultimatum to the British Crown has demonstrated his wisdom and his foresight. He is a grand old man, one of the world's immortals, and will always stand out on the pages of history as a friend of man, a lover of liberty, and a champion of freedom.

The ultimatum he issued to England rang round the globe, and will live in the world's history.

The Boers will never surrender their love of liberty. They can only be conquered by being exterminated, and England must not be permitted to exterminate them and steal their homes. Her criminal march of devastation must and will be checked.

America should do its duty. The great Republic, the beacon light of the world, in the name of liberty, humanity, and justice, must demand peace and make that demand good. We have the right to insist on peace with honor. We have the right to express our sympathy. We have the right to aid the Red Cross Society. International law gives us these rights, and we should exercise them. Why are we silent?

We sympathized with Poland, with Hungary, with Greece, with all the South American Republics, with Armenia, and with Cuba in their struggles for freedom. Many we helped. Why, I ask, in the name of all that is just and honorable, in the name of our glorious past, should we now refuse to lend our moral support, our sympathy, and our aid to the patriots of South Africa? Is the great light of the Republic going out? Is American sentiment dead?

A republic that has sunk so low that it glories in the downfall of a sister republic is in danger of destruction itself. A republic that refuses sympathy to a sister republic struggling to maintain its independence against monarchical agression is unworthy the name and in danger of monarchy itself. A republic that will secretly aid a monarchy to destroy a republic and blot out its free institutions is a republic rotten to the core, and will soon fall like a decayed tree on the banks of a turbulent stream to be swept away forever.

Mr. Chairman, in my opinion the defeat of the Boers will be the severest blow to republican institutions that has been struck in more than a century, and every friend of liberty the world over should fervently pray that Oom Paul may be successful. How patriotic citizens of this country can sympathize with Great Britain in this cruel, unjust, and unholy war against our two sister Republics is beyond my comprehension. Their defeat will be a terrible blow to free institutions on this hemisphere, and give thrones and empires a renewed lease of life at the very dawn of the twentieth century.

The Committee on Foreign Affairs, this Republican Congress, and this pro-English Administration of William McKinley will do nothing for liberty, nothing for the Boers, and secretly sympathize with Great Britain. Every liberty-loving citizen of the Republic should denounce and condemn these pro-English and imperialistic tendencies. This Republic should stand by republics—not against them. I want to see the right triumph, and if it does the Boers will maintain the independence of their country.

God bless the embattled farmers of South Africa is my fervent prayer, and from the ashes of the conflict may there arise a greater and a grander republic—the glorious United States of South Africa. [Prolonged applause on the Democratic side.]

Mr. HULL. To whom does the gentleman from New York now yield?

Mr. SULZER. I will yield to the gentleman from Iowa to consume a part of his time.

Mr. HULL. I do not propose to go on now. We had sixty-five minutes each when the gentleman from New York took the floor, and we have the right to close the discussion.

Mr. SULZER. How much time has the gentleman from Iowa now?

Mr. HULL. We had sixty-five minutes when the gentleman from New York began.

Mr. SULZER. If the gentleman has no one to whom to yield who wants to use any time, he can yield it to me.

Mr. HULL. I will not yield to the gentleman from New York.

Mr. SULZER. I ask the Chairman to recognize the gentleman from Ohio [Mr. LENTZ].

Mr. LENTZ. Mr. Chairman, how much time have I?

Mr. SULZER. I ask the Chairman to recognize the gentleman from Ohio [Mr. LENTZ] in his own right.

Mr. HULL. The Chairman can not do that, because the House has agreed to limit the general debate until 4 o'clock. The gentleman from New York knows that the Chairman can not recognize the gentleman from Ohio in his own right.

Mr. LENTZ. Mr. Chairman, I want to know how much time is left on this side?

The CHAIRMAN. Forty-five minutes.

Mr. HULL. I will yield the gentleman from Ohio five minutes of my time now.

[Mr. LENTZ addressed the committee. See Appendix.]

Mr. HULL. I yield such time as he may desire to the gentleman from Illinois [Mr. MARSH] out of my remaining time.

Mr. MARSH. Mr. Chairman, but for the very extraordinary speech just delivered by the gentleman from Ohio [Mr. LENTZ], I should not trespass for even one minute upon the time of the committee. The speech of the gentleman from Ohio [Mr. LENTZ] was perhaps characteristic of the gentleman. In the absence of facts he drew liberally upon a very brilliant imagination. Just what the gentleman from Ohio was endeavoring to establish is somewhat difficult to ascertain from the remarks he made.

From the beginning to the end his speech contained nothing except one complaint after another. He has earned, if ever a man earned, the sobriquet of the great scold. He has scolded the Administration of the last three years. He has found nothing in it to commend and everything in it to scold and find fault with. There is nothing in the gentleman's speech that is calculated to build up and make stronger and more mighty the country that honors him with a position upon this floor. On the contrary, he has exhausted his great intellect in endeavoring to belittle his own country and the Administration thereof.

The most violent and vituperative enemy of the American Republic could have said no worse things than have been said by the gentleman from Ohio [Mr. LENTZ] to-day. The man who might be hung upon the gallows for treason to the country could not have uttered more diabolical and improper sentiments than has the gentleman from Ohio. [Applause on the Republican side.] And I want here, in my place, to characterize the gentleman's speech from the beginning to the end as a disgrace to the American Congress, as a violation of all the decencies that pertain to this House. He has misrepresented history; he has misquoted history; he has misrepresented the Administration; he has misrepresented the majority of this House. He has exhausted his whole vocabulary in unjust and false accusations against his country and against this Administration.

I make these remarks upon my own responsibility as a member of this House here, and as a gentleman outside of the House. [Derisive laughter on the Democratic side.] I am responsible for them here and I am responsible for them elsewhere. [Applause on the Republican side.] One of the beautiful things in the Constitution of the United States is, and one of the beautiful principles of the Constitution of the United States is, that no man can be punished under the law for words used in debate. Hence, the gentleman from Ohio goes scot-free notwithstanding the false representations and charges that he has made upon this floor to-day.

Mr. Chairman, the bill before the House is a bill appropriating money for the support of the United States Army during the next fiscal year.

Mr. LENTZ. Will the gentleman permit a question?

Mr. MARSH. Yes.

Mr. LENTZ. I would like to have some of these documents that I read from the War Department contradicted. I understand the gentleman to say they were false. Now, which one of them is false?

Mr. MARSH. The gentleman will hear from me before I get through. If I had any language at my command to make my meaning more clear and emphatic than I have, I would use it; but I know of none.

Mr. Chairman, the bill under consideration is a bill appropriating money for the support of the Army during the next fiscal year. Notwithstanding the long diatribe of the gentleman from Ohio, he proposes to vote for that bill. I believe there is no contention here as to the propriety of passing the bill. But the gentleman confines himself to a denunciation of the condition of things that makes the appropriation necessary. He says that the war in the Philippine Islands is an unholy war, and that it ought to be stopped by diplomacy.

Why, Mr. Chairman, early in the spring of 1898, preceding the war with Spain, the President of the United States, who had been denounced and ridiculed upon the other side of this House, was endeavoring by all the diplomatic power in his possession to prevent this very war. Gentlemen upon the other side were nagging this side and nagging the Administration, charging that we were afraid to go to war. The President of the United States was using every instrument within his power by diplomatic proceedings to prevent the Spanish war. But unanimously, almost, upon that side of the House the cry was, "Down with diplomacy." Gentlemen insisted upon war. I am not finding fault with that side for the course they pursued at that time, because I was of the same opinion myself. [Applause on the Democratic side.]

I had no more confidence in diplomacy then to settle and prevent war with Spain, or to settle upon proper terms the great questions that then existed, than I have to-day that diplomacy should be used to settle the troubles that exist in the Philippine Islands. I was for force then as I am for force now, and so long as there is one insurgent in the Philippine Islands who is resisting by arms the sovereignty and the authority of the United States Government, I shall be for force. Then, when we were at profound peace, gentlemen on that side were for war, and the President was for diplomacy. As soon as the war came on, before even the hundred days were over during which the war lasted with Spain, gentlemen upon the other side of the House commenced to cry for peace; and from that time until now they have

vociferously contended, in season and out of season, for peace, for pacification, for the settlement of these troubles by diplomacy.

Who was there in the Philippine Islands with whom to negotiate diplomatically? There was no organized government in the Philippine Islands with whom the Government of the United States could treat if it had been disposed to treat. As I said, before the war came our friends on the other side were for war and after the war came they were for peace. It reminds me of what a gentleman in my section of the country said a good many years ago, who was not very friendly to the Democratic party. He said there was one thing about the Democratic party, that in time of peace it was hell for war and in time of war it was hell for peace. The gentleman from Ohio [Mr. LENTZ] talks about the condition of things in this country in the days of Thomas Jefferson. He instituted a comparison between the expenses of the War Department under Thomas Jefferson and the expenses of the War Department under President McKinley.

Well, Mr. Chairman, if the gentleman from Ohio [Mr. LENTZ] wants to go back to the days of Thomas Jefferson, I have no objection to his doing it, but I want to tell him that he will have to emigrate from this country to find conditions in all respects such as existed when Thomas Jefferson was President. You would not only have to stop the clock of time, but you would have to turn it back for a century. All the great improvements and advances that have been made in the arts and in the sciences, in human progress and human liberty, would have to be turned back one hundred years. If that is what the gentleman from Ohio desires, he will have to emigrate from this country, because the people will not consent to any such turning back.

Yet if the gentleman will make a computation he will find that in comparison with the population of 1800, the wealth of the country in 1800, the extent of the country in 1800, and the size of the Army in 1800, comparing them with the present day, he will find that the Army, even now upon a war footing, is not in excess of the proportion that existed in the days of Thomas Jefferson.

The gentleman talks about expense. It is expensive to maintain an army. It is expensive to maintain a great country like that which you and others here represent, a great progressive and growing country that has ceased to be a third, a fourth, or fifth class nation, but in the last two years is recognized by the powers of the world as stepping into the front rank of the nations of the world. Occupying that rank, occupying that position—and I am proud we occupy that advanced position among the nations of the world—there comes upon our Republic responsibilities that did not rest upon it in its youthful days under the Administration of Thomas Jefferson.

Can not the gentleman from Ohio recognize what has taken place in this country in a hundred years? Has he been asleep all this time; has he not read the history of the progress of the American people, of the world, since 1800, of the one hundred years that have passed? Oh, he says, we have abandoned the Monroe doctrine! We have not. The Monroe doctrine is to-day just as it has always been. There is nothing that this country has done in the last two years that militates in the slightest degree against the principles of the Monroe doctrine.

Those principles are living principles to-day, having just as much force and obligation upon us to-day as they did, and even more than they did on the day on which they were proclaimed. There has been no abandonment whatever of the Monroe doctrine growing out of the results of the Philippine insurrection. But the gentleman says that militarism has taken possession of the country; that the Republic is in danger because of the militarism that exists in the country to-day.

It became necessary to enlarge our Army because of the Spanish war and the Philippine insurrection; and yet, Mr. Chairman, you may take the Army upon a war footing as it is to-day, and it amounts to 1 soldier to 1,000 of our people; it amounts to 100 soldiers to 100,000 people; it amounts to a thousand soldiers to 1,000,000 of our people. Is there anything to be alarmed at in that condition and that strength of the military arm of the Government? Four-fifths of that army is being utilized outside of the limits of the United States, and is being utilized for the sole and only purpose of suppressing an armed insurrection and rebellion against the authority of these United States.

I hold, Mr. Chairman, that our title to the Philippine Islands is as complete as is our title to the State of Florida. We acquired each of them from Spain; we acquired each of them by treaty with Spain, and the duty of the National Government to maintain its authority in the Philippine Islands and suppress insurrection and armed rebellion against the United States is just as strong and just as powerful as it would be to suppress rebellion in the State of Florida. It rests upon the fact that the sovereignty of the United States extends over the Philippine Islands as well as it extends over the State of Florida.

Our title to the Philippine Islands and to Puerto Rico is as complete and as indefeasible as our title to the Louisiana purchase. We acquired one by a treaty which has no more sanctity and binding efficacy than the other; and while Florida contains one State and the Louisiana purchase contains fourteen States and Territories, the ægis and sovereignty of the United States is there, no more there and no more right to be there than it is in the Philippine Islands; and there was a time, an unpleasant and unhappy time, in the history of our country, a time that I hope to God will never come again in this land of ours, when it became necessary in order to maintain the integrity of the Union, to maintain and assert the sovereignty of the United States over all our territory, to wage a war four years long. That is what we are doing there in the Philippine Islands.

I say here that if the President of the United States should of his own motion abandon the Philippine Islands, withdraw the Army and Navy therefrom and allow them to go scot-free, he would be liable and subject to impeachment by the House of Representatives and conviction by the Senate. And in the prosecution of this armed force in the Philippine Islands the Administration is doing nothing more nor less than what is its bounden duty to do. Aye, more; the Congress of the United States, men on both sides of this House, I am glad to say—men on both sides of this House in the last days of the last Congress passed a bill, with a very few dissenting votes, authorizing the President to raise an army of 100,000 men. For what? To be sent to the Philippine Islands to maintain our sovereignty in the Philippine Islands, to maintain it in Puerto Rico if necessary, and to carry out the purpose of the Government with reference to Cuba. The Democratic side of this House bear a part of the responsibility of this existing Army, as well as this side that I am on. What did you expect the President to do with these troops when you voted authority to him to raise 100,000 of them? The war with Spain was over; peace had been declared.

The treaty had been ratified by the Senate of the United States and, I believe, by the Spanish Government, although the interchange had not taken place between the Executives of the two Governments; yet we were absolutely at peace with Spain; no war with Spain; no war with any country on earth; yet our Democratic friends, in the closing days of the last Congress, stood up here, with few exceptions, and voted authority to the President to raise 100,000 troops. Why did you do it if it was not for the purpose of asserting and maintaining the authority of the United States Government in those islands? Why, then, this complaining from the gentleman from Ohio, complaining of the President for doing the very thing that Congress, on both sides of the House, authorized him and clothed him with 100,000 men to do?

Did you give him that 100,000 men in order that the Secretary of State might write some diplomatic letters on the subject? No; you gave it in order to clothe him with the necessary military power to do just exactly what he has been doing in the Philippine Islands. And I say that if the mouth of the gentleman from Ohio is not closed, the mouths of a good many of you are; and it comes with bad grace from gentlemen who voted for that bill to attack the Administration for using these very soldiers in the very way and manner that you knew he was to use and expected that he would use them when you voted him 100,000 men a little over a year ago.

Mr. LACEY. Will the gentleman yield to me for a question in this connection?

Mr. MARSH. Certainly.

Mr. LACEY. The gentleman from Ohio [Mr. LENTZ], without attempting to vouch for the correctness of it, placed in the RECORD a statement that a thousand handcuffs were sent to the Philippine Islands to handcuff our soldiers there who are insane. He does not claim to vouch for it, but suggests it and puts it into the RECORD. I would like to hear from the gentleman from Illinois, a member of the Military Committee, what basis there is for it.

Mr. COX. I would like to ask the gentleman where it came from; the Military Committee never heard of it.

Mr. MARSH. I think it came from the brilliant brain of the gentleman from Ohio.

Mr. RICHARDSON. The gentleman from Ohio [Mr. LENTZ] stated that he took it from the Evening Star.

Mr. COX. Who?

Mr. RICHARDSON. Mr. LENTZ, the gentleman from Ohio.

Mr. MARSH. It is in keeping with a great many other things which the gentleman from Ohio indulged in.

Mr. COX. Will the gentleman yield to me for a question?

Mr. MARSH. Certainly.

Mr. COX. It is said that the Democrats on this side of the House and the Democrats on the committee voted to authorize the President of the United States to call out a hundred thousand men. Upon examination the gentleman will find that there was no such authority conferred.

Mr. MARSH. I said nothing about the committee. I said that both sides of this House voted for the bill on the 3d day of March,

a year ago, to authorize the President to raise and recruit 100,000 soldiers and to use them until the 1st day of July, 1901. My recollection is that a majority of the gentlemen on that side of the House voted for that bill. I have not got the RECORD, but my recollection is that a large majority on the other side voted for the bill, and the query has occurred to me, Why did you clothe the President a year ago this month, after the war with Spain had closed—why did you clothe him with the power to raise a hundred thousand more troops unless it was to use them just as he is now and has been using them?

When you authorized that hundred thousand men to be enlisted did you expect the appropriation bill to be about the same as the war appropriation bill in the days of Thomas Jefferson? Of course you did not. You were fully aware when you voted the President 100,000 men, to be used until the 1st of July, 1901, that it would take over a hundred million dollars this year out of the public Treasury to defray the expenses thereof. And I submit that it is not the square thing for gentlemen upon that side of the House to find fault with the amount of this appropriation bill.

I submit that it is not the fair thing, and I do not believe many on that side of the House would indulge in it. I do not think there are many outside of the gentleman from Ohio [Mr. LENTZ] that would indulge in it. I do not think there are many on that side of the House who are disposed to criticise the Administration because the expenses of this Army this fiscal year have amounted to $127,000,000, or because the probabilities are that the expenses of this Army for the next fiscal year will be $112,000,000. It does not come with a good grace from your side, any more than it would come with a good grace from my side.

I believe that the great Democratic heart of this country, largely as it is represented upon this floor of Congress, is as anxious as I am, as are the gentlemen upon my side of the House, to assert and maintain the sovereignty and the power and the authority of the United States over every foot of land that we possess; and if the President should be derelict in that respect, if he should abandon the Philippine Islands to anarchy and mob law and mob rule and withdraw the Army and Navy therefrom, there are no men in the country who would be more prolific in their denunciations of the President than the gentlemen on the Democratic side of the House.

Now, Mr. Chairman, I did not intend to occupy even one-half of the time I have, but the gentleman from Ohio [Mr. LENTZ] quotes what he vouches were the words of General Lawton. General Lawton, fortunately for him [LENTZ], is dead. General Lawton can no longer speak; he can no longer be heard. His memory may be traduced; he may be misrepresented, as many a man who has gone to his long home in the past has been misrepresented. That interview he vouches for, in my opinion, never was uttered by the tongue of General Lawton. I say that from my general knowledge of his character and from some things that came to us from his pen, that no man can deny. I will read from a letter written by him but a very few days previous to his death an extract, in which he says many other things:

> I wish to God that this whole Philippine situation could be known by every one in America as I know it. If the real history, inspiration, and conditions of this insurrection, and the influences, local and external, that now encourage the enemy, as well as the actual possibilities of these islands and peoples and their relations to this great East, could be understood at home, we would hear no more talk of unjust "shooting of government" into the Filipinos or of hauling down our flag in the Philippines.
>
> If the so-called anti-imperialists would honestly ascertain the truth on the ground, and not in distant America, they, whom I believe to be honest men misinformed, would be convinced of the error of their statements and conclusions and of the unfortunate effect of their publications here. If I am shot by a Filipino bullet, it might as well come from one of my own men, because I know from observation confirmed by captured prisoners that the continuance of the fighting is chiefly due to reports that are sent out from America.

That sounds to me much more like the real character of General Lawton than the purported interview which the gentleman from Ohio had read from the Clerk's desk.

Now, Mr. Chairman, a word further and I am through. I always feel like asking the pardon of the House when I have trespassed upon it even for a short time.

I did not participate in the Puerto Rican debate, for the reason that in February a year ago, by the courtesy of the House, I addressed it, and on that occasion I advocated the very lines that were adopted in the Puerto Rican bill that passed the House. I took the ground then and have been absolutely confirmed in it since, that the Constitution of the United States does not go proprio vigore into the territory that we may acquire; that its principles and guaranties can only go there by enactment into statute.

I moreover said in that discussion, having more particular reference to the Philippine Islands, in answer to what was said to me by a gentleman then on the other side, who is not here now, Mr. Dockery, whom I respect and honor very highly; in answer to a suggestion from him that the people of the country were opposed to the acquisition of these islands, that the workingmen and the farmers were opposed to the acquisition—in response to that statement of his, I said, while occupying the floor, that it had been the policy of the Republican party and of the country for forty years to protect American industry and American workingmen against the cheaply paid labor products of other countries; that now we had taken into our possession the Philippine Islands, if the country adhered to the economic policy to which it had been committed for forty years, the products of the cheap labor of the Philippine Islands would not be allowed to come into this country in competition with the better paid labor of our own workingmen. I said further, that when the workingmen and the farmers of our country understood, as they would understand, that Philippine cheap-labor products could not come here in competition with theirs, they would stand where I stood, in favor of extension and expansion, in favor of the acquisition and retention of those islands.

The Puerto Rican bill embodies the principle which I announced at that time and which I proclaimed in my own Congressional district on more than twenty public occasions during the last summer and fall. I do not intend to discuss that principle at any length.

I want to call the attention of the House to some statistics on the subject of Puerto Rico. It is claimed that this Puerto Rican bill is levying tribute upon the people of Puerto Rico; that it is oppressive upon them. I deny that it is either levying tribute in any sense of the word or placing burdens unjustly upon those people.

Let me call attention to the burdens that were put upon them under Spanish rule: For 1898 the estimates for customs under Spanish rule were, in round numbers, $3,377,000; taxes, in round numbers, $1,000,000; monopoly revenues, $184,000; postage stamps, $128,000; lotteries, etc., $309,000; other sources, $106,200, making $5,157,200 of taxes that were laid by Spanish authority upon the people of that island; and those did not include the local taxation of towns, cities, and villages. Note that the customs alone were $3,377,900. And none of that money went to the benefit of Puerto Rico; all went for the benefit of Spain, to be expended wherever she chose to put it; $1,152,000 went to the Spanish army.

Under the Puerto Rican bill as it passed the House the whole amount of taxes to be collected in Puerto Rico and in this country would amount to not exceeding $750,000, as against $3,377,000 collected under Spanish rule. Besides, every dollar of the $750,000 derived from duties imposed by the Puerto Rican bill goes to the benefit of Puerto Rico; not a cent of it goes into the United States Treasury, not a cent of benefit is to be derived from it by the people of the United States; but every dollar of that revenue goes to the people of Puerto Rico. We do not extend to Puerto Rico the internal-revenue system that we have for ourselves.

The extension of the internal-revenue system to Puerto Rico would be burdensome upon those people in the depressed condition of their business interests at present. Instead of the Puerto Rico bill being oppressive upon the people of Puerto Rico, you may, in my judgment, search the history of the world from the beginning down to this time without finding anywhere in all the history of legislation an instance where the people have been so liberally, kindly, and generously treated as the Puerto Ricans have been by that Puerto Rican bill and the bill that passed the other day devoting to the use of the Puerto Rican people the revenues derived from our taxation of imports from Puerto Rico, amounting to over two million and a half of dollars.

Search the history of legislation from the beginning of government and you can not find anywhere such liberality and generosity as have been displayed in the legislation of this Congress already enacted and in the Puerto Rican bill which passed the House and is now pending in the Senate.

Some members inquired what book I was reading from. I have been reading from Dr. Carroll's Report on Puerto Rico, made last November to the President of the United States. Dr. Carroll was sent to Puerto Rico by the President as commissioner, and this is his report.

Now, the Puerto Rican legislation which passed this House is temporary in its character. There is no civil government in Puerto Rico now that can levy taxes in the interim between now and the establishment of a civil government there. It takes some little time to establish a civil government. It may be done this year. I hope it will be done by this Congress. Even then it will take time to get that newly established government into operation so that it can legislate and by virtue of its legislation derive revenue to support the local government.

It takes the machinery of government one year after we have made the assessments, in my State, before we succeed in getting the money in the treasury to be available for use. So even if this Congress succeeds in establishing a government in Puerto Rico, it will take some little time, a year or two or three, before that government will be in shape to pass the necessary legislation to raise revenues and administer them.

So that this legislation is temporary in its character, and in my judgment is right. Now let me read you from what Dr. Carroll says. Dr. Carroll, speaking with reference to the future and

final disposition of things in these islands, says that reciprocal relations ought to exist between Puerto Rico and the United States; and I agree with him in that—that the time will come when those reciprocal relations ought to exist between Puerto Rico and this country, just as they exist between Arizona and the rest of the country. But I call your attention especially to what he says should be done in the meantime, in the interim. Speaking of the customs tariff collections as being $3,377,000 under Spanish law, he says:

It would seem to be prudent not to revise the Puerto Rican tariff so as very greatly to reduce the customs revenue, at least for the period ad interim.

That is the advice of Dr. Carroll, who is upon the ground. We have reduced them not inconsiderably either. We have reduced them from nearly $4,000,000, as they were under Spanish rule, to about $750,000 under the Puerto Rican bill, and more than half of that is paid at this end, and the other half at the other end.

So, Mr. Chairman, the principles involved in the Puerto Rican bill and the policy embodied therein, in my judgment, are correct. And I want to say here that it will be a matter of pride to the people of this country hereafter, it will be a source of great satisfaction to the people of this country hereafter, to you and to your children who come after you, that the first law of Congress placed upon the statute books after the acquisition of these islands, relative to these islands, asserts the principle that the Constitution, by its own vigor, does not go there.

I thank the committee for their attention. [Applause.]

Mr. HULL. I yield five minutes to the gentleman from Oregon [Mr. TONGUE].

Mr. TONGUE. Mr. Chairman, a few days ago the gentleman from Tennessee [Mr. SIMS] commented upon the services, casualties, and pension applications of certain volunteer regiments engaged in the late war with Spain.

For some purpose which I do not understand he instituted a comparison between eight Northern regiments and eight Southern regiments. I quote from the record of the gentleman's remarks the following:

I now read, and insert as a part of my remarks, a list of eight regiments of volunteers who took part in the Santiago battles, with the list of casualties and number of applications for pensions.

Regiments of volunteers.	List of casualties in Santiago battles.				Number of claims filed on account of service.			
	Killed.	Wounded.	Missing.	Total.	Invalids.	Widows.	Dependents.	Total.
Second Massachusetts Infantry	5	40	....	45	424	15	28	467
First United States Volunteer Cavalry	15	76	2	93	200	16	16	241
Seventy-first New York Infantry	18	60	43	116	255	11	39	305
First District of Columbia Infantry	....	....	....	....	409	....	10	419
Ninth Massachusetts Infantry	....	....	....	....	552	15	78	645
Thirty-third Michigan Infantry	....	....	....	....	413	9	37	459
Thirty-fourth Michigan Infantry	....	....	....	....	466	9	60	535
Eighth Ohio Infantry	....	....	....	....	447	5	35	487
Total	38	176	45	254	3,175	80	303	3,588

It will be seen by reference to these tables that the 8 volunteer regiments had a total of 209 killed and wounded, and that the applications for pensions filed by these 8 regiments are 3,588, or 17 applications for pensions filed for each soldier killed or wounded.

It will be seen that the above 8 volunteer regiments are from Massachusetts, New York, District of Columbia, Michigan, and Ohio—all from the North, where it is popular to favor liberal pensions.

I now read and make a part of my remarks a list of casualties and applications for pensions for 8 other volunteer regiments, as follows:

Volunteer regiments in the war with Spain.

Regiments.	Strength.	Casualties.				Number of applications filed for pension.
		Killed in action.	Wounded.	Died.	Total.	
First Alabama Infantry	1,651	.....	.....	16	16	71
First Georgia Infantry	1,331	.....	.....	11	11	65
First Kentucky Infantry	1,334	.....	.....	28	28	122
First Mississippi Infantry	1,141	.....	.....	30	30	66
First South Carolina Infantry	1,359	.....	.....	18	18	110
First Tennessee Infantry	2,026	1	.....	25	26	174
Second Tennessee Infantry	1,419	.....	.....	15	15	93
First Texas Infantry	1,397	.....	.....	15	15	60
Total	.....	1	.....	158	159	761

It will be seen that the total number of deaths, killed, and wounded in these 8 regiments are 159; that the total number of pension applications by soldiers of these 8 regiments are 761, or, in round numbers, 4 applications for each death in these 8 regiments.

These last 8 regiments are from the States of Alabama, Georgia, Kentucky, Mississippi, South Carolina, Tennessee, and Texas, where the pension evil has not reached the horrid proportions it has in the Northern States, and where the people are still willing to make a living by honest toil and are not knocking at the doors of Congress day and night for the passage of legislation enabling them to appropriate the hard earnings of other people to their own use.

The extreme injustice of these tables and comparisons is apparent to the most casual observer. In the northern regiments no account is taken of deaths, except of those killed in battle. By counting only the killed and wounded in the northern regiments, he finds that there are 17 pension applications for each soldier killed and wounded. Had the gentleman followed the same method of comparison for the 8 southern regiments, he would have found that there are 761 pension applications for each soldier killed and wounded in those regiments. What glory can be gained by such a comparison is beyond my comprehension. If these soldiers had need of a champion to praise or defend them, they should pray to be saved from their friend from Tennessee.

But, Mr. Chairman, the attempt to institute a comparison between Northern and Southern soldiers is unjustifiable for any purpose or from any point of view. The courage, devotion, and patriotism of the American soldier, North or South, East or West, in the late war, or in any war, has been conceded by all, questioned by none, except so far as it is called in question by the remarks of the gentleman from Tennessee. The bravery of the Southern soldier in the late war, as in every war in which he has drawn his sword, has been and is conceded by the people of the North as freely as by the people of the South. No soldier in any age, in any country, or in any section exhibited unflinching courage in a higher degree than the soldiers who made, as well as the soldiers who repulsed, the immortal Pickett's charge on the fields of Gettysburg.

But why does the gentleman now raise this cry of sectionalism? What good purpose can be served? One of the most beneficial and glorious results of the late war was the welding together of the North and the South—a firmer union of one people, under one flag.

The attack of a foreign enemy, the insult to the flag, the destruction of American lives by a treacherous people, was miraculous in its effect upon our divided countrymen. It healed every wound of the civil war, brushed aside every cause for estrangement, and welded our divided country into a more perfect and lasting union. Sectional lines were obliterated. The bitterness that had lingered so long was effaced. Old hatreds were forgotten, and Confederate and Federal, the Blue and the Gray, the men who made and the men who repulsed Pickett's charge, united as one man, under one flag, in defense of one country. In the language of a distinguished Southern Senator, in an instant "there was no North, no South; one country and one flag."

I warn the gentleman from Tennessee that no patriotic citizen of the United States should attempt to destroy this union of sentiment and substitute the old-time bitter feelings of sectionalism.

But, Mr. Chairman, I did not rise so much to criticise the gentleman from Tennessee as to call attention to the record of a regiment he has failed to notice. I would not institute any odious comparisons with any other regiment. I would not attempt to distract one iota from the praise or fame or glory due to any other soldier. I simply want to call attention and give a just meed of praise to a regiment whose history is such a record of unflinching courage, undying devotion to the flag, danger defied, battles heroically fought, and victories won that the heart of every man, woman, and child in our own State thrills with pride at the mention of the Second Oregon. Let me place the record of this regiment side by side with those named by the gentleman from Tennessee.

Record of Second Oregon Infantry.

Killed	16
Wounded	74
Missing	3
Died	4
Total casualties	137
Number of pension applications	178

It will be seen that there are approximately one and one-fourth pension applications for each soldier, dead, wounded, and missing, and less than two pension applications for each soldier killed and wounded, as against 761 pension applications for each soldier killed and wounded in the eight regiments whose records were eulogized by the gentleman from Tennessee. But this by no means gives a complete record of the Second Oregon; its glory rests on much more solid foundation.

The Santiago campaign lasted from June 23 to July 17—in all, 25 days. The Second Oregon anchored at Manila Bay June 30, 1898, and embarked for the return journey June 14, 1899. It engaged in the first battle at Manila, February 5, 1899, and ended its fighting career by the capture of Aryat at 5 a. m. and Pasing at 9 a. m. May 22, 1899. In this fighting campaign of three months and seventeen days it marched 588 miles in rain and mud and

through unbroken country. It fought, and it is needless to say won, 42 battles, skirmishes, and engagements; it merited and received words of praise from every general who commanded it in the field—from Anderson, Wheaton, Merritt, and on three occasions from the bravest of the brave, the gallant, lamented Lawton.

The quality of the men who composed the Second Oregon was indicated by a brief order of General Wheaton at Melinto: "Orderly, overtake those Oregon greyhounds on the road to Polo and order them to Melinto. Go mounted, or you will never catch them." When, after the glorious victory at Malabon, General Wheaton was asked, "Where are your regulars?" he pointed to the Second Oregon, saying, "There are my regulars." A volume would not record the heroic deeds of those boys. At Malabon those brave young soldiers charged across the open rice fields, upon which they left many dead and wounded, in the face of a murderous fire from an entrenched foe and planted the Stars and Stripes upon the fortification of a defeated enemy. No veterans the world ever saw showed more cool, steady, and determined courage than the boys of the Second Oregon in that magnificent conflict.

The story of this regiment would be incomplete without some description of the men who composed it. People look to the West for brave, but rough, strength of character. Doubtless you are thinking that these soldier boys learned skill with the rifle, coolness in danger, and endurance in camp and on the march in the wild frontiers, hunting in the mountains, or herding on the plains of some imaginary "wild and woolly West." Let me undeceive you. These men were of the best "ye breed" in every sense. Out of the 1,190 enlisted men, there were 531 of these members of different church organizations; 114 were college graduates, 156 were students, 34 were merchants, 28 were teachers, 15 were lawyers, 15 were bookkeepers, 141 were clerks, 123 were farmers, 69 were skilled mechanics, and 175 were laborers.

When a railroad was captured, the Second Oregon furnished an engineer, who had left employment at $150 a month, to man the engine. When a town with waterworks out of repair was captured, the Second Oregon furnished the engineer to repair the waterworks and put them in running order. When the custom-house was organized, the Second Oregon furnished largely the clerical force, as it did for the quartermaster's department. When an educational system was instituted in Manila, a private from the Second Oregon became superintendent of public instruction.

It is the old story. The most remarkable courage is intelligent courage. The bully from the prize ring, when the real conflict comes, is a coward by the side of the more intelligent young man, who has left behind him a mother, wife, sister, or sweetheart, whose name he fears to tarnish even by the appearance of cowardice.

I present the record of these men as the tribute of the State of Oregon to flag and country. As citizens of that fair young Western State, where "rolls the Oregon," we are proud of them. We cherish the living, we honor the dead, and shall erect fitting monuments to their memory.

That other American soldiers under like conditions would have done nobly I doubt not. But it fell to the lot of the Second Oregon to be placed in a situation where supreme courage was the imperative need of the hour. Like true heroes they rose equal to their opportunities and the occasion; met every emergency, responded to every demand, discharged every duty, laughed at every danger, and left behind them a record of heroic achievements never excelled in any land or in any age. Not only the State of Oregon, not only their own country, but their race should be proud of such men. Their record proves what humanity can and will achieve, what it can and will suffer, when duty calls for great suffering or great achievement.

Mr. Chairman, if this Republic should be endangered, it will be through the negligence, not the wickedness, of its citizens.

The welfare and happiness of every man, woman, and child are dependent upon the honor of their country's flag, the quality of its laws, and the proper administration of every department of its Government. Our country preserves for us all that we have that makes life worth living. It protects property from the hands of violence, reputation from the tongue of slander, family honor from the invader of homes. The eloquence of Demosthenes, the music of Milton, the humanity of Shakespeare, the wisdom, devotion, and patriotism of Lincoln could not have flourished under the hand of tyranny.

But to properly preserve and administer every department of a great government wisely and well, to enact and enforce good laws, to give to each citizen as much freedom of action as is consistent with public safety and the welfare of others, requires thought, toil, intelligence, patriotic devotion to the country's welfare. It requires the faithful, conscientious performance of his public duties by every citizen of the entire country. A government like ours should be in fact, as well as in name, a government by the people and by all the people. The man who shirks, who fails to do his part, is recreant to a most sacred duty.

The man who receives the blessings and protection bestowed by a government like ours and does not in return perform faithfully and conscientiously his own public duties is taking something for nothing, something he has not earned, and is guilty of moral larceny. Yet there are men of wealth, the protection of whose persons and property occupies the time of our courts, the watchful care and attention of our officers, the thought and labor of our legislators, the courage and suffering and lives of our soldiers, who never in their lives gave a moment's thoughtful consideration to a single public duty.

There are men of culture, educated at schools supported by the public or by the endowment of patriotic men, who draw closely about them their robes of self-righteousness and shrink from public duties as something that might contaminate their immaculate purity or darken the whiteness of their hands. But even this is not all. Not content with neglecting their own public and political duties, they stimulate and encourage others to equal guilt with themselves. They point the finger of scorn at those whose public duties are well and faithfully done. They proclaim that politics are unclean, that public men are coarse, selfish politicians, that voters are corrupt. This is a vile, damnable slander upon many men who are infinitely their superiors in the discharge of public duties.

Against the example and conduct of such as these it is a pleasure to place the record of a band of men who have done their full public duties like heroes and patriots. They received little from the Commonweath, yet offered to lay down their lives for it. Of the average citizen their country requires little of his time or thought or labor, and this little is too often denied. These soldiers, young men on the threshold of their lives, took life and limb and happiness, all they have, or are, or hope be, and placed all on the altar of our common country, and some, alas, completed this great sacrifice. No wonder that when these boys returned to Oregon the woods and hills, the mountains and valleys rang with joyous welcome, and the very birds sang diviner and more inspiring songs in their honor.

A word for the heroic dead. They have performed the noblest and sublimest act it is given to humanity to achieve; they have given their lives for their country. Theirs were not lives nearing their close, worn out with dissipation, broken with toil, devoid of hope, their cup of happiness drained to the dregs, and nothing left worth living for. Theirs were lives at the beginning, unspent, everything to hope, everything to achieve, everything to live for. Before the prime of manhood had been reached their life's work had been done and well done. Their rest will be eternal, their fame secure. For those who returned, full of hope and full of honor, life holds many temptations and many dangers; the rest and happiness they crave may not be theirs.

Hope may turn to disappointment; the honors they have so proudly won may be sullied; we hope and pray not. The fame and honor of no man is safe this side of the grave. But the fame of these heroic men, "dead on the field of honor," is secure. Their honor will be forever unsullied, their memory will be like sweet perfume. They have received and are wearing their crown, and no power on earth or in heaven will pluck it from their brows.

On Fame's eternal camping ground
Their silent tents are spread,
And Glory guards with solemn round
The bivouac of the dead.

These men and their thousand comrades in a few months of war achieved more for their State, more for their country and its future advancement and future greatness; made more and grander history; have written their names higher and more legibly upon the scroll of fame than the 100,000 men who remained at home will in a lifetime of peaceful occupation.

The gratitude of their country will be theirs for all time; their memory will be cherished as long as youth loves life; their examples will be a treasure and an inheritance of inestimable value to generations yet unborn.

Through the late conflict our nation has received a new baptism of freedom; we have acquired new heroism and new heroes for future and higher inspirations. We have placed patriotism above business and valued liberty more than wealth. The hearts of poet and orator have been touched with a holier fire. We have learned diviner songs, instinct with national spirit, and that thrill and throb through every heart, East, West, North, and South.

Now, more than ever, we are one people, having one language and one law and under one flag. And among those who have contributed to this glorious result, in the first rank, second to none, stands the Second Oregon.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. PARKER of New Jersey having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. PRUDEN, one of his

secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On March 26, 1900:

H. R. 4696. An act for the relief of J. A. Ware;

H. R. 2956. An act to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation; and

H. J. Res. 159. Joint resolution to amend joint resolution to furnish the daily CONGRESSIONAL RECORD to members of the press, etc., approved February 17, 1897.

ARMY APPROPRIATION BILL.

The committee resumed its sitting.

Mr. HULL. The time for debate has expired, and I ask the Clerk to read.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

COMMANDING GENERAL'S OFFICE.

To defray the contingent expenses of the Commanding General's Office, in his discretion, $1,750.

Mr. JOHNSTON. Mr. Chairman, I move to strike out the last word. Before proceeding with my remarks I want to thank the gentleman who has just taken his seat for the complimentary way in which he referred to Pickett's division at Gettysburg. I believe, Mr. Chairman, that I am the only man on the floor of this House who was in that charge, and I am prouder of it than he possibly can be. [Loud applause.]

Mr. Chairman, it is not my intention to discuss fully the pending bill, but matters to which it relates. There is no one occupying a seat in this House that would withhold from our gallant soldiers a bountiful supply of everything that will make them as comfortable as soldiers can well be and in every way possible relieve their burdens and alleviate their sufferings; but when we pause and consider the vast sums of money appropriated by this bill alone, not considering the naval and other appropriations yet to be provided for, and further consider that these vast sums are being appropriated in a time of at least comparative peace, and, further, that our war with Spain has long since ceased and that the insurrection in the Philippine Islands has been pronounced as practically at an end for the past four months, I shall not wonder that the taxpayers of the country will ask, and that not without reason, Why the appropriation of these vast sums of money and the continuance of the burdensome and unnecessary war tax?

The appropriation made by this bill is largely for our army now in the Philippines.

By the results of the war with Spain, or rather, I may say, by what is called that peculiar, unaccountable, unexplainable "manifest destiny" that we hear talked about as having marked the march and progress of this great Republic on its course to grandeur and to glory, we are in the military possession and occupancy of portions of the Philippine Islands, which were by the treaty of Paris ceded to this Government; and for the title we received from Spain we paid $20,000,000, and thereby these islands are under the military control of this country, and it is seriously urged by some to be permanently held by us a part of the territory of our country.

The acquisition of foreign territory by this Government and its incorporation into and as a part of ours is such a radical departure from all the teachings of the founders of the Republic and all that is truly American and fraught with so much danger that we can not but contemplate such action with the gravest fears as to the result.

The problem is one of perplexity to all patriotic and true Americans, and demands at the hands of the Congress of the United States the most weighty consideration and the exercise of the profoundest wisdom.

Now, the question most naturally arises, When the insurrection in the Philippines has been fully and finally quelled, peace and order therein restored, and armed resistance to the military authority of the United States shall have ceased, what shall be done with the islands, or rather with their inhabitants?

Shall Congress legislate in regard thereto, and so legislate as to make the islands irrevocably a part of our great domain, placing them on the same footing as our other Territories and their inhabitants citizens of our Republic; or shall we let them go and tell their people that we began the war with Spain for the sake of humanity, and that we still stand by that declaration, and that we regard "forcible annexation as criminal aggression," and that as the fundamental principles of our Government forbid us attempting to govern a people without their consent, and that as they have evinced a disposition and determination not to be governed by us, therefore, if they will formulate their own government in their own way and make to us full reparation, that we will withdraw the military arm?

Mr. Chairman, we do not now, nor will we when peace and order is restored in these islands, own them or their inhabitants. If we should decide to retain them the most we could claim would be the right to govern the people; and what shall be the form and character of such Government? They are now without civil government, at least have only such as the military authorities of the United States now in the islands, acting by the authority of the President, may choose to furnish them. The people of these islands have no rights, except it be to live, breathe, be quiet and peaceful, provided always that they do not get in the way of or disturb the military establishment in their midst, and that they obey the same. And this state of affairs must substantially continue until the Executive of the United States shall choose to withdraw the military arm and substitute some other kind of government, or Congress shall legislate touching the status of government of the islands and their people.

But Congress, in its wisdom, may not choose to legislate in regard to the islands further than to declare that when peace and order shall have been restored the people shall be at liberty to formulate their own government and suit themselves as to its form.

If this be long delayed, other things may occur that may put it beyond the power of Congress to allow these people to go, and leave us with them on our hands.

The discussion in this House on the Puerto Rico tax measure developed that there has gotten into this question a great deal of, at least, apparent muddle and confusion—perhaps mostly muddle of brain—touching the acquisition by the United States of these islands and of the Territories of Louisiana and Florida. But the acquisitions of Louisiana and Florida should not, in my humble opinion, furnish any precedent for our action touching the Philippines. I can best illustrate our true position as to Louisiana and Florida at the time of their acquisition, and how our people regarded it, by relating a conversation I had some years ago with a Californian who was on a visit to my section of the country.

He said Virginia people were in some respects the most peculiar people with whom he had met; that they were constantly buying lands and farms, and when he asked them why they did this the invariable answer was, "Oh, because it joins us." So with the Territories of Louisiana, Florida, California, and Texas—"they joined us."

The people of Louisiana and Florida at the time of acquisition were to some extent, at least, dominated by American sentiment, by reason not only of contact with our people, but many of our people had settled in these Territories prior to their acquisition.

And, again, in a large measure, and by reason of this fact, the people of Louisiana and Florida were a homogeneous people and occupied adjacent territory to ours, while the Philippine people are a heterogeneous people and live in a far-away land, in another hemisphere, separated from our shores by a great physical barrier—an ocean 7,000 miles wide—and besides this they are not Anglo-Saxons, but Malays, red men, in fact, almost all colors save white. In religion, part Mohammedan and part Christian, and between their civilization and ours a great, if not an impassable, gulf exists, which will forever prevent their assimilation. They have no Anglo-Saxon instincts, and no connection whatever with our history. But I turn from this for the present to the discussion of another question.

It must not be supposed that the Democratic party is not for expansion, both of territory and trade. Nearly all the great Democratic leaders who have lived in this country or now live are expansionists, but there is a wide difference between what they pronounce true and proper expansion and what is termed imperialism, the assimilation of a homogeneous people and of adjacent territory and that of a heterogeneous people and foreign territory.

No party in this country that ever rose, reigned, or fell has advocated the acquisition of territory for colonial purposes or the owning by this country of colonial possessions until this doctrine has in this day found champions in the now Republican party of the country.

I am now, as I have always been, in favor of expansion of territory and trade, but as a patriotic American, true to the principles of the Declaration of Independence and the Constitution, I am utterly opposed to the newfangled doctrine of expansion as expounded by our friends of the Republican party; or, in other words, I am opposed to a colonial policy whereby part of the people of this Republic will be citizens and part subjects. To avoid this we must let go our hold upon the Philippines or make them a part of the territory of this country and their untold millions citizens of our Republic.

On the debate on the Puerto Rico tax bill I heard it argued and urged on the floor of this House by gentlemen on the other side of the Chamber that Congress, in dealing with the inhabitants of the islands acquired by us from Spain under the treaty of Paris, acts outside and beyond the pale of the Constitution; that the power of Congress in this regard is plenary, is supreme—omnipotent—and it takes an act of Congress to carry the Constitution to this newly acquired territory.

If Congress does not get its authority from the Constitution in dealing with these acquisitions, where does it get it?

The Congress "plenary" is a creature of the Constitution.

Can the creature get above the creator or go, be, or exist without the creator?

It can not be true, in the very nature of things, that Congress can do anything outside the Constitution.

To even assert, much less admit, that Congress, in dealing with the inhabitants of these islands, can act without and beyond the Constitution is the very rankest imperialism, and to admit such to be the authority of Congress is to state the fallacious proposition that under our Constitution we can in this country, at one and the same time, have two kinds of government in operation—one a Republic under the Constitution; the other an empire, by Congressional action, outside the Constitution.

If it be conceded that Congress can legislate for the inhabitants of these islands without being bound by the limitations, prohibitions, and restrictions of the Constitution, then it, or the legislatures of the Territories organized under its laws, can pass ex post facto laws or bills of attainder, abolish jury trial, suspend the writ of habeas corpus in time of peace, create titles of nobility, impose unequal taxation and that without representation—in a word, make the President of the United States or some military officer dictator or emperor. The statement of the proposition is its refutation.

How can an act of Congress carry the Constitution to our new acquisitions? Is not the very reverse true? Does not the Constitution carry Congress to these acquisitions, after our flag has been there planted and it has become our manifest intention to hold as part of our territory these acquisitions?

My examination of the decisions of the Supreme Court has satisfied me as to the status of territory and the inhabitants of territory acquired by the United States. I do not deem it necessary to repeat what has already been said in this House along this line.

Would it had been as Mr. Jefferson said, that the Constitution had been made so clear and plain that the people would have had no differences of opinion as to its meaning and only differed in policies of the Government.

Why should we make the Philippine Islands a part of this country and their inhabitants citizens of the United States? What do we want with them and what can we do with them? If we once incorporate them into and as a part of this country and make the inhabitants citizens of the Republic, and we shall hereafter discover we made a mistake, how shall we get rid of them?

It is asserted that we want their trade and the trade of the Chinese seas and the Orient, and by a distinguished Senator, that it is a land of great value in its productions and great in mineral wealth—a land of gold, and much gold; but it must be remembered that these are the maxims of covetousness, and not those of liberty and patriotism. We surely have not fallen so low as to be moved by such sordid considerations as those of greed and gain, and to barter our liberty and free institutions for "commercial assets."

I have already stated that we do not own the lands of these islands. They belong to the inhabitants, and we can not get the lands without paying for them, unless we are going to follow the example of William the Norman, and divide them out among our soldiers. We do not and can not own the inhabitants and can not force tribute from them, unless we are to become tyrants and freebooters and follow the example of England in South Africa, crushing as gallant, chivalrous, and brave a people as ever fought, bled, and died for liberty; and yet the American Congress, the grandest deliberative body on the earth, representing the most liberty-loving and enlightened people of the best and grandest Republic in the world, is not willing to even express sympathy with this people.

England is the enemy of free government. She is the enemy of this country and has tried to destroy us, and would be willing to undertake it now if she dared. She has been guilty of arson and murder. She is an old thief and robber, and is not only trying to rob the Boers of their gold and their diamonds but of their liberty. Away with your English alliance. Let those who will advocate it, but shame to any patriot who even thinks of entertaining such an idea.

Then there would seem to be only one principal thing we are after, and that is the privilege of trading with the people of these islands, and this privilege we can have without attempting to govern them.

It is said to retain the Philippines will furnish to us great opportunities for trade between America and the nations of the Orient; that we must look for markets, and that we must enter into actual competition for this trade; that we must recognize changed conditions, and that by holding the Philippines our trade in the Orient will continue to increase until we shall find a market for all our supplies and surplus products. I can not see the logic of this reasoning when there can be no reason why we can not find markets in the Orient for our surplus products without the Philippines as well as with them, and by letting them go we shall escape dangers to our liberty that are not now so clearly foreseen, but which will certainly come if we attempt to establish free institutions in the Eastern Hemisphere.

Again, the protective-tariff people, who have heretofore wanted to build a Chinese wall around this country to keep out the foreigner and make him pay the tax, and keep out foreign pauper labor, or goods made by foreign pauper labor, seem to have waked up to the realization of the fact that the country has outgrown Chinese walls at home and wants to go over and tear down the Chinese wall on the farther side of the seas, and to open broader markets for our surplus products, and are even willing to open up the country to pauper-made goods, and even to the paupers themselves.

They talk about opposition to free trade, and yet prate about reciprocity, which we all understand is nothing less than international free trade. Why not stand, as you will finally have to stand, on the true doctrine—tariff for revenue only? You are traveling rapidly in that direction and to that doctrine, and it will be no surprise that you should go beyond it. But are you preparing to exchange protectionism for imperialism? "It is better to bear the ills we have than to flee to those we know not of."

What is the trade of these islands worth to us? It has already been shown on this floor by the able speech made by the gentleman from Mississippi [Mr. WILLIAMS] on the 6th of last month, that the trade of these islands, as it now exists, if we could get it all, would not exceed $30,000,000 per year and that their productions, or at least many of them, are the same as our own. And, as shown by the speech referred to, the products of these islands are made by labor costing a mere trifle (a few cents per day to the laborer) and that these products would necessarily come into competition with our products, produced by our well-paid labor.

Will our laboring people submit to this or be willing to see this take place?

It would seem that every thoughtful American who loves liberty, his country, her opportunities and free institutions, and our glorious history and all that we hold sacred and dear does not wish to see the Philippine Islands incorporated into the Government of this country and its inhabitants become citizens of this Republic.

Some of the reasons that present themselves to my mind why I do not want to see this occur are:

First. These islands and their people are too far removed from our shores. Climatic and other conditions forbid our people from migrating and settling there. The situation of these people, their condition, and temperament would require too much governing, and of a kind and character not suited to republican institutions.

Certain it is that abuses in government and corruption in high as well as low places would follow, and we should be poorly able to correct these abuses, for we know by observation, if not by sad experiences, that it is difficult, if not next to impossible, to correct such abuses here at home. Are we willing to have corruption and robbery and disgraceful carpetbag rule, such as we had in the South in the days of reconstruction?

Second. The character, education, habits, manners, customs, and religions of these people forbid assimilation, and for us to attempt by force of government or otherwise to foist and fasten upon these islanders our civilization is death to them.

It is important that we do not lay too much stress upon the representations of those of our people who have lately come in contact with the Malay race, and are too ready upon mere superficial examination to declare how they are to be dealt with. If we are to take and govern the people of these islands, our duty is plain, and that is to govern them to the advancement of civilization, if we can—not necessarily our own complex system, totally different from theirs—and to the mutual advantage of both races.

The American is democratic and progressive; the Malay is aristocratic and conservative—characteristics inherited by them from scores of generations gone before—and as these are the results of slow accumulation from associations for hundreds of years, so they can not at once be eradicated, but they must be treated as chronic diseases of long standing are by the medical practitioner.

The foremost principle which should always be kept in view is that the civilization of any race is not a system that can be changed at will. Every civilization of any race is the growing product of a very complex set of conditions, depending on race and character, on climate, on the trade and minutiæ of circumstances. To attempt to alter such a system apart from its conditions is impossible. For instance, when a total change in government is made, it breaks down altogether.

When the English constitution was swept away, Cromwell or anarchy was the alternative. When the French constitution was overthrown, Napoleon was the only salvation from anarchy. And if this be the case when the externals of government alone are altered, how much more is it the case if we attempt to uproot the whole of a civilized and social life. We may despotically force a bald and senseless imitation of our way on another people, but we shall only destroy their life without planting any vitality in its place.

No changes are legitimate or beneficial to the character of a people except those which follow from conviction and the natural growth of mind.

The incorporation of these Philippine people into our body politic is a danger that threatens the very existence of the Republic. Imperial expansion—that is, the incorporation into our system of people that are incapable of receiving our civilization and becoming homogeneous with us, and therefore, being not of us, must of necessity be ruled as subjects, and can not become citizens.

And if this imposition of a foreign system is injurious, how destructive the imposition of such a system as ours, which is the most complex, unnatural, and artificial that has been known, a system developed in a relatively cold country, amid one of the hardest, least sympathetic, and most self-denying and calculating of all people in the world. Such a system, the product of such extreme conditions, we attempt to force on the least developed races, and expect from them an implicit subservience to our illogical law and our (to them) seeming inconsistent morality. The result is death. We make a deadhouse and call it civilization. Scarcely a single race can bear the contact and the burden.

Every attempt upon a low but perfect civilization will result in eradication in our efforts to improve. While the body of man remains practically the same for ages, the brain develops and changes, only by slow processes, as the race reaches a higher level.

We should divest ourselves of the idea that the history of the world began when we were born. A familiarity with the Old Testament and the classics, with oriental polyamy and Greek polytheism, should teach us not to ignore the painful and laborious efforts in social and political problems among nations other than our own, and to avoid the well-known failures of the past, and to let all the lights play fully around the subject, when that subject is the elevation and betterment of the Moslem, the Hindoo, and the Malay, and instead of throwing the arms of protection of our Government around the Sultan of Sulu, and winking at his polygamy, shall we not, by frowning upon his conduct, and by well-considered example, teach him, if we can, that his best policy and that of his people is to conform to our customs. No one solution of the problem of society, social life, and culture will fit every race.

And most surely our civilization is illy adapted to be all at once imposed upon the Filipino people when civilization so different from the Anglo-Saxon has been the growth of centuries. We must not, indeed can not afford to, force our civilization upon them, for, as I have already argued, it is death in the end to them and no profit to us, but eventual loss. If we can not elevate and Christianize them we are in danger of being carried down in the scale of civilization.

My third reason for stating that we do not want the Philippines is that to govern them will most likely require the constant presence of the military arm. Yes; a standing army of thousands of soldiers, and the expenditure of untold millions of money, which must be wrung from our already heavily burdened taxpayers, and, in addition, at the cost of the sacrifice of thousands of the best and bravest of our soldiers. It is stated on competent authority that we now have about 65,000 soldiers in these islands, at the cost of not less than $1,000 per annum for each man. How many lives have been lost in battle and by disease has not yet been, so far as I know, disclosed.

How many Filipinos have been killed we do not know, nor have we any account of how many Filipino prisoners have been taken, if any. Certain it is that our army is not burdened with prisoners.

Our attempt to retain the Philippines and to erect in the Eastern Hemisphere a republic is, first, an implied, if not an expressed, abandonment of the "Monroe doctrine;" and, secondly, is sure to excite the jealousy of and alarm the crowned heads of European and Asiatic countries and lead to friction, complications, entanglements, and collisions which must of necessity result in wars, frequent, bloody, relentless, and costly, and, flowing from this naturally, insubordination and insurrection in the islands.

To retain these islands as part of the domain of this Government is to bring their products, produced by the cheapest and most degraded labor, into competition with the products of this country, made and produced by the most intelligent and best paid labor on the earth, and thus bring down the price of our own products, and considerably reduce the price of our own labor, and with this will come discontent among our laboring people, resulting in strikes, if not wholesale strife. These islands will become the breeding ground of trusts and combines, entered into, organized, and intrenched in power for the purpose of controlling the trade of the Chinese seas and the Orient; and into the valleys and plains of Luzon will doubtless be transferred and transplanted many of our large manufacturing plants, with the very purpose and object of securing the cheap and degraded labor of these islands; the articles then manufactured will also go into the trusts and combines manufactured in this country, and come into competition with articles made by our well-paid labor.

We have not as yet discovered a legal method whereby can be controlled the monster trusts and combines in this country; then how shall we in the far-away land of the Philippines?

Already these gigantic anacondas, leeches, and bloodsuckers have so interwoven themselves in, through, and around avenues of trade as to practically crush out small traders—indeed, all formidable opposition or competition—and have almost completely destroyed or paralyzed individualism and individual effort, leaving to the poor but competent young business man, depending alone upon his own abor for a living, little, if anything, to encourage him. His hopes are blasted, his aspirations crushed and wrecked.

No doubt the acquisition, and more especially the permanent holding, of these islands will be made the excuse for the advocates of imperialism in this country to unite with those of England and other European powers for the further aggrandizement of empire by seizing the first opportunity for the dismemberment of China.

Mr. Chairman, shall the Republic live or shall it perish by our folly?

Our splendid Republic is as yet in the experimental state, with scarcely more than a century's existence.

The hardiest of vegetable and mineral growths are those of slowest development.

The history and the experience of nations show that those of longest duration in reaching their climax were slowest in dying.

It took Rome several hundred years to reach the zenith of her glory and then several hundred more to die—nearly fifteen hundred years from birth to death. Her downfall was the result of her insatiable greed for military glory, spoliation, and territorial aggrandizement. Shall we travel the same road and meet the same fate?

In my humble opinion the only sensible and reasonable solution of the Philippine problem is to restore to that unfortunate, unhappy people peace and order, and then let them establish their own government, stable and firm, of course, and let them become the architects of their own destiny, without involving ours, for it must be remembered that no civilized people ever struggled, fought and bled for liberty, and achieved it and founded free government but have ever had a fierce struggle to preserve and maintain it.

Every free people who have lost their liberty and wrecked their free institutions have usually done so by a forgetfulness of the cost thereof in blood and treasure, and in the attempt for territorial aggrandizememnt, urged on by success and the glittering prospects of empire, greed, and spoliation.

Mr. Chairman, liberty and the blessings of free government can only be preserved by frequent recurrence to fundamental principles.

Magna Charta was reaffirmed no less that two and thirty times by our English ancestors. The Declaration of Independence needs reaffirmation, and instead of reaching out for empire, shouting ourselves hoarse over the flag, it would be a good thing for us to have a real, genuine revival—a liberty revival—in which we might pause long enough to think over the blood and treasure and the sacrifices it cost our ancestors to establish free government, and, on the other hand, to consider what a crime we should commit against the Republic, our children, and our children's children if we suffer ourselves to pursue a policy which will be subversive of our liberties.

When the united Democracy shall assemble at Kansas City on the 4th day of July next to nominate the next President of the United States, we are going to have a regular old genuine liberty revival, and we shall again reaffim the declaration made by us in 1896 and the principles contained in the immortal Declaration of Independence.

Then we shall declare that this is a "government of the people, by the people, and for the people," and that we intend to preserve it in its constitutional integrity, free from all foreign entanglements, as handed down to us from our fathers, and transmit it as a sacred heritage to our children's children.

Mr. STEELE. Mr. Chairman, this paragraph makes an appropriation for the contingent expenses of the Commanding General of the Army. It was this distinguished soldier who took Puerto Rico. He did not go in exactly at the front door and meet the distinguished gentlemen in shirts and other uniforms who were on the wharves to receive him, but at the back door. He had trouble in getting the other people who met him out of the way. He did not understand where they wanted him to land. The correspondents who had horses were in the several villages and cities before he could arrive. And yet when he rounded up the population, it is said by our Democratic friends that he proposed to commit the Government of the United States to a policy for the United States.

No man has contended on that side, or will contend, that in attempting to do so he was guilty of anything less than presumption. It was nothing less. No man will contend that he had any

right, or authority, or law, or any order that would justify him in committing the United States Government to any demand that he made other than to demand and to accept the surrender of the Spanish army and to restore order on that island.

I can not understand how gentlemen who are disposed to be fair in business matters continually quote what this great soldier, it is said, attempted to do, or did do, in committing the Government. I do not know that he did. If he did not, I apologize to him.

Now, with reference to Puerto Rico. I have a letter here that I would like to have the Clerk read. I have only just received it. It is dated March 17. I ask the Clerk to read that part not crossed out; the other is personal.

The Clerk read as follows:

SAN JUAN, PUERTO RICO, *March 17, 1900.*

MY DEAR MAJOR:

* * * * * * *

We are watching with interest here the hurricane that the proposed 15 per cent tariff has raised and are wondering what it is all about. A 15 per cent tariff is not obnoxious to the people here; at any rate not to the planters and to the great body of the people, the only clamorers for out-and-out free trade being the men who have bought up most of the sugar and a good part of the tobacco.

I am creditably informed that the American Tobacco Company has absorbed the greater part of the tobacco interests of the island, and absolute free trade would mean that they stand to make a pocketful of money. This talk of the placing of the tariff at the behest of the trusts which control tobacco and sugar strikes us here as the most arrant rot, since these very interests are the ones that would profit most from absolute free trade. The people here take it that the United States is not going to appropriate money from the National Treasury for the purpose of running this island. Hence the money, about two and a half millions a year, must be raised either by a tariff or by direct taxation.

Under the present system there is not a cent of taxes collected on land or improved real estate. The insular revenues have come from the tariff and the municipal fund has come from taxes on the necessaries of life. Even under this system the planters have had to appeal for a suspension of process to save their lands from foreclosure, and the levy and collection at this time of a direct tax would practically mean the sale of the island under the hammer. Perhaps the holders of the mortgages have a voice in the clamor for the purpose of forcing the plantations into the hands of the sheriff.

The experience here has been that the removal of the tariff has not cheapened anything to the consumer. Acting under the demand for cheaper necessaries, the War Department removed the tariff from rice, bacon, beef, beans, and a number of other articles, but despite this removal of the tariff, not one of these articles sells any part of a cent cheaper in the stores to-day than they did with the tariff imposed, and whatever benefit has been derived from the abolition of those tariff dues has been divided between the wholesaler and the retailer.

* * * * * * * *

I am glad to know, through a recent published interview of yours, that you have a pretty thorough understanding of conditions here, and hope you will fight it out on the tariff line. I am utterly at a loss to understand the attitude that some of the Republican papers have taken on this question, but am confident that the people will come to understand it.

Mr. STEELE. The Clerk need not read the signature.

Mr. RICHARDSON. Did I understand the gentleman to say that that letter was from Indiana?

Mr. STEELE. The heading at the beginning of the letter shows that it is from San Juan, Puerto Rico, from a gentleman of absolute integrity, who is a brother to a member of this House.

Mr. JAMES R. WILLIAMS. What is his name?

Mr. RICHARDSON. Is he from Indiana?

Mr. STEELE. He is from Indiana, where all good men come from. [Laughter.]

Mr. JAMES R. WILLIAMS. The gentleman is ashamed to put his name in the RECORD.

Mr. STEELE. I am ashamed to have the gentleman make that statement.

Mr. JAMES R. WILLIAMS. I move to strike out the gentleman's name, if it is in.

The CHAIRMAN. The gentleman moves to strike out the last two words.

Mr. STEELE. The gentleman says he wants to strike out the gentleman's name. Since it was not in, it does not matter.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PARKER of New Jersey having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. BENNETT, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes.

ARMY APPROPRIATION BILL.

The committee resumed its sitting.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last two words; the pending amendment is to strike out the last word.

Mr. JAMES R. WILLIAMS. Now, Mr. Chairman, I did not intend to say anything on this bill or on this amendment. I am not particularly anxious to strike out the last word; but since the gentleman from Indiana [Mr. STEELE] has had read a letter before the committee as an argument in favor of a protective tariff to the people of Puerto Rico, in answer to that anonymous letter as far as the RECORD is concerned, I wish to say——

Mr. STEELE. I would like to show the gentleman the signature.

Mr. JAMES R. WILLIAMS. What is the objection to putting it into the RECORD?

Mr. STEELE. I do not object; his name is Walter K. Landis.

Mr. JAMES R. WILLIAMS. Well, let "Walter K. Landis" go in the RECORD, then. [Laughter.] I would like to ask the gentleman what position he holds?

Mr. STEELE. He holds the position of a gentleman, and attends to his own business. [Laughter.]

Mr. COX. What else?

Mr. JAMES R. WILLIAMS. I understand he is a postmaster. Not only that, but he shows a great deal of sympathy for his friends in Indiana, who need sympathy at this particular time. [Laughter on the Democratic side.]

Mr. STEELE. Will the gentleman yield until I have something read from a newspaper in Indiana?

Mr. JAMES R. WILLIAMS. Yes, I will yield to anything from Indiana. [Laughter.]

Mr. STEELE. This is from a newspaper in my own county.

Mr. JAMES R. WILLIAMS. It is not from the Indiana Senator's speech delivered on free trade for Puerto Rico?

Mr. STEELE. No; it is not.

The Clerk read as follows:

The people of late have had a practical demonstration to the effect that metropolitan papers do not always reflect general public sentiment. The Puerto Rican tariff bill is an instance. Several well-known and influential newspapers jumped at the conclusion that the people were "dead against" the bill.

Just what inspired this conclusion is a mystery. They are now beginning to find out differently. The people approve of the course of President McKinley and his advisers. We have seemed to detect an overweening desire on the part of some newspapers to magnify the importance of this measure. These newspapers should put away their bogy men and cultivate a closer acquaintance with public sentiment.

It is a mistake to assume that the people are vociferously indignant and clamorously dissatisfied with the Puerto Rican tariff bill, and the attempt of several metropolitan papers to make it so appear is misleading, to say the least. While the people do not generally approve of a tariff rate between this country and Puerto Rico, they recognize that the measure is only intended as a temporary expedient in the interest of the poor people of the island, who receive direct and immediate relief.

These metropolitan papers reflect more their own opinions than the true sentiment of the Republican masses. In fact, some of these metropolitan newspapers that appear to be so deeply concerned for the dear people are about as far from a correct knowledge of the sentiments and desires of the common people as New York's codfish aristocratic four hundred.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, Mr. Speaker.

Mr. JAMES R. WILLIAMS. One moment; I did not understand the gentleman from Indiana [Mr. STEELE] to give us the name of the paper.

Mr. STEELE. It is from the Fairmount News, published in Grant County, Ind.

Mr. JAMES R. WILLIAMS. A county paper?

Mr. STEELE. Yes.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, Mr. Speaker. I notice that the article says that the people are in favor of the course of the President and his advisers. The inquiry I wish to propound to the Chair is, which course is that? [Laughter on the Democratic side.]

The CHAIRMAN. Does the gentleman from Mississippi propose that as a parliamentary inquiry?

Mr. STEELE. It is the humane course.

Mr. JAMES R. WILLIAMS. I yielded to an interruption by my friend from Indiana, but I hope his newspaper article will be put in as a part of his remarks and not mine. [Laughter.]

Mr. STEELE. I think that is fair. [Laughter.]

The CHAIRMAN. Without objection, that will be done.

Mr. JAMES R. WILLIAMS. This only shows, Mr. Chairman, the desperation to which these gentlemen are being driven. I understand this man Landis, a brother of Congressman LANDIS, of Indiana—and if I am not correct I am willing to be corrected—holds a position down there, under the Administation, probably a postmaster or something similar to that, and of course he is anxious to relieve his friends in Indiana and the representatives from that State, who are in such great distress at this particular time.

Now, as against the county paper which the gentleman has found in his State in favor of one or the other policies of the President, I cite him to the Chicago Inter-Ocean, the Indianapolis Journal, and a great many other Western papers that have an immense circulation and which take a great deal of pains to ascertain the sentiment of the people. I think myself that that county paper will have a very difficult task even to convince the gentleman himself that he is not standing upon sinking sod in Indiana if he undertakes to vote for a tariff on Puerto Rico again.

[Here the hammer fell.]

Mr. JAMES R. WILLIAMS. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman asks for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. JAMES R. WILLIAMS. I noticed in the papers a few days ago where the distinguished gentleman from Indiana, Mr. CRUMPACKER, received a great reception in one of the cities in Indiana from the people of all classes because he had the courage of his convictions to vote against the tariff on the people of Puerto Rico. [Applause on the Democratic side.]

I notice some very different receptions that gentlemen have received in Indiana who voted for a tariff on the people of Puerto Rico. But, coming to the point I intended to make, and that is this: Against this letter of a Republican postmaster endeavoring to help out the distressed Representative from Indiana I set the unanimous voice of every delegate who has come before the Committee on Insular Affairs from the island of Puerto Rico, representing all classes of industries—agricultural, mercantile, manufacturing, and everything else—who declare with one voice that they are in favor of free trade and want that and nothing else. [Applause on the Democratic side.]

The CHAIRMAN. If there is no objection, the informal amendments will be withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Contingencies of the Army: For all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, to be expended under the immediate orders of the Secretary of War, $200,000.

Mr. STEELE. Mr. Chairman, I move to strike out the last word. If anyone has any idea that I am in any distress on account of my vote on the Puerto Rican tariff bill, I would have him possess his soul in peace. I voted for the bill; I helped to frame it, and I never have tried to dodge a single bit of responsibility. On the contrary, I believed when the bill was completed that it was a humane measure. I believe it yet, and I do not hear gentlemen on the other side of the House propose anything better.

We have been charged, on this side of the House, with working in the interest of the trusts; and yet no man has pointed out, nor can he point out, how in any way the trusts can be benefited by the legislation that we propose. On the other hand, it would be a very great advantage to the people over there who have sugar and tobacco if they were to have a reduction of three-quarters of the duty on what they have to export.

We give them a reduction of 85 per cent, and Mr. Finney, consul from Great Britain, and a very few other gentlemen who own or control these articles, who were sitting in the gallery during the time the gentleman from Maine [Mr. LITTLEFIELD] was making his speech, and who led in the applause when he said something favorable to free trade, would be much benefited, and could afford to pay many dollars into the Democratic campaign fund, if you shall succeed in securing free trade for them.

As I said before, I have no apologies to make; and when the gentleman says his committee has heard from all classes of people, I would like to ask him whether it has heard from the man who can not read, who has never worn a pair of shoes in his life, whose only uniform is a shirt? Ninety per cent of the population of that island are people of that class. How is free trade going to benefit that class of people? It is not going to put bread into their mouths.

Every dollar collected in the United States upon importations from Puerto Rico and every dollar collected in Puerto Rico upon importations from the United States and other countries is, by the bill, to be placed in the hands of the President to help those poor people, those without shoes, without shirts, without education—absolutely destitute people on account of the privations of four hundred years of Spanish domination and misrule, and on account of a hurricane which swept the island last August.

Mr. RIDGELY. Will the gentleman permit a question?

Mr. STEELE. I would like to know what it is. [Laughter.]

Mr. RIDGELY. Does the gentleman think that the 15 per cent taxation contemplated by the bill which passed this House would help to clothe those people?

Mr. STEELE. Well, it would give them each one shirt, would it not?

Mr. RIDGELY. I think not.

Mr. STEELE. Why, a gentleman on your side has said that $750,000 would be collected, and a shirt of the kind those people wear would cost about 15 cents. Whatever the amount may be, it goes to feed and clothe those poor people and give them a start to become American citizens, with all that the words imply.

Mr. RIDGELY. If the gentleman is willing to give up 85 per cent of the tax collections, why not give up the other 15 per cent?

Mr. STEELE. Did the gentleman vote for the $3,000,000 proposition? I did.

Mr. RIDGELY. I voted against it on the final passage.

Mr. STEELE. Oh, you did. A great many gentlemen on your side voted the other way. They were more humane than you.

Mr. RIDGELY. You levy a tax on the Puerto Ricans and then ask us to vote it back.

[Here the hammer fell.]

Mr. JAMES R. WILLIAMS. Mr. Chairman, I had not expected to participate in this discussion; in fact, I do not like to discuss a question that is not before the committee or the House. But some things have been said by the gentleman from Indiana [Mr. STEELE] that certainly deserve some attention. He has stated here to-day that one reason why the Republicans have changed their position against free trade and in favor of a tariff upon the people of Puerto Rico is on account of the interest which one Mr. Finley would have in case those goods were admitted free.

Mr. STEELE. The vice-consul.

Mr. JAMES R. WILLIAMS. The gentleman had better understand what he speaks about when he does speak. I have never seen Mr. Finley to speak to him or hear him speak except when he was before the committee. His statement was that he has been in business in that island for over thirty-five years, acting a part of the time as British consul or vice-consul. Now, I want to call the gentleman's attention to this fact: That the President of the United States had had his officers all over that island investigating its condition for weeks and months before Congress convened, and he knew just as well on the day Congress met the necessity for revenue in that island and the needs of those people as he did after Mr. Oxnard had come before our committee and opposed free trade for Puerto Rico.

Now, the gentleman talks about this money buying shirts and food for the people of Puerto Rico. He knows better than to contend for one moment that these duties, collected as a tariff, are to be used to buy clothing for the people of Puerto Rico. I am surprised that a gentleman of experience in this House, a Representative here, should undertake to make any such contention as that. In the first place, this money will go to conduct the government of that island, if the people have a government; and according to the report of your own governor-general it will exhaust about all the money you can collect under that bill—yes, all of it, and more—to conduct the government and pay its expenses. All this talk about buying clothing and books and building schoolhouses is the merest "rot;" and gentlemen ought to understand it.

It is said that no other policy has been proposed than that embodied in the Puerto Rican bill passed by this House. Sir, another policy has been proposed; and if gentlemen will read the debates they will ascertain what it is. The policy that the people of Puerto Rico want is a good local government which will give them the power to raise their revenue by taxing property, instead of poverty, in the island of Puerto Rico. [Applause.] That is what they want, and if you will give them that they will be able to take care of themselves. If you undertake to feed them out of the contribution box you may expect to continue it as long as they are a part of the United States, in the language of a Democrat.

The Clerk read as follows:

For contingent expenses at the headquarters of the several military departments, including the staff corps serving therein, except the department judge-advocates, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, books of reference, professional newspapers and periodicals, and police utensils, $6,000, to be allotted by the Secretary of War, and to be expended in the discretion of the several military department commanders.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word.

I was somewhat amazed to hear a distinguished Republican member of this House, and an ex-soldier, no doubt a gallant one, attack the Commanding General of the United States Army for having dared to offer terms to the people of Puerto Rico, who welcomed him in a friendly way when he arrived upon that island. Although I was merely a boy of 11 years of age, I remember that when Lee surrendered to Grant at Appomattox, and Grant made the magnanimous terms which he did, a thrill of generous pride went through the hearts of all Southern people, depressed though they were at that time.

Grant, I presume, had no authority to make any sort of terms as to the ultimate disposition of Lee and his army; but what sort of a government would it have been which would have repudiated the pledges of the victorious general under such conditions as that? And what sort of a government is it, Mr. Chairman, which would repudiate the generous promise of its commanding officer when he had gone to an island and tendered the protection of his government to those people and they had accepted it in a free and friendly spirit?

Mr. Chairman, I read in a paper to-day a quotation from a speech delivered by the President of the United States last fall in which he stated that in his judgment Puerto Rico was as much a part of the United States as the District of Columbia or Arizona or New Mexico. From that time to this I have seen nothing

coming from him which indicated any change of heart or judgment upon his part. And if the gentleman has any evidence that the President now does not believe that Puerto Rico ought by right to enjoy all of the privileges of the District of Columbia or Arizona or New Mexico, I should like to have it produced.

Mr. DOLLIVER. What speech of the President does the gentleman allude to?

Mr. SLAYDEN. It was delivered, I think, in Peoria. I speak merely from memory, but I think that was the place.

Mr. DOLLIVER. I have no recollection of it.

Mr. CLARK of Missouri. It was somewhere out on that electioneering trip.

Mr. SLAYDEN. It was on that electioneering tour; yes, and I will look it up this evening and print it in the RECORD, so that the gentleman from Iowa may see what the President's views were last fall.

On his campaigning tour of the West and Northwest, at Wankegan, Ill., on October 17, 1899, Mr. McKinley, speaking of the Philippine Archipelago, called it "a territory as much our own as Alaska or the District of Columbia or any Territory of the United States." That means Puerto Rico also.

Mr. McRAE. Mr. Chairman, I wish to offer a substantial amendment. I move to strike out "six" and insert "three." Three thousand dollars is the amount usually carried by this item.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 9, strike out the word "six" and insert in lieu thereof the word "three;" so that it will read: "three thousand dollars."

Mr. McRAE. That is the amount usually carried by this item, and unless there is some special reason for doubling it I do not see why we should do so.

Mr. HULL. If the gentleman will permit me, I will state that for the current fiscal year the estimates submitted were $6,000. The first appropriation last year was $3,000. Afterwards we passed a supplemental appropriation, giving them $3,000 more. The War Department reports that the increased amount is necessary on account of the largely extended field of operation. We have a great many more departments than we had before the war began. At that time the departments were all in the United States proper, and so were the department headquarters. We have now headquarters in Cuba, in Puerto Rico, in the Philippines, as well as those that we formerly had in the United States.

Mr. McRAE. You have mentioned no place yet which is outside of the United States.

Mr. HULL. Well, under the five-minute rule the gentleman can not get up any argument with me as to that. I am telling the gentleman where the departments are. They have been largely increased over what they were, and if we give this $6,000 now, I will say to my friend from Arkansas we are simply giving what we ultimately gave, as I remember, during the last fiscal year.

Mr. McRAE. During the last fiscal year, of course, you perhaps had a great deal more necessary expense than you will have in the next fiscal year. I hope that is true, at least. But let me ask if these departments have been increased 100 per cent.

Mr. HULL. In a note to the estimate for this item the War Department says:

The increased amount estimated for is made necessary on account of the establishment of new departments, namely, Cuba, Habana, Santiago and Puerto Principe, Matanzas, and Santa Clara, province of Habana and Pinar del Rio, the Pacific, Puerto Rico, and Texas.

In view of that statement, I do not think it would be just and fair to strike out the amount. It is a small amount anyway, and the Committee on Military Affairs was unanimously in favor of the item.

The CHAIRMAN. Does the gentleman from Arkansas withdraw his amendment?

Mr. McRAE. Mr. Chairman, I do not know enough about it to insist upon my amendment, and so far as I am personally concerned the explanation of the chairman of the Military Committee is satisfactory. Therefore I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be considered as withdrawn, and the informal amendment also will be considered as withdrawn, and the Clerk will read.

Mr. UNDERWOOD. Mr. Chairman, some time ago the gentleman from Iowa [Mr. LACEY], chairman of the Committee on the Public Lands, filed a minority report in reference to a bill granting some of the public lands of Alabama to school purposes. One of the schools was a negro school and the other was a white school. In his minority report he states that he does not think the bill ought to pass, because Alabama has not properly cared for the education of the children of the State.

The gentleman from Iowa is my friend, and I am sure that he made the statement without any intention of doing an injustice to the people of Alabama; but I think the statement should not rest without a proper correction being made.

Alabama, like many of the Southern States, has labored under a great many misfortunes in the last thirty years. A comparison is made by the gentleman from Iowa between the amount of school tax in Iowa and the amount of school tax in Alabama.

There is no question that the State of Iowa has magnificiently taken care of the school children of that State; but I wish to call the attention of the gentleman and the attention of the country to the fact that in the State of Alabama 54 per cent of the people pay 95 per cent of the taxes, and that the result of the civil war placed upon the white people of the State of Alabama the education of a race of people who up to that time were uneducated and without property or means to educate themselves. The white people of the State have taken up this burden without complaint; and out of the public treasury, out of the taxes collected from themselves, have given equally, in proportion to population, to the colored children and to the white children of the State. I think it unjust to our people, when we have had these burdens to sustain, that we should be criticised because we have not been able to give as great educational advantages as some of our sister States have who have not had these burdens to carry.

I want to call attention to the fact that in the State of Alabama for the year 1898, the last one for which I could get the authentic figures, the total taxes raised and disbursed by the State were $2,242,894. The amount distributed for educational purposes was $1,018,086, which was an increase over the previous year of $191,000, the amount being 45 per cent of the total disbursements of the State. In other words, of the total moneys collected by taxation in the State 45 per cent has been paid for educational purposes and nearly half that amount has been paid out to the negro race in the State for their education, when they do not pay 5 per cent of the taxes.

Now, why has Alabama suffered? Why have we been unable to pay the same amount for our schools that the more fortunate States in the North have been able to pay? At the close of the civil war the public debt of the State of Alabama was $5,939,000. It remained that until the State was compelled to pass through the reconstruction period. When we came out of the reconstruction period and the white people of the State were once more placed at the helm of government, we came out with a bonded indebtedness placed on the backs of the people of that State of $38,381,000, and the bonded indebtedness of Iowa is only $245,000.

Mr. DOLLIVER. I ask my friend to let me put in the fact that these bonds have been paid, and we have over a million dollars in the treasury.

Mr. WILLIAMS of Mississippi (to Mr. UNDERWOOD). That makes your argument a fortiori.

Mr. UNDERWOOD. I congratulate the gentleman and congratulate the great State of Iowa; but I intended to show from these figures, that I take from the census of 1890, that the amount of indebtedness of Iowa was only 2 per cent of the debt of Alabama. Now, we are not at fault, the people who pay the taxes in Alabama are not in fault, for this indebtedness; the people who own the property, the people who control the State government, are not in fault for this indebtedness. We did not create it. It was placed as a burden on our backs without our consent and against our protest by the reconstruction government; but it was a debt created, and a debt we were bound to recognize and to pay. In Alabama out of 325,782 school children, 122,889 are negroes; in Iowa out of 538,576 school children, only 1,286 are negroes. That is a part of the burden that we are carrying and being taxed for it, and it is but proper that our people should try to make them good citizens and give them education.

It is not for their benefit, but for the benefit of our State, and I am not protesting against the fact that we are being compelled to take up these burdens and carry them, but where we do protest is that in our efforts to do so we are being criticised for not doing what the more fortunate States in the Union have done. Now, besides the fact that our indebtedness was increased 546 per cent in the State of Alabama during reconstruction days, the assessed value of real and personal property increased from $312 per capita in 1850 to $448 per capita in 1860. But in 1880, after the State had gone through the reconstruction period, we find that the per capita assessed value of real and personal property in Alabama had fallen to $97 per capita, and in 1890 it had only increased to $171 per capita, while in the State of Iowa in 1850 the per capita value of the property was $112, and in 1890 it had increased to $271.

In other words, under the reconstruction government in the State of Alabama, we were not only burdened with a tremendous bonded indebtedness, but it destroyed the value of the property in the State, and thereby decreased our ability to raise revenue for school purposes. The amount of debt was increased 546 per cent, and the assessed value of property was decreased 66 per cent.

Mr. MOODY of Massachusetts. May I interrupt the gentleman?

Mr. UNDERWOOD. Certainly.

Mr. MOODY of Massachusetts. The gentleman was quoted in a newspaper the other day as saying upon his return from Alabama that an account of the present prosperity of the State would

read like a fairy tale. I would like to ask the gentleman if he substantially did say that?

Mr. UNDERWOOD. I would say, Mr. Chairman, that I do not think in the history of the South there has been any greater prosperity at any time than now exists in the district I represent. [Loud applause on the Republican side.]

Mr. MOODY of Massachusetts. I am glad to hear it.

Mr. UNDERWOOD. But that does not extend to the entire State. I represent a manufacturing district, and we all know that the manufacturing interests of this country are exceedingly prosperous to-day. A large portion of the State of Alabama is agricultural, and that portion of the State is not prosperous. The white taxpayers of the State did not create the present bonded indebtedness that we have to pay.

The granting of the unlimited right of suffrage to an ignorant class of people who were not qualified at that time to receive it or to properly exercise it was the instrument that brought about this condition. We have had to assume the burden as we found it; and I say, that being the condition, that the people of the United States, the people of this Government who were responsible for bringing about that condition in the Southern States, placing these people on our hands to educate and to take care of, should not criticise us for the amount of money expended for school purposes, but ought to be willing to do exactly what we have asked in the bill that my friend from Iowa [Mr. LACEY] reports adversely on. They ought to be willing to give these public mineral lands for the education of these people.

The lands that the Government is asked to donate for school purposes under these bills are mineral lands, are not open to homestead settlement, and the masses of the people are deprived of their use under the general laws. It is not just to the State that they should be withdrawn from sale for any longer period and the development of the mineral resources of the State thereby retarded. The Government must dispose of them. If you put them up for public sale a few speculators, who know what is valuable land and what is not, will make all the profits, and but very little will go to the General Government. On the other hand, if you give them to the schools of the State the whole people will receive the benefit.

Mr. LACEY. Will the gentleman yield to me for a question?

Mr. UNDERWOOD. Certainly.

Mr. LACEY. How much of the $38,000,000 of indebtedness does the State of Alabama now recognize as a valid indebtedness?

Mr. UNDERWOOD. It recognizes all that it has not paid, all excepting certain fraudulent bonds.

Mr. LACEY. I am speaking of those conceded to be genuine and that the State did not repudiate?

Mr. UNDERWOOD. Alabama has repudiated none of its indebtedness.

Mr. LACEY. I do not mean in the offensive sense.

Mr. UNDERWOOD. Alabama has not repudiated any of its indebtedness.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I ask one moment to answer the gentleman's question. The amount of indebtedness as it now exists, to give the accurate figures, is $12,413,196; but the gentleman must remember for the last thirty years we have been bearing this great burden. [Loud applause on the Democratic side.]

[Mr. SPARKMAN addressed the committee. See Appendix.]

Mr. LACEY. Mr. Chairman, I did not hear all the remarks of my friend from Alabama [Mr. UNDERWOOD], but by the aid of the reporter I think I have gathered the full scope of them. I want in advance to disclaim any feeling against Alabama.

Mr. UNDERWOOD. I acquitted the gentleman of that.

Mr. LACEY. I think my friend from Alabama ought to have sided with me and taken this report and have talked plain talk to the people of Alabama. My Congressional district, with 175,000 people, in 1897–98 paid as much school taxes as the whole State of Alabama. I only give this to illustrate the difficulties under which the school system of Alabama labors.

In 1875, smarting under reconstruction and goaded to desperation, perhaps, by the evils that they complained of, they adopted a constitution forbidding themselves practically to support the public schools. That was not the intention, that was not the purpose in view, but that was its effect. They provided in their constitution that they should levy for all school and State purposes not to exceed three-quarters of 1 per cent. What is the result? In the State of Alabama in the year 1897–98 the entire sum raised for public schools was only a shade over $800,000, only 46 cents per capita to the population, and each child that was sent to school only cost $3.50.

Let us take the State of South Dakota. She spent that same year $23.45 for every child in the public schools. She levied taxes on the people per capita of $3.15 for the support of the public schools, while the State of Alabama only levied 46 cents. It is not the fault, perhaps, of the people now; they are doing all they can under the constitution; but they have made it illegal to do for themselves that which they ought to do, namely, support their public schools.

But I want to say to the credit of the people of the city of Birmingham, in which the gentleman from Alabama lives, that they have disregarded the State constitution and have made an arrangement by which they levy, in spite of the constitution, money for the public schools. But it is a big city, and public opinion is strong, and they are enabled to override the narrow limits of the constitution. But the constitution is submitted to in the other towns, and the result is that while, with a negro population of nearly one-half, it is necessary to raise money to support two systems of schools, and they do not have but three-quarters of 1 per cent tax for the support of the State government and entire school system.

Now, that ought to be remedied. Four years ago the State of Alabama appealed to the Committee on the Public Lands for relief. We said, "Why don't you levy a school tax?" They said, "Our constitution won't let us." We inquired, "Why don't you amend the constitution?" They answered, "Oh, we can not." And there they sit holding their hands for twenty-five years with a provision that limits them to three-quarters of 1 per cent for a levy to support the schools of that State, a sum entirely inadequate for the purpose and well known to be insufficient.

There are public-spirited people there, but when an evil grows hoary-headed with age it becomes sacred, and the constitution being twenty-five years old, they have gotten used to this system and they do not realize the mistake that they made in thus binding themselves hand and foot. They hardly realize how badly they are off. They know the rate of illiteracy is high, but they fail to recognize the cause of it. It will remain so until they provide for local taxation for their schools, and to do this the State constitution should be amended. Congress can not help them. They must help themselves.

Mr. WILLIAMS of Mississippi. What is the rate of taxation for school purposes in the gentleman's district?

Mr. LACEY. My tax was about $3.60, more than 3½ per cent school tax alone in the city of my home, while the entire tax for schools and State expenses was only three-quarters of 1 per cent in the State of Alabama. Of course the expenses of the State must be paid and the schools must take the second place.

Mr. BERRY. Does the gentleman say that his tax was $3.50 on a hundred dollars?

Mr. LACEY. It is.

Mr. BERRY. The gentleman means 35 cents on a hundred dollars.

Mr. LACEY. No; the assessment is not on a full valuation; the tax was for the various school purposes, but was as I have stated. In the country districts the levy is lower, but the rate that I speak of is by no means unusual. When I explained to these gentlemen that a single district in Iowa paid more school taxes than the whole State of Alabama, they looked at me with amazement.

The same policy prevails in all the different States of the Northwest. And, sir, I have made this minority report in the kindest spirit, with the idea of calling the attention of the people of Alabama to the fact that they ought to take measures to procure a constitutional convention to amend their constitution, so that the different localities there can take care of their own affairs instead of asking Congress for relief. I am glad that my esteemed friend from Alabama has called attention to the matter. A little agitation may do some good.

Mr. UNDERWOOD. If the gentleman will allow me to interrupt him a moment, I wish to state that on two occasions during the last five years we have attempted that. Last year various gentlemen, along with myself—and I think every single member of Congress on this floor from our State—stood out in favor of a constitutional amendment.

Mr. LACEY. There is no doubt of that.

Mr. UNDERWOOD. We went to the legislature to procure the calling of a convention, so that we could remedy this trouble. [Here the hammer fell.]

Mr. LACEY. I ask unanimous consent for five minutes more.

The CHAIRMAN. The Chair hears no objection.

Mr. UNDERWOOD. And we were finally overcome in our efforts by the very people that we were seeking to benefit. We were defeated by Republicans in that legislature, elected by the negro vote of the State—representatives of negro constituencies that we were attempting to benefit. With some Democratic votes, they finally defeated our effort to have a convention. I agree with the gentleman from Iowa. He is right; and we will still attempt to accomplish what he says we ought to do.

Mr. LACEY. I can scarcely express my surprise at the intimation of the gentleman from Alabama [Mr. UNDERWOOD], who is blaming this trouble on the Republican party of Alabama.

Mr. UNDERWOOD. Not at all.

Mr. LACEY. That party has not been the controlling party in Alabama in recent years.

Mr. UNDERWOOD. I am not blaming the national Republican party, but I am blaming the local organization. The men who control the government there now want to give educational facilities and are asking to be allowed to do so; but the men who are to be benefited are refusing to let the thing be accomplished.

Mr. LACEY. My friend from Alabama and myself desire to accomplish the same thing in his State. Does he not think that the State of Alabama ought to adopt an amendment to its constitution so as to enable the localities to tax themselves to conduct their public schools?

Mr. UNDERWOOD. We have been asking to do that, many of us.

Mr. LACEY. That is the point to which I wish to call attention—that for twenty-five years leading men of Alabama have been appealing to Congress for relief in this manner, instead of applying the medicine to the spot where the disease is located—in their State constitution, which in effect prohibits them from taking care of their own schools. Mississippi spends nearly twice as much in proportion to her population for public schools as does the State of Alabama. I say this to the credit of my friend from Mississippi [Mr. WILLIAMS] who I see is now rising to interrupt me.

Mr. WILLIAMS of Mississippi. I want to call the gentleman's attention to the statement he made a moment ago; and I wish to ask him whether I understood him correctly. I understood him to say that Iowa levies for school purposes a tax of 3½ per cent. Did he not mean three and a half mills per hundred? He said three and a half dollars on the hundred.

Mr. LACEY. Certainly; that is what I meant to say; and the fact that the gentleman expresses surprise at the statement shows that he does not appreciate what we are doing in our State for education. These sums are not levied by the State. They are voted in the school districts by the people themselves.

Mr. WILLIAMS of Mississippi. Does the gentleman mean to say that if a man in Iowa has a 5 per cent investment three and a half of that 5 per cent goes to the school fund?

Mr. LACEY. Certainly. Are you surprised at that? My own home school taxes for years were about 3.6 per cent. What do you think of that?

Mr. WILLIAMS of Mississippi. Was property assessed at its real value?

Mr. LACEY. Our assessment usually has been about 40 per cent of the real value. Under a recent law it has been reduced to 25 per cent of cash value.

Mr. WILLIAMS of Mississippi. Oh!

Mr. LACEY. And in Alabama property is not assessed at more than 40 or 50 per cent of its real value.

Mr. WILLIAMS of Mississippi. In our State each man's property is assessed at what he swears he would take for it if he sold it—not what it would bring upon a foreclosure.

Mr. LACEY. In Illinois, Alabama, and other States the assessment is considerably less than the cash value of the property. In most of the States whilst ostensibly the valuation is assumed to be at full cash value, in actual practice it is assessed at much less and much personal property escapes altogether.

Mr. RICHARDSON. In your State do you tax personal property?

Mr. LACEY. Yes; everything.

Mr. RICHARDSON. And is not personal property assessed at its true value?

Mr. LACEY. That was formerly the case theoretically; but as a matter of fact the valuation has been only about 40 per cent until the present law has made it uniform at 25 per cent.

I do not claim any special virtue for Iowa; I am simply showing that when a locality is permitted to levy a tax on itself to support its schools it does not regard it as a tax any more than it regards a board bill or a wash bill as a tax. It is regarded as one of the ordinary and necessary expenses of the families that we should have public schools. We vote it upon ourselves in our municipalities; and in different localities there are different rates. I have given the rate in my own town. The aggregate taxation there for all school purposes is commonly over 3.6 per cent.

Mr. RICHARDSON. What is the aggregate amount of taxation?

Mr. LACEY. In my own city, a little over 6 per cent.

Mr. RICHARDSON. Sixty dollars on a thousand?

Mr. LACEY. A little over that. We do not expect to have educational advantages for nothing. The trouble with some of our friends is that they want to have all these things and not pay for them themselves, but instead, make their appeals to Congress. If a State desires to take any rank in these matters, it must bear the expense, and it is well worth the cost. If you will let the people of Alabama school districts tax themselves for their schools, they will soon make a different record.

Mr. PAYNE. Does the gentleman mean to say that the people of Alabama come here to Congress asking us to give away land and money to support their schools?

Mr. LACEY. No; they asked us to give lands.

Mr. PAYNE. To give lands in order to sell them to support their school system.

Mr. LACEY. Yes.

Mr. WILLIAMS of Mississippi. Oh, no; this was for certain special colleges.

Mr. LACEY. Not generally. This was for certain institutions which were specified. There is another bill pending to give the remainder of the land for the common schools.

Mr. PAYNE. Do they not put themselves in the same position that they think we are trying to put the people of Puerto Rico in, when we give money out of the Treasury to build schools down there?

Mr. LACEY. Let us not get onto the Puerto Rico question, because this is a serious matter.

Mr. PAYNE. I should like to know the difference between the two propositions.

Mr. BERRY. I want to ask the gentleman, what is the tax duplicate of the whole State of Iowa? How much is the whole property that is returned to the State for taxation?

Mr. LACEY. I have not attempted to give that.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LACEY] has expired.

Mr. LACEY. I should like five minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BERRY. I want to know what the tax duplicate of the State of Iowa is?

Mr. LACEY. I can not give it from memory.

Mr. BERRY. Can you approximate it? It is about $1,200,000,000, is it not?

Mr. LACEY. During the same year when Alabama spent $800,000 for school purposes, Iowa spent $8,451,000.

Mr. BERRY. Therefore the gentleman is mistaken in his statement as to the rate of taxation. The total must be ten or twelve hundred million dollars, and $36 on the thousand would give about $36,000,000 for the total; so the gentleman has made a mistake.

Mr. LACEY. Oh, no. I pay my taxes every year, and I know what the receipts are, and it is nothing unusual. The fact that I pay 36 mills for school purposes is not a remarkable thing in Iowa, although it seems so to some of the gentlemen here.

Mr. WILLIAMS of Mississippi. You said 36 cents.

Mr. LACEY. No; three and six-tenths cents—three and six-tenths of a cent.

Mr. WILLIAMS of Mississippi. Oh, well, that is different. That was the question I asked you. I wanted to know the figures.

Mr. LACEY. I told the gentleman that the entire tax of my city was over 6 per cent, of which over 3½ was for school purposes, and this has been the rate for many years. If our tax levy should be cut down so that our State and school tax in Iowa cities and towns would not exceed three-fourths of 1 per cent we would think that the public-school system had disappeared, and, in fact, the schools would close. If, as in Alabama, our school taxes only amounted to 46 cents per capita it would only pay about one-tenth of the expense of our school system.

Mr. BERRY. I was speaking about the total tax rate.

Mr. LACEY. It is over 6 per cent in my town.

Mr. WILLIAMS of Mississippi. Six mills?

Mr. LACEY. No; 6 cents on the dollar.

Mr. BERRY. Sixty cents on the hundred?

Mr. LACEY. No; $6 on the hundred. Six mills would not go very far toward sustaining a good common-school system.

Mr. WILLIAMS of Mississippi. The gentleman said the school tax was $3.60 on the hundred. I think he is mistaken about that.

Mr. LACEY. Oh, no; not at all. My taxes last year in the city in which I live were a little over 60 mills, a little over 6 per cent on the valuation. Of that 6 per cent and some odd mills, 36 mills, or 3.6 per cent, were voted by the people of my town, or my school district, for school purposes—to support the public schools.

That is not remarkable in Iowa. That is not at all astonishing there. We regard it as a matter of course. All of the Iowa members here pay about the same amount of taxes in their towns in Iowa. Now, here comes my friend from Alabama, with his town bound hand and foot, so that it can not levy more than three-fourths of 1 per cent for school purposes and State purposes both. He thinks that it is a very remarkable thing that anybody should vote to tax themselves 3.6 per cent for school purposes. We pay over 6 per cent, including the other taxes, as I have several times explained to these gentlemen.

Mr. BERRY. You mean $6 on the hundred?

Mr. LACEY. Certainly, $6 on the hundred—6 per cent.

Mr. WILLIAMS of Mississippi. And $3.00 on the hundred for schools?

Mr. LACEY. Yes. Now, we do not complain of that. I did not expect to make any point on that. We simply vote this on ourselves; but here are towns of the same size as the one in which I live, towns in Alabama that under the constitution of Alabama have no power to vote one cent upon themselves for school purposes, and what is the result? The consequence is that they only levy an average in the whole State of 46 cents per capita, while the State of Mississippi levies 81 cents per capita—nearly twice as much per capita. And though in the State of Mississippi they spend $5.21 for every child in school, in Alabama they spend $3.59, and in the State of Iowa we spend $22.79 for every child in school.

Mr. UNDERWOOD. If the gentleman will allow me, in the statement that I made I gave some later figures than those which the gentleman quoted. Last year the amount collected was 81 cents per capita, instead of 46 cents.

Mr. LACEY. My friend has some later reports than those which I was able to obtain. I have taken the last report from the Commissioner of Education, and I am glad to know that the amount is increased; but the fact remains that it can never be made anywhere near adequate so long as local taxes for school purposes can not be lawfully levied in that State.

I will print in my remarks the minority report which has caused this discussion. I commend the facts contained in it to the careful attention of the people of Alabama.

VIEWS OF THE MINORITY.

The undersigned can not agree with the views of the majority report on this bill.

Alabama is in very great need of educational facilities. The percentage of illiteracy is large, and no one can doubt the necessity for adequate provisions being made for the educational purposes in this State. The State has been applying to Congress for many years for national aid for its various educational institutions. The attention of the gentlemen seeking this aid has repeatedly been called to what appears to be the main difficulty in educational matters in Alabama.

Alabama is a fertile State with a delightful and healthful climate, abundance of timber, coal, and iron, with adequate rainfall and a prolific soil. The population of the State at the present time is probably near 1,800,000 souls. The State has been making great industrial progress, and the city of Birmingham has become the rival of Pittsburg herself. There is one great drawback to the State of Alabama which casts a cloud over her future, but which is an essential one for her people to remove. She has no adequate system of public schools, nor any method of providing sufficient revenue to support them. Nothing can supply this want but the action of her own people.

Under her constitution it is provided, "Separate schools for each race shall always be maintained by the school authorities." This policy of maintaining separate schools for the white and the black children is the policy of many of the former slave States, if not all of them. On this subject the people of those States are the best judges. They know best what is for the interest of both races, and no one outside the State has a right to criticise the plan adopted. This statement is not made in criticism, but only in order to call attention to the fact.

The population is nearly equally divided between the white and the black races, and as two complete systems of schools must be maintained it is evident that it costs the State necessarily much more, if not doubly as much, to conduct its schools as it does in States where no such distinction is made. In view of the fact that this method has been adopted in this State, it is evident that the allowance for schools should be greater than in those States where but one system is provided for both white and black together. But, on the contrary, not a sufficient allowance is made for the schools of one color alone.

The State does not seem to have sufficiently recognized the difficulties surrounding the subject of education, for in 1875 it adopted a constitution which has been in force for a quarter of a century and under which the State has bound herself hand and foot in the matter of providing funds with which to carry on a system of public schools. The following pages contain all the provisions of the constitution of the State of Alabama relating to this subject:

"ARTICLE II.—*Taxation.*

"SEC. 1. All taxes levied on the property in this State shall be assessed in exact proportion to the value of such property: *Provided, however*, The general assembly may levy a poll tax, not to exceed $1.50 on each poll, which shall be applied exclusively in aid of the school fund in the county paying the same.

"SEC. 2. No power to levy taxes shall be delegated to individuals or private corporations.

"SEC. 3. After the ratification of this constitution no new debt shall be created against or incurred by this State or its authority, except to repel invasion or suppress insurrection, and then only by the concurrence of two-thirds of the members of each house of the general assembly, and the vote shall be taken by the yeas and nays and entered on the journals; and any act creating or incurring any new debt against this State, except as herein provided for, shall be absolutely void: *Provided*, The governor may be authorized to negotiate temporary loans, never to exceed $100,000, to meet deficiencies in the treasury; and until the same is paid no new loan shall be negotiated: *Provided further*, That this section shall not be construed so as to prevent the issuance of bonds in adjustment of the existing State indebtedness.

"SEC. 4. The general assembly shall not have the power to levy in any one year a greater rate of taxation than three-fourths of 1 per cent on the value of the taxable property within the State.

"SEC. 5. No county in this State shall be authorized to levy a larger rate of taxation, in any one year, on the value of the taxable property therein, than one-half of 1 per cent: *Provided*, That to pay debts existing at the ratification of this constitution an additional rate of one-fourth of 1 per cent may be levied and collected, which shall be exclusively appropriated to the payment of such debts, or the interest thereon: *Provided further*, That to pay any debt or liability now existing against any county, incurred for the erection of the necessary public buildings or other ordinary county purposes, or that may hereafter be created for the erection of necessary public buildings or bridges, any county may levy and collect such special taxes as may have been or may be hereafter authorized by law, which taxes so levied and collected shall be applied exclusively to the purposes for which the same shall have been levied and collected.

"SEC. 6. The property of private corporations, associations, and individuals of this State shall forever be taxed at the same rate.

"SEC. 7. No city, town, or other municipal corporation, other than provided for in this article, shall levy or collect a larger rate of taxation, in any one year, on the property thereof, than one-half of 1 per cent of the value of such property, as assessed for State taxation during the preceding year: *Provided*, That for debts existing at the time of the ratification of this constitution, and the interest thereon, an additional rate of 1 per cent may be collected, to be applied exclusively to such indebtedness: *And provided*, This section shall not apply to the city of Mobile, which city may, until the 1st of January, 1879, levy a tax not to exceed the rate of 1 per cent and from and after that time a tax not to exceed the rate of three-fourths of 1 per cent, to pay the expenses of the city government, and may also, until the 1st day of January, 1879, levy a tax not to exceed the rate of three-fourths of 1 per cent, to pay the existing indebtedness of said city and the interest thereon.

"SEC. 8. At the first session of the general assembly after the ratification of this constitution the salaries of the following officers shall be reduced at least 25 per cent, viz, governor, secretary of state, State auditor, State treasurer, attorney-general, superintendent of education, judges of supreme and circuit courts, and chancellors: and after said reduction the general assembly shall not have power to increase the same except by a vote of the majority of all the members elected to each house, taken by yeas and nays, and entered on the journals: *Provided*, This section shall not apply to any of said officers now in office.

"SEC. 9. The general assembly shall not have power to require the counties or other municipal corporations to pay any charges which are now payable out of the State treasury."

"ARTICLE XIII.—*Education.*

"SEC. 1. The general assembly shall organize, establish, and maintain a system of public schools throughout the State, for the equal benefit of the children thereof between the ages of 7 and 21 years; but separate schools shall be provided for the children of citizens of African descent.

"SEC. 2. The principal of all funds arising from the sale of lands or other disposition of lands or other property which has been or may hereafter be granted or intrusted to this State or given by the United States for educational purposes shall be preserved inviolate and undiminished, and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

"SEC. 3. All lands or other property given by individuals or appropriated by the State for educational purposes, and all estates of deceased persons who die without leaving a will or heir, shall be faithfully applied to the maintenance of the public schools.

"SEC. 4. The general assembly shall also provide for the levying and collection of an annual poll tax, not to exceed $1.50 on each poll, which shall be applied to the support of the public schools in the counties in which it is levied and collected.

"SEC. 5. The income arising from the sixteenth section trust fund, until it is called for by the United States Government, and the funds enumerated in sections 3 and 4 of this article, with such other moneys, to be not less than $100,000 per annum, as the general assembly shall provide by taxation or otherwise, shall be applied to the support and maintenance of the public schools; and it shall be the duty of the general assembly to increase, from time to time, the public-school fund as the condition of the treasury and the resources of the State will admit.

"SEC. 6. Not more than 4 per cent of all the moneys raised or which may be hereafter appropriated for the support of the public schools shall be used or expended otherwise than for the payment of teachers employed in such schools: *Provided*, That the general assembly may, by a vote of two-thirds of each house, suspend the operation of this section.

"SEC. 7. The supervision of the public schools shall be vested in a superintendent of education, whose powers, duties, compensation, and term of office shall be fixed by law. The superintendent of education shall be elected by the qualified voters of the State in such a manner and at such times as shall be provided by law.

"SEC. 8. No money raised for the support of the public schools of the State shall be appropriated to or used for the support of any sectarian or denominational school.

"SEC. 9. The State University and the Agricultural and Mechanical College shall each be under the management and control of a board of trustees. The board for the university shall consist of two members from the Congressional district in which the university is located, and one from each of the other Congressional districts in the State. The board of the Agricultural and Mechanical College shall consist of two members from the Congressional district in which the college is located, and one from each of the other Congressional districts of the State. Said trustees shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for the term of six years and until their successors shall be appointed and qualified.

"After the first appointment, each board shall be divided into three classes as nearly equal as may be. The seats of the first class shall be vacated at the expiration of two years, and those of the second class in four years, and those of the third class in six years, from the date of appointment, so that one-third may be chosen biennially. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. The governor shall be ex officio president, and the superintendent of education ex officio a member of each of the said boards of trustees.

"SEC. 10. The general assembly shall have no power to change the location of the State University or the Agricultural and Mechanical College as now established by law, except upon a vote of two-thirds of the members of the general assembly, taken by yeas and nays and entered upon the journals.

"SEC. 11. The provisions of this article and any act of the general assembly passed in pursuance thereof to establish, organize, and maintain a system of public schools throughout the State shall apply to Mobile County only so far as to authorize and require the authorities designated by law to draw the portion of the funds to which the said county shall be entitled for school purposes and to make reports to the superintendent of education as may be prescribed by law. And all special incomes and powers of taxation as now authorized by law for the benefit of public schools in said county shall remain undisturbed until otherwise provided by the general assembly: *Provided*, That separate schools for each race shall always be maintained by said school authorities."

Instead of permitting school districts and local authorities to tax themselves for the support of the public schools in the districts, the methods of raising money have been thus limited by the constitution. It will be observed that the total State levy for all purposes is only three-fourths of 1 per cent. (Const., Art. II, sec. 4.) Also a poll tax of $1.50 is provided, which, no doubt, like poll taxes generally in all the other States of the Union, is found very difficult to collect.

Out of this three-fourths of 1 per cent, the maximum tax levy, and the poll tax, together with a license tax in some counties, the public schools must be supported, subject, however, to some additions from other sources, such as the proceeds of sales of school lands, the interest on the surplus at 4 per cent deposited with the State by the United States in 1836, rents of a portion of the lands given by the United States or private individuals for the support of schools, and also escheats.

The meager allowance for the support of schools has been acquiesced in for a quarter of a century by the people of Alabama. Instead of endeavoring to amend the constitution so as to raise adequate funds by local taxation

the National Government has been appealed to. The only wonder is that Alabama shows as good a record as she does in her school system with the very inadequate means which her constitution permits her to raise for that purpose.

The most useful system of public schools is that which does not attempt to take the children away from home and their parents to some distant place, but brings the schoolhouse close to the child where he can remain at home and continue to be a support to the family, having opportunities for education at a day school in the neighborhood. The child thus continues to be a producer and the family relation is kept up.

At night the children take home their books and writing materials, and the family residence becomes a night school for both old and young. Upon this system of education so much depends that no State is justified in neglecting it. So long as Alabama is under bondage by her constitution not to levy more than three-fourths of 1 per cent tax for all State purposes, first paying the expenses of the State and then applying the residue to school purposes, just so long will she be under the necessity of calling on Congress for aid and of appealing to individuals outside the State for assistance in carrying on her educational system. Until the limitation which prevents the State from furnishing adequate means for educational purposes shall have been removed, Congress can not be consistently asked to furnish that which the State, under its own constitution, forbids itself to supply.

The means for amending the constitution are ample, and the necessity for some amendment seems to be imperative. In fact, all the gentlemen who have been urging Congress to furnish this relief have recognized the fact that the necessity for a change is imperative in the organic law of the State in that respect. No mere outsider has a right to criticise or comment on the laws or constitution of any one of the States of the Union in which he has no personal concern; but when a State applies to Congress for relief on the grounds that it is so hampered by its own constitution as to be prevented from performing a great duty pertaining to the Commonwealth, it is no more than right and just that the difficulty should be pointed out, and in doing so it is with the friendliest spirit and with the greatest desire to see Alabama assume a progressive attitude in relation to the education of both white and black.

Congress, by aiding the State, by either appropriations of land or money, would be injuring rather than benefiting her people, because, in looking to Congress for assistance, they would be led to ignore the simplest of all propositions, viz, that of permitting themselves to levy local taxes for educating all the children of each community.

The minority discussed with the gentlemen present a like bill, years ago when the same proposition was presented for the first time, the necessity of the State making suitable provision for its schools, but nothing seems to have been done in that direction, though the propriety of the suggestion was admitted. The proposed land grant would probably only further delay the action of the State in making suitable arrangements for the support of its school system.

The people of Alabama evidently do not realize the position in educational matters which is enforced by the constitutional limitation referred to.

In appearing before the Committee on the Public Lands from time to time in the last four years, the delegations from that State asking for national aid have often manifested surprise at the suggestion that the State is not sufficiently helping herself in these matters.

A review of what is being done in a few of the other States in relation to common schools will render it obvious that the real need of Alabama is a method of raising sufficient revenues for the common schools of the State within the State.

The statistics of a few States North and South will show how the common-school system of the State of Alabama is suffering from limitations created twenty-five years ago and still retained in the constitution.

The expenditure per capita of population for all the public schools in the following States for the year 1897-98 was:

South Dakota	$3.15
North Dakota	3.66
Nebraska	3.18
Iowa	4.02
Kansas	3.00
North Carolina	.53
Arkansas	.94
West Virginia	2.36
Georgia	.84
Tennessee	.90
Louisiana	.71
Mississippi	.81
Alabama	.46

The actual expenditures of the following States for common schools in the year 1897-98 were:

South Dakota	$1,280,663
North Dakota	1,288,031
Nebraska	3,712,017
Iowa	8,451,504
Kansas	3,901,477
North Carolina	931,143
Arkansas	1,220,302
West Virginia	2,046,623
Georgia	1,758,106
Tennessee	1,690,750
Louisiana	956,888
Mississippi	1,165,840
Alabama	899,273

Average cost per capita per pupil of children in the public schools in the following States for the whole school year for all purposes.

South Dakota	$23.45
North Dakota	31.30
Nebraska	21.34
Iowa	22.79
Kansas	15.54
North Carolina	4.34
Arkansas	6.28
West Virginia	12.81
Georgia	6.31
Tennessee	5.00
Louisiana	7.25
Mississippi	5.21
Alabama	3.59

The above figures give a striking illustration of the results in Alabama of the constitutional prohibition of adequate support to the common schools.

South Dakota expended 50 per cent more for her common schools than Alabama, and yet Alabama has three times the population of South Dakota.

Mississippi has a majority of black population, and has less wealth and population than Alabama, and yet Mississippi expended 50 per cent more for school purposes than Alabama.

For each person living in Mississippi the tax for the common schools was 81 cents; in South Dakota, $3.15; but in Alabama, only 46 cents.

The actual average annual cost of each pupil for all school purposes in Alabama was only $3.59. In Mississippi it was $5.21; in South Dakota it was $23.45.

For these reasons we think the bill should not pass.

JOHN F. LACEY.
F. M. EDDY.

In addition to the foregoing reasons, I think all public lands subject to homestead entry should be reserved for those purposes.

F. M. EDDY.

Mr. SIMS. I want to ask the gentleman a question for information.

Mr. LACEY. I will yield to my friend.

Mr. SIMS. If a bond or note bearing 6 per cent——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LACEY. I do not know but what we could use this time to good advantage.

Mr. HULL. Gentlemen have permission to extend their remarks in the RECORD.

Mr. SIMS. But we can not extend our questions.

Mr. HULL. The question under discussion between Alabama and Iowa having been settled, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, and had come to no resolution thereon.

LEAVE TO PRINT.

Mr. LENTZ. Mr. Speaker, I ask unanimous consent for three days more in which to prepare for the RECORD my speech on the Loud bill. I have had some difficulty with my eyes, and in consequence have not been able to complete it within the five days allowed.

The SPEAKER. The gentleman from Ohio states that he has had difficulty with his eyes for some days, and in consequence of that fact asks unanimous consent for three days in which to extend his remarks on the Loud bill, the time for leave to print on that bill expiring to-night. Is there objection?

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1246. An act granting a pension to Charles A. Perkins—to the Committee on Invalid Pensions.

S. 1245. An act granting a pension to Oliver Domon—to the Committee on Invalid Pensions.

S. 2290. An act granting a pension to James Richardson—to the Committee on Invalid Pensions.

S. 2753. An act granting an increase of pension to David H. Morey—to the Committee on Invalid Pensions.

S. 1601. An act granting an increase of pension to John Thornton—to the Committee on Invalid Pensions.

S. 1603. An act granting an increase of pension to John W. Kaump—to the Committee on Invalid Pensions.

S. 2539. An act granting an increase of pension to Capt. Milton H. Daniels—to the Committee on Invalid Pensions.

S. 258. An act granting a pension to Coryden Bevans—to the Committee on Invalid Pensions.

S. 3380. An act granting an increase of pension to Hamilton K. Williams—to the Committee on Invalid Pensions.

S. 2335. An act granting an increase of pension to Maj. John W. Blake—to the Committee on Invalid Pensions.

S. 2900. An act granting a pension to Hannah G. Huff—to the Committee on Invalid Pensions.

S. 351. An act to increase the pension of Samuel S. White—to the Committee on Pensions.

S. 1400. An act granting a pension to William Lyman Chittenden—to the Committee on Pensions.

S. 2764. An act granting an increase of pension to William Murphy—to the Committee on Invalid Pensions.

S. 3200. An act granting an increase of pension to Luke H. Monson—to the Committee on Invalid Pensions.

S. 2483. An act granting an increase of pension to Lewis C. Beard—to the Committee on Invalid Pensions.

S. 2215. An act granting an increase of pension to Robert J. Koonce—to the Committee on Invalid Pensions.

S. 2276. An act granting an increase of pension to George W. Ragland—to the Committee on Invalid Pensions.

S. 2296. An act granting an increase of pension to John J. Sears—to the Committee on Invalid Pensions.

S. 316. An act granting an increase of pension to Louann A. Perry, of Wallace, Kans.—to the Committee on Invalid Pensions.

S. 3215. An act granting an increase of pension to Andrew F. Dinsmore—to the Committee on Invalid Pensions.

S. 1890. An act granting a pension to Sarah E. Tradewell—to the Committee on Pensions.

S. 1966. An act revoking and annulling the subdivision of Pencote Heights, in the District of Columbia—to the Committee on the District of Columbia.

S. 2926. An act to prevent dangers to navigation from rafts on the Pacific Ocean—to the Committee on Interstate and Foreign Commerce.

S. 2870. An act concerning disbursing officers of the Subsistence Department of the Army—to the Committee on Military Affairs.

S. 3270. An act for the relief of Nathan S. Jarvis—to the Committee on Military Affairs.

S. 3249. An act to remove the charge of desertion from the naval record of Charles C. Lee—to the Committee on Naval Affairs.

S. 3060. An act for the relief of James C. Drake—to the Committee on Claims.

S. 1596. An act to equalize and regulate the duties of the judges of the district courts of the United States of Alabama—to the Committee on the Judiciary.

Senate concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That the statue of Oliver P. Morton, presented by the State of Indiana, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of the most eminent citizens and illustrious statesmen of the Republic.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Indiana—

to the Committee on the Library.

S. 1612. An act providing for the purchase of metal and the coinage of minor coins and the distribution and redemption of said coins—to the Committee on Ways and Means.

S. 3380. An act granting an increase of pension to Hamilton K. Williams—to the Committee on Invalid Pensions.

S. 1939. An act authorizing the President of the United States to appoint a commission to study and make full report upon the commercial and industrial conditions of China and Japan, and for other purposes—to the Committee on Interstate and Foreign Commerce.

S. 3352. An act granting a pension to Sarah Kersey—to the Committee on Invalid Pensions.

S. R. 72. Joint resolution authorizing the President of the United States to appoint David Bagley as an additional cadet at the Naval Academy, Annapolis, Md.—to the Committee on Naval Affairs.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3129. An act granting an increase of pension to Henry McMillen;

S. 265. An act granting an increase of pension to Jane McMahon;

S. 1592. An act granting a pension to Jane E. Augur;

S. 1254. An act granting a pension to Catherine E. O'Brien;

S. 1713. An act granting an increase of pension to Alice S. Jordon;

S. 495. An act granting a pension to Ambrose J. Vanarsdel;

S. 343. An act granting an increase of pension to Mary J. Freeman;

S. 195. An act for the relief of Louis Miller;

S. 39. An act granting an increase of pension to Caroline V. English;

S. 1752. An act granting a pension to James J. Wheeler;

S. 2346. An act granting an increase of pension to Alfred Bigelow;

S. 2368. An act granting a pension to Mary A. Randall; and

S. 2882. An act to authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and fouud truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 99. An act to establish a military post at or near Des Moines, Iowa; and

H. R. 9497. An act to amend an act providing for the construction of a light-ship to be located near Cape Elizabeth, Me.

OPEN DOOR IN CHINA.

The SPEAKER laid before the House the following message from the President:

To the House of Representatives:

In response to the resolution of the House of Representatives of March 24, 1900, reading as follows:

"Whereas the commercial community of the United States is deeply interested in ascertaining the conditions which are to govern trade in such parts of the Chinese Empire as are claimed by various foreign powers to be within their 'areas of interest;' and

"Whereas bills are now pending before both Houses of Congress for the dispatch of a mission to China to study its economic condition: Therefore, be it

"*Resolved*, That the President of the United States be requested to transmit to the House of Representatives, if not incompatible with the public service, such correspondence as may have passed between the Department of State and various foreign governments concerning the maintenance of the 'open door' policy in China."

I transmit herewith a report from the Secretary of State, with accompanying papers.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, March 27, 1900.

The message, with the accompanying documents, was ordered to be printed, and referred to the Committee on Interstate and Foreign Commerce.

And then, on motion of Mr. HULL (at 5 o'clock and 10 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Clerk of the House of Representatives, transmitting a communication from the file clerk of the House relating to the necessity of additional space to accommodate the files of the House, etc.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers in relation to disallowances in the accounts of Maj. H. M. Adams—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a communication relating to the necessity of an appropriation for protecting the Fort Caswell Military Reservation from storm tides—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for filling in land at Fort Point, Galveston, Tex.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for Army depot buildings at Philadelphia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Director of the Bureau of Engraving and Printing submitting an estimate of appropriation for certain persons erroneously classified—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting a form of bill relating to the old court-house building at Baltimore, Md.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for lookouts in the temporary post-office building in Chicago—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John R. Henderson, administrator of estate of Michael C. Henderson, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martha Noggle, administratrix of estate of Jacob Noggle, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Jacob A. Miller against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 216) for appointment of members of Board of Managers of the National

Home for Disabled Volunteer Soldiers, reported the same, accompanied by a report (No. 777); which said joint resolution and report were referred to the House Calendar.

Mr. KNOX, from the Committee on the Territories, to which was referred the joint resolution of the Senate (S. R. 76) withdrawing certain lands on the island of Oahu, Hawaii, from the public domain, reported the same without amendment, accompanied by a report (No. 778); which said joint resolution and report were referred to the House Calendar.

Mr. EDDY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 6440) to amend the act of Congress approved May 14, 1880, entitled "An act for the relief of settlers on the public lands, reported the same without amendment, accompanied by a report (No. 779); which said bill and report were referred to the House Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the Senate (S. 2799) to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898, reported the same without amendment, accompanied by a report (No. 780); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 2384) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the Territorial limits of the present State of Nevada, reported the same without amendment, accompanied by a report (No. 782); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EDDY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 2977) to amend "An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887, reported the same with amendment, accompanied by a report (No. 791); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7945) to amend an act entitled "An act permitting the building of a dam across Rainy Lake River," reported the same with amendment, accompanied by a report (No. 792); which said bill and report were referred to the House Calendar.

Mr. BARHAM, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7840) for the establishment of a light-house and fog signal at Point No Point, in Chesapeake Bay, between Cove Point and Smiths Point, reported the same with amendment, accompanied by a report (No. 793); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 2630) for the relief of the legal representatives of Merrick, Merrick & Cope, reported the same without amendment, accompanied by a report (No. 781); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the Senate (S. 2268) to carry into effect a finding of the Court of Claims in favor of Pamelia B. Finney, administratrix of T. C. Finney, deceased, reported the same without amendment, accompanied by a report (No. 783); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4693) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased, reported the same without amendment, accompanied by a report (No. 784); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5091) for the relief of the legal representatives of John Roach, deceased, of the Etna Works, reported the same without amendment, accompanied by a report (No. 785); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8282) for the relief of the Allaire Works, of New York, reported the same without amendment, accompanied by a report (No. 786); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4522) for the relief of Dr. Asa Wall, of Virginia, reported the same without amendment, accompanied by a report (No. 787); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2724) for the relief of William B. Reaney, surviving partner of the firm of Reaney, Son & Archbold, reported the same without amendment, accompanied by a report (No. 788); which said bill and report were referred to the Private Calendar.

Mr. WEAVER, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4061) for the relief of Hannah E. Boardman, administratrix of William Boardman, deceased, surviving partner of the firm of Boardman, Holbrook & Co., of the Neptune Works, reported the same without amendment, accompanied by a report (No. 789); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2650) granting an increase of pension to Katharine Taylor Dodge, reported the same with amendment, accompanied by a report (No. 790); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 1017) for the relief of John M. Guyton, reported the same without amendment, accompanied by a report (No. 794); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOWELL: A bill (H. R. 10036) for the erection of a public building in the city of Perth Amboy, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. HEATWOLE: A bill (H. R. 10037) regulating the issue of stamped envelopes by the Government—to the Committee on the Post-Office and Post-Roads.

By Mr. DAYTON: A bill (H. R. 10038) to promote the circulation of reading matter among the blind—to the Committee on the Post-Office and Post-Roads.

By Mr. BROWNLOW: A bill (H. R. 10039) to authorize the Secretary of War to set aside a part of national cemetery at Arlington, Va., for the burial of deceased enlisted men and their wives—to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 10040) to amend Title LXV of the Revised Statutes of the United States, relating to telegraph companies—to the Committee on the Post-Office and Post-Roads.

By Mr. MUDD: A bill (H. R. 10041) to regulate the pay and hours of service of attendants at the Government Hospital for the Insane, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BANKHEAD: A bill (H. R. 10042) to authorize the acquisition of square No. 229, in the city of Washington, D. C., and providing for a hall of records, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. CURTIS: A bill (H. R. 10043) to establish and maintain, in connection with the Department of Justice of the United States, a division to be known as the Bureau of Criminal Information, and for other purposes—to the Committee on the Judiciary.

By Mr. HULL, from the Committee on Military Affairs: A joint resolution (H. J. Res. 216) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers—to the House Calendar.

By Mr. BABCOCK: A joint resolution (H. J. Res. 217) providing for the printing of the Messages and Papers of the Presidents—to the Committee on Printing.

By Mr. LORIMER: A resolution (H. Res. 199) providing for the printing of hearings before the Committee on the Post-Office and Post-Roads—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 10044) for the relief of Mrs. S. F. Prestridge, of Selma, Ala.—to the Committee on War Claims.

By Mr. CURTIS: A bill (H. R. 10045) for the relief of Patrick Larkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10046) to pension Rosa Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10047) granting a pension to Paul Berg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10048) granting an increase of pension to James B. Haslet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10049) for the relief of Elijah T. Hunt—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 10050) granting an increase of pension to Edward Madden—to the Committee on Pensions.

Also, a bill (H. R. 10051) granting a pension to George W. Harrison, late a captain and assistant quartermaster and brevet lieutenant-colonel of volunteers in the Army of the United States—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10052) to reimburse the estate of Samuel Caldwell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10053) granting an increase of pension to J. E. Wallace, of Rowlesburg, W. Va.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10054) granting an increase of pension to Bryson Dunn, of Reedsville, W. Va.—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 10055) granting an increase of pension to Frederick G. McDowell—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 10056) granting a pension to David P. Watts—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 10057) for the relief of Mary A. Shufeldt—to the Committee on Claims.

By Mr. BARTLETT: A bill (H. R. 10058) granting a pension to George A. Alexander and John S. Alexander, the minor children of George A. Alexander, deceased—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10059) granting a pension to Mrs. Elizabeth Folds, of Butts County, Ga.—to the Committee on Pensions.

Also, a bill (H. R. 10060) granting an increase of pension to Mrs. Winfred M. Goins, of Barnesville, Ga.—to the Committee on Pensions.

Also, a bill (H. R. 10061) for the relief of Henry C. Mix, of Macon, Ga.—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: A bill (H. R. 10062) granting an increase of pension to Harriet Crotsenburg, widow of Lieut. Nick Crotsenburg, late second lieutenant of Company F, Thirteenth Regiment Wisconsin Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 10063) granting a pension to Samuel P. Cox—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 10064) for the relief of Alfred S. Ruth—to the Committee on Claims.

By Mr. GASTON: A bill (H. R. 10065) granting a pension to Mary J. White—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 10066) granting a pension to James Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10067) for the benefit of the Harrodsburg Presbyterian Church—to the Committee on War Claims.

Also, a bill (H. R. 10068) for the relief of H. Manwaring—to the Committee on War Claims.

Also, a bill (H. R. 10069) granting a pension to Sarah T. Brewer—to the Committee on Pensions.

Also, a bill (H. R. 10070) granting a pension to W. E. Grubbs—to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 10071) granting an increase of pension to Mary W. Clark—to the Committee on Invalid Pensions.

By Mr. HEATWOLE: A bill (H. R. 10072) to reimburse Hubert Nyssen—to the Committee on Claims.

By Mr. KNOX: A bill (H. R. 10073) for the relief of Angus McVigor—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 10074) granting an increase of pension to George Logsoon—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 10075) for the relief of John Mullin—to the Committee on War Claims.

Also, a bill (H. R. 10076) to increase pension of Susan C. Gilbreath, widow of Maj. E. C. Gilbreath, Eleventh United States Infantry—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 10077) for the relief of Peter Scott—to the Committee on Military Affairs.

Also, a bill (H. R. 10078) granting a pension to Charles C. Jones, of Jackson, Ohio—to the Committee on Invalid Pensions.

By Mr. McALEER: A bill (H. R. 10079) for the relief of the personal representatives of John McCabe and Patrick McCabe, deceased—to the Committee on War Claims.

By Mr. O'GRADY: A bill (H. R. 10080) to remove the charge of desertion from the military record of Judson Knickerbocker—to the Committee on Military Affairs.

Also, a bill (H. R. 10081) granting a pension to Anthony Coleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10082) granting an increase of pension to Lewis Oliver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10083) to remove the charge of desertion from the military record of Hugh McGuckin—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 10084) for the relief of Nathan Shaw—to the Committee on War Claims.

Also, a bill (H. R. 10085) for the relief of Isaac R. Maus—to the Committee on War Claims.

Also, a bill (H. R. 10086) for the relief of John L. Benson—to the Committee on War Claims.

Also, a bill (H. R. 10087) for the relief of William Akerman—to the Committee on Military Affairs.

By Mr. RUPPERT: A bill (H. R. 10088) granting a pension to Oscar Dunlap—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 10089) granting an increase of pension to Charles Forbes—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 10090) granting a pension to Willard Harrop—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 10091) granting a pension to Mary L. Tweddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10092) for the relief of Patrick H. Philbin—to the Committee on Naval Affairs.

By Mr. YOUNG: A bill (H. R. 10093) granting a pension to Mary P. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10094) granting a pension to Louisa S. Hoepfner—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 10095) to increase the pension of Mrs. Annie Gibson Yates, widow of Capt. George W. Yates, Seventh United States Cavalry—to the Committee on Pensions.

By Mr. HEMENWAY: A bill (H. R. 10096) for the relief of George Kelly—to the Committee on Military Affairs.

By Mr. SCUDDER: A joint resolution (H. J. Res. 218) for the relief of Annie Birdsall, administratrix of the estate of John Birdsall, deceased—to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of A. W. Decker and 22 citizens of Janesville, Iowa; Dr. C. A. Waterbury and 22 citizens of Blackhawk County, Iowa, in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of E. C. Buckner Post, of Eldora, Iowa, Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BARTLETT: Petition of the Chicago Federation of Labor, protesting against the passage of House bills placing a tax on process butter and otherwise regulating its manufacture and sale—to the Committee on Interstate and Foreign Commerce.

By Mr. BOREING: Petitions of Grand Army of the Republic posts of Pineville and Tompkinsville, Ky., in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BOWERSOCK: Protest of the Merchants' Association of Illinois, against the passage of the Grout, Tawney, or other bills to increase the tax on butterine—to the Committee on Ways and Means.

Also, petition of citizens of Ottawa, Kans., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, report of the Commercial Club of Topeka, Kans., favoring cession of arid lands to the States—to the Committee on the Public Lands.

By Mr. BRENNER: Petition of Frank Foot and others, of Trenton and vicinity, Ohio, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. BURKETT: Remonstrance of the Business Men's Association of Kearney, Nebr., against a parcel-post system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Chicago Federation of Labor, against sundry bills taxing oleomargarine and butterine—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of citizens of Freedom, Me., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BUTLER: Sundry petitions of citizens of the Sixth Congressional district of Pennsylvania, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of West Chester, Pa., to prohibit the sale of intoxicating liquors in Army canteens, etc.—to the Committee on Military Affairs.

Also, petition of Brandywine Post, No. 54, Grand Army of the Republic, of Coatesville, Pa., favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CHANLER: Resolution of the New York Board of Trade and Transportation, relative to the policy of the United States

toward the island of Puerto Rico—to the Committee on Insular Affairs.

By Mr. CRUMPACKER: Resolutions of eight posts, Grand Army of the Republic, of the Tenth Congressional district of Indiana, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CURTIS: Petition of Lincoln Post, No. 1, Grand Army of the Republic, of Topeka, Kans., favoring the passage of House bill No. 7094—to the Committee on Military Affairs.

By Mr. STANLEY W. DAVENPORT: Petition of Conyngham Post, No. 97, of Wilkesbarre, Pa., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DAYTON: Papers and evidence to accompany House bill relating to the claim of Samuel Caldwell's heirs—to the Committee on War Claims.

Also, petition of the estate of Elizabeth D. Gibson, deceased, late of Jefferson County, W. Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the estate of Barney Ott, deceased, late of Jefferson County, W. Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DOUGHERTY: Papers to accompany House bill to increase the pension of Samuel P. Cox—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to David P. Watts—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of John E. Perkins Post, No. 95, Grand Army of the Republic, of Department of Wisconsin, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: Petition of selectmen of the town of Orleans, Mass., asking for a survey of Nausett Beach and vicinity for the purpose of making Pleasant Bay, in the towns of Orleans, Harwich, and Chatham, a harbor of refuge for coastwise trade—to the Committee on Rivers and Harbors.

Also, petition of J. C. Freeman Post, No. 55, Department of Massachusetts, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the Boston Retail Grocers' Association, favoring the passage of a pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill No. 7835, to change the characteristic of Cape Cod light, Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Resolutions of the Federal Labor Union No. 7130, of St. Johnsbury, Vt., favoring the Federal ownership of Government lands and the building of storage reservoirs by the Government—to the Committee on Irrigation of Arid Lands.

Also, petition of the New York Zoological Society, urging the passage of the Lacey bill for the protection of wild birds and game—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Vermont Pharmaceutical Association, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of P. Houston and 40 citizens of Hamden, N. Y., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, resolution of the Trades League of Philadelphia, Pa., approving the Senate amendments to the legislative bill respecting the Hydrographic Office, Navy Department—to the Committee on Appropriations.

Also, resolution of the Philadelphia Board of Trade, praying for legislation to build up the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the American Society for the Prevention of Cruelty to Animals, protesting against the passage of bill extending the limit of time for holding live stock in transit from twenty-four to forty hours—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: Petition of Fred A. Elikofer and others, of Evansville, Ind., favoring the passage of joint resolution No. 33, relating to enlisted men in the service of the United States engaging in business or employment when the same shall interfere with local civilians—to the Committee on Military Affairs.

Also, petition of George W. Bohn and other citizens of Evansville, Ind., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, resolutions of Grand Army of the Republic post of Petersburg, Ind., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HILL: Petition of Upton Post, No. 14, of New Milford, Conn., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HITT: Petition of Company D and Company G, Sixth Infantry, Illinois National Guard, in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on Militia.

By Mr. HOPKINS: Petitions of citizens of Dekalb, McHenry, and Sycamore, Ill., in favor of the Grout bill, taxing oleomargarine—to the Committee on Agriculture.

By Mr. JACK: Petition of F. M. Brown Post, No. 266, Grand Army of the Republic, of Rochester Mills, Pa., favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. McDOWELL: Resolution of Post No. 394 and Post No. 676, Department of Ohio, Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Anna M. Sheridan and 4 others, of the Newark (Ohio) post-office, for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, petition of the City Board of Trade of Newark, Ohio, for the passage of a bill for the equalization of the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Price Russell and other druggists of Creston, Ohio, for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. MEEKISON: Resolutions of W. H. Doering Post, No. 247, and W. A. Slaughter Post, No. 568, Grand Army of the Republic, Department of Ohio, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Papers to accompany House bill No. 9072, granting a pension to William F. Browning—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Petition of F. S. Rembe and others, of Chadron, Nebr., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. O'GRADY: Papers to accompany House bill for the relief of Judson Knickerbocker—to the Committee on Military Affairs.

Also, papers to accompany House bill granting increase of pension to Lewis Oliver—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Hugh McGuckin—to the Committee on Invalid Pensions.

By Mr. PEARRE: Paper to accompany House bill for the relief of William Ackerman—to the Committee on Military Affairs.

Also, petition of Hancock Post, No. 57, Grand Army of the Republic, Department of Maryland, indorsing the bill to establish a Branch Home for Disabled Soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. POWERS: Petitions of Mrs. S. J. Crittenden, Clyde R. Sumner, and others of Rutland and New Haven, Conn., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. H. Shipper and others of Ira, Vt., favoring the Grout bill relating to oleomargarine—to the Committee on Agriculture.

Also, petition of the Vermont Pharmaceutical Association, for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. SCUDDER (by request): Petition of A. J. Verkonteren, of New York City, expressing sympathy for the Boer Republic in its present war—to the Committee on Foreign Affairs.

Also, petition of Florence W. Patten and other clerks of Jamaica (N. Y.) post-office, in favor of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolutions of the Methodist Episcopal Church of South Meriden, Conn., protesting against the sale of liquor in our new possessions—to the Committee on Insular Affairs.

Also, resolutions of the Young People's Society of Christian Endeavor of the First Baptist Church of Meriden; of the Baptist Church and the Methodist Episcopal Church at Yalesville, Conn.; and Young People's Society of Christian Endeavor of the First Methodist Episcopal Church of Meriden, Conn., favoring the anti-canteen bill—to the Committee on Military Affairs.

By Mr. VAN VOORHIS: Papers to accompany House bill for the relief of Willard Harrop—to the Committee on Invalid Pensions.

By Mr. WRIGHT: Petition of Ingham Post, No. 9, Department of Pennsylvania, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. YOUNG: Papers to accompany House bill No. 6232, granting a pension to Eliza J. Noble—to the Committee on Invalid Pensions.

Also, evidence in support of House bill No. 9340, granting a pension to Charles Moyer—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Mary P. Mitchell—to the Committee on Invalid Pensions.

By Mr. ZENOR: Resolutions of Russell Post, No. 354, Grand Army of the Republic, Department of Indiana, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *March 28, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

WIND RIVER INDIAN RESERVATION LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 10th instant, a report from the Commissioner of Indian Affairs, together with a lease for prospecting for coal within defined limits in Wind River Indian Reservation, in the State of Wyoming, and for mining such discoveries thereof, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

VAULTS, SAFES, AND LOCKS FOR PUBLIC BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect submitting an additional estimate of deficiency in the appropriation for vaults, safes, and locks for public buildings for the fiscal year 1900, $2,500, which it is desired to have added to the amount of $7,500, thereby increasing the sum to $10,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

COMMITTEE SERVICE.

Mr. NELSON. Mr. President, I ask leave to resign my place upon the Committee on Indian Affairs. It meets on the same day the Committee on Commerce holds its sessions.

The PRESIDENT pro tempore. The Senator from Minnesota asks to be excused from further service upon the Committee on Indian Affairs. Is there objection? The Chair hears none. It is so ordered.

Mr. PERKINS. I ask that the Chair appoint my colleague [Mr. BARD] to fill the vacancy.

The PRESIDENT pro tempore. If there be no objection, the Chair will appoint the junior Senator from California [Mr. BARD] to the vacancy caused by the resignation of the Senator from Minnesota.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 39) granting an increase of pension to Caroline V. English;

A bill (S. 195) for the relief of Louis Miller;

A bill (S. 265) granting an increase of pension to Jane McMahon;

A bill (S. 343) granting an increase of pension to Mary J. Freeman;

A bill (S. 495) granting a pension to Ambrose J. Vanarsdel;

A bill (S. 1254) granting a pension to Catherine O'Brien;

A bill (S. 1592) granting a pension to Jane E. Augur;

A bill (S. 1713) granting an increase of pension to Alice S. Jordon;

A bill (S. 1752) granting a pension to James J. Wheeler;

A bill (S. 2346) granting an increase of pension to Alfred Bigelow;

A bill (S. 2368) granting a pension to Mary A. Randall;

A bill (S. 2882) to authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts;

A bill (S. 3129) granting an increase of pension to Henry McMillen;

A bill (H. R. 99) to establish a military post at or near Des Moines, Iowa; and

A bill (H. R. 9497) to amend an act providing for the construction of a light-ship to be located near Cape Elizabeth, Me.

PETITIONS AND MEMORIALS.

Mr. BATE presented a petition of the Chamber of Commerce of Memphis, Tenn., praying for the construction of five or more Marsh movable jetties for the improvement of navigation in the Mississippi River during the season of low water; which was referred to the Committee on Commerce.

He also presented a petition of the congregations of sundry churches of Maryville, Tenn., praying for the appointment of a chaplain to each regiment in the Army, and also to prohibit the sale of intoxicating liquors in Army canteens; which war referred to the Committee on Military Affairs.

Mr. QUARLES presented the petition of Andrew Tate and J. H. Hellweg & Son, of Bayfield, Wis., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. NELSON presented a petition of the Board of Trade of Mankato, Minn., and a petition of the Red River Millers' Club, of northwestern Minnesota, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of St. Paul, Minn., praying for the reclassification of post-office clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Retail Grocers' Association of St. Paul, Minn., and a petition of the Retail Grocers and General Merchants' Association of North Dakota, praying for the enactment of legislation to prevent the manufacture and use of trade checks; which were referred to the Committee on the Judiciary.

He also presented a memorial of the Commercial Club of St. Paul, Minn., remonstrating against the enactment of legislation to prevent the manufacture and use of trade checks; which was referred to the Committee on the Judiciary.

He also presented a petition of Battery A, National State Guard of Minnesota, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented memorials of the Farm Implement Publishing Company, of Minneapolis; the Graplin Sentinel, of Lake City; the Conference Examiner, of St. Paul; the Professional Barber, of St. Paul; Nya Tiden, of Minneapolis; the Northwestern Guardsmen, of Minneapolis; Der Wanderer, of St. Paul; the Messenger, of Stillwater; the News Gleaner, of Plainview, and the Broderbaaudet, of Kenyon, all in the State of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FORAKER presented the petition of H. D. Robison and 19 other citizens of Cleveland, Ohio, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the Sunday school of the Congregational Church of Norwalk, Ohio, and a petition of the Woman's Christian Temperance Union of Peru, Ohio, praying for the enactment of legislation to limit absolute divorce in the District of Columbia and the Territories; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Second Congregational Church of Oberlin, Ohio, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of the Sunday school of the Congregational Church of Norwalk, Ohio, and a petition of the Woman's Christian Temperance Union of Peru, Ohio, praying for the enactment of legislation to prohibit the transmission of pictures and descriptions of prize fights; which were referred to the Committee on the Judiciary.

He also presented a petition of the Sunday school of the Congregational Church of Norwalk, Ohio, praying for the adoption of an amendment to the Constitution regulating polygamy, marriage, and divorce, etc., and granting the right of suffrage in the new possessions; which was referred to the Committee on the Judiciary.

Mr. ALLEN presented a petition of sundry citizens of Tekamah, Nebr., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of Company D, First Regiment Infantry National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a petition of the Young People's Christian Endeavor Society of Kenduskeag, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 3743) for the relief of certain enlisted men of the Navy, reported it without amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 3339) for the relief of Leonard Wilson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3476) for the relief of Mary A. Swift; and

A bill (S. 167) for the relief of the legal representatives of A. G. Boone.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the bill (S. 3723) to enable John Collinson, a subject of Her Majesty the Queen of Great Britain, to dispose of his right, title, and interest to and in certain lands situate in the Territory of New Mexico, reported it with amendments.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 3302) for the relief of Riley Moutrey, reported it without amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (S. 3788) granting an increase of pension to James Williams, reported it with an amendment, and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 3599) for the relief of the legal administrators of Daniel McLeod, deceased, of the South Brooklyn Works, reported it without amendment, and submitted a report thereon.

Mr. CULBERSON (for Mr. MARTIN), from the Committee on Claims, to whom was referred the bill (S. 3554) for the relief of W. T. Scott and others, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1163) for the relief of William Bushby, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. KENNEY, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3640) granting a pension to Mary Pollock; and

A bill (H. R. 205) granting an increase of pension to George C. Snyder.

ALFRED W. KENT.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 3462) for the relief of Alfred W. Kent, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 3462) entitled "A bill for the relief of Alfred W. Kent," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

HEIRS OF WILLIAM POLLOCK.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2734) for the relief of the heirs of William Pollock, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2734) entitled "A bill for the relief of the heirs of William Pollock," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

THE LOUISIANA PURCHASE.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. HARRIS on the 24th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 4,500 copies of the work entitled "The Louisiana Purchase," by the honorable Commissioner of the General Land Office of the United States; 1,500 copies for the use of the Senate and 3,000 copies for the use of the House of Representatives.

LUCY E. BOARDLEY.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. WARREN February 24, 1900, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Lucy E. Boardley, widow of William Boardley, deceased, late a laborer in the Senate stables, a sum equal to six months' salary at the rate paid to said laborer per annum, said sum to be considered as including funeral expenses and all other allowances.

HEARINGS BEFORE COMMITTEE ON APPROPRIATIONS.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ALLISON on the 10th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Appropriations be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had by the committee or its subcommittees in connection with appropriation bills pending before the committee, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

STENOGRAPHER FOR COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. MCMILLAN, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the District of Columbia be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report hearings upon matters that may be pending before said committee, the expense to be paid from the contingent fund of the Senate, and that the necessary expenses of the inquiries already made by said committee be paid from said fund.

FOREIGN TERMS IN GOVERNMENT PUBLICATIONS.

Mr. MONEY. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 86) for the printing of English interpretation of foreign terms as to weights, measures, etc., occurring in Government publications, to report it without amendment, and I ask for its present consideration.

The Secretary read the joint resolution, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that whenever in any book, document, or paper published at the public expense by any branch of the Government any term is used in a foreign language to express weight, measure, dimension, or value, there shall be inserted at the same place the equivalent term in the English language as spoken in America.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED B. CARTER.

Mr. MCLAURIN, from the Committee on Claims, to whom was referred the bill (S. 1135) for the relief of Alfred B. Carter, of Shelby County, Tenn., submitted a report thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1135) entitled "A bill for the relief of Alfred B. Carter, of Shelby County, Tenn.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

HEIRS OF JAMES D. SULLIVAN, DECEASED.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 3802) for the relief of the heirs or legal representatives of James D. Sullivan, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 3802) entitled "A bill for the relief of the heirs or legal representatives of James D. Sullivan," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

PEARL RIVER (MISSISSIPPI) BRIDGE.

Mr. SULLIVAN. The bill (H. R. 8063) to legalize and maintain the iron bridge across Pearl River at Rockport, Miss., was reported from the Committee on Commerce with an amendment on the 15th instant. At the suggestion of the Senator from West Virginia [Mr. ELKINS], who reported it, I move that the bill be recommitted to the Committee on Commerce.

The motion was agreed to.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3851) granting a pension to Mrs. M. G. Krayenbuhl; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3852) providing for an additional district judge in the districts of Minnesota and Nebraska; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. STEWART (by request) introduced a bill (S. 3853) to cancel the assessment of water-main taxes on Brightwood avenue, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HANNA introduced a bill (S. 3854) granting a pension to Thomas Rossiter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3855) granting an increase of pension to Charlotte A. Reeder; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3856) for the relief of Theodore B. Beaulieu; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLAY introduced a bill (S. 3857) for the relief of the heirs of Alexander Gordon, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3858) for the relief of W. L. Barnes; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3859) for the relief of the estate of William Roberts, deceased;

A bill (S. 3860) for the relief of the estate of W. T. Collins, deceased;

A bill (S. 3861) for the relief of the estate of Milton Crawford, deceased;

A bill (S. 3862) for the relief of J. C. Winters;

A bill (S. 3863) for the relief of Mrs. Harriet Miles;

A bill (S. 3864) for the relief of Mrs. C. V. Wilkins;

A bill (S. 3865) for the relief of Thomas M. Sigrest;

A bill (S. 3866) for the relief of the estate of Mary F. Birdsong, deceased;

A bill (S. 3867) for the relief of L. A. Whitehead;

A bill (S. 3868) for the relief of the estate of James E. Williams, deceased;

A bill (S. 3869) for the relief of J. E. Whittington;

A bill (S. 3870) for the relief of the estate of Thomas S. Maben, deceased;

A bill (S. 3871) for the relief of William F. Haralson;

A bill (S. 3872) for the relief of the estate of John Caruth, deceased; and

A bill (S. 3873) for the relief of the estate of M. T. Sigrest, deceased.

Mr. FORAKER introduced a bill (S. 3874) to increase the pay of the male laborers of the Government Printing Office; which was read twice by its title, and referred to the Committee on Printing.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3875) granting an increase of pension to Samuel F. Bell;

A bill (S. 3876) granting an increase of pension to Mary Phillips (with accompanying papers);

A bill (S. 3877) granting a pension to Emma D. Goslin;

A bill (S. 3878) granting an increase of pension to William B. Smith; and

A bill (S. 3879) granting an increase of pension to Isaac Ganse (with an accompanying paper).

Mr. FRYE introduced a bill (S. 3880) granting an increase of pension to Clara E. Colbath; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO PUERTO RICAN BILL.

Mr. DAVIS submitted two amendments intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which were ordered to lie on the table and be printed.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which was ordered to lie on the table and be printed.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. SHOUP submitted an amendment proposing to increase the appropriation for support and civilization of Nez Perce Indians in Idaho, including pay of physician from $1,000 to $2,000, intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table and be printed.

WASHINGTON TELEPHONE COMPANY.

Mr. GALLINGER submitted seven amendments intended to be proposed by him to the bill (H. R. 9047) to incorporate the Washington Telephone Company, and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia; which were referred to the Committee on the District of Columbia, ordered to be printed, and to be printed in the RECORD, as follows:

In section 2, page 2, line 31, after the words "are authorized to prepare," insert the following:

"*And provided further*, That said Commissioners may authorize any company or corporation owning or operating a telephone or telegraph plant or system in the District of Columbia to construct conduits or extend its existing system of conduits under the streets, avenues, and alleys of said District, and to string upon any existing street or alley pole or poles owned or maintained by said company or corporation, or by the District of Columbia, such additional wires as may be necessary for the purpose of making house connections: *Provided*, That in any such conduit or conduits so constructed a duct shall be reserved for the use of the District of Columbia for its fire-alarm, telegraph, telephone, or other wires carrying low potential currents of electricity: *And provided*, That no additional pole or poles shall be erected by any such company or corporation upon any street, avenue, or public square within the fire limits of said city of Washington."

In line 7, section 3, after the words "in the city of Washington," insert the following: "and shall keep its exchanges open day and night for the use of its patrons."

In section 5, page 4, line 9, after the words "provisions and requirements," add the following:

"That is to say, if the notification of the acceptance of this charter, and if the stock books of said company shall not be opened for subscription within fifteen days after such acceptance, and notice thereof given as herein provided; if the provisions herein made for the holding of meetings, choosing of stockholders, electing of officers, and making of reports are not complied with; if within sixty days after the approval of this act the plans provided for in section 5 hereof shall not have been filed, and if within the period of fourteen months from the date of the approval of the said plans by the Commissioners of the District of Columbia the exchange of said company, with not less than 1,500 telephones, shall not be in operation; if said company shall refuse or fail to furnish telephones at the rate herein provided, namely, not to exceed $48 for a telephone to be used for business purposes and $36 for a telephone at a residence, or if said company shall at any time neglect or refuse to furnish telephone instruments of a good quality and on metallic circuits only; if at any time said company shall fail to pay the taxes or provide the duct space herein mentioned for the District of Columbia, or if said company shall violate any of the provisions hereof relating to the issuing of bonds and stocks."

In section 7, page 5, line 6, after the words "city of Washington," insert the following:

"And shall continue to keep said books open for subscription to the stock of said company for not less than one month from the date of the opening thereof, and shall permit inspection by, and receive subscriptions from, any person or persons desiring to subscribe to the stock of said company."

After the words "business of the company," in section 9, line 8, insert the words "not inconsistent with this act."

Strike out section 11 of said bill and in lieu thereof insert the following:

"SEC. 11. That the capital stock of said company shall be $750,000, and said company shall have the power from time to time to issue bonds secured by a mortgage of its entire property, rights, privileges, and franchises to an amount equal to the aggregate amount paid into the treasury of said company upon its capital stock at the time such bonds are issued, the aggregate of such bonds not to exceed $750,000: *Provided, however*, That before such bonds are issued the said aggregate amount so paid upon its capital stock shall be certified to by the officers of said company and by the Commissioners of the District of Columbia: *And provided further*, That the entire face value of said capital stock shall be paid into the treasury of said company in lawful money of the United States within one year after the organization of said company."

Strike out section 13 of said bill and in lieu thereof insert the following:

"SEC. 13. That if at any time after the passage of this act the incorporators herein named, or the said Washington Telephone Company or its stockholders, shall sell, convey, or otherwise dispose of, to any person, company, or corporation whatsoever, except in trust to secure the payment of the bonds mentioned in section 11 of this act, any of the rights, privileges, or franchises granted herein; or if at any time, by sale of its telephone plant, capital stock, or otherwise, said company shall directly or indirectly be or become consolidated with or if said plant shall become the property of any other person, company, or corporation engaged in the business of furnishing telephone service in the District of Columbia; or if said company shall at any time cease to maintain and operate its said telephone plant or system independently of and wholly separate and apart from any other person, company, or corporation, all the rights, privileges, and franchises herein granted shall be and become forfeited and shall immediately cease and determine."

Strike out section 14 of said bill.

NOTES ON THE SPANISH-AMERICAN WAR.

Mr. HALE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 4,500 copies of Notes on the Spanish-American War, Office of Naval Intelligence, Navy Department, with accompanying papers and documents, of which 1,500 copies shall be for the use of the Senate and 2,500 copies for the use of the House of Representatives and 500 copies for the use of the Navy Department.

REPORT OF CHARLES E. MAGOON.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed 3,000 copies of the "Report on the legal status of the territory and inhabitants of the islands acquired by the United States during the war with Spain, considered with reference to the territorial boundaries, the Constitution, and laws of the United States," by Charles E. Magoon, law officer, Division of Insular Affairs, War Department, being Senate Document No. 224, Fifty-sixth Congress, first session.

MUZZLING OF DOGS.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia is hereby directed to make careful inquiry and investigation as to the necessity of further continuing the muzzling of dogs in the District of Columbia, report to be made to the Senate at the earliest practicable day, showing when and by whom the order was issued, the alleged reasons for the order, and upon what ground it is being kept in force.

CLERICAL ASSISTANCE FOR COMMITTEE ON PENSIONS.

Mr. GALLINGER. Mr. President, I submit a resolution for reference to the Committee to Audit and Control the Contingent Expenses of the Senate, and I desire to say a word in reference to the resolution after it has been read.

The resolution was read, as follows:

Resolved, That the Committee on Pensions be authorized to employ additional clerical assistance in connection with the work of said committee, to continue until the close of the present session of Congress, provided that the aggregate amount so expended shall not exceed $500, the same to be paid out of the contingent fund of the Senate, on vouchers approved by the chairman of said committee.

Mr. GALLINGER. Mr. President, before the reference of the resolution is made I desire simply to say that I have managed to get along with the present clerical force in the Committee on Pensions until it has become impossible to properly consider bills that have been presented unless some relief is granted.

I wish to state that there are before our committee about 1,700 Senate bills of a special nature and some 50 general pension bills, and there are before the House hundreds and hundreds of bills that will come over here for consideration. As an illustration, one Senator three days ago handed me 47 bills, which he said he would like to have looked up. Now, Mr. President, that means that we shall send to the Pension Bureau for 47 bundles of papers, each one of which will take any clerk several hours to properly examine, and with the present help it is an absolute physical impossibility to do what Senators are asking the committee to do.

I move that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate; but inasmuch as I am a member of that committee, I wanted to make this explanatory statement, that the other members of the committee might understand the situation.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. 68) granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas Agricultural College and a western branch of the Kansas State Normal School thereon, and for a public park;

An act (S. 746) to authorize C. R. Dobbins to accept a gold watch awarded to him by the government of the Dominion of Canada in recognition of his humane and gallant services to the shipwrecked crew of the British schooner *Ashton*, of Weymouth, Nova Scotia;

An act (S. 1740) to authorize C. E. Marr and E. H. Pierce to accept silver watches awarded to them by the government of the Dominion of Canada in recognition of their services in rescuing British soldiers; and

An act (S. 2354) enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

BOARDING OF VESSELS.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill received from the House of Representatives.

The bill (H. R. 5067) concerning the boarding of vessels was read the first time by its title.

Mr. GALLINGER. I recall the fact that the Senate has passed a bill identical in terms with that measure, and I ask unanimous consent for the present consideration of the House bill. I shall then ask that the House be requested to return the Senate bill, that the vote whereby that bill was passed may be reconsidered.

The PRESIDENT pro tempore. The bill will be read the second time at length.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to prescribe from time to time and enforce regulations governing the boarding of vessels arriving at the seaports of the United States, before such vessels have been properly inspected and placed in security, and for that purpose to employ any of the officers of that Department.

SEC. 2. That each person violating such regulations shall be subject to a penalty of not more than $100 or imprisonment not to exceed six months, or both, in the discretion of the court.

SEC. 3. That this act shall be construed as supplementary to section 9 of chapter 374 of the statutes of 1882, and section 4606 of the Revised Statutes.

SEC. 4. That this act shall take effect thirty days after its passage.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the House be requested to return to the Senate the bill (S. 733) concerning the boarding of vessels.

The motion was agreed to.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9279) "making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Office of Auditor for the War Department: For the purpose of restoring and repairing the worn out and defaced rolls and vouchers in the Office of the Auditor for the War Department, $2,944.40."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For printing and binding for the War Department; namely, for publication of the Official Records of the War of the Rebellion by the Record and Pension Office, $10,000;" and the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
S. S. BARNEY,
RICE A. PIERCE,
Managers on the part of the House.

The report was agreed to.

SETTLERS ON THE NAVAJO INDIAN RESERVATION.

Mr. STEWART. There is a bill on the Calendar providing for the adjustment of the rights of settlers on the Navajo Reservation, and it ought to be passed speedily. It is very short. I ask unanimous consent to call up the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent for the present consideration of a bill which will be read.

Mr. FORAKER rose.

Mr. STEWART. It will take but a moment and is quite an urgent matter. It is to adjust matters down there, and the Interior Department are very anxious to have it passed.

Mr. FORAKER. Before any other case is called up I wish to be heard.

The PRESIDENT pro tempore. The bill will be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with an amendment, to add at the end the following proviso:

Provided, That all that portion of the Navajo Indian Reservation in Arizona lying north of 30° 30′ north latitude, and west of the one hundred and eleventh meridian, be, and the same is hereby, opened and subjected to the mining laws of the United States.

So as to make the bill read:

Be it enacted, etc., That all lands claimed by actual settlers or persons to whom valid rights attach, who settled upon or occupied any part of the public lands of the United States prior to the date of the Executive order of January 6, 1880, extending the boundaries of the Navajo Indian Reservation, in the Territory of Arizona, and which were included in said Executive order, are hereby excepted from the operations thereof, and said settlers are hereby granted authority to establish their rights and secure patents for any of said lands to which they have a valid title under the public-land laws of the United States: *Provided*, That all that portion of the Navajo Indian Reservation in Arizona lying north of 30° 30′ north latitude, and west of the one hundred and eleventh meridian, be, and the same is hereby, opened and subjected to the mining laws of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GOVERNMENT FOR PUERTO RICO.

Mr. FORAKER. Mr. President, I want at this time to ask unanimous consent that a vote be taken at some day and hour to be agreed upon on the Puerto Rican bill and all amendments that may be at that time pending.

If any Senator has any suggestion to make as to time I would be glad to have him make it. I understand that there are a number of Senators who desire to speak, some to-day and some have been intending to speak to-morrow. I do not want to cut anybody off; I want to give time for all the debate that is contemplated; but I should like an early day agreed upon if it can be done.

Mr. BACON. Mr. President, I desire to say for myself that the earlier the day the better I shall be pleased in the matter. Therefore, I will suggest that the Senator indicate the earliest day at which he thinks he can present the measure for the vote of the Senate, asking his attention to the fact that he has not yet put the bill in the shape in which he desires to have the vote taken.

Mr. FORAKER. I have——

Mr. BACON. The Senator will recall that some time last week when the colloquy was had between himself and various Senators, including the Senator from Vermont [Mr. PROCTOR], the Senator from Vermont then indicated that he would not desire to consent to a vote earlier than Thursday—to-morrow. If that is still the disposition of the Senator, I think we can agree on to-morrow.

Mr. FORAKER. As to putting the bill into the shape in which I wanted it voted on, I will say to the Senator from Georgia that all the amendments which the committee have proposed or amendments that they now intend to propose are printed in the bill as it is now on the desks of Senators. I expect to proceed as rapidly as we can to take votes upon those amendments. What I ask is that a time may be fixed when we can take a vote on the bill and all amendments that have been proposed or will be proposed prior to that time.

Mr. BACON. Will to-morrow suit the Senator?

Mr. FORAKER. It will suit me better than any other time; but I know it will not suit some of the other Senators who want to speak to-morrow.

Mr. BACON. I believe I can speak for Senators on this side when I say that they will be ready to-morrow at any hour the Senator will indicate.

Mr. PROCTOR. If the Senator from Ohio will yield to me for a moment, I do not see a large number of my fellow-insurgents in the Chamber, and I will not venture to speak for them, but I am sure that they do not wish any unreasonable delay. There are several who wish to speak. I think it would be impossible for us to consent to a vote this week. I would suggest to the Senator from Ohio Tuesday afternoon next, which would be entirely agreeable to me and, so far as I know, acceptable to Senators on this side.

Mr. FORAKER. I would rather have Friday of this week fixed, but in view of what the Senator from Vermont says, I am willing to accept Tuesday, if that is the earliest date he thinks we can agree upon. I suggest that the vote be taken at 4 o'clock on Tuesday upon the bill and all amendments that are proposed and offered or notice given for prior to 4 o'clock on Tuesday.

Mr. PROCTOR. I wish to give notice that I hope to address the Senate briefly to-morrow immediately after the routine morning business.

Mr. BATE. I shall ask the permission of the Senate to be heard on Monday, immediately after the close of the routine business of the morning hour, upon the Puerto Rican bill, and also on Senate bill 2355, reported from the Committee on the Philippines.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that a vote may be taken on the bill known as the Puerto Rican bill, and on all amendments of which notice may have been previously given, at 4 o'clock on Tuesday afternoon next. Is there objection? The Chair hears none, and it is so ordered.

TESTIMONY IN PRELIMINARY INVESTIGATIONS.

Mr. SULLIVAN. I ask for the present consideration of the joint resolution (S. R. 103) providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that in all preliminary investigations of criminal charges by the courts of the States of the Union, and the Territories thereof, and the District of Columbia, the accused shall be permitted to testify in his own behalf and to introduce and examine any witness in his behalf touching the matter charged against him.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF JOHN BIRDSALL, DECEASED.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. PLATT of New York, was, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed:

To the Senate:

I transmit herewith a report from the Secretary of State in response to the resolution of the Senate of March 12, 1900, calling for copies of correspondence in regard to the protest and claim of Mrs. Annie Birdsall, administratrix of the estate of John Birdsall, deceased.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, March 28, 1900.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I move that the Senate proceed to the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Colorado [Mr. WOLCOTT] to the amendment proposed by the Senator from Montana [Mr. CARTER].

Mr. CARTER. The amendment of the Senator from Colorado is in the nature of a substitute, as I remember, Mr. President.

The PRESIDENT pro tempore. The amendment pending, the amendment of the Senator from Colorado [Mr. WOLCOTT], will be read.

The SECRETARY. At the end of section 26, page 23, insert:

It shall be the duty of the Secretary of the Interior to declare and publish proper rules and regulations whereby the auriferous deposits in Alaska which lie below the low-water mark of the ocean and its tributaries shall, if feasible, be open to exploration and development by citizens of the United States or those who have declared their intention of becoming such citizens, which said rules and regulations shall, so far as is practicable, be in accordance with existing statutes as applicable to placer mining and shall limit the area of each claim to the acreage now allowed by law.

The rules and customs of miners in the mining district nearest said deposits shall, when not inconsistent with such regulations, be recognized and shall govern the working of said deposits.

The authority of the Secretary of War respecting said auriferous deposits shall be limited to policing the same and to protecting navigation as he is now by law empowered.

Any grants or rights heretofore granted respecting said deposits by any authority are hereby declared void and of no further effect.

The PRESIDENT pro tempore. The amendment which has just been read is offered by the Senator from Colorado [Mr. WOLCOTT] as a substitute for the amendment offered by the Senator from Montana [Mr. CARTER]. The question is on agreeing to the amendment. [Putting the question.] By the sound, the noes have it.

Mr. JONES of Arkansas. The Senator from Colorado who offered the amendment is not present.

Mr. BERRY. He was here a moment ago.

Mr. CULLOM. He is in the Marble Room.

Mr. JONES of Arkansas. Before the vote is announced, there are some things I want to say on this subject, and I will ask the attention of the Senate for a few minutes. Yesterday I called the attention of the Senate to the fact that seemed to me to be clear, that there was no necessity for these permits.

Mr. WOLCOTT. May I interrupt the Senator from Arkansas for a moment?

Mr. JONES of Arkansas. Certainly.

Mr. WOLCOTT. Simply for information. I was called out of the Chamber a moment ago. I understood that the amendment which I offered yesterday had been voted on in my absence.

Mr. JONES of Arkansas. It was taken up and the vote was about to be taken when I took the floor. I do not understand that the vote has been taken.

Mr. WOLCOTT. Has the vote been taken, Mr. President?

The PRESIDENT pro tempore. The Chair did not declare the result.

Mr. JONES of Arkansas. I took the floor in the absence of the Senator from Colorado, and I want to call attention——

Mr. WOLCOTT. I beg pardon of the Senator from Arkansas. It was only to get the information that I interrupted him.

Mr. JONES of Arkansas. Mr. President, I want to call the attention of the Senate to a fact or two that I think ought to be borne in mind in connection with the question of giving these permits by the War Department. I called attention yesterday to the wording of the statute under which the Secretary of War claims the authority to issue these permits. I stated I did not believe that under this statute he had any authority whatever to issue the permits; that he had no authority to interfere with anyone who is undertaking to excavate these sands unless they were interfering with navigable waters somewhere; that the simple fact that it was along the coast was not of itself sufficient to authorize him to interfere with this work.

Now, a bill was introduced in the early days of this session which provided that section 10 of an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, etc., should be amended, proposing to amend the very section under which the Secretary now claims the authority to issue these permits. The proposed change in the language was as follows:

To provide for the leasing of ground, and granting exclusive privileges on same, for the purpose of extracting minerals from the beds of any port, roadstead, haven, harbor, navigable water, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States.

Any person or association of persons may apply to the Secretary of War for, and he, at his discretion, may grant a lease of ground, not to exceed 1,320 feet in length and 660 feet in width, extending below mean low tide, on the beds of any port, roadstead, haven, harbor, navigable water, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, for the purpose of extracting minerals therefrom.

Here, Mr. President, was a proposition to provide by statute that persons might excavate in the very places mentioned in the section. This bill was referred to the Secretary of War. He returned it to the Committee on Commerce, by whose order the bill had been referred to him for an opinion. His indorsement is as follows:

WAR DEPARTMENT, *February 21, 1900.*

Respectfully returned to the chairman, Committee on Commerce, United States Senate, inviting attention to the accompanying report of the Chief of Engineers, United States Army, dated February 3d, instant, and the foregoing opinion of the Judge-Advocate-General of the Army, dated 8th instant.

ELIHU ROOT, *Secretary of War.*

The opinion of the Chief of Engineers is a remarkable paper, but the indorsement of the Judge-Advocate-General is equally remarkable, and I desire to call the attention of the Senate to both. As the opinion of the Chief of Engineers is first in point of date, I shall first read that. It is addressed to the Secretary of War, and is as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, February 3, 1900.

SIR: I have the honor to acknowledge the reference to this office of a letter, dated the 30th ultimo, from the Senate Committee on Commerce inclosing, for the views of the War Department thereon, S. 2745, Fifty-sixth Congress,

first session, "A bill to amend section 10 of an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899."

The object of this bill is to confer on the Secretary of War the power to lease to persons and corporations the ground or soil on the beds of any port, harbor, navigable river, or other navigable water of the United States.

It would appear that under the Constitution the power proposed by this bill was not conferred upon the legislative branch of the Government. The jurisdiction of Congress over the navigable waters of the United States proceeds from section 8 of the Constitution, which provides, inter alia, that Congress shall have power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." This jurisdiction does not appear to extend to the ownership or control of the soil under navigable waters except in so far as such control is necessary to the exercise of the above power.

The Supreme Court of the United States, in the case of Pollard's Lessee *vs.* Hagan (3 Howard, 212), announced the following conclusions:

1. "The shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively."

2. "The new States have the same rights, sovereignty, and jurisdiction over this subject as the original States."

This doctrine has been considered and affirmed by the court in subsequent cases, and extends to the whole body of any navigable water in the United States. In the case of Rundle et al. *vs.* Delaware and Raritan Canal Company (14 Howard, 80-90) the court says, in regard to the Delaware River, that "below tide water the river, its soil and islands, formerly belonged to the Crown; above tide water it was vested in the proprietaries of the coterminous provinces, each holding ad filium aquæ; since the Revolution the States have succeeded to the public rights, both of the Crown and the proprietaries." Similar principles have been advanced in regard to Chattahoochee River (Howard et al. *vs.* Ingersoll, 13 Howard, 381), and to the Potomac (Georgetown *vs.* Alexandria Canal Company, 12 Peters, 91), and to the Ohio (Pennsylvania *vs.* Wheeling Bridge, 13 Howard, 519), and they apply to all other navigable waters of the United States.

It would appear, therefore, that the several States hold the rights of property in the shores and beds of navigable waters within their respective boundaries, except in so far as they have alienated such rights to individual citizens. In some States the riparian proprietor holds a fee simple in the soil to high-water mark, in others to low-water mark, and in still others to the middle of the channel of fresh-water rivers. Congress has the power to regulate and control the exercise of this fee in so far as may be necessary to conserve the public rights of navigation and commerce, but it would seem that the power to regulate commerce can not operate to divest either the States or the individual proprietors holding by grant from the States of their property rights in the soil on the beds of navigable waters.

The question at issue seems to be one that should receive the careful consideration of the law officers of the Department.

The letter from the committee, with its inclosure, is herewith returned.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Brigadier-General, Chief of Engineers, U. S. Army.

Hon. ELIHU ROOT,
Secretary of War.

Nobody will deny that in these cases referred to by the Chief of Engineers, as, for instance, that of the State of Delaware, where the State acquired the rights of the Crown before the organization of the United States Government, these rights never went to the United States Government; that they were in the hands of the State from the organization of the State; but that by no means applies to a case like that of the Territory of Alaska, where there is no State and never has been a State, and where the Government of the United States is the absolute owner of the property, with all the other rights which belong to it, and which they can manage as they see fit.

This bill was sent for report to the Judge-Advocate-General of the Army. This is the paper to which I especially wish the attention of the Senate. The indorsement is as follows:

WAR DEPARTMENT,
JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, D. C., February 8, 1900.

Respectfully returned to the Secretary of War, concurring in the views of the Chief of Engineers as expressed in inclosed report, dated February 3, 1900, so far as the waters situated within the limits of any State are concerned.

It is understood, however, that the proposed legislation is intended principally to provide for the leasing of ground under water adjacent to the coast near Cape Nome, Alaska, for mining purposes, applications for leases having already been filed; and with reference to such lands Congress has the power to authorize their leasing, Alaska being a Territory under the exclusive legislative authority of Congress.

The bill purports to authorize the Secretary of War to lease limited areas "below mean low tide on the beds of any port, roadstead, haven, harbor, navigable water, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States for the purpose of extracting minerals therefrom."

The bill would not, in my opinion, authorize the leasing of land in shallow water along the shore of Alaska at places not covered by any of the terms used.

G. N. LIEBER,
Judge-Advocate-General.

That is exactly the point I made on yesterday—that the law did not cover the shore line for 2 miles away from the margin of the mouth of the river, and that the pretended grant of authority by the Secretary of War was a usurpation and conveyed no power whatever to those people. But the injury of it, the harm of it, is that those people might claim, under the semblance of authority, that they have the right to keep other people out of this work, and that they have the sole use of this ground for a distance of 2 miles.

I believe the amendment proposed by the Senator from Colorado [Mr. WOLCOTT] will fully cover this case, and will provide for making regulations by the Interior Department to conform to the present mining laws, which will prevent any such usurpation as this, and which will give justice to all the claimants having a right to work along those shores. For that reason I am in favor of the amendment.

Mr. CARTER. Mr. President, the authority cited in the letter read by the Senator from Arkansas [Mr. JONES] is in perfect harmony with the law declared by the United States Supreme Court, which I attempted to announce yesterday. It has never been contended anywhere that the soil under navigable waters belongs to the United States. It was held in the Seattle tide-land cases that the United States could not alienate tide lands, because they were held by the Government in trust for the future State. The same identical situation, from a legal point of view, obtains with reference to the district of Alaska. The lands below mean high tide on Bering Sea, or any other part of the coast of Alaska, do not belong to the United States; they are held in trust by the Government of the United States for any State or States that may hereafter be organized in that district or from its territory.

The Senator assumes that the Secretary of War had no right to issue any permit to or to relieve any person from the penalty because some of the land described in the permit was remote from the mouth of a certain river, which presumably would be an entrance into the interior of the country for navigation. But, Mr. President, "navigation" is a broad term. The identical stretch of water over the land embraced within the permits is and has been used steadily for navigation purposes along the coast at Cape Nome. The conditions seem to be that a vessel must anchor about 1 mile distant from the low-tide line, the water not being deep enough to admit a deep-draft vessel to a point nearer the shore. What happens then? The anchor of the ocean-going steamer is dropped, the vessel comes to rest, the lighters are moved out over this stretch of shoal water from the shore, and the cargo of the vessel is landed by means of the lighters. The water between the vessel and the shore is as much used for navigation in connection with that cargo as is the deep water where the vessel is anchored.

Well knowing that this lighterage system was a necessity on that coast, the Secretary of War, with no violence, assumed that the law required him to keep that portion of the coast free for this necessary navigation; but at the same time he concluded that whatsoever mining operations citizens of the United States thought proper to prosecute might be prosecuted without injuriously affecting this navigation or the landing of goods by the lighterage system, and permits were granted, as heretofore stated, merely and solely for the purpose of relieving citizens from penalties.

It may be that the construction by which the act is applied to these waters is a strained one, but out of a superabundance of caution a citizen making an investment and going to that distant coast to dredge for gold would want to feel that every precaution had been taken for the purpose of avoiding conflict with the criminal statutes of the United States.

Mr. BERRY. Will the Senator permit me a moment?

Mr. CARTER. Certainly.

Mr. BERRY. Does not the Senator's amendment take this authority away from the Secretary of War, revoke all the concessions he has given, and do all that it is claimed by my colleague the Secretary desires to accomplish in the premises?

Mr. CARTER. Mr. President, the amendment——

Mr. STEWART. I suggest to the Senator to have the amendment read. There is some misunderstanding about it.

Mr. CARTER. There are two amendments pending. The amendment I had the honor to offer, perfected by the amendment of the Senator from Nevada [Mr. STEWART], provides, in substance, that, subject only to such limitations as may be necessary to prevent artificial obstructions to navigation, the miners may, under such rules and regulations as they themselves may prescribe in organized districts, temporarily occupy these waters for the purpose of exploration and location, until otherwise provided by law.

Mr. STEWART. Will the Senator have the amendment read, and then all will understand it? There is some confusion about it now.

Mr. CARTER. In one moment, if the Senator will indulge me. The amendment of the Senator from Colorado [Mr. WOLCOTT], on the other hand, looking to the same end, attempts to reach the point in another way. He would have these rules and regulations made, not by the miners on the ground, familiar with and facing the hard conditions to be overcome and grappled with, but he would have these rules and regulations made by the Interior Department—a Department certainly not any more familiar with the conditions than the Senate or the other branch of Congress—these rules and regulations to be prepared in this city and forwarded 8,000 miles to govern conditions with which no individual in either House of Congress nor in any Department at Washington is sufficiently familiar to prepare rules and regulations to govern.

Mr. JONES of Arkansas. I should like to ask the Senator a question right there.

Mr. CARTER. Certainly.

Mr. JONES of Arkansas. I want, if I can, to understand the purpose and effect of these proposed amendments.

The amendment of the Senator from Montana, as I understand it, proposes that these mines shall be worked under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make. Is there to be any fixedness about this arrangement? What miners are to fix it, and how long is it to remain fixed?

Mr. CARTER. Until otherwise provided by law.

Mr. JONES of Arkansas. Until otherwise provide by law. Then, what number of miners are necessary to establish this arrangement?

Mr. CARTER. We went over that proposition at some little length yesterday. The miners' meeting and the miners' organized districts are as old as gold mining in this country. In the early days of California thousands upon thousands of our people went over the plains, across the Isthmus, and around the Horn, and settled upon that gold-bearing coast. There was no law on the statute books of the United States whereby they could prosecute their mining enterprises. Discoveries were made. Men came in from different sections, from every part, indeed, of the country, and they, moved by the necessities of their situation, conferred, and, conferring, they brought order out of chaos. Resolutions were passed, set rules were fixed, the size of claims determined, and the conditions under which those claims could be held were specified. These constituted the miners' meeting. The miners' meeting embraced the creek, the gulch, or the district in which the members of the meeting were engaged in mining. They did not attempt to legislate for a gulch beyond the hill, in which other men were engaged in prosecuting work, but permitted the men over there to legislate for themselves as their condition might require.

It so happened that the varying conditions of topography and climate required different rules and regulations in different districts. The miners acquainted practically with the conditions, well knowing the purposes to be subserved, made a system of law, which was finally crystallized into the statutes of the United States almost bodily through the efforts of the Senator from Nevada [Mr. STEWART], first placed upon the statute books in 1866, and thereafter somewhat amended in 1872. This law then placed upon the statute books, which has been tried in the crucible of experience for more than a generation, permitted miners to still continue to legislate in organized districts; and no evil, in so far as my information extends, ever resulted from that license granted the miner to legislate as he thought best within the restricted limit prescribed by the laws of the United States.

Now, the question arises, How will the situation on the coast of Bering Sea near Cape Nome be disposed of?

Mr. SULLIVAN. Will the Senator permit me to ask him a question?

Mr. CARTER. Certainly.

Mr. SULLIVAN. Is there any place within the United States or any of its Territories where the miners can to-day make the mining laws, or are they not governed by the general mining laws made by act of Congress?

Mr. CARTER. They are not governed by the general mining laws of the United States except as to the maximum to be embraced in a claim. Within the limits prescribed by the laws of the United States they may, in the organized districts, enact any sort of rule or regulation.

Mr. WOLCOTT. I desire to ask the Senator from Montana if miners in a mining district may legally evade the provision of the general mining laws which requires an annual expenditure upon a claim?

Mr. CARTER. I have stated that, subject to the provision of the mining laws——

Mr. WOLCOTT. Ah, of course.

Mr. CARTER. That, subject to the provisions of the mining laws of the United States, the miners may legislate as they please. For instance, the Federal statute provides that a quartz-mining claim may be 1,500 feet in length and 300 feet in width on either side of the center of the vein or lode. The miners in an organized district may prescribe rules whereby the quartz vein may be limited to 200 feet in length and 50 feet on either side of the vein or lode, but they can not provide that a claim may be 1,600 feet, or even 1,501 feet, in length; they can not provide that it may be 601 feet in width, but they may provide that it may be only 590 feet in width.

Mr. JONES of Arkansas. May I be permitted to ask the Senator another question?

Mr. CARTER. Certainly.

Mr. JONES of Arkansas. I did not get an answer to the question I asked the Senator before. As I understand the proposed amendment, it is that there shall be no limitations whatever on the power of the organized miners in Alaska?

Mr. CARTER. On page 3352 of the RECORD the Senator will observe the amendment as finally perfected, the Senator from Nevada in that behalf having added a further proviso:

Provided, That the rules and regulations established by the miners shall not allow the location of mining claims larger in area than placer claims under the laws of the United States.

The law of the United States restricts a placer mining claim to an area of 20 acres, but does not prescribe its exterior boundaries or fix any set rule in that behalf.

Mr. JONES of Arkansas. I had not noticed that proposed amendment. I was reading the original amendment as proposed by the Senator from Montana, and I am obliged for the information the Senator now gives me.

We were informed yesterday that a large number of Laplanders had gone over to this particular country and had taken possession of it. If those Laplanders should get together and organize a mining camp and resolve that nobody should enter there except Laplanders and those who went there in charge of reindeer, they having absolute authority to legislate, it seems to me they would be able to bar out the balance of creation.

Mr. CARTER. Not necessarily.

Mr. WOLCOTT. I wish to ask the Senator from Arkansas a further question. Suppose the miners upon the land, constituting the majority of the people of a mining district, came in conflict with the people who were mining with their dredges upon the water, and the miners upon the land should vote that there should be no mining up there under any rule or regulation, or should establish prohibitory rules, how, then, would that country be open to occupation unless the Secretary of the Interior established proper rules and regulations for such mining not inconsistent with those which the miners of the district might make?

Mr. JONES of Arkansas. There are numerous difficulties of that kind which might arise, that I should like to have the Senator explain.

Mr. STEWART. The Senator from North Dakota [Mr. HANSBROUGH] can answer the last question.

Mr. CARTER. I will say to the Senator that the amendment itself provides that the parties must be citizens of the United States or persons who have legally declared their intention to become such.

Mr. WOLCOTT. I will ask the Senator whether, under his amendment, the miners in the mining districts must be citizens of the United States?

Mr. CARTER. There is no necessity for that, because a person not qualified to make a location will have no say or part in the miners' meeting. A necessary qualification for a voter in a miners' meeting everywhere has been that the person voting shall be qualified to exercise the right of a locater under the law.

Mr. PERKINS. Mr. President——

Mr. SCOTT. The Senator from Montana, I believe, has explained to the Senate that a miners' meeting is called by a notice being given, and that notice has to state the qualifications of the miners of that district?

Mr. CARTER. Certainly.

Mr. PERKINS. Mr. President, I wish to state, if the Senator from Montana [Mr. CARTER] will permit me, that in his very full and interesting description of the primary conditions which confronted the pioneer miners of the West that that was one of the requisites. A notice was posted in a conspicuous place, upon a tree or a bowlder or some other natural object, embracing a certain district—it might be known by the name of Grubstake Canyon or Grizzly Flat or Pikes Peak or any other euphonious name—describing the boundaries of it. Representative men, miners in that locality, would post a notice, and the miners who were located there or living in the camp would go to the meeting. The first action of the meeting, after being called together, was to adopt a series of resolutions.

As the Senator from Alabama [Mr. PETTUS] said yesterday—he having been a pioneer miner in California—those miners' meetings were composed of men who were, many of them, able lawyers, merchants, manufacturers, men of prominence in their homes in the States from which they had come out to the far West in search of golden treasure. The meeting was organized by the election of a president and a recorder. They adopted certain by-laws and rules and regulations to govern the district, after designating it by name. The recorder was elected, and he kept minutes of all the proceedings of the meeting, the record of every claim, which had to be described by metes and boundaries, so that there could be no question as to the right of the locator. If there was a large influx of people into that particular mining district, a certain number of miners might assemble together and modify or change the size of the claims. So every notice of a mining location was recorded in a book which had been properly prepared and submitted by the recorder for the approval of the miners' meeting.

I venture to say, Mr. President, without fear of contradiction, that in the early days of the far West, in California, in Nevada, and in Arizona, there were fewer contests and the rights of

individuals were as sacredly guarded and as well protected as they are to-day in communities where courts exist. The people who composed those miners' organizations, as I stated before, were representative men, who came there with an honest purpose in view, with a desire that every man should have a fair deal; and I venture to say that in the Cape Nome country, where we have been trying to provide a civil government for the people and to give them proper laws for their government, to-day, under the miners' régime, there is law and order now prevailing.

Mr. WOLCOTT. In answer to the suggestion of the Senator from California [Mr. PERKINS], I have but a word to say, and it is all I am going to say about these amendments. I think the Senate ought to understand the situation as to these amendments. To me personally it makes not the slightest difference which of them may be adopted. As a man more or less familiar all my life with mining, I am only desirous that in the best way, in the most orderly fashion, the gold deposits about Alaska shall be open alike, and without discrimination, to citizens of the United States and those who have declared their intention to become such; and under the amendment which I have offered as a substitute for that of the Senator from Montana there is not the slightest interference in the world with the action of the miners, with the resolutions of the miners' meetings, or with the rules and customs of the miners' districts.

The difference between the two amendments is stated in a word. The Senator from Montana declares that this ground, the soil under this water, shall be open to exploration and occupation, and that the rules governing this mining shall be such as are made by the miners in pursuance of their customs in the mining districts where they are situated. My amendment puts the initiative upon one of the Executive Departments of this Government and says that first the Government of the United States shall make proper rules and regulations governing the taking of mineral from under the waters of the sea, and that the rules and customs of miners in those districts, when not inconsistent with those rules, shall be uniformly recognized by the Department. My amendment goes further and declares that all grants or assumed grants are void and that the power of the Secretary of War shall be limited to policing the soil and fulfilling the obligations he owes under the law as to dredging and excavating in channels.

Mr. SULLIVAN. Speaking as to that provision, I call the Senator's attention to the fact that next to the last word in the amendment offered by the Senator from Colorado the word "further" is used, and it occurs to me that it should be stricken out. It says:

Are hereby declared void and of no further effect.

"Further" should be stricken out.

Mr. WOLCOTT. I will spend a moment upon that. My theory about these permits of the Secretary of War under which they become, to my mind, justifiable or excusable is this: There was a technical statute. The Secretary has no more authority to authorize mining in the waters of Cape Nome than I have or the Senator from Mississippi has.

There is a statute empowering him with certain jurisdiction to protect the dredging and excavation of soil in certain parts of the sea. There might be a technical violation of the statute in case prospectors went to work there without the authority of the Secretary of War. For that reason he gave, as I understand, and as I hope and believe, to all responsible people alike the license, the statement that whatever they did there in the way of excavation would not be deemed and held a violation of the statutes of the United States. To that extent it was justifiable, and beyond that it did not go. But of course he could not confer a right to mine nor could he confer an exclusive right to dredge upon that ground. There is no question about that.

But, Mr. President, going back a moment, we all want the same thing. There is no answer to this amendment of mine that I hear except two: First, that it takes so much time to promulgate the rules here and send them to Cape Nome; and next that this Department of ours, the Interior Department, which makes rules and regulations as to the taking up of land for railroads, which makes rules and regulations as to excavating and mining for coal, which declares the rules and regulations under which the whole area of the public land is dug into and excavated and treated, is incompetent to deal with the Cape Nome district as against a nondescript population of nonresidents and all sorts of people, gathered together thousands of miles away from our jurisdiction, and that it is safe for us to intrust the mining of soil under the navigable water to men in a mining district without reference to such reasonable rules and regulations as the Department may establish.

Mr. STEWART rose.

Mr. WOLCOTT. I will not be through for four or five minutes, if the Senator from Nevada is standing up with the expectation of succeeding me.

The fact is this: You pass this amendment as the Senator from Montana has it, and the miners of that district will have the sole and exclusive authority to declare the rules and regulations under which the soil under the waves may be excavated. It is presumed they will do it right; but great litigation is going to follow this action. All mining districts are a fruitful field for litigation. Hostility may develop between those mining in the waters of the ocean and those upon the high land above. The Interior Department has already been called upon to render two very important decisions upon entirely new questions growing out of our rights, one respecting the laying of a tramway along the coast of the sea, and the other as to rights below high-water mark of those seeking to take up sand. With these questions they are already dealing.

I confess I am shocked and ashamed when I hear Senators object to yielding to one of the great Departments of this Government the duty of making reasonable rules and regulations for dealing with the public lands on the ground that an $1,800 clerk may do it, or on the ground that the Department does not know as much as we do, or on the ground that the Department does not know as much as some miners 8,000 miles away in Alaska know. Mr. President, this Government under every Administration is well and intelligently administered. We have at the head of our Departments men competent to deal with these questions, men who deal with them, or ought to and do, and seek to, in the spirit of our institutions; and we belittle ourselves when we as a coordinate branch of the Government denounce different Departments as if they contained incompetent men and were unfit to give intelligent thought to great questions which arise and to deal with subjects which are intrusted to them.

There will be no delay. We pass this amendment and say the Interior Department shall make the rules and regulations, and what will they do? They will say each area shall be limited to not more than 20 acres by an individual or 160 acres of area by an association. That is the existing law. They will then make provision as to the anchoring of boats, as to the delivery of cargoes, as to the general transaction of mining business there. They will promulgate general rules which will be applicable to the whole district, not to one mining district but to all of them, and then, subject to those regulations, the miners of the district will make such reasonable rules as they may require.

Let me make a further suggestion. These mining districts are small in area. There is going to be great litigation to come. Suppose one mining district is 8 or 10 miles long and joins another 8 or 10 miles, and opposite there is excavation in the waters of the sea, and suppose the regulations differ on important points. Is it not best for the stability of mining, is it not best for the treatment of the soil of the United States, the excavation of these deposits, that we should have in the first instance one general set of rules and regulations declared by a responsible Department of this Government which is charged by law with dealing with this public property, rather than to leave it in its entirety to the floating and changeable and uncertain view of men who in one district may have one policy and in another another? If, as frequently happens, hostility should develop between the two sets of miners; if, as frequently occurs between placer miners and lode miners, you should have between those who mine under water and those who mine upon the land differences, our Department will say, "You can all mine under these general rules and regulations, and, subject to them, the miners of your mining district may establish such rules and customs as they see fit."

Mr. President, that is all there is in this amendment. To my mind I can not see why anybody should object to its adoption. You are dealing with navigable waters, and you are proposing to let the miners in a mining district make all the rules and regulations they want concerning them. There can be no delay caused by the adoption of this amendment. There can only be help, there can only be the furthering of that which we all desire—the peaceful and the lawful and the speedy taking from the waters and soil of our country of such precious metals as by their production will add to the prosperity of our country. My amendment is nothing to me. I do not care to interfere with the conduct of the bill by the Senator from Montana; but I do know that men who are going to invest money out there, men who are going to risk their lives seeking for the precious metals, will be far better fortified if they have the rules and regulations of the Government of the United States to start them in their mining than to trust to the fluctuating and uncertain decisions of changeable gatherings of men along the shores of Cape Nome.

Mr. STEWART. I should like to have the amendment of the Senator from Montana as modified read. There appears to be a misunderstanding about it.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Secretary will read the amendment proposed by the Senator from Montana.

Mr. JONES of Arkansas. Before the amendment is read, I wish to ask a question of some one familiar with this matter. I desire to ask it before the Senator from Nevada proceeds. I will ask him to explain this. As I understand the proposition of the Senator from Colorado, it is to have the Secretary of the Interior make

certain general regulations under the law, and that under those the mining organizations there can fix whatever rules they please, subject to the law and the regulations of the Interior Department.

Mr. WOLCOTT. Exactly.

Mr. JONES of Arkansas. Whereas the Senator from Montana proposes that the regulations made by the miners themselves shall be absolute, except, I think, he says they shall be subject to law and they shall not be changed until they are changed by law. Suppose, in case of the adoption of the amendment of the Senator from Montana, there should be a body of men get together in one place in one of these mining districts and they should adopt one set of regulations, and a short distance away in the same locality another body of men should get together and adopt a set of regulations totally different; which one of those is to govern?

Mr. STEWART. Let me have the amendment read, and then I will explain that. I hope attention will be given while the amendment is being read.

The SECRETARY. At the end of section 26, page 23, it is proposed to insert:

Provided, further, That subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions, all land and shoal water below mean high tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States, shall be subject to exploration for gold and other precious metals by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided, further*, That the rules and regulations established by the miners shall not allow the location of mining claims larger in area than placer claims under the laws of the United States; and all permits heretofore granted authorizing any person or persons, corporation or company to excavate or mine under any of said waters are hereby revoked and declared null and void.

Mr. JONES of Arkansas. Now have the other amendment read.

Mr. STEWART. Yes; I ask for the reading of the other amendment.

Mr. JONES of Arkansas. Then we can compare them.

The SECRETARY. Amendment proposed by Mr. WOLCOTT as a substitute for the amendment offered by Mr. CARTER; at the end of section 26, page 23, it is proposed to insert the following:

It shall be the duty of the Secretary of the Interior to declare and publish proper rules and regulations whereby the auriferous deposits in Alaska which lie below the low-water mark of the ocean and its tributaries shall, if feasible, be open to exploration and development by citizens of the United States or those who have declared their intention of becoming such citizens, which said rules and regulations shall, so far as is practicable, be in accordance with existing statutes as applicable to placer mining and shall limit the area of each claim to the acreage now allowed by law.

The rules and customs of miners in the mining district nearest said deposits shall, when not inconsistent with such regulations, be recognized and shall govern the working of said deposits.

The authority of the Secretary of War respecting said auriferous deposits shall be limited to policing the same and to protecting navigation as he is now by law empowered.

Any grants or rights heretofore granted respecting said deposits by any authority are hereby declared void and of no further effect.

Mr. STEWART. Mr. President, the miners have been allowed to make rules and regulations for fifty-two years. They were, until 1866, allowed to make rules and regulations without any limitation of law whatever. After Congress acted and confirmed their rights as then existing, it made a maximum claim and provided a minimum amount of work to be done to hold possession of it. But that was all that was done, except to allow them to get patents. But the rules and regulations as to the size of claims, within the maximum, and the amount of work necessary to hold the claim, above the maximum, has been left to them up to this time. The conditions which it is supposed might happen, the outrages that might be committed, if they have ever been committed, are very rare. I think the Senate would be very much astonished to witness the deliberation of a miners' meeting. There is a common law understood by the miners that no meeting shall be had until full notice is given.

I should hate to be one of a mining community that would attempt to get up a meeting without having the invitation extended to all citizens of the United States there. It would be a very dangerous proceeding. They are careful about it, and it is the common law that the notice shall be full and complete; and I have known them to meet, and, on the suggestion that the notice had not been sufficient, they would adjourn, even in the hottest contest, to have them all present. They would discuss at length, with as much deliberation as you do here in the Senate, the rights of the parties. It has been going on for fifty years, until the miners have become expert legislators with regard to these matters, and I undertake to say that the result of their legislation over this most complicated subject has been most satisfactory.

Now, the Land Department have had to deal with rectangular formations. They have had more difficulties than the miners have in carrying out their regulations. We appropriated for the last forty years, I think, an average of $200,000 for special agents to go through the agricultural regions and adjust things. See the difficulty you had in adjusting the swamp-land claims and the litigation and the scandals you had about it; and you are constantly having it. The system of allowing the miners to make their own rules and regulations and allowing the local courts to decide upon them has worked so admirably in the United States that our laws and regulations have become proverbially the best that ever existed in any mining country.

Now, in this case we are following the precedents of fifty years. The question was discussed in 1866 whether it was safe to allow the miners to legislate. The reply was that "they have legislated and a million men live in those mining regions whose rights depend upon the legislation, and nobody complains. States have been formed and rights of property have been preserved. All we ask of you is not to interfere with the system." Then they wanted to bring it here and have it administered in the Department; but when the fact was brought to the attention of Congress that the miners had done so well, they agreed to let well enough alone and let them continue. In this case the citizens of the United States are allowed to make rules and regulations. If they are unfair rules, they will call a miners' meeting and discuss them very carefully. They are very careful to preserve vested rights. There is no complaint that miners have ever trampled upon vested rights when there was a deliberate meeting. The more excitement there is the more care is always taken to adjust matters to the satisfaction of everybody. I believe we had better not inaugurate the policy of having any other rules for mining—any rules made here—because, if you establish it in this case without much thought, you may interfere with a system that has worked well for fifty years.

Mr. JONES of Arkansas. Then the Senator, I suppose, is opposed to keeping in the word "temporary" in the proposed amendment of the Senator from Montana. It says:

Under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law.

The Senator would like to strike that out and leave it as a permanent arrangement?

Mr. STEWART. I will say, in explanation of that, that the land to which this applies does not belong to the United States. The United States is only a temporary occupant of it.

Mr. JONES of Arkansas. To whom does it belong?

Mr. STEWART. It belongs to the State, or is held in trust by the United States for the future State. It is only a temporary right that the United States has. I suppose that is what was in the mind of the Senator. I do not think that will make any practical difference. They will go on until it becomes a State, until the owner has a right to legislate—that is, the State. They will go along under the temporary trusteeship of the United States. So long as the temporary trusteeship of the United States remains in this land, this temporary law will continue. I suppose that is what he had reference to. That will answer the purpose so far as that is concerned.

This amendment confines the size of claims within the maximum provided by the statute, that they shall not exceed the amount allowed in other cases. They can not make them larger so as to monopolize the land by spreading the claims along the coast, so that a few men may get control. They will undoubtedly make it less when they discuss it. When you get ten or fifteen thousand men there, who have come to work, they will divide it up equitably without robbing anybody. When they get together you can trust them; and if you make rules and regulations which have to be interpreted and go out there——

Mr. JONES of Arkansas. Suppose there should be an exceptional case where they did not do that.

Mr. STEWART. There might be an exceptional case where the Secretary of the Interior would make a mistake in his regulations. He generally makes them right, I know, but he may make a mistake.

Mr. JONES of Arkansas. They can be revised.

Mr. STEWART. He has not been able to make rules and regulations to avoid scandals in the Land Department.

Mr. JONES of Arkansas. That does not answer my question. Suppose there should be an exceptional case and that some bad miners should get together who would deliberately do wrong; does the Senator think they should be above law and should not be restrained in any way?

Mr. STEWART. Such a case has never occurred to my knowledge. Where a majority of the miners in a community of ten or fifteen thousand get together their self-interests will make them good. I have known violently bad men to be there, but there is among the American people a public sentiment in favor of fair dealing that compels them to act about fair. If a few men undertook to be bad, it would be a very uncomfortable neighborhood for them to live in. They would deal with them in a way that would be uncomfortable. Questions like this come up all the time, and the miners have solved them. I do not think you had better change the method. This is an innovation. Leave it there, within the limit prescribed for the maximum claim, and you will

never hear of any trouble there. It will be settled and settled squarely.

Mr. QUARLES. I do not rise, Mr. President, to discuss the general subject of the mining laws, because I am not familiar with them; but among the many men who have their attention turned toward this great, wonderful district are constituents of mine, who are investing large sums of money this winter in machinery which they propose to take to this district during the coming season. I ask in behalf of those men that when they reach this mining district there may be some settled, intelligent rule which will guide their action and protect their interests. I am totally opposed to having those men, when they reach this country, left to the erratic tribunal known as a miners' meeting, for two reasons.

I quite agree with what has been said, that as to the ordinary work of mining, with which these men are familiar, according to their rough sense of justice, they generally arrive at a correct conclusion, but the theory of my friend the Senator from Montana is to turn over to them a subject-matter with which they are not familiar. I call the attention of the Senator to the fact that here is an entirely new scheme of mining, with which, so far as I am advised, these miners are not familiar. It is surf dredging. If that has been done before, and there are any precedents or rules or history with which these men are familiar, I am not so advised. You are seeking to turn over to that primitive and erratic tribunal, a miners' meeting, an entirely new jurisdiction. It is not within their experience. They have handled the spade and the pick and the rocker. They can control that kind of mining, but the mining that is under consideration now is to be carried on by expensive and intricate machinery—the steam dredge, the electric crane; and I know of another apparatus which is to run upon a track along the shore and reach out a hundred feet into the ocean and there, by the sucker principle, draw up the sand and carry it back to the shore. There are hundreds of schemes of that kind which may or may not be feasible, but they will all be there this spring.

I wish to ask my good friend if he is disposed to turn that subject over to a miners' meeting and let them legislate in regard to the operation of machinery and the conflicting rights of these men with different machines, about which they know nothing? I submit, Mr. President, that the proposition of my friend the Senator from Colorado is the more intelligent and the safer. I ask to have some definite rule formulated by the head of this Department that has control of all mining matters, and let the men who go there with machinery have some definite fixed line of jurisdiction and of regulation, and then according to his scheme the minor details are to be regulated by the miners. But let the general fundamental principle, which regulates the rights of these men and which is valuable, be controlled by central authority.

Let me suppose a case, Mr. President. My first proposition is that these men, by reason of their experience or their training, are not competent to take original jurisdiction of this new subject. There is another proposition.

Mr. STEWART. I should like to ask the Senator from Wisconsin a question.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. QUARLES. Certainly.

Mr. STEWART. I should like to ask the Senator if he does not believe that the great body of the miners who have gone there, many of them quite as intelligent as Senators here—I have known many—when they see the situation will be as well qualified to judge how much ground is necessary, and how it shall be located, and how to work these things? They are all interested in having this ground worked. Do you not think they can provide for it? They have provided for many more difficult things. As to machinery, the Senator thinks they are not accustomed to great enterprises.

Instead of organizing for them and granting privileges to them, he had better go around the country and see what enterprises have been carried out under arrangements which they have made and the facilities they have afforded, which have been reasonable and wise, much more so than any regulations they could possibly make here. It might be possible that regulations might be made here by which a man would allow his friends who were going out with machinery to monopolize a whole lot when they got there. I could give some examples of what I have seen in the way of machinery. I have seen machinery, in 1849, built here and taken around the Horn. It would go out to California and would go up the rivers. I think the machinery and works there will be invented on the ground. That always has been the case. They will make inventions there. The new inventions and new appliances that are made outside by persons who have not seen the ground do not meet the emergency. All such attempts have failed so far. They have fifty years of failure. It might be possible that arrangements could be made to protect them, but when they got there with their machinery probably it would not be good for anything.

Let them go there and they will find their rights of property protected. They will have the miners behind them to protect them. There will be no trouble about that at all. Millions and millions have been invested under regulations of miners. The great mines of the whole country were located and provision made for working them by miners. They always made their regulations to suit the emergency before Congress legislated, and I do not see why they can not be trusted in Alaska. A better population, a wiser population, a smarter population than have gone there in the last six months and are going there this spring never before went to a new country. Those who are going there are the very best people, and they will be able to meet the emergency better than you can meet it here. For men to sit down in a back parlor and make arbitrary regulations without seeing the ground and knowing the necessities, it seems to me is unreasonable, in view of what has occurred.

You might make regulations here that would fix it up very well for one man, but he would be the only one you would have in view. You would fix it up for one fellow so that he would have a good show when he got there, but he would be the only one who would have it. It is an ex parte matter when you do so. When they go to the Interior Department and want regulations made, it is ex parte; but they can make no ex parte regulations on the ground. I do not want any ex parte regulations made to take property away from people there. I do not want regulations made here. The Secretary of the Interior will have the best intentions, but, knowing nothing about it, a person who comes here and suggests and gives information will have the inside track, and he will try the case without hearing the other side of it. I want them to try their cases when all parties there participate. I do not want to have any ex parte disposition made of these mines.

Mr. QUARLES. Mr. President, it is said that necessity knows no law. That is the foundation of the miners' meeting. There is no code; there is no tribunal that is accessible; and therefore in a rough way the men control these matters under regulations which they understand. But in order intelligently to frame the rules which the Secretary of the Interior will be called upon to formulate, there is involved a knowledge of the operation of machinery which these miners have not.

When the Senator from Nevada interrupted me I was about to make this suggestion. It is well known that there will be from 20,000 to 30,000 people rushing into that district this spring. These miners can not be in session all the time in their miners' meeting; they can give only a limited time to legislation. I submit to you, Mr. President, that these miners are going to be overwhelmed with questions that will arise within the limits of the ordinary scheme of mining which will require them to devote their whole attention that can be taken from their ordinary labor to these ordinary questions.

Now, suppose these gentlemen with their machinery arrive there and the miners see fit to have no meeting, what are you going to do about it? They are a self-constituted body. You can not convene their meeting. They simply tell you that they have business on hand to such an extent that they can not take up this subject. What are these men going to do? Have they to sit there all summer and await the pleasure of these men?

Mr. STEWART. No——

Mr. QUARLES. Manifestly not, Mr. President. Before these men take their machinery to Alaska there ought to be some rules and regulations which they can understand and they can build their machines with reference to the regulations. I am heartily in favor of the substitute introduced by my friend from Colorado.

Mr. SCOTT. Mr. President, this is a subject on which I think I am entitled to at least express my view, having been engaged in mining for over forty years and having gone to the home of the Senator from Colorado [Mr. WOLCOTT] before there was any city there.

Now, in regard to this miners' meeting to which the Senator from Wisconsin refers, if he ever attended a miners' meeting he will find men there—just as the Senator from Nevada [Mr. STEWART] said—men with as much ability and as well versed in law as some gentlemen on the floor of the Senate. He will find them attending that meeting with a determination to have justice. He will find those rugged miners with six-shooters, perhaps, in their belts, who have gone there to see that every man is protected in what they believe to be his rights, after due notice has been given and posted that there will be a meeting of the miners at Bobtail Gulch or Gregory Lead, as the Senator knows so well in his own State. I have attended miners' meetings at that gulch.

I want to say that the miners in those meetings go directly to the point. They do not discuss constitutional questions. They say, "We have come out here, and here is Jim Brown, who came with me. Now, then, the law provides that we may have a water claim here; we may have a placer-mining claim here, or a lead claim consisting of so many feet under the law." But at the miners' meeting called, where the secretary takes an account of all the proceedings, the meeting will say, in place of 20 acres, for example, "We will divide it up into 10 acres, because there are so

many of us here and we want to be fair; 10 acres is more than Brown can work."

Now, Mr. President, whether you enact a law here under the amendment of the Senator from Colorado, or whatever law you may enact here, it will matter not to these rugged miners in Cape Nome. They will meet in their miners' conventions and they will enact a law there that will regulate whatever may be the wishes of a majority of the miners of that district, regardless of anything that we may enact here, until the camp becomes older and comes under the jurisdiction of the courts.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado [Mr. WOLCOTT] to the amendment of the Senator from Montana [Mr. CARTER].

Mr. CARTER. Mr. President, I should like to make one observation in reply to the Senator from Colorado [Mr. WOLCOTT], and I shall occupy but a few moments. I agree with him perfectly that we are all struggling to obtain the best possible results.

I regret that in the comment which I thought proper to make upon the lack of knowledge possessed by the Departments of the Government, the lack of knowledge existing here, that it would be better to transfer this subject to a local self-government than to attempt, in ignorance, to deal with it, he assumed that I thereby sought to cast a reflection upon the great Department of the Government. No such intention obtained, I am sure, on the part of any Senator upon this floor. No one has greater respect for the patient, capable, working force in the Interior Department. I know pretty nearly every one of the many men dealing with the land laws and the rules and regulations both in the General Land Office and the office of the Secretary. I encountered men in that Land Department capable of rendering profound and able opinions from the Supreme Bench or any other law tribunal in this country. They happened by the fortunes of politics to drop into a Department groove, and they never have been able to get out.

But, Mr. President, that does not answer the question. They have not the knowledge of the situation. I object to the amendment of the Senator from Colorado, first, because it will lead to a conflict of jurisdiction between the civil authorities and the War Department, in that it gives to the Secretary of War the policing of these waters. I object to it because it extends to all the shore line of Alaska. The amendment I have presented is confined to the shore line of the Bering Sea. The application of this law to southeastern Alaska, where vast enterprises have been built up and now exist and are being prosecuted, would lead to many hardships and controversies. I object to it because it takes no account of the men who in the early days of that Cape Nome camp, hazarding life and at great personal inconvenience, went forward and developed that coast, so as to make it an inviting field for enterprise and enterprising men all over the country.

The propositions presented are simple indeed. The proposition of the Senator from Colorado makes all this system of rules departmental government. The rule would be made in Washington and sent forth 8,000 miles to govern conditions concerning which the writer of the rule had little or no knowledge. The other proposition, the amendment I have had the honor to present, gives the right and transfers the making of the rule to the men who have to deal with the hard conditions that will confront our citizens at Cape Nome.

Mr. WOLCOTT. Now let us vote.

Mr. PETTUS. I desire to ask the Senator from Montana a question. There seems to be here a wrong impression, and that is that these miners are to make laws contrary to the laws of the United States. I want to know if that is in contemplation by the amendment he has offered, or whether it is that they are to make their local laws subject to all the laws of the United States?

Mr. CARTER. I accept the suggestion of the Senator from Alabama, and will suggest an amendment, with the permission of the Senator from Colorado, which will take but one moment. I will strike out the words "allow the location of mining claims larger in area than placer claims under the" and insert in lieu thereof the words "be in conflict with the mining laws of;" so that the proviso will read:

Provided, That the rules and regulations established by the miners shall not be in conflict with the mining laws of the United States; and all permits heretofore granted authorizing any person or persons, corporation, or company to excavate or mine under any of said waters are hereby revoked and declared null and void.

Mr. STEWART. That will cover it.

Mr. SCOTT. That covers it.

Mr. WOLCOTT. Of course that does not touch the substitute. We vote first upon the substitute and then upon the amendment.

Mr. PERKINS rose.

Mr. WOLCOTT. I hope we may have a vote. I ask for the yeas and nays.

Mr. PERKINS. Mr. President, I want to say one word. This is a very important question. It is a new phase of mining that has never occurred before. I know my friend is impatient.

Mr. WOLCOTT. It is nearly 2 o'clock.

Mr. STEWART. And we can not get a vote after that time.

Mr. WOLCOTT. However, go ahead.

Mr. PERKINS. I have an object lesson here. I want to show you where we are dredging now. But it is 2 o'clock, Mr. President.

Mr. FORAKER rose.

Mr. WOLCOTT. I appeal to the Senator from Ohio to just let us have a vote on this substitute; that is all.

Mr. BERRY. Let us have the yeas and nays on it.

Mr. PERKINS. I wanted to say merely a word or two.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. I do not want to yield for any speech, but I am willing to yield for a vote to be taken—simply for a vote.

Mr. BERRY. Let us vote.

The PRESIDENT pro tempore. The unfinished business, without objection, will be temporarily laid aside for the purpose of taking a vote on the pending amendments. Is the Senate ready for the question?

Mr. BERRY and Mr. STEWART called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. JONES of Arkansas (when his name was called). I am paired with the senior Senator from Connecticut [Mr. PLATT]. If he were present, I should vote "yea."

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. He is absent, and I therefore withhold my vote.

Mr. NELSON (when his name was called). I am paired with the junior Senator from Missouri [Mr. VEST]. I transfer that pair to the senior Senator from New Jersey [Mr. SEWELL] and vote "nay."

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If I had a right to vote, I would vote "nay."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN]. I therefore withhold my vote.

Mr. PROCTOR (when his name was called). I am paired with the senior Senator from Florida [Mr. MALLORY]. Not knowing how he would vote, I withhold my vote.

Mr. QUARLES (when his name was called). I have a general pair with the junior Senator from Texas [Mr. CULBERSON], but I transfer that pair to the senior Senator from Massachusetts [Mr. HOAR] and vote "yea."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. As he is absent, I will have to withhold my vote. If I were at liberty, I should vote "nay."

Mr. HANSBROUGH. I suggest to the Senator that we transfer our pairs.

Mr. TILLMAN. I will be glad to do so.

Mr. HANSBROUGH. However, I do not know how the Senator from South Carolina would vote.

Mr. TILLMAN. I would vote "nay" if I had a chance.

The PRESIDENT pro tempore. The roll call will proceed.

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER].

Mr. WELLINGTON (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. BUTLER]. As he is absent, I withhold my vote. If he were present, I would vote "nay."

The roll call was concluded.

Mr. HANNA (after having voted in the negative). I inquire if the Senator from Utah [Mr. RAWLINS] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. HANNA. Then I withdraw my vote.

Mr. SEWELL. I desire to announce that the Senator from Iowa [Mr. ALLISON] is paired with the Senator from Missouri [Mr. COCKRELL]. They are engaged at the present time in a hearing on the District of Columbia appropriation bill.

The PRESIDENT pro tempore. The Senator was not understood at the desk.

Mr. SEWELL. The Senator from Iowa [Mr. ALLISON] is paired with the Senator from Missouri [Mr. COCKRELL]. They are engaged in public business at the present time.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and I withhold my vote.

Mr. CULLOM. I desire to inquire if the junior Senator from Virginia [Mr. MARTIN] has voted.

The PRESIDENT pro tempore. He has not voted.

Mr. CULLOM. I am paired with that Senator, and I withhold my vote.

Mr. McBRIDE. I have a general pair with the junior Senator from Mississippi [Mr. SULLIVAN]. As he is absent, I will withhold my vote.

Mr. PETTUS. I vote "nay" under the arrangement announced by the Senator from Wisconsin [Mr. QUARLES].

The Secretary recapitulated the vote.

Mr. HEITFELD (after having voted in the affirmative). Has the senior Senator from New York [Mr. PLATT] voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. HEITFELD. I withdraw my vote. I am paired with that Senator.

Mr. HANSBROUGH. In the absence of a quorum, I take the liberty of voting. I vote "nay."

Mr. DAVIS. I will transfer my pair with the Senator from Texas [Mr. CHILTON] so that I can vote. I vote "nay."

Mr. TILLMAN. In order to make a quorum I will vote. I vote "nay."

Mr. WELLINGTON. I suggest, as the Senator from Idaho [Mr. HEITFELD] has withdrawn his vote, that we exchange pairs. He is paired, I understand, with the Senator from New York [Mr. PLATT]. I am paired with the Senator from North Carolina [Mr. BUTLER]. I suggest that if we transfer those pairs mutually, we can both vote.

Mr. HEITFELD. Very well. I vote "yea."

Mr. WELLINGTON. I vote "nay."

Mr. PLATT of New York. I vote "nay."

The result was announced—yeas 21, nays 28; as follows:

YEAS—21.

Bard,	Gallinger,	Lodge,	Spooner,
Clay,	Gear,	McComas,	Taliaferro,
Davis,	Heitfeld,	McMillan,	Wolcott.
Fairbanks,	Kean,	Mason,	
Foraker,	Kenney,	Morgan,	
Foster,	Lindsay,	Quarles,	

NAYS—28.

Allen,	Deboe,	McCumber,	Sewell,
Bacon,	Elkins,	Nelson,	Shoup,
Bate,	Frye,	Perkins,	Stewart,
Berry,	Hansbrough,	Pettus,	Tillman,
Carter,	Harris,	Platt, N. Y.	Turley,
Clark, Mont.	Hawley,	Ross,	Wellington,
Clark, Wyo.	Kyle,	Scott,	Wetmore.

NOT VOTING—38.

Aldrich,	Culberson,	McEnery,	Rawlins,
Allison,	Cullom,	McLaurin,	Simon,
Baker,	Daniel,	Mallory,	Sullivan,
Beveridge,	Depew,	Martin,	Teller,
Burrows,	Hale,	Money,	Thurston,
Butler,	Hanna,	Penrose,	Turner,
Caffery,	Hoar,	Pettigrew,	Vest,
Chandler,	Jones, Ark.	Platt, Conn.	Warren.
Chilton,	Jones, Nev.	Pritchard,	
Cockrell,	McBride,	Proctor,	

So Mr. WOLCOTT'S amendment to the amendment was rejected.

Mr. FORAKER rose.

Mr. CARTER. I ask the Senator from Ohio to yield for a moment that the formal question on the amendment we have been discussing may be submitted to the Senate. If it is to lead to a roll call I shall not insist on the question being put.

The PRESIDENT pro tempore. Does the Senator from Ohio yield for that purpose?

Mr. FORAKER. Yes, sir.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. CARTER].

The amendment was agreed to.

GOVERNMENT FOR PUERTO RICO.

Mr. FORAKER. I ask the Chair to lay before the Senate the unfinished business.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, being House bill 8245.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment submitted by the Senator from Alabama [Mr. MORGAN].

Mr. FORAKER. The roll call had been ordered upon the amendment offered by the Senator from Alabama providing for the coinage of silver and gold. I ask that the amendment may be read for the information of the Senate.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Alabama will be stated.

The SECRETARY. It is proposed, after section 7, to add the following:

SEC. —. That any citizen of the United States who shall deposit for coinage, at any mint in the United States, silver bullion of the value of not less than $100, estimated at the rate of 371¼ grains of pure silver per dollar, and at the same time and as a part of the same deposit shall also deposit gold bullion for coinage of equal or greater value, estimated at the rate of 23.22 grains of pure gold per dollar, shall be entitled to have such gold and silver bullion coined in such lawful denominations of gold and silver coins of the United States as he shall designate, and after such deposit none of said bullion shall be withdrawn as bullion from such mint, but such gold and silver bullion shall be coined and the coin shall be delivered to the depositor, his or her assigns or legal representatives, in discharge of the certificate of deposit issued for such deposit.

The superintendent of such mint shall issue to such depositors certificates of deposit, in accordance with this act, and shall refine and coin such bullion of gold and silver for and on account of such depositors in the same manner as if the same was owned by and was coined on account of the Government of the United States, and the charges for refining and coining such bullion shall be the same as are lawfully made in such cases.

No gold or silver bullion shall be deposited for coinage under this act that has been coined or manufactured as an article of commerce, or that is not the product of mines in the United States.

The PRESIDENT pro tempore. The Secretary will call the roll on the adoption of the amendment.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. If at liberty to vote, I should vote "nay."

Mr. CULLOM (when his name was called). I am paired with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were present, I should vote "yea."

Mr. KENNEY (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE].

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], but the Senator from Illinois [Mr. CULLOM] and I have agreed to transfer our pairs; so that the junior Senator from Virginia [Mr. MARTIN], who has a general pair with the Senator from Illinois [Mr. CULLOM], will stand paired with the Senator from Massachusetts [Mr. HOAR], and the Senator from Illinois and I will be at liberty to vote. I vote "yea."

Mr. CULLOM. Under that arrangement I am at liberty to vote, and I vote "nay."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN], and therefore withhold my vote.

Mr. PROCTOR (when his name was called). I am paired with the senior Senator from Florida [Mr. MALLORY].

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER].

Mr. WETMORE (when his name was called). My colleague, the senior Senator from Rhode Island [Mr. ALDRICH], is unavoidably absent. A pair for him has been arranged with the Senator from Colorado [Mr. TELLER]. If my colleague were present, he would vote "nay." I vote "nay."

The roll call was concluded.

Mr. BURROWS. I am advised that the Senator from Louisiana [Mr. CAFFERY], with whom I am paired, if present, would vote as I shall upon this proposition. I therefore take the liberty of voting, and vote "nay."

Mr. HANSBROUGH. I suggest to the Senator from Delaware [Mr. KENNEY] that we transfer our pairs. I am paired with the Senator from Virginia [Mr. DANIEL]. I will transfer that pair to the Senator from Pennsylvania [Mr. PENROSE], which will allow both the Senator from Delaware and myself to vote.

Mr. KENNEY. That is satisfactory to me.

Mr. HANSBROUGH. Under that arrangement I vote "nay."

Mr. KENNEY. I vote "yea."

Mr. MASON. I desire to inquire if the junior Senator from Mississippi [Mr. SULLIVAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Mississippi has not voted.

Mr. MASON. I have a general pair with that Senator. If he were present, I should vote "nay."

Mr. NELSON. I am paired with the junior Senator from Missouri [Mr. VEST], but I transfer that pair to the junior Senator from Indiana [Mr. BEVERIDGE] and vote "nay."

Mr. SCOTT. I inquire of the Chair whether the Senator from Florida [Mr. TALIAFERRO] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. SCOTT. I am paired with that Senator, and therefore withhold my vote.

Mr. McBRIDE. I desire to announce that my colleague [Mr. SIMON], if present, would vote "nay."

Mr. CLARK of Montana. I am generally paired with the junior Senator from Indiana [Mr. BEVERIDGE]; but I understand that the pair has been transferred, so that the Senator from Indiana stands paired on this vote with the Senator from Missouri [Mr. VEST]. That leaves me at liberty to vote, and I vote "yea."

Mr. PROCTOR. I should like to inquire if any pair has been announced with the junior Senator from New York [Mr. DEPEW]?

The PRESIDENT pro tempore. The Chair is informed that no pair has been announced with the Senator from New York.

Mr. PROCTOR. Then I will transfer my pair with the senior Senator from Florida [Mr. MALLORY] to the junior Senator from New York [Mr. DEPEW] and vote. I vote "nay."

The result was announced—yeas 15, nays 33; as follows:

YEAS—15.

Allen,	Clark, Mont.	Heitfeld,	Pettus,
Bacon,	Clay,	Kenney,	Stewart,
Bate,	Culberson,	Money,	Turley.
Berry,	Harris,	Morgan,	

NAYS—33.

Baker,	Frye,	Lodge,	Quarles,
Bard,	Gallinger,	McBride,	Ross,
Burrows,	Gear,	McComas,	Sewell,
Clark, Wyo.	Hale,	McCumber,	Shoup,
Cullom,	Hansbrough,	McMillan,	Spooner,
Deboe,	Hawley,	Nelson,	Wetmore.
Fairbanks,	Kean,	Perkins,	
Foraker,	Kyle,	Platt, N. Y.	
Foster,	Lindsay,	Proctor,	

NOT VOTING—39.

Aldrich,	Davis,	Martin,	Taliaferro,
Allison,	Depew,	Mason,	Teller,
Beveridge,	Elkins,	Penrose,	Thurston,
Butler,	Hanna,	Pettigrew,	Tillman,
Caffery,	Hoar,	Platt, Conn.	Turner,
Carter,	Jones, Ark.	Pritchard,	Vest,
Chandler,	Jones, Nev.	Rawlins,	Warren,
Chilton,	McEnery,	Scott,	Wellington,
Cockrell,	McLaurin,	Simon,	Wolcott.
Daniel,	Mallory,	Sullivan,	

So the amendment of Mr. MORGAN was rejected.

Mr. FORAKER. I understand that the Senator from Minnesota [Mr. DAVIS] wants to speak on the bill now under consideration, and before offering any more amendments I yield to him that he may address the Senate.

Mr. FAIRBANKS. If the Senator from Minnesota will permit me a moment, I wish to give notice that at the conclusion of the Senator's remarks I shall move an executive session.

Mr. DAVIS. Mr. President, I am so desirous that a vote be had upon this bill at the earliest day possible that I have thought it better to address the Senate this morning with much less preparation and much less at length than I otherwise would. This fact will cause me to omit, as I might not have done, some discussion of the constitutional questions involved in this debate, and many other matters which, in my judgment, are auxiliary and collateral to the subject as I shall now consider it. Indeed, so far as I am concerned, I do not think, Mr. President, that any argument on my part is necessary concerning those constitutional questions. I am content, for the present at least, and in this connection, to rest my views upon the almost judicial deliverances upon that subject of the Senator from Kentucky [Mr. LINDSAY] and the Senator from Vermont [Mr. ROSS].

I shall try, Mr. President, with all temperateness of expression, and certainly with temperateness of feeling, to submit to the Senate my views upon this matter as it now stands. It is an important question, and, in my judgment, it is a nonpartisan question. No remark that I shall make will have, intentionally, the least tinge of partisanship in my endeavor to adjust a most unfortunate complication into which this measure has fallen.

Mr. President, I shall speak more particularly to what is known as the House bill, which is embedded in and has become a part of the bill for the civil government of Puerto Rico now under consideration. That bill provides that a tariff rate of 15 per cent as between the United States and Puerto Rico, both ways, of the present tariff duties shall be levied. It also provides that internal-revenue taxes shall, upon goods exported from Puerto Rico to the United States and vice versa, be levied at the ports of entry.

It can not be denied, Mr. President, that at the time this bill was reported elsewhere a tide of public opinion and dissent set in against the very principle upon which it is based. That dissent began with surprise; it progressed to remonstrance; and from thence it went to indignation. It was not the protest of the members of any party. The dissent did not coincide at all upon party lines. It came from every walk of life; it was communicated through every avenue of thought; and it is based upon this principle, that as to Puerto Rico there should be an unrestrained freedom of commercial intercourse; that as to Puerto Rico, considered as Puerto Rico, under the particular circumstances of the case and what has taken place in regard to that island, there should be free trade between Puerto Rico and the United States.

Mr. President, upon that particular contention there is in this body and elsewhere an infinite variety of opinion, not only as to the two opposite views, but as to the minor shades and collateral controversies that darken the entire subject. It has been asserted and denied that we have the right to legislate by way of imposing tariff duties as proposed, and all sorts of questions, all sorts of arguments, all sorts of objections have gathered around this controversy and obscured it with words.

I gave notice this morning of two amendments which I intend to propose to the pending bill in regard to this House measure. I shall only explain one of them at present, and that amendment is this: The creation of Puerto Rico into an internal-revenue district; no stamp tax to be levied in that district; 15 per cent of the internal-revenue tax to be laid in that district upon all taxable articles, with the exception of distilled spirits and tobacco and the manufactures thereof, upon which internal-revenue taxes shall be levied in Puerto Rico; that there shall be free trade between Puerto Rico and the United States, and that the law shall continue until the 1st of March, 1902.

Whatever may be said as in contention upon the other part of the subject, whether, considering Puerto Rico as a dependency or as a colony or as a part of the United States, we can or can not levy tariff duties as between that island and us, there can be no doubt whatever upon this general principle, that, so far as internal-revenue taxes are concerned in Puerto Rico, no such question can arise under the abstract and inherent power of this Government to levy them.

Now, Mr. President, why insist, I submit in all candor, that a tariff shall be levied and that no other mode of taxation shall be employed? Why, when dealing with the question of revenue and taxation, do some of our friends here seem to close their eyes to the consideration that there may be another way of solving this difficulty and of raising the revenue which will relieve Congress and the country entirely from the considerations which have vexed the minds of everybody, a way of doing it, indubitably constitutional in its general theory, however it may be subject to exception as to its details? It seems to me that a proper consideration of the subject ought to incline everybody——

Mr. FORAKER. Will the Senator object to an interruption?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield?

Mr. DAVIS. I must decline to yield, Mr. President.

Mr. FORAKER. It is just for an inquiry.

Mr. DAVIS. I must decline to yield.

The PRESIDENT pro tempore. The Senator from Minnesota declines to yield.

Mr. DAVIS. Why, Mr. President, insist upon a tariff by a bill which by its very terms is so temporary and ephemeral as to expire in less than two years from this day? Why insist upon the perpetration of a measure of this character, which is agitating public opinion and has divided public sentiment, when it would be far better to let all things alone and allow existing conditions to continue?

I can not see why there can be any objection to the course proposed by the amendment which I shall introduce at the proper time. It certainly would, in my opinion, go very far to satisfy and appease the protests which have been made against the proposed measure. As to Puerto Rico itself, I undertake to say that it would be acceptable, because when the delegates from that island were here before the committee, whose report I hold in my hand, protesting against a tariff and pleading for unrestrained freedom of commercial intercourse, upon this very question of internal revenue the following proceedings took place, as will be found on page 179 of the report. The Senator from California [Mr. PERKINS] was examining one of the delegates from Puerto Rico, Mr. Larrinaga.

Mr. PERKINS. What effect do you think the application of our internal-revenue laws to the island would have? We have a tax upon alcoholic spirits, and you make a great deal of rum, and there will probably be breweries established there, and there is a proprietary and stamp tax. Do you think the people would like that system?

Mr. LARRINAGA. Yes, sir; we would accept it. Our people are conscious of their duties, as well as of their rights, and they would only think it fair.

Mr. PERKINS. Do you now impose any tax on distilleries?

Mr. LARRINAGA. Yes, sir; there is a tax levied.

Mr. PERKINS. Do you remember what it is?

Mr. LARRINAGA. I could not tell you.

The CHAIRMAN. Our tax is $1.10 per gallon. Your rum would be taxed at that rate if our internal-revenue system were applied as here. Could it stand that tax?

Mr. LARRINAGA. The feeling of the people, I believe, is that it would be right.

So that, if I interpret the signs of the times correctly, as to this country there is the utmost disapproval of this measure by a very large majority of the exponents of public sentiment, to say the least; and as to the island of Puerto Rico itself, its representatives were here, and their declaration in answer to the direct question was that they would be content with the internal-revenue system, applying, as it does, in large part to distilleries, which are already there, and which were licensed under the laws of Spain.

Mr. President, Puerto Rico came to this country under peculiar circumstances. It cost the United States $3,000,000 to disarm the insurgents in Cuba and to buy their guns. It did not cost us a dollar to disarm any army in Puerto Rico, for there was none of the natives; nor were we called upon to pay a dollar for any arms whatever. The people of that island welcomed the American

Army as those who went before them welcomed the Spanish discoverers, with rejoicing and with every expectation and hope. From the moment of the landing of our army, commencing with General Miles's proclamation, down through all the official declarations upon the subject, they have been promised the rights and immunities of American citizens, and our plain duty has been declared to be to give them free commercial intercourse with the United States, with no wall of customs duties intervening.

The bill which passed the Senate a few days ago in respect to the government of Hawaii imposed no tariff duties between that island, which we erected into a government, and the United States. It, too, is a semitropical island; it has the same range of agricultural productions as Puerto Rico. If there is any reason whatever to impose a tariff upon the products of Puerto Rico, there was the same reason for imposing a tariff upon the products of Hawaii. Wherein lies the difference? Wherein, on principle—both of them being outlying possessions of the United States, call them what you will—is the situation as to Puerto Rico different from that of Hawaii?

Why, Mr. President, this whole project and conception of imposing tariff duties upon the dependency of Puerto Rico self-generates objections wherever it is considered, and they also spring from every point of cotemporary history. I hold in my hand the convention entered into between the United States and Great Britain for reciprocity between the British West India Islands, six in number, and the United States—islands lying in the same sea with Puerto Rico, raising the same products, and having in a great degree the same character of inhabitants. In this treaty article after article in a long schedule, in schedule after schedule as to the several treaties, is put upon the free list, so that the English subjects of Jamaica, the Barbadoes, and the other islands can import into the United States the very articles upon which the United States proposes to levy its duty in the interchange of commerce between this country and our own people in Puerto Rico.

Mr. GALLINGER. The treaty has not been ratified.

Mr. DAVIS. My friend the Senator from New Hampshire remarks that the treaty has not been ratified. I did not say that it had been, but I might feel inclined to ask, Is it proposed to reject these treaties in order to justify the infliction of this tax upon Puerto Rico? It was the view of those intrusted primarily with the duty of negotiating treaties not long ago that it was fair negotiation and enlightened statesmanship to put many articles of produce of the British West Indies colonies upon the free list, and in direct and absolute contradiction of those views it is the view of those who are advocating this particular House bill that a course of conduct as to Puerto Rico directly the contrary shall be taken.

Mr. President, there have been all sorts of arguments to sustain this bill. At first it was charity. That argument has been taken away by the passage, since this measure passed the House, of the bill appropriating $2,095,000, the accumulations of existing conditions up to January 1, to the use and benefit of the island of Puerto Rico, and of subsequent accumulations while that law remains in force.

It has been said that this may be a precedent as to the Philippines, and that we must now inflict injustice upon the inhabitants of Puerto Rico because, forsooth, at some time, perhaps years hence or perhaps sooner, when rebellion is crushed in those islands and the authority of the United States is established, there may be some difficult questions of that kind in dealing with the Philippines. Mr. President, sufficient unto the day is the evil and also the good thereof. I would not wreak or work an injustice upon Puerto Rico by any such contingent remainder of apprehension as to the Philippines.

It is said that American labor and American industry need protection by this legislation as against Puerto Rico. It is too small to consider. But, Mr. President, if it is needed, what protection to American labor or American industry is 15 per cent of the Dingley rates upon any theory on which any protective tariff was ever framed? When the question of the Philippines comes to be considered, I do not care by what party in power, the interests of American labor will be protected so far as any apprehension can be entertained from that source.

Puerto Rico is 700 miles from our coast; the Philippines 8,000 miles. Puerto Rico is an actual and geographical dependency of the American continent; the Philippines belong to Asia. Puerto Rico can enter our political system. In the Philippines we have laid our hands upon the wealth and commerce of the Orient; and in less than twenty-five years, in my opinion, we shall see a return therefrom over that great ocean and upon the Western coasts of this continent that will put to confusion and refute every objection that has ever been made to that acquisition. When the time comes to adjust and settle the relations of this country to the Philippines, the rights of American labor will be protected by any party that may be in power.

Mr. President, how inconsistent this whole subject-matter seems when we consider it in detail? I understand, and I think I am reliably informed, that the provisions of the coasting laws of the United States are extended to Puerto Rico, so that all commerce between this country and that dependency must be done in vessels enrolled, licensed for the coasting trade, and owned in the United States. While we compel products from here carried there and products from there brought here in such ships of the United States, to submit to this proposed tariff imposition, we still retain and claim the advantage, and we will not yield it up, that our coast marine shall have the exclusive privilege of carrying taxed articles from a dependency of this country to the States, from us to our children and from our children to us.

It has been said, Mr. President, that it is very necessary to get a decision of the highest court of the land upon the question of the inequality of taxtion which arises under all the bills which have been presented on this subject. I agree. I think it is very important that such a decision shall be had as soon as possible, and hence in the amendment which I shall at the proper time lay before the Senate those questions are raised as is in the House bill in a variety of shapes. My amendment provides that there shall be no stamp tax; that the percentum of internal revenue tax shall be only 15 per cent as to everything except tobacco, and the manufactures thereof, and rum. The case can be as easily raised under one act as under the other, so that no advantage is possessed by the House bill in that respect over the amendment which I shall have the honor to propose at a very early day.

Mr. President, I think I could be as firm as anybody against a sudden, convulsive, transitory public opinion, but when the opinion of the public, whose servants we are, is heard, through every organ of expression, week after week, and swelling in intensity, volume, and indignation, and speaks with intelligence to us, it will be well for us to hear it, for it will make itself heard. It is said that this subject is not understood. Mr. President, it is well understood. It is in vain that any man can claim—he need not lay the flattering unction to his soul—that the editors of the great journals throughout the land do not understand the subject just as well as we. It is futile to pretend that the mass of the people throughout the country do not understand a subject so simple as this. They understand perfectly well the difference between building up a wall, which bars commercial intercourse between this country and one of its dependencies, and a system of taxation such as I shall propose, which, with no difference except in degree, imposes on Puerto Rico the same system or the same principle that is imposed in the United States.

Mr. President, in my opinion there is one thing which has contributed and will contribute more than anything else to the strength and earnestness of these admonitions that we have been receiving from a people who do understand this subject and understand it well. There are two subjects of scientific taxation out of which all civilized nations—the United States included—derive the most of their revenue to-day. Those articles are distilled spirits and tobacco. In the House bill there is not the imposition of a tithe of a mill upon either of those articles while they remain in Puerto Rico. Tobacco and rum, the greatest and most fruitful subject of taxation, while they remain in Puerto Rico are absolutely untaxed. The subjects of taxation which bear the heaviest burdens of our United States, State, and municipal governments there, of all the places in our dominion, go absolutely scot-free of any taxation whatever. What is the exchange for it? Fifteen per cent taxation on everything else that goes to Puerto Rico from the United States or comes to the United States from Puerto Rico.

It is so simple and easy to reverse that entire policy and way of doing things and make rum and tobacco in Puerto Rico bear the weight of taxation, as they do here and elsewhere throughout the civilized world, and make communication between Puerto Rico and the United States as to all goods exported or imported free, as it is between the United States and Alaska—it is so easy to do it, it would relieve the situation so completely in every way, that I am surprised and shall be surprised if the suggestion does not commend itself to the calm and deliberate reflection of everybody.

Mr. President, what will the good people of this country say and what are they saying and what have they a right to say concerning the bill of the House as it is presented in the body of this bill for the civil government of Puerto Rico? As to Puerto Rico, they say free rum; but tax the flour out of which is made the bread that people eat—we condemn it. They say free rum; but tax their clothing—we condemn it. They say free rum; but tax their boots and shoes—we condemn it. They say free rum; but tax the medicines which minister to the sick—we condemn it. When you consider, drawing the contrast between these systems sharply, as I do, that one is a system bitterly contested in this particular instance and upon grounds on which all parties profess to have the greatest confidence, and the other is established upon a principle at least which no one seems inclined to dispute; that one subject is a difficult method of taxation and the other the simplest known of all civilized fiscal processes; that the moral sense of the American people will be satisfied by placing the traffic on rum upon the

same ground in Puerto Rico as in the United States, and that it will not be satisfied if it is not so done; that the yield of revenue from the taxation of rum alone upon the rates of our internal-revenue taxation, that island producing 1,500,000 gallons a year, would be over a million five hundred thousand dollars annually, while no living man can tell how much or how little this tariff imposition will yield; when it is a matter of more than doubt whether the imposition upon goods going from the United States is not an export duty, and therefore forbidden by the Constitution; when with those contrasts it would seem perfectly certain that the American people would approve the internal-revenue system instead of the other, it does seem to me, Mr. President, that as a matter of considerate judgment they will not and we ought not to hesitate a moment which way to act.

Mr. President, I have said about all I want to say on this bill. It has been imperfectly said, inadequately said, but it has been said with the most thorough and unalterable conviction that what I have said is right, absolutely right, right not in a party sense, but politically, morally, and economically right. In my judgment, the only course that can be logically or wisely pursued under present conditions is to abandon this pernicious mockery of a tariff between Puerto Rico and the United States and return to the path of plain duty and pursue it to its logical and beneficial consequences.

Mr. MASON. I desire to give notice that on Tuesday next, after the routine business, I shall submit some remarks upon the pending Puerto Rican legislation.

On motion of Mr. FORAKER, it was

Ordered, That the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes, be reprinted with rearrangement of sections and amendments to be proposed by Mr. FORAKER on behalf of the committee.

EXECUTIVE SESSION.

Mr. FAIRBANKS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and forty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 29, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 28, 1900.

TO BE SECOND LIEUTENANTS IN THE MARINE CORPS.

William Garland Fay, a citizen of New York;
Robert Yancey Rhea, a citizen of Kentucky;
Frank Jacob Schwable, a citizen of Ohio;
Eli Thompson Fryer, a citizen of New Jersey;
Thomas Holcomb, jr., a citizen of Delaware; and
John P. V. Gridley, a citizen of Pennsylvania.

PROMOTIONS IN THE NAVY.

Lieut. John M. Orchard to be a lieutenant-commander in the Navy from the 18th day of February, 1900 (subject to the examinations required by law), vice Lieut. Commander Richard G. Davenport, promoted.

Lieut. John N. Jordan to be a lieutenant-commander in the Navy from the 9th day of March, 1900 (subject to the examinations required by law), vice Lieut. Commander Edward B. Barry, promoted.

Commander Henry W. Lyon to be a captain in the Navy from the 27th day of March, 1900, vice Capt. Charles S. Cotton, promoted.

Lieut. Augustus F. Fechteler, to be a lieutenant-commander in the Navy, from the 27th day of March, 1900, vice Lieut. Commander Herbert Winslow, promoted.

Christian Joy Peoples, a citizen of California, to be an assistant paymaster in the Navy, from the 27th day of March, 1900, to fill a vacancy existing in that grade.

THIRTY-SEVENTH INFANTRY.

Second Lieut. Samuel B. McIntyre, Thirty-seventh Infantry, to be first lieutenant, vice Sleeper, promoted.

The nomination of Second Lieut. Alvin K. Baskette, Thirty-seventh United States Volunteer Infantry, for promotion to be first lieutenant, same regiment, is withdrawn, and the nomination of Second Lieut. Samuel B. McIntyre for promotion in his place is made for the reason that it is found upon a revision of the records that Lieutenant McIntyre, having the same date of appointment as Lieutenant Baskette as second lieutenant, had longer prior service under commission, and is therefore entitled to seniority and to promotion in advance of Lieutenant Baskette.

COLLECTORS OF CUSTOMS.

Stuart F. McClearn, of Massachusetts, to be collector of customs for the district of Marblehead, in the State of Massachusetts, to succeed Charles H. Bateman, whose term of office will expire by limitation March 31, 1900.

Isaiah J. McCottrie, of South Carolina, to be collector of customs for the district of Georgetown, in the State of South Carolina, to succeed A. McP. Hamby, jr., resigned.

POSTMASTERS.

Emma Hapgood, to be postmaster at Marysville, in the county of Yuba and State of California, in the place of Charles Hapgood, deceased.

J. W. Harvey, to be postmaster at Monrovia, in the county of Los Angeles and State of California, in the place of J. F. Banning, whose commission expired February 1, 1900.

James L. Moorhead, to be postmaster at Boulder, in the county of Boulder and State of Colorado, in the place of E. L. Coates, whose commission expired February 24, 1900.

Thomas Quinney, to be postmaster at Waynesboro, in the county of Burke and State of Georgia, in the place of J. L. Fulcher, whose commission expired February 13, 1900.

A. W. Fletcher, to be postmaster at Highland Park, in the county of Lake and State of Illinois, in the place of William M. Dooley, whose commission expired February 18, 1900.

Fred H. Atwood, to be postmaster at Rumford Falls, in the county of Oxford and State of Maine, in the place of G. W. Stearns, resigned.

F. Horton Johnson, to be postmaster at Vineyard Haven, in the county of Dukes and State of Massachusetts, in the place of F. Horton Johnson, whose commission expired March 13, 1900. (Reappointed.)

Oliver P. Kendrick, to be postmaster at West Brookfield, in the county of Worcester and State of Massachusetts, in the place of Oliver P. Kendrick, whose commission expires April 23, 1900. (Reappointed.)

Edmund W. Nutter, to be postmaster at East Bridgewater, in the county of Plymouth and State of Massachusetts, in the place of Edmund W. Nutter, whose commission expired February 13, 1900. (Reappointed.)

William H. Pierce, to be postmaster at Winchendon, in the county of Worcester and State of Massachusetts, in the place of Martin McCabe, whose commission expires April 6, 1900.

E. O. Dewey, to be postmaster at Owosso, in the county of Shiawassee and State of Michigan, in the place of Charles Lawrence, whose commission expires April 8, 1900.

Walter W. Harrington, to be postmaster at North Branch, in the county of Lapeer and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Bernard Monnich, to be postmaster at Hooper, in the county of Dodge and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Gilbert W. Randall, to be postmaster at Newman Grove, in the county of Madison and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

William Royer, to be postmaster at Seward, in the county of Seward and State of Nebraska, in the place of F. G. Simmons, removed.

Charles W. Russell, to be postmaster at New Brunswick, in the county of Middlesex and State of New Jersey, in the place of C. D. Deshler, whose commission expired March 11, 1900.

Merrill Hosmer, to be postmaster at Potsdam, in the county of St. Lawrence and State of New York, in the place of Patrick Hurley, whose commission expired February 11, 1900.

Herbert Lloyd, to be postmaster at Chapel Hill, in the county of Orange and State of North Carolina, in the place of W. N. Pritchard, whose commission expired March 3, 1900.

Charles A. Hartley, to be postmaster at Pomeroy, in the county of Meigs and State of Ohio, in the place of W. H. Huntley, removed.

Daniel G. Engle, to be postmaster at Marietta, in the county of Lancaster and State of Pennsylvania, in the place of T. J. Buchanan, whose commission expires April 23, 1900.

Henry F. Hershey, to be postmaster at Steelton, in the county of Dauphin and State of Pennsylvania, in the place of E. M. Daron, whose commission expired January 9, 1900.

Henry D. Ruth, to be postmaster at Lansdale, in the county of Montgomery and State of Pennsylvania, in the place of W. L. Diehl, whose commission expired January 9, 1900.

William D. Williams, jr., to be postmaster at McDonald, in the county of Washington and State of Pennsylvania, in the place of Boyce Rankin, resigned.

J. K. P. Marshall, to be postmaster at Cleveland, in the county of Bradley and State of Tennessee, in the place of F. P. Kanestor, whose commission expired February 24, 1900.

James I. Carter, to be postmaster at Arlington, in the county of Tarrant and State of Texas, the appointment of a postmaster for

the said office having, by law, become vested in the President on and after January 1, 1900.

Charles P. Ziegenhals, to be postmaster at Bastrop, in the county of Bastrop and State of Texas, in the place of Durant H. Bell, whose commission expired February 13, 1899.

Henry J. Goddard, to be postmaster at Chippewa Falls, in the county of Chippewa and State of Wisconsin, in the place of G. B. McCall, whose commission expires April 23, 1900.

WITHDRAWALS.

Executive nominations withdrawn March 28, 1900.

Second Lieut. Alvin K. Baskette, to be first lieutenant, Thirty-seventh Regiment of Infantry.

Rufus Pryer, to be postmaster at Newman Grove, in the State of Nebraska.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 28, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

PLACER MINING IN ALASKA.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that House bill 9294 be recommitted to the Committee on Public Lands. There is some misunderstanding as to its terms.

The SPEAKER. The gentleman from Iowa asks that House bill 9294 be recommitted to the Committee on Public Lands.

Mr. RICHARDSON. Let the title be reported.

Mr. LACEY. It is a bill to limit placer mining.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

House bill 9294, to limit placer mining claims in the district of Alaska, and for other purposes.

Mr. LACEY. The question was raised in the committee——

Mr. RICHARDSON. I want to ask the gentleman if we did not consider this bill the other day?

Mr. LACEY. No; this is a bill to limit the number of claims that may be taken up. It is not the bill that was up the other day.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. LACEY]? [After a pause.] The Chair hears none.

REPRINT OF BILL.

Mr. LACEY. Now, Mr. Speaker, I ask unanimous consent to have a reprint of bill 9310. There has been one reprint already, which has been exhausted.

The SPEAKER. The gentleman from Iowa asks unanimous consent for reprint of House bill 9310.

Mr. RICHARDSON. Let the title be reported, Mr. Speaker.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 9310 extending in the district of Alaska the placer-mining laws to lands reserved from sale in sections 1 and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes."

Mr. LACEY. Mr. Speaker, there has already been one reprint, and that reprint has been exhausted. I ask for a reprint of the bill as it passed the House; and it would be well to enlarge the number of copies on account of the demand for this bill.

Mr. SHAFROTH. I think we ought to have a reprint of the bill to the extent of 500 copies. The demand made upon me for the prospective mining laws of Alaska has been very great.

Mr. LACEY. Mr. Speaker, I ask for a reprint to the extent of 500 copies.

The SPEAKER. The gentleman from Iowa asks unanimous consent for a reprint of the bill of 500 copies. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

AMENDING SECTION 1176, REVISED STATUTES.

Mr. NORTON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 911, to amend section 1176 of the Revised Statutes.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1176 of the Revised Statutes of the United States be, and the same hereby is, amended so as to read as follows:

"Every soldier, sailor, and marine of the Union Army, Navy, or Marine Corps who is now, or may hereafter be, pensioned for rupture is entitled to receive, free of expense to such soldier, sailor, or marine, a single or double truss of such style as may be designated by the Surgeon-General of the United States Army as best suited to his disability."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed.

On motion of Mr. NORTON of Ohio, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SALES OF OTOE AND MISSOURIA LANDS.

Mr. CALDERHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3207) approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas.

The SPEAKER. The Chair desires to say to the House that no time is it more important for the House to be in order than when unanimous consent is being asked for. The Chair asks members to cease conversation.

The Clerk read the bill, as follows:

Be it enacted, etc., That the revision and adjustment of the sales of lands in the late reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, to which more than three-fourths of the adult male members of said tribes have given their consent, by an instrument in writing dated the 20th day of November, 1899, and now on file in the office of the Secretary of the Interior, is hereby approved and confirmed, and the Secretary of the Interior is hereby directed to carry the same into full force and effect as to all delinquent purchasers of said lands, their heirs and legal representatives, in the following manner, to wit: The Secretary of the Interior shall cause notice to be given to said purchasers, their heirs and legal representatives, respectively, of the amounts of the deferred payments found to be due and unpaid on their respective purchases under the adjustment hereby confirmed; and within one year thereafter it shall be the duty of such purchasers, their heirs and representatives, respectively, to make full payment in cash of the amounts thus found to be due by them, severally, and in default of such payment within said period of one year the entry of any purchaser so in default shall be forthwith canceled and the lands shall be resold for the benefit of the Indians at not less than the appraised value thereof, and in no case at less than $2.50 per acre, as provided in the act under which they were originally sold. Upon making such complete payment within the time so fixed each purchaser, his heirs or legal representatives, shall be entitled to receive a patent for the lands so purchased.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDOX. Mr. Speaker, I would like to hear some explanation.

Mr. CALDERHEAD. This bill, Mr. Speaker, is merely to approve a settlement which has been made between the settlers and the Indians. A controversy has been pending as to the price that should be paid for the lands for about sixteen years. At two or three different times Congress has passed an act approving the settlement, subject to approval by the tribes, but the tribes would never approve the settlements offered until lately.

Mr. LACEY. Mr. Speaker, if this bill is to lead to debate, I shall object to it. I do not care to make the objection now.

The SPEAKER. The Chair again appeals to the House. The gentleman from Kansas has been sick and is not able to make himself heard, and it is an important matter for the House to understand.

Mr. CALDERHEAD. Mr. Speaker, this is the second or third time that Congress has passed an act authorizing these settlers to make a settlement with the tribes as to the sale of these lands. These settlements have always been subject to the approval of the tribes, and the tribes have never given consent until this time. Now they have given assent by three-quarters of the adult members of the tribes. It is a controversy that has been pending for sixteen years. It is a settlement that has the approval of the Department, and all that the bill provides for is to authorize the Secretary to approve the settlement and carry it out. The gentleman from Oklahoma [Mr. FLYNN] is familiar with the controversy, and I desire to yield time to him.

Mr. LACEY. Mr. Speaker, retaining the right to object, I want some arrangement made as to time.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. CALDERHEAD. I now yield to the gentleman from Oklahoma [Mr. FLYNN].

Mr. FLYNN. In the first place, let me say, Mr. Speaker, that this bill does not involve any charge on the Treasury of the United States. The facts are that the Otoe and Missouria Indians in 1883 sold their reservation in the States of Nebraska and Kansas to certain settlers. The reservation had been appraised at $256,887.07 and put up at auction. One of the worst scandals known to the history of the Land Department was inaugurated there. Almost everybody connected with the transaction, except the Commissioner of the General Land Office, was afterwards sent to the penitentiary. The settlers, although the appraisement was only $256,887.07, bid the property up to $516,851.52.

Afterwards, when they refused to pay the amount they had bid, they claimed that the Commissioner of the General Land Office was present and told them to bid whatever they liked and they would get the land at the appraised value. Accordingly their bids went up to twice the appraised value. As I have stated, when the time for settlement came, many of the settlers refused to pay what they had bid, claiming that the Department had told them they could get the land at the appraised value, no matter what they had bid. This matter has been pending since 1883. The Indians were sent to Oklahoma. They were unable to get all their money. The land has been exempt from taxes in Nebraska and Kansas since 1883. Some of this land, I understand, is now worth forty or fifty dollars an acre.

Some time ago Congress passed an act authorizing the Secretary of the Interior to see whether a compromise could be made

between some three hundred and odd settlers and the Indians. The Secretary at various times undertook to make a compromise, but was unsuccessful. Last November a compromise agreement was entered into between the representatives of the settlers and the Indians. This bill proposes to authorize the Secretary of the Interior to approve that agreement, whereby the Indians will obtain, in addition to what they have already received, about $110,000. That is the whole of this proposition in a nutshell.

In the Committee on Indian Affairs the gentleman from Iowa gave notice that he was not satisfied with the proposed settlement. The facts are these: The purchase price, according to the bids, was $516,851.52; the appraised price was $256,887.07; the amount paid on the purchase price already is $360,117.27; the amount of interest already paid is $75,000, which would give the Indians in the settlement about $546,000, or $20,000 more than the land was auctioned off for. The gentleman from Iowa contends the Indians should have every dollar that was bid, with interest thereon from that time.

As a Representative of the district in which these Indians now reside, I for one say, "Yes; I would like to let them have the full amount of principal and interest. But they have been kept out of much of the interest and principal since 1883; and if we hang up this settlement now we do not know whether they will ever get the money." As a representative of the Indians who reside there and whose land was sold, I believe that under the circumstances the Secretary of the Interior has made the best settlement that was possible. I was ordered to report the bill and am here with the gentleman from Kansas [Mr. CALDERHEAD] to advocate the passage of this act, which has already passed the Senate.

Mr. MERCER. Has the Interior Department fully concurred in this report?

Mr. FLYNN. This bill was drafted in the Interior Department. I never saw it until they sent it to us, asking that it be introduced and passed.

Mr. MADDOX. Has there ever been any question about the appraisement?

Mr. FLYNN. No. The question arose over this proposition. As I have stated, the land was appraised at $256,887.07 and was bid in at $516,851.52. Some of the settlers who bid it in refused afterwards to pay what they had bid, claiming that the Commissioner of the General Land Office was there and knew the rascality of some of the Government officials connected with the sale and told the bidders to bid whatever they liked and it would be made right.

Mr. MADDOX. What did the "rascality" consist in.

Mr. FLYNN. As I understand, some officials told the settlers to bid what they liked, and if they would pay $10 on every one hundred or two hundred their bid would be reduced accordingly.

Mr. MADDOX. Was the amount bid a fair price for the property?

Mr. FLYNN. That is a debatable question. The settlers contended that they bid regardless of what the land was worth, believing that the appraised value, which was fair, would be the price at which they would ultimately get the land.

Mr. CALDERHEAD. Allow me to say that I live in the locality where this transaction occurred, and I can say that the appraisement was higher than the market price of the same kind of land at that time anywhere within 50 miles of it.

But the settlers went upon the land for the purpose of buying it and getting the advantage of the long-time deferred payments which were to follow. When they went and occupied the lands, as they supposed, to have the advantage of being settlers at the time that they would bid at the sale—when they went to the sale they found that some kind of an agreement had been made between the land officers and some sharks, some other men with money, who were to bid against the settlers for the purpose of running up the price on them.

Mr. MADDOX. Is this bill unanimously reported from the committee?

Mr. CALDERHEAD. It is a unanimous report, except the gentleman from Iowa [Mr. LACEY].

Mr. MADDOX. Does it come from the Committee on Public Lands or the Committee on Indian Affairs?

Mr. FLYNN. Indian Affairs.

Mr. CALDERHEAD. It comes from the Committee on Indian Affairs. Now I ought to yield to the gentleman from Iowa [Mr. LACEY].

Mr. SIMS. I want to ask the gentleman from Oklahoma [Mr. FLYNN] a question. I understood the gentleman to say that the reason they bid more than it was worth was that it was understood that by making a side bid to an officer they could have the bid reduced.

Mr. FLYNN. No.

Mr. SIMS. Ten dollars on the side, was the gentleman's language.

Mr. FLYNN. The gentleman did not understand me exactly. I have been told by a gentleman who handled this case in those days that there was great anxiety to secure this land. There was competition in the bids, and, as the gentleman from Kansas [Mr. CALDERHEAD] said, the land was bid up higher than any land within fifty or a hundred miles of it, with an understanding that no matter what they bid they could get the land at the appraised value, which was presumed to be fair.

Mr. SIMS. By paying something to these officers?

Mr. FLYNN. No; they came out under a proposition where it was stated that on the side they were told by some gentlemen who were around there that if they would hand in ten or twenty dollars, their bid would be reduced.

Mr. SIMS. Reduced one hundred dollars for every ten.

Mr. FLYNN. That was my understanding of it.

Mr. SIMS. And that they acted upon that idea.

Mr. FLYNN. Well, they have not paid these Indians since. I do not know what idea they acted on.

Mr. SIMS. Are these gentlemen coming in here with clean hands to complain of a bargain which they tried to avoid by indirection and bribery?

Mr. FLYNN. The gentleman is mistaken about that.

Mr. DOLLIVER. Different people are concerned now.

Mr. FLYNN. The contention was that no matter what happened at the time, the Commissioner of the General Land Office was there in person and told them to go on and bid what they liked, with the understanding that they could afterwards secure the land at the appraised value, which was presumed to be a fair value.

Mr. CALDERHEAD. Now I yield to the gentleman from Iowa [Mr. LACEY] whatever time he thinks he will need—five or ten minutes.

The SPEAKER. The gentleman from Iowa.

Mr. LACEY. I should like to have the attention of the House briefly. The matter involved in this bill does not concern the Government of the United States in dollars and cents, but it concerns the honor of the Government. This House is, in part, the guardian of these Indians. This proposition is that after men bought certain land at public auction, entering into a written contract to pay the bid price per acre for that land, now the written contract with the Indians is to be treated as null and void, and the land is to be taken away from the Indians and given to these people on an appraisement made seventeen years ago.

That is the proposition, and it is said that it is this or nothing. The settlers say that they had a verbal arrangement with the Commissioner of the General Land Office by which they were to bid on this land, and that after bidding it in they were not to pay for it, or were only to pay for it what it was worth; that it was to be made right with them in some sort of a way. The Commissioner of the Land Office says he made no such arrangement. He denies it absolutely.

These men have for seventeen years occupied this land. They never have paid a dollar of rent on it; they never have paid a cent of taxes on it; they never have paid a cent of interest on it; they never have paid a cent of principal on it, beyond the original partial payments. They have held up these Indians for seventeen years and refused to carry out their contract, and they now come in after all this lapse of time and present an agreement which they forced the Indians to make, to scale the contracts down, the Indians being in Oklahoma and the understanding being that it was that or nothing.

Mr. FLYNN. Will the gentleman permit a question?

Mr. LACEY. In a moment. Now, my friend from Kansas [Mr. CALDERHEAD] has stated time and again that he has a letter which will prove that the Commissioner of the Land Office made this sort of an arrangement. I call on him to read that letter to the House. I have thus far been unable to obtain it. I do not understand why these Indians should not have the contract price. In the first place, the land was put up at public auction, and some cattlemen came in and bid the land up with straw bids so as to prevent the land from getting into the hands of settlers and thus enable them to graze the land. That sale was set aside. It was a fraudulent sale. I am told that some men that bid there were sent to the penitentiary for conspiracy. But, be that as it may, that sale was set aside and nobody is complaining of it now. The property was put up again, was bid in at public auction, and these men bought it at public sale, and they got away from the other bidders by overbidding them. They took possession of the land. The gentleman from Oklahoma [Mr. FLYNN] says the land to-day is worth forty or fifty dollars an acre. It was bought for from five to fifteen dollars an acre. They have had it seventeen years without rent. I desire to have the Clerk read a letter in this connection——

Mr. FLYNN. Will the gentleman allow me to ask him a question while that letter is being sent to the Clerk's desk?

Mr. LACEY. Yes.

Mr. FLYNN. The gentleman, I know, does not want to misstate any facts. He has stated to this House that they have not paid any principal or interest. I desire to correct that statement.

Mr. LACEY. I do not say the whole of them. I say these settlers who are asking this relief have not paid anything.

Mr. FLYNN. One moment.

Mr. LACEY. Very well.
Mr. FLYNN. About $360,000 has been paid already——
Mr. LACEY. Yes.
Mr. FLYNN. Paid by the people who bid this land in, and if this settlement is accepted the Indians receive an additional $111,000 from those settlers.
Mr. LACEY. That merely illustrates another thing in this proposition. Some of the purchasers have paid for their land. They have paid $360,000 on their bids. They have gone on and carried out their contracts in good faith. Are we to go back now and pay them back the $360,000 that these settlers who have stood by their agreements have paid? If we let these settlers out who have paid nothing, should not the Treasury reimburse the other men who have paid in good faith and stood by their bids? Why, certainly.
Mr. MADDOX. Will the gentleman allow me——
Mr. LACEY. It seems to me that proposition only shows the greater reason why this bill ought not to pass.
Mr. FLYNN. Let me ask the gentleman from Iowa another question.
Mr. MADDOX. Have not about two-thirds of the settlers paid the price which they agreed to pay?
Mr. LACEY. Not two-thirds, but this amount has been paid. A considerable number of them have lived up to their contracts and have paid the amount of their bids. A large number of others have absolutely refused to pay anything and have appealed to Congress——
Mr. MADDOX. And this bill is to authorize them to settle, is it?
Mr. LACEY. These Indians, unfortunately, are not voters. They live down in Oklahoma and have nobody to represent them. The settlers are on the land——
Mr. FLYNN. I represent them to the best of my ability.
Mr. LACEY. What I mean is that they have nobody to vote for them here. My friend, as a Territorial Delegate, can not vote.
Mr. FLYNN. May I ask the gentleman another question?
Mr. LACEY. Certainly.
Mr. FLYNN. I know the gentleman wants to be fair, and the gentleman is fair.
Mr. LACEY. I thank the gentleman.
Mr. FLYNN. How are these Indians whom I represent going to get their money if this settlement is not approved?
Mr. LACEY. Put the land up and sell it again.
Mr. FLYNN. Yes; but the Nebraska delegation, with all its votes, will be here resisting it on behalf of the settlers who now occupy this land. I have no vote myself, and the Nebraska delegation, with the votes which they will be able to command, have power enough to defeat any kind of a settlement. It is true a Delegate has no vote, and the gentleman from Iowa knows that we can not pass this bill through here with a Department recommendation in favor of it on any other kind of a basis. I say these Indians have been out of this money since 1883, and it is about time for them to get it.
Mr. LACEY. Do you not think they ought to have it?
Mr. FLYNN. How are you going to give it to them unless you do it in this way?
Mr. LACEY. Take the land and sell it to others who will pay for it.
Mr. FLYNN. That is a good thing to talk about, but it takes votes to pass a bill.
Mr. LACEY. It will not get my vote to pass this bill, to take this money from these Indians.
Mr. STEELE. I just want to know of the gentleman, if this is a pernicious bill and he knew it, why did he not object to it when unanimous consent was asked?
Mr. LACEY. I want it considered; I want the House to vote it down, and give notice to these people that a white man must stand by his contract even with an Indian. Now I ask that the letter be read.
The SPEAKER. The Clerk will read the letter.
Mr. CALDERHEAD. I want a little time.
Mr. LACEY. Mr. Speaker, I would like the House to hear this letter. It is not a mere formal matter.
The Clerk read as follows:

BEATRICE, NEBR., *March 17, 1900.*

MY DEAR SIR: In my morning paper I have noticed your dissenting report in the Otoe Indian land matter, which has been long pending for settlement in Congress. Your report in the morning paper is as follows, to wit: "Having examined the original evidence and the papers on file in the matters involved in this bill, I can not concur in this report, and believe that the Indians should have the benefit of the contracts made by them at the public-land sales."

In my opinion, your report is eminently just and correct. I attended that land sale. I was quite anxious to buy a quarter section of the Otoe land. I attended the sale, I think, every day that it was held, and it was held several days. There was a conspiracy entered into on the part of certain men to take advantage of the Government in the sale of this land, but that was a secret conspiracy, and there were not many involved in it. There was nothing said at that time by any of the Government officers nor the land commissioner that would lead any bidder to believe that he would get his land for less than he bid. The reason I did not buy was because there were others there who outbid me and offered more for the land than I thought it was worth. These bidders who were so anxious to deprive others of the right of buying and paying for the land should be compelled to pay the price of their bids, with interest. These bidders who purchased the land had full knowledge of what they were doing, and I have never had a particle of sympathy for the men who crowded other bidders out at that sale and got the lands, and who have been constantly kicking since on the price they bid.

There is a land speculator in this city who bought the 160 acres where the agency buildings stood, at sheriff's sale, for $100. That is all that land has cost him up to date. He bought it nearly six years ago, and has had the benefit of the crops upon the land since, which probably amount to $250 per year. He has never paid the Indians or the Government a dollar of the money which the original bidder at the public sale agreed to pay. This man is very anxious to have the Indians' debt scaled down, that he may get this land for a nominal price. I mention this instance as probably an extreme case, but there are doubtless others where speculators seek to take advantage of the circumstances.

I have no financial interest in this Otoe land matter in any manner whatever, but I am personally cognizant of the facts I herein detail, and believe that justice will be done as soon as the Congress of the United States give these Otoe land settlers and speculators to understand that they must abide by their contracts that they made at the public sale. Excuse the liberty I take in addressing you upon this matter, but I believe your course in the Otoe land matter is correct, and I take pleasure in commending you for it.

I am, yours, truly,

E. O. KRETSINGER.

Hon. Mr. LACEY, M. C.,
Washington, D. C.

P. S.—The statement of the majority of the committee that the sale was controlled by a drunken mob is the purest rot and has no substance of foundation to rest upon.

Mr. SIMS. Can I suggest a question to the gentleman?
Mr. LACEY. Certainly.
Mr. SIMS. Can not this bill be now amended and provide for the sale of the land in case they do not pay this debt, with interest, within a stipulated time?
Mr. LACEY. I think it ought to be so amended; and I think it ought to be recommitted with instructions to bring in that kind of a bill, and I will move to recommit with that instruction.
Mr. SIMS. I knew you were on the committee.
Mr. LACEY. I want to read the statement on which this bill is founded, on page 6 of the report.
Mr. CALDERHEAD. I do not want the gentleman to use all my time, because I have been generous in giving him time.
Mr. LACEY. Perhaps the Chair will recognize me in my own right.
The SPEAKER. The gentleman is not understood to have stated whether he yielded specific time to the gentleman from Iowa or such time as the gentleman desired.
Mr. LACEY. Such time as I desired.
Mr. CALDERHEAD. I said I would yield him ten or fifteen minutes.
Mr. DALZELL. Five or ten minutes.
Mr. CALDERHEAD. Five or ten minutes.
The SPEAKER. Then ten minutes was the limit of the time. The gentleman from Iowa has had thirteen minutes.
Mr. LACEY. I want to be recognized in my own right in opposition to this bill.
The SPEAKER. The Chair can not recognize the gentleman. The gentleman from Kansas has the floor.
Mr. CALDERHEAD. In reply to what has been said——
Mr. LACEY. I would like to have the gentleman give me time to read what he founds his claim upon.
Mr. CALDERHEAD. I will give the gentleman five minutes more, if he will make his whole case in that time, so that I can reply to it.
Mr. LACEY. Mr. Speaker, this involves——
The SPEAKER. The gentleman from Iowa is recognized for five minutes more.
Mr. LACEY. This bill involves for these Indians several hundred thousand dollars of money that belongs to them. I am yielded five minutes now in which to state their rights on this claim seventeen years old. I shall read from an affidavit on which the majority report has founded substantially the whole basis of the claim:

During the sale affiant heard said McFarland publicly announce that the said bidding was too high; that the Government did not want only the appraised price of the lands, and to all who were buying with the intention of making homes the Government would exact only the appraised price of these lands. Affiant further states that at the noon recess of the sale he talked personally with Mr. McFarland, and McFarland told him if he was desirous of purchasing a home on these lands to go ahead and bid it off at any price; that the Government would exact only the appraised price of the lands, as that was all they were worth. Affiant further says that he purchased a piece of said land and was influenced to do so wholly by the statement of said McFarland.

Now, the letter that has just been read states that Mr. Kretsinger went there to bid on the land, and he was outbid by these parties. He says that one tract of land there is worth $50 to $60 an acre that a man has paid only $100 for, and wants to be released now, and have it limited down to the appraised price of seventeen years ago. Just think of it! Land in Nebraska, Indian land, that has been sold in a public auction, now to be adjusted at the appraised value of seventeen years ago. Seventeen years ago Nebraska was a wild Western State. That is 1883. To-day Nebraska is thickly populated. A large majority of gentlemen on

that side of the House turn their faces toward Lincoln, Nebr., when they get up in the morning and pray. [Laughter.] Nebraska has grown to be a great political and financial center, and yet they propose to take this land from the Indians at what it was appraised at in 1883 and give it to the men who during these seventeen years have not paid any taxes, because the land is in the Government; paid no interest, because they have repudiated the contract; have paid no rent, because they owned the land themselves. That is the proposition that this House is called upon to indorse, and now the question is, Will they do it?

Mr. MCRAE. Under what Administration was this fraud done?

Mr. LACEY. There is no fraud.

Mr. MCRAE. What is it then?

Mr. LACEY. They are trying to get a fraud under Mr. McKinley's Administration through this House. Here is the fraud: They are asking to release these men from their contract, take the money away from the Indians and give it to these gentlemen in Nebraska, and release them from a written contract made in 1883, a contract purchased on a purchase, a second purchase at that, in the open market at public auction.

Mr. MCRAE. Does the Department recommend this?

Mr. LACEY. The Department recognizes it in this way: It says that this has been hanging on for a long time; that the settlers have refused to pay; the Department has been against it, but as they have gone around and got 80 per cent of the Indians finally to consent, holding up their hands this way, that they had better close it up and be done with it. It is just as a judge of a court once said, when the jury brought in a verdict taking another man's farm away from him, "That verdict is set aside. It takes 13 men to steal a man's farm in Pennsylvania." It takes 356 men in this House to take this land away from these Indians and release these settlers from their written contract made in 1883; and I give notice that I will demand a yea-and-nay vote upon this proposition.

Mr. CALDERHEAD. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has thirty-one minutes remaining.

Mr. CALDERHEAD. I yield ten minutes to the gentleman from Arkansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, the conclusions reached by the gentleman from Iowa [Mr. LACEY] are rather surprising to me when I consider the history of this transaction. Under the conditions when these lands were opened—that is, the main portion of the reservation—settlers were authorized to take them at their appraised value. When the lands in question were opened up for settlement, they were appraised by a board, one of whom was an Indian, and appraised at a price that was so satisfactory that the Indians held a jollification after the appraisement.

When the settlers selected these homesteads they understood that they would be allowed to take them at the appraised value, as had been done when the first part of the reservation was opened; and yet it was held by the Land Office that the Commissioner had a right to direct the public sale, which he did as to this remnant of 42,000 acres of the reservation. That order was made. When the sale came under which this controversy arose, they were assured—as the Committee on Indian Affairs has more than once announced—they were assured by the parties in charge of that sale that in order to protect their rights on the land they had already selected and settled that the Government would never demand more from the purchasers than the appraised value. That has led to a great deal of delay, there being about one hundred delinquents now.

I find, in referring to this sale, this statement in the report of the committee. After having recited the general history of the transaction, it goes on to say:

> It would seem, therefore, that up to a short time before the date of sale the parties intending to become settlers upon the land had reason to suppose that if they could become settlers they would be exempt from the necessity of entering into competition with others for the purchase of the lands, and it would be reasonable to suppose that they made arrangements accordingly, supposing that the appraised value would be all they would have to pay.
>
> In addition to these facts it appears that when the lands were put up at public auction the sale was controlled by a mob of disorderly, intoxicated, and irresponsible persons; and the intending settlers seeking to secure lands of their selection, and on which they had previously made settlement in accordance with the spirit and purpose of the law, were brought into unfair competition and serious menace from the mob which had gathered for the purpose of speculation and making trouble, and not for the purpose of making actual settlement of the lands through bona fide purchase.

Mr. LACEY. I want to ask my friend from Arkansas if he believes that story?

Mr. LITTLE. I believe it from evidence in my possession.

Mr. LACEY. Notwithstanding the Commissioner denies it.

Mr. LITTLE. I have never seen any denial by the Commissioner.

Mr. LACEY. That has not been printed in the report.

Mr. LITTLE. I did not write this report, and I only give the facts in it. I think the committee as a rule can be trusted in its written reports. Now the report continues:

> It also appears the Commissioner of the General Land Office was present at the sale, endeavored as best he could to protect the bona fide intending settlers, and assured them, in his official capacity, that no advantage would be taken of the excessive bidding, and that in the end the Government would make a fair and reasonable adjustment, and exact no more from the purchasers than the real and appraised value of said lands. The settlers relied upon these assurances, made the bids necessary to secure the lands, entered upon them, and have reduced them to a high state of cultivation. The community in which they reside is one of the best improved in southern Nebraska. Farms have been opened, schoolhouses, churches, villages, roads, and bridges have been built. The improvements alone constitute more than one-half the present value of the land.

Mr. SNODGRASS rose.

The SPEAKER. Does the gentleman from Arkansas yield to the gentleman from Tennessee?

Mr. LITTLE. Yes.

Mr. SNODGRASS. What was the object of a competitive sale if it was to go at a minimum price?

Mr. LITTLE. The gentleman did not catch my meaning. The Commissioner directed a public sale of the entire remnant of 42,000 acres. The settlers had selected it understanding that it would go under the general law as the other land had before. Then, when this order of sale was made, these lands were put up and sold, these bona fide settlers of homesteads were confronted by these unusual and extraordinary bids for speculative purposes, which would result in the loss to them of their homesteads and give nothing to the Indians except to defeat sale.

Mr. SNODGRASS. Does not the advance price go to the Indians if collected?

Mr. LITTLE. I will meet that in a moment; my time is short. Now, this controversy has stood in the way of final settlement for seventeen years. The settlers of these lands have made their first payment and are anxious to settle on fair and equitable terms. It has harassed Congress at every step on both sides of the question, and it has reached a point where the settlers who have gone on the lands and improved them can not pay for them if they want to. Acting upon these assurances and information, they have from time to time applied to Congress, and from time to time payments have been extended up to this time.

In order to reach what was believed to be a just settlement, what I believe to be absolutely honest to the Indians as well as to the settlers, they have finally reached the settlement approved of in this bill, and that is, that the settlers pay to the Indians the appraised price, which was $6.42 an acre, plus 25 per cent, making $8.02 per acre, together with 5 per cent from the date of the sale, which is more than the land is worth to-day if put on the market. This proposition has been submitted to the Indians, and out of eighty-eight or eighty-nine of them, all save some three, four, or five have signed the agreement, and the agreement is here printed in the report.

That agreement is the basis of the bill. That agreement has been assented to by all the settlers except some seven or eight. Not only that, but it has received the indorsement of the Indian Department and of the Secretary of the Interior; it has also met the approval of the Committee on Indian Affairs, excepting only the gentleman from Iowa.

Mr. SIMS. If these lands were put up now and sold would they bring the contract price with legal interest?

Mr. LITTLE. I do not believe they would.

Mr. SIMS. Suppose we should offer these settlers six months in which to pay up, on the condition that if they did not the land should be advertised and sold?

Mr. LITTLE. That is substantially what the bill does. If the amounts agreed to in the compromise are not paid within twelve months the lands are to be sold. Many of these lands have been mortgaged.

Mr. ZENOR. In reply to the question of the gentleman from Tennessee [Mr. SIMS], let me say that the amount bid upon these lands was in excess of the original value of the land.

Mr. LITTLE. Certainly. I was about to say many of these lands are under mortgage now for the improvements, and exclusive of the improvements they would not bring, in my opinion, anything like the amount of the bids.

Mr. SIMS. With the improvements, would they not?

Mr. LITTLE. Possibly in some instances they might.

Mr. SIMS. These men put their improvements on the land at their own risk, taking their chances.

Mr. LITTLE. That is where my friend is wrong.

Mr. SIMS. They have been occupying these lands without paying rent or taxes.

Mr. LITTLE. These purchasers acted upon an assurance which they believed guaranteed them the lands at the appraised value. The Indians themselves, as I have said, have agreed to this arrangement.

Mr. SIMS. Have the purchasers and occupants of this land paid any interest on the amount which they contracted to pay?

Mr. LITTLE. This bill charges them with 5 per cent interest from the date of the contract, being about seventeen years.

Mr. SIMS. Without this bill, what would they pay as interest?

Mr. LITTLE. Five per cent.

Mr. SIMS. Then how are they damaged?

Mr. COX. As I understand, the money which the settlers propose to pay will go to the Indians.

Mr. LITTLE. Certainly; and the Indians have agreed to this bill.

Mr. COX. Who, then, is kicking against carrying out this agreement?

Mr. LITTLE. Nobody except the gentleman from Iowa.

Mr. COX. Oh, well, he is always kicking. [Laughter.]

Mr. LITTLE. The fact is that this bill is agreeable to everybody interested. Neither the Indians nor the gentlemen who represent them on this floor make any objections. On the other hand, they are all heartily in favor of it.

Mr. FLYNN. In reply to what the gentleman from Iowa has said, let me say that I drew this report——

The SPEAKER. The time of the gentleman from Arkansas [Mr. LITTLE] has expired. The gentleman from Kansas [Mr. CALDERHEAD] is recognized.

Mr. LITTLE. If I can not have more time, I will ask the privilege of printing in the RECORD the letter of the Secretary of the Interior on this subject.

The SPEAKER. The gentleman from Arkansas [Mr. LITTLE] asks unanimous consent to have printed in the RECORD a letter from the Secretary of the Interior on this subject. Is there objection? The Chair hears none.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1900.

SIR: By act of March 3, 1893 (27 Stat., 568), the Secretary of the Interior was authorized and directed to revise and adjust, on principles of equity, the sales of lands in the late reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, made at the land office at Beatrice, Nebr., in May and December, 1880, under the act of March 3, 1881 (21 Stat., 380), and in his discretion, "the consent of the Indians having first been obtained," to allow to the purchasers of said lands, their heirs and legal representatives, rebates of the amounts respectively paid or agreed to be paid by such purchasers, the amount of the rebates, however, not to be such as to reduce the price of the lands below the appraised value thereof at the time of the sale.

The circumstances and conditions preceding, attending, and following these sales are set forth with reasonable accuracy and fairness in committee Report No. 2198, made to the House of Representatives on H. R. 12141, Fifty-fifth Congress, third session, and also in the exhibits incorporated in Senate Document 132, Fifty-fifth Congress, second session.

Under the act of March 3, 1893, repeated but unavailing efforts have been made by the succeeding Secretaries of the Interior to revise and adjust these sales on principles of equity, so as to extend the benefits thereof, as contemplated by the act, to both the full-paid and the delinquent purchasers, their heirs and legal representatives. These efforts have been repeated so often and have been so uniformly unsuccessful that it may be safely said that there is no possible hope of making any revision or adjustment of the sales, with the consent of the Indians, which will include both classes of purchasers. According to the terms of the act the consent of the Indians is indispensable to any revision or adjustment thereunder.

In 1896 the then Secretary of the Interior adopted a plan of revision and adjustment of these sales, with the consent of the Indians, which was, however, expressly confined to the delinquent purchasers, and did not extend to those who had made full payment. The question arose as to whether such a partial revision and adjustment conformed to the act under which the Secretary of the Interior was acting, and this question was referred to the then Assistant Attorney-General assigned to this Department, Mr. Lionberger, who, on December 20, 1896, rendered an opinion adverse to said plan of revision and adjustment for the reason that it did not include in its benefits all those purchasers who clearly come within the purview of said act.

November 20, 1899, a revision and adjustment of these sales as to the delinquent purchasers was consented to by the Indians in an instrument in writing, which is in terms as follows:

"We, the undersigned adult male members of the Otoe and Missouria tribe of Indians, having been assembled in council this 20th day of November, 1899, at the Otoe subagency, Noble County, Okla., in response to the request of James McLaughlin, United States Indian inspector, for the purpose of considering a proposition for the settlement of differences with the delinquent purchasers of lands in our late reservation in the States of Nebraska and Kansas, and being fully advised by said Indian Inspector McLaughlin as to our rights and interest in the premises, do hereby agree to a settlement of said differences on the following basis:

"I. The original appraised value of said lands, together with 25 per cent of such appraised value, shall, for the purposes of this settlement, represent the purchase price of said lands.

"II. Interest shall be computed on the purchase price so ascertained at the rate of 5 per cent per annum, simple interest, from the date that interest should be computed under the original act of Congress providing for the sale of said lands to date of payment.

"III. From the amount so ascertained to be due in each instance shall be deducted all payments heretofore made on said lands, both on account of principal and interest, together with simple interest thereon at the rate of 5 per cent per annum from date of payment until date of final payment, and the balance remaining after deducting said payments and interest thereon, as aforesaid, from the purchase price, with interest thereon as aforesaid, shall be considered the amount still due from said settlers and purchasers in each instance.

"IV. All computations to be made under the direction of the Secretary of the Interior, and we fully authorize the adjustment of the matter on the basis as above set forth, and as provided by the act of March 3, 1893.

"V. It is further understood that this agreement and compromise shall apply only to the purchase money now delinquent, and that we will in no event agree to any further adjustment or refunding of any money whatever to those who have paid the full amounts due on their purchases made at the sale of said lands."

This is signed by 73 adult male members of the tribe out of a total of 88, which is more than the three-fourths required by the customs of the tribes and the regulations of this Department. Of the adult male members of the reservation at the time all but 6 signed this instrument.

This plan of adjustment does not include the full-paid purchasers, and I do not feel authorized to give it my approval and carry it into effect, considering the provisions of the act of March 3, 1893, and the opinion of the former Assistant Attorney-General, in which I concur. I believe, however, as before stated, that no plan of adjustment which includes the full-paid purchasers will ever be consented to by the Indians, and I further believe that the fact that an adjustment as to the full-paid purchasers can not be effected ought not to be permitted to stand in the way of or to prevent an adjustment as to the delinquent purchasers.

It is now more than sixteen years since these sales occurred, and good administration as well as fair dealing toward the Indians and the delinquent purchasers requires that the matter shall be adjusted so far as they are concerned, so that the Indians may receive the moneys to which they are entitled and the purchasers receive title to the lands. The plan of adjustment consented to by the Indians, November 20, 1899, provides that they shall receive from the delinquent purchasers the original appraised value of the lands with 25 per cent added thereto, and with interest thereon at 5 per cent per annum.

Representatives of this Department, who have inspected the lands and made diligent inquiry with respect to their appraisement and value, believe that this is a reasonable and equitable settlement both for the Indians and the delinquent purchasers. I have had two conferences with delegations from the tribes, and after careful consideration of the matter believe that the best interests of all concerned will be subserved if this plan of adjustment between the Indians and the delinquent purchasers is authoritatively adopted and carried into effect.

This controversy, so long pending, should be closed without further delay. While under the act of March 3, 1893, the consent of the purchasers was not made a condition to the revision and adjustment thereby authorized, it is worthy of consideration that about 110 out of a total of 123 delinquent purchasers have joined in proposing this adjustment and stand ready to comply with its terms, if it be approved. The remaining delinquent purchasers insist either that they should receive title to the lands without making any payment at all or upon the payment of the original appraised value, with interest thereon at 5 per cent per annum for three years. It thus appears that the Indians and the delinquent purchasers have, with practical unanimity, consented to this plan of adjustment.

I therefore respectfully transmit herewith a draft of a bill, confirming the revision and adjustment to which assent has thus been given, and earnestly recommend that it receive your favorable consideration.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

THE CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

Mr. CALDERHEAD. Mr. Speaker, if I can be heard for a few moments, I think I can save a good many inquiries.

If I had thought that this bill would precipitate such a discussion as we are having, I would not have interrupted the progress of the military bill this morning with this question. I am very sure that my friend from Iowa has widely mistaken the facts and has received a great deal of misinformation on this subject or he would not have made the statement which he has made.

I live within 10 miles of this land. There are 110 or 111 actual settlers upon the land. Ninety of them are the men who went on the land before the day of the sale, thinking that each one of them would be allowed to buy 160 acres at the appraised price, or not less than the appraised price, and that they would thus be enabled to make their homes there. They are still living there, occupying the same land.

When the land was offered for sale, they were met by the men who wrote the kind of letters that the gentleman from Iowa had read to you—bidding against them, running the price of the land up from $6 to $17 or $18 an acre when there was not a quarter section of wild land within 50 miles that would have brought that price at that time. The Commissioner of the General Land Office came to the sale and suspended it for two days, endeavoring in some way or another to relieve the settlers from the competition of those gamblers who were bidding against them. But the conspiracy between the officers of the local land office and the speculators who were bidding against the settlers was close and strong. The speculators continued to run up the price upon those settlers; and I believe it to be true (because I have heard more than twenty men say that they heard the statement made) that the Commissioner of the General Land Office told the settlers that he could not help them at that time, but that they should go on and bid upon the land, and that they would be able to obtain relief from the Government.

Mr. SIMS. If the speculators had bought the land, would they not have had to comply with the terms of the sale, so that the Indians would have got the same amount of money?

Mr. CALDERHEAD. No; that was not the purpose at all. The successful bidders would have acquired an inceptive right to complete the purchase; but the deferred payments were to run for a long time, during which the successful bidders would have been holding presumptively the title. But many of these settlers who bid for the land had gone upon it some time before and erected their little homes.

Mr. STEPHENS of Texas. Would these speculators have also got their improvements for nothing?

Mr. CALDERHEAD. They would have got their improvements for nothing, of course. That was a part of the game.

Mr. COX. Now, Mr. Speaker——

Mr. CALDERHEAD. I should like to continue this story without interruption, with all respect to my friend.

Mr. COX. All right.

Mr. CALDERHEAD. And when I have finished my statements, if any inquiry is to be made, I will answer it if I can.

The settlers made their first payments at the time of the sale. Some of the settlers who bid at that time made all their payments and completed them, and have obtained their lands at about the appraised price. They completed their payments and obtained

their title, some for one reason and some for another; but these remaining settlers, upon whom the price was extortionately run up by the false bidders at the sale, have remained upon their lands from that day to this, contending every day during all these sixteen years that they were entitled to have that land at the appraised price and the interest due upon it. Three different times Congress has authorized them to make that kind of a settlement with the tribes, subject to the approval of the tribes. This time they have made their settlement with the Indians without the authority of Congress or without any act of Congress directing it.

Mr. LACEY. Let me ask the gentleman a question.

Mr. CALDERHEAD. Now, I did not interrupt the gentleman with questions, and I do not care to be interrupted until I get through.

The SPEAKER. The gentleman from Kansas declines to yield and so stated some time ago.

Mr. CALDERHEAD. This time they have made their agreement with the tribes, and 77 out of 83 adult members of the tribes have signed the agreement. The settlers are to pay the appraised price for the land and 25 per cent more, and they are to pay 5 per cent interest upon that sum from the date of sale down to the date of payment. By that payment the Indians come within $45,000, in round numbers, of getting as much as they would have got if the settlers had paid up at the date of sale.

Mr. DOLLIVER. On their bids?

Mr. CALDERHEAD. On their bids. It is that close to it now.

Mr. LACEY. But they lose seventeen years' interest.

Mr. CALDERHEAD. Upon that $45,000 they lose the seventeen years' interest, and that is the question of equity and justice for which the gentleman from Iowa stands here contending. These Otoes and Missourias were taken from that reservation down to one of the best reservations in the Indian Territory and given 123,000 acres of the best land in it, and located there. I think they are one of the four richest tribes of human beings on the face of the earth to-day. They do not pay their debts to others, but that is outside of the record in this case. I am unable to induce them to pay the men that built their houses upon their reservation in Kansas, but that is outside of the record. The whole question here now is whether this settlement shall be approved, by which these settlers pay the appraised price on the land and 25 per cent more than that, and pay 5 per cent interest upon that sum from the date of sale down to this time, or whether we shall go without a settlement and open another contest which shall last until time shall determine it in the future. That is the whole of it. Seventy-seven out of 83 of the adult members of that tribe are satisfied with this settlement, after sixteen years of controversy over it, after having the matter explained to them in every direction by their friends and by their enemies.

Mr. WHEELER of Kentucky. Will the gentleman allow me to ask him a question now?

Mr. CALDERHEAD. Yes.

Mr. WHEELER of Kentucky. As I understand this controversy, it is this: Before this land was sold the Government required it to be appraised.

Mr. CALDERHEAD. Yes.

Mr. WHEELER of Kentucky. It brought more than the appraised value?

Mr. CALDERHEAD. Yes.

Mr. WHEELER of Kentucky. And the purchasers are trying to get the land at the appraised value, and not at what it brought at the sale. Is that the case?

Mr. CALDERHEAD. That is what they have been trying to get it at, but under this settlement they now pay 25 per cent more than the appraised value and interest on that amount.

Mr. LACEY. The treaty required the land to be appraised.

Mr. CALDERHEAD. And the Indians accept this settlement.

Mr. WHEELER of Kentucky. Now, based on that—I take it the gentleman is a lawyer?

Mr. CALDERHEAD. Yes.

Mr. WHEELER of Kentucky. Is it not a fact that in every State of the Union, before land is sold at public outcry, it is required to be appraised, generally at two-thirds of its value so that if at the sale it does not bring the appraised value the court, upon its own motion or the motion of the person holding the title, will set aside the commissioner's report of sale?

Mr. CALDERHEAD. That is the general procedure under the statute of a State, but this was under a treaty with the Indians.

Mr. WHEELER of Kentucky. I understand; but the procedure generally followed the practice of the State, did it not?

Mr. CALDERHEAD. Except that this was prescribed by a statute which directed the sale. This sale was under a statute of this Congress.

Mr. WHEELER of Kentucky. By whom was the land appraised?

Mr. CALDERHEAD. By appraisers appointed by the Secretary of the Interior, one of whom was selected by the tribes.

Mr. WHEELER of Kentucky. And two by the Secretary of the Interior?

Mr. CALDERHEAD. Yes.

Mr. WHEELER of Kentucky. And they appraised the land?

Mr. CALDERHEAD. They appraised the land.

Mr. WHEELER of Kentucky. And the property having brought more than its appraised value, the holders of the title, squatters as they were, are now trying to avoid the purchase price. Is not that the fact, boldly stated?

Mr. CALDERHEAD. No.

Mr. SIMS. They are trying to avoid all above the appraised price.

Mr. WHEELER of Kentucky. Trying to avoid all over the appraised price?

Mr. CALDERHEAD. These are the settlers who were entitled to go onto the lands under the act which authorized the sale.

Mr. WHEELER of Kentucky. Did any of these gentlemen who went upon the lands before the sale have any right there?

Mr. CALDERHEAD. Yes; they had the inceptive right of settlers under the act.

Mr. WHEELER of Kentucky. Had they the right to go on this land?

Mr. CALDERHEAD. Yes.

Mr. WHEELER of Kentucky. Land belonging to the Indians authorized to be sold under the act of Congress.

Mr. CALDERHEAD. Yes; and they were admitted to the lands.

Mr. WHEELER of Kentucky. Before they were sold?

Mr. CALDERHEAD. Yes; and under this settlement the Indians will receive within $45,000 of the amount that was originally bid. The Indian inspector has been with the tribe and explained the entire matter to them until it is satisfactory to them. The settlement is satisfactory to the Department of the Interior, satisfactory to the Bureau of Indian Affairs, satisfactory to the tribes, and satisfactory to the settlers. No one objects to it except the gentleman from Iowa [Mr. LACEY]. Now I yield to the gentleman from Wyoming [Mr. MONDELL], and then I desire to move the previous question.

The SPEAKER. How much time does the gentleman yield?

Mr. CALDERHEAD. How much time have I?

The SPEAKER. The gentleman has ten minutes remaining.

Mr. CALDERHEAD. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL.]

Mr. MONDELL. Mr. Speaker, I will take but a moment to say what I have to say upon this subject. Some six or seven years ago I spent about two months in the vicinity of the lands in question. At that time I heard a very great deal about this sale. I admit that the information I received was hearsay, but I believed what was said to me at the time, and I give it to the House for what it is worth.

One of the gentlemen who was one of the bidders at this sale in speaking of the matter referred to the attempt of certain gentlemen, himself among others, to bid up the price of these lands at the sale. I said to him, "What was your reason?" He said, "First we were to bid, and if the land was given to us at the price we bid it would give us the prior right and an opportunity to make a deal with the settlers and occupants of the land later." He further said to me that there was an understanding between the register and receiver of the land office in charge of the sale and these speculators that they were to run up the price of the land, and then if the poor settlers, the men who occupied and had improved the land, anxious to save their holdings and their improvements, should become fearful that they would not be able to obtain their lands and should implore them not to run the price above what they (the settlers) could afford to pay, they would say, "There is no record being kept by the men who are making this sale of the price at which the lands are bid in. After the sale is over, if you bid a higher price than the appraised value we will see to it that the land goes to you at the appraised value, provided you pay us $10 for every $100 that you bid above the appraised value."

That was the general talk in the community while I was there. Nobody denied that that was the condition of affairs. I talked with a number of men who were in this conspiracy; and the men in charge for the Government of the United States in this fraudulent sale went to the penitentiary from matters connected with it, and several of the men who had to do with this attempt to run up the price of this land without any idea of paying it and keeping it themselves also went to the penitentiary for their participation therein. The question before the House is simply this: Will you do justice by the settlers and occupants of these lands; will you give them the lands at the appraised price and 25 per cent more and interest for sixteen years, or will you compel them to pay the exorbitant price drawn from them by a lot of speculators and bummers who were present at this sale, every one of whom should be in the penitentiary?

Mr. ZENOR. Will the gentleman yield to me for a question?
Mr. MONDELL. Certainly.
Mr. ZENOR. Do you not know it to be a fact that at the time this sale was made the cattlemen wanted the lands for three or four months for the grazing of cattle, and they only paid $1, and that was simply to cover the pretended sale; was not that true in every instance in which these lands were sold?
Mr. MONDELL. That was a part of the general conspiracy on that sale by the Government.
Mr. LACEY. That was the first sale, and was set aside.
Mr. MONDELL. I am speaking of the second sale.
Mr. COX. What was done about that second sale?
Mr. MONDELL. They never got any title.
Mr. ZENOR. I will ask the gentleman whether or not there was a sale made of this land and subsequently set aside by the Government? I understood the gentleman from Iowa said that a sale was set aside.
Mr. CALDERHEAD. It was never set aside.
Mr. LACEY. The first sale was not carried out.
Mr. MONDELL. Oh, yes; the first sale was carried out. There never has been any sale set aside. The men that I talked with were there at the time the only sale was going on. The land commissioner came there and suspended it for two days trying to prevent these frauds upon the settlers, and finding that he was unable to do it, he let the sale go on.
Mr. CALDERHEAD. I now yield two minutes to the gentleman from Nebraska.
Mr. MERCER. Mr. Speaker, this is a very simple proposition. The men who settled upon the lands in question ask for this bill; the Indians, or a large majority of them, interested in these lands ask for this settlement. The Secretary of the Interior, Mr. Hitchcock, has carefully examined this matter and recommends action at once. I quote his words in a communication sent to Congress February 14, 1900:

It is now more than sixteen years since these sales occurred, and good administration, as well as fair dealing toward the Indians and the delinquent purchasers, requires that the matter shall be adjusted, so far as they are concerned, so that the Indians may receive the moneys to which they are entitled and the purchasers receive title to the lands. The plan of adjustment consented to by the Indians November 20, 1899, provides that they shall receive from the delinquent purchasers the original appraised value of the lands, with 25 per cent added thereto, and with interest thereon at 5 per cent per annum. Representatives of this Department, who have inspected the land and made diligent inquiry with respect to their appraisement and value, believe that this is a reasonable and equitable settlement both for the Indians and the delinquent purchasers. I have had two conferences with delegations from the tribes, and after careful consideration of the matter believe that the best interests of all concerned will be subserved if this plan of adjustment between the Indians and the delinquent purchasers is authoritatively adopted and carried into effect.

This controversy, so long pending, should be closed without further delay. While under the act of March 3, 1893, the consent of the purchasers was not made a condition to the revision and adjustment thereby authorized, it is worthy of consideration that about 110 out of a total of 123 delinquent purchasers have joined in proposing this adjustment and stand ready to comply with its terms if it be approved. The remaining delinquent purchasers insist either that they shall receive title to the lands without making any payment at all or upon the payment of the original appraised value with interest thereon at 5 per cent per annum for three years. It thus appears that the Indians and the delinquent purchasers have, with practical unanimity, consented to this plan of adjustment.

I therefore respectfully transmit herewith a draft of a bill confirming the revision and adjustment to which assent has thus been given, and earnestly recommend that it receive your favorable consideration.

His predecessor, Hon. C. N. Bliss, also investigated this whole subject, and favored legislation of this character. Writing to Congress, January 28, 1899, he said:

In response to your request you are advised that this Department fully appreciates the desirability of an early settlement of the long-standing controversy respecting the lands. If such a result can be obtained, the best interests of the local community, the settlers, the Indians, and the General Government will be conserved.

Mr. Speaker, this is a Senate bill, and the same language as above quoted was used in the Senate report. This bill has passed the Senate of the United States, and by our favorable action it will go to the President of the United States and soon become the law of the land. It will be a Godsend to those settlers who have been fighting so many years for this relief.

The Committee on Indian Affairs of this House has made a favorable report upon this bill and urges its passage in the following language:

The contention is already of nineteen years' standing, and there is every reason why the latter should now be closed up. It is right that the purchasers should acquire their titles and that the Indians should have their money. A generous concession has been made by the tribes and your committee is assured that the settlers and the legal representatives now in possession will concur in a final adjustment under the provisions of this bill. The amendment herewith reported is intended to furnish the specific details for carrying out the settlement and fixes a suitable period within which the same may be accomplished.

The period of one year was the time named in the former act, known as the "Paddock bill" (27 Stat., 568), and seems reasonable in view of the suggestions made by the settlers that many of them will be obliged to obtain the purchase money by mortgage upon their tracts of land, and that recourse to the courts will be necessary to clear the title of certain supposed liens, which in fact are not such, in order to make it a merchantable title upon which money can be secured.

The object of the proposed bill is to give the Secretary of the Interior a form of judicial power to settle these controversies, so that he may act advisedly; that testimony may be taken, and a competent attorney may be appointed by the Secretary to appear and look after all the interests of the Indians in the hearings, and to present their case on that testimony and any other competent to the issue. The General Government owes a duty to these Indians, to the community where the land is situated, and to the settlers to adjudicate this matter in accordance with the rule of right. We believe that the proceedings authorized by this bill will bring about that result.

These lands are not in the district which I have the honor to represent; but they are located in part in Kansas and in part in Gage County, Nebr.
Mr. LACEY. Will the gentleman permit me to ask him a question?
Mr. MERCER. Certainly.
Mr. LACEY. Whose district are they in?
Mr. MERCER. The Nebraska land is situated in the Fourth Congressional district, represented by Mr. STARK, my colleague, and the Kansas land in the district represented by Mr. CALDERHEAD.
Mr. STARK. I am right here.
Mr. MERCER. I will say, Mr. Speaker, as has been said before, the Commissioner of the Land Office holding office at the time the public sale took place reported that bona fide bidders were being interfered with by speculators, and he assured those who did buy in good faith at the time they were buying that if they were imposed upon by excessive bidding he himself, as the representative of the Government, would protect them when the time for settlement came, and the Secretary of the Interior——
Mr. FITZGERALD of New York. Will the gentleman allow me to ask him a question?
The SPEAKER. Does the gentleman yield?
Mr. MERCER. Certainly.
Mr. FITZGERALD of New York. I would like to ask the gentleman whether the settlers that paid in full for the land at this auction, and who exceed the number affected by this bill, can not come here and claim a reduction based upon this proposition?
Mr. MERCER. They have been contending for such a settlement, I understand, for a good many years.
Mr. FITZGERALD of New York. The men who paid in full. If you remit to these men, will they come in here and ask for a refund?
Mr. MERCER. I am informed that the Department is opposed to such action. But these settlers in question have settled upon this land, have built homes, have built outbuildings, have plowed the soil, have planted crop after crop, and they have a certain vested right in these lands, a vested right that should be protected by Congress; and when the settlers and the Indians and the Interior Department and the Senate of the United States and the Committee on Indian Affairs of the House of Representatives all ask for this legislation, why should you hesitate a moment?
Mr. FITZGERALD of New York. I ask the gentleman to yield to me for a few minutes.
Mr. CALDERHEAD. I move the previous question.
The SPEAKER. The gentleman from Kansas asks for the previous question.
Mr. FITZGERALD of New York. I ask the gentleman to yield a minute or two minutes of his time to me as a member of the committee.
Mr. CALDERHEAD. I will give you a minute. I withhold the request for the previous question for a minute.
The SPEAKER. The gentleman withdraws the demand for the previous question, and yields the gentleman from New York one minute.
Mr. FITZGERALD of New York. I can not support this bill as a member of the committee. This bill is intended to relieve a party or a number of men who bid at a sale from the obligation of their contracts. The Department and these Indians have finally consented to this compromise, because after seventeen years it has been impossible for the Indians to get anything out of them; and driven to the last resort, they are compelled to take what they can get. Such a proposition I can not give my assent to. More men bid at this sale and paid the amount that they bid at that auction than are included within the provisions of this bill for relief.
Mr. CALDERHEAD. I will extend your time a little if you will allow me to ask you a question.
Mr. FITZGERALD of New York. Certainly.
Mr. CALDERHEAD. Does the gentleman understand that under the provisions of this bill the settlers pay the appraised price and 25 per cent additional?
Mr. FITZGERALD of New York. There are only 111 affected by this bill, and there were, as I understood, nearly 200 men who bid at this sale.
The SPEAKER. The time of the gentleman from New York has expired.
Mr. FITZGERALD of New York. I understood the gentleman to yield to me more time if he could ask me a question.
Mr. CALDERHEAD. I think, Mr. Speaker, I must insist on my motion for the previous question.

Mr. FITZGERALD of New York. I thank the gentleman for his courtesy.

The question was taken; and on a division (demanded by Mr. LACEY) there were 87 ayes and 12 noes.

So the previous question was ordered.

The bill was ordered to be read a third time; and it was read the third time.

Mr. LACEY. Mr. Speaker, I offer the following motion.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Resolved, That this bill be recommitted with instructions to report back a bill for an immediate resale of the lands.

The question was taken; and on a division (demanded by Mr. LACEY) there were 11 ayes and 89 noes.

Mr. LACEY. I ask for the yeas and nays, Mr. Speaker.

The question was taken.

The SPEAKER. Three gentlemen rising, not a sufficient number, and the yeas and nays are denied. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. LACEY) there were 104 ayes and 13 noes.

So the bill was passed.

On motion of Mr. CALDERHEAD, a motion to reconsider the last vote was laid on the table.

Mr. CALDERHEAD. Mr. Speaker, I ask that the House bill lie on the table.

The SPEAKER. Without objection, that order will be made.

There was no objection.

PENSION APPROPRIATION BILL.

Mr. BARNEY. Mr. Speaker, I offer a report of the agreement of the conferees on the pension appropriation bill.

The SPEAKER. The gentleman from Wisconsin reports an agreement by the conferees on the pension appropriation bill, and the Clerk will read the report.

Mr. BARNEY. Mr. Speaker, I ask unanimous consent that the reading of the report be dispensed with, and that the statement be read.

The SPEAKER. The gentleman from Wisconsin asks that the reading of the report be dispensed with and that the statement be read. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The statement was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6627) making appropriations for the payment of pensions, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On amendments numbered 1, 2, 3, 4, and 5, limits the number of examinations to be made by boards of medical examiners to not exceeding 20 on any one day, as proposed by the House, instead of 10, as proposed by the Senate, and makes a verbal correction in the text of the bill.

On amendment numbered 6: Restores the provision requiring examining surgeons to state the rating which in their judgment applicants are entitled to, and which was proposed to be stricken out by the Senate, and leaves in the bill the provisions proposed by the Senate defining the duties of examining surgeons and requiring that the reports of special examiners shall be open to inspection.

On amendment numbered 7: Strikes from the bill the provision proposed by the House requiring the Commissioner of Pensions to furnish all necessary blanks to claimants and giving him the discretion to refuse to pay the fees to any attorney of record when he is satisfied that such attorney failed to prepare the case under his personal supervision and did not discharge his full duty to the claimant.

S. S. BARNEY,
J. T. McCLEARY,
JNO. C. BELL,
Managers on the part of the House.

Mr. BARNEY. Mr. Speaker, I move the adoption of the report.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the Army.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERMAN in the chair, for the further consideration of the Army appropriation bill.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of an appropriation bill the title to which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8582) making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CLARKE of New Hampshire having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 477. An act granting a pension to Levi C. Faught.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 5067) concerning the boarding of vessels.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 733) entitled "An act concerning the boarding of vessels."

Senate concurrent resolution 36:

Resolved by the Senate (the House of Representatives concurring), That there be printed 4,500 copies of the work entitled The Louisiana Purchase, by the honorable Commissioner of the General Land Office of the United States, 1,500 copies for the use of the Senate and 3,000 copies for the use of the House of Representatives.

ARMY APPROPRIATION BILL.

The committee resumed its sitting.

The Clerk read as follows:

For contingent expenses of the military-information division, Adjutant-General's Office, including the purchase of law books, books of reference, periodicals and newspapers, and of the military attachés at the United States embassies and legations abroad, to be expended under the direction of the Secretary of War, $6,640.

Mr. McCLELLAN. Mr. Chairman, I move to strike out the last word. I have listened with a great deal of interest during this debate to a number of very able speeches on all sorts of subjects; but I have thus far sought in vain any light or leading upon the question of the total cost of the maintenance of our military establishment. Under the present custom of distributing appropriations for the military establishment, it is almost impossible to obtain a total without going through the different appropriation bills item by item and line by line and word by word. I have no doubt that the only proper and correct method of dealing with appropriations for the military establishment is to carry them all on one bill which should be reported by the Committee on Military Affairs.

I have gone through a number of appropriation bills item by item and line by line. I have examined six in all which carry appropriations for the military establishment. For all I know there may be other appropriations, other items, hidden away on other appropriation bills; but, so far as I am able to discover, for the present fiscal year and during it there have been appropriated for the military establishment as follows: On the Army bill, $80,430,204.06; on the Military Academy bill, $575,774.47; on the legislative, executive, and judicial appropriation bill, $2,424,032; and on the sundry civil appropriation bill, $1,026,765.24. And I may state incidentally that the latter two bills carry the great majority of the 2,140 clerks now employed in the War Department for the permanent establishment of the United States; that is, a proportion of about 1 clerk to 42 enlisted men, assuming the figures of the chairman of the Committee on Military Affairs to be correct—that our Army is not within 10 per cent of the total limit allowed by law.

Besides these amounts, there was carried on the urgent deficiency bill $45,930,977.61, giving a total of $130,387,753.38.

Now, that does not include the fortification appropriation bill. If we include the fortification appropriation bill, which was extremely small last year—$4,990,900—we reach a total for the permanent establishment of $135,297,653.38.

Mr. STEELE. I would like to ask the gentleman whether he includes in his table the cost of construction and transportation?

Mr. McCLELLAN. Oh, certainly. The gentleman will understand that I am submitting these figures without comment, simply for the information of the House.

Mr. STEELE. I understand that; and the preparation of the gentleman's table must have cost a great deal of work.

Mr. McCLELLAN. This statement includes transportation and construction, but not any appropriations growing out of the civil war or the Spanish war.

During 1897 the Austro-Hungarian army, 354,196 strong, cost in round numbers $56,000,000; the French army, 538,759 strong, cost in round numbers $125,000,000; the German army, 598,000 strong, cost in round numbers $136,000,000, and the Italian army, 273,000 strong, cost in round numbers $45,000,000. All the war budgets of the continental armies include not only the cost of maintaining the standing army itself, but the charges arising

from past wars. Thus the war budget of Germany, which is $136,000,000, carries with it the cost——

[Here the hammer fell.]

Mr. RICHARDSON. I ask that the gentleman from New York be allowed to proceed five minutes longer.

Mr. HULL. I object. The gentleman is not speaking to the part of the bill now under consideration——

Mr. RICHARDSON. This is upon the question of expenditures for the Army.

Mr. HULL. That will come up later.

Mr. RICHARDSON. It is purely a military question which we are discussing.

Mr. HULL. We want to get through this bill before Friday, and it will be impossible if we stop to discuss all these questions not immediately relevant.

Mr. RICHARDSON. I hope the gentleman will not object to this extension of time, because the gentleman's remarks are right along the line of the bill.

Mr. HULL. There is no objection to the gentleman printing additional remarks in the RECORD.

Mr. McCLELLAN. Then the gentleman does not make the point of order that what I have said is not germane and should not be published in the RECORD?

Mr. HULL. Not at all; I think the gentleman has a right to publish it in the RECORD.

Mr. McCLELLAN. If the gentleman does not desire me to go on, I will not insist; but I will take advantage of the general leave to print and conclude my remarks in the RECORD.

I was about to say, when interrupted, that the war budget of Germany, which is $136,000,000, includes the expenses arising from the war with France and the war with Austria, and that the French war budget, which is $125,000,000, includes the expenses arising from the late war with Germany, as does also the Austro-Hungarian budget. These expenses include pensions and claims, etc. If we are to make an accurate comparison between the cost of our Army and the armies of Europe, we should add to the appropriations for the support of the Army for the current year the appropriations growing out of the civil war and our other wars. These amount to $156,291,688.63, making our total war budget on the German, French, or Austro-Hungarian basis amount to $291,589,342.01.

Now, again, assuming that the statement of the chairman of the Committee on Military Affairs is correct, that our Army is 10 per cent less than the maximum, or 90,000 strong, we find that the cost of maintaining each enlisted man of the United States Army is not a thousand dollars a year, as is generally supposed; but if we exclude the appropriations for fortifications, it has amounted during the present fiscal year to $1,447; if we include the appropriations for fortifications, it has amounted to $1,503; and should we estimate on the European basis, including our expenditures for pensions, etc., it has amounted to $3,240.

Now, in 1897 the cost per annum for each enlisted man was, in the Austro-Hungarian army, $157; in the French army, $232; in the German army, $227; and in the Italian army, $165. Had it been possible to maintain our Army as cheaply as those of continental Europe, it would have cost us at the Austrian rate, $14,130,000; at the French rate, $20,880,000; at the German rate, $20,430,000; and at the Italian rate, $14,850,000. In preparing these figures I have used round numbers in referring to continental armies and have used the latest reliable data I have been able to obtain, which is for the year 1897. In estimating the cost of the United States Army I have not included river and harbor work or any appropriations for civil purposes. I have, however, included all expenditures made directly for the maintenance and support of the military establishment.

The cost of the military establishment per capita of population is in Austria, $1.25; in France, $3.25; in Germany, $2.59; in Italy, $1.47; and in the United States, including appropriations for fortifications but not including appropriations growing out of past wars, is $1.93. The per capita of expenditures growing out of past wars is $2.23, and the total per capita of the cost of the present military establishment and expenses growing out of past wars is $4.16.

Let me again say, in conclusion, that I have submitted these figures for the information of the House, without comment and without criticism.

TABLE A.—*Appropriations for the support of the military establishment, fiscal year of 1900.*

Carried on—	
Army bill	$80,430,204.06
Military Academy bill	575,774.47
Legislative, executive, and judicial bill	2,424,032.00
Sundry civil bill	1,028,765.24
Urgent deficiency bill, act February 9, 1900	45,930,977.61
Total	130,387,753.38
Fortifications bill	4,909,900.00
Total	135,297,653.38

APPROPRIATIONS GROWING OUT OF PAST WARS.

Pensions	$145,233,830.00
Salaries for Pension Bureau, etc., carried on legislative, executive, and judicial bill	2,371,250.00
National cemeteries	205,880.00
Artificial limbs	549,275.00
National Homes for disabled volunteer soldiers	3,654,544.00
State homes for disabled volunteer soldiers	900,000.00
Arrears of pay, bounty, etc	450,000.00
Miscellaneous, arising chiefly from war with Spain	2,765,000.00
Headstones and burials	28,000.00
Deficiencies, National Homes, disabled volunteer soldiers, and claims, act February 9, 1900	133,949.63
Total	156,291,688.63
Aggregate	291,589,342.01

TABLE B.—*Showing cost of maintaining various armies.*

	Population, in millions.	War budget, in millions of dollars.	Total army, peace footing.	Cost of maintaining 1 enlisted man for one year.	Cost of military establishment, per capita of population.
Austria-Hungary	44½	56	354,196	$157.00	$1.25
France	38½	125	538,759	232.00	3.25
Germany	52½	136	598,000	227.00	2.59
Italy	30½	45	273,099	165.60	1.47
United States, not including pensions, etc	70	135	90,000	1,503.00	1.93
United States, including pensions, etc	70	291½	90,000	3,240.00	4.16

Mr. WHEELER of Kentucky rose.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky in opposition to the amendment.

Mr. WHEELER of Kentucky. I desire to call the attention of the chairman of the committee to a state of facts which to me seem inexplicable. I have no doubt that an intelligent answer to a few questions which I desire to propound will shed much light upon doubts now in the minds of members of the House.

In the early part of January last I had put through the House a resolution of inquiry, asking the Secretary of War to inform the House what the cost of military operations in the Philippine Islands had been from May 1, 1898, up to and including November 1, 1899. I knew this was a question of interest to the American people, and I thought that the cost of those military operations would largely determine their judgment upon this question. In responding to that inquiry the Secretary of War said that the total cost of military operations in the Philippine Islands during the last eighteen months had been, in round numbers, $48,000,000.

Now, I should like to have the chairman of the Committee upon Military Affairs inform the House what has become of the balance of the money we have appropriated. The last military appropriation bill, if I remember correctly, carried eighty-odd million dollars. A deficit supplied in the short session of Congress carried about $25,000,000 more.

Mr. HULL. More than that.

Mr. WHEELER of Kentucky. More than that, the chairman says. The present bill carries one hundred and twelve millions. Now, if it has only cost $48,000,000 for the military operations in the Philippines within the last twelve months, I should like to have some intelligent explanation as to what has been done with the rest of this vast sum of money that we have appropriated. We have but a handful of soldiers in Cuba, we have scarcely a corporal's guard in this country, and we have sixty-odd thousand in the Philippines. If it has only taken $48,000,000 to conduct military operations in the Philippine Islands for eighteen months, then what has become of this hundred and odd million dollars that have gone to the War Department?

I frankly confess that there are but two solutions to this inquiry. One is that the response of the Secretary of War does not state the fact, and the other is that we have been appropriating more money than was needed to conduct military operations. I desire to call attention to the fact that this does not include money appropriated for fortifications. It is confined purely to the military question about which I am speaking, the transportation of soldiers, clothing of soldiers, commissary department, and things of that sort. The Secretary of War says that we have expended for these 65,000 soldiers only $48,000,000, and yet we have appropriated about $250,000,000. Where has the balance of it gone? What have we done with it?

Mr. DRIGGS. I am going to show what became of it.

Mr. WHEELER of Kentucky. No; you can not show.

Mr. DRIGGS. Yes, I can.

Mr. WHEELER of Kentucky. The fact of the business is that this answer is not a fair one. The Secretary of War does not deal fairly with the House. It is true I can find some excuse for it. He has been so busy drafting appropriation bills for the benefit of the members of the majority that he has not had time perhaps to

pay attention to the details of his own Bureau, but he is content in replying to this resolution of Congress with transmitting a few letters from bureau chiefs. He does not undertake to go into the details of it.

That is very well, gentlemen, for you to sit quietly in your places and permit a creature of the President to reply to a resolution of one of the branches of Congress in this way; but I direct your attention to the fact that it is not dealing fairly with the House of Representatives or treating your resolution with sufficient respect. Many of the figures given are merely estimates. The Secretary of War makes no effort to give an actual statement of the cost of the departments over which he presides, and he gives such an equivocal statement that the conclusion is forced upon the mind of an intelligent citizen of the Republic that he is either incompetent or that he does not know the business of the Department that he professes to control.

Every man knows that we have spent more than $48,000,000 in the Philippines in the last eighteen months. If we had conducted operations there so economically as that, I am sure that this military appropriation bill, under the guidance of the very efficient gentleman from Iowa [Mr. HULL], would not carry much more than one-half of what is demanded.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. HULL. Do you want more time?

Mr. WHEELER of Kentucky. No; I simply want an answer, and then I may want more time after I hear from you.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

INSPECTOR-GENERAL'S DEPARTMENT.

Contingencies, Inspector-General's Department: For contingent expenses of the Inspector-General's Department at the offices of the several department inspectors-general, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, books of reference, and police utensils, $1,000.

Mr. MOODY of Massachusetts. Mr. Chairman, if I may have the attention of the gentleman from Kentucky [Mr. WHEELER] for a moment, I desire to say that the resolution to which he has just been speaking was referred to the Committee on Insular Affairs and by them reported to the House, and the answer which the gentleman has criticised was received in response to that resolution. It was placed before the Committee on Insular Affairs. Personally I did not examine it in detail, but it was examined by the minority members of that committee, and no criticism was passed upon it by them. I understood, and I think the committee generally understood, that it had been submitted to the gentleman from Kentucky and that the answer was satisfactory to him. Of course I must be mistaken about that.

Mr. WHEELER of Kentucky. Will the gentleman permit me?

Mr. MOODY of Massachusetts. Certainly.

Mr. WHEELER of Kentucky. I will ask for an extension of the gentleman's time if he desires.

Mr. MOODY of Massachusetts. Oh, no. I simply desire to make this statement for the benefit of the gentleman from Kentucky.

Mr. WHEELER of Kentucky. I desire to say that the sending of the resolution to the Committee on Insular Affairs was not through any desire on my part. I think it properly belonged to the Committee on Military Affairs; but after the resolution went to the committee I never heard of it until it was reported here, nor did I ever hear of the report until some ten days or two weeks after it had been submitted to the House, and then I got it from one of the officials at the Clerk's desk.

Mr. MOODY of Massachusetts. I can only say that it was the intention of the committee to elicit the information which the framer of the resolution, the gentleman from Kentucky [Mr. WHEELER], intended to elicit, and I regret that there has been any misunderstanding upon the subject, because I am quite sure that we intended to give him all the information which his resolution called for.

Mr. WHEELER of Kentucky. I hope the gentleman will not think that I am reflecting on the Committee on Insular Affairs.

Mr. MOODY of Massachusetts. I did not understand it, but I simply wanted to make that explanation.

Mr. HULL. Mr. Chairman, just one word more. So far as the Committee on Military Affairs were concerned, they were not charged with any investigation of this kind and did not go into it; but we were charged with finding out the amount necessary for the support of the Army for the next fiscal year, and did go into that question.

I assume that the report from the Secretary of War was made as to the expense of the Army while in the Philippines proper, or upon Philippine territory, and if confined to that I should imagine that the Secretary of War has given the full amount that it would cost there. If it was intended to cover the expense of the enlistment of soldiers, their clothing and equipage, their transportation to the Philippines, and the return of soldiers from the Philippines, of course it would be utterly inadequate.

Mr. WHEELER of Kentucky. Will the gentleman permit me?

Mr. HULL. I do not know what the resolution said.

Mr. WHEELER of Kentucky. My friend will pardon me. I will simply state that the resolution was framed with a view to getting the entire cost of military operations, and it contained the words "the cost of military operations."

Mr. HULL. In the Philippines?

Mr. WHEELER of Kentucky. In the Philippines, including equipment and supplies.

Mr. HULL. That would apply to equipment of troops after they reached the Philippines and while they were there. If the gentleman was inquiring as to the cost of maintaining the Army, that was a different thing. The Committee on Military Affairs were charged with that. We had these different bureau officers, who were charged with the disbursement of this fund, before our committee, and the majority and minority members asked all the questions they wanted to and arrived at a unanimous conclusion. To say that the reply of the Secretary of War means that $48,000,000 would cover the expense of the Army, the 100,000,000 men authorized by the last Congress, is simply absurd.

Mr. WHEELER of Kentucky. Well, I will say that I have the report here——

Mr. HULL. By your own confession I think his reply confines it to the expense while the troops are in the Philippines.

Mr. WHEELER of Kentucky. Will the gentleman permit me to read just a little from General Meiklejohn's response, in which the body of the resolution is set forth?

Mr. HULL. Let me ask the gentleman if he claims that that response applies to the cost of maintaining the Army?

Mr. WHEELER of Kentucky. I do, most emphatically. That is what I was trying to get.

Mr. HULL. Then I will say to the gentleman that either he was unfortunate in the language of his resolution or the War Department were unfortunate in their construction of it.

Mr. WHEELER of Kentucky. Will the gentleman tell us what the cost of military operations in the Philippine Islands has been?

Mr. HULL. No; I did not inquire as to the Philippines proper, and neither did the Military Committee.

Mr. WHEELER of Kentucky. We all know what the cost of maintaining the Army has been, because your bill shows that.

Mr. HULL. That includes all the cost of the whole Army.

Mr. WHEELER of Kentucky. Your bill shows that it cost so much.

Mr. HULL. The pay of a man—his regular wages—costs so much whether he is in the Philippines, or in Iowa, or in Kentucky. It costs more to send supplies to the Philippines than it would to Iowa or Kentucky. The item of expense of the transport service says something about the cost of taking soldiers over and returning them, and taking supplies over there for their maintenance while there.

For this fiscal year we appropriated $80,000,000 for the support of the Army, in the regular appropriation bill. The law providing for the Army at the time the appropriations were made had not been agreed to by both Houses. As it finally passed it largely increased the amount necessary, and this Congress has supplied the deficiency. The War Department came to Congress with its showing on the deficiency. That matter did not come to the Committee on Military Affairs. It went to another committee, the Committee on Appropriations.

After investigation there as to what had been done with the $80,000,000, they investigated how much there was asked for and how much they should allow for the balance of this present fiscal year, and appropriated it. We come in now only for the fiscal year beginning on the 1st day of July, 1900, and the hearings before the committee show that we have made a liberal allowance for the coming fiscal year, and with the chance that all of it will probably be used.

Mr. WHEELER of Kentucky. Now, before the gentleman takes his seat, as this is a matter I take a great interest in, I will say to him that I have a verbatim copy of the resolution which is transmitted with Mr. Meiklejohn's response, making it competent for the gentleman to say whether or not under this resolution the War Department was expected to transmit to Congress the entire cost of the army in the Philippines, including the transportation and everything of that kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. I do not raise any question as to time.

Mr. WHEELER of Kentucky. I desire the chairman of the committee to answer this question.

Mr. HULL. I will answer it if I can.

Mr. WHEELER of Kentucky. I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Iowa be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WHEELER of Kentucky. The language of the resolution is as follows, to state:

The amount of money expended—

This is a verbatim quotation—

The amount of money expended and the amount, so far as he is able to state the same, for which the Government is liable, remaining unpaid, for equipment, transportation, supplies, and the military operations in the Philippine Islands from May 1, 1898, up to and including November 1, 1899.

Now, I ask the gentleman from Iowa if, under the language in the resolution, it did not become the duty of the War Department to furnish the House information as to the total cost of all military operations in the Philippines?

Mr. HULL. In the Philippines, yes. But to do that they have got to separate each enlistment in the Army; they have got to separate the cost of sending each man to the Philippines, starting him from the day of enlistment. I never heard of this proposition, I will say to the gentleman. It did not come to the Committee on Military Affairs.

Mr. WHEELER of Kentucky. I am sorry it did not; I tried to get it there.

Mr. HULL. I will say to the gentleman that the cost of the Army as a whole is all that the Committee on Military Affairs went into. We did not try to segregate except as to the charge for each department, the amount for subsistence, the amount for the Quartermaster's Department, the amount for the Pay Department proper of the Army, and all these different items, but made no attempt to go into the question of how much of that would be expended for the army in the Philippines, how much for the army in Cuba or in Puerto Rico, or how much for the army that was not outside of the limits proper of the United States; so that I am not in a position that I would be competent to give an expression as to the different items, except as to the subsistence of the Army, camp equipage, and the different items, except as we find them appropriated for in the bill.

Mr. WHEELER of Kentucky. I would like the gentleman to permit me a moment on this subject.

Mr. HULL. Certainly; on any question that affects this bill.

Mr. WHEELER of Kentucky. I desired some information on this subject, and I frankly confess I was without any partisan motive in having this resolution passed.

I am sincere in the position I have taken in regard to the ultimate determination of what the American people shall do with the Philippine Islands; and while it has unfortunately become a partisan question, it is a matter fraught with such pregnant importance to the American people that I believe myself capable of rising above any mere partisan advantage on the subject, and I believe that the American people would be largely influenced in arriving at a settlement of the matter by the question of cost. Therefore I wanted a frank statement from the War Department as to the cost of military operations in the Philippine Islands. I am not satisfied with this statement that has been made.

Mr. HULL. Will the gentleman object to my making a little further statement to him now?

Mr. WHEELER of Kentucky. Certainly not.

Mr. HULL. The evidence before the Military Committee and an examination of the appropriation bills dating back for fifteen or twenty years demonstrates that the cost of the military establishment, meaning the officers, soldiers, and all connected with it, averages about a thousand dollars a year per man.

Mr. WHEELER of Kentucky. I am well aware of that; and probably more than that in active operation.

Mr. HULL. More than that now.

Mr. WHEELER of Kentucky. What I desired to know, and what the people of the United States desired to know, was what we were paying for the pleasure of holding the Philippines or for the glory of holding them; and I state that this statement made by the War Department is equivocal and unfair or it is a viciously ignorant one, because there is not an intelligent citizen of the Republic who does not know that we have spent from $48,000,000 to $90,000,000 there within the last eighteen months or two years.

I do not believe that the Secretary of War ever read that report; and if he did before giving it to the House of Representatives it is a stultification on his part or a confession of gross incompetency. What right have we to pass this bill, for which I expect to cast my vote, appropriating $112,000,000 of the people's money, to be used in the next twelve months, and be confronted with a deficit of $25,000,000 or more in the short session of Congress, when they are expending less than one-third of the sum in eighteen months for the maintenance and support of our Army here?

The CHAIRMAN. The time of the gentleman has expired. If there be no objection, the pro forma amendment will be considered as withdrawn.

The Clerk, proceeding with the reading of the bill, read as follows:

Signal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons; telephone apparatus (excluding exchange service) and maintenance of the same; electrical installations and maintenance at military posts; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army, by telegraph or otherwise, $97,000.

Mr. McRAE. Mr. Chairman, I would like to ask the gentleman in charge of the bill why this increase from $47,500 to $97,000?

Mr. HULL. I will say that there is an increase in the demand for the reason that the army is on the advance in the Philippines, and they want to be connected by telephone and telegraph. There is a large additional expense, and, as I believe, it will continue for the next year before all the departments are connected with the headquarters by telephone or telegraph at Manila.

The Department states that it was impossible, even after we made the last increase, to say whether that would be sufficient or not, for the reason that the troops in Manila, in the various departments, are constantly increasing their demand, and gave this as one of the illustrations, where they get to-day a cable, say, for fifty telegraphers, to-morrow another would come increasing the order for a hundred, on the ground that we were occupying new territory, and it is cheaper and more economical for the Government to connect by electricity—telegraph and telephone—than to keep a large detachment there to hold the place. This increase was made in the interest of economy to continue this work as rapidly as possible. If communication is rapid and sure, a much smaller force can be left to hold towns.

The Clerk, proceeding with the reading of the bill, read as follows:

For the purpose of connecting headquarters, Department of Alaska, at St. Michael, by military telegraph and cable lines with Fort Egbert, Cape Nome, and other military stations in Alaska, $450,550: *Provided*, That commercial business may be done over these military lines under such conditions as may be deemed, by the Secretary of War, equitable and in the public interests, and that the sum hereby appropriated shall be immediately available.

Mr. McRAE. Mr. Chairman, I reserve a point of order.

Mr. MOODY of Massachusetts. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 4, line 8, insert, after the word "interests," the following: "all receipts from such commercial business shall be accounted for and paid into the Treasury of the United States."

Mr. MOODY of Massachusetts. I understand, Mr. Chairman, that the point of order has been reserved.

Mr. McRAE. I want to reserve a point of order to this paragraph.

Mr. HULL. I will send to the Clerk's desk, Mr. Chairman, and have read a letter from the War Department.

The CHAIRMAN. Without objection, the amendment will be temporarily laid aside.

The Clerk read as follows:

WAR DEPARTMENT, *Washington, February 7, 1900.*

SIR: I have the honor to inform you that the War Department has this day transmitted to Congress, through the honorable Secretary of the Treasury, a supplemental estimate of appropriation under the title of "Signal Service of the Army," for the ensuing fiscal year, amounting to $450,550, for the purpose of constructing military telegraph and cable lines between the headquarters of the Department of Alaska, at St. Michael, and Fort Egbert, Cape Nome, and other military stations in Alaska.

It is requested that the subject of this estimate be considered in connection with the estimates for the support of the Army now pending before your committee, and, for the reason suggested by the Chief Signal Officer in his indorsement to the Secretary of War of the 3d instant, "that operations must be commenced in April of this year, in order to utilize the short summer season for the work," it is also requested that the funds, if appropriated, may be made immediately available upon the approval of the act.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives.

Mr. HULL. Mr. Chairman, if the gentleman from Arkansas would like any further information, I have a document submitted to Congress by the Treasury Department and by the colonel commanding in Alaska and by General Greely. It simply goes on to tell us of the great importance not only of making it, but making it at this time in connecting headquarters; otherwise during the last part of the year it is difficult to get communication in any way.

Mr. McRAE. I suggest that the document be printed in the RECORD. It seems to me that all this expense in Alaska, where we have very little use for an army, is useless.

Mr. HULL. I will say to my friend from Arkansas that the expense up there is increasing, and by the large rush of people there, not only our own people, but others, a large increase in this appropriation is demanded.

Mr. McRAE. We do not need a large army up there.

Mr. HULL. The condition of affairs in Alaska, so sparsely settled as it is, you have got to have troops at the mining districts or else you will have riot and bloodshed.

Mr. McRAE. I do not see the use of any big army there.

Mr. HULL. It is not a big army; it is a small army distributed at many points that are practically inaccessible and ought to be connected, as England has already connected her country in the Klondike, with telegraph facilities.

The document offered by Mr. HULL is as follows:

SIGNAL SERVICE OF THE ARMY.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 10, 1900.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of War, of the 7th instant, submitting a supplemental estimate of appropriation for Signal Service of the Army, $450,550, the same to be made immediately available.

Respectfully,

O. L. SPAULDING,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT, *Washington, February 7, 1900.*

SIR: I have the honor to forward herewith, for transmission to Congress, a supplemental estimate ($450,550) of appropriation for "Signal Service of the Army," required by the War Department for use during the ensuing fiscal year, and to request that the funds, if appropriated, may also be made available upon approval of the appropriation act.

Very respectfully,

ELIHU ROOT,
Secretary of War.

The SECRETARY OF THE TREASURY.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 27, 1900.

SIR: I have the honor to inclose herewith a key map of Alaska, on which is indicated, by red lines, a proposed military telegraph route, together with table of approximate distances between points named.

This route is intended to connect all the military establishments at present in Alaska, and brings Cape Nome, the chief point of interest at this time, in communication with an open harbor throughout the year.

It is thought that the wire for this line can be laid most of the distance upon the ground with perfect safety and, with everything in readiness to begin work at the opening of navigation, can be constructed throughout its entire length in one season.

I would ask that this matter be referred to the Chief Signal Officer for estimate of material, etc., and, if the plan meet with the approval of the Secretary of War, that the Signal Bureau be directed to furnish a suitable officer and a sufficient number of experienced men to take charge of the work.

Very respectfully,

G. M. RANDALL,
Colonel Eighth United States Infantry,
Commanding Department of Alaska.

The ADJUTANT-GENERAL UNITED STATES ARMY,
War Department, Washington, D. C.

[First indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
January 27, 1900.

Respectfully referred to the Chief Signal Officer for remark and recommendation for the information of the Secretary of War.

H. C. CORBIN, *Adjutant-General.*

[Second indorsement.]

WAR DEPARTMENT, SIGNAL OFFICE,
Washington, February 3, 1900.

Respectfully returned to the Secretary of War with the following remarks and recommendations. The growing commercial importance of Alaska and the prospective future of that country, as indicated by the best experts, show conclusively that a system of communication for this Department should be undertaken at once for the proper control and economical administration of this district. It is thought that the area can be controlled with a much smaller military force, and therefore much more economically and efficiently, by a proper system of communication between isolated forts.

In making estimates, however, for the lines herein requested difficulty is experienced, due to the very unusual conditions which exist in this region. The local high prices, the almost entire absence for any kind of transportation in the interior, and the impracticability of transporting and erecting poles over a large portion of this line makes it necessary to use in a large measure especially adapted insulated wire, in some sections laid directly upon the ground.

This largely increases the expense of the first cost of material, and makes the most careful estimate that can be made largely tentative in character, and the one herewith submitted is deemed to be as low as the work can be constructed. It contemplates the usual course, the work being done by the troops, under the direction of a Signal Corps detachment, and the necessary transportation being furnished by the Quartermaster's Department.

The line is divided into sections, with estimates for each section, and it should be understood that the cutting down of these estimates means the abandoning of a particular section. It is believed that, notwithstanding the comparatively large amount of money estimated for them, these lines are a necessity, and should be undertaken in the next open season of the country, as recommended by the department commander, whose headquarters, now at St. Michael, are entirely isolated from Washington seven months each year.

It should be clearly understood that the greater part of this telegraphic system is an absolute military necessity, as without it the department commander can not reach any of the posts during the critical winter period of the year.

It is announced that the Dominion of Canada has appropriated $350,000 to connect its stations in the Klondike telegraphically with Quesnelle, but this affords no facilities to the commanding general, Department of Alaska. The Chief Signal Officer, therefore, recommends that the inclosed estimate be submitted immediately with favorable indorsement, through the proper channels, to the chairman of the Military Committee, House of Representatives, with a view to incorporating this estimate in the Army bill for the coming fiscal year.

The necessity for the appropriation being available is owing to the fact that operations must be commenced in April of this year, in order to utilize the short summer season for the work.

A. W. GREELY,
Brigadier-General, Chief Signal Officer, U. S. A.

Estimates of additional appropriations required for the service of the fiscal year ending June 30, 1901, by the Signal Corps of the Army.

WAR DEPARTMENT—SIGNAL SERVICE.

Signal Service of the Army:

For the purpose of connecting headquarters Department of Alaska, at St. Michael, by military telegraph and cable lines, with Fort Egbert, Cape Nome, and other military stations in Alaska: *Provided*, That commercial business may be done over these military lines under such conditions as may be deemed, by the Secretary of War, equitable and in the public interests, and that the sum hereby appropriated shall be immediately available. (Submitted) $450,550

NOTE.—This telegraph system is an absolute military necessity, as without it the commanding general, Department of Alaska, will be unable, for the greater part of the year, to reach and conduct military operations with the military posts under his command.

The detailed estimates are as follows:

Valdez to Fort Egbert, 385 miles, at $150 per mile	$57,750
Fort Egbert to Fort Yukon, 285 miles, at $150 per mile	42,750
Fort Yukon to Fort Gibbons, 363 miles, at $150 per mile	54,450
Fort Gibbons to Fort St. Michael, 605 miles:	
50 miles submarine cable, at $900 per mile	45,000
555 miles of land cable, at $200 per mile	111,000
Fort St. Michael to Cape Nome, 144 miles of submarine cable, at $900 per mile	129,600
Total	440,550

The cost of equipping stations ($10,000) is not included in their detailed estimate.

The above system connects by the most direct line all the important military posts in the department.—*A. W. Greely, Brigadier-General, Chief Signal Officer, U. S. A.*

Mr. McCLELLAN. How many troops are stationed in Alaska?

Mr. HULL. Three or four companies.

Mr. McRAE. Mr. Chairman, I do not insist upon the point of order.

Mr. MANN. I insist upon the point of order.

The CHAIRMAN. The gentleman from Illinois renews the point of order.

Mr. MANN. Pending the point of order——

Mr. HULL. Then the gentleman reserves the point of order?

Mr. MANN. Yes; I reserve it.

The CHAIRMAN. Does the gentleman wish to discuss the point of order?

Mr. MANN. Pending the discussion of the point of order, I would like to discuss the——

Mr. HULL. I will say that if the gentleman wants to raise the point of order, I concede it.

Mr. MANN. Oh, I understand the point of order can easily be made. I understand this situation pretty well, Mr. Chairman; we have been discussing the question of laying cables for a long time. The War Department is anxious to have the authority to lay all the cables it can, not only in Alaska, but to Hawaii, the Philippines, and across to Japan, and everywhere else. If cables are to be laid, they ought to be laid by some other Department, and ought to be under the control of the Post-Office Department after they are laid. This provision is inadequate, I think. I think the connection ought to be made, but I do not think it ought to be done in this way by the War Department.

Mr. HULL. This does not propose to do anything but connect the different headquarters of these troops with the central power in Alaska.

Mr. MANN. This proposes to connect—and if I am wrong I would like to be informed about it—this proposes to connect by a cable, which will be used for commercial purposes a great deal more than it will be used for military purposes. It is perfect nonsense to talk about putting it there for military purposes. The estimated distances are as follows:

From Valdez to Fort Egbert, 385 miles; from Fort Egbert to Fort Yukon, 285 miles; from Fort Yukon to Fort Gibbons, 363 miles; from Fort Gibbons to Fort St. Michael, 605 miles, and from Fort St. Michael to Cape Nome, 144 miles. The estimates in detail will be found on page 3 of the document I hold in my hand.

So far as the other point is concerned, the gentleman from Massachusetts [Mr. MOODY] has an amendment that will probably cover all that objection, for it is true that this telegraph line might be used for some commercial purposes. The primary and only object, however, of the Government in laying this cable is to connect these widely separated commands, so that orders can readily pass from one to another. For instance, between the two places first named the distance is 385 miles. If you should send a vessel that distance, it must be done at great expense and with great delay. The next distance is 285 miles, the next 363 miles, the next 605 miles, and the next 144 miles. The distances between these places make it absolutely imperative that there should be telegraphic connection in the interest of good government and in the interest of economy.

I withdraw the point of order.

Mr. MOODY of Massachusetts. I ask that my amendment may be again read.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts which, without objection, the Clerk will again read.

The amendment of Mr. MOODY of Massachusetts was read, as follows:

On page 4, line 8, insert, after the word "interest," the words "all receipts from such commercial business shall be accounted for and paid into the Treasury of the United States."

Mr. MOODY of Massachusetts. The only object of this amendment is that the receipts from the commercial operations of this telegraph and cable shall be covered into the Treasury of the United States. I think there will be no objection to the amendment.

Mr. HULL. The amendment is eminently proper. I think the arrangement which it proposes would be carried out anyhow; but the amendment makes it clear that it shall be done.

The question being taken, the amendment was agreed to.

The Clerk read as follows:

For pay of officers for length of service, to be paid with their current monthly pay, $1,129,300: *Provided*, That hereafter length-of-service pay of all officers of the Regular Army holding commissions in the provisional army shall be paid on their rank in the Regular Army.

Mr. MOODY of Massachusetts. I reserve a point of order on that.

Mr. CLAYTON of New York. I raise a point of order on proviso beginning at line 15. In this connection, Mr. Chairman, I would say that under the law as it stands at present—section 12 of the act approved April 22, 1898 (30 Stat. L., 363), providing that "all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army"—under that section these officers have their longevity pay computed on the salary they receive as volunteer officers.

Now, if this Volunteer Army of ours were a permanent establishment, I might not raise this point of order; but as it is a Volunteer Army which is to exist for only a year or so more, and as the officers who are affected by this provision were selected because of their meritorious record, I do not think it proper that we should at this time change the general law by a provision of this sort.

Mr. HULL. Can the gentleman refer to any law which gives this longevity pay now?

Mr. CLAYTON of New York. I have just read it.

Mr. HULL. What law is it?

Mr. CLAYTON of New York. Section 12 of the act approved April 22, 1898.

Mr. HULL. What does that provide as to longevity pay?

Mr. CLAYTON of New York. I have just read the provision—"that all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army."

Mr. HULL. That does not apply in this case.

Mr. CLAYTON of New York. Yes, sir; it does; and I will show the gentleman. Volunteer officers who served in the Regular Army previous to 1898, when they went into the service of the United States, did not get any commission from the Government, but went in from one of the States. While in the United States service they got longevity pay computed on their salary as volunteer officers for the length of time they had previously served in the United States Army. A United States officer holding one of these commissions is on exactly the same footing as a man who had previously resigned and then accepted a commission.

As I said before, if this Volunteer Army were a regular establishment to continue indefinitely, I would not raise the point of order, but it affects only about 200 officers, selected because of their good record; and while they are in the service of the country—a large majority of them out in the Philippines—I do not think it comes with good grace for us to pass this provision which cuts them down in this amount.

The average amount, as I say, on less than 200 officers affected is about $15 a month, and the total saving would be about $35,000. Now, I do not think it good policy to change the general law to save $35,000 at the expense of the men in the field at the present time.

Mr. HULL. Mr. Chairman, I want to say for the benefit of the gentleman from New York [Mr. CLAYTON], if he has finished what he wanted to say—I do not want to interfere with him——

Mr. CLAYTON of New York. Very well.

Mr. HULL. I beg the gentleman's pardon. I thought he had concluded.

Mr. CLAYTON of New York. I yield to the gentleman.

Mr. HULL. I want to say that this matter, in my judgment, is not subject to a point of order and does not change existing law, as suggested by the gentleman.

Mr. CLAYTON of New York. Well, now——

Mr. HULL. It is simply a limitation or a regulation as to how a fund appropriated by this Congress shall be computed. If that is a change of law, to that extent it would be subject to the point of order.

Mr. MOODY of Massachusetts. Let me suggest to the gentleman that if he strikes out the word "hereafter"——

Mr. CLAYTON of New York. These men are now receiving a certain salary which they get under the general law.

The CHAIRMAN. The Chair was about to call the attention of the gentleman from Iowa to the word "hereafter," which the gentleman from Massachusetts [Mr. MOODY] has just called his attention to. With that word in it it is certainly more than a limitation upon this appropriation.

Mr. HULL. If this is stricken out on the point of order I shall offer an amendment with the word "hereafter" omitted.

Mr. CLAYTON of New York. It changes the existing law.

Mr. HULL. It does not affect any officer in the Regular Army in his lineal place in the Army. It only affects those who have secured high positions in the volunteer service, large promotions over what they had in the Regular Army, and from grades which are still occupied by others of the same class who graduated from West Point at the same time.

Mr. CLAYTON of New York. That has nothing to do with the point of order. The gentleman is pleading the merits of the case now.

Mr. HULL. So did you. We have both pleaded to the merits of the case. I admit this is not directly on the point of order. If these men get the pay of the higher grade and the longevity pay to which they are entitled on account of their service in the Regular Army, the committee believes that is sufficient and that they ought to be confined to that longevity pay while receiving the emoluments and benefits of a higher grade than other men in the Regular Army, which all the others would be delighted to have. While it may affect only $30,000, that makes no difference. The question is as to the justice of it, if it was only one dollar.

The CHAIRMAN. The Chair is prepared to rule.

Mr. HULL. Well, let the Chair rule.

Mr. CLAYTON of New York. I should just like to say one word, Mr. Chairman, in opposition to what the gentleman has said. These officers receive this higher pay, but they are called upon to exercise more authority and bear more responsibility, and they are entitled to that extra pay, and I submit that they are now being paid under a just law.

Mr. CAPRON. Will the gentleman permit a question?

Mr. CLAYTON of New York. Yes.

Mr. CAPRON. I should like to ask the gentleman if a captain in the Regular Army, who is selected to be a colonel in one of the volunteer organizations simply because he is a friend of the appointing power or of the governor of a State or for some other reason, no matter what——

Mr. CLAYTON of New York. I will say to the gentleman that these selections——

Mr. HULL. Wait a minute. If this officer is commissioned as a colonel of a volunteer regiment, if he gets his compensation as colonel, over and above the compensation which he would otherwise receive as a captain, is not that a sufficiently material increase of compensation for that officer when there are in the service two or three hundred other officers equally deserving but not able to obtain a volunteer commission—officers of equal length of service? Why should that one officer receive longevity pay beyond all these other worthy officers of his class, to which class he will return at the end of his volunteer service?

Mr. CLAYTON of New York. Because his new commission imposes upon him greater duties, more responsibilities, and harder work——

Mr. CAPRON. For which he is amply paid by the increased pay of his new rank.

Mr. CLAYTON of New York. I did not bother the gentleman from Rhode Island. Now, let him wait until I get through. His new commission sends him into the field, into a more responsible position, with more difficult duties to perform; and his selection, if it is honestly made, shows that he has fitted himself for the exercise of this higher command, and is entitled to the pay and emoluments of that rank. Now, Mr. Chairman, these men are paid under a general law——

Mr. CAPRON. Mr. Chairman, the gentleman seems to lose the idea of what the longevity pay is for.

Mr. CLAYTON of New York. I ask for the decision of the Chair.

The CHAIRMAN. The Chair is prepared to rule. The Chair sustains the point of order.

Mr. HULL. Then I offer the following amendment.

The amendment was read, as follows:

Provided, That length of service pay of all officers of the Regular Army holding commissions in the provisional army shall be paid on their rank in the Regular Army.

Mr. CLAYTON of New York. Mr. Chairman, I did not quite catch the reading of that.

Mr. HULL. The only difference between the amendment that I offer and the provision reported by the committee is to leave out the word "hereafter," in line 16, so that it makes it apply to this appropriation only.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

Mr. MAHON. Will the gentleman yield for a question?

Mr. HULL. Yes.

Mr. MAHON. Who recommends this legislation?

Mr. HULL. The committee.

Mr. MAHON. Is there any recommendation from the War Department?

Mr. HULL. None, except that one officer of the War Department when he was before the committee was asked if he thought there would be any injustice in the provision, and he said he thought not.

Mr. MAHON. I have had a little experience with the War Department, and there are several gentlemen up in that Department who feel disposed to take all the honors of the late war to themselves, although they have earned the greater part of their military record behind screened desks, and they are disposed to strike at the men who are in the field. Now, there is some purpose in this amendment.

Mr. HULL. Let me say to the gentleman right here now that this provision was reported by the committee without a suggestion from the War Department.

Mr. MAHON. That is what I am asking.

Mr. HULL. And I wish to say that the War Department, under the present law, has construed the matter in favor of giving the increased longevity pay to every man, whether in Washington, in the Philippines, in Cuba, or in any other part of this country, on the basis of the temporary command that he is now holding.

Mr. MAHON. Yes.

Mr. HULL. So that the remarks of the gentleman as to the War Department are not just.

Mr. MAHON. You propose to take from these men what the present law gives them.

Mr. HULL. No; what the present regulation gives them.

Mr. MAHON. You propose to reduce their pay. That is the whole proposition.

Mr. HULL. We propose in this amendment to give the man who is appointed a colonel of a volunteer regiment, but appointed from the Regular Army, practically by detail, the same longevity pay which is received by his brother officers who have had equal length of service in the Regular Army, but who have not been fortunate enough to secure these desirable commissions. A captain in the Regular Army is given a commission as colonel of a provisional regiment. Now, we propose to give him, as colonel, the same pay as would be given to the gentleman from Pennsylvania [Mr. MAHON], if he were commissioned as a colonel of one of these volunteer regiments.

Mr. MAHON. Do you not mean this——

Mr. HULL. And in addition to the pay which the colonel would get who was appointed from civil life, the man who is appointed to be a colonel, but who has heretofore been a captain in the Regular Army, would get the longevity pay that he has earned by reason of his service in the Regular Army as lieutenant and as captain.

Mr. MAHON. You propose that a captain of the Regular Army who led a regiment into the field, as a colonel of a volunteer regiment—you propose to give him the same pay as you give a captain who has spent his life in the bureau from the day he left West Point up to the present time.

Mr. HULL. Not a bit of it. The gentleman does not know what he is talking about. We give him the pay of a colonel.

Mr. MAHON. I mean the longevity pay.

Mr. HULL. Take the case of the colonel of the Fifty-first Iowa. He was with his regiment in 16 battles. He got the $3,500 a year, which is the regular pay of a colonel. Now, the colonel of a regiment who had been a captain in the Regular Army got the pay of $3,500——

Mr. MAHON. I understand that——

Mr. HULL. And in addition to that he got the longevity pay of a colonel. If he had been in for twenty years he got 40 per cent increase of pay up to the limit provided by law, which fixes the maximum pay of a colonel at $4,500. If he was a captain of cavalry he got $3,500 plus $800, making $4,300. And yet his rank is the same as that of the volunteer.

Mr. CLAYTON of New York. That statement is not——

Mr. HULL. That statement is absolutely true.

Mr. CLAYTON of New York. Let me tell you why it is not.

Mr. HULL. Let me finish, then.

Mr. CLAYTON of New York. I can show you why it is not.

Mr. HULL. That is absolutely true. This provision does not cut him off from the longevity pay that he is entitled to by his rank as a captain in the Regular Army. That he is entitled to and ought to have. But there is no reason why, holding a temporary position, whether in the field or in the Department at Washington, a higher commission in the Volunteer Army than his regular rank in the Regular Army—there is no reason why he should have not only the pay of the rank, which we concede, but an additional perquisite in longevity pay that he has not earned in that rank, or in the ranks of major and lieutenant-colonel leading up to the position of colonel.

Mr. CLAYTON of New York. Will the gentleman yield to me for a minute? I should like to state one thing.

Mr. MAHON. This longevity pay is to pay for this provisional service.

Mr. HULL. Oh, no.

Mr. MAHON. That is your amendment. You apply it to this appropriation.

Mr. HULL. This will apply to this appropriation for this fiscal year.

Mr. MAHON. I know that, but my position is as to this appropriation that these men who serve in the field should have the longevity pay of the rank that they hold in the field during the time of the service.

Mr. HULL. He does not serve long enough to earn it. It takes five years to earn it. Practically the volunteers are never in long enough to earn longevity pay.

Mr. CLAYTON of New York. I know a man who was appointed colonel in the volunteer service in 1898. He had twenty years' service, but he had resigned. Only for the fact that he had resigned, in such a case as this, under this proposed amendment, he would get his 40 per cent of colonel's pay. But if he had not resigned from the Regular Army he would only get 40 per cent on the pay of a captain. Now, I submit it is not right to make this distinction.

Mr. HULL. I do not think that is correct. He would get the longevity pay of the rank in which he had earned it.

Mr. CLAYTON of New York. Do you say that is not correct?

Mr. HULL. I do. If the proviso prevails he would get longevity pay as on a captain's salary, and not on that of a colonel, as now.

Mr. CLAYTON of New York. Under the construction, I know he did, because I know of the individual cases. Now, because a man happens to resign he would be in a better position than the man who had held his commission in the Regular Army. That is what it is under this proposed amendment.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I wish to submit an amendment to that section.

The CHAIRMAN. The gentleman submits an amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of line 18 the following:
"To the heirs of officers in the Regular Army who have died since January 1, 1898, two months' extra pay, to be paid out of any money in the Treasury not otherwise appropriated."

Mr. HULL. Mr. Chairman, I raise the point of order that that is not in order.

Mr. FITZGERALD of Massachusetts. I would like to have the gentleman reserve his point of order.

The CHAIRMAN. The gentleman from Iowa raises the point of order against the amendment. Does the gentleman reserve the point of order?

Mr. FITZGERALD of Massachusetts. Will the gentleman reserve the point of order until I make my statement?

Mr. HULL. I have no objection to reserving the point of order to permit the gentleman to make a statement.

Mr. FITZGERALD of Massachusetts. I wish to call the attention of the chairman of the Committee on Military Affairs to the manifest injustice, as I understand the law, that was done to the families of officers of the Regular Army, under the provisions of the act which was passed March 3, 1899, and which reads as follows:

That the act of January 12, 1899, be, and it is hereby, amended so as to authorize the payment to the legal heirs or representatives of the officers and enlisted men who died or were killed or who may die in the service, the extra pay provided for in that act for officers and enlisted men who have been or are to be mustered out.

Now, Mr. Chairman, under the operation of that act the officers and men who were a part of the volunteer service and who died in the service, their families and legal representatives were paid this extra month's money, but the families of the officers of the Regular Army are denied this payment. I can not see where the justice of that measure lies; and I would like to ask the chairman of the committee if that statement I have made on the floor just now is not true?

Mr. HULL. Mr. Chairman, there is quite a difference between the Volunteer and the Regular Army. Under the terms of that act those in the Volunteer Army who served abroad were given two

months' extra pay, and those who served at home were given one month's extra pay. The Regular Army is a life position. The officer is paid for it, as it is his business to serve in the Army. He does not throw up a position and go into the Army for a few months to the neglect of his own business and then come back and take up the tangled threads again, as the volunteer officer did, and therefore I must insist on the point of order.

Mr. FITZGERALD of Massachusetts. One moment. The officers of the Regular Army have obtained this extra two months' pay and the enlisted men also, but the families of those officers and of those men that were killed in Cuba or died in the service have been denied this amount of money. I am sure if live men are entitled to the money, the families of those who have been killed in battle or died from disease are deserving of recognition.

Mr. HULL. That is not a correct statement. That alluded to men who had enlisted in the Army for the war only in the Regular Army, and they were given the two months' extra pay.

Mr. FITZGERALD of Massachusetts. But their families have been denied any extra money.

Mr. HULL. The Department has prepared a ruling on that matter.

Mr. FITZGERALD of Massachusetts. It was given to the officers and the enlisted men, but families of those who died in the service have been denied this two months' extra pay.

Mr. HULL. This is not the place to settle that question.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For additional pay for length of service, $875,000.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I desire to offer an amendment to that paragraph.

The Clerk read as follows:

Insert, after line 24, page 4, the following:
"To the heirs of enlisted men in the Regular Army who have died since January 1, 1898, two months' extra pay, to be paid out of any money in the Treasury not otherwise appropriated."

Mr. HULL. I raise the point of order against that amount. We can not take that out of the extra-service pay for men who are alive. This appropriation provides for the number that are on the list, and could not cover an entirely different expenditure.

Mr. FITZGERALD of Massachusetts. That applies to men of the Regular Army that died in the service, so that their families can be paid.

Mr. HULL. We are not appropriating for this fiscal year, but for another year, commencing July 1 next.

Mr. FITZGERALD of Massachusetts. You can amend this bill so as to cover cases where the Government has not done justice.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD of Massachusetts. I offer another amendment.

The CHAIRMAN. The point of order is sustained on the amendment of the gentleman from Massachusetts, after which the gentleman offers another amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 24, page 4:
"That in all cases where an officer or enlisted man in the Army of the United States died since the 1st day of January, 1898, the heirs or legal representatives who paid the cost of burial shall be reimbursed by the United States in a sum not to exceed $35 for privates, and in the case of the burial of officers $100, irrespective of any expense incurred by the Government.

Mr. HULL. I raise the point of order against that amendment.

Mr. FITZGERALD of Massachusetts. I ask the gentleman to reserve the point of order while I make a statement. Referring to a decision made by the Comptroller on that subject——

Mr. HULL. I reserve the point of order.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, under the decision made by the Comptroller, as is reported in the decision made November 1, 1899, is the following:

The soldier was killed in the battle at El Caney July 1, 1898, and was buried there, presumably at the expense of the United States. It does not appear in evidence, but it is assumed that the remains of the soldier were brought north under the direction of the Secretary of War, provision for which was made by the act of July 8, 1898.

And, Mr. Chairman, the War Department made the ruling and put it into practice allowing $35 for the family of a soldier killed in battle for the payment of burial expenses, and $100 in the case of an officer. Now, the Comptroller has ruled that where the bodies were taken from the field of battle and thrown into a trench they were buried by the United States Government, and has refused the payment to the legal representatives of those who fell in Cuba. I say that this decision is an outrage, and I think Congress should place it beyond the power of any official of the Government to negative the plain intent of the Government in this way. In many cases the families of these soldiers are unable to bear the burden of burial, and the Government ought to be willing to give this small pittance. If the Regular Army soldier was a constant voter, I suppose his case would get greater consideration.

Mr. HULL. Mr. Chairman, there is another part of the bill that deals with this question. It would not be proper here under any circumstances, but there is another part of the bill that makes provision for soldiers and civilian employees of the Government who die in service of the Government.

Mr. FITZGERALD of Massachusetts. Does the gentleman agree——

Mr. HULL. I will make an agreement when the time comes.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

PAY TO CLERKS AND MESSENGERS AT DEPARTMENT HEADQUARTERS AND AT HEADQUARTERS OF THE ARMY.

Nine clerks, at $1,800 each per annum.

Mr. McRAE. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. Does the gentleman's point of order apply to different parts of the section?

Mr. McRAE. I make it first to the paragraph beginning at line 3. That is increasing the number of clerks, and is really a change of law.

Mr. HULL. I will say to the gentleman from Arkansas that that same argument would apply to the first two provisions running down to line 6.

Mr. McRAE. It would apply it to the first, second, and third paragraphs when increases are made in pay or number.

Mr. HULL. Suppose the gentleman lets the provision be read applying to the general-service clerks down to and including line 16?

Mr. McRAE. I have no objection to that if my point of order is reserved to all of the paragraphs read.

Mr. HULL. I will agree that the gentleman shall not lose any of his rights, and then we shall have the whole matter before us.

Mr. McRAE. Reserving my right, Mr. Chairman, to make a point of order against the whole or any part of it, I have no objection.

The CHAIRMAN. The Clerk will read, with that reservation.

The Clerk read as follows:

Nine clerks, at $1,600 each per annum.
Thirty clerks, at $1,400 each per annum.
Sixty clerks, at $1,200 each per annum.
Eighty-two clerks, at $1,000 each per annum.
Eleven general-service messengers, at $840 each per annum.
Fifty-seven general-service messengers, at $720 each per annum.

Mr. HULL. Now, Mr. Chairman, on the point of order, we had this question up last year, and the contention of the Committee on Military Affairs was that this does not increase the number by a single clerk, but increases the compensation. The compensation is fixed each year by the appropriation bill only. There is no other provision in regard to it that I know of, and the gentleman from Illinois [Mr. HOPKINS], as I remember, in the chair, overruled the point of order last year when raised on just this provision. If the point was reserved, I would send to the desk and have read the reasons that influenced the committee in making this increase, not in the number of clerks, but the increase in the compensation.

I want to say that this increase is honestly earned by the clerks. They have been serving and performing duties at a less compensation than the clerks in the other parts of the War Department, working side by side, have been getting for the last thirty years. For instance—this does not go to the point of order—but the chief clerk of the General Commanding the Army has a compensation of $1,200 a year, while in all the other bureaus of the War Department the clerks performing the same service get $1,800. This is an adjustment of salaries to make them harmonious with those of other clerks of the Department. So far as I am concerned, I believe it is absolutely just, and I do not believe that on an appropriation bill, where the salary is fixed from year to year, it is subject to a point of order as to the adjustment of salary, while a point of order would lie against the increase of the force.

Mr. McRAE. Mr. Chairman, if that proposition were true, we would have no limitation whatever upon Congress in appropriations for clerks, etc.

Mr. HULL. Oh, yes, we would.

Mr. McRAE. Here they take 18 clerks receiving $1,200 and give 9 of them $1,800 and 9 of them $1,600, and then they go down to where they have 100 clerks and reduce them to 82. While he does not increase the number of people employed, he does largely increase the salaries of some and the aggregate amount paid. I submit to the Chairman that each one of these paragraphs must stand alone. I make the point first against the one including lines 3 and 4, against the change of the salary paid the men. It is unnecessary for me to take up the time in discussing the matter, because I know the Chairman is perfectly familiar with the principle, and I think the gentleman is mistaken when he says that the point of order was overruled a year ago by the present Chairman.

Mr. HULL. In reply to the statement of the gentleman from Arkansas that if the committee could report such amount of appropriation under this head as it pleased from year to year, there

would be no protection to the Government, I assume that this House is some protection to the Government and that its members will pass upon questions of this kind with a view to the interests of the Government. Suppose, on the other hand, the committee should report a general reduction all along the line; that would be subject to a point of order if this is.

Mr. McRAE. My point is that this is not the place to make an increase of this kind, even if proper. We have a Civil Service Commission, and we have the different Executive Departments, whose duty it is to look after the promotion of the clerks under the regulations and law. If each committee having jurisdiction of an appropriation bill could in this way take care of its own friends and increase their salaries five or six hundred dollars whenever they pleased, where would the practice end? It is wrong in principle, and is a species of favoritism that ought to stop.

Mr. HULL. Let me say to my friend that the Civil Service Commission and the promotion bureau could only provide for promotions up to the limit authorized by law. There is no law fixing this compensation other than appropriations made from year to year in the appropriation bill.

Mr. McRAE. If the law is wrong, change it in the proper way.

Mr. HULL. There is no law other than what we are enacting. There is no place where the compensation of these employees is fixed except on the appropriation bill passed from year to year. That being the case, we have the right to say that the pay of any of these officers should be reported in the bill at $1,800, $1,600, or $900, and this House has a right to say whether it will adopt our proposition or not.

Mr. McRAE. We may have the power, but it is one we ought not to exercise; and, so far as I am concerned, I am not content to have salaries increased here in this way to any extent that we may desire, upon the judgment simply of one committee, that can not know anything about the services of the clerks in question except what may come to them as secondhand information.

The CHAIRMAN. The Chair, in looking up the record, discovers that the basis of the decision made by the gentleman from Illinois while occupying the chair last year was a statute which provides as follows:

Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

So that the decision of the gentleman from Illinois last year was based upon a provision of law for whatever number of clerks Congress chose to appropriate in any particular Department—which is a proposition differing distinctly from that suggested by the gentleman from Arkansas.

Mr. McRAE. But in this case the gentleman admits that we have nothing except the current law, and consequently we are bound by it. There can be no question about this being an increase over current law.

The CHAIRMAN. Oh, no; here is a general statute providing that so many clerks of the several classes named shall be employed in a Department as Congress chooses to appropriate for. That is the law which permits us to make this appropriation; and it presents a different state of facts entirely from one where there has been no statute whatever and where we are dependent entirely upon a former appropriation.

Mr. McRAE. I understood the gentleman from Iowa to say that there was no law regulating this matter; and if there is any, I ask that it be read.

Mr. HULL. My suggestion was that the only authority of law is in the appropriation bill passed from year to year.

The CHAIRMAN. It seems to the Chair that the ruling of the gentleman from Illinois, as found in the RECORD, must be followed by the present occupant of the chair, unless the present situation is shown to differ from that then presented.

Mr. CANNON. I care nothing about the merits of this matter; but the Chair will indulge a single remark, that the particular clause of the statute under the heading of a particular Department, referred to in that decision, treats of the Departments proper—the Interior, the War, the Navy, the Post-Office Department, and so on. Now, the employees at present under consideration are not clerks of class 1, 2, 3, and 4, nor are they messengers. They belong to the military establishment as contradistinguished from the various Departments. I feel quite sure that such is the interpretation of the statute referred to. If the Chair had the statute before him I would be glad to call his attention——

The CHAIRMAN. The Chair has not the statute before him. The section as read by the Chair is found in the RECORD in connection with the ruling made by the gentleman from Illinois last year.

Mr. CANNON. I do not think that the statute refers to the clerical assistants at Army headquarters or in connection with the Quartermaster-General or the Commissary-General in the Army proper. Nor do I think it refers to clerical assistants aboard ship or anywhere except in the Departments. That is my recollection of the statute. I see the Chair has the statute before him.

Mr. McRAE. Mr. Chairman, the discussion has proceeded upon the theory and upon the admission of the gentleman from Iowa that that was the statute which classified these clerks, and the appropriation is not made by classification, but is an increase in salary over that appropriated for last year.

Mr. CANNON. The Chair will notice in section 163 that it is provided that—

The clerks in the Departments shall be arranged in four classes, distinguished as first, second, third, and fourth classes.

That is under the head of "Executive Departments." Now, section 169, after speaking of the clerks, messengers, assistant messengers, laborers, and watchmen, says:

Each head of a Department is authorized to employ in his Department such number of clerks of the several classes as are recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

The CHAIRMAN. Since the gentleman from Illinois has called the attention of the Chair to this statute wherein it refers to classified clerks, the Chair is of the opinion that this section does not come within the class contemplated by the statute. The Chair will be glad to have this section passed over for a moment until he can send for a report that is referred to here which he has not now before him.

Mr. McRAE. As far as I am concerned, if it will facilitate the consideration of the bill, I am willing that the paragraph should be passed, not only for a few moments, but until to-morrow or later in the evening, if it is desired.

The CHAIRMAN. The Chair thinks it will only take a few moments.

Mr. HULL. I want to call the attention of the Chair to the fact, however, that the only compensation fixed for these clerks or that has ever been fixed is in the appropriation bills from year to year.

The CHAIRMAN. But that is not the point that we are speaking about now. The question now is whether the statute contemplates simply clerks in the Department proper or whether it contemplates covering clerks at the Headquarters of the Army.

Mr. HULL. I have no objection to passing over it, if the Chair desires.

The CHAIRMAN. If there be no objection, that provision will be temporarily passed over.

Mr. HULL. The Clerk can read, then.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all, $276,880.

And said clerks and messengers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve.

Mr. MAHON. I raise the point of order against the paragraph which has just been read.

The CHAIRMAN. The gentleman from Pennsylvania raises the point of order against lines 19, 20, and 21.

Mr. MAHON. That is clearly new legislation and a change of existing law.

Mr. HULL. That has been in every appropriation bill every year for some years. It is intended to prevent the bickering of the different Departments.

Mr. MAHON. The Secretary of War can not employ men under the civil-service law in this way.

Mr. HULL. We pass this language every year.

Mr. MAHON. That does not make any difference. You violate the law every year, then. It is a change of existing law.

The CHAIRMAN. Has the gentleman from Iowa the last appropriation bill before him?

Mr. HULL. The last appropriation bill reads as follows:

And said clerks and messengers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve.

Mr. MAHON. If the gentleman will strike out the word "employed"—the Secretary of War can assign them, but he can not employ them under the law.

Mr. HULL. He assigns them to the positions in which they are to serve.

Mr. MAHON. Yes, but he must have them certified. If these men are now authorized by law, they must be certified from the Civil Service Commission, and that is where the Secretary of War must get his men.

Mr. HULL. Yes, but they are not assigned by the Civil Service Commission to certain employment.

Mr. MAHON. He can assign them when he gets them, but he can not employ them.

Mr. HULL. I do not care whether you have the word "employed" or not. The word "assigned" is the important word. It is the same thing that we have had for many years.

Mr. MAHON. The Secretary of War can assign them.

Mr. HULL. When you come to these messengers, I do not know whether they are under the civil service or not.

The CHAIRMAN. Does the gentleman from Iowa state that this is the same as the provision of last year?

Mr. HULL. Yes; identically the same; and before that, for many years.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MAHON. One moment. This only applies to specific appropriations each year, and it does not follow that because we allowed it in the past they can be legally employed in this way in the future. We give to the Secretary of War the right to employ 158 men whose salaries run from $1,200 to $2,000, and these men are under the civil-service law, and if he wants men for these places he is bound to ask for them from the Civil Service Commission. Then he can assign them to any place he sees proper. If the gentleman will strike out the word "employed," I do not think that amendment will change existing law.

Mr. HULL. I want to say, Mr. Chairman, that if they are all under the civil-service law the words here mean nothing, because the Secretary of War could not employ them in any other way if they are under the civil service.

Mr. MAHON. Take out the word "employed," then.

Mr. HULL. If any of these messengers are not under the civil-service law, you may, by striking this out, deprive him of the right to employ messengers which he now has the right to employ.

Mr. MAHON. All those are over twelve hundred, and are covered.

Mr. HULL. Oh, no; some of the messengers run down to $720.

Mr. MAHON. It would not cover those, but it would cover the others.

Mr. HULL. I do not know whether it will cover all or not. These words do not do any harm, because they do not change the method of their selection. They are simply following the rule that has been followed, and I have never had my attention called to it. The question has not been raised before since I have been in Congress, and I think it had better remain just as it is.

Mr. MAHON. All right; but if this section goes through, the Secretary of War can employ these men and assign them, regardless of the civil-service law, because this is a law which we are passing now, and I think that is the intention.

Mr. HULL. The gentleman can move to strike the word out.

Mr. MAHON. I move to strike out the word "employed."

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the words "employed and." The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SPIGHT. Mr. Chairman, I move to strike out the last word. I do not care to discuss that motion, of course. I want to obtain some information from the chairman of the committee or some one on the committee. Is there any provision in the bill to pay officers in the Army serving in a higher capacity temporarily?

Mr. HULL. Oh, yes; that is the law now. We have an appropriation in here to amend what is already the law, and we have a proviso that the committee will offer, when the proper time comes, to limit it.

Mr. SPIGHT. Can you refer without inconvenience to the section where that occurs?

Mr. HULL. We will reach it in a little while. These are for men on the staff of the Army proper. If you will allow the reading to go on, we will reach it soon. I think it is page 14, lines 19 and 20.

Mr. SPIGHT. Thank you.

The Clerk read as follows:

For pay of 10 junior veterinary surgeons, $9,000: *Provided*, That the additional veterinary surgeons provided for in this bill shall be graduates of some recognized veterinary college: *Provided further*, That junior veterinary surgeons shall be allowed and paid monthly the sum of $3.71 during the entire period of their service in lieu of the clothing allowance of a sergeant-major.

Mr. McRAE. Mr. Chairman, I raise a point of order against the whole proviso of the first paragraph on page 11.

Mr. HULL. Mr. Chairman, will the gentleman withhold the point of order just a minute? It is clearly subject to a point of order. We have now ten veterinary surgeons in ten regiments of cavalry. It is a provision for ten veterinary surgeons, and they will all have to be selected. We have only ten veterinary surgeons. That only classifies them as senior and junior. They are now known as first and second class. One of them gets $100 a month and the other $75 a month. We have ten regiments of cavalry. They are not all provided with veterinary surgeons. We have seven regiments of artillery which are not provided with veterinary surgeons.

This is a very small increase in a corps which is not enough now, and is a real saving to the Government. We would have made it more in the committee in this bill, but we have now pending before the committee a bill that deals with this question more in detail. It is a matter of great importance to the Government to have the services of these men. It saves many times over their salaries; and if they can have the selecting of them, they ought to select these men from the modern school of veterinary, and thus obtain the services of men who have been thoroughly educated in that line. I hope the gentleman from Arkansas will see the necessity for this legislation. The Quartermaster's Department now employs veterinary surgeons, but it is not covered by this section.

Mr. McRAE. I only make the point of order against the proviso. I am willing to give them the horse doctors, but I do not want to have this new legislation.

Mr. HULL. There is nothing in the law about where they shall be obtained from now.

Mr. HAY. What objection has the gentleman to having these people examined and the graduates from these schools being recognized?

Mr. McRAE. I think there are quite as good horse doctors who have never had anything to do with colleges.

Mr. HAY. There are many of these colleges in this country—one in almost every State.

Mr. McRAE. How many are there in Virginia?

Mr. HAY. Two, I believe; and there are two in the District of Columbia.

Mr. McRAE. It would be all very well for those States that have them, but there are just as good horse doctors outside of the colleges as in the colleges.

Mr. HAY. The gentleman is mistaken about that.

Mr. McRAE. The gentleman is very much mistaken about it.

Mr. HULL. Mr. Chairman, the modern veterinary surgeon is an educated man. We have in a great many of the large principal cities very efficient schools for veterinary science; and if we are to have these men employed, let us at least get those who can bring to the service of the Army some amount of training. The Army has suffered in the past by having men who were simply farriers. When the last war was going on and we had a large number of horses at Tampa, on account of the lack of veterinary surgeons the Government practically lost several hundred horses.

Mr. MARSH. A thousand.

Mr. HULL. My friend says a thousand.

Mr. McRAE. Why did they not get good ones?

Mr. HULL. Because the Congress of the United States has never authorized us to deal with these men fairly, so that we could have them.

Mr. McRAE. What has the trouble been?

Mr. HULL. One has been the pay. You can not get a first-class veterinary who has had a large experience for $75 a month.

Mr. McRAE. That is all you propose to give these men.

Mr. HULL. You can get the younger men for that amount; but you can not get the better qualified.

Mr. McRAE. That is all you propose to pay these.

Mr. HULL. We are taking a step further and giving them a greater privilege than we have before. We propose to increase the pay and to increase the qualifications as much as possible. If you strike out that provision as to the selection, the War Department might make regulations not to accept anybody who was not a graduate. But I think it is a good thing for this Congress to certify that hereafter we are going to get the very best talent we can to look after important interests of the Government.

Mr. McRAE. There are just as well-qualified horse doctors outside of the colleges as there are in them. We want to get good men, whether they are from colleges or not. So far as that is concerned, I will withdraw the point of order as against the number, making it as presented, and let the Department take the responsibility of getting them, and they can get the best men they can, but I will not consent to requiring them to be graduates.

Mr. HULL. Very well.

Mr. McRAE. I make the point of order against the two provisos.

Mr. HULL. I do not think the gentleman should do that. The last proviso only affects the clothing allowance.

Mr. McRAE. I am not familiar with military terms, and I do not know what the last proviso means.

Mr. HULL. It is simply an adjustment of the clothing account that the Government will furnish them. This settles with them monthly in cash and lets them buy their own clothing, instead of keeping a clothing account with them.

Mr. CLARK of Missouri. What rank is given to these horse doctors?

Mr. HULL. No regular rank. It is a kind of mixed rank; a kind of noncommissioned officer and civilian employee.

Mr. CLARK of Missouri. When you give them this allowance you do not give them the rank of a sergeant-major?

Mr. HULL. Oh, no; they have no rank.

Mr. McRAE. I make the point of order as to the first proviso, and move to amend by striking out the word "*further*" in the second.

The CHAIRMAN. The Chair understands the gentleman from Iowa to say that there is no existing statute for this?

Mr. HULL. "The gentleman from Iowa" does not contest the facts.

The CHAIRMAN. The point of order is sustained. Without objection, the word "*further*," in line 4, will be stricken out. The Chair hears no objection, and it is so ordered.

The Clerk, proceeding with the reading of the bill, read as follows:

For pay of 90 paymasters' clerks, at $1,400 each, $126,000.

Mr. McRAE. Mr. Chairman, I make a point of order for the purpose of making an inquiry. I would like to know something about the reason for this increase.

Mr. HULL. This includes the paymasters' clerks that are serving with what are called volunteer paymasters.

Mr. McRAE. But why the increase?

Mr. HULL. On account of having more paymasters than the regular establishment is provided for. Every paymaster is entitled to a clerk, and some have two.

Mr. McRAE. You only had seventy last year. How is that? This is an increase over last year.

Mr. HULL. This is the number that the War Department has certified that they have employed to meet the requirements of the service.

Mr. McRAE. Had they the authority to employ them?

Mr. HULL. I should say yes. In the last three months there have been 12 additional paymasters' clerks sent to the Philippines, and this simply appropriates for the number the Department has employed.

Mr. McRAE. It is in fact, then, an increase of twenty?

Mr. HULL. It is an increase over what we had last year.

Mr. McRAE. Well, I call the attention of the gentlemen on the other side to this; I do not care to insist upon it under all the circumstances, but it seems to be an unusually large increase in clerks to paymasters.

Mr. HULL. But there is an increased demand.

The CHAIRMAN. The gentleman from Arkansas does not insist on his point of order?

Mr. McRAE. No; I understand that they are already employed, and if so, they ought to be paid; and if necessary to the Pay Department, they should be employed.

The Clerk, proceeding with the reading of the bill, read as follows:

For pay of paymasters' messengers, $10,000.
For traveling expenses of paymasters' clerks and expert accountant of the Inspector General's Department, $35,000.

Mr. MAHON. Mr. Chairman, I rise to make an inquiry of the chairman of the committee. Is there an expert now in the Inspector-General's Office?

Mr. HULL. Yes; there is.

The Clerk, proceeding with the reading of the bill, read as follows:

For additional pay to officer in charge of public buildings and grounds at Washington, D. C., $1,000.

Mr. MAHON. Mr. Chairman, I reserve a point of order against that to ask the gentleman in charge of the bill why this increase?

Mr. HULL. I will say that this paragraph is not subject to a point of order. The existing law provides that whoever serves in the position of superintendent of public buildings and grounds shall have the pay, rank, and allowances of a colonel in the Regular Army. This appropriation is to make up the difference in pay in the Army proper and the position he is holding. If he was a colonel, there would be no need of the appropriation. If a captain, the difference in pay would have to be met by appropriation.

Mr. MAHON. Very well; I will withdraw the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

For travel allowance to enlisted men on discharge, $3,000,000.

Mr. ESCH. Mr. Chairman, I am authorized by the Committee on Military Affairs to offer the following amendment:

The Clerk read the amendment, as follows:

Strike out lines 1 and 2 on page 13 and insert the following:

"For traveling allowances to enlisted men and officers on discharge, $2,000,000: *Provided*, That hereafter when an officer or an enlisted man is discharged from the service, except by way of punishment for an offense, he shall be allowed a commutation for traveling allowances of 4 cents per mile from the place of his discharge to the place of his residence at the time of his appointment, in the case of an officer, and to the place of his enlistment in the case of an enlisted man: *Provided, however*, That the Government may furnish both transportation and subsistence in kind for the whole or any part of the distance, and if it shall do so, no commutation shall be allowed for the portion of the distance so furnished: *Provided further*, That if transportation, without subsistence, be furnished in kind, the officer or enlisted man shall be allowed commutation, for travel subsistence, of 2 cents per mile: *And provided further*, That transportation and subsistence shall be furnished in kind for all sea travel, when traveling to, from, and between our island possessions in the Atlantic and Pacific oceans, and no commutation shall be allowed therefor: *And provided further*, That in case an officer or enlisted man serving under an appointment accepted or enlistment made in the United States shall have been transported to any of our island possessions and there be discharged and reenlist, he shall, on final discharge from service, be entitled to transportation and subsistence or commutation therefor, as above provided, from place of discharge to place of residence at time of appointment or place of last enlistment in the United States."

Mr. MOODY of Massachusetts. Mr. Chairman, I reserve a point of order against that.

The CHAIRMAN. Does the gentleman make the point of order or reserve it?

Mr. MOODY of Massachusetts. I reserve the point of order.

Mr. MARSH. Mr. Chairman, I desire to make the point of order and not reserve it. I make the point of order that it is a change of existing law. If any gentleman desires to be heard upon it, I will for the time being withdraw it.

The CHAIRMAN. That was the position taken by the gentleman from Massachusetts [Mr. MOODY]. The gentleman from Massachusetts reserved the point of order to give the gentleman from Wisconsin an opportunity to say what he desired.

Mr. ESCH. Mr. Chairman, I am willing to say that the amendment does change existing law, and the point of order may be made. The existing law allows an officer or an enlisted man to commute his transportation and subsistence at the rate of one day for every 20 miles. That was a statute passed in 1812, when 20 miles was considered the ordinary day's travel, and it has existed upon the statute book from that day to this, and settlements made with honorably discharged men—enlisted men and officers—have been made on the basis of that antique statute.

In order that the House may understand how much this old statute means to the Government, I have secured a few statistics. For instance, if a captain be discharged in San Francisco and is sent home to Washington, that being the place where he received his appointment and commission, he would travel 3,147 miles. Under the old statute as it exists to-day he would be entitled to draw or commute for subsistence and for travel the amount of $785. His railroad ticket from San Francisco to Washington would cost him only $77.75.

In the case of a colonel, he could draw on discharge the amount of $1,536; a brigadier-general, $2,398; whereas the cost of a ticket to a brigadier-general is the same as to an enlisted man, namely, $77.75. The amendment which I have offered is to the effect that his travel and his subsistence should be commuted at the rate of 4 cents a mile. Even at that rate he would be entitled to $125.88; this amount less the cost of his ticket would leave a balance of $48.13 to pay for his palace-car or chair-car privileges and pay for his meals.

The amendment further provides that the Government in all instances of sea travel shall furnish travel and subsistence in kind; and in case any person discharged in any of our island possessions reenlists, he shall not be entitled to his discharge money until his final discharge. There are many instances on record where an officer or enlisted man, discharged in those islands, has demanded his money to return and has then stayed in the islands. This amendment obviates that difficulty.

The CHAIRMAN. The Chair must sustain the point of order. The Clerk will continue reading the bill.

The Clerk read as follows:

For interest on deposits and detained pay of enlisted men, including soldiers' deposits to be repaid, $2,275,000.

Mr. HULL. I move to strike out, in the paragraph just read, the words "detained pay."

Mr. Chairman, there is at this time no such thing as detained pay, all of it having been returned. The language in the bill is the same that we have had in this bill for a great many years; but since the bill was reported, the War Department has informed us that, under a law passed by Congress some four years ago, all the detained pay has been returned; so that there is no longer any necessity for retaining these words in the appropriation bill. I therefore move to strike them out.

[Mr. RIDGELY addressed the committee. See Appendix.]

The question being taken on the amendment of Mr. HULL, it was agreed to.

The Clerk read as follows:

For pay of a clerk attendant on the collection and classification of military information, $1,500.

Mr. MAHON. Does this paragraph provide for a new clerk, or is this clerk now employed?

Mr. HULL. This provision is for a clerk that has been employed for years.

Mr. MAHON. All right.

The CHAIRMAN. The Clerk will continue the reading.

The Clerk read as follows:

For mileage to officers and contract surgeons, when traveling on duty under orders without troops, $500,000: *Provided*, That officers so traveling shall be paid 7 cents per mile and no more; distances to be computed and mileage to be paid over the shortest usually traveled routes, with deduction as hereinafter provided for such portion of any route as may be over a subsidized railroad; and payment and settlement of mileage accounts of officers shall be made according to distances computed over routes established and

by mileage tables prepared by the Paymaster-General of the Army, under the direction of the Secretary of War.

Mr. MOODY of Massachusetts. Mr. Chairman, the paragraph has been sufficiently read to disclose the fact that the whole paragraph is subject to the point of order which I now make.

Mr. HULL. Mr. Chairman, I do not believe that it is subject to a point of order.

The CHAIRMAN. The Clerk will read the remainder of the paragraph, if it is not admitted.

The Clerk read as follows:

And all payments made by paymasters on account of mileage previous to the passage of this act shall be settled in accordance with distance tables officially promulgated and in use at date of payment: *Provided further*, That in cases of journeys of 1,000 miles and over officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation requests for the entire journey under their orders; and the cost of the through ticket obtained on such requests shall be a charge against the officer's mileage account, to be deducted by the paymaster paying the same and turned over monthly to an authorized officer of the Quartermaster's Department: *And provided further*, That actual expenses only shall be paid to officers for sea travel when traveling, as herein provided for, to, from, and between our island possessions in the Atlantic and Pacific oceans: *And provided further*, That when the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, or over the railroad of any railroad company which by law is entitled to receive only 50 per cent of the compensation earned by such company for transportation services rendered the United States, officers traveling as herein provided for shall, for the travel over the subsidized portion of such roads, be furnished with a transportation request by the Quartermaster's Department, and the cost of the transportation so furnished shall be a charge against the officer's mileage account for such travel, to be deducted by the paymaster who pays the account, at through rates as paid by the general public for travel over such roads.

Mr. MOODY of Massachusetts. I make the point of order, Mr. Chairman, and I do it because the paragraph in several respects changes existing law.

In the first place, I call the attention of the Chair to line 14. The appropriation for mileage has heretofore invariably been—

For mileage to officers and contract surgeons "authorized by law."

The change here proposed is that mileage shall be paid—

When traveling on duty under orders without troops.

Obviously it would be within the power of any commanding officer who desired to do a favor to any of his subordinates to issue an order to him to travel to any part of the United States and the mileage would then be payable under this appropriation. Clearly that is a change of existing law.

The first part of the first proviso—

Officers traveling shall be paid 7 cents per mile and no more—

is in effect existing law. The next part of it—

Distance is to be computed and mileage to be paid over the shortest usually traveled routes, with deductions—

And so forth—

and payment and settlement of mileage accounts of officers shall be made according to distances computed over routes established and by mileage tables prepared by the Paymaster-General of the Army, under the direction of the Secretary of War; and all payments made by paymasters on account of mileage previous to the passage of this act shall be settled in accordance with distance tables officially promulgated and in use at date of payment.

Upon that the gentleman from Iowa has new light since this bill was before the House last year, because when it was before the House last year it contained the same provision to which I have just now adverted. I will read the debate:

Mr. Dockery said:

I desire to reserve a point of order against the first proviso—

And then the following occurred:

Mr. HULL. There is no use in reserving it. I recognize that it is clearly subject to the point of order.

Mr. DOCKERY. I understand that, but I understand the chairman of the committee is willing in lieu of that proviso to insert the following:

"*Provided*, That hereafter the maximum sum to be allowed and paid to any officer of the Army shall be 7 cents per mile, the distance to be computed over the shortest usually traveled route."

Now, perhaps that would be sufficient authority, coming from the source whence it did come. I am now reading from the RECORD of February 27, 1899, and from page 2475. I now call the attention of the Chair to the fact that after a good deal of discussion a permanent law regulating mileage was agreed upon, and that law is set forth on the page of the RECORD to which I have referred. It was agreed upon, apparently, by the gentleman from Iowa [Mr. HULL] and the gentleman from Missouri, Mr. Dockery, and it settled the whole question of mileage, in these words:

Provided, That hereafter the maximum sum to be allowed and paid to any officer of the Army shall be 7 cents per mile, distances to be computed over the shortest usually traveled routes: *Provided further*, That when any officer so traveling shall travel in whole or in part on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, or over the railroad of any railroad company which is entitled to receive only 50 per cent of the compensation earned by such company for transportation services rendered to the United States, he shall be furnished with a transportation request by the Quartermaster's Department for such travel; and the cost of the transportation so furnished shall be a charge against the officer's mileage account for such travel, to be deducted by the paymaster who pays the account, at rates paid by the general public for travel over such roads: *Provided further*, That officers who, by reason of the decision of the accounting officers of the Treasury, have been compelled to pay from their own means one-half of the cost of their travel fare over railroads known as 50-per-cent railroads shall be reimbursed the same by the Pay Department, and paymasters against whom disallowances have been made by the accounting officers of the Treasury under such decision shall have the amount so disallowed passed to their credit.

I call the attention of the Chairman to what is there stated, and I state that that purported to be a settlement of the whole law regarding the payment of mileage, and was accepted as a settlement at that time.

The provisions reported by the Committee on Military Affairs may be good ones. Very likely they would be provisions for which I should personally vote, after having heard the explanation of them, as I think I should have voted for the amendment offered by the gentleman from Wisconsin [Mr. ESCH], having heard his explanation.

But the gentleman from Iowa [Mr. HULL] on another part of the bill has very clearly pointed out the rule that should govern us. These appropriations in these general appropriation bills are for the purpose of carrying out existing law, and there ought not to be any changes in existing law unless they are so simple, so clear, and so necessary that everyone assents to them upon the very hearing of their provisions.

This is a very complicated matter. It changes the amount of travel pay to and from the new possessions of this country, because while the law that I have called the attention of the Chair to provided for the actual expenses to be paid to officers when traveling as herein provided for—"to and from" our island possessions—here it provides for payment for sea travel and payment while traveling "between" our island possessions.

That may be a change in the right direction. I do not say that it is not, but it is a change. If it were not a change, it would not be in this bill.

The provision giving the Secretary of War the right to compute mileage tables is a change of existing law, because the existing law is that they shall be paid 7 cents a mile computed over the "shortest usually traveled route."

It seems to me that these changes, however desirable they may be upon a full examination, upon a bill reported by the Committee on Military Affairs, are too great to pass upon a general appropriation bill. And I especially call the attention of the Chair and of the House to the fact that under this new provision in regard to mileage $500,000 is put at the disposition of the commanding officers of the Army to be used possibly—I do not say that it will be so used—possibly for mere pleasure excursions. That ought not to be. No such change as that ought to be made without great deliberation and careful consideration.

Mr. HULL. Mr. Chairman, as to the first proposition of the gentleman from Massachusetts, in lines 13, 14, and part of 15, for mileage to officers and contract surgeons, the language used here and in the old bill means substantially the same thing, and the committee would have no objection whatever to either language being employed. The man who is ordered to go from one place to another is covered just as well by the words "authorized by law" as he is by the words "when traveling under orders without troops."

Mr. MOODY of Massachusetts. Why was the change made?

Mr. HULL. Because the Book of Estimates submitted two propositions, two separate items for mileage, making up the total for $500,000, one applying to the volunteers and the other to regulars. In one place the Department used the old language, and in the other they use language that meant the same thing—the language of the bill. I have no objection, and nobody could have any objection, to changing it to the words "when authorized by law," because the very minute an order is issued to an officer to go from here to San Francisco, from here to Chicago, or from here to New York, under the law he is compelled to go, and he is both acting under orders and it is authorized by law; so that that proposition, in my judgment, amounts to nothing.

Now, as to the other part, commencing with the proviso, the bill does not change the mileage. It still is 7 cents a mile. It does change the provision for arriving at the amount of compensation officers are to receive under the 7 cents a mile.

And I want to say to the gentleman from Massachusetts that this arrangement made last year with the gentleman from Missouri, Mr. Dockery, is faulty in several particulars. It was intended in that amendment, as it was fixed up on the floor, that officers traveling to and from and between our island possessions should have only their actual expenses and no mileage; and yet it is so construed by the Treasury Department that an officer ordered from here to the Philippines must keep an account of his expenses from here until he reaches Manila, while an officer ordered from here to San Francisco and going with him on the same train gets his 7 cents a mile, showing that fixing it up on the floor defeated one of the very objects of the agreement.

Now, the position that I want to take in this, Mr. Chairman, is this: We can not change the compensation; we can not change the rate of 7 cents per mile on an appropriation bill if anyone raises a

point of order against it; but the details as to how this money shall be expended are a proper subject of legislation on an appropriation bill. The gentleman's Committee on Appropriations does it in almost every bill that they report here.

He says that he wants it considered by a committee. It has been considered by a committee. They were unanimous, so far as I now recall, in favor of this change. Take your mileage tables. That is the main contention of the gentleman, as I understand it. A paymaster goes from here to Manila. He is paying troops there. He is ordered by the Pay Department here to pay on a certain line. The accounts come back and go to the Treasury. They have not prepared distance tables there. They figure the distance as it comes up, as I understand it. The War Department has distance tables prepared.

The paymaster who refuses to pay on the order of the Secretary of War (because these orders come from him) would be liable to a court-martial. He has obeyed the orders of his superior officer, and he goes to the Treasury Department, and the Comptroller of the Treasury in this Administration makes one rule and under the next Administration they make another rule. His accounts are held up. The paymaster is constantly between two fires—one of a court-martial, the other of his accounts being held up.

One Department or the other of this Government ought to prepare mileage tables, and who so proper to do it as the War Department, issuing the orders and having the whole matter before them? For that reason I believe it is good legislation, and I believe the Committee on Appropriations and the Committee on Military Affairs, or any other committee of this House, can put restrictions and directions of how a fund shall be disbursed. They can not change the law as to the rate of compensation. They can not change the law providing for new and increased or reduced compensation; but they can, and in my judgment should, have the right, and ought to exercise it, of putting proper restrictions on these disbursements and report them to Congress.

Mr. MOODY of Massachusetts. A single word in reply, Mr. Chairman.

Mr. PARKER of New Jersey. Will the gentleman yield to me?

Mr. HULL. Will the gentleman yield to me for one minute? I want to say in the nine years I have already served on this committee in the annual appropriation bill I believe there has been a change in this provision in some form or other almost every year.

Mr. PARKER of New Jersey. Will the gentleman allow me to speak before he positively makes the point of order?

Mr. MOODY of Massachusetts. I yield to the gentleman.

Mr. PARKER of New Jersey. This matter came in this way, Mr. Chairman, before the committee. The Paymaster-General of the Army is known to all people to be a most careful man. When we came to this page of the bill, 17, the chairman of the committee said:

The CHAIRMAN. On page 17 there is nothing which I can see about which I wish to ask you.

General BATES. On page 17 there comes up the subject of mileage, which you have heard of before from time to time, and the question is as to exactly how you are going to arrange the mileage. I have some suggestions to make in regard to it.

This bill follows the wording of the last bill and the act making appropriation for the support of the Army for the fiscal year ending June 30, 1900, which gives the ordinary appropriation for mileage and which last year amounted to $500,000. I want to suggest a change in the last lines of the bill, so that it will read "actual expenses shall be paid only to officers when traveling to and from our island possessions in the Atlantic and Pacific oceans." I would like to have that read "actual expenses only when traveling to, from, and between the Atlantic and Pacific oceans."

After discussing that he said this:

And then there is another subject of very great irritation and trouble during the last year between the Treasury and the pay departments in the matter of the statement of traveled distances. Congress some years ago enacted a law which prescribes that the Paymaster-General and the Secretary of War, through the Pay Department, shall issue from time to time official distance tables, which shall govern in all cases the distances of travel. With one exception, Congress has always worded that so that the distances shall be calculated by the shortest traveled route. One year it was left out, making it necessary for the men to go sometimes by an obsolete route, taking more time and expense than through the latest route, which might be a little longer. Congress has always put in "the usual traveled route," so that that puts the officers on the same basis as anyone else.

Last year the Auditor brought up that matter, and he discarded the use of the calculated distances by the shortest route. It came up in a question of the traveled distances down to Tampa from Atlanta. In going over that route the distance cut off, perhaps, 20 to 30 miles, and the account was held up.

I will not read the rest of it, but there was a change in the bill that was made last year.

Mr. HULL. I think it is all good reading.

Mr. PARKER of New Jersey. I am afraid people do not care to listen to more.

Mr. HULL. It is a very important question.

Mr. PARKER of New Jersey (reading):

Then, again, on these Pacific railroads there are land-grant and bond-aided roads, and upon those the Government has not been in the habit of allowing mileage. During this late war some of the other roads in those sections reduced their fare to that of the land-grant and bond-aided roads in order to get orders from the Government, and they accepted the same price as the bond-aided roads had been getting. Then the Comptroller put them in all exactly alike, as if they had worded the same; so they have all come in competition, and we had no means of knowing which was land-grant road and which was not. When we calculated the distance, we took out the allowance from the agreement roads, whereas the officer had paid the rate of the usual traveled routes.

The question came up finally before the Auditor and Comptroller, and they agreed that they would not object to the distances as published and agreed that the accounts should be settled on that basis. I declined to get up new distance tables, stating that I thought it was not businesslike, and that it was not right to send such tables to officials who would be governed by them in good faith and who would have stoppages of their accounts. I can say that unless that wording is changed some of the Postmasters-General will be fleeced out of thousands of dollars.

Mr. PARKER. Have you wording to suggest?

General BATES. It is in this bill. The Quartermaster-General and myself recommend that we should go back again to the wording of the bill of 1878, and give the 4 cents mileage.

The CHAIRMAN. We fought for that a long time; but because the Paymaster-General and the Quartermaster-General were so insistent upon it the change was made.

General BATES. We find that it does not work well. An officer comes here, for instance, from San Diego, and by the wording of the law in settling with him we are obliged to take off a piece of travel over land-grant roads, and yet he may have paid the local rate of 4 or 5 cents. The distance from Kansas City to San Diego is 1,888 miles, and the Government pays out of that to these land-grant roads $30, and the officer pays $36.64. This is done because the Government gets through rates and the officer is charged local rates, so that he has to get off at the station and buy his ticket to the nearest local station. He does not actually get off, but we take it out in making the calculation.

The change that we make is, therefore, not a change of existing law, but is a change back. They tried to change the law. This is not a new law that is reported, but the old one from which a change was made last year, which did not work well, and which the Department reports does not work well. And it is suggested that we go back to the old law. Technically it may be a change of law, but to me it looks a return to the old law is not a change of law. I did not mean to tire the gentleman with so much reading. I suppose he may have read it.

Mr. MOODY of Massachusetts. The gentleman did not tire me at all. I was exceedingly interested in the remarks he made. I understood the gentleman from Iowa to say that this problem has been so perplexing that during his service in Congress he hardly remembers an appropriation bill in which some change of law has not been made That indicates very clearly that the subject-matter is of such a character that it ought to be dealt with not upon a general appropriation bill, but upon a special bill reported to the House. I call the attention of the House specifically——

Mr. PARKER of New Jersey. Will the gentleman allow me a question?

Mr. MOODY of Massachusetts. Certainly.

Mr. PARKER of New Jersey. Does it not answer that question to go back to the old law, which we had and worked fairly well, instead of keeping one which we know does not work well at all?

Mr. MOODY of Massachusetts. It seems that while that law was in actual operation it was not deemed to be a satisfactory law either by the Department or by the Committee on Military Affairs. Now, if this measure were reported by a committee for whom we all have the respect that we have for the committee headed by the gentleman from Iowa, I believe it would meet with no opposition. Certainly my knowledge of the subject-matter would not permit me to oppose my views against the views of the committee.

But upon a complicated matter, where there have been changes from year to year of the law, and where it is still in an unsatisfactory condition, in the interest of the public service I submit that this point of order ought to be made and sustained, so that the Committee on Military Affairs will deal with this matter in a legislative bill and not an appropriation bill.

Mr. HULL. Before the gentleman takes his seat, I want to call his attention to an additional fact connected with this part of the bill, that the committee took it up after the hearing and adopted the section as it is in the bill. The Department then took it up and figured on it for some two weeks, and then submitted an amendment which goes to the whole section and changes it in a few words, so that it has been thoroughly considered.

Mr. MOODY of Massachusetts. Do I understand that an amendment or a substitute is to be offered?

Mr. HULL. Yes.

Mr. MOODY of Massachusetts. That shows the complexity of the subject. I intend to be fair about this, and I realize the difficulties that surround this great committee. I take it the present section will pass out of consideration, but I will say one word about it. The gentleman says there is no change in the law in regard to the provision which permits the establishment of distance tables officially promulgated. That was not his opinion last year, and I think is not the opinion of the Chair. I call the attention of the Chair to what the change of law would be. The existing law, because it was made permanent law by proviso last year, is that the mileage shall be paid on distances to be computed over the shortest usually traveled routes.

Now, when the gentleman from Iowa offered this provision in the House last year which he now offers it was pointed out that under the practice very often the official tables were not computed on the shortest usually traveled routes, and various instances were

pointed out in the debate in which apparently it was claimed that there had been some favoritism to particular railroads, and officers and men were sent over longer routes than those which were the usually traveled ones. The result of that debate was that this provision was agreed upon—that the mileage should be paid only over the shortest usually traveled route.

Mr. PARKER of New Jersey. The present law is the shortest traveled route, and the amendment inserts the word "usually" for the first time.

Mr. MOODY of Massachusetts. There is no change in the law in that respect, and the law last year was the "shortest usually traveled route." Now it is proposed to go further and say that the mileage shall be settled "in accordance with distance tables officially promulgated and in use at the date of the payment." There is nothing that provides that the distance tables shall conform to the usually traveled route, and we get back to the same old evil which the law last year was intended to prevent. It seems to me that unless this was a change in existing law there would be no occasion to make it.

Last year we made a permanent law, perhaps for the first time. Now, they come in and ask a change; true, a change for only one year, but that is a change pro tanto—and I need not argue that to the present occupant of the chair—because they do not like to work under the old law.

Mr. HULL. If it will not interrupt the gentleman, I would like to ask the gentleman if the word "hereafter" does not apply only to the 7 cents a mile.

Mr. MOODY of Massachusetts. It has not occurred to me so to read it; but I am not sure but that the gentleman from Iowa is right. It struck me that he was making the provisos all permanent law.

Now, if it is proposed to offer a substitute for this section I have this proposition to make, both to the gentleman from Iowa [Mr. HULL] and to the gentleman from New Jersey [Mr. PARKER], that the substitute be offered, remain pending with the point of order until to-morrow, when we may have a chance to examine it. Then we will make the point of order on the substitute or not according to the result of that examination.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that this entire section be passed over until to-morrow, the point of order pending and the amendment pending.

Mr. HULL. If the Chair will permit me, I will send the amendment to the desk and have it inserted in the RECORD. I want to call the attention of the Chair to the fact that the amendment does not go to the first three lines of the section; it commences with the proviso.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts that the entire section be passed over with the point of order reserved against it and the amendment offered by the gentleman from Iowa pending?

Mr. McRAE. And with the point of order reserved against the amendment.

Mr. HULL. With all points of order reserved.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The amendment is as follows:

That officers so traveling shall be paid 7 cents per mile and no more; distances to be computed and mileage to be paid over the shortest usually traveled routes, with deduction as hereinafter provided for such portion of any route as may be over a subsidized railroad; and payment and settlement of mileage accounts of officers shall be made according to distances computed over routes established and by mileage tables prepared by the Paymaster-General of the Army, under the direction of the Secretary of War; and all payments made by paymasters on account of mileage previous to the passage of this act shall be settled in accordance with distance tables officially promulgated and in use at date of payment: *Provided further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation requests for the entire journey under their orders; and the cost of the through ticket between the points traveled shall be a charge against the officer's mileage account, to be deducted by the paymaster paying the same and turned over to an authorized officer of the Quartermaster's Department: *And provided further*, That when the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, or over the railroad of any railroad company which by law is entitled to receive only 50 per cent of the compensation earned by such company for transportation services rendered the United States, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests by the Quartermaster's Department, and the cost of the transportation so furnished shall be a charge against the officers' mileage accounts for such travel, to be deducted by the paymaster who pays the accounts, at through rates as paid by the general public for such travel as a part of the through journey under their orders: *And provided further*, That actual expenses only shall be paid to officers for sea travel when traveling, as herein provided for, to, from, or between our island possessions.

Mr. BARTHOLDT. There will be, I understand, no complications resulting from the amendment offered by the Committee on Military Affairs.

Mr. HULL. Oh, no.

Mr. BARTHOLDT. The complications which now exist result, as I understand, from the fact that there are really two mileage tables—one in the War Department and another in the Comptroller's Office. The War Department insists upon the correctness of its mileage table; but when the paymasters' accounts are sent to the Comptroller he insists that his mileage table is correct. This condition of affairs produces endless confusion and annoyance to the paymasters.

Mr. HULL. In answer to the gentleman from Missouri [Mr. BARTHOLDT], I will say that the gentleman has very properly indicated one cause of trouble. The officers are unfairly placed between two fires. So far as I am concerned, if the Treasury Department will promulgate mileage tables applicable to all cases where travel pay of officers is to be settled, I would rather it should do so than that we should have no accepted standard in these matters. This question ought to be settled under the law, so that officers and paymasters shall not, as now, be ground to powder between two different sets of regulations.

Mr. BARTHOLDT. Is it not a fact that the mileage tables of the War Department are prepared by an officer who is recognized by nearly everyone connected with the Government as an expert, and are they not prepared with a view to selecting the usual and most traveled route?

Mr. HULL. Oh, yes; the law provides that that shall be done.

Mr. RIDGELY. I would like to have indicated, by pages and lines, the part of the bill which we are passing over.

The CHAIRMAN. The portion of the bill passed over begins at page 12, line 13, and extends to page 14, line 4, inclusive.

The Clerk read as follows:

For additional 20 per cent increase on pay of enlisted men, $4,524,715: *Provided*, That hereafter the pay of all officers and enlisted men serving beyond the limits of the United States in the islands in possession or under the control of the United States, and in the Territory of Alaska, shall be increased 10 per cent for officers and 20 per cent for enlisted men over and above the rates of pay as fixed by law in time of peace.

Mr. HAY. I rise to make a point of order.

Mr. McRAE. I desire to make a point of order.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] is recognized.

Mr. HAY. I desire to make a point of order, but I will reserve it, and ask that the Clerk may read an amendment I have prepared. If this amendment be accepted, I will withhold or withdraw the point of order.

The CHAIRMAN. If there be no objection, the Clerk will read the proposed amendment.

The Clerk read as follows:

In line 13, page 14, strike out "beyond the limits of the United States in the islands in the possession or under the control of the United States" and insert "in Puerto Rico, Cuba, the Philippine Islands, Hawaii."

Mr. HULL. We have no objection to that.

Mr. McRAE. I made a point of order against the paragraph, which I will insist upon unless the paragraph can be further amended.

Mr. HAY. I will withdraw the point of order I made, if there be no objection.

Mr. McRAE. I insist on the point of order I made.

The CHAIRMAN. The gentleman from Arkansas renews the point of order.

Mr. HULL. If the point of order is renewed and sustained, there is really no object whatever in the appropriation. The law provides that this 20 per cent additional shall be allowed only in time of war, and in my judgment there can be no disputing the fact that we are not now in a condition of war which justifies the payment of this sum of money. I repeat, that if the point of order against the proviso be insisted upon, there can be no reason for the appropriation.

Mr. McRAE. If the gentleman from Iowa, the chairman of the committee, will accept the amendment which I propose to offer, I will withdraw the point of order.

Mr. HULL. I would like to hear the amendment before I agree to the gentleman's proposition.

Mr. McRAE. My amendment proposes to insert the following additional proviso:

Provided further, That enlisted men receiving or entitled to the 20 per cent increased pay herein authorized shall not be entitled to or receive any additional compensation for what is known as extra or special duty.

Mr. HULL. I will accept that, of course, because the original law contains exactly that provision.

Mr. McRAE. If the amendment of the gentleman from Virginia and this amendment are accepted, I will withdraw the point of order. I think, however, the gentleman from Iowa is mistaken in his statement in regard to the original law.

Mr. RIDGELY. I wish to reserve my right to renew the point of order.

Mr. McRAE. The gentleman will find in the course of a few months that what I say is true. These men who are now getting an additional 20 per cent will have a right, if they have done work for which they are entitled to extra pay, to enforce their claim against the Government.

Mr. HULL. The original law provided that while they received

this 20 per cent there should be no extra pay allowed to them. If the gentleman will look back at the law he will find that it makes this matter very clear, so that they can not have their pay enlarged in the way he has indicated. I have no objection whatever to the amendment.

Mr. McRAE. I should like to have the paragraph as amended read.

The CHAIRMAN. As the Chair understands, the gentleman from Arkansas withdraws his point of order and offers an amendment.

Mr. McRAE. I think that with the amendment offered by the gentleman from Virginia and myself the provision will be satisfactory to me, but I want it read.

Mr. HULL. Let the gentleman from Virginia [Mr. HAY] offer his amendment first.

Mr. HAY. I did offer mine.

The CHAIRMAN. The points of order are withdrawn by both the gentleman from Virginia and the gentleman from Arkansas. The gentleman from Virginia offers an amendment, to which the gentleman from Arkansas moves his amendment as an amendment to the amendment.

Mr. HULL. The amendment of the gentleman from Arkansas comes in at the close of the paragraph, does it not, as an additional proviso?

The CHAIRMAN. The Clerk will first report the amendment offered by the gentleman from Virginia.

Mr. HULL. That is right.

The Clerk read as follows:

In line 13, page 14, strike out the words "beyond the limits of the United States, in the islands in possession or under the control of the United States," and insert the words "Puerto Rico, Cuba, the Philippine Islands, Hawaii."

Mr. HULL. I accept that amendment, so far as I am concerned.

Mr. HAY. Mr. Chairman, it must be obvious that the very large amount of money carried in this bill is due in large measure to our occupation of the Philippine Islands. The demands of the service in those islands require the presence of at least 65,000 men, and even with that number we can not properly garrison and effectively hold the towns and villages which we are constantly capturing and as constantly abandoning. The subjugation of these people by military force will be found an endless task. Such, at least, has been the experience of this Government during the last year. We must, of course, appropriate the necessary money to pay, feed, and clothe the Army, which has been created by law and which is obeying the orders of this Government.

The problem which confronts us is, How can we dispense with this great army; how can we relieve the people of this country of the enormous burden of taxation which the present policy of this Administration entails upon them? We can only do this by a declaration of a policy which will rid the Philippine Islanders of the fear that we are seeking to deprive them of their liberties. The Republican party is in power; upon them rests the responsibility of pacifying these islands. It is the duty of that party to acquaint the country with their purposes and intentions toward these islands and their inhabitants.

But this great party, intrusted by the people with the destinies of the United States, is either afraid to avow its policy or it is incapable of dealing with the momentous questions which now confront us. That party is drifting. It is not willing to father any policy other than one of mysterious silence. That party, seeing the tremendous sentiment in this country for the Boers fighting for their liberties, is afraid to avow its purpose of stifling liberty in the Philippines, while it yet permits its Administration to carry out in the Philippines the same policy which the people of the United States condemn in South Africa.

Two alternatives present themselves. We must either determine to hold these islands as permanent possessions, or we must decide not to hold them. We can not hold them permanently unless we incorporate them as part of this country. To do this would be against the interests of all the people of the United States. I state it as an incontrovertible principle that the United States can not govern the Philippine Islands as a colony, separate and distinct from this country, without violating the Constitution of the United States. Such a mode of government was never contemplated by the founders of this Government, and is against the genius, the traditions, and history of this country; and no circumstances now exist to warrant us in departing from fundamental principles. The doctrine of a "higher law," even if such a doctrine were to be tolerated or could be justified, is not applicable in this case.

The only form of government which can be administered under the Constitution of the United States in the Philippines is the Territorial form of government, having for its ultimate object the admission of that Territory into the American Union as a State. No man, I care not what his politics may be, is willing to advocate the admission of the Philippine Islands as a State of this Union; nor is anyone willing even to make them a Territory, giving to them, as we would have to do, all the rights, privileges, and immunities enjoyed by the people of the United States.

As we can not, consistently with the interests of this country, govern these islands as a colony, nor as a Territory, nor as a State, we must meet the issue which faces us by the declaration of a policy which will tend to an immediate pacification of these islands and which will restore to the inhabitants thereof their confidence in us as a people who have in the past gained their own liberty and who have encouraged other peoples, by our sympathy and by our actions, to establish freedom in their own countries.

We should first restore peace and order in the Philippine Islands; we should put down every semblance of opposition to this Government, which, unfortunately, has so dealt with these people as to make them look upon us rather as oppressors than as liberators. As soon as this task is accomplished we should establish in the Philippine Islands, at the earliest practicable moment, a free and independent government for the inhabitants of these islands, reserving for ourselves such commercial rights and privileges and retaining such trade and coaling stations as may be deemed necessary for the purposes of the trade and commerce of the United States with the Orient.

If we pursue this course we will be true to the principles of liberty, and we will gain every advantage which, in any event, we can hope to obtain for the expansion of our trade and commerce. The conditions in the Philippines are such that only the strong hand of power can restore peace and order and establish for them a free government; and having put our hand to the task, we must not draw back until we have accomplished it. As soon as this country announces that freedom shall be given to the people of the Philippines, just so soon will those people begin to trust us and to cease their opposition. They will lay down their arms and hasten to assist us to accomplish our purpose, which will be their freedom.

This policy must be announced in no uncertain terms, and must be carried out in good faith and with unfaltering resolution. When it is announced and inaugurated we will begin to see the end of imperialism. Such a policy will sound the death knell to militarism. The enormous expenditures for the Army, for the Navy, for fortifications, can be done away with, and the people of the United States can see an end to the vast burden of taxation which they now bear. The policy which is outlined here is practicable, is wise, and is consonant with our Constitution, with our traditions, with our history, and with our duty to ourselves and to the world.

To go ern the Philippine Islands as a colony and to hold them permanently, besides being as such unconstitutional, will be of no advantage to any class of citizens in the United States. The agriculturist, the laboring man, and the business man can derive no benefit from such a policy. In the first place, such a government means the continuation and increase of the large expenditure now necessary. The Army and Navy must be increased. Vast sums must be expended for fortifications on these islands. A very large standing army is inevitable if this policy is pursued.

It is not conceivable that we can continue the present system of volunteer enlistments of two years; it is too expensive, too cumbersome, and practically requires us to equip and discipline an army every two years; the only alternative is the maintenance of a great military establishment, which, once fastened upon us, it will be next to impossible to dislodge. The experience of the last year teaches us that less than 65,000 men in the Philippines can accomplish but little, and the problem presents itself, how can we before July, 1901, when the present 35,000 volunteers must be mustered out by law, bring into subjugation the inhabitants of these islands so that they can be governed without the use of this immense military establishment, costing over $100,000,000 annually?

Added to the military establishment is the naval establishment. The possession of these islands and their permanent retention make it absolutely necessary that we should protect them from all outside interference. To do this we must have a naval force capable of meeting, and meeting successfully, the naval force of any country which might by possibility come against us. We must build ship for ship with every great maritime power of the world and build many ships before we can be classed with England and France as a sea power. In this Congress the naval appropriation bill carries about $70,000,000, and we must look to see these appropriations increased from year to year.

Again, we must erect fortifications on every island which we intend to hold. The cost of this can not be computed; but it would run into the hundreds of millions. A moderate estimate would be that the government of these islands as a colony would cost this country annually $400,000,000. What material benefits, then, can we derive from the permanent retention of these islands? What can the farmers and laborers of this country expect in return for the taxes which they must pay to keep up the Army and Navy which will be necessary to hold them? In acquiring them

you acquire a country which will compete in the markets of the world with the cotton growers of the South, with the wheat raisers throughout this country, with those who grow corn and rice, and with almost every agricultural product of the United States.

The labor of this country will have to compete with the cheapest labor on the globe, with Chinese, Japanese, and Malay labor. These islands present no field of enterprise to our young men. Opportunities in the United States have not been exhausted. This country to-day presents the widest field for business and enterprise of any other in the world.

Commerce can find its outlet and advantage to the countries in the East in the manner which I have indicated, by our reserving such commercial rights and privileges and retaining such trade and coaling stations as may be necessary for the purposes of our trade in the Orient. Let us briefly examine the geography, the resources, the trade and commerce, the climate and situation of these islands, so that we may determine what material advantages they have for us.

TOPOGRAPHY, ETC.

The Philippine Islands number, by various estimates, from 1,000 to 2,000.

Luzon, the largest, has an area of about 41,000 square miles; Mindanao, the next, about 37,500 square miles; the five next in size, about 10,000 square miles each.

The aggregate land area of the group, about 114,356 square miles, the entire land and water being about 1,000 miles long and 600 wide.

The contour consists mainly of mountains and intervening valleys, with some plains of limited area.

The climate ranges from 80° to 100° in the hottest season to 60° in the coolest.

The seasons are classed as wet and dry. The Spanish tersely describe them as "six months of mud, six months of dust, and six months of everything," including, of course, gales, typhoons, and occasional earthquakes.

The following is from the Military Notes on the Philippines, No. 20, September, 1898, War Department (page 20):

Spanish statistics are notoriously unreliable, and no accurate census has ever been taken, but the population has been estimated at about 8,000,000, of which the bulk is of Malay origin. On first arrival the Spaniards found a part of the natives somewhat civilized; but while they had a written language, of which some specimens have been preserved, it was of no value in throwing light upon their early history, and their traditions are very few. As in Mexico and Central America, the Spanish priests have been only too successful in their effort to extirpate all mythological and other lore. The treatment of the inhabitants has been more merciful, however, than in the western possessions.

The Philippine Malays are a superior race to many other Asiatic peoples. Orderly, amiable, courteous, honest, and exceedingly superstitious, they are easily influenced upon profession of Christianity. Like most tropical people, their efforts are intermittent rather than steady; their wants are readily provided for, and they take life easy. The inhabitants of the island are composed of the most diverse mixtures of races, including Malays, Aetas, Negritos, pure blacks, Chinese, Japanese, Indios, Moors, Europeans, and mixtures of each with the others.

There are nearly as many different tribes as there are islands, and it is said that 500 languages and dialects are spoken in the islands at the present day. The inhabitants are generally tractable and amenable to government, and generally not hostile to foreigners. In the inaccessible parts of the island there are still tribes of unsubdued savages, whose number is estimated at about 602,000. Fond of music, dancing, and amusements of all kinds, they are born gamblers, and cock-fighting is their greatest passion. Every town has its cockpit, and in the largest the spectators may be numbered by thousands.

This amusement was heavily taxed by the Spaniards, and advantage is taken of the taste for gambling by running a lottery for the benefit of the Government.

Probably not more than fifteen or twenty thousand Spaniards, or people of pure Spanish blood, are permanent residents, and the number of other foreigners is not large. The majority of these are at Manila, where the English have established a club in the suburbs, which has become the center of foreign social intercourse. (Military Notes on the Philippines, page 24.)

The principal staples of export are tobacco (manufactured and raw), manila hemp, sugar cane, coffee, and cocoa. The principal manufactures consist of a variety of textile fabrics, hats, mats, baskets, ropes, furniture, coarse pottery, carriages, and musical instruments.

EXTRACTS FROM THE CONSULAR REPORTS (JUNE, 1898).

During the quarter ending December 31, 1897, there were exported from these islands to the United States and Great Britain 216,898 bale of hemp (280 pounds per bale), of which 138,792 bales went to the United States and 78,106 bales went to Great Britain. During the year 1897 there was an increase in the export of hemp from the Philippines to continental Europe of 19,741 bales; to Australia, 2,192 bales; to China, 28 bales; to Japan, 2,628 bales, and to the United States, 133,896 bales, a total increase of 158,485 bales; while to Great Britain there was a decrease of 22,348 bales. Thus, of increased shipments from the Philippines, those to the United States were 544 per cent greater than to all other countries combined. Of the total exports of hemp from the Philippines for the ten years ended 1897, amounting to 6,528,965 bales (914,055 tons), 41 per cent went to the United States.

During the same years the Philippine Islands exported to the United States and to Europe 1,582,904 tons of sugar, of which 875,150 tons went to the United States, 666,391 tons to Great Britain, and 41,362 tons to continental Europe, showing that of the total exports more than 55 per cent went to the United States. At the current values in New York of hemp (4 cents per pound) and of raw sugar (3¾ cents per pound) the exports of these two products alone from these islands to the United States during the ten years under review amounted to $89,253,722.80, or an average of nearly $8,925,372 per year.

Data as to cigars, tobacco, copra, woods, hides, shells, indigo, coffee, etc., are not now obtainable, but a conservative estimate would so raise the above figures as to show United States imports from these islands to average about $1,000,000 per month. To-day there are authentical invoices for export to the United States amounting to $138,066.12.

IMPORTS.

The following statement of the general trade of the Philippine Islands is taken from the Review of the World's Commerce, 1896–97, soon to be published by the Bureau of Foreign Commerce. According to a British foreign office report (No. 1932, annual series, 1897), the total imports into the island in 1896 were valued at $10,631,250, and the exports at $20,175,000. The trade with several of the most important countries, compiled from the respective official statistics, was:

Country.	Imports.	Exports.
Great Britain	$2,467,090	$7,467,500
Germany	744,928	233,700
France	1,794,900	1,987,900
Belgium	272,240	45,660
United States	162,446	4,982,857
China	103,680	13,770
Japan *	98,782	1,387,909

* In 1897.

The chief imports are rice, flour, dress goods, wines, coal, and petroleum.

Agriculture is not yet developed, although the soil is very fertile.

The people are skillful weavers of cotton and silk; they can tan leather; excel in shipbuilding, and make good wagons and carts.

In Consular Reports (June, 1899, page 296) Consul Williams writes:

The Philippines produce a good quantity of woven stuff. Probably the greater part is made of imported cotton yarn, gray, white, and dyed; but there are also many thousands of pieces made of manila hemp, in ordinary and in fine qualities, the latter very often mixed with silk.

The principal places for the manufacture of cotton goods are the two provinces of Ilocos, in the north of Luzon, and for hemp the provinces of Albay and Camarines. The Visayas provinces manufacture all the different woven stuffs.

From Consular Reports (December, 1898, page 559) Consul Morris reports:

As all details relative to the Philippine Islands are at present of importance, I have thought that the free translation of a recent report made by the Belgian consul at Manila upon the export trade of those islands during 1897 may not be without interest. This report bears date April 21, 1898.

The Belgian consul maintains that during 1897 statistics show a great increase in the export trade, notwithstanding the continuance of the rebellion. The export of abaca, or manila hemp, increased by 314,284 piculs (43,816,903 pounds). Copra likewise was exported to the amount of 200,000 piculs (27,890,000 pounds) more than in 1896. The exportation of this product began only in 1862. Prior to that time almost all the copra came from the Caroline Islands. To-day all the islands of the archipelago produce it. Exports of dyewoods, coffee, indigo, mother-of-pearl, gums, tobacco, leather, and hemp rope also considerably increased.

The following table shows the total export trade of abaca from the Philippine Islands during the past ten years:

Year.	Quantity exported.	Year.	Quantity exported.
	Pounds.		*Pounds.*
1888	184,472,548	1893	178,906,261
1889	158,374,451	1894	221,999,100
1890	141,166,629	1895	229,598,075
1891	177,254,058	1896	213,601,979
1892	220,472,681	1897	251,648,123

Exports of sugar by Manila show a decrease of 656,426 piculs (91,899,640 pounds) for 1897 as compared with 1896.

At Cebu, on the contrary, the export trade of sugar increased. Both in the Visayos and Negros Islands the production of sugar greatly developed. During the last ten years the quantity of sugar exported from the Philippine Islands has been as follows:

Year.	Quantity exported.	Year.	Quantity exported.
	Pounds.		*Pounds.*
1888	414,988,800	1893	585,801,440
1889	450,377,680	1894	435,275,120
1890	290,459,080	1895	517,267,600
1891	373,767,400	1896	515,006,520
1892	553,148,400	1897	452,687,620

The exports of dyewoods from Manila, entirely for China and Japan, amounted in 1897 to 9,167,900 pounds, as compared with 7,838,600 pounds in 1896.

The exportation of cigars fell from 194,136,000 in 1896 to 169,465,000 in 1897. The export trade of 1897 was distributed as follows:

To—	Number.	To—	Number.
United States and Canada:		England	24,200,000
Atlantic ports	2,460,000	Australia	16,300,000
Pacific ports	183,000	Singapore and India	37,310,000
Continental Europe	30,500,000	China and Japan	58,430,000

Of leather for glue, there were exported, in 1897, 112,000 pounds for the United States and Canada, 77,150 pounds for Singapore and India, and 99,450 pounds for China and Japan.

HENRY C. MORRIS, *Consul.*

GHENT, *September 17, 1898.*

From Consular Reports, November, 1898 (page 446), Consul Frankenthal reports:

From an interview with a merchant of Manila, I am enabled to give the exporters of the United States certain points which may be of value to business men who intend to enter the field there.

The Philippines contain over 7,000,000 inhabitants. The Chinese, who are in the majority among the aliens, control the retail trade, while next to them come the Spanish dealers. It is estimated that there are about 300 other Europeans in business in the whole group. The richest dealers are the creoles and mestizos, a combination of Chinese and Tagalese.

In Manila there are many large cigarette factories, some of which employ as many as 4,000 hands. A few German, Swiss, and English firms have entered that field. There is also a sugar refinery, a steam rice mill, a Spanish electrical plant, a Spanish telephone exchange, a Spanish tramway, worked partly by steam and partly by horsepower; rope factories, worked mainly by hand (a few use oxen); a Spanish brewery, which furnishes a good beer; a German cement factory, with 70 hands; a Swiss umbrella factory, and a Swiss hat factory, which makes felt and straw articles, the latter out of Chinese straw braid. A cotton mill with 6,000 spindles and with capital (English) of £40,000 ($194,000) is in process of erection.

The European firms in Manila are divided as follows: Forty-five Spanish, 19 German, 17 English, 2 English and 6 Swiss brokers, 2 French storekeepers with large establishments, 1 Dutch, and 1 Belgian. Small retail stores (40 in number) are kept by Chinese firms. The German and Swiss firms are general importers, while the export of hemp and sugar, the import of domestic dry goods, and the ship-chandlery trade are in the hands of the English.

Credit from one to three months and 5 per cent is given, while spot-cash sales command a discount of 7 per cent. Caution is advised in dealing with the Chinese merchants, as Manila has no mercantile register like Hongkong.

Cotton yarns are a heavy import article, so far mainly from Barcelona, by reason of the minimum Spanish tariff. The Spanish manufacturers have done what England, Germany, and Switzerland have always refused to do, and that is to renumber the yarns. In Manila No. 10 is sold numbered 24; No. 16, numbered 30; No. 18, numbered 32; No. 22, numbered 49; No. 32, numbered 50, and No. 36 or 40, numbered 60. The orders given are for four-fifths unbleached and one-fifth bleached.

Dyed yarn is bought in Nos. 20 and 32, in colors of orange, green, and rose. Turkey-red yarn, in the correct Nos. 20 to 40, especially 32, used to come from Elberfeld, but of late years Spain has managed to supply it. Bleached and unbleached shirtings and drills, from Manchester, are sold in large quantities, but of late the pieces have decreased in yards as well as in widths. The staples now are white shirtings, 28 inches wide and 36 yards long; gray T cloth, 25 inches wide and 21½ yards long; gray long cloth, 28 inches wide and 32 yards long; and gray drills, 25 inches wide and 27 yards long.

Colored prints, 24 inches wide, with red ground and fancy crimps, are good sellers. Ginghams and chellass, for bed coverings, etc., common quality, in large patterns with red ground, some with yellow or blue squares, some with indigo ground, and a few in green, in pieces of 24 yards, find a good market, while cotton cassinette, in light weight and double width, for trowsers, is in demand. Handkerchiefs, 17 by 18 inches and 22 by 22 inches, white, or white with colored borders, are the correct thing. Black cotton zanellas, 18½ inches wide, for the dresses of the country women, and amlipe black satins, in 45-inch goods, are considered stylish.

Woven cotton underwear is a great staple, and white cotton bed quilts, in fancy patterns, are used as ponchos, after a hole has been cut in the center. It is estimated by my informant that 500,000 dozen undershirts are used annually—two-thirds with arms half-length, sizes 34 to 40, 27 inches long, bleached white, striped, printed, and network. Men's cotton socks, 9 to 11, and ladies' cotton hose, 8 to 9½, are the right sizes. Cheap cotton lace pinta fichus are worn by all the women.

Other articles which have a good sale are low-priced sewing machines, carriages and parts, enameled ware for cooking utensils, and, last but not least, American clocks, which now have a good foothold and for which there is an increasing demand.

ADOLPH L. FRANKENTHAL, *Consul.*

BERNE, *September 16, 1898.*

(Consular Reports, October, 1898, pages 313-315.)

FOREIGN REPORTS AND PUBLICATIONS—COMMERCIAL AND INDUSTRIAL CONDITIONS IN THE PHILIPPINES.

The following extracts are from the Bulletin de la Société de Géographie Commerciale, Paris, Volume XIX, No. 4. Speaking of the market for European goods, the writer says:

French canned goods, while appreciated for their good qualities, are undersold by English and Spanish articles. The Germans sell only canned vegetables. A Swiss establishment has recently begun selling patés de foie gras, sauerkraut, and preserved vegetables. Australia is now sending large quantities of butter and meat. Wine and whisky do not sell readily, on account of the competition of local manufacturers.

There is a good market for jewelry, especially in the provinces, in inexpensive articles. The French have a good place in this line, although the Germans and Swiss are competing seriously. American watches and jewelry in white metal are also becoming known. The profits in this branch are enormous. Watch pins, bought in Europe at 7 francs ($1.35) per dozen, sell here at $5, Mexican ($1.33), apiece. The same is true of many other articles.

Textiles of cotton, silk, linen, etc., would find an important market here if they were adapted to the taste of the millions of inhabitants of these islands.

Shoes are an important item of importation. They represent over 1,500,000 francs ($289,500) annually, and come chiefly from Austria, Germany, and (since 1895) from Spain. All articles pertaining to carriages are well received. Chromos, engravings, religious objects, etc., have a large sale among the Indians and half-breeds.

The glassware sold at Manila is mostly of the most ordinary class, and is supplied by England, Germany, and China. French perfumery and drugs are sold universally. Olive oil comes from Spain, and dried fruits, which are largely consumed, are sent by Spain, Italy, and China.

Besides the above-mentioned articles, England, Germany, and Belgium export to the Philippines a considerable quantity of iron, zinc (worked and unworked), machines of all sorts, and firearms, as well as hardware, nails, and other small articles of iron, which sell at remunerative prices.

In regard to the resources of the islands the article continues:

The land is wonderfully productive, but lacks intelligent cultivation. So wasteful have been the methods that, in spite of the wonderful fertility of the soil, the harvests have in some places diminished. This is true of maize in the island of Cebu and of sugar cane in the province of Pangasinan, where new plantations must now be made every year, while at Negros the land yields many times in succession. The rice production, formerly so large, has so fallen off that importations have been found necessary.

To give an idea of what the archipelago has suffered in this respect from the negligence of its inhabitants, the following table, showing the imports of rice into the Philippines for a certain number of years, has been compiled:

1881	12,233,166
1882	20,754,104
1883	119,365,862
1890	157,157,763
1891	160,195,654
1892	138,247,863

There are two kinds of rice in the islands—hill rice and plain rice—although these two varieties might be infinitely subdivided according to quality, shape, size, etc. This is the principal food of man and animals. Very little work is necessary in its cultivation, and it is astonishing that the natives have not produced larger quantities instead of deriving their supplies from Japan and China. The method of cultivation is as follows: At the end of April the ground is worked and divided into large squares. One of these is used as a seed plot, and the work is continued on the others.

After three or four days the ground is harrowed and the seed, after being soaked in water for at least two hours, is planted. The ground must not be allowed to become too dry or too wet in the interval before transplanting, which usually takes place in June when the plants are from 4 to 7 inches high. Women and children then carefully lift the young plants and carry them to adjacent squares similarly prepared, where other women place them in rows about 8 inches apart. During the period of growth each square is left open in order that the water may freely enter, and it is only when the plant becomes yellow that the ground is allowed to dry. The plants are again watered and are gathered by men by means of primitive sickles.

The production of cotton is also diminishing, for the same reasons that apply to rice. It grows in the provinces of north and south Ilocus, Union, Abra, and Pangasinan. The kinds cultivated are *Gossypium herbaceum* and *Bombax pentandrum*. The ground is almost never prepared, and the cotton is silky in quality and would easily become a valuable product if attention were given to the cultivation.

In the two provinces of Ilocus too great humidity is not to be feared for this plant, for the season of rain is well defined here, from June until October, and the land is adapted to its cultivation. Nevertheless, the indolence of the Indians has caused cotton to take an inferior rank among the products of the colony.

Hemp is the most important product, and is obtained from the trunk of a species of banana tree, the fruit of which is not comestible. The tree, which attains a height of from 22 to 26 feet, is cultivated in the following manner:

The ground is worked carefully, the best period being from June to October; it is well irrigated and divided into squares of about 13 feet. Earth that has clay on the surface and limestone below is well adapted for the purpose. The seeds are planted two and two in little holes 5 to 7 inches apart and covered with earth and straw, the latter being set on fire to aid in the germination. The ground is irrigated before sunrise for several days, and care is taken to destroy all insects.

When the plants are about the size of three fingers they are transplanted. The sprouts during the heat of the day, i. e., from 10 to 3 o'clock, are sheltered from the rays of the sun. After the third year the plants yield every eight months. Some producers plant sweet potatoes between the rows of bananas. This vegetable is largely consumed in the islands, and its roots destroy the weeds that grow so rapidly in these climates. The potatoes, however, must be protected against the boars, which are very fond of this vegetable.

The production of sugar is gradually developing. When the cultivation of this product was begun, elevated lands were chosen, not only to avoid the excess of humidity, but also because the low-lying land was occupied with rice and maize. The sugar plantations were established on the hills, which necessitated additional labor and longer transportation. Rats have caused serious damage, and the lack of labor and of capital has been an additional obstacle to the progress of the industry.

Sugar is planted in March and April in order to have the cane of good size by the rainy season. Two sorts are found in the Philippines, one of green and the other of reddish color. The product goes to Japan, England, and the United States. The price is very low. The principal centers of production are the provinces of Batangas, Pampanga, Ilocos, Pangasinan, and Bulcan; also Iloilo and the islands of Cebu and Negros.

Tobacco alone would make a fortune for the Philippines, although it must be admitted that the quality has deteriorated of late years on account of the lack of good management. A large number of companies have been formed for the exploitation of this industry. The two most important are the "Compagnie Generale des Tabacs des Philippines," the capital of which ($14,500,000 gold) is principally in the hands of French bondholders, and the "Insular." Each of these establishments employs from 5,000 to 6,000 workmen.

The native coffee has a fine aroma. It grows in the provinces of Batangas, Cavite, and Zamboanga, and is exported chiefly to Spain. The cocoanut tree grows abundantly and seems made to order for these countries, where the people are averse to exertion. Cocoanut oil is used for lighting the houses and streets of certain provinces, where electricity or petroleum are as yet unknown.

The native indigo is famous for its excellent quality. Several years ago the provinces of Ilocos, Pangasinan, Pampanga, and Camarines produced enormously. Unfortunately, the faulty preparation and the adulteration on the part of the Chinese traders to which the powder was subjected have greatly reduced its market value. It is exported chiefly to Japan.

Cavao is produced in the provinces of Leyte, Bohol, Misamis, Cebu, Negros, and Samar; that of Cebu and Negros, especially, can rival the best of America. On account of the laziness of the Indians, all the product is locally consumed.

A species of dyewood, which resembles logwood and is called sibucao, is produced in the country and exported to England and China. Among the other products of the country are ihlang-ihlang, wax, mother-of-pearl, straw hats, rattan, etc. These have, however, a secondary importance.

Besides the numerous tobacco establishments, to which reference has already been made, there are in Manila rice factories, sugar mills, distilleries, factories of cord, carriages, soap, aerated waters, brickyards, sawmills, printing establishments, as well as repair shops. Chinese houses where cheap furniture, shoes, etc., are made, and the numerous little industries which belong to a city. The purely native industries consist of work in bamboo and cotton, engraving, and making straw hats. The women have long and slender fingers, fine and sensitive, and the hats and cigarette holders they make, their work on pineapple cloth, and the articles they embroider, are models of delicacy.

The manufacture of cotton goods often forms the occupation of an entire village, and the industry is far from being of insignificant proportions. Artificial incubation, however, is perhaps the industry most peculiar to the Philippines. The apathy of the natives adapts them to this occupation, in which, however, only those who are old and crippled are employed. They lie on

soft beds, the eggs being placed around their bodies, and maintain this position until the eggs are hatched. Ducks are raised in large quantities.

As to the imports and exports earlier, the following estimate is given in Consular Reports, July, 1898, page 423:

In 1891 the Philippine exports to Spain amounted to $22,479,000 ($18,095,595). In 1891 the Philippine imports from Spain amounted to $17,126,000 ($13,786,430).

The total exports from the Philippines in 1892 consisted of 95,016 tons of hemp; 3,951,069 piculs (553,148,400 pounds) of sugar; 21,223 piculs (2,971,220 pounds) of coffee; 61,459 piculs (8,604,260 pounds) of sampan wood; 5,570 piculs (779,800 pounds) of indigo; 254,428 quintals (56,091,197 pounds) of tobacco leaf; 137,059,000 cigars. The total exports in 1892 were of the value of $33,479,000 ($23,803,569).

Total value of imports in 1892 were of the value of $27,000,000 ($19,197,000).

Manila hemp is the fiber of a species of banana (*Musa textilis*) which thrives only in certain localities, where it is cultivated by the natives. The fiber is still produced in the old way, by scraping the leaves with a peculiar knife, which requires expert handling. Numberless contrivances to supersede this simply process have been tried and patented, but without success. The native way is still the best, and it produces a fine fiber of which thread is spun and cloth woven that excels the best Tussore silk.

The manufacture of sugar is not carried on in a large way, but on small plantations with antiquated machinery. There are a few factories, but they are isolated. Some years ago an enterprising Australian established a central sugar factory and laid down miles of pipes for the conveyance of the cane juice to the boilers, and generally went to vast expense. The factory was there and the engines, with the most recent improvements, vacuum pans, and what not. The only thing that was wanting was the plantations to supply the juice. And thus the money was lost, and the pipes that were to conduct the cane juice now convey limpid water to the inhabitants of Manila.

O. S. Williams, consul at Manila, reported February, 1898, as follows (Consular Reports, June, 1898, page 294):

During the quarter ended December 31, 1897, there were exported from these islands to the United States and Great Britain 216,898 bales of hemp (280 pounds per bale), of which 136,702 bales went to the United States and only 78,196 bales to Great Britain.

During the year 1897 there was an increase in the export of hemp from the Philippines to continental Europe of 19,741 bales; to Australia, 2,192 bales; to China, 28 bales; to Japan, 2,628 bales, and to the United States, 135,896 bales, a total increase of 158,485 bales, while to Great Britain there was a decrease of 22,348 bales. (This report is to appear in the forthcoming edition of Commercial Relations, 1896-97, but is printed now on account of the general demand for information.)

Thus, of increased shipments from the Philippines, those to the United States were 544 per cent greater than to all other countries combined.

Of the total exports of hemp from the Philippines for the ten years ended 1897, amounting to 6,528,905 bales (914,055 tons), 41 per cent went to the United States.

During the same years the Philippine Islands exported to the United States and to Europe 1,582,904 tons of sugar, of which 875,150 tons went to the United States, 666,391 tons to Great Britain, and 41,362 tons to continental Europe; showing that of the total exports more than 55 per cent went to the United States.

At the current values in New York of hemp (4 cents per pound) and of raw sugar (3¼ cents per pound) the exports of these two products alone from these islands to the United States during the ten years under review amounted to $89,263,722.80, or an average of nearly $8,926,372 per year.

Data as to cigars, tobacco, copra, woods, hides, shells, indigo, coffee, etc., are not now obtainable; but a conservative estimate would so raise the above figures as to show United States imports from these islands to average about $1,000,000 per month. To-day I have authenticated invoices for export to United States amounting to $138,066.12.

Later I will write of the Philippine tariff, import and export, being now engaged in translating it into English. The export duties and charges here on the hemp and sugar exported to the United States during the ten years ended with 1897 amounted to $5,172,994.87.

It is, from the above, very apparent that the trend of trade is toward the United States, and my best endeavors will be exerted for its further extension.

There are here 22 consulates, representing the several countries, but the volume of the export trade coming under my official supervision equals that of my 21 colleagues combined.

OSCAR F. WILLIAMS, *Consul.*

MANILA, *February 23, 1898.*

According to the returns of the Bureau of Statistics, Treasury Department, the annual imports into the United States from the Philippine Islands amounted to $74,150,284 during the ten years ended June 30, 1897, or $7,415,028 per year. For the seven years ended with 1894 the imports averaged $8,564,611 per year, but for the last three years the imports fell off nearly one-half, amounting to only $4,731,366, $4,982,857, and $4,383,740 in 1895, 1896, and 1897, respectively.

Isaac M. Elliott, consul at Manila, reported, September 20, 1894 (Consular Report, June, 1895, page 205):

PHILIPPINE ISLANDS.

There is considerable demand for butter in Manila, but outside of the city there is no market for dairy produce. The natives never eat butter or any other dairy produce, although cape buffaloes are very numerous, and give a fair supply of milk if taken proper care of. Still, the natives let the cattle go dry as soon as the calf is large enough to take care of itself, which is usually the same period as our cows require for the same purpose.

In and about Manila there are a few small herds of Australian cows, the milk from which is sold in the city. The quality is not nearly so good as that from cows in a colder climate, but we are glad to get it, and pay 40 cents (Mexican) per bottle, each bottle holding three-fourths of a quart, English measure; but as the cows soon deteriorate in so hot a climate, there is but small profit in the business, even at the high price of milk. For butter we pay 50 to 60 cents (Mexican) per tin can, holding somewhat less than a pound. But, as I said before, with the exception of Manila and a few towns, say Iloilo and Cebu, no butter is sold, and I fear that there will never be much of a market in this country for dairy produce.

As to apples and other fruits, I am quite sure that no trade could be built up, except in the preserved form, for the following reasons, viz: (1) The long voyage in a steamer's hold in the close, hot atmosphere prevailing nine months out of the year, and the transshipping at Hongkong to other steamers for the passage here, which usually takes five days via Amoy, would rot the fruit before arrival; (2) with the exception of a few Europeans, who might be willing to pay a fair price, there would be no sale for them if brought in good condition, and I doubt very much if a trade could ever be built up for fruits such as the circular describes.

But I do think that, with proper energy, a large trade in canned fruits might be had here, as every person I have spoken to on the subject admits that our California fruits are the best in the world. Messrs. Warner Blodget & Co., Manila, brought out quite a large consignment, but, not being in the retail trade, of course did not meet with much success. I have used some of the fruit, which was in store nearly two years, and it was still in good condition. Except a few cans that had rusted around the edges, all the cans were in good condition. I would suggest a covering of some material to be applied to the tin that would prevent the rapid destruction of the cans.

It is impossible to give figures of what portion of the whole imports of the articles mentioned is shared by the United States.

ISAAC M. ELLIOTT, *Consul.*

MANILA, *September 20, 1894.*

As to American flour, Mr. Cowan, consul at Manila, reported in February, 1894 (Consular Reports, June, 1894, pages 308, 309):

PHILIPPINE ISLANDS.

CEBU.

Standard of living.—The standard of living in the Cebu district is not high. The ordinary food of the bulk of the population consists of rice and maize, which are always procurable at moderate prices. These have always been the food of the people, and they do not show any desire to alter their mode of living.

Quality of flour used.—"Sperry's XXX" flour is practically the only kind sold here.

Imports of flour and wheat.—Flour is not imported directly into this district, the supply being drawn from Manila. It is estimated that 400 quarter sacks are consumed here monthly, principally in the form of bread, by the European community.

Wheat is not imported at all.

Exchange and shipping facilities.—The financial arrangements of the district are carried out in Manila by representative agencies here. As stated before, our supplies come through Manila.

Obstacles to trade.—The only obstacles to the extension of trade in American flour are the conservatism of the natives and their disinclination to work, which prevents their earning more than sufficient to purchase the cheapest form of food, which is probably maize. In my opinion, therefore, the demand for American flour is likely to be of slow growth.

G. E. A. CADELL, *Consular Agent.*

CEBU, *March 8, 1894.*

MANILA.

Standard of living.—The Caucasian element here live very much as they do at home, but the natives and Chinese, who form over 99 per cent of the population, are rice eaters. There is, however, a large consumption of flour by the European population. The troops and naval forces also use considerable quantities. The natives, especially those living near the large towns, eat bread made of wheat flour.

Imports of flour and wheat.—The imports of American flour, imported from China, amounted to 335,000 sacks (quarter barrels) and 329,000 sacks in 1891 and 1892, respectively. The statistics for 1893 are not yet available.

Practically all the flour imported is American flour. Occasionally a sailing vessel leaves San Francisco to load outward at a Philippine port, and it often finds it convenient to take flour in lieu of ballast.

Such imports would be credited to the United States, but almost every sack of flour that finds its way to these islands is transshipped at Hongkong into local steamers, and the customs statistics credit the import to China. Some small lots of Japanese and Australian flour also come via Hongkong, but these grades can not compare either in quality or price with California flour.

Wheat is not imported into these islands.

Duties.—The duty on quarter-barrel sacks of flour is 56 cents each, including duty on the sack, and on wheat, 66 cents per 100 kilograms. The duty is the same on flour from all countries, except that from Spain. Spanish flour pays but 20 cents per barrel, and Spanish wheat but 6 cents per 100 kilograms. It was expected that when these differential duties went into force (April 1, 1892) a large demand for Spanish flour would set in. This, however, has not proved to be the case.

Exchange and shipping facilities.—Flour business is only possible where a bank credit on London is opened by some bank here through some other bank in San Francisco. There is no direct shipping between these islands, except as before stated.

Trade outlook.—If flour were put on the free list here, a much larger consumption would doubtless ensue. At present a 50-pound sack sells at wholesale at $2.25, local currency.

C. H. COWAN, *Consul.*

MANILA, *February 7, 1894.*

It has been demonstrated beyond any possibility of doubt that the Philippine Islands will become formidable competitors with the United States in the raising of cotton, and especially so as the Chinese labor in the Philippines can be secured for very much less than any labor can be made available in the United States. Realizing this, English capitalists are, according to the report of Consul Frankenthall, now completing a 6,000-spindle cotton mill, with $200,000 capital, for the purpose of manufacturing the native cotton. (Consular Reports for November, 1898, page 446.)

The history of cotton raising in the Philippines up to 1889 is thus given by Consul Alexander R. Webb in his report of August 8, 1889:

Until a comparatively few years ago considerable bush cotton was raised in the Philippine Archipelago, and nearly all of it was made into coarse cloth for the natives by means of rude machinery; but it was found that the English and German cotton fabrics could be bought for very much less than the Philippine goods, and the industry was allowed to languish until it died out entirely. The rapid growth of the hemp and sugar trade here probably contributed largely to this result, for the natives, as well as Europeans, soon learned that there was much money to be made out of hemp and sugar, and very little, if any, out of cotton.

But within the past two years interest in the subject of cotton growing has been revived with the experiments made with American and Egyptian cotton seed by some Spaniards and Mestizos, who have conceived the idea that the Philippines can be made to yield to Spain a rich revenue if the plant is cultivated after modern methods. The climate and soil in some parts of the archipelago have been declared favorable to the rapid growth of cotton, and the experiments, which thus far have been conducted on a small scale, have supported this conclusion.

Last year a small quantity of excellent cotton was raised and sent to Barcelona, where it was manufactured into tablecloths and napkins and returned to Manila, where they were exhibited in the retail dry goods stores as evidences of the possibilities of the cotton culture here, and attracted a great deal of attention. This has encouraged those who have taken an active interest in the subject, and it is considered possible that within a few years cotton may have a place among the exports of the Philippines.

The following extracts are from the Bulletin de la Societe de Geographie Commerciale, Paris, Volume XIX, No. 4:

The land is wonderfully productive, but lacks intelligent cultivation. So wasteful have been the methods that, in spite of the wonderful fertility of the soil, the harvests have in some places diminished. This is true of maize in the island of Cebu and of sugar cane in the province of Pangasinan, where new plantations must now be made every year, while at Negros the land yields many times in succession. The rice production, formerly so large, has so fallen off that importations have been found necessary.

The production of cotton is also diminishing, for the same reasons that apply to rice. It grows in the provinces of North and South Ilocus, Union, Abra, and Pangasinan. The kinds cultivated are Gossipium barbaceum and Bomba pentandrum. The ground is almost never prepared, and the cotton is silky in quality and would easily become a valuable product if attention were given to the cultivation. In the two provinces of Ilocus too great humidity is not to be feared for this plant, for the season of rain is well defined here from June until October, and the land is adapted to its cultivation. Nevertheless, the indolence of the Indians has caused cotton to take an inferior rank among the products of the colony.

According to the statement of Section of Foreign Markets, Department of Agriculture, in Bulletin No. 14 of the year 1898, the average importation of cotton manufactures into the Philippine Islands since 1886 has been a little less than $6,000,000. With the introduction of the cotton mills now building and in project this importation will cease. The development of the cotton industries in the Philippines means a direct loss to the cotton men of the United States of $6,000,000 a year.

In addition to the bush cotton in the Philippines there is also a tree cotton, of which Consul Webb says:

The tree cotton, which is very plentiful in nearly all the islands, has been experimented with to some extent, but, I am told, without satisfactory results, the fiber being too short for spinning. Again, it is asserted that if the proper machinery were used for cleaning it, it would be found that it could be spun and might take the place of bush cotton for many purposes.

Its production would cost nothing except the expense of gathering, as it needs no cultivation. Samples of it were sent to England a short time ago, where it was mistaken, it is said, for Tahiti or sea-island cotton, the fiber being quite long enough for spinning if properly cleaned. Here it is used for stuffing pillows, cushions, mattresses, etc., but I believe that no attempt has ever been made here to spin it. It is thought, however, that if a proper machine for cleaning and preparing it for market could be had, it might be made a good profit-yielding article of export.

What follows is a statement made by Mr. W. M. Mason:

No matter how well read a person may be, few in this country realize the great amount of sickness which has prevailed among the Americans who have attempted to settle in the Philippine Islands. It has been to the advantage of the Administration to keep all unfavorable reports regarding this matter in the background, in order that the ranks of the Philippine army may be well filled from those young men who are fascinated by the alluring prospects which a new, and in many ways unknown, country always holds out to youth.

Since the day when the American army landed at Manila up to the present time the many hospitals established by the military have been filled to overflowing with soldiers and civilians of the United States who were unable to stand the severe climatic conditions of the country. Hundreds have died in the prime of youth who, if they had remained in America, would have lived long and useful lives and would have been of much more service to their Government than unnecessarily giving up their lives to the ravages of the diseases of the Philippines.

In this report, which will soon be made to the Secretary of War, the Surgeon-General will say:

"After the occupation of Manila the sick lists of the regiments increased week by week, due chiefly to intestinal, malarial, and venereal diseases. This continued until the middle of December, when the heavy rains ceased."

Here I would invite attention to the following tabulation, showing annual rates per thousand of strength, deduced from the reported experience of four months in the Philippines, as compared with the average annual rates at military stations in the United States during the ten years 1880-1890, inclusive:

	Philippines.		Garrisons in United States.	
	Admission rate.	Death rate.	Admission rate.	Death rate.
Total diseases and injuries	3,016	9.36	1,254	7.12
Injuries	108	1.80	248	2.28
Typhoid fever	47	5.16	6	.64
Malarial fevers	370	.....	96	.14
Venereal diseases	82	.48	76	.02
Diarrheal diseases	445	.48	116	.13
Bronchitis and influenza	66	.36	101	.02

"From these figures it will be seen that the admission rate in Manila has been comparatively large, due mainly to malarial diseases, which are climatic, and to diarrheal diseases, which are no doubt in large part due to errors and irregularities of diet on the part of affected individuals. The malarial diseases exceed their prevalence in the United States in the proportion of 370 to 96, and the diarrheal diseases in the proportion of 445 to 116, or about 4 to 1 in both instances.

"Venereal diseases have been slightly in excess, being equal to an annual rate of 82 per 1,000 men, but there is reason to believe that this reported rate does not express the extent the prevalence of these diseases among the troops in Manila."

The great prevalence of venereal diseases in the Philippine Islands has been remarked upon by all of the Regular Army surgeons who have been stationed in those islands, and who have made reports to the Surgeon-General of the Army. At one time it was stated by an officer of the Medical Department that of the many hundreds of men who were in the hospitals over one-half were suffering from some venereal disease.

Syphilis is extremely common to the people of the Philippines and is of such form as to have greatly baffled the medical treatment of the surgeons who have been with the American Army. It is a common sight to see a native walking on the streets of Manila infected with this disease to such an extent that he presents an appearance of rotting away.

Many of the Americans who have gone to Manila, either to fight with the insurgents or to try and make a fortune, have died from smallpox. For some time after the forces of the United States occupied Manila little care was taken to prevent this disease from spreading among the troops. Very few of the natives are to be seen on the streets of Manila who do not show unmistakable signs of having had this terrible disease. It has been stated on good authority that smallpox is more prevalent in the Philippine Islands than any other place in the world.

The following are some extracts taken from the reports of Major Potter, one of the surgeons stationed in the Philippines:

OCTOBER 16, 1898.

First Colorado Infantry: There has been a steady increase of sickness in this regiment since the 1st instant, the percentage of sick to total strength having risen from 9 on October 1 to 15 on October 15. Intestinal and malarial cases form more than two-thirds of the total sick. The heaviest sick list occurs in companies recruited in large cities, and the smallest number in the companies from small towns and mining camps.

"First Nebraska Infantry.—This regiment has had a large sick report, which is now 17 per cent of the total strength."

"Tenth Pennsylvania Infantry.—Intestinal and malarial diseases constitute the bulk of the sickness. The percentage of sick to total present strength has been 12 to 13 during the last three weeks."

"Eighth United States Infantry.—The percentage of sick has varied from 7 to 9 since October 1, the cases being chiefly intestinal, malarial, and typhoid. Two cases of variola recently appeared in the command."

The reports of Major Potter, made after this time, show a steady increase in the percentage of sick. This was due largely to the rainy season, which is particularly trying to the Americans. At this time of the year there is a steady downpour, resulting in much sickness. The days are hot and damp, and the nights are cold and very uncomfortable.

Among civilians, who did not have the great care and supervision of the Regular Army surgeon, there was naturally much more sickness than that noticeable among the troops. In fact, the climate of the Philippines is by all odds the worst enemy which the Americans have been forced to meet since the occupation of the islands. Many of the young men who have gone to Manila in the hopes of making their fortune have returned to the United States, after having had some severe sickness from which they will never wholly recover, thoroughly disgusted with all pertaining to the Philippines and the people who inhabit them.

It has been found that the health conditions in the interior are not any better than those in the city of Manila. In speaking of the condition of the troops stationed at San Fernando, the Surgeon-General will say in his report:

"Besides, San Fernando had a local reputation as a healthful locality; in fact, it was regarded by the Filipinos as a kind of health resort. Yet the sick lists of the commands continued to increase and the sick failed to show any noteworthy sign of progress toward recovery of their strength. These regiments were shortly afterwards withdrawn from San Fernando to their barracks in Manila, where a change for the better was speedily manifested in the medical records."

In the report of Lieut. Col. Henry Lippincott, United States Army, chief surgeon, Department of the East Pacific and Eighth Army Corps, the following observation, much to the point, is made:

"Perhaps it may not be out of place here to express my professional opinion as to the length of military service in the Philippine Islands.

"From sufficient experience, I know that Americans are not, as a rule, able to endure this climate for a longer period than two years. Climatic diseases and the great enervation due to excessive heat combine to render a longer stay here dangerous to the service and to the individual."

The report of Colonel Lippincott continues in the same strain to show that it was necessary to take the greatest care to prevent diseases common to the islands from becoming prevalent among the American Army. This, however, is a self-evident fact from the various reports which have come from General Otis to the Adjutant-General relative to the sickness among the troops. It seems to be the opinion among Army officers who are stationed in the Philippines, and who saw service in Cuba, that the former place is much more unhealthy than the latter.

The above facts and conditions have been carefully selected from the best sources. They speak for themselves and demonstrate my contention that the Philippine Islands do not hold out any inducements to our farmers, laborers, and business men to leave this country in order to enter upon such a field of labor and enterprise. But to the imperialist, to those who delight in military glory, to those in whose bosoms burn the fire of conquest and the lust of acquisition, to those who love to exercise the power of the sword, the permanent retention of the Philippine Islands and their government as a colony present many and strong temptations.

To the sober-minded and industrious citizen such a prospect does not appeal. We can not forget that this same policy of imperialism and military glory dazzled the imagination and wrought the ruin of ancient Greece; it caused the downfall of the Roman Republic; it disintegrated the power built up with so much care by Charles V; it caused the overthrow of the great Napoleon. To-day England is shedding the blood of her most illustrious sons and spending millions of money to maintain her policy of colonization and imperialism. Having once started on her career of conquest and acquisition, she has never been able to stop, and her war drums have been beating for two centuries in every quarter of the globe.

Let us stay our footsteps on the threshold of imperialism. Let us meet the new century with our faces set against "criminal aggression." Let us bestow upon distant peoples the great boon of American freedom and American civilization. Above all, let us be true to the teachings of our fathers and to those eternal principles of liberty which alone can preserve to us the goodly heritage we possess. [Loud applause on the Democratic side.]

The amendment was agreed to.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Arkansas [Mr. McRAE].

The Clerk read as follows:

On page 14, line 18, after the word "peace," insert the following:
"*Provided further*, That enlisted men receiving or entitled to the 20 per cent increased pay herein authorized shall not be entitled to or receive any additional increased compensation for what is known as extra or special duty."

Mr. HULL. I think that amendment is perfectly proper and right.

The amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, I want to offer an amendment, in line 13, after the word "pay," to insert the word "proper," so that it will read "for the pay proper of all officers."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 13, page 14, after the word "pay," insert the word "proper."

The amendment was agreed to.

Mr. HULL. In line 18 I offer a similar amendment, after the word "pay" to insert the word "proper."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 18, page 14, after the word "pay," insert the word "proper."

The amendment was agreed to.

Mr. MOODY of Massachusetts. Mr. Chairman, I understand the section is now perfected, and I wish to ask the gentleman from Iowa [Mr. HULL] if it is intended as a permanent policy that the officers and soldiers serving in these possessions shall receive this extra pay whether there is peace or war?

Mr. HULL. Yes.

Mr. MOODY of Massachusetts. That is to be a permanent policy?

Mr. HULL. Yes.

Mr. MOODY of Massachusetts. And I suppose the committee have considered that thoroughly?

Mr. HULL. Yes; they are agreed upon it.

Mr. RIDGELY. Mr. Chairman, at the time the point of order was withdrawn by the gentleman from Arkansas [Mr. McRAE], I rose to renew the point of order myself. I would ask, however——

Mr. HULL. It is certainly too late to raise the point of order after the section has been repeatedly amended, perfected, and adopted.

The CHAIRMAN. The gentleman has not made a point of order. The gentleman is making a statement.

Mr. RIDGELY. I would ask unanimous consent that the balance of this matter, down to the bottom of this page, go over with the other that was reserved until to-morrow.

Mr. HULL. Oh, well, I object to that. It has no connection with the other matter.

The CHAIRMAN. Objection is made. The Clerk will read.

The Clerk read as follows:

For additional pay for increased rank when in command by competent authority, $50,000.

Mr. HULL. Mr. Chairman, by instruction of the committee, I offer the following amendment to come in after the word "dollars," in line 20, page 14.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "dollars," in line 20, page 14, the following:
"*Provided*, That no part of this sum shall be used for pay of officers assigned to a higher command than their rank in the Army, unless such assignment is to fill a vacancy existing in the grade to which such officer shall be assigned."

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

All the money hereinbefore appropriated shall be disbursed and accounted for by the Pay Department as pay of the Army, Regular and Volunteer, and for that purpose shall constitute one fund.

Mr. MOODY of Massachusetts. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert, after the word "appropriated," in line 21, page 14, the following: "except the appropriation for mileage to officers when authorized by law."

Mr. MOODY of Massachusetts. My amendment is to insert, after the word "appropriated," the words "except the appropriation for mileage to officers when authorized by law." That has been the form of the appropriation heretofore.

Mr. HULL. I think that amendment is all right. It is simply an inadvertence that it is omitted, and there is no objection to it whatever.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Subsistence of the masters, officers, crews, and employees of the vessels of the Army transport service, $219,492.75.

Mr. McRAE. For the purpose of getting some information, I make a point of order against this paragraph. I should like to have the gentleman explain what it means.

Mr. HULL. Masters of vessels and others are paid in the appropriation for this fiscal year, and the only object of putting in this language is to give more particular information as to what we are appropriating for. If you strike it out here and increase the amount in the other part of the bill for the Subsistence Department, they would be paid just the same as they have been during this fiscal year.

Mr. McRAE. This is not an increase in officers, then?

Mr. HULL. No, it is only for more particular information.

Mr. McRAE. And it is not new legislation?

Mr. HULL. It is not new legislation, unless you say that by going into more detail than heretofore it is new legislation.

Mr. McRAE. I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Difference between the cost of the ration at 25 cents and the cost of rations differing in whole or in part from the ordinary ration, to be issued to enlisted men in camp during periods of recovery from low conditions of health consequent upon service in unhealthy regions or in debilitating climates, to be expended only under special authority of the Secretary of War, $180,000.

Mr. HULL. Mr. Chairman, the committee have left out of the bill the following, which has been in heretofore, and I now offer it as an amendment.

The CHAIRMAN. The gentleman offers an amendment which the Clerk will report.

The Clerk read as follows:

After line 9, on page 17, insert the following:
"Total for Subsistence Department, $10,556,492.75, to be disbursed and accounted for as subsistence of the Army, and for that purpose shall constitute one fund."

The amendment was agreed to.

The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

Regular supplies: Regular supplies of the Quartermaster's Department, including their care and protection.

Mr. HULL. I suggest to the gentleman from New York that he allow the paragraph to be read.

Mr. DRIGGS. I am perfectly willing to wait until we reach page 21, as I suggested to the gentleman a while ago.

Mr. HULL. I only wish to have the paragraph read. I think the gentleman will agree with me that it is not in order to offer even a pro forma amendment to a paragraph until the Clerk finishes the reading.

Mr. DRIGGS. Certainly.

The CHAIRMAN. The paragraph will be read, and the Chair will then recognize the gentleman from New York.

The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

Regular supplies: Regular supplies of Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks, and quarters, and recruiting stations, also ranges and stoves, and appliances for cooking and serving food, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers; and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing department orders and reports, $8,264,000.

Mr. DRIGGS. I move to strike out the last word.

Mr. Chairman, I desire to preface my remarks on the subject which I desire to speak upon by reading a newspaper article that, while it is somewhat long, is of such great moment and importance to every member of this House irrespective of politics and to every citizen and person in this country that I desire to read it in full, as it pertains absolutely and directly to a certain portion of this bill—the transport service. I will say, however, before reading this article, that it is taken from the Brooklyn Daily Eagle.

The Eagle is in no sense of the word what is commonly known in the parlance of the day as a "yellow journal." It is a most conservative and independent paper. To show how absolutely independent the paper is in politics it will in one campaign support Republican candidates, and if not satisfied will turn around in the next campaign and support the candidates of the Democratic party. I make this statement so that it may be known that the paper is perfectly fair, and I have never known an article to appear in it that its management have not been able to substantiate when it appears in their columns. I will ask the Clerk to read the article.

The Clerk read as follows:

[Brooklyn Daily Eagle, March 27, 1900.]

A PALACE OF THE SEAS IS THIS ARMY TRANSPORT—WHERE AND HOW THE GOVERNMENT LAVISHED $750,000 ON THE SUMNER—SOLID MAHOGANY FURNITURE—HER OFFICERS' QUARTERS WOULD PUT TO BLUSH THE STATEROOMS OF MANY OCEAN LINERS.

Those people who think that the Army transport service of the United States is a pretty expensive institution would receive a rather startling confirmation of their views if they paid a visit to the *Sumner*, which is now lying at the foot of Pacific street in Brooklyn. Once upon a time the *Sumner* was a collier. That was during the war with Spain, when she sailed under the name of *Cassius*. Since that time she has been converted into a floating palace at an expense of over $750,000. Her staterooms and interior fittings are finer in many respects than those of many of the ocean liners. Apparently there has been no limit to the expenditure of money upon this ship, which is intended to carry troops from here to Manila.

Attention has been directed of late to the *Sumner* because of the fact that she was sent to a private yard to have damages to her bottom plates repaired. It was then announced that this work would cost $2,500. Now it appears that the bill will amount to about $8,000.

Word also comes from Washington to-day that a body of high Government officials will inspect the *Sumner* to-morrow to see that she is in perfect condition for her voyage. They can scarcely be disappointed with her interior furnishings, to say the least, if they make as careful an investigation as did an Eagle reporter who made a tour of the ship yesterday.

The *Sumner*, when she sails from this port on Thursday afternoon, will carry over 1,200 persons. In outside appearance she is not unlike the other Army transports, although she is considerably larger than some of those which have been coming to this port. It requires an inspection of her interior to reveal the extravagant manner in which she has been fitted up.

After the Spanish-American war, during which she was used as a collier by the Navy Department, she was transferred to the Quartermaster's Department of the Army and converted into a transport, the Navy Department having no further use for her. The *Sumner* was taken to the Norfolk Navy-Yard, where she was remodeled and refitted, leaving that yard and coming direct to Brooklyn. She arrived here about a week ago.

It was while coming out of the channel from the Norfolk Yard that she collided with a railroad barge and was slightly damaged. This damage to her bow plates was repaired at the Erie Basin, instead of at the Brooklyn Navy-Yard, where naval officials contend it should have been done. It now said a bill for about $3,000 will be presented to the Secretary of War for these repairs, which naval officials of the local navy-yard say were very slight. At the Brooklyn Navy-Yard it costs about $500 or $600 to dock a warship, and the damage to the *Sumner* having been slight naval officials do not hesitate to say that a bill for even $2,000 would be unusual.

It is also contended that the largest dry dock at the navy-yard having been empty when the *Sumner* arrived here, and work in the navy-yard having been slack at that time, the vessel should have been repaired at the navy-yard instead of by private contractors. Navy officials say just as good work could have been done by them in the same time and at a great saving of money to the Government.

The visitor to the *Sumner* is dazzled by the magnificence which confronts him on every side. The very best of everything that money can buy has been provided. The quarters of the officers of the ship and the commissioned men, who will be carried as passengers, are finer than those on some of the first-class trans-Atlantic steamers.

There are 29 staterooms, each accommodating two persons, and 3 double staterooms. These staterooms are larger than those on the average first-class ocean liners. The berths and dressers are made of solid mahogany, while the knobs and decorations are of the most expensive brass work. Each stateroom is provided with the finest quality of chinaware, suspended on nickeled supports. All trays and, in fact, every metal fixture in these rooms are of the finest quality of brass, heavily nickel plated.

An immense French plate mirror in a solid brass frame, nickel plated, adorns each room, while two cut-glass tumblers, costing at wholesale price 75 cents each, and two cut-glass water bottles, which cost $2.75 each, are among the other furnishings provided for the officers occupying staterooms. Each stateroom is provided with an electric fan. The berths are furnished with the finest quality of linen. Elaborately designed velvet carpets and rugs cover the stateroom floors, while engraved frosted glass covers the front door of each of these apartments.

There is an immense refrigerator with a capacity of making 75 tons, while the bakeries have ovens sufficient to furnish 2,000 loaves of bread daily. A butcher shop, ice house, laundry, kitchen, electric-light plant, and similar necessary adjuncts are located in rooms handsomely finished, the floors of which are covered with tiling or a corrugated artificial stone.

The main saloon is the most elaborate as well as the most expensive feature on the ship. The tables, chairs, closets, umbrella and cane stands, as well as all other woodwork in this room, are of solid mahogany.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRIGGS. I ask that my time may be extended for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended for five minutes. Is there objection? The Chair hears none.

The Clerk read as follows:

There are 2 long and 4 square tables, each of which is said to have cost $300, while the 60 chairs, also of heavy mahogany and upholstered in buff leather, cost about $15 each. A solid mahogany sideboard at one end of the dining saloon, about 10 feet long and 3 feet wide and extending to the ceiling, with great beveled-edge French plate mirrors, cost $1,500.

The sideboard contains $8,000 worth of silverware for use of the commissioned officers and officials of the transport. The silverware consists of knives, forks, spoons, dozens of nut picks, nut crackers, 125 napkin rings, 7 dozen fruit knives, coffee spoons, several coffee and tea sets, several candlesticks; in all, numbering over 600 pieces.

A solid mahogany bookcase with beveled plate glass doors occupies a place opposite the beautiful sideboard.

There is a gorgeously decorated smoking room on the upper deck, also fitted with solid mahogany furniture. The twelve bathrooms are wonderful creations of the plumber's art and fit for the use of a king, each being fitted with a solid porcelain bath tub, which cost over $200.

Mr. STEELE. I would like to ask the gentleman, before we proceed further in this reading——

Mr. DRIGGS. I do not agree to yield. I will yield in a moment.

Mr. STEELE. I make the point of order that this is not admissible under the rules to be read unless the gentleman intends to stand by it himself.

Mr. DRIGGS. I propose to stand by it.

Mr. STEELE. It is not germane to the amendment, and unless the gentleman desires——

Mr. DRIGGS. I insist on my time.

The CHAIRMAN. The gentleman asked unanimous consent that his time be extended five minutes, to which there was no objection, and it is being read in the time of the gentleman.

Mr. STEELE. I object, unless he knows it is true and proposes to stand by it. [Cries of "Regular order!"]

The CHAIRMAN. The gentleman declines to yield further, and the Clerk will read.

The Clerk read as follows:

A solid porcelain washstand, fit for the mansion of a millionaire, occupies a corner in each room. They are said to have cost about $50. The floors of these rooms are laid with small tiling, while all the metal work is brass, heavily nickel plated. Dozens of washrooms, with three different kinds of shower baths, are scattered over the ship. The plumbing work of the ship is all open, the pipes being nickeled wherever exposed.

Accommodations for 998 soldiers have been provided. Each man will be given a berth or sleeping place arranged on galvanized frames. These quarters are in tiers of three and comfortable as compared with the hammocks which the man-of-war's men occupy on the war ships owned by Uncle Sam. The floor of these apartments is covered with tiling. The lavatories provided for the soldiers are better than those usually supplied first-class passengers. There are four sections of the *Sumner* set apart for the soldiers. The lavatories and washrooms for the soldiers adjoin their quarters and contain 224 solid porcelain washstands, supplied with hot and cold water.

An operating room in the after part of the *Sumner* is equal to any, it is said, in Greater New York. Several doctors who examined this room pronounce it the best they have ever seen, in point of convenience as well as elegance of finish. The diet kitchen also dazzles the visitor, everything being of elaborate finish. It is located next to the operating room.

The kitchen adjoining the dining saloon is a model in every respect and would reflect credit on the finest ocean steamship or hotel. It is provided with everything that money can buy, all the utensils and other apparatus being of copper and nickel. An automatic egg boiler, costing $75——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRIGGS. I ask unanimous consent that my time may be extended five minutes more.

Mr. STEELE. I will have to object to that. The gentleman would not allow me to ask him a question.

Mr. DRIGGS. I wanted the sentence to be completed.

Mr. RICHARDSON. I move to strike out the last word. I want to ask the chairman of the committee where the bills for this extravagant supply to this ship or transport are audited. There are $200, I understand, for bath tub, and $750,000 for furnishing this transport. I want to ask where these bills are audited?

Mr. HULL. I will say they are audited by the War Department. We make the appropriation. This is in your time.

Mr. RICHARDSON. I am asking the gentleman the question in my five minutes, and I want an answer.

Mr. HULL. I was going to take a little of my own time.

Mr. RICHARDSON. I only wanted to ask a question of you.

Mr. HULL. This is paid for transportation under the head of the Quartermaster-General's Department, and so far as the bills are concerned, we are informed that they would be audited by the War Department.

Mr. DRIGGS. I would like to ask the gentleman from Tennessee a question.

Mr. RICHARDSON. Certainly.

Mr. DRIGGS. The question I desire to propound to the gentleman from Tennessee will in extent by the time the sentence is completed be found rather long. I desire to call the attention of the gentleman from Tennessee to the fact that he does not understand as I do and realize the enormity of the extravagance of this transport *Sumner*. Did he know that the transport *Sumner* contains in her a machine among her cooking utensils, a $75 machine, and for what purpose—just for boiling eggs [laughter], that is worked by ordinary clockwork? And does the gentleman from Tennessee realize that from the reading of this newspaper article; and, in addition to that, did he realize that they had cut-glass tumblers at 75 cents apiece wholesale? And did he realize, in addition to that, that they had cut-glass water bottles that cost $2.75 apiece?

Mr. RICHARDSON. I had no idea of that. [Great laughter.]

Mr. DRIGGS. And in addition to that, I would say to the gentleman from Tennessee, did he realize that in the morning these officers and men, after attiring themselves, and on their way down to the saloon to eat their breakfast, can admire their faultless uniforms in a $1,500 plate-glass mirror?

Mr. RICHARDSON. I never dreamed of it. [Renewed laughter.]

Mr. DRIGGS. And so, Mr. Chairman, I would say in addition——

Mr. STEELE. I would like to ask the gentleman a question.

Mr. DRIGGS. I am asking the gentleman from Tennessee a question. [Laughter.]

Mr. RICHARDSON. As soon as I get through answering the gentleman from New York I will yield to the gentleman. [Laughter.]

Mr. DRIGGS. And in addition to that we are told that on this ship that is so magnificently fitted up that it is far more beautiful than private yachts of millionaires, on the tables where they eat breakfast there was $8,000 worth of silverware; and if perchance it happened to be a dinner instead of a breakfast that they were eating, at the conclusion of the meal the nut picks and fruit knives they would then use were of solid silver. Did the gentleman realize that?

Mr. RICHARDSON. Never. [Laughter.]

Mr. DRIGGS. Did he realize that when we had here in the last Congress the war-revenue measure under consideration, the title of which bill was, "An act providing ways and means to meet the war expenses, and for other purposes," that the "other purposes" of that war measure was to fit any such thing as this transport *Sumner*, while the taxpayers of the United States were ground out of taxes now laid and that had been realized upon by the Administration?

Mr. McRAE. And they had to issue bonds.

Mr. DRIGGS (continuing). And did he realize that I, as one of the Democratic members of this House who voted in favor of this measure, knew of no such use that the money of the people of this country was to be put to under that bill; and if he had realized that he would have known that I would not have voted for such a measure for such purposes as that, because he knew and I know we have no right to take the people's money and put it to any such use?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRIGGS. I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. FITZGERALD of New York. I ask unanimous consent that the time of the gentleman from Tennessee may be extended five minutes.

Mr. HULL. I ask unanimous consent that the gentleman have five minutes to talk, but not for the reading of articles.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. DRIGGS. But, Mr. Chairman, now that I have the time in my own right——

Mr. RICHARDSON. I should like to ask the gentleman a question.

Mr. DRIGGS. Certainly.

Mr. RICHARDSON. Do I understand that the answer to all the questions the gentleman propounded to me are found in the article that has just been read?

Mr. DRIGGS. Yes. Now, that I have the right to address the House in my own right, without any subterfuge——

Mr. STEELE. The other was no subterfuge. [Laughter.]

Mr. DRIGGS (continuing). I am willing to concede that when the only way I can, under the rule, get the right to talk in that way I am going to do it when such important questions are being considered here. I will say that during the war with Spain there was not a man, woman, or child in this country but realized the atrocious condition of affairs on the Army transports. We are told that the transports had men huddled in them in a manner and condition worse than any pigs in a western piggery.

Mr. Chairman, when I consider that when these young men were going out to fight for the honor of their country they were huddled together and treated in that shameful manner, and when brought back from Cuba each one declaiming against the transports, and I now consider that the war is practically over, conceded, at least, to be over by the Republican Administration and by the chairman of the Committee on Military Affairs, I wonder why they—the Administration—had the assurance to allow the War Department or the Department of the Quartermaster-General to equip a ship like this in this palatial manner, when the men were treated on the other transports like pigs. I endeavored the other day to obtain from the chairman of the committee——

Mr. WHEELER of Kentucky. Before the gentleman leaves that point, I would like to ask the gentleman whether or not it is his purpose to pursue this matter further by offering a proper resolution so that the House may make an investigation and ascertain the truth or falsity of the charges in the article.

Mr. DRIGGS. I do. I propose to insert the newspaper article as the "whereas."

Mr. FITZGERALD of New York. Does the gentleman know that while this work was being done in the private ship yards of the country the Government yards were compelled to run under reduced time because of lack of appropriations?

Mr. DRIGGS. I have heard that stated, but I do not know whether it is so. Now, when I asked the chairman of the Military Committee for the information as to decrease of Army appropriation and he told me it was only $16,000,000 difference, as I recall it, I marveled at the small decrease—and if I quote him incorrectly I apologize for it—but as I recollect, he told me that the appropriations called for in this bill were absolutely essential to carry on the war in the Philippines, or for the maintenance of the army in the Philippines; I do not think he said "necessary for the war in the Philippines," but for the maintenance of the Army. Now, I can see where $750,000 of this money has gone to, and I know not how much more of this money has gone in that same way.

Mr. PARKER of New Jersey. Will the gentleman yield to me for a question?

Mr. DRIGGS. Yes; for one question.

Mr. PARKER of New Jersey. For two questions?

Mr. DRIGGS. All right.

Mr. PARKER of New Jersey. What was the total cost of the vessel the gentleman complains of?

Mr. DRIGGS. I do not know.

Mr. PARKER of New Jersey. Over a million dollars?

Mr. DRIGGS. I do not know; she is a beautiful ship; I have seen her.

Mr. PARKER of New Jersey. How much have the things cost extra that the gentleman thinks ought not to have gone into her?

Mr. DRIGGS. Seven hundred and fifty thousand dollars.

Mr. PARKER of New Jersey. Seven hundred and fifty thousand dollars?

Mr. DRIGGS. Well, not altogether; of course I am simply stating it in bulk. I do not understand everything about this. I am not a jack-at-all-trades, and I can not tell you what the cost of the different things should be.

Mr. PARKER of New Jersey. Of course the extra cost of fitting up the cabin in fine style is a mere trifle compared with the cost of a first-class vessel.

Mr. DRIGGS. Certainly it is infinitely more, as we are told by this article. Mr. Chairman, when we realize how the boys in blue in Cuba fought and suffered the torments of the damned from the infamous food that was dealt out to them, we can not but wonder why that was not the time to guard and take the best of care of them, and not now when the war is practically over. At all times we should take the best of care of every man willing to fight for his country, but at no one time shower thorns and another time shower roses.

[Here the hammer fell.]

Mr. HULL. Mr. Chairman, this is the first information I have had in regard to the newspaper article which has just been read, and the gentleman's speech as a supplement to the article seems to charge that we are now treating the soldiers too well.

Mr. DRIGGS. I never charged that.

Mr. HULL. The criticism by the Democratic party commenced on the Government when the war broke out. We had no transports and the Army had to go to Santiago, and a fleet was improvised. It was not what we wanted. It was the best we could do. The Democratic party raised a cry all over the country that our soldiers were put in transports and huddled together like pigs. Regiments begged for the privilege of going on these poorly appointed ships. The soldiers never complained.

It was reserved for the gentlemen who did not go into the service to raise this cry. [Applause on the Republican side.] Since then we have organized our transport service, and now they come up and say that we are treating the soldiers too well and spending too much money on the transports for men who travel between this country and our island possessions. I do not believe that that article is true in its details. I do believe that we have organized the best transport service that any government ever had in any age of the world. Neither England, Germany, nor France can compare with us in the splendor, if you want to call it so, of the transports we are now sending out to carry our troops back and forth.

Berths for men cool and well ventilated; hospital accommodations for the sick; an ice plant to provide an abundance of ice for all on board during the voyage through the Tropics; cold storage for an abundant supply of fresh meat, vegetables, and fruit, and all other appliances for the comfort and welfare of the men. Not huddled together like pigs now. Oh, no! But too extravagant, cry our Democratic friends.

The gentleman says, "Think of it, think of it, $75 for a vessel to boil eggs in!" Well, think of a ship carrying 2,000 men. And if it requires twice that amount, or $150, to buy a vessel to boil eggs in for those men, I say God bless the officer who will provide for them and give them the eggs. [Applause.] The gentleman says, "Think of it, think of it, we have got to provide porcelain-lined urinals for the men."

Mr. DRIGGS. I did not say that.

Mr. HULL. Yes, you did, substantially. Does the gentleman want to go back to the old tin institution? [Laughter.] We can

not suit him or his party. If in the stress of war we are obliged to utilize what we can hurriedly get together on short notice to achieve a victory, we meet the criticism of gentlemen on the other side for not doing better. In a time of peace, after the Government can provide and does provide the proper facilities for taking care of our troops, you come in here with a highly colored, sensational newspaper article which charges us with treating the soldiers too well.

Mr. DRIGGS. I did not do that.

Mr. HULL. By having read such an article you make the charge. I am proud of my friend from New York!

Mr. DRIGGS. Thank you.

Mr. HULL. But, thank God, this Government does not have to legislate to suit the gentleman from New York. [Applause.]

Mr. Chairman, I have visited, in common with some other gentlemen of Congress, one or two of these transports. In San Francisco, just before the *Sheridan* sailed in June last for Manila, with 2,200 or 2,300 men aboard, we went on board the ship. It was scrupulously clean; it was splendidly appointed in all its parts. The storage room was inspected, the quarters for the men were inspected, the apartments for the officers were inspected by these members of Congress, and no ground for criticism was found. It was not extravagantly fitted up. It was a perfectly appointed troopship. The men all said that they were splendidly taken care of and that they looked forward with pleasure to their trip.

But while everything was in this perfect condition there was no such extravagance as would justify one word of criticism either from the gentleman from New York or any other Democrat in America. [Applause on the Republican side.] I want to say to you, Mr. Chairman, and to this House that if there has been reckless extravagance in the fitting up of the two ships referred to by the gentleman from New York, the proper place for the gentleman to get full information is at the War Department.

Gentlemen can get there all the information they may want as to the detailed cost of every one of these vessels. There is no secret about it, and no desire to hide anything, and when gentlemen obtain such information they will find that these ships are fitted out perfectly, but not extravagantly. They will find that our Government to-day has organized a transport service better in all its parts for the care of officers and men and for the speedy performance of the duty for which this service is organized than the corresponding service of any other nation on earth. At first, in making our arrangements in connection with our transport service for the war, we met some criticism, and we acknowledged the correctness of it. The criticism was not just under the circumstances, but the service was poor.

Mr. STEELE. Other nations are now copying our ships.

Mr. HULL. As everyone knows, in the beginning, in order to accomplish results, we could not wait to build ships or fit up properly those we chartered or bought. But now that we have had time we have set the pace for the rest of the world. England and Germany——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. I would like a little more time, so that I may at least conclude my sentence.

The CHAIRMAN. Unanimous consent is asked that the gentleman may proceed five minutes longer.

Mr. HULL. I do not want that much time.

The CHAIRMAN. The Chair hears no objection.

Mr. HULL. To-day these foreign nations have inspected our service; they have sent their experts here to examine our ships; and in place of our copying theirs, they are now copying ours. [Applause.] They bear generous testimony to our great results.

The United States of America, after thirty-five years of peace and without experience in the organization of a transport service, have within the last two years made such improvement in this line of service that the nations of the Old World, who have for years been engaged in this kind of business, have come to us and adopted our ideas, acknowledging them to be better than their own.

For one, as an American citizen, I am proud of the fact that this Government will spend whatever is necessary and proper to care for her soldiers on land or sea, and I am proud of the fact that we had men in authority during the last two years of our country's history able and willing to make such improvements that the whole civilized world acknowledges to-day the supremacy of the United States of America. [Applause.]

Mr. DRIGGS. Mr. Chairman, I have had no intention whatever to criticise anything but the extravagant equipment features of the transport service of the United States, and the gentleman from Iowa knows full well that the various items of extravagance which have been recited in the article read are true. I believe it to be true that in the construction and management of those ships there has been extravagance. And now I desire to go back and allude to something else.

I desire to say that I believe in allowing the dead past to bury its dead, and I sat here all through the last session of Congress and never once opened my mouth on the subject of what I witnessed down at Camp Wikoff on Montauk Point, because I believed that was a page in the history of our country that should be closed.

At the outbreak of that war we had no preparation, and I believe, and I say it now, that many of the errors and mistakes of the War Department were made through lack of preparation; but that does not get away from the fact that the day I visited Montauk Point, at Camp Wikoff, I saw one of the Illinois troops come from one of those transports that the gentleman from Iowa [Mr. HULL] has just told us about, and I tell you now that that ship, from deck to keel, was in as bad condition as were the prison ships in Wallabout Bay, and they were notorious for their filth and dirt.

I went all around through that camp, by a special permit from our then colleague, General Wheeler of Alabama. I went among the regulars, I went among the volunteers, I inquired from the officers and men as to the condition of these transports, and to a man they told me, and I have it in my diary at home, that the condition of those transports was simply damnable.

Now, how does that compare with the statement of the gentleman from Iowa [Mr. HULL]? I want to see our American troops, when they are transported from here to the Philippines or Hawaii or Puerto Rico, carried in the very best ships that money can buy and in the very soundest ships that money can buy; and I will vote for that kind of a proposition every time. [Applause.] But the moment the word "extravagance" comes in, there, I say, let us stop, and do not let us have any extravagance at all.

We know how much is necessary for the conduct of this war and for the Army. Mr. Chairman, we know full well what great industries in this country are demanding a reduction of the war-revenue tax; but just so long as the President of the United States tells me that there is war in the Philippines, or in any other place in this country, I propose to stand here and vote for every dollar that is necessary for the suppression of that war, and to vote for every man demanded by the President of the United States.

But the very moment the necessity for these appropriations stop, and the very moment that there are to be no more men required, then I would be recreant to the trust reposed in me by the people of my district were I not to rise here and declaim against woeful, wasteful extravagance.

Oh, ye shades of the immortal Holman, and other more modern watchdogs of the Treasury, what has become of your occupation, when you will allow such items as the equipment of the transport *Sumner* to go through an appropriation bill without an investigation?

I have no desire to emulate the footsteps of any of my distinguished predecessors as watchdogs of the Treasury. I believe in the most liberal appropriations necessary for the proper maintenance of the Government; but I do not believe in extravagance when the people are demanding economy. I do not believe in extravagance when taxation should be reduced, and I do not believe in extravagance when other necessary measures should be enacted and other necessary purposes should be followed out with the money that is wastefully, woefully, needlessly thrown away.

Mr. CANNON. Mr. Chairman, I only want to say a word. I have an acquaintance with the Quartermaster-General, who is the same one we have had since the breaking out of the Spanish war, a most worthy and, in my opinion, a most painstaking officer.

I do not believe that there has been undue expense upon this or any other transport. It does seem to me, I say to the gentleman from New York, if I had wanted to perpetrate a sensation upon the House I would have journeyed down to the Auditor's Office for the War Department, and to the War Department proper, and found out whether this highly colored article was inspired by somebody who was not pleased because the ship was not repaired at the navy-yard rather than at a private yard, or possibly by some private yard that wanted the job as against the one that did get it, or whether there was somebody wandering around who wanted the transport service put under the Navy, who inspired the article.

I would have found out something about it before I perpetrated the sensation, I think. Possibly, when my friend had found out about it, it would not have served his purpose in perpetrating a sensation. [Laughter.] I do not know whether that is so or not.

Mr. DRIGGS. Will the gentleman allow me there?

Mr. CANNON. Certainly.

Mr. DRIGGS. I have no desire to create a sensation whatever. It is against my nature and against my actions in this House. I simply desired to find out if this is the truth.

Mr. CANNON. Well, it is just about a mile to the two proper officers who could have told all about it, and where everything could have been found out. I have no knowledge about it, but my belief is that the *Sumner* is a splendid transport, as it ought to be, and so all our transports ought to be. Now, I will acknowledge, when you talk about a china service for the table, that probably they had better fitted it up with pewter plates. I do not know.

Mr. RICHARDSON. The gentleman will concede that $200 for a bath tub is rather heavy.

Mr. CANNON. I do not know as to the cost of bath tubs. It is easy to say, "Is not that heavy?" I suppose some kind of a bath tub can be bought for twenty or twenty-five dollars. But my understanding is that the bath tubs which are now used by people who build even modest houses in this country—bath tubs of porcelain—cost from $100 to $150. I am told some of them cost thousands of dollars—three or four or five thousand dollars—for bathrooms and furnishings amongst the average constituency of my genial friend from New York [Mr. DRIGGS]. [Laughter.] I do not know about that.

Mr. DRIGGS. I only wish they had that money up there.

Mr. CANNON. It is easy to talk about a goblet costing 75 cents. It is easy to talk about mahogany furniture; and yet everybody knows that it is cheaper than walnut.

I do not know the necessity for this furnishing. I do know that there are 65,000 of our boys in the Philippines, 12,000 miles from home. I know that they had to be taken there, and that they have to be brought home, and perhaps others have got to go and come.

They can not jump there; they can not go there in a canoe or skiff; they can not sail there in a schooner. It is the duty of the Government to take them, and the Government, in the performance of this duty, has fitted up these transports. I apprehend when the fact is arrived at that it will be found they are well fitted up, so that you and I would not be ashamed of them—fitted up for the comfort and good reputation and well-being of the people who go upon them.

Now, I never went aboard a man-of-war or a cruiser but what I found better furniture, better knives and forks, better crockery, more highly polished furniture than there are in my house or in any house I suppose that I could get an invitation to go to. [Laughter.] But I was always glad of it. A service that goes about the world, carrying our boys and carrying our Navy, ought to be the best service for the comfort of the men that it is practicable to get, everything for efficiency without extravagance, and besides that it ought to be such, as it steams about the world, that when an American citizen goes aboard an American ship he will not be ashamed of his country. [Applause.]

Now, that is about all I want to say. I would not have said a thing, except that I happened to be acquainted with the Quartermaster-General. In my judgment there is not a more painstaking, industrious, worthy officer in the service of the Government, a man of good ability, and I felt right here, at the inception of this matter, that I ought to say that, and I have said it; and I am glad that in the future, now that we have had time to prepare these transports, our people will be able to travel without contracting disease from neglect or insufficient accommodation.

If that was not so, the Government would be subject now to just criticisms, whereas in its stress, when the Spanish war broke out, it was subjected to unjust criticism for insufficient transport service, which my friend even echoes, and which his party friends over there charged against the Government when it could not do any better. Now, much can be said about a glass goblet costing 75 cents. I have been in this House a quarter of a century, and I recollect that one Democratic statesman, chairman of the Committee on Accounts in the House, rose in his place upon that side, in a blue jeans suit, and, waving a little fan that cost a cent, and paid for from the contingent fund in the hot weather, for the use of members, said, "Mr. Speaker, look at the expense"——

The CHAIRMAN. The time of the gentleman has expired. [Laughter.]

Mr. CANNON. Well, I did not think my five minutes was up. I want to have time to finish this incident, Mr. Chairman.

Mr. CLARK of Missouri. I ask that the gentleman have five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Illinois be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Waving his little fan, a cent fan, he said, "Mr. Speaker, look at it—a fan bought from the contingent fund;" and he waved it back and forth off his face. Well, that nominated him as a candidate for governor of Indiana on the Democratic ticket. [Laughter.] I am glad we have progressed from those times. Those times were hard times.

Mr. FLETCHER. Democratic times.

Mr. CANNON. We have had harder times since that time. I am thankful to-day, with all our people fully employed at remunerative wages, that nowhere from the Atlantic to the Pacific Ocean, from New York to the Golden Gate, can there be found one carping critic that will make a foolish criticism when we care properly for the boys that wear the blue as we transport them a great distance to their post of duty. [Loud applause.]

Mr. LENTZ. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Insert at the end of line 12, page 18, the following:

"*Provided*, That no part of the money appropriated hereinbefore or hereinafter shall be paid to the son of any member of Congress, provided such son secured his appointment to a place in the Army since the destruction of the battle ship *Maine* in Habana Harbor on or about the 15th of February, 1898."

Mr. HULL. I raise the point of order against that amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa raises the point of order against the amendment. The Chair sustains the point of order.

Mr. STEELE. Let the gentleman be heard on that.

The CHAIRMAN. The gentleman did not ask to be heard.

Mr. LENTZ. I shall present later in the debate on this bill a discussion of that question by a gentleman who has been well known in history as Thomas Jefferson. I do not think it is out of order to limit an appropriation.

Mr. STEELE. I want to make a point of order.

The CHAIRMAN. The point of order has been sustained to the provision, and the gentleman from Kentucky is recognized.

Mr. WHEELER of Kentucky. I move to strike out the last word. I desire to reply to the very pertinent inquiry made by the gentleman from Iowa, but before I do that I desire to direct attention to the manifest unfairness of the gentleman from Illinois as to the complaint raised by the gentleman from New York about the fitting out of this transport. These fine Smyrna rugs, $1,500 looking-glass, solid mahogany tables costing $300 apiece, this $8,000 of solid silver, is not for the benefit of the boys in blue that seem to be so close to some of us here.

What better right have you on your side of the Chamber to speak for the boys in blue than gentlemen on this side? All patriotism is not over there. We are just as anxious to care for the boys in blue as you can be, but for one, speaking for myself alone, I am unwilling, Mr. Speaker, to drag in namby-pamby sentiment in order to catch a few votes, to vote money for extravagant living of officers on our ships.

Now to the pertinent inquiry of the chairman of this committee, "Can we treat our soldiers too well?" I desire to say, "Yes; we can treat them too well." It is dangerous to treat our soldiers too well; it fosters the military spirit. Ours is a nation of peace, and we do not desire to make war unless there be a stern necessity for it. We resort to it only to protect ourselves from invasion or to maintain our liberties; and if we propose to make war so alluring it will entice our boys from the farms and the workshops we will create the very sentiment in this country that we on this side are from time to time charging against the Republican party as dangerous.

We do not desire to foster the spirit of militarism, but, on the contrary, it has been the practice, it has been the belief of every citizen of the Republic, that war was to be resorted to only as a dire necessity, and it remains for one modern exponent of Christianity to make a bloody and relentless war, and without the sanction of the only constitutional body our Government authorizes to proclaim war. And, differing from my colleague, the gentleman from New York, I desire to say that I am unwilling to vote one centime of money to carry on a war which I believe has no right to exist under our Constitution, and which exists in violation of the law of the land. [Applause on the Democratic side.]

I am willing to take the responsibility. I have no complaint to make of our soldiers who do their duty, but I believe the man who is carrying on this war without sanction of Congress ought to be impeached in his place for doing so without a shred of law at his back. Why stand here and truckle to a sentiment, because, forsooth, somebody will accuse you of not having as much patriotism as some gentleman who talks about the soldiers? I believe that patriotism lies deeper than mere lip service, and I believe I can show more patriotism by being honest than I can by being thieving and covering it up by any words of praise. [Applause on the Democratic side.]

If the extravagance set forth in this paper is true, it is a disgrace to the American people. But, they say, we want to suppress the transport service, and say other nations copy after us. That is not a compliment to a great nation of toilers like the American people. We are not a military people, and I pray God we shall never become one. We can only become a military people by such practices as are detailed in this article. And, gentlemen, we can not escape this conviction. History, experience, and judgment tell us that any country that fosters a military spirit and maintains a great military establishment lives always in the shadow of a Cæsar.

I am opposed to the maintenance of such a spirit. I am opposed to the wanton expenditure of the people's money. This very day I called attention to the fact that the chief officer of the military department of this Government, responding to an inquiry of the cost of the military operations in the Philippine Islands, said to the House of Representatives that we had expended

$48,000,000 of money in the last eighteen months, when any man who has taken the trouble to investigate knows that we have expended between one hundred and twenty-five and one hundred and thirty million dollars.

Here is where the money has gone. Here is where one hundred and twelve millions went to. It is in the transport service. It is in magnificent looking-glasses, the Smyrna rugs, and the solid mahogany furniture, where the officers in ambrosial ease "the primrose path of dalliance tread," while the soldier sits on his cot under the deck. There is where the money goes.

The CHAIRMAN. The gentleman's time has expired.

[Mr. COCHRAN of Missouri addressed the House. See Appendix.]

Mr. HULL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, and had come to no resolution thereon.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I rise to a privileged report.

The SPEAKER. The gentleman from Illinois calls up a privileged report.

Mr. CANNON. A conference report on the deficiency bill. I ask unanimous consent that the Clerk read the statement instead of the report.

The SPEAKER. The gentleman from Illinois asks unanimous consent to omit the reading of the report. Is there objection?

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Office of Auditor for the War Department: For the purpose of restoring and repairing the worn-out and defaced rolls and vouchers in the Office of the Auditor for the War Department, $2,944.40."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "For printing and binding for the War Department, namely, for publication of the Official Records of the War of the Rebellion by the Record and Pension Office, $10,000;" and the Senate agree to the same.

J. G. CANNON,
S. S. BARNEY,
RICE A. PIERCE,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the managers on the part of the House was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9279) making appropriations to supply additional urgent deficiencies, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On amendment numbered 1: Appropriates $2,944.40 for the purpose of restoring and repairing the worn-out and defaced rolls and vouchers in the office of the Auditor for the War Department.

On amendment numbered 2: Authorizes, as proposed by the Senate, the erection of public buildings on a tract of land recently acquired as a site for necessary buildings at Fort Dupont, Del., before the consent of the legislature of Delaware to the purchase has been given.

On amendments numbered 3 and 4: Inserts the title, "Bureau of Equipment," in the bill, as proposed by the House.

On amendment numbered 5: Appropriates $7,200, as proposed by the Senate, for work at and general repairs of the Capitol.

On amendments numbered 6, 7, and 8: Appropriates, as proposed by the Senate, $2,500 for engraving and printing the geological maps of the United States, and $30,000 for gauging the streams and determining the water supply of the United States.

On amendments numbered 9, 10, and 11: Appropriates, as proposed by the Senate, $500 for stationery and $1,000 for contingent expenses for the Department of State.

On amendments numbered 12, 13, 14, 15, 16, and 17: Appropriates, as proposed by the Senate, $35,000 to supply certain deficiencies in the appropriations for expenses of the Senate.

On amendment numbered 18: Appropriates $10,000, as proposed by the Senate, for publication of the Official Records of the Rebellion by the Record and Pension Office of the War Department.

The bill as finally agreed upon appropriates $1,543,724.40, being an increase of $79,144.40 over the amount of the bill as passed by the House.

J. G. CANNON,
S. S. BARNEY,
RICE A. PIERCE,
Managers on the part of the House.

Mr. CANNON. I move the adoption of the conference report.

Mr. McRAE. I want to ask the gentleman from Illinois if it is not quite unusual to have a public-building bill in an urgent deficiency bill?

Mr. CANNON. There is no public-building bill there.

Mr. McRAE. There is an appropriation for the purchase of a site.

Mr. CANNON. My recollection is that there was a former appropriation for an improvement of the service in Delaware, for the construction, as I recollect it, of barracks for a fortification. The consent of the legislature of Delaware has not been given. This authorizes the construction before the consent is given, it being morally certain that it will be given, and being very urgently recommended. The Senate were clearly of the opinion, and the House conferees agreed, that from the standpoint of the demands of the service the provision ought to be made. It does not carry any money. The money had already been appropriated.

Mr. McRAE. It seemed to me that, in view of the fact that we have not yet considered the fortification bill, the item should have gone into that bill.

Mr. CANNON. I do not think this item belongs in the fortification bill, but it would go in the sundry civil bill.

Mr. McRAE. Well, the sundry civil bill, then.

Mr. CANNON. It was because of the urgency of the matter, the desirability if not the necessity of proceeding at once, as the conference committee were satisfied, that the Senate amendment was agreed to.

Mr. McRAE. I understood the gentleman to say that it related to some land necessary for a fortification.

Mr. CANNON. For the construction of buildings before the jurisdiction is formally ceded by the legislature of the State of Delaware.

Mr. McRAE. If the gentleman thinks it is necessary, I make no point on that; but it seemed to me that this was not the proper place for an item of that sort, on an urgent deficiency bill. Certainly it is not a deficiency.

Mr. CANNON. The House conferees were thoroughly satisfied, after investigation, that it was proper.

Mr. McRAE. But you are also thoroughly satisfied that it is not a deficiency.

Mr. CANNON. Oh, it is not a deficiency in the technical sense that an appropriation for the expenses of this House is a deficiency, yet it was a Senate amendment that we could not get rid of, if we had desired to do, by a point of order in the House. We can not in that way dispose of Senate amendments, and it was so manifestly proper for the reason indicated that the House conferees were unanimous in believing that it ought to be agreed to.

Mr. FITZGERALD of Massachusetts. I should like to ask the chairman of the committee how much money does this bill carry?

Mr. CANNON. Something over a million dollars. The Clerk can state the amount.

The SPEAKER. The Clerk will report the total of the bill.

The Clerk read as follows:

One million five hundred and forty-three thousand seven hundred and twenty-four dollars and forty cents, being an increase of $79,144.40 over the amount of the bill as it passed the House.

Mr. FITZGERALD of Massachusetts. Do I understand that the $35,000 inserted under the head of the Senate is for extra salaries and extra offices created in the Senate?

Mr. CANNON. No; I do not so understand. It is for miscellaneous expenses to be paid out of their contingent fund. They, like us, have people engaged in very expensive investigations. We had to have about $20,000 for our contingent fund, largely made necessary from some very expensive investigations that are going on, the transportation of witnesses over great distances, and large per diem and fees of officers, and so on.

Now, the Senate do not allow the House to do all that kind of thing. They have something of that kind on hand. But let that be as it may, I will say to my friend that for years, after being fought out to the bitter end, it has been conceded that touching the expenses of the Senate and House the coordinate branch, when the item is insisted upon, is expected to assent to the appropriation.

Mr. FITZGERALD of Massachusetts. I thought that was the case, and that was the reason I made the suggestion at this time and drew the attention of the House to what I consider to be the extravagant expenditures of the Senate.

Mr. CANNON. Well, speaking respectfully, if I may under the rules, concerning the coordinate branch, I think they spend more money for their employees than we do, but they have no copyright on extravagance, to the exclusion of this House, as is agreed by members on each side and frequently referred to by members on that side.

Mr. FITZGERALD of Massachusetts. But the per capita expenses of the Senate are about four times the per capita expenses of the House, and I think there is unwarranted extravagance in carrying on the Senate.

The conference report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

SARAH E. FORTIER.

By unanimous consent, the Committee on Pensions was discharged from the further consideration of the bill S. 2020, and the same was referred to the Committee on Invalid Pensions.

BOARDING OF VESSELS.

The SPEAKER laid before the House the following:

IN THE SENATE OF THE UNITED STATES, *March 28, 1900.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 733) entitled "An act concerning the boarding of vessels."

The SPEAKER. Without objection, this request will be complied with, which will result in discharging the Committee on Merchant Marine and Fisheries from the consideration of the bill.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 477. An act granting a pension to Levi C. Faught—to the Committee on Invalid Pensions.

Senate concurrent resolution 36:

Resolved by the Senate (the House of Representatives concurring), That there be printed 4,500 copies of the work entitled The Louisiana Purchase, by the honorable Commissioner of the General Land Office of the United States, 1,500 copies for the use of the Senate and 3,000 copies for the use of the House of Representatives—

to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MILLER, for ten days, on account of important business.

To Mr. GRAHAM, for one week, on account of important business.

And then, on motion of Mr. HULL (at 5 o'clock and 11 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Attorney-General, transmitting vouchers constituting claims of L. B. Shephard, United States commissioner at St. Michael, Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a communication from the Secretary of the Treasury, a recommendation with reference to deposit of company funds in United States depositaries—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Upper Illinois and Lower Des Plaines rivers—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for pay of Military Academy—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KNOX, from the Committee on the Territories, to which was referred the bill of the House (H. R. 7091) relating to Hawaiian silver coinage and silver certificates, reported the same with amendment, accompanied by a report (No. 831); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 4718) to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes, reported the same with amendment, accompanied by a report (No. 832); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 963) to designate Green Bay, Wis., a subport of entry, reported the same with amendment, acccompanied by a report (No. 833); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6554) granting an increase of pension to Thomas J. Carlton, reported the same with amendment, accompanied by a report (No. 795); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4037) granting a pension to Mrs. Annie M. Churchward, widow of William F. Churchward, late private, Company H, One hundred and fifty-ninth New York Infantry, reported the same with amendment, accompanied by a report (No. 796); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8655) granting an increase of pension to Edgar H. Stevens, reported the same with amendment, accompanied by a report (No. 797); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 950) granting a pension to Sarah Ann Fletcher, reported the same without amendment, accompanied by a report (No. 798); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3186) granting a pension to Margaretha Lippert, reported the same without amendment, accompanied by a report (No. 799); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1977) granting an increase of pension to Levi Moser, reported the same without amendment, accompanied by a report (No. 800); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8801) granting an increase of pension to W. H. H. MacDonald, reported the same with amendment, accompanied by a report (No. 801); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4422) granting a pension to William H. Brookins, reported the same with amendment, accompanied by a report (No. 802); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9180) granting an increase of pension to Nathaniel L. Colson, reported the same without amendment, accompanied by a report (No. 803); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9419) granting a pension to Mrs. H. P. Cotter, reported the same with amendment, accompanied by a report (No. 804); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9163) granting a pension to Ferguson M. Burton, reported the same with amendment, accompanied by a report (No. 805); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2200) granting an increase of pension to Elizabeth W. Murphey, reported the same without amendment, accompanied by a report (No. 806); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2943) granting an increase of pension to James J. Holland, reported the same without amendment, accompanied by a report (No. 807); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 755) granting a pension to Hannah R. Johnson, reported the same without amendment, accompanied by a report (No. 808); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3125) granting a pension to Emily A. Larimer, reported the same without amendment, accompanied by a report (No. 809); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8682) to place upon the pension roll Louisa C. Germain, widow of Charles Germain, reported the same with amendment, accompanied by a report (No. 810); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2545) granting a pension to Nellie A. West, reported the same without amendment, accompanied by a report (No. 811); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the Senate (S. 1600) granting an increase of pension to John T. Hayes, reported the same without amendment, accompanied by a report (No. 812); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1787) granting an increase of pension to Joseph P. Pope, reported the same without amendment, accompanied by a report (No. 813); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 681) granting a pension to Julia D. Richardson, reported the same without amendment, accompanied by a report (No. 814); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4789) granting a pension to Mary M. Young, reported the same with amendment, accompanied by a report (No. 815); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1271) granting a pension to Charles Williamson, reported the same without amendment, accompanied by a report (No. 816); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 342) granting a pension to Eleanor McDevitt, reported the same without amendment, accompanied by a report (No. 817); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7230) granting a pension to Roxie B. Salter, reported the same with amendment, accompanied by a report (No. 818); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5978) for the relief of Amos Van Nausdle, reported the same with amendment, accompanied by a report (No. 819); which said bill and report were referred to the Private Calendar.

Mr. COCHRANE of New York, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2880) granting an increase of pension to Caroline B. Bradford, reported the same without amendment, accompanied by a report (No. 820); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8992) to place on the pension roll the name of Margaret J. Kibble, reported the same with amendment, accompanied by a report (No. 821); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3102) granting a pension to Seleder Burnham, reported the same without amendment, accompanied by a report (No. 822); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 752) granting an increase of pension to Isaac W. Comery, reported the same without amendment, accompanied by a report (No. 823); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3004) granting an increase of pension to James H. Stevens, reported the same without amendment, accompanied by a report (No. 824); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 359) granting an increase of pension to William M. Walker, reported the same with amendment, accompanied by a report (No. 825); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2162) granting a pension to Frances J. Manley, reported the same with amendment, accompanied by a report (No. 826); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9751) granting a pension to David H. Drake, reported the same with amendment, accompanied by a report (No. 827); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1754) granting an increase of pension to Burton Packard, reported the same without amendment, accompanied by a report (No. 828); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8559) granting an increase of pension to Mrs. Margaret R. Clune, reported the same with amendment, accompanied by a report (No. 829); which said bill and report were referred to the Private Calendar.

Mr. WEAVER, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7480) for the relief of the legal representatives of Tomlinson and Hartupee & Co., reported the same without amendment, accompanied by a report (No. 830); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10001) for the relief of the heirs of Joseph T. Stout—Committee on Ways and Means discharged, and referred to the Committee on Claims.

A bill (H. R. 3696) for the relief of Mary R. Frost—Committee on Ways and Means discharged, and referred to the Committee on Claims.

A bill (H. R. 7192) to grant a pension to Patrick Doyle—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10070) granting a pension to W. E. Grubbs—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4899) granting a pension to Mrs. Ella Cotton Conrad—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 10097) to authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee rivers, within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia—to the Committee on Interstate and Foreign Commerce.

By Mr. LEVY: A bill (H. R. 10098) to transfer the Army transport service afloat from the War Department to the Navy Department—to the Committee on Military Affairs.

By Mr. BERRY: A bill (H. R. 10099) fixing the charges upon parlor and other cars, and so forth—to the Committee on Interstate and Foreign Commerce.

By Mr. RAY of New York: A bill (H. R. 10100) to amend section 21 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes"—to the Committee on the Judiciary.

By Mr. HOFFECKER: A bill (H. R. 10101) authorizing and directing the Secretary of War to have prepared and issued a "Service medal of honor" to certain officers, soldiers, sailors, and marines of the Union Army, Navy, and Marine Corps—to the Committee on Military Affairs.

By Mr. BUTLER: A bill (H. R. 10102) to reimburse naval volunteers—to the Committee on War Claims.

By Mr. KLEBERG: A bill (H. R. 10103) for the suppression of monopolies and corporations and associations who engage or offer to engage in interstate commerce in the restraint of trade and commerce between the several States—to the Committee on the Judiciary.

By Mr. ESCH: A bill (H. R. 10149) providing for commutation of transportation and subsistence of officers and enlisted men when honorably discharged from the service of the United States—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 10150) to provide for the construction of the Maryland and Delaware Free Ship Canal as a means of military and naval defense, and for commercial purposes—to the Committee on Railways and Canals.

By Mr. ROBERTS: A concurrent resolution (H. C. Res. 36) to print copies of the Statistical Abstract of the United States—to the Committee on Printing.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 200) granting admission to clergymen of all denominations to all Army posts and quarters—to the Committee on Military Affairs.

By Mr. FITZGERALD of New York: A resolution (H. Res. 201) calling upon the Secretary of War for information regarding Army transports—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 10104) to remove the record

of dishonorable discharge from the military record of Andrew M. Laughlin—to the Committee on Military Affairs.

By Mr. BARBER: A bill (H. R. 10105) to correct the military record of Patrick O'Connor—to the Committee on Military Affairs.

By Mr. BELL: A bill (H. R. 10106) granting an increase of pension to Louann A. Perry, of Pueblo, Colo.—to the Committee on Pensions.

By Mr. BREWER: A bill (H. R. 10107) granting an increase of pension to Philip Mooney—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 10108) for the relief of J. W. Godsey—to the Committee on Military Affairs.

By Mr. BURKETT: A bill (H. R. 10109) granting a pension to Mary Ann O'Leary—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 10110) for the relief of A. S. Cannon, late postmaster at Moscow, Tex.—to the Committee on Claims.

By Mr. DALZELL: A bill (H. R. 10111) to remove the charge of desertion from the military record of William H. Corless—to the Committee on Military Affairs.

By Mr. STANLEY W. DAVENPORT: A bill (H. R. 10112) granting an increase of pension to Leona E. Benscoter—to the Committee on Pensions.

By Mr. DAVEY: A bill (H. R. 10113) for the relief of the estate of Octave La Branche, deceased, late of St. Charles Parish, La.—to the Committee on War Claims.

By Mr. DAVIS: A bill (H. R. 10114) for the relief of William W. Leake, of Florida—to the Committee on War Claims.

By Mr. GILBERT: A bill (H. R. 10115) for the relief of the heirs of James Madison Martin—to the Committee on War Claims.

Also, a bill (H. R. 10116) for the relief of the heirs of J. M. Robb—to the Committee on War Claims.

By Mr. GILLET of New York: A bill (H. R. 10117) granting an increase of pension to William L. Collins—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 10118) for the relief of Mrs. Mary Flynn, of Mississippi—to the Committee on Pensions.

Also (for Mr. FOX), a bill (H. R. 10119) for the relief of Mrs. E. S. Smith, of Calhoun County, Miss.—to the Committee on War Claims.

By Mr. KERR: A bill (H. R. 10120) granting a pension to Susanah Pitts—to the Committee on Invalid Pensions.

By Mr. LENTZ: A bill (H. R. 10121) to correct the military record of Frank D. Myers—to the Committee on Military Affairs.

Also, a bill (H. R. 10122) granting an increase of pension to Jeremiah Vankirk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10123) granting an increase of pension to John Long—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 10124) granting a pension to Richard B. Dunlap—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10125) granting a pension to Narcissa L. Brandon—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 10126) granting a pension to Turner Holcomb—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 10127) granting a pension to Nancy Whirley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10128) for the relief of Henry Lorback, of Waverly, Ohio—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 10129) to carry into effect the finding of the Court of Claims in behalf of Peter Targarona—to the Committee on War Claims.

By Mr. NORTON of Ohio: A bill (H. R. 10130) to increase the pension of James Moss—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 10131) to remove the charge of desertion against Philip R. Yates, late of Company F, Seventh Vermont Volunteers—to the Committee on Military Affairs.

By Mr. RAY of New York: A bill (H. R. 10132) granting a pension to Charles H. Wickham—to the Committee on Invalid Pensions.

By Mr. RIDGELY: A bill (H. R. 10133) granting a pension to John Carr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10134) to remove the charge of desertion standing against William Blundell—to the Committee on Military Affairs.

Also, a bill (H. R. 10135) to remove the charge of desertion from the military record of William H. Linton—to the Committee on Military Affairs.

Also, a bill (H. R. 10136) to remove the charge of desertion standing against Samuel Allen—to the Committee on Military Affairs.

Also, a bill (H. R. 10137) to remove charge of desertion against John C. Bogard—to the Committee on Military Affairs.

Also, a bill (H. R. 10138) to remove the charge of desertion against George C. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10139) to remove charge of desertion against George W. Grigsby—to the Committee on Military Affairs.

Also, a bill (H. R. 10140) to remove the charge of desertion against Hiram Lane—to the Committee on Military Affairs.

Also, a bill (H. R. 10141) to remove the charge of desertion standing against Thomas W. Gallagher—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 10142) for the relief of George Umbaugh, of Loudoun County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 10143) for the relief of the estate of James Fallin, deceased, late of Fairfax County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 10144) for the relief of the legal representatives of Jonah Hood, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10145) for the relief of Joseph L. Verts, of Loudoun County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 10146) granting an increase of pension to James Willard, of Loudoun County, Va.—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 10147) granting a pension to Delia A. Jones—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 10148) to extend Letters Patent No. 183268, in favor of the inventor, Timothy L. Lynch, of Jersey City, N. J.—to the Committee on Patents.

By Mr. VANDIVER: A bill (H. R. 10151) to correct the military record of Zadock Phillips—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER: Petition of citizens of Cecil County, Md., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Dushane Post, No. 3, Department of Maryland, Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BARNEY: Petition of M. G. Townsend Post, No. 105, Grand Army of the Republic, Department of Wisconsin, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BELL: Petitions of citizens of Montevista, Mancos, Ophir, and Dolores, Colo., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Methodist Episcopal Church and the Congregational Church of Montevista, Colo., for the passage of a bill giving prohibition to Hawaii—to the Committee on the Territories.

Also, petitions of citizens of Walsenburg and Cimarron, Colo., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of Antoinette A. Hawley, of Denver, Colo., to prohibit the sale of intoxicating liquors in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. BENTON: Resolutions of Stephen Decatur Post, No. 142, and Eagle Post, No. 492, Department of Missouri, Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BINGHAM: Petition of the Philadelphia Maritime Exchange, favoring the prompt passage of the shipping subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOUTELLE of Maine: Petition of T. B. Bradford and others, of Goldenridge, Me., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, petition of Lyman Blair and other citizens of Greenville and Sherman Mills, Me., in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. BRENNER: Petition of Parmerlee-Horn Post, No. 622, Department of Ohio, Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BROMWELL: Resolution of U. S. Grant Post, No. 340, Grand Army of the Republic, Cincinnati, Ohio, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BROWNLOW: Petition of Todd Post, No. 15, of Columbus Junction, Iowa, and Robeson Post, No. 51, of Camden, N. J., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CALDWELL: Petition of Charles Moore Post, No. 725,

Grand Army of the Republic, Department of Illinois, indorsing the bill to establish a Branch Home for Disabled Soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CLARK of Missouri: Petition of citizens of Unionville, Mo., in favor of the Grout bill, taxing oleomargarine—to the Committee on Agriculture.

By Mr. ESCH: Petition of citizens of Kendall, Wis., asking for the passage of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. FITZGERALD of Massachusetts: Resolutions of the Board of Trade of Philadelphia, Pa., with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Boston Retail Grocers' Association, favoring the enactment of House bill No. 6246, known as the Brosius pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New York Board of Trade and Transportation, expressing confidence in the wisdom of the Administration and of Congress in legislation relating to Puerto Rico—to the Committee on Insular Affairs.

By Mr. FLETCHER: Resolution of J. B. Wakefield Post, No. 172, of Long Lake, Minn., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of the Commercial Club of St. Paul, Minn., against the passage of a certain bill authorizing the manufacture and use of trade checks—to the Committee on Ways and Means.

By Mr. GRAHAM: Resolutions of Colonel J. B. Clark Post, No. 162, of Allegheny, and Eli Hemphill Post, No. 135, of Tarentum, Department of Pennsylvania, Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of the Philadelphia Board of Trade, praying for legislation to build up the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. HENRY of Connecticut: Petition of Samuel Brown Post, No. 56, of Enfield, Conn., Grand Army of the Republic, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HENRY of Mississippi (for Mr. FOX): Paper to accompany House bill for the relief of Mrs. E. S. Smith, of Calhoun County, Miss.—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of Mrs. Mary Ann Flynn, of Mississippi—to the Committee on Pensions.

By Mr. JONES of Virginia: Resolutions of S. C. Armstrong Post, No. 51, Grand Army of the Republic, Department of Virginia, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Reedy Woman's Christian Temperance Union, of Caroline County, Va., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of the Reedy Woman's Christian Temperance Union, of Caroline County, Va., praying for more stringent legislation against the sale of liquors in the Army canteens—to the Committee on Military Affairs.

By Mr. KLEBERG: Petition of A. M. Barney Post, No. 67, of Brownsville, Tex., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LESTER: Memorial of the Georgia Medical Association, asking that the Surgeon-General of the Army have the rank, pay, and allowances of a major-general—to the Committee on Military Affairs.

By Mr. LONG: Resolution of Newton Post, No. 120, Grand Army of the Republic, Department of Kansas, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MANN: Resolutions of Chicago Heights Post, No. 759, Grand Army of the Republic, Department of Illinois, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MEEKISON: Petition of Joy Post, No. 153, of Pioneer, Ohio, Grand Army of the Republic, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Resolutions of Frank White Post, No. 490, Department of Indiana, Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, paper to accompany House bill for the relief of Marcissa L. Brandon—to the Committee on Invalid Pensions.

By Mr. MUDD: Petition of Peter Targarona, in the matter of the findings of the Court of Claims in his behalf—to the Committee on War Claims.

By Mr. NAPHEN: Resolution of the Chicago Federation of Labor, against the passage of the Tawney bill for the increase of tax on butterine—to the Committee on Ways and Means.

Also, resolution of the New York Board of Trade and Transportation, for the considering of Puerto Rican legislation—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Boston Retail Grocers' Association, approving House bill No. 6246, known as the Brosius pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Trades League of Philadelphia, Pa., in favor of Senate amendments to House bill No. 8347, restoring the appropriations for the maintenance of the Hydrographic Office—to the Committee on Naval Affairs.

Also, memorial of the Philadelphia Board of Trade, requesting the passage of the shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. NEVILLE: Statement of Business Men's Association, J. T. Mallalieu, secretary, and cards showing business statistics; also statement of postmaster at Kearney, with evidence, in support of House bill No. 9129, to purchase site and erect a public building at Kearney, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. OVERSTREET: Resolution of J. R. Gordon Post, No. 281, Grand Army of the Republic, Department of Indiana, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. POWERS: Petition of citizens of Fairfield, Vt., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. RAY of New York: Petition of citizens of Merrickville, N. Y., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of citizens of Franklin, N. Y., and of citizens of Delaware County, N. Y., in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. RIXEY: Petition of J. S. Douglas, for the heirs of James H. Gaskins, deceased, of Fauquier County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, paper to accompany bill for the relief of the estate of James Fallin, deceased, late of Fairfax County, Va.—to the Committee on War Claims.

Also, paper to accompany House bill for the relief of Joseph L. Verts, of Loudoun County, Va.—to the Committee on War Claims.

Also, paper to accompany House bill for the relief of George Umbaugh, of Loudoun County, Va.—to the Committee on War Claims.

By Mr. ROBERTS: Resolutions of Abraham Lincoln Post, No. 11, of Boston, Mass., and General H. G. Berry Post, No. 40, Department of Massachusetts, Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SPARKMAN: Resolutions of members of the bar of Ocala, Fla., in relation to redivision of the State of Florida as to its Federal judicial districts and providing for a term of the court at Ocala—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Resolution of the Texas Cattle Raisers' Association, for the continuation of Government distribution of blackleg vaccine—to the Committee on Agriculture.

Also, resolution of the Texas Cattle Raisers' Association, protesting against legislation placing a tax on oleomargarine—to the Committee on Agriculture.

Also, resolution of the Texas Cattle Raisers' Association, favoring the passage of the Kleberg House bill regulating railroad rates, and preventing discrimination—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Cattle Raisers' Association of Texas, requesting the passage of a bill permitting cattle to remain on cars in transit forty hours instead of twenty-eight hours, as now provided by law—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Resolutions of the Commercial Club of St. Paul, Minn., favoring Federal ownership of Government lands and the building of storage reservoirs by the Government—to the Committee on the Public Lands.

Also, paper to accompany House bill granting a pension to Delia A. Jones—to the Committee on Invalid Pensions.

By Mr. THAYER: Resolutions of A. B. R. Sprague Post, No. 24, of Grafton, Mass., Grand Army of the Republic, indorsing the bill to establish a Branch Home for Disabled Soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. VREELAND: Petition of citizens of Centralia and Mayville, N. Y., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of Fred E. Bonsteel and other druggists of Jamestown, Fredonia, and Dunkirk, N. Y., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of citizens of Gowanda, N. Y., urging the passage of the Lacey bill for the protection of wild birds and game—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Dunkirk, N. Y., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. WISE: Papers to accompany House bill granting a pension to Thomas Allen, late a private in Company L, Fourth Virginia Infantry, in late Spanish-American war—to the Committee on Pensions.

By Mr. YOUNG: Petition of the League of American Sportsmen, favoring the passage of House bills 6634 and 6062, for the preservation and protection of wild game and perpetuating the American buffalo—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Botanical Society of Pennsylvania, in favor of a national park being made of the Calaveras grove of sequoias, in the State of California—to the Committee on the Public Lands.

Also, letter of H. L. Scott, favoring Government distribution of blackleg vaccine—to the Committee on Agriculture.

Also, petition of Lawrence Keohane and Minerva J. Hartzman, of Philadelphia, Pa., urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

Also, resolutions of the Chicago Federation of Labor, against sundry bills taxing oleomargarine and butterine—to the Committee on Ways and Means.

Also, petition of Cyrus D. Hottenstein, asking for relief—to the Committee on Claims.

By Mr. ZENOR: Resolutions of Jeffersonville Post, No. 86, and Magnus Brucker Post, No. 234, Grand Army of the Republic, of Jeffersonville, Ind., in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

SENATE.

THURSDAY, *March 29, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

LEGATION BUILDING AT BANGKOK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a further dispatch from the minister of the United States at Bangkok, Siam, stating the reason why an appropriation of $2,000 for repairing the legation premises and grounds at that place should be made.

Mr. HALE. That matter has already been acted upon, and I move that the communication and accompanying papers be printed and referred to the Committee on Appropriations.

The motion was agreed to.

OLD COURT-HOUSE PROPERTY IN INDIANAPOLIS, IND.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect, submitting an estimate of appropriation to pay rent for the remainder of the current fiscal year for the portion of the old court-house and post-office property formerly belonging to the United States in the city of Indianapolis, Ind., $4,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

INSULAR TARIFF COLLECTIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 23d instant, the tariff schedules now in force and effect in Cuba, Puerto Rico, and the Philippine Islands, together with statements showing the amount of revenues collected from tariff duties in Cuba from January 1, 1899, to January 31, 1900, and in the Philippine Islands from date of military occupation to December 31, 1899, etc.

Mr. HALE. Let that communication be printed.

The PRESIDENT pro tempore. In the absence of objection, the communication, with the accompanying papers, will be printed. To what particular committee shall the communication be referred?

Mr. HALE. I suppose it should go to the Puerto Rican Committee.

The PRESIDENT pro tempore. It relates to the tariff in the Philippine Islands and Puerto Rico, as well as Cuba and Guam.

Mr. HALE. Does the communication refer to the tariff duties in all of the different islands?

The PRESIDENT pro tempore. In all of the islands.

Mr. HALE. Then let it go to the Committee on Finance.

The PRESIDENT pro tempore. That reference will be made, in the absence of objection.

AGES OF EMPLOYEES IN EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 16th instant, certain information relative to the number of persons employed in the Navy Department and bureaus as clerks, messengers, etc., between certain ages, and the number now on the rolls who are permanently incapacitated, etc.; which was ordered to lie on the table, and be printed.

TRANSPORT SHIPS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 9, 1900, a letter from the Quartermaster-General United States Army, and accompanying statements, relative to the transport ships and other vessels purchased or chartered by the War Department since March 4, 1897, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

CLAIMS OF NEZ PERCE INDIANS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a decision in relation to the claims of certain Nez Perce Indians for compensation for services claimed to have been rendered by them as scouts, couriers, and messengers under Gen. O. O. Howard in 1877; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 733) concerning the boarding of vessels.

The message also announced that the House had passed the bill (S. 3207) approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes; and

A bill (H. R. 9279) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

The message also announced that the House had passed a bill (H. R. 911) to amend section 1176 of the Revised Statutes of the United States; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the congregation of the First Methodist Episcopal Church of Dunkirk, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

Mr. DAVIS presented a memorial of the Commercial Club of St. Paul, Minn., remonstrating against the enactment of legislation to prevent the use of trade checks; which was referred to the Committee on the Judiciary.

He also presented a petition of the Commercial Club of St. Paul,

Minn., praying that an appropriation of $250,000 be made for the reclamation and settlement of arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. FAIRBANKS presented a petition of Blinn Camp, No. 82, Sons of Veterans, of Terre Haute, Ind., praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented petitions of M. O'Connor & Co., Severin & Co., Kothe, Wells & Bauer, J. C. Perry & Co., John L. Moore, C. A. Schrader, Schnull & Co., and the Indianapolis Fancy Grocery Company, all of Indianapolis, in the State of Indiana, praying for the reorganization of the consular service; which were referred to the Committee on Foreign Relations.

Mr. QUARLES presented a petition of 400 citizens of Whitewater, Wis., remonstrating against the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

Mr. PERKINS presented a petition of the Board of Trade of Oakland, Cal., praying for the establishment of a department of commerce and industries; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Los Angeles, Cal., praying for the passage of the bill to provide against nuisances; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that certain relief be extended to the people of Alaska, etc.; which was referred to the Committee on Territories.

He also presented a petition of the health department of Oakland, Cal., and a petition of the Merchants' Exchange of Oakland, Cal., praying for the enactment of legislation to prevent the adulteration of foods, drugs, etc.; which were referred to the Committee on Manufactures.

Mr. KYLE presented the memorial of O. O. Stokes and 76 other citizens of Harding, S. Dak., and the memorial of John Hayes and 150 other citizens of Fort Pierre, S. Dak., remonstrating against the leasing of the public lands for grazing purposes; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Erwin, S. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and Government buildings, etc.; which was referred to the Committee on Military Affairs.

He also presented a petition of Prairie Lodge, No. 170, Brotherhood of Locomotive Firemen, of Huron, S. Dak., praying that all the remaining public lands be held for the benefit of the whole people, etc.; which was referred to the Committee on Public Lands.

He also presented the petition of C. B. Thompson, and 31 other citizens of Alsen, S. Dak., praying for the enactment of legislation imposing a tax of 10 cents per pound on oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Federation of Labor, of Chicago, Ill., remonstrating against the enactment of legislation to increase the tax on butterine; which was referred to the Committee on Agriculture and Forestry.

CLAIMS OF EASTERN CHEROKEES.

Mr. JONES of Arkansas. By request, I present a memorial of the delegates representing the Cherokee Nation in the city of Washington, remonstrating against the right of the executive committee of the council of the Eastern Cherokees to make a claim for the immediate payment to the Eastern Cherokees of the money found due them, etc. I move that the memorial be printed as a document, and referred to the Committee on Indian Affairs.

The motion was agreed to.

COTTON INDUSTRY IN CHINA.

Mr. NELSON. I present a statement from John Goodnow, consul-general of the United States at Shanghai, on the cotton industry in China. It is very short, and I move that it be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 7939) to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, reported it without amendment.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 773) to remove the charge of desertion from Augustus C. Pettengill, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 3303) authorizing the Secretary of War to provide condemned cannon and carriages for ornamentation purposes in the national cemetery at Knoxville, Tenn., reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 2053) to remove the charge of desertion from the name of Joseph McGraw, reported it with an amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 7594) granting a pension to Amelia Taylor, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8128) to establish light and fog signal at Browns Point, in Puget Sound;

A bill (S. 3639) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay; and

A bill (S. 3530) to fix the compensation of surfmen employed in the Life-Saving Service of the United States.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment proposing to appropriate $100,000 for the purchase of 10 acres of land in the District of Columbia for a municipal hospital, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3268) granting an increase of pension to James W. Kessler;

A bill (H. R. 493) granting a pension to Fanny M. Hays;

A bill (H. R. 5209) granting an increase of pension to Samuel A. Greeley;

A bill (H. R. 6904) granting an increase of pension to James J. Lyons;

A bill (H. R. 2397) granting a pension to Eliza S. Redfield;

A bill (H. R. 3635) granting an increase of pension to Timothy B. Eastman;

A bill (H. R. 3085) granting an increase of pension to William Sheppard;

A bill (H. R. 2999) granting an increase of pension to George M. Brown;

A bill (H. R. 5110) granting an increase of pension to Edward T. Kennedy;

A bill (H. R. 4828) granting a pension to Susie E. Johnson;

A bill (H. R. 240) granting an increase of pension to George W. Wakefield;

A bill (H. R. 5211) granting a pension to Lizzie M. Dixon;

A bill (H. R. 3021) granting a pension to Eliza H. Getchel;

A bill (H. R. 8120) granting an increase of pension to David L. Wentworth;

A bill (H. R. 6952) granting a pension to Carrie P. Dale; and

A bill (H. R. 457) granting a pension to Clara L. Harriman.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the resolution submitted by Mr. ALLEN on the 24th instant, calling on the Secretary of War for certain information in regard to the soldiers, volunteer and regular, in the Philippine Islands, the number who have been killed and died from wounds since August 1, 1898, etc., reported it with an amendment.

CLERICAL ASSISTANCE FOR COMMITTEE ON PENSIONS.

Mr. JONES of Arkansas, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. GALLINGER on yesterday, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Pensions be authorized to employ additional clerical assistance in connection with the work of said committee, to continue until the close of the present session of Congress, provided that the aggregate amount so expended shall not exceed $500, the same to be paid out of the contingent fund of the Senate, on vouchers approved by the chairman of said committee.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3881) granting an increase of pension to Henry D. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3882) for the relief of Mary E. Parker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. BATE introduced a bill (S. 3883) for the relief of the heirs of C. C. Moore, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 3884) for the relief of the

heirs and legal representatives of Edwin E. Saunders, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3885) granting an increase of pension to Henry Baker, alias Thomas Jones;

A bill (S. 3886) granting an increase of pension to Edward E. Curran;

A bill (S. 3887) granting a pension to A. F. Shields;

A bill (S. 3888) granting a pension to Charles F. Kimmel;

A bill (S. 3889) granting a pension to John Rhoades; and

A bill (S. 3890) granting an increase of pension to Americus V. Rice.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3891) to correct the military record of James Cahoon;

A bill (S. 3892) granting an honorable discharge to W. D. Moore;

A bill (S. 3893) granting an honorable discharge to George W. Hendrixson, alias George Wright;

A bill (S. 3894) to remove the charge of desertion from the military record of Hiram B. Bell;

A bill (S. 3895) to muster into the volunteer service of the United States John H. Clark; and

A bill (S. 3896) granting an honorable discharge to James A. Smith, deceased.

Mr. JONES of Arkansas introduced a bill (S. 3897) to authorize the Chickasaw Nation of Indians to bring suit against the Chickasaw freedmen and the United States in the Court of Claims, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. KENNEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3898) to pension certain soldiers who served in the war of the rebellion;

A bill (S. 3899) granting a pension to James Cook; and

A bill (S. 3900) granting a pension to Sarah Clark.

Mr. QUARLES introduced a bill (S. 3901) providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MARTIN introduced a bill (S. 3902) to remove the charge of desertion against Michael Hayes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3903) for the relief of William Fowler, administrator de bonis non of Hickman Fowler, deceased;

A bill (S. 3904) for the relief of the estate of Elisha B. Clapp, deceased;

A bill (S. 3905) for the relief of Mrs. S. F. Prestridge;

A bill (S. 3906) for the relief of the estate of Presley W. Harden, deceased;

A bill (S. 3907) for the relief of Mary N. Westmoreland;

A bill (S. 3908) for the relief of Alfred O. Williamson; and

A bill (S. 3909) for the relief of Matthew N. Grimmett.

Mr. KYLE introduced a bill (S. 3910) to correct the military record of Samuel J. Coyne; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 3911) to provide for restoring to national jurisdiction a part of that portion of the original District of Columbia which lies south of the Potomac River for founding a city to be called the city of Lincoln, and for establishing an institution of learning to be known as Washington and Lincoln Memorial University; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. JONES of Arkansas introduced a bill (S. 3912) for the relief of Mrs. Mary E. Parker; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO PUERTO RICAN BILL.

Mr. PETTUS. I desire to present some amendments to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes, and ask to have them printed and lie on the table, if that will be sufficient notice under the general-consent agreement.

The PRESIDENT pro tempore. The amendments will be received, printed, and lie on the table.

Mr. PETTUS. And that will operate as notice?

The PRESIDENT pro tempore. The Chair so understands.

Mr. FORAKER. I give notice that at the proper time I shall propose the amendment which I send to the desk to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes. I ask that the amendment may be printed and lie on the table.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PROCTOR submitted an amendment proposing to appropriate $500,000 to enable the Secretary of War to purchase the letters patent covering the Isham high-explosive shell and the exclusive and entire right for the United States to manufacture and use the high explosive "thorite," intended to be proposed by him to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT of New York submitted an amendment proposing to appropriate $40,000 to enable the Secretary of the Interior to cause to be assembled at the city of Buffalo, in the State of New York, representatives of different Indian tribes, as a part of the Pan-American Exposition, to be held at that city from June 1, 1900, to November 1, 1900, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ARMY SUPPLIES.

Mr. BERRY. Mr. President, I desire to present an amendment which I intend to propose to the Army appropriation bill, and inasmuch as I wish to call the special attention of the Military Committee to the amendment, I desire to make a very short statement.

Under the present law, section 3716 of the Revised Statutes, the Quartermaster-General in obtaining supplies for the military service is required to give preference to articles of American growth, production, and manufacture. I do not wish to change that in any way, but I wish to amend the provision by providing that as between merchants, manufacturers, and producers preference in those purchases shall be given to those merchants, manufacturers, and producers who are not members of any trust or combine.

I move that the amendment be printed and referred to the Committee on Military Affairs.

The motion was agreed to.

INFORMATION AS TO SICK AND WOUNDED SOLDIERS.

Mr. CULBERSON submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That upon receipt of information by them that any officer, soldier, marine, or seaman in the Army or Navy of the United States has been wounded, the Secretary of War or the Secretary of the Navy, as the case may be, shall, from time to time, at the expense of the United States, keep the family of such officer, soldier, marine, or seaman seasonably advised of his condition.

FINDINGS OF COURT OF INQUIRY.

Mr. JONES of Arkansas. I present the resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate a copy of the minutes, proceedings, and findings of the court of inquiry pursuant to the President's instructions of February 20, 1899, together with the final report of said court of inquiry and the action taken thereon.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PROCTOR. As the chairman of the Committee on Military Affairs is absent for the moment, I ask that that resolution may lie over until to-morrow, and be printed.

The PRESIDENT pro tempore. Objection being made, the resolution will go over and be printed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 19, 20, 21, 22, 26, 28, 29, 30, 35, 36, 38, 41, 49, 53, 54, 57, 63, 66, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 23, 27, 31, 32, 33, 34, 37, 39, 40, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 55, 58, 59, 60, 61, 62, 64, 65, 67, 69, 70, 71, 72, 73, 74, 75, and 76, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: Strike out the last sum named in the amended paragraph and insert in lieu thereof the following: "$4,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 18, and agree to the same with an amendment, as follows: Strike out the word "Ottawa," inserted by said amendment, and strike out lines 19 and 20 on page 11 of the bill, and insert in lieu thereof the following: "Consuls-general at Halifax, Ottawa, and Vienna, at $5,500 each, $16,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$114,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$446,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment, insert the following: "Port Hope (Canada), Orillia (Ontario);" and the Senate agree to the same.

EUGENE HALE,
S. M. CULLOM,
Managers on the part of the Senate.
ROBERT R. HITT,
ROBERT ADAMS, JR.,
HUGH A. DINSMORE,
Managers on the part of the House.

The report was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 911) to amend section 1176 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Pensions.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 2882) to authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts.

BOARDING OF VESSELS.

Mr. GALLINGER. I move that the vote by which the bill (S. 733) concerning the boarding of vessels was passed, which bill has been returned by request from the House of Representatives, be reconsidered, and that the bill be indefinitely postponed.

The motion was agreed to.

NATIONAL ASSOCIATION OF MANUFACTURERS.

Mr. HANNA. I ask unanimous consent for the present consideration of the bill (S. 2092) to incorporate the National Association of Manufacturers, which was favorably reported some time ago from the Committee on Manufactures.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio for the present consideration of the bill named by him?

Mr. BERRY. I object, Mr. President.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 470) granting a pension to Jane Dykes;

A bill (H. R. 1763) granting a pension to Ella F. Sydnor;

A bill (H. R. 2597) granting an increase of pension to Charles Kauffung;

A bill (H. R. 3012) granting a pension to Sarah Claggett;

A bill (H. R. 3538) granting an increase of pension to Charles Ross;

A bill (H. R. 5139) for the relief of Joseph Bacigaluppi;

A bill (H. R. 6700) granting an increase of pension to Maria Andrews; and

A bill (H. R. 6701) granting a pension to Serelda C. McGrew.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 5067) concerning the boarding of vessels; and

A bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

GOVERNMENT FOR PUERTO RICO.

Mr. FORAKER. I move that the Senate now proceed to the consideration of House bill 8245, relative to the island of Puerto Rico. In view of the fact that the time has been fixed for taking a vote on the bill, that quite a number of amendments have been proposed by the committee which have not been acted upon, and that a number of Senators, as I understand, wish to speak upon the bill, I hope that the bill will be proceeded with at this time and may continue under consideration until completed.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. PROCTOR. I desire to say that I have surrendered my place, according to the notice I gave that I would speak to-day on the unfinished business, to the Senator from Indiana [Mr. BEVERIDGE], as he is called out of town by sickness in his family. I now give notice that I shall speak to-morrow, with the leave of the Senate, immediately after the conclusion of the routine morning business.

Mr. FORAKER. I understand that the Senator from Indiana [Mr. BEVERIDGE] desires now to address the Senate on this bill. I ask the Senator whether he has an amendment that he proposes to offer at this time? The reason I make the inquiry is that we are now considering amendments, and it is the right, I think, under the rules of the Senate, of the committee to have their amendments first disposed of. I have yielded for the accommodation of Senators in two or three instances, and am quite willing to yield for the accommodation of the Senator from Indiana; but I think it is due that I should know whether there is an amendment to which the Senator wishes specifically to speak.

Mr. BEVERIDGE. Mr. President, I understand that I offered an amendment to this bill a day or two ago. If that is not sufficient, it will be offered again.

Mr. FORAKER. The amendment offered by the Senator from Indiana is, of course, germane to the bill and entirely proper to be offered. All I want to know is whether it is to be considered as offered now, so that when the Senator concludes it may be disposed of, as we are disposing of other amendments as we proceed with the debate.

Mr. BEVERIDGE. I expect that it will be disposed of when the final vote comes, when the time arrives for voting on all of the amendments. I desire to speak on the general subject.

Mr. FORAKER. I hope that we may dispose of these amendments. They must be disposed of at some time. I wish to dispose of them as rapidly as they are offered. I think that is the privilege of the committee. I am disposing of amendments offered by the committee as rapidly as they can be acted upon. I do not want to dispose of them prematurely. If there is any other Senator, after the Senator from Indiana, who shall desire to speak upon this particular amendment, of course it can lie upon the table until he has secured an opportunity to do so. I only wanted to know the parliamentary status of the bill and of the Senator's amendment, so that we may take intelligent action upon it and make progress.

The PRESIDENT pro tempore. It may be proper for the Chair to state that the unanimous consent given was that at 4 o'clock on Tuesday next a vote should be taken on the bill and upon all amendments of which notice had hitherto been given, and the Chair will hold that the presenting of an amendment, having it printed, and having it on the table is a notice.

Mr. GALLINGER. But, Mr. President——

Mr. FORAKER. The ruling of the Chair is entirely correct; but it seems to me there should be added that in the meanwhile amendments that are offered may be disposed of. The agreement of the Senate was as to amendments that might be then pending.

Mr. GALLINGER. I rose to make that very interrogatory. Is it not competent for the Senate to dispose of amendments, if we are prepared to vote on the particular amendments, prior to the time of taking the final vote which we have agreed to take by unanimous consent?

Mr. FORAKER. Such has always been the practice, as I understand, and the committee have a number of amendments upon which we shall ask a vote as we proceed with their consideration. I hope to get all the committee amendments out of the way before 4 o'clock on Tuesday next.

The PRESIDENT pro tempore. Unanimous consent was given that the committee amendments should first be acted on.

Mr. FORAKER. I do not have to wait until 4 o'clock next Tuesday before I ask for the vote on them?

The PRESIDENT pro tempore. Undoubtedly not, nor does any other amendment have to wait until that time.

Mr. CULLOM. As I understand, the amendment offered by the Senator from Indiana is one that possibly several Senators may desire to speak upon before it is finally disposed of. So I hope the Senator from Ohio, in charge of the bill, will not press the immediate consideration of that amendment to the extent of asking for a vote upon it now.

Mr. FORAKER. I stated that I had no desire to do that, but only wanted to know what was the desire of the Senator from Indiana. If he wanted the amendment voted upon, I stated that I should be prepared to take action upon it when he concluded his speech. If any other Senator wishes to speak upon it, then that amendment can lie upon the table until it is the pleasure of the Senate to take it up and dispose of it.

[Mr. BEVERIDGE addressed the Senate. See Appendix.]

Mr. FORAKER. Mr. President, Senators will remember that

on yesterday I asked leave to reprint the bill with a rearrangement of the sections and showing the amendments as they would be proposed by the committee. That reprint is on each Senator's desk. There are a number of amendments which are of a minor character, which, I presume, will not be much discussed, if discussed at all. I will first call attention to those. The first amendment is on page 2 of the reprint, in line 3.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The first amendment proposed by the committee will be stated.

The SECRETARY. In section 1, on page 2, line 3, after the word "which," it is proposed to strike out "was" and insert "were;" so as to read: "which were ceded to the United States by the Government of Spain by treaty," etc.

The amendment was agreed to.

Mr. FORAKER. I now propose to amend by striking out, after the word "treaty," in line 4, on page 2, the words "concluded April 11;" and inserting in lieu thereof "entered into on the 10th day of December;" so as to read:

By treaty entered into on the 10th day of December.

The amendment was agreed to.

The PRESIDING OFFICER. With the permission of the Senator from Ohio, the Secretary will read the proposed amendments in their order as they appear in the reprinted bill.

The Secretary read the next amendment reported by the Committee on Pacific Islands and Puerto Rico, which was, in line 6, to change the date "1899" to "1898;" so as to read:

Which were ceded to the United States by the Government of Spain by enty entered into on the 10th day of December, 1898.

The PRESIDING OFFICER. The amendment will be agreed to, if there be no objection.

Mr. PETTUS. Wait one moment, Mr. President. I want to know what is going on.

Mr. FORAKER. I can explain to the Senator from Alabama that, as this bill was originally drafted, it referred to the treaty between the United States and Spain, as "concluded April 11, 1899," and we are changing it so as to read "entered into on the 10th day of December, 1898."

The PRESIDING OFFICER. The question is on the adoption of the amendment.

Mr. PETTUS. The Senator from Ohio has changed these things so often that it is almost impossible to follow him. I desire to know what he is doing as he goes along. [Laughter.]

Mr. FORAKER. I will take pleasure in helping the Senator to find out if he has any difficulty in doing so.

The PRESIDING OFFICER. The question is on the adoption of the amendment; which has been stated.

The amendment was agreed to.

Mr. FORAKER. Inasmuch as the amendments immediately following, I have no doubt, will be discussed more or less, I ask to have them passed over for the present.

Mr. PETTUS. Why not take them up as they come?

Mr. FORAKER. I have no objection, except that there are a good many Senators out just now who were here listening to the speech of the Senator from Indiana [Mr. BEVERIDGE]. They have gone to get their luncheon, I suppose, and if I could accommodate them by taking up some of the minor matters, about which they did not very much care, I thought that would be preferable.

The PRESIDING OFFICER. The amendments specified by the Senator from Ohio will be passed over unless there be objection. Will the Senator please specify what amendments he desires to have passed over?

Mr. FORAKER. I desire to have passed over all amendments, with a view of returning to them presently, until we come to page 6 of the reprint.

The PRESIDING OFFICER. The Secretary will read the amendment of the committee on page 6.

The SECRETARY. In section 6, on page 6, line 2, after the word "citizens," it is proposed to insert "of Puerto Rico, and as such entitled to the protection."

Mr. MORGAN. What is it proposed to do there?

Mr. BACON. I shall certainly object to that amendment; and if the Senator wants to pass over those amendments which are objected to, he will have to skip that one.

Mr. FORAKER. I will pass over that and others of a kindred nature, if there be no objection. There is another amendment, in line 19, of a formal nature which might be acted upon.

The PRESIDING OFFICER. Perhaps the Senator from Ohio had better specify the amendments which he will ask to have acted upon.

Mr. FORAKER. I suppose the Secretary has before him the reprint of the bill, showing the amendment in line 19, on page 6, inserting the word "statutory" before the word "laws."

Mr. BACON. I object to that amendment.

Mr. MORGAN. This method of proceeding——

Mr. FORAKER. Mr. President, I ask that we may go back——

The PRESIDING OFFICER. The Senator from Alabama [Mr. MORGAN] has the floor.

Mr. MORGAN. We shall never reach a result with this method of proceeding with the bill. The committee have had opportunity after opportunity to present a bill here for the consideration of the Senate; here is the last reprint of it, and that is supposed to be the bill of the committee. That being so, it is open to amendment from end to end on the motion of any Senator on this floor, and I do not know of any privilege which a committee has got of coming in and picking up the amendments which it has proposed to its own bill, and suggesting that they should be gone over and over again by a vote of the Senate. I do not know of any such thing. I think, under the rule that is applicable to all legislation, this bill is now before the Senate and open to amendment. The question whether the committee have a priority of privilege here in offering amendments is one which may be disputed. Is there unanimous consent that such a course shall be pursued? That is what I wish to ascertain.

Mr. FORAKER. It was unanimous consent that I asked for; but if there is any objection——

Mr. MORGAN. No; I shall not make any objection to unanimous consent. I just want to know what it is. Is there unanimous consent that the committee shall have priority in offering amendments to this bill?

Mr. FORAKER. Yes, sir.

The PRESIDING OFFICER. The Chair understands that there was an agreement that the amendments reported by the committee should be first considered.

Mr. MORGAN. Now, I insist that the committee, therefore, shall take up their amendments, as they are reported on this bill, seriatim, beginning with the first and going on through to the end, and not skip about and waive consideration of some to suit the convenience of Senators. Let Senators attend here. Some of us have to attend in order to keep this machine in motion. Let them attend here or be responsible for the results if they do not do so. I insist that we commence with the first amendment of the committee and go through regularly.

The PRESIDING OFFICER. That order will be followed, unless otherwise directed.

Mr. FORAKER. I have no objection to that order. In what I was doing I was trying to accommodate Senators who would probably dislike to be called from the restaurant when they are at luncheon, and quite a number of them are there now, I understand. But if there is objection to what I have suggested, I am willing to proceed with the amendments in order.

Mr. BACON. I want to suggest——

The PRESIDING OFFICER. The Senator will allow the Chair to state——

Mr. BACON. It is not to the amendment that I propose to address myself.

The PRESIDING OFFICER. The Senator will let the question before the Senate be stated, and then he will be recognized as in order. The Secretary will state the pending amendment.

The SECRETARY. In section 1, on page 2, line 6, after the word "name," it is proposed to strike out "Puerto Rico" and insert "Porto Rico."

The PRESIDING OFFICER. The question is on the adoption of the amendment. The Chair now recognizes the Senator from Georgia [Mr. BACON].

Mr. FORAKER. Mr. President, it was objected by the Senator from Alabama [Mr. MORGAN] that we should proceed irregularly, and I announced that I withdrew that request and would go back and take up the amendments for consideration in the order in which they occur in this reprint. The first amendment, therefore, will be the amendment proposed by the committee to section 2, on page 2, indicated by the italics.

The PRESIDING OFFICER. That amendment will be stated.

Mr. BACON. I want to submit a suggestion to the Senator from Alabama, with the permission of the Chair, and that is that this is a bill certainly of the greatest importance, and Senators ought to be present when it is being considered. There are certain formal matters, to which nobody would object, that might be acted upon; and so I hope the Senator will not insist upon our proceeding in order. I think the suggestion is an admirable one as to the general course in which this matter shall be considered; but the amendment which is to be immediately considered now ought to be considered by a full Senate, and, as the Senator knows, a large number of Senators are now taking their usual luncheon. It might be well that action upon important amendments should be postponed until Senators shall have completed that important work.

Mr. MORGAN. I am as hungry as any of them, but I have not the opportunity of taking my lunch without deserting my post of duty at a moment when it is very important that Senators should remain in the Chamber.

The rule of the Senate is that when bills have been read they shall be taken up by sections for amendment, and that is what I

insist on. If the amendments are immaterial, then of course they will not be discussed, but if they are material, we will give the gentlemen who are absent from the Chamber an opportunity to get in here and discuss them.

The PRESIDING OFFICER. The Secretary will again state the pending amendment.

The SECRETARY. In section 1, on page 2, line 6, after the word "name," it is proposed to strike out "Puerto" and insert "Porto;" so as to read "Porto Rico."

Mr. FORAKER. No; that amendment on page 2 I withdrew, but the amendment I now propose is the amendment indicated on page 2, at the end of section 2, to insert a proviso.

The PRESIDING OFFICER. Is the amendment which has been read by the Secretary withdrawn?

Mr. FORAKER. I withdrew it temporarily, because it was objected to.

The PRESIDING OFFICER. The Chair did not so understand. The next amendment will be stated.

Mr. MORGAN. That amendment is not withdrawn because it is objected to.

Mr. FORAKER. I withdrew it upon the Senator's objection.

Mr. MORGAN. I did not object to that.

Mr. FORAKER. The Senator objected not to the amendment, but to our proceeding irregularly so that I might accommodate Senators who had been detained here to hear the speech of the Senator from Indiana [Mr. BEVERIDGE] and who are now temporarily absent. I was asking the Senate to pass on matters that I did not think there would be any particular debate about before we got to the real matters in controversy.

Mr. MORGAN. That is all right. Now, let us begin with the first section and let us go on regularly and in order.

Mr. FORAKER. We have gone back to the first section, the one the Senator first objected to, and I announced that I would withdraw the amendment. That perhaps was irregular and may have confused Senators who were not familiar with the text of the bill proposed to be stricken out.

The PRESIDING OFFICER. The first amendment in section 2, on page 2, will be stated.

The SECRETARY. In section 2, on page 2, line 15, after the word "countries," it is proposed to insert:

Provided, That on all coffee in the bean or ground imported into Puerto Rico there shall be levied and collected a duty of 5 cents per pound, any law or part of law to the contrary notwithstanding: *And provided further*, That all Spanish scientific, literary, and artistic works, not subversive of public order in Puerto Rico, shall be admitted free of duty into Puerto Rico for a period of ten years, reckoning from the 11th day of April, 1899, as provided in said treaty of peace between the United States and Spain: *And provided further*, That all books and pamphlets printed in the English language shall be admitted into Puerto Rico free of duty when imported from the United States.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

Mr. PETTUS. Mr. President, I offered an amendment this morning to amend the amendment by striking out the words following "*Provided.*"

Mr. JONES of Arkansas. In what line?

Mr. PETTUS. Commencing in line 15, on page 2, section 2:

That on all coffee in the bean or ground imported into Puerto Rico there shall be levied and collected a duty of 5 cents per pound, any law or part of law to the contrary notwithstanding.

The PRESIDING OFFICER. The Chair will inquire of the Senator from Alabama if he calls for a division of the committee's amendment?

Mr. PETTUS. No; I call for action on my own amendment to the amendment of the committee.

The PRESIDING OFFICER. To strike out the portion which the Senator has read?

Mr. PETTUS. Yes, sir.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama to the amendment reported by the committee, to strike out the first proviso.

Mr. BACON. Mr. President, I desire to call attention to the fact that I have had pending for some days an amendment, which was to strike out this entire section and insert in lieu thereof a section which would practically apply to Puerto Rico the same tariff laws that are enforced in the remainder of the United States.

Mr. GALLINGER. If the Senator will permit me, I believe the usual custom is to perfect the committee amendment, and then for a Senator to move a substitute.

Mr. BACON. I understand that is the parliamentary rule. Of course the section has to be perfected before a motion to strike out can be entertained. My object in now calling attention to it was to suggest to the Senator from Alabama that the purpose he has in view would be better covered by a motion to strike out entirely than by a motion simply to perfect the text.

I want to call attention, if the Senator will pardon me a moment, to the fact that there are radical objections not only to that feature of this section, but to other features of it; and that simply the striking out of the objectionable provision mentioned by the amendment of the Senator from Alabama will not cure all of the defects. I am quite sure the desire of the Senator from Alabama is similar to my own, that there shall be a bill passed here which shall accord to the people of Puerto Rico the enjoyment of the same tariff laws that we enjoy in the other portions of the United States, and if so, not only that particular part of the section, but the entire section, ought to be stricken out; and there should be in lieu thereof inserted such a section as that which I have proposed in my amendment. Of course that is simply a suggestion. If the purpose is to remove from the bill the distinctive features which seek to establish one law for Puerto Rico different from the law that exists in the remainder of the United States, then simply the striking out of the provision does not accomplish that result, but the entire section will have to be stricken out to accomplish it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. PETTUS] to the amendment of the committee.

Mr. PETTUS. Mr. President, I appreciate what has been said by the Senator from Georgia [Mr. BACON], but I want a distinct vote on the distinct proposition that you can tax by duties merchandise imported into Puerto Rico which is not taxed if imported into this part of the United States or any other part of it. This bill levies a specific tax of 5 cents a pound on coffee imported into Puerto Rico. We have no tariff now in the United States on coffee imported into the United States, and therefore I want a distinct vote on this distinct matter.

The other provisions, if they are objectionable, may go out with the Senator's amendment to strike the whole section out, but I want a vote on the idea that you can not put a tax on goods imported into Puerto Rico when you do not tax the same goods imported into the United States.

Mr. GALLINGER. Mr. President——

Mr. BACON. I will state to the Senator that the amendment——

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GALLINGER. I yield to the Senator from Georgia.

Mr. BACON. I will state to the Senator that the amendment which I propose to insert in lieu of the one which I propose to strike out does distinctly state that fact, and in the conclusion of the amendment there is this language:

There shall be no duties or imposts levied, collected, or paid upon any articles imported into Puerto Rico from any part of the United States, and no duties or imposts shall be levied, collected, or paid upon any articles imported into any part of the United States from Puerto Rico.

Mr. GALLINGER. Mr. President, I will not undertake as a layman to argue this much discussed constitutional question, and yet it occurs to me that inasmuch as we have a constitutional right to levy a duty upon coffee coming into the United States, which we do not do, that same constitutional right would enable us to levy a duty upon coffee going into Puerto Rico.

But what I do want to say, Mr. President, is that this proposed amendment of the committee is one of the beneficent features of this bill so far as the Puerto Ricans themselves are concerned. I trust the great newspapers of the country, some of which are indulging in misrepresentations as to the purpose of the Senate in this resolution, will take note of the fact that under the Spanish régime a duty was imposed upon coffee imported into Puerto Rico. The reason of it was that they raise in Puerto Rico a very superior quality of coffee, perhaps the best coffee raised in the world. The Puerto Ricans themselves have asked us to protect them in this matter so that the cheap grades of coffee from other countries and islands may not be sent into Puerto Rico and blended with their superior coffee and sold as Puerto Rican coffee, bringing their coffee into disrepute in the markets of the world. It is a protection to the Puerto Ricans themselves—a protection that they have asked us to give them; and I trust that the motion to strike this provision from the bill will not prevail.

Mr. FORAKER. Mr. President, I wish to say a word about this matter before it is put to a vote. I recognize, as has been suggested by the Senator from Alabama [Mr. PETTUS], who proposes this amendment to the amendment, that this does raise a very important question. It is an important question in a constitutional sense, and it is an important question in a practical sense, for it is true, as the Senator from New Hampshire [Mr. GALLINGER] has just said, that this legislation is necessary to protect the principal industry in the island of Puerto Rico, and if we have not constitutional power to do that it will certainly be a very unfortunate thing for the Puerto Ricans.

They have always had a tariff duty on coffee imported into Puerto Rico, for the protection of the Puerto Rican coffee, and that for the reason that the coffee raised in Puerto Rico, as the Senator from New Hampshire said, is of very superior quality. There is, perhaps, no better coffee grown in all the world than they grow in Puerto Rico. It is not very familiarly known in this country. Its markets heretofore have been in Europe, and there it commands the highest price, a better price than even Java or Mocha coffee.

Mr. SULLIVAN. What is the present tariff?

Mr. FORAKER. The tariff now on the importation of coffee into Puerto Rico is $12 per hundred kilos, which is, I understand, about 6 cents a pound. The tariff here proposed is less than the tariff that is now in force. That tariff is necessary because in Central America and in South America, particularly in Brazil, they raise cheap and inferior grades of coffee that sell for a much less price in the coffee markets of the world, and without a tariff that industry, which is now in a condition of prostration on account of the hurricane and the general poverty prevailing there, would be ruined.

As those interested in the industry said, if they did not have this protection not only will the industry be thus prejudiced by cheaper coffees coming into Puerto Rico, but another injury will be done that can not very well be estimated, for it is anticipated that if these cheap coffees could be brought in there they would be blended with the superior quality of coffee grown in Puerto Rico and sent out to the world in such way as to destroy the good name which Puerto Rican coffee now enjoys wherever it is known in the markets of the world, just as Puerto Rican tobacco, when there was free trade between Puerto Rico and Cuba, was sent into Cuba, and from there sent elsewhere to other markets of the world as Cuban tobacco in order that for the inferior quality of tobacco grown in Puerto Rico they might get the better price which Cuban tobacco, because of its recognized superior quality, always commanded.

Those who drafted and reported this bill and who are responsible for this amendment have no question but that we have the constitutional power in legislating for Puerto Rico to make the importation of coffee into that island subject to a tariff duty, although under our tariff laws imports of coffee into the United States will be without any duty.

Now, Mr. President, a word as to the other propositions in that proviso.

Mr. PETTUS. That is not embraced in the pending amendment.

Mr. FORAKER. It is true they are not embraced in this question, and I will take occasion to speak of them, if the Senator prefers, after the amendment of the Senator from Alabama is disposed of.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama to the amendment of the committee.

Mr. PETTUS. Mr. President, if you have a right to impose a tax with a free hand, as insisted by the Senator from Indiana; or, in other words, if you have a right to use a free hand to mutilate the Constitution of the United States, then you can pass this bill; but if the Constitution of the United States means anything when it says taxes and duties shall be uniform, then you have no such right. So the question is directly as to the power of Congress to levy a tax of 5 cents a pound on coffee coming into Puerto Rico, while it lets all coffee come into the United States free of duty.

If the Senator from California [Mr. PERKINS] were here, I would ask why not put a duty of 100 per cent on fruits coming into California? Why not? You have the same power to do it, sir, that you have to levy any tax on coffee coming into Puerto Rico.

Mr. FORAKER. The suggestion of the Senator from Alabama is not hard to answer, and in the absence from the Chamber of the Senator from California, I will undertake to make answer to it, and answer it in a word.

The difference between Puerto Rico and California is that California is a part of the United States, while Puerto Rico is not. Puerto Rico is an outlying dependency, a possession belonging to the United States, with respect to which Congress has power to make all needful rules and regulations, whereas California is in the Union, and the Constitution of the United States is the organic law as to California, as it is as to all the other States in the Union, but not so as to this island. I ask for a vote on the amendment to the amendment.

The PRESIDENT pro tempore. Will the Senate agree to the amendment of the Senator from Alabama [Mr. PETTUS] to the amendment of the committee?

Mr. PETTUS. I ask for a vote by yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL], and I withhold my vote for the present.

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were present, I should vote "yea."

Mr. McLAURIN (when his name was called). I am paired with the senior Senator from North Carolina [Mr. PRITCHARD]. If he were present, I should vote "yea."

Mr. NELSON (when his name was called). I am paired with the junior Senator from Missouri [Mr. VEST] and withhold my vote.

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], but by an arrangement that pair has been transferred, and that gives me liberty to vote.

Mr. LODGE. My colleague, the Senator from Massachusetts [Mr. HOAR], who is detained from the Senate by circumstances known to Senators, is paired with the Senator from Louisiana [Mr. McENERY], and that leaves the Senator from Alabama free to vote.

Mr. PETTUS. I vote "yea."

Mr. PROCTOR (when his name was called). I am paired with the senior Senator from Florida [Mr. MALLORY].

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO].

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MASON]. As he has not voted, I withhold my vote.

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER].

Mr. WELLINGTON (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. BUTLER]. As he is absent, I withhold my vote.

The roll call was concluded.

Mr. CULLOM (after having voted in the negative). I am paired with the junior Senator from Virginia [Mr. MARTIN]. As he has not voted, I will withdraw my vote.

Mr. ALLISON. On this question I am paired with the senior Senator from Missouri [Mr. COCKRELL]. If he were present, I should vote "nay."

Mr. KENNEY. I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. I understand the Senator from North Dakota [Mr. HANSBROUGH] has a pair with the Senator from Virginia [Mr. DANIEL]. I suggest to him that we transfer our pairs and vote.

Mr. HANSBROUGH. That is agreeable, I will say to the Senator from Delaware.

Mr. KENNEY. I vote "yea."

Mr. HANSBROUGH. I vote "nay."

Mr. McBRIDE. I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I will transfer that pair to my colleague [Mr. SIMON] and vote. I vote "nay."

Mr. WARREN. I ask if the Senator from Rhode Island [Mr. ALDRICH] has been paired?

The PRESIDENT pro tempore. No announcement has been made of a pair with that Senator.

Mr. WARREN. It has been suggested to me, and unless there is objection I will act upon it, that I transfer my pair so that the Senator from Rhode Island [Mr. ALDRICH] will stand paired with the Senator from Washington [Mr. TURNER]. I vote "nay."

Mr. HANNA. I have a general pair with the Senator from Utah [Mr. RAWLINS]. I will transfer that pair to the Senator from Colorado [Mr. WOLCOTT] and vote. I vote "nay."

Mr. PETTUS. I desire to state that a pair was announced yesterday with the Senator from Rhode Island [Mr. ALDRICH].

Mr. BURROWS (after having voted in the negative). I voted, and I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. I ask the Senator from South Carolina [Mr. McLAURIN], if it is agreeable to him, as he is paired with the Senator from North Carolina [Mr. PRITCHARD], to transfer his pair so as to allow us both to vote?

Mr. McLAURIN. That arrangement will be agreeable to me.

Mr. BURROWS. Then I will let my vote stand.

Mr. PETTUS. The senior Senator from New Jersey [Mr. SEWELL] is paired with the senior Senator from Louisiana, and the Senator from New Jersey has voted.

Mr. BURROWS. I do not see how. I am permanently paired with him, and I protected him yesterday.

Mr. PETTUS. It was done by an arrangement with the junior Senator from Massachusetts [Mr. LODGE]. He made the suggestion.

Mr. SEWELL. I have no definite knowledge of such a pair.

Mr. LODGE. The Senator from Louisiana [Mr. McENERY] is paired with my colleague [Mr. HOAR].

Mr. BURROWS. I am talking about the senior Senator from Louisiana.

Mr. LODGE. The Senator from Louisiana [Mr. McENERY] is the junior Senator.

Mr. PETTUS. I beg pardon, sir.

Mr. BURROWS. Then I will let my vote stand, and the Senator from South Carolina can vote.

Mr. McLAURIN. I vote "yea."

Mr. SULLIVAN. I announced a moment ago that I was paired with the junior Senator from Illinois [Mr. MASON]. I find that after the announcement of the Senator from Ohio [Mr. HANNA] I can transfer my pair to the Senator from Utah [Mr. RAWLINS] and in that way vote. I vote "yea."

Mr. JONES of Arkansas. I believe no pair has been announced

with the Senator from South Dakota [Mr. PETTIGREW], and I will transfer my pair with the Senator from Connecticut [Mr. PLATT] to the Senator from South Dakota [Mr. PETTIGREW] and vote. I vote "yea."

Mr. SULLIVAN (after having voted in the affirmative). Before the announcement of the vote, I understand that there has been a previous arrangement with the Senator from Utah [Mr. RAWLINS] and therefore I withdraw my vote.

The result was announced—yeas 14, nays 32; as follows:

YEAS—14.

Bacon,	Culberson,	Kenney,	Pettus,
Bate,	Harris,	Lindsay,	Turley.
Berry,	Heitfeld,	McLaurin,	
Clay,	Jones, Ark.	Morgan,	

NAYS—32.

Baker,	Foraker,	Hawley,	Platt, N. Y.
Bard,	Foster,	Kean,	Quarles,
Burrows,	Frye,	Kyle,	Ross,
Carter,	Gallinger,	Lodge,	Sewell,
Clark, Wyo.	Gear,	McBride,	Shoup,
Deboe,	Hale,	McComas,	Spooner,
Elkins,	Hanna,	McMillan,	Warren,
Fairbanks,	Hansbrough,	Perkins,	Wetmore.

NOT VOTING—41.

Aldrich,	Daniel,	Nelson,	Taliaferro,
Allen,	Davis,	Penrose,	Teller,
Allison,	Depew,	Pettigrew,	Thurston,
Beveridge,	Hoar,	Platt, Conn.	Tillman,
Butler,	Jones, Nev.	Pritchard,	Turner,
Caffery,	McCumber,	Proctor,	Vest,
Chandler,	McEnery,	Rawlins,	Wellington,
Chilton,	Mallory,	Scott,	Wolcott.
Clark, Mont.	Martin,	Simon,	
Cockrell,	Mason,	Stewart,	
Cullom,	Money,	Sullivan,	

So Mr. PETTUS's amendment to the amendment of the committee was rejected.

Mr. BACON. Mr. President, the bill as it is now before the Senate has been so rearranged that matter which was heretofore in section 8 in the former bill is now in sections 2 and 3 of this bill. There is a pending amendment on the part of the committee, and therefore I am in order to move to amend the amendment. I move to strike out all of sections 2 and 3 and insert in lieu thereof the section which I send to the desk.

Mr. President, this is a matter of very considerable importance, and goes to the vital question in the bill. I hope that Senators will give attention to the reading of the proposed amendment.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The SECRETARY. On pages 2 and 3 strike out sections 2 and 3 and insert in lieu thereof the following:

That on and after the date when this act shall take effect there shall be levied, collected, and paid upon all articles imported from foreign countries into Puerto Rico, which is hereby constituted a customs collection district, the rates of duty mentioned and prescribed in the schedules and paragraphs of an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897; and on and after the date when this act shall take effect, organizing and establishing civil government in Puerto Rico, there shall be no duties or imposts levied, collected, or paid upon any articles imported into Puerto Rico from any part of the United States, and no duties or imposts shall be levied, collected, or paid upon any articles imported into any part of the United States from Puerto Rico.

Mr. GALLINGER. I should like to hear the first part of the amendment read again.

Mr. BACON. I ask that there may be order in the Chamber in order that the amendment may be heard by the Senate.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read Mr. BACON's amendment to the amendment of the committee.

Mr. BACON. Mr. President, I desire to call attention of the Senate to the effect of this amendment.

Sections 2 and 3 of the bill, with the proposed amendments, establish certain rates of duty to be paid upon goods brought from Puerto Rico into any other parts of the United States. I am speaking of the bill now, not of my amendment, and I will repeat what I said, because I think this is a vital matter and Senators should appreciate what is to be voted upon.

My amendment proposes to strike out sections 2 and 3 of the bill and to insert the amendment which has been read; and I want in a few minutes to explain what is the proper operation of that amendment, if it should be adopted. Sections 2 and 3, which take the place of section 8 as it was formerly in the bill, provide a rate of duty between Puerto Rico and the balance of the world. Those two sections provide that upon goods brought from Puerto Rico to the United States a certain rate of duty shall be collected. It further provides that upon certain goods carried from the United States to Puerto Rico there shall be certain duties collected, and there are matters of detail carrying out those two general provisions. But you may state in brief that those are the provisions of these two sections levying and collecting a duty upon goods coming from Puerto Rico to the United States, and levying and collecting a duty upon goods going from the United States to Puerto Rico.

Now, the effect of the amendment which I propose is to strike out those provisions, to annul them, and to apply the Dingley Act to Puerto Rico in the same way it applies to all other parts of the United States. In other words, the proposed amendment says that on and after the passage of this act by which civil government will be organized in Puerto Rico—

There shall be levied, collected, and paid upon all articles imported from foreign countries into Puerto Rico, which is hereby constituted a customs collection district, the rates of duty mentioned and prescribed in the schedules and paragraphs of an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States"—

Which is the Dingley Act—

approved July 24, 1897.

That is one provision, that that rate of duty shall be collected in Puerto Rico upon all goods imported into Puerto Rico from any foreign country. The other provision of the amendment is this—

And on and after the date when this act shall take effect, organizing and establishing civil government in Puerto Rico, there shall be no duties or imposts levied, collected, or paid upon any articles imported into Puerto Rico from any part of the United States, and no duties or imposts shall be levied, collected, or paid upon any articles imported into any part of the United States from Puerto Rico.

I will say, Mr. President, there is the clear issue made. The bill, with the amendments proposed by the committee as found in sections 2 and 3, proposes definitely and distinctly that there shall be certain duties levied and collected upon articles coming from Puerto Rico to the United States, and with equal definiteness and distinctness provides that there shall be certain duties collected upon articles going from the United States into Puerto Rico. That is the bill as proposed to be amended by the committee and as found in sections 2 and 3. The amendment which I submit proposes to strike all of that out, and to insert in lieu thereof a provision that upon all articles going into Puerto Rico from any foreign country the Dingley Act shall be in force and duties shall be levied and collected in accordance with the provisions of the Dingley Act, and, furthermore, that as to all articles coming from Puerto Rico into the United States there shall be no duty, and that as to all articles going from the United States to Puerto Rico there shall be no duty.

Mr. WARREN. I understand the effect of the proposals is an indorsement of the Dingley tariff so far as Puerto Rico is concerned.

Mr. BACON. It is the recognition of the fact that the Dingley tariff is the law of the land. It is not a question of indorsement.

Mr. WARREN. Since the Senator advocates it, I conclude that that carries with it his indorsement of the Dingley Act as to Puerto Rico.

Mr. BACON. The suggestion of the Senator I think is entirely without proper basis. There are a great many things in the Dingley tariff act which the Senator from Wyoming well knows I do not approve; but there is one thing I do approve, and that is that so long as the Dingley tariff is the law of the land it shall apply to all the land, including Puerto Rico, and that whenever it is amended as to Puerto Rico it should also be amended as to Wyoming.

Mr. WARREN. I am glad to notice that the Senator indorses more of the Dingley Act and indorses it more emphatically than he has done on earlier occasions.

Mr. BACON. I am not to be diverted by that suggestion, and at some other time, when the Senate has leisure and the Senators themselves are prepared to go into a side path, we may follow out the direction which the Senator now indicates. But it is the square question here now on this amendment whether or not the Dingley law shall be considered as applicable to Puerto Rico in the same way that it is applicable to any other part of the territory which we have heretofore called the United States, or whether there shall be the Dingley law applicable to the part of the United States which existed at the time of its passage and not applicable to Puerto Rico. Or, to state it more concisely, it is simply this: Shall there be a tariff between the United States and Puerto Rico on goods coming here, and shall there be a tariff upon goods going from the United States to Puerto Rico? The amendment which I submit provides that there shall be neither. It provides that upon all goods from foreign countries going into Puerto Rico there shall be collected the same rates of duty that are collected upon imports into the United States from any foreign country.

Mr. President, I do not want to detain the Senate with a discussion of this question.

Mr. SPOONER. The duties collected, of course, are to go into the Treasury just as if they were collected in New York?

Mr. BACON. Undoubtedly.

Mr. SPOONER. The Senator makes no provision whatever for the temporary support of the government of Puerto Rico.

Mr. BACON. We have done that already in another bill.

Mr. SPOONER. I do not think we have, but you do not do it by your amendment.

Mr. BACON. I do not. I do not want to complicate that question with this one. It is perfectly practical—there is nothing in the amendment that negatives that—after we have settled this question to decide what shall be done with the revenues. We have already passed a bill in which we said that all revenues collected from Puerto Rico shall be devoted to the purposes specified in that bill, not only those which have been collected in the past, but which may be collected in the future, and so far as the temporary purposes are concerned, the amount which will be covered by that bill and which is covered by it would certainly provide for temporary emergencies.

As to other matters of revenue, there is nothing in this amendment which in the slightest degree stands in the way of any other provision which Congress may choose to make as to internal revenue or as to any provision which may be made out of the United States Treasury or as to any provision by which the people of that territory or the people of other Territories may have power to collect taxes.

Mr. FORAKER. Will the Senator from Georgia allow me to interrupt him for an inquiry?

Mr. BACON. Certainly.

Mr. FORAKER. I understood him to say that the adoption of his amendment to the amendment, or his amendment which I believe is proposed as a substitute for the whole section, would not stand in the way of such legislation as Congress might see fit to enact with respect to internal-revenue taxation in Puerto Rico or taxation in any other sense. I ask him if it is not true that in his amendment by express provision he says that this provision as to free trade between Puerto Rico and the United States shall be because of the provision of the Constitution, and if he has not referred to the section which requires uniformity of taxation, and if it was not his view and his purpose in proposing this amendment thereby to declare that the Constitution was in force and we were bound by that provision in regard to uniformity of taxation, and if that is not applied to internal as well as tariff taxation?

Mr. BACON. If the Senator will study the phraseology carefully, he will find that those words are not in the amendment which was read from the desk.

Mr. FORAKER. Oh. I sent for the amendment. There was a great deal of confusion.

Mr. BACON. I will say to the Senator that the amendment which has been read was originally drafted by me to be proposed to section 8 of the bill as it was formerly framed by the committee. As brought in this morning, sections 2 and 3 practically take the position of section 8, and therefore I have offered it as an amendment, striking out sections 2 and 3 and proposing the insertion of this in lieu thereof. As the amendment was originally drawn by me it did contain the words spoken of by the Senator. It contained these words:

> And on and after the date when this act shall take effect, organizing and establishing civil government in Puerto Rico, there shall be, in accordance with section 8, Article I, of the Constitution of the United States, no duties or imposts levied, etc.

Mr. President, I have, in offering the amendment this morning, purposely stricken out those words, not because I had any doubt as to the propriety of the words, but because I wanted it dealt with in as simple a manner as possible, with a view to direct practical results. I still believe that the action, if taken, will be in accordance with that article and section of the Constitution, but it is not necessary for Senators who may differ on that point to refuse to vote for an amendment where that is not expressed in it. The amendment as offered this morning has not that expression in it. It is simply the plain provision of statutory law that after the organization of civil government under this act there shall be no duties collected on articles coming from Puerto Rico into the United States, and that there shall after that time be no duties collected upon articles going from the United States into Puerto Rico.

I realize the fact, Mr. President, that if the amendment offered this morning had the same phraseology as the amendment which was offered by me several days ago, there might be Senators who would be willing to vote for it as an abstract proposition who would not be willing to commit themselves to the constitutional proposition which would be contained in it if those words were in it. Therefore, in recasting the amendment this morning, and offering it to sections 2 and 3, I purposely struck out the words; and the suggestion of the Senator from Ohio, therefore, does not apply to anything contained in the present amendment.

Mr. President, as I was about to say when interrupted, I do not propose to discuss it, but I want to call the attention of the Senate to the fact that this amendment brings up the square issue, Shall Puerto Rico have levied and collected at her ports a duty upon articles going from the United States into Puerto Rico, and shall there be levied and collected duties upon articles coming from Puerto Rico into the United States, or shall there be, as provided in this amendment, the application of the Dingley law as to Puerto Rico in the same way and to the same extent as, and in no other way and to no other extent than is applicable to the United States? I say it is as square an issue as can be made, and therefore I hope it may be voted upon with recognition of that fact.

Mr. GALLINGER. Mr. President, as I do not intend at any time during this debate to speak at any considerable length on this subject, which perhaps I might properly do, being a member of the committee which considered the bill, I wish to speak briefly on the proposed amendment. Before coming to a discussion of the propositions embraced in the amendment submitted by my friend the Senator from Georgia [Mr. BACON], I will put into the RECORD two or three opinions as to our absolute right to impose the kind of legislation upon Puerto Rico which we are proposing to do in the bill now under consideration, after which I will endeavor to demonstrate the fact that the proposed legislation is wise and for the best interests of the people of the island.

The lawyers of the Senate have discussed the constitutional question pro and con, and I presume that both sides have satisfied themselves that they have made out a case. However that may be, I want to cite two or three opinions that have attracted my attention and have led me to believe that we are acting entirely within the limits and provisions of the Constitution in imposing tariff duties upon Puerto Rico. The first opinion I want to place in the RECORD is that rendered by Mr. Justice Bradley in the well-known and much-discussed case of The Mormon Church *vs.* United States (136 U. S., page 42). I will read it:

> The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself and from the power given by the Constitution to make all needful rules and regulations respecting the territory or other property of the United States. It would be absurd to hold that the United States has power to acquire territory and no power to govern it when acquired. The power to acquire territory * * * is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty, and belong to all independent governments. The power to make acquisitions of territory, by treaty and by cession, is an incident of national sovereignty. The Territory of Louisiana, when acquired from France, and the Territories west of the Rocky Mountains, when acquired from Mexico, became the absolute property and domain of the United States, subject to such conditions as the Government, in its diplomatic negotiations, has seen fit to accept relating to the rights of the people then inhabiting those Territories. Having rightfully acquired said Territories, the United States Government was the only one which could impose laws upon them, and its sovereignty over them was complete. No State of the Union had any such right of sovereignty over them; no other country or government had any such right. These propositions are so elementary and so necessarily follow from the condition of things arising upon the acquisition of new territory that they need no argument to support them.

Mr. PETTUS. I desire to ask the Senator a question simply for information. Is not that opinion from Justice Bradley a dissenting opinion?

Mr. GALLINGER. No; it is not a dissenting opinion. I do not understand that it is.

Mr. FORAKER. It is the opinion of the court.

Mr. GALLINGER. It is the opinion of the court as delivered by Mr. Justice Bradley.

The next case is that of Brenner *vs.* Porter, which is to be found in 9 Howard, 242. Mr. Justice Nelson, in delivering the opinion of the court in that case, tersely said:

> They (speaking of Territories) are not organized under the Constitution nor subject to its complex distribution of the powers of government, as the organic law, but are the creations, exclusively, of the legislative department and subject to its supervision and control.

I also desire to put into the RECORD what is, perhaps, the latest judicial expression on this subject that has been made in this country. It was made only one year ago by Mr. Justice Morrow, whom many of us know, a distinguished judge in the Ninth district, who delivered the opinion of the court (I think there was no dissenting opinion) after having reexamined all of the authorities. It is manifest from the entire opinion, if the Senator from Alabama will take the trouble to read it, that Mr. Justice Morrow had gone all over this question carefully, and he delivered the unanimous opinion of the court in the following plain and unequivocal language:

> The answer to these and other like objections urged in the brief of counsel for defendant is found in the now well-established doctrine that the Territories of the United States are entirely subject to the legislative authority of Congress. They are not organized under the Constitution, nor subject to its complex distribution of the powers of government as the organic law, but are the creation exclusively of the legislative department and subject to its supervision and control. (Benner *vs.* Porter, 9 How., 235, 242.) The United States, having rightfully acquired the territory, and being the only Government that can impose laws upon them, has the entire dominion and sovereignty, national and municipal, Federal and State. (Insurance Co. *vs.* Canter, 1 Pet., 511, 542; Cross *vs.* Harrison, 16 How., 164; National Bank *vs.* Yankton Co., 101 U. S., 129, 133; Murphy *vs.* Ramsey, 114 U. S., 15, 44, 5 Sup. Ct., 747; Late Corporation of Church of Jesus Christ of Latter-Day Saints *vs.* U. S., 181, 11 Sup. Ct., 949; Shively *vs.* Bowlby, 152 U. S., 1, 48, 14, Sup. Ct., 548.) * * * It may legislate in accordance with the special needs of each locality, and vary its regulations to meet the conditions and circumstances of the people. Whether the subject elsewhere would be a matter of local police regulation or within State control under some other power it is immaterial to consider. In a Territory all the functions of government are within the legislative jurisdiction of Congress, and may be exercised through a local government or directly by such legislation as we have now under consideration. (Endleman *vs.* United States, 86 Fed. Rep., 456.)

Turning to the treaty of peace between the Kingdom of Spain

and the United States, under which Puerto Rico became the property of the United States, it is important that we do not lose sight of the fact that the treaty provides that "the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress."

Mr. President, I am not a lawyer, and of course would not undertake to argue legal questions with any lawyer in this body, whether he is eminently learned or not so learned, but I read language with a view of grasping its evident intent and meaning; and it does seem to me that the position that a portion of the lawyers of the Senate have taken, that we have absolute legislative control over Puerto Rico and over the Philippine Islands, is incontrovertible, and that we can safely proceed upon the assumption that that position is unanswerable.

Assuming that to be so, I turn to the bill, and what does the bill provide? And what does the amendment of my friend the Senator from Georgia provide? In the first place, the bill provides, in the section which the Senator from Georgia proposes to strike out, that we shall protect the Puerto Ricans by imposing a duty of 5 cents a pound upon coffee going into that country, and I have heretofore explained why the committee thought that was a wise thing to do.

We furthermore, in section 2, propose—

That all Spanish scientific, literary, and artistic works, not subversive of public order in Puerto Rico—

I believe that is the language of the treaty, is it not, I will ask the Senator from Ohio [Mr. FORAKER]?

Mr. FORAKER. It is.

Mr. GALLINGER. It proceeds—

shall be admitted free of duty into Puerto Rico for a period of ten years.

And—

That all books and pamphlets printed in the English language shall be admitted into Puerto Rico free of duty when imported from the United States.

In other words, we are giving those people, in whom we have so deep an interest, and in whom our Democratic friends especially pretend to have such an overwhelming interest, the advantage of a duty on coffee imported into Puerto Rico, and we give them books printed in the Spanish language, not subversive of public order, as well as books printed in the English language, free of duty.

Then, when we come to section 3, we provide the revenue that was contained in the bill that came here from the House of Representatives, which is 15 per cent, and which has excited so much interest, and concerning which so much false sympathy and unjustifiable misrepresentation have been indulged in in certain sections of our country. We do not impose the full Dingley rates upon these people, as the amendment submitted by the Senator from Georgia proposes to do. We simply impose a rate of 15 per cent, and whether that is a revenue or a protective duty I will not stop to argue.

We furthermore provide that after that money has been collected it shall be kept as a separate fund, and under the direction of the President of the United States shall be used for the benefit of the people of Puerto Rico. Not one dollar of it is to go into the Treasury of the United States.

Mr. President, the Senator from Georgia proposes to strike out those sections. He is going to deprive the Puerto Ricans of this duty upon coffee imported into the island. He is going to deprive them of the right of having, free of duty, books printed in the Spanish language, which the treaty provided they should have, and he is going to deprive them of books printed in the English language, free of duty, exported from the United States, and then he is going, in addition, to impose upon those poor people the full Dingley rate upon products imported into their country, not from the United States, but from foreign countries. That money is to go into the Treasury of the United States, to be used for the benefit of the people of the United States, and no part whatever of that money is to be applied to the people of the island.

I submit, Mr. President, that so far as the people and the interests of Puerto Rico are concerned—of course I understand the Senator from Georgia is raising a constitutional question here——

Mr. BACON. No.

Mr. GALLINGER. And very likely he wants to have a vote on the proposition whether we have a right to impose these duties that we have imposed under this bill. Of course the Senator will not deny that he wants that question adjudicated before the question upon the final passage of this bill is reached.

Mr. BACON. The Senator is not exactly stating me correctly.

Mr. GALLINGER. I will gladly yield to the Senator.

Mr. BACON. On the contrary, the amendment which has been offered to the bill, as it was previously framed did have the constitutional question in it. In order that it might be eliminated, that it might be taken care of at some other time, if practicable, and that Senators, regardless of the constitutional question, might pass upon the naked question whether or not there should be free trade between Puerto Rico and the remainder of the United States, I eliminated it and it is not in it.

Mr. GALLINGER. Of course, in passing upon the provisions that are now found in the bill, that question does arise. I submit, and it is all I care to say at this time, that the bill as it stands to-day is infinitely more liberal toward the people of Puerto Rico than the amendment submitted by the Senator from Georgia. The provisions of the bill will do infinitely more to relieve the distress and the suffering that exist in that island than can possibly result from the amendment submitted by the Senator from Georgia.

In conclusion, I wish to emphasize the fact that whatever individual Senators may say or do, the committee, which for three long weeks patiently listened in a close and uncomfortable committee room to a long hearing upon the subject of Puerto Rico, had only one object in view, and that was to legislate for the best interest of that people, and in such way as to relieve the distress and suffering that everybody who was before us testified existed in the island. The committee certainly have no disposition in any way to oppress those people or to wrong them, but, on the contrary, we want to lift them as speedily as possible from the suffering and the sorrow that are upon them and place them in a position of independence, of happiness and contentment.

Mr. President, in view of that fact, having gone over this matter with great care and deliberation, under the leadership of the distinguished Senator from Ohio [Mr. FORAKER], having this purpose and this purpose alone in view, I do sincerely hope that the amendment submitted by the Senator from Georgia may not be agreed to, and that the bill, so far as the sections under discussion are concerned, may be agreed to without any change whatever.

Mr. LINDSAY. Mr. President, I do not feel that I am subject to the criticism of the Senator from New Hampshire [Mr. GALLINGER]. I have not insisted that Puerto Rico is a part of the United States. I have not insisted that the Constitution now applies to Puerto Rico or that in legislating for Puerto Rico we are bound in all respects to conform to all the limitations of the Constitution; and I hope the amendment proposed by the Senator from Georgia will be so perfected that when the Senate comes to vote upon it no Senator shall be constrained to vote against it because in any degree or to any extent it undertakes directly or by inference to settle the vexed question of our power to legislate in regard to Puerto Rico. Fearing that the amendment he proposes may give some Senator an excuse to vote against it upon the idea that it does express an opinion one way or the other, I shall ask him to accept an amendment to his amendment which will certainly take out of the amendment anything that looks to the expression of an opinion one way or the other.

I shall do this for the purpose of affording the Senate an opportunity to vote upon the question of free trade between the people of Puerto Rico and the people of the United States, and I shall do it because it is an American island. I shall do this because these people, whether in or out of the Union, are American people, and I shall do this because without its being done we will not keep the pledge we made to these people when they accepted the authority of the United States and disclaimed any further allegiance to Spain. I shall do this to keep the pledge made by General Miles when he occupied this island. I shall do it because it is just in itself as recognized by the military governor of Puerto Rico, recognized by the Secretary of War, and as recognized by the President of the United States when he said to Congress that it was our plain duty to establish free trade between the people of the United States and the people of Puerto Rico, and when he explained that he had forborne to do it himself because he had no power to suspend the operation of the Dingley tariff act as to goods brought into the collection districts of the United States.

I shall ask the Senator from Georgia so to amend his amendment as to strike out all after the word "ninety-seven," in line 12, and insert in lieu thereof the following:

And on and after the passage of this act trade between the customs collection district hereby established for the island of Puerto Rico and the customs collection districts of the United States, now in existence or which may hereafter be established, shall be free from all import or tariff duties, and all laws or parts of laws now or heretofore requiring or authorizing the collection of import or tariff duties on articles of commerce between any of the customs collection districts herein named are to that extent hereby repealed.

Mr. BACON. With the consent of the Senate, I will accept that amendment and let it stand as the original amendment.

Mr. FORAKER. I ask that the amendment as modified may be stated.

The PRESIDENT pro tempore. The Senator from Georgia modifies his amendment as suggested by the Senator from Kentucky. The amendment offered by the Senator from Georgia as modified will be read.

The SECRETARY. In section 2, line 12, after the date "1897," it is proposed to strike out:

And on and after the date when this act shall take effect, organizing and establishing civil government in Puerto Rico, there shall, in accordance with section 8, Article I, of the Constitution of the United States, be no duties or imposts levied, collected, or paid upon any articles imported into Puerto Rico from any part of the United States, and no duties or imposts shall be levied, collected, or paid upon any articles imported into any part of the United States from Puerto Rico.

And to insert:

And on and after the passage of this act trade between the customs collection district hereby established for the island of Puerto Rico, and the customs collection districts of the United States now in existence or which may hereafter be established shall be free from all import or tariff duties, and all laws or parts of laws now or heretofore requiring or authorizing the collection of import or tariff duties on articles of commerce between any of the customs collection districts herein named are to that extent hereby repealed.

Mr. FORAKER. Mr. President, I wish to make an inquiry in order that I may get the precise parliamentary status. The Senate had under consideration an amendment proposed by the committee to section 2. The Senator from Alabama [Mr. PETTUS] moved to amend that amendment by striking out the first proviso. That proposition to amend did not prevail. Thereupon the Senator from Georgia [Mr. BACON] offered an amendment to the amendment proposed by the committee, which was to substitute what he proposed for the entire section. Now, what is it that the amendment as it has just been changed is proposed to take the place of?

Mr. BACON. I will state to the Senator from Ohio that the Senator from Kentucky [Mr. LINDSAY] asked me to accept an amendment to the amendment offered by me, to take the place of the last clause of my amendment. In other words, if the Senator has my amendment before him——

Mr. FORAKER. I have it before me.

Mr. BACON. The proposition of the Senator from Kentucky is to strike out all after the date "1897," on page 12.

Mr. FORAKER. I am familiar with that, but what I wanted to know was what is it that is offered in lieu of that—the whole of sections 2 and 3?

Mr. LINDSAY. Sections 2 and 3.

Mr. BACON. Sections 2 and 3. I suggest to the Secretary, as stated by the Senator from Kentucky, to read the entire amendment as it will appear after the acceptance of his amendment by me.

The PRESIDENT pro tempore. The Secretary will read the amendment, as requested by the Senator from Georgia.

Mr. FORAKER. In answer to the Senator's inquiry, I will say that we were proceeding to perfect the bill in accordance with the amendments proposed by the committee in so far as they might prevail. It seems to me that the amendment now offered ought not to be offered until after the amendment proposed by the committee shall have been acted on. Then the Senator can move to strike out sections 2 and 3, as the Senate may agree upon them after the amendments have been acted upon. It is a little irregular now to move to strike out those sections, because they have not been perfected.

The PRESIDENT pro tempore. The Senator from Georgia has the undoubted right to offer any amendment which he wishes, and the Senator from Ohio has the undoubted right to perfect the two sections before final action on the amendment offered by the Senator from Georgia.

Mr. BACON. Yes, sir.

Mr. GALLINGER. Am I not right in the suggestion that if those amendments should be adopted, they would not then be amendable until the bill came into the Senate?

The PRESIDENT pro tempore. Yes; it would be in order to move to strike out the entire section.

Mr. GALLINGER. So that now, beyond question, is the proper time to move to strike out the sections, if it is to be done as in Committee of the Whole.

Mr. FORAKER. If the Senator will allow me, it seems to me there ought not to be a motion to strike out the sections until after they have been perfected.

Mr. GALLINGER. I quite agree to that.

Mr. FORAKER. As soon as they are perfected the Senator from Georgia can offer his amendment.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment which will be stated.

The SECRETARY. In lieu of sections 2 and 3 it is proposed to insert:

SEC. 2. That on and after the date when this act shall take effect there shall be levied, collected, and paid upon all articles imported from foreign countries into Puerto Rico, which is hereby constituted a customs collection district, the rates of duty mentioned and prescribed in the schedules and paragraphs of an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897; and on and after the passage of this act trade between the customs collection district hereby established for the island of Puerto Rico and the customs collection districts of the United States now in existence or which may hereafter be established shall be free from all import or tariff duties, and all laws or parts of laws now or heretofore requiring or authorizing the collection of import or tariff duties on articles of commerce between any of the customs collection districts herein named are to that extent hereby repealed.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Ohio [Mr. FORAKER], on behalf of the committee, to section 2.

The amendment was agreed to.

The PRESIDENT pro tempore. The question now is on the amendment offered by the committee to section 3; which will be stated.

Mr. PETTUS. Mr. President, there is an amendment proposed by me to that section which I suppose, under the ruling of the Chair, will have to wait until the committee amendments are acted upon. I have already proposed an amendment to strike out of that section down to the word "countries," in line 9; that is to isolate the question as to the tariff duties on goods from Puerto Rico to the United States and from the United States to Puerto Rico and make it a question in itself without any other question connected with it. I want that acted on at the proper time.

The PRESIDENT pro tempore. Has the amendment been printed?

Mr. PETTUS. It has been presented, and ordered to be printed.

Mr. FORAKER. I presume that will come up after the committee amendments have been acted upon?

The PRESIDENT pro tempore. If the Senator desires to amend the proposed amendment of the committee, it is entirely in order.

Mr. PETTUS. What I propose is not an amendment to the committee amendment; it is an amendment of the original text.

The PRESIDENT pro tempore. Then the question is on the amendment proposed by the committee to section 3; which will be stated.

The SECRETARY. On page 4, section 3, after the end of line 1, it is proposed to insert:

Provided, That on and after the date when this act shall take effect all merchandise and articles, except coffee, not dutiable under the tariff laws of the United States, and all merchandise and articles entered in Puerto Rico free of duty under orders heretofore made by the Secretary of War, shall be admitted into the several ports thereof, when imported from the United States, free of duty, all laws or parts of laws to the contrary notwithstanding; and whenever the legislative assembly of Puerto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Puerto Rico, by this act established, and shall by resolution duly passed so notify the President, he shall make proclamation thereof, and thereupon all tariff duties on merchandise and articles going into Puerto Rico from the United States or coming into the United States from Puerto Rico shall cease, and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty; and in no event shall any such duties be collected after the 1st day of March, 1902.

The PRESIDENT pro tempore. Has the Senator from Alabama proposed an amendment to the committee amendment which has just been stated?

Mr. PETTUS. I have not; but my amendment was presented in the Senate this morning.

The PRESIDENT pro tempore. It has not yet been printed?

Mr. PETTUS. It has not yet been printed, I suppose; but it was presented to the Senate this morning. It is simply to strike out all of section 3, on page 3, from the beginning down to the word "countries," in line 9.

The PRESIDENT pro tempore. That will be entirely in order after the committee amendment shall have been acted upon.

Mr. PETTUS. This is not an amendment to the committee amendment at all, Mr. President. It is an amendment to the original text of the bill.

The PRESIDENT pro tempore. That, then, will be in order at any time.

The question is on the amendment proposed by the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments by the committee to sections 2 and 3.

Mr. FORAKER. I have no further amendments to offer to those sections on behalf of the committee.

Mr. GALLINGER. I beg to say that under the amendment which has just been adopted—and I am gratified that it was adopted—the free list—and the Senator from Ohio will correct me if I make a misstatement—which the President of the United States has by Executive order made for Puerto Rico, which includes breadstuffs, and perhaps the Senator from Ohio can tell what other articles, is enacted into law, and that that free list, if this bill shall become a law, will apply to the people of Puerto Rico, giving them free trade in many of the necessaries of life.

Mr. FORAKER. It very largely increases the free list of the Dingley law. The free list, made by Executive order, does not correspond exactly with the free list of the Dingley law. It extends to flour, rice, corn meal, fish, and other articles known as food stuffs, and the like, that will go into Puerto Rico under this provision free of duty; and only such articles as are not embraced in the free list of the Dingley law, or in some Executive order, will pay the 15 per cent going into Puerto Rico.

Now, in answer to the inquiry of the Chair, the committee has no further amendments to offer to sections 2 and 3; but we have amendments to offer to section 4.

The PRESIDENT pro tempore. Then the amendment proposed by the Senator from Alabama would be in order as affecting section 3.

Mr. BACON. The amendment proposed by the Senator from Alabama is an amendment to that section.

The PRESIDENT pro tempore. It is an amendment to that section, as the Chair understands.

Mr. PETTUS. It is an amendment to section 3.

Mr. BACON. And because it is an amendment to section 3 the amendment I have moved would be in order.

The PRESIDENT pro tempore. The amendment of the Senator from Georgia will be clearly in order as soon as these two sections are perfected so far as the Senate desires to perfect them.

Mr. BACON. That is the reason I made the inquiry as to whether the amendment of the Senator from Alabama was directed to section 3.

Mr. PETTUS. I now desire that the Secretary shall report to the Senate the exact amendment proposed—what I propose to strike out—so that Senators may see that it applies to nothing in the world but the tariff on goods going from the United States into Puerto Rico and the tariff on goods coming from Puerto Rico into the United States. It includes that idea and nothing else.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Alabama [Mr. PETTUS].

The SECRETARY. On page 3, section 3, beginning in line 3, it is proposed to strike out:

That on and after the passage of this act all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry upon payment of 15 per cent of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Alabama.

Mr. PETTUS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I understand that the senior Senator from Nevada [Mr. JONES] is absent and not paired. I will take the liberty of transferring my pair to him and of voting. I vote "nay."

Mr. HANSBROUGH (when his name was called). Under the arrangement entered into this morning I transfer my pair with the Senator from Virginia [Mr. DANIEL] to the Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "nay."

Mr. MCLAURIN (when his name was called). I am paired with the junior Senator from North Carolina [Mr. PRITCHARD], and therefore withhold my vote.

Mr. PETTUS (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. HOAR], but on this question he authorized me to vote, saying that he would vote against any of these tariffs between Puerto Rico and the United States. Therefore, independently of any arrangement that was suggested by the junior Senator from Massachusetts [Mr. LODGE] this morning, I shall vote. I vote "yea."

Mr. LODGE. My colleague [Mr. HOAR] yesterday, upon leaving town, directed me to say that he would vote for any free-trade amendment and against the passage of the bill if it did not contain a free-trade amendment. He asked me to release the Senator from Alabama [Mr. PETTUS] from his pair and to find him another pair, which I have done, and my colleague now stands paired with the Senator from Louisiana [Mr. MCENERY] on all these questions.

Mr. CHANDLER. I am authorized by the Senator from Louisiana [Mr. MCENERY] to pair him, and he stands paired, under the announcement made by the junior Senator from Massachusetts [Mr. LODGE], with the senior Senator from Massachusetts [Mr. HOAR].

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO], but I transfer that pair to the junior Senator from Illinois [Mr. MASON] and vote "nay."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from Washington [Mr. TURNER]. I propose to transfer that pair, so that he will stand paired with the Senator from Rhode Island [Mr. ALDRICH], and I will vote. I vote "nay."

Mr. WELLINGTON (when his name was called). I should like to inquire whether the Senator from North Carolina [Mr. BUTLER] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. WELLINGTON. I should like to inquire further if Senators upon the other side have any idea as to how the Senator from North Carolina, if present, would vote upon this question?

Mr. HARRIS. I am quite satisfied that the Senator from North Carolina, if present, would vote "yea" on this proposition.

Mr. WELLINGTON. That being the case, I shall vote. I vote "yea."

The roll call was concluded.

Mr. HANNA. I have a general pair with the Senator from Utah [Mr. RAWLINS], which I transfer to the Senator from Colorado [Mr. WOLCOTT], and vote. I vote "nay."

Mr. MCBRIDE. I have a general pair with the Senator from Mississippi [Mr. MONEY]. I transfer that pair to the Senator from Colorado [Mr. TELLER] and vote. I vote "nay."

Mr. BURROWS. I am paired with the Senator from Louisiana [Mr. CAFFERY].

Mr. JONES of Arkansas. I am paired generally with the Senator from Connecticut [Mr. PLATT], but I transfer that pair to the Senator from South Dakota [Mr. PETTIGREW], and vote. I vote "yea."

Mr. MCBRIDE. My colleague [Mr. SIMON] if present would vote "yea." I announce his pair, as stated by the Senator from North Dakota [Mr. HANSBROUGH], who has charge of the pairs, with the Senator from New York [Mr. DEPEW], who if present would vote "nay."

Mr. SCOTT. My colleague [Mr. ELKINS] is paired with the Senator from Texas [Mr. CHILTON]. My colleague would vote "nay," if present.

Mr. PLATT of New York (after voting in the negative). I have a general pair with the Senator from Idaho [Mr. HEITFELD] and inquire if he has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. PLATT of New York. Then I withdraw my vote.

Mr. BERRY. The Senator from Texas [Mr. CHILTON] is absent by reason of sickness. He is paired with the Senator from West Virginia [Mr. ELKINS]. If the Senator from Texas were present he would vote "yea."

Mr. CLARK of Montana. I ask if the Senator from Indiana [Mr. BEVERIDGE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. CLARK of Montana. Then I withhold my vote. I should vote "yea," if at liberty to vote.

Mr. JONES of Arkansas. I suggest to the Senator from Montana that he transfer his pair with the Senator from Indiana to the Senator from North Carolina [Mr. BUTLER], who is absent without a pair.

Mr. CLARK of Montana. I shall be very glad to do that. I vote "yea."

The result was announced—yeas 16, nays 33; as follows:

YEAS—16.

Bacon,	Clay,	Jones, Ark.	Pettus,
Bate,	Cockrell,	Kenney,	Sullivan,
Berry,	Culberson,	Lindsay,	Turley,
Clark, Mont.	Harris,	Morgan,	Wellington.

NAYS—33.

Allison,	Foraker,	Kean,	Scott,
Baker,	Foster,	Kyle,	Sewell,
Bard,	Frye,	Lodge,	Shoup,
Carter,	Gallinger,	McBride,	Spooner,
Chandler,	Gear,	McComas,	Warren,
Clark, Wyo.	Hale,	McMillan,	Wetmore,
Cullom,	Hanna,	Perkins,	
Deboe,	Hansbrough,	Quarles,	
Fairbanks,	Hawley,	Ross,	

NOT VOTING—38.

Aldrich,	Elkins,	Money,	Stewart,
Allen,	Heitfeld,	Nelson,	Taliaferro,
Beveridge,	Hoar,	Penrose,	Teller,
Burrows,	Jones, Nev.	Pettigrew,	Thurston,
Butler,	McCumber,	Platt, Conn.	Tillman,
Caffery,	McEnery,	Platt, N. Y.	Turner,
Chilton,	McLaurin,	Pritchard,	Vest,
Daniel,	Mallory,	Proctor,	Wolcott.
Davis,	Martin,	Rawlins,	
Depew,	Mason,	Simon,	

So the amendment of Mr. PETTUS was rejected.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Georgia [Mr. BACON].

Mr. BACON. Several Senators on this side of the Chamber have requested that this amendment be not acted on to-day, but that it be allowed to go over until to-morrow without losing its place. I have consulted with the Senator from Ohio and he is willing that it may be done, in order that the amendment as it has been amended may be printed.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Georgia that his amendment shall go over until to-morrow. The Chair hears none, and it is so ordered.

Mr. FORAKER. I now ask consideration of the amendment proposed by the committee to section 4.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 5, line 5, section 4, insert:

And the Secretary of the Treasury shall designate the several ports and subports of entry in Puerto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Puerto Rico by the provisions of this act, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions thereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FORAKER. I ask that there may be added to that amendment the following as an addition.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of the amendment just adopted insert the following proviso:

Provided, however, That as soon as a civil government for Puerto Rico shall have been organized in accordance with the provisions of this act and notice thereof shall have been given to the President he shall make proclamation thereof, and thereafter all collections of duties and taxes in Puerto Rico under the provisions of this act shall be paid into the treasury of Puerto Rico, to be expended as required by law for the government and benefit thereof instead of being paid into the Treasury of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio.

The amendment was agreed to.

Mr. FORAKER. I introduced this morning a substitute for section 5, which the committee propose to strike out. It is section 33 of the Dingley law. The amendment as I sent it to the desk this morning has been sent to the Public Printer, and therefore I will ask to read it from the Dingley law with just such variations, which are very slight, as are necessary to make it applicable to this bill.

I propose the following as a substitute for section 5, which I move to strike out; that is, I move to strike out section 5 and to insert the following as section 5:

That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported from Puerto Rico, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and to no other duty, upon the entry or the withdrawal thereof: *Provided*, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

Mr. GALLINGER. I hope the Senator will briefly explain that amendment. I have not seen it.

Mr. FORAKER. I will take pleasure in doing so. I am looking for a letter I received this morning, if I can find it; but I can explain it without the letter. I do not find it just at the moment, but the information has come to me by various letters which I have received that the people in Puerto Rico, many of them, becoming impatient about our action, have shipped goods to the United States, some of which are now on the sea, while some have been entered in bond, the idea being in shipping them here now that they would put them in bond in anticipation of our action until we legislate, and then they would be taken out of the bonded warehouse.

The purpose of it is to make the same duty applicable to goods that are now on the way here, and goods that may be received before this measure becomes a law, or which have already been received and may be now in bonded warehouses, that will apply to goods that will be shipped from Puerto Rico and be entered here after the law goes into effect; in other words, they would thus pay only 15 per cent instead of the full Dingley rates. I believe in every tariff act that we have enacted there has been a similar provision, that goods entered in bonded warehouses without the payment of duty before the act takes effect shall, when taken out after the act takes effect, pay only the duties provided by the act.

The PRESIDENT pro tempore. The Secretary will read the amendment of the Senator from Ohio. The Senator from Ohio will please follow the amendment as read by the Secretary.

The SECRETARY. On page 5, line 14, strike out section 5 and insert:

That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported from Puerto Rico for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and to no other duty, upon the entry or the withdrawal thereof: *Provided*, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FORAKER. I now propose to amend by inserting on page 6, line 2, after the word "citizens," the following: "of Puerto Rico, and as such entitled to the protection."

Mr. GALLINGER. The Senator wants to change the numbering of the sections, but I presume the clerks will do that.

Mr. FORAKER. I thought that later I would ask that the numbering be changed to correspond with such changes as may be made.

The PRESIDENT pro tempore. What does the Senator do with section 5, "that the capital of Puerto Rico shall be in the city of San Juan, etc.?"

Mr. FORAKER. That is the committee amendment. I beg pardon. Let it be acted on.

The PRESIDENT pro tempore. The amendment will be stated.

The Secretary read as follows:

GENERAL PROVISIONS.

SEC. 5. That the capital of Puerto Rico shall be at the city of San Juan and the seat of government shall be maintained there.

The PRESIDENT pro tempore. Will the Senate agree to the amendment to section 5?

The amendment was agreed to.

Mr. MORGAN. We are now acting on the amendment of the Senator from Ohio?

The PRESIDENT pro tempore. No; it was section 5, the former amendment. Now comes the amendment to section 6.

Mr. FORAKER. The amendment to section 6 will now be acted upon.

The PRESIDENT pro tempore. The Secretary will read the amendment to section 6.

The SECRETARY. On page 5, line 23, insert:

SEC. 6. That all inhabitants continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in Puerto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April, 1900, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April, 1899; and they, together with such other citizens of the United States as may reside in Puerto Rico, shall constitute a body politic under the name of The People of Puerto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued as such.

The PRESIDENT pro tempore. The Senator from Ohio moves to amend, on page 6, line 2, by inserting, after the word "citizens," the words "of Puerto Rico, and as such entitled to the protection."

Mr. MORGAN and Mr. BACON addressed the Chair.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. BACON. Mr. President, two of us were on the floor objecting to the amendment when the Chair was putting the question.

The PRESIDENT pro tempore. The question is still open.

Mr. BACON. I only take the liberty of speaking because the Senator from Alabama did not make himself heard. I want also, however, to address the Senate upon the amendment.

Mr. MORGAN. Mr. President, the Constitution of the United States provides, in Article XIV of the amendments:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

The Supreme Court has passed upon that very recently, and they have held that a child of Chinese parents born in the United States is a citizen of the United States. I forget exactly where that child was born—whether it was in a Territory or in a State.

Mr. FORAKER. It was born in California.

Mr. MORGAN. Yes; it was born in California. They have upheld, in other words, the provisions of the Constitution of the United States as to those persons who come into existence here of parentage, neither of whose parents is a citizen of the United States. It seems to me that that decision and that clause of the Constitution are violated by the proposed amendment now presented by the committee.

Mr. SPOONER. You mean as to the children?

Mr. MORGAN. As to the children and as to the persons; certainly as to the children, because the children who are born in Puerto Rico after the date of the passage of this bill are at least born so much within the United States as to be citizens of the United States thereof, for we extend the laws of the United States over that country, many of them specifically, and in a provision here nearly all of them generally. So we are excluding now by an act of Congress those people from citizenship hereafter to be born in Puerto Rico who are made citizens of the United States by the Constitution.

Now, there can not be any sound reason, Mr. President, in party politics for going around the Constitution in this absurd way. We had better come up to our duty and recognize these people, as the Constitution of the United States recognizes them, as being citizens of the United States by the decree of the supreme power of the land. I have never in my life seen, nor has anybody else ever seen, so much twisting and turning for the purpose of finding some opportunity to get this bill through without recognizing the authority of the Constitution of the United States in a territory that we have acquired in sovereignty by a treaty with a foreign power; and it is not proper, it is not meet or becoming, that the Senate of the United States should treat the Constitution of our country in such a light, frivolous, and improper way.

But the text of the amendment itself contains a most objectionable feature. The text of the proposed amendment now is that they shall be held to be citizens of Puerto Rico. Citizens of Puerto Rico! What is Puerto Rico? Whether it is a part of the United States or whether it is a dependency, it can not have a citizenship separate from the citizenship of the United States unless it is really an independent sovereign power, and that is more particularly emphasized in the following part of the same amendment:

And as such entitled to the protection of the United States.

Citizens of Puerto Rico, a separate government, entitled to the protection of the United States! Are we going in there as intruders to give our protection to a country over which we refuse to recognize the fact that we exercise dominion enough to make their people citizens of the United States? Now, is this intended to give protection to the citizens of Puerto Rico or is it intended to give protection to Puerto Rico itself as a political entity?

What is a government, Mr. President, but the people who occupy it? It is not the houses and the land and the ocean that surrounds that island that makes a government. If there were no people there, there would be no government there. When there are people there and they are spoken of in this aggregated sense as citizens of Puerto Rico, the government that we recognize there is a government of, by, and through the citizens of Puerto Rico as a body politic. Therefore the effect of this arrangement, whatever may be its purpose, is to give protection to Puerto Rico as a separate political entity, as a foreign power, as a power under our protection. That is what it means. That is what it means in the law. That is what everybody is obliged to understand that it means by the simple reading of the text.

Now, a government can not be protected by another government that has no sovereignty. The idea of protection in all diplomatic usage and in the laws of nations always implies that the party that is protected is a sovereign power, but is suzerain, under the subjection of the other government to a certain extent; and whenever we undertake to give to the citizens of Puerto Rico, individually or as a body or as a body politic, protection, we at once recognize their independence, their separation from us, their autonomous condition, their right of local self-government.

In what respect are we going to protect these people and against whom are we going to protect them? Protect them against themselves? Protect them so as to give them the benefits of the Constitution of the United States and the laws of the United States? Protect them against their own government, their own people, or against foreign powers? What is meant by the protection that is furnished in this amendment over the people of Puerto Rico? Who will give it a legal definition? Who will undertake to say what the Government of the United States pledges itself to here when we solemnly assert and avow that we intend to give to the people of Puerto Rico protection? It can not have any other meaning than that we give them protection against foreign powers or against some emeute or insurrection or turbulence that may occur within the limits of their island, within the power of that government.

We give protection to our people here, not with armies and not with acts of Congress simply, but we give them judicial protection. We have in times of peace, when a state of war is not existing in any part of the United States or any of its dependencies, no power to give protection to the citizenship except to the agencies of the law executed by the police or military power of the Government of the United States, or executed by the judgment of its courts.

Now, what protection is it that we are promising to these people? Is it something, Mr. President, that is to be of no value, undefinable? Will the Senator from Ohio define before the Senate of the United States the character of the protection he proposes to give to the people of Puerto Rico under this act and the agency through which that protection is to be extended? Unless that can be done this is a vain and empty declaration. It is something that ought not to be in the bill. It is an attempt to meet the argument that some man suggests on this floor, that after all he does not want the people of Puerto Rico to be citizens of the United States, or that they are not such, or that they shall be prevented from becoming such by an act of Congress; that is all.

Now, unless the Senator from Ohio or this committee can explain to the Senate what is meant by the protection they propose to give, then, Mr. President, we are engaging here in a vain endeavor to do something that we ourselves can not state what it is. We are not driven to these extremities by any emergency or exigency of legislation or politics here to-day. We had very much better take these people in hand as we have taken in hand our relations to all the other people we have ever annexed to the United States, and treat them as all those people have been treated—as citizens of the United States.

We made an engagement of that kind in regard to every country that we have annexed, even in regard to Russians in Alaska. All the people, including the Indians, the Kamchatkans, or whoever they may be up in that region in Alaska, are made citizens of the United States. So they were in Florida; so they were in the Louisiana territority; so in Texas; so in Mexico, and so in Hawaii. We take the whole body, black and white, red and yellow, rich and poor, into the bosom of the citizenship of the United States, and no one has ever heard yet of any difficulty or trouble coming to the United States on that account. There is no reason why we should not do it. But there is every reason why we should not abandon the principles of the Government of the United States and create in Puerto Rico a separate autonomous government under our protection.

Why, Mr. President, a government under our protection is not an autonomous government; it is not a government republican in form. A government republican in form is one that has the right of local self-government to whatever extent the sovereign power chooses to confer it. We are pledged in the fourth section of the fourth article of the Constitution that we will give to every State in the American Union a government republican in form. Now, can a government be republican in form that stands outside of the American Union, or that stands within the range simply of its protection? No, sir. There is no protectorate provided for in our Constitution. Our Constitution in the initiation of it founded, as I had occasion to remark in the Senate a few days ago, the great Northwestern Territory, now comprising four great States, in a state of organization as a Territorial government under the articles of confederation. The Congress of the United States in one of the very first acts that it passed took up the Northwestern Territory and continued that government, and that government made the people of the Northwestern Territory citizens of the United States. Even the Indian tribes were made citizens of the United States.

By that I mean, Mr. President, they were given the right to the protection of our flag, the right when they came to be tried by civil tribunals to trial by jury, the right to be taxed equally with other people, because in the basis of representation we expressly refer to Indians that are not taxed and exclude them, and only them, from the basis of representation. When they are taxed, then what are they? Does a tax change the citizenship? No, sir. They are citizens of the United States in that broad and general and magnanimous idea which conveys over them all of the benefits of the protection of the Constitution and laws of the United States administered under the Constitution and in accordance with it.

These people can not have protection given to them by the Government of the United States as an emperor would give to his subjects and dole it out to them without reference to the organic law which controls its action. When we come to protect these people in the island of Puerto Rico, are we to protect them free from the restraints of the Constitution? Are we to give them some kind of protection not known to the Constitution? Where will this power of protection find its sanction? Where will it find the element of its authority and the direction it shall take? In the Constitution of the United States, or nowhere.

So that this attempt, Mr. President, merely to gratify the idea of some gentleman who can not see through the subject, or does not want to see through the subject, is an effort on the part of this committee to do something which violates the very organic law and the fundamental principles of the Government of the United States. I think that ought to be stricken out.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment to the amendment of the committee.

Mr. BACON. Mr. President, this is a very important question. It certainly can not be decided by the small number of Senators who are here. I therefore suggest——

Mr. FORAKER. Will the Senator allow me?

Mr. BACON. Certainly.

Mr. FORAKER. I suggest, in view of what he is about to say, that we pass this over until to-morrow.

Mr. BACON. Yes, sir.

Mr. FORAKER. And allow me to ask that the sections which by reason of what we have adopted have become unnecessary, sections 8, 9, and 10, may be stricken out, so that we may have a reprint of the bill to-night.

Mr. MORGAN. I make no objection.

Mr. PETTUS. Not to change it?

Mr. FORAKER. No; not to change it; simply striking out. Shall I proceed in regular order until I come to those? Upon the suggestion of the Senator from Georgia, I will pass over that amendment, if there is no objection, and ask that we may take up the other amendments.

The PRESIDING OFFICER. Is there objection to the subject being passed over? The Chair hears none.

Mr. MORGAN. This amendment goes over until to-morrow.

Mr. FORAKER. It goes over until to-morrow, and I think section 7 also. I think the word "statutory" is to be inserted there.

The PRESIDING OFFICER. Without objection, section 7 will be passed over.

Mr. FORAKER. Sections 6 and 7. New section 8.

The PRESIDING OFFICER. The Secretary will read the section.

The Secretary read as follows:

SEC. 8. That the Commissioner of Navigation shall make such regulations, subject to the approval of the Secretary of the Treasury, as he may deem expedient for the nationalization of all vessels owned by the inhabitants of Puerto Rico on the 11th day of April, 1899, and which continued to be so owned up to the date of such nationalization, and for the admission of the same to all of the benefits of the coasting trade of the United States; and the coasting trade between Puerto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. PETTUS. When this was up before, this very amendment was adopted; but there was added to it at the end by making the period a comma and adding "of the United States."

Mr. FORAKER. The statement made by the Senator from Alabama is correct, as I very well remember. It was overlooked because it appeared at a different place in the RECORD from where the amendment was adopted. I ask that those words may be inserted.

Mr. PETTUS. That amendment has been adopted.

Mr. FORAKER. It already has been adopted. After the word "districts," at the end of section 8, as it is in this reprint, the period shall be changed to a comma, and the words shall be added "of the United States."

The PRESIDING OFFICER. The Senator has a right to modify the amendment. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The PRESIDING OFFICER. The Secretary will read the next amendment.

The Secretary read as follows:

SEC. 9. That quarantine stations shall be established at such places in Puerto Rico as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations relating to the importation of diseases from other countries shall be under the control of the Government of the United States.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 10. That for the purpose of retiring the Puerto Rican coins now in circulation in Puerto Rico and substituting therefor the coins of the United States, the Secretary of the Treasury is hereby authorized to redeem, on presentation in Puerto Rico, all the silver coins of Puerto Rico known as the peso and all other silver and copper Puerto Rican coins now in circulation in Puerto Rico, not including any such coins that may be imported into Puerto Rico after the 1st day of February, 1900, at the present established rate of 60 cents in the coins of the United States for 1 peso of Puerto Rican coin, and for all minor or subsidiary coins the same rate of exchange shall be applied. The Puerto Rican coins so purchased or redeemed shall be recoined at the expense of the United States, under the direction of the Secretary of the Treasury, into such coins of the United States now authorized by law as he may direct, and from and after three months after the date when this act shall take effect no coins shall be a legal tender, in payment of debts thereafter contracted, for any amount in Puerto Rico, except those of the United States; and whatever sum may be required to carry out the provisions hereof, and to pay all expenses that may be incurred in connection therewith, is hereby appropriated, and the Secretary of the Treasury is hereby authorized to establish such regulations and employ such agencies as may be necessary to accomplish the purposes hereof: *Provided, however*, That all debts owing on the date when this act shall take effect shall be payable in the coins of Puerto Rico now in circulation, or in the coins of the United States at the rate of exchange above named.

Mr. MORGAN. On page 8, line 20, I propose to strike out "sixty" and insert "one hundred."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. Section 10, page 8, line 20, after the word "of" it is proposed to strike out "sixty" and insert "one hundred;" so as to read "one hundred cents."

Mr. MORGAN. Mr. President, I wish to say a few words about the amendment. We have heard a great many complaints about the poor, distressed, and dilapidated condition of Puerto Rico. For my part, I have not been able, with any degree of accuracy, to locate the facts upon which those propositions have been based. Senators speak about a storm-swept island and about the failure of crops and the various distresses that have been visited upon it by the appearance of troops in their midst. So far as the appearance of troops in Puerto Rico is concerned, I have no doubt it has been a great financial resource to those people. The payment of our soldiers there and the trading that has been done in Puerto Rico have furnished those people with a large amount of money in commercial dealings that otherwise they would not have had. So I do not think the presence of the army there has inflicted any particular harm upon those people. Our troops have not devastated their farms or orchards nor robbed their houses or anything of the kind.

Perfect order has been maintained and was maintained while General Miles was there and in the command since that time. No Puerto Rican, I think, has ever sent a complaint to the United States of irregularity, or injustice, or maraud against the Army of the United States. We can dismiss any consideration in connection with their poverty as resulting from a supposed infliction of harm upon them by the presence of the army. The tornado has been very largely compensated for. A great amount of money has been spent there in public works and otherwise to give those people employment. The million of inhabitants in Puerto Rico have had more money spent upon them by the Government of the United States since the flag of Spain was lowered upon that island than any million people have ever had spent upon them in the United States, the Indians not excepted, and we have spent mints of money upon the Indians. So I do not credit fully these clamors of distress that are coming from Puerto Rico.

There is a better reason than that for it all. If Senators will examine a table which I extracted from General Davis's report and put into the RECORD a few days ago, they will find that there are $31,000,000 of mortgage indebtedness upon the million people in Puerto Rico, fastened, of course, upon the land, and that that debt bears interest all the way from 6 per cent to above 24 per cent. Very large blocks of it bear interest at 16, 18, 20, 24, and above 24 per cent. It is a mortgage-ridden, usury-ridden people in that country, and they are suffering from it as no people ever suffered before, unless it may be in the island of Cuba or the Philippine Islands under Spanish rule. It has been a part of the Spanish system of rule to throw the virtual ownership of land in all these outlying islands into the hands of certain favored sons of Spain or certain favored people residing in them and to establish in connection with a system of peonage there the utter subordination of those people as laborers in that way and to that degree that it is impossible almost for them to live.

Now, while we are dealing with this subject we might as well look at that fact as being the one hideous and monstrous fact that is the cause of the distress in Puerto Rico. We will have it here after a while. It is on the gradual ascendency in this country, and our people in times to come will feel the burden of the same outrage and calamity. But it is enough to deal with it here now. Here are the facts stated authentically by Governor Davis, and in all the debates that have gone on and in all the investigations of the committee not one word has been said in regard to this terrific burden of debt resting upon the island of Puerto Rico. All this clamor about tariffs and duties and the like of that comes more from the men who absorb these crops under these mortgages than it does from the poor laboring wretches who go about barefooted and hunt their way through pathless forests to the field of labor. That is the truth about it. We had better look into this subject a little bit more narrowly than we have been doing before, and with a better and keener eye to actual human relief and justice.

Now we come to their financial condition. Here are the pesetas, the small coins of small Puerto Rico, and the peso, the larger coin, corresponding to our dollar, which, under the laws of Spain, are legal tender for debt. The debts in Puerto Rico have been contracted with reference to this very currency. When we have gone there we have not altered the legal-tender laws. There has been no change in the legal-tender laws of Puerto Rico. A peon can buy his food and a debtor can pay a debt in Puerto Rico to-day in the currency that we found there when we took possession of the island—legal-tender silver currency. Our coins have gone in there, and the merchants have priced them at 45 to 50 per cent above the nominal value of the Spanish coins—that is to say, a Spanish peso, which represents an ounce of silver, $1, is worth at the counter of the merchant or banker in Puerto Rico 45 or 50 cents. That is where we find it.

We propose to change that in Puerto Rico and to give them a substituted currency; and what do we do with those people? We say to them, we will raise the price from 45 or 50 cents on the dollar to 60 cents on the dollar, and we will give you 60 cents on the dollar in American silver coin for your peso. That is what we propose to do. We will make that much speculation out of you. This bill also requires that that bullion, when received, shall be coined into coins of the United States, thereby becoming legal-tender coin of value equal to the value of gold. We say, then, to the Puerto Ricans, "We will take your coins at 60 cents, and we will coin them into a dollar, and we will give you 60 cents for this coin in legal-tender money of the United States."

We make 40 per cent off the Puerto Ricans, off this poor, wretched, debt-ridden, miserable, starving country down there, and this bill, with a shameless effrontery, brings that measure before the Senate of the United States and the people of this country, and asks us to adopt it. We can not afford to do it. It is not a benefaction to those people to say to them, "We will take your money at 60 cents," when they can send it to Spain and get a dollar for it. Can they send it to Spain? Yes, sir; they can; but they can starve while it is absent from the island. We are compelling those people to exchange their silver bullion, their pesos, which are legal tender now in Puerto Rico, for 60 cents of legal-tender

money of the United States, the Government of the United States covering the balance of it into the Treasury.

Now, I do not think that that is dealing fairly with these people. If we intend to buy their coin and force them, as I think they ought to be forced, to take American coins into that island to supplant and eject Spanish coins, let us pay a hundred cents on the dollar for it, because that is what we make out of it. We get an ounce of silver, nine-tenths fine, in every one of these pesos, and we convert it into a legal-tender dollar, and the man in Puerto Rico who has to give it up under our laws ought to be entitled to his dollar back. Can we take from these people, poor as they are represented to be, this 40 cents in every dollar and put it into the Treasury of the United States, and go home and go to bed and sleep with our own consciences? You can not do it, Mr. President. If we take that money at all, we ought to pay to them what it is worth to them under their legal-tender laws, and we ought to take what that ounce of silver is worth in the United States when it is coined into a standard coin, nine-tenths fine, and made a legal-tender dollar here. There can not be a more cruel injustice practiced upon a people than just that, and it is done in the name and under the guise of magnanimity.

Mr. JONES of Arkansas. I hope the Senator from Ohio will accept the amendment proposed by the Senator from Alabama.

Mr. FORAKER. I can not do so.

Mr. JONES of Arkansas. The silver money that the people in this island have has been coined under the law under which they live, at a ratio, I suppose, of 15½ to 1. I think that is the ratio. Now, we propose to change it to a ratio of 16 to 1, which will be a loss of 3 per cent to them, or more than that; and as they are living under the law, they having accepted their coin under the law, it does seem to me to be grossly unfair for the Government of the United States to compel those people to have that coin changed into another coin at a loss of 40 per cent of its value. We ought to allow those people to bring their silver to this country and have it changed into American coin without loss to them. If they bring a peso here and take it to the mints and have it coined and given back to them, they ought to have it all. There ought to be no charge to them to have the silver coin circulating amongst them converted into the coin of the United States. It is to our interest to have that done. We believe it is to their interest to have it done. It is just and fair, and I hope the committee will agree to the amendment. It is so perfectly just that it seems to me it ought not to be objected to by anybody.

Mr. BACON. Mr. President, I do not wish to detain the Senate, but I think the fact ought to be clearly recognized that these unfortunate people will absolutely lose 40 per cent of the money value of the present coin, and I can not see what public policy requires that we should make them suffer such a sacrifice. If the proposition were one which largely increased the volume of silver money, I might understand that those who are opposed to such increase would think that this sacrifice on the part of the people was required in order to prevent what, in their estimation, would be a great public evil; but the amount is very small. It would be inappreciable, in comparison with the volume of money in this country, if all the silver in Puerto Rico were brought to this country and kept here.

If it is an absolute fact that it will destroy 40 per cent of the money of these poverty-stricken people, these people in such distress that we have absolutely appropriated here more than $2,000,000 for their relief, I think there must certainly be some reason for it. There must be some ground on which such action is based. Not only so, but it not only destroys 40 per cent of their money, but we take that 40 per cent ourselves and put it into our Treasury. We destroy in their hands 40 per cent of their money; and we not only destroy it in their hands, but we keep it alive in our own hands and put it into our Treasury. If that is not so, I should like for the Senator from Ohio to explain wherein I am incorrect; and if it is so, I am sure the committee must have some good reason for it, and I think it ought to be spread upon the records of the country if there is a reason for it to justify the action, because, unless there is a reason for it, it certainly must meet with condemnation.

Mr. FORAKER. Mr. President, the truth is that, as I understand it, it is not so, to employ the language of the Senator from Georgia.

Mr. BACON. I hope the Senator from Ohio is correct.

Mr. FORAKER. The peso and other Puerto Rican coins that are in circulation in Puerto Rico are not passing as our coins pass there, with the legal-tender quality and the credit of the United States behind them, the equal of gold coins.

Mr. MORGAN. They are legal tender in Puerto Rico for debt.

Mr. FORAKER. Yes; but they are worth about 43 to 45 cents in our money in Puerto Rico.

Mr. MORGAN. In the payment of debts?

Mr. FORAKER. That is to say, 45 to 50 cents of American coin will buy as much as the Puerto Rican peso will buy.

Mr. MORGAN. We understand that, but I am speaking of paying debts. Can you not pay a dollar of debt with a peso?

Mr. LODGE. No.

Mr. FORAKER. No.

Mr. MORGAN. How much can you pay?

Mr. FORAKER. Sixty per cent of what an American dollar will pay, and no more.

Mr. BACON. Because of the order of the President.

Mr. FORAKER. Not because of the order of the President. I will say but for the order of the President you could not pay with a Puerto Rican coin more than 45 per cent of what you could pay with an American dollar. I have before me the report of General Davis and desire to read from it.

Mr. MORGAN. I desire to be informed about this matter.

Mr. FORAKER. I was about to read from this report for that purpose.

Mr. MORGAN. Had not the Puerto Rican debtor, under the laws that stood at the time we acquired the island, the right to pay a dollar of debt with a peso?

Mr. FORAKER. He could pay a peso of debt with a peso, but when we went in with our coins you could pay two pesos of debt with one American dollar.

Mr. MORGAN. I am not speaking of the American dollar; I am speaking of the peso.

Mr. FORAKER. You could do it to-day except only for the President's order, which has given to the peso 60 per cent instead of about 50 per cent of value, which it had before.

Mr. MORGAN. I will not interrupt the Senator further, but I will answer him.

Mr. FORAKER. I read from General Davis's report to the War Department under date of September 30, 1899, at page 31, where he says:

> The relative value of the peso to the silver dollar—bullion value—is stated by the Secretary of the Treasury to be as 93.5 to 100. The undersigned is not advised as to the present market value of silver, but this is supposed to be such as to make the bullion value of the United States dollar about 43 cents, which would give the peso a similar value of about 40 cents.

I saw a statement somewhere recently that the present market value of silver was such as to give to the silver in the peso a value of about 45 to 48 cents in our money. Whichever it may be, it is less than 50 cents. It is true that we propose to take their silver in exchange for our dollars at the rate mentioned—60 cents of our money for a peso—and we propose to recoin that in the manner provided in the bill, and it is true that after we recoin it and put our stamp on it, it will have the value that Senators have alluded to.

But we are not taking anything from the Puerto Ricans in giving that value to their recoined pesos. We are simply putting behind that silver the credit of this Government; something we have, but something they have not. We are not depriving them of anything, but in giving them 60 cents for each peso we are giving them at least 10 cents in our money more than the silver in the peso is worth in the market as bullion or in the market as money with which to pay for goods.

So the talk about our working some hardship is to my mind entirely unwarranted by anything that is connected with the facts in the case. I do not know of any Puerto Rican who is making any complaint about it. I have not heard of any exception on the part of anybody. On the contrary, I have heard that everybody in Puerto Rico is well pleased with the idea that we are to allow them 60 cents of our money for what in their money, as compared with ours, is worth less than 50 cents.

Mr. BACON. I should like to ask the Senator from Ohio a question, if he will permit me.

Mr. FORAKER. Certainly.

Mr. BACON. I will not pursue the argument suggested by the Senator, although probably before the discussion is over there will be a reply to what he has said. I wish to ask him a question right in this connection. It is true, I suppose, regardless of what may be the value of the Puerto Rican coin as estimated in our own coin, that when that silver is brought here and coined into American money it will not make 60 per cent of a legal-tender dollar, but it will make a 100 per cent legal-tender dollar.

Mr. FORAKER. That is substantially true.

Mr. BACON. Under this bill a party who brings to the mint here a hundred dollars' worth of silver, estimated at its coining capacity, will get back 60 legal-tender dollars. I wish to know of the Senator what will become of the $40 under this bill?

Mr. FORAKER. As I said a moment ago, if there be 40 per cent of value added, it is because we have put our credit behind it to that extent.

Mr. BACON. I am not talking about the reason.

Mr. FORAKER. We have given to it something they did not have. Nobody is required to bring his peso in and have it exchanged. This is a privilege which we propose to confer upon them. If they do not see fit to avail themselves of it, they do not need to.

Mr. BACON. I understand that fully.

Mr. FORAKER. We are not compelling anybody to exchange the coins.

Mr. BACON. Is it the purpose of this bill that those who do avail themselves of this provision shall leave in the Treasury of the United States, without other consideration than the fact of coining it by the United States, $40 out of every hundred dollars coined out of that man's silver?

Mr. FORAKER. If we take the silver bullion, treating it as bullion, and coin it into dollars, of course it has as money the increased value of which the Senator speaks. But that does not belong to the Puerto Rican.

Mr. BACON. The $40 is to go into the Treasury of the United States.

Mr. FORAKER. It goes to the United States, of course, because it belongs to the United States. It does not belong to the Puerto Rican. We give him not only full value for all he owns, but we give him more than full value. We do not compel him to sell it. We simply hold out to him the privilege of having his silver money coined into our money, if he wants it, at a fixed price, which we name. That is all. He does not have to have his money changed, but we propose to give him an opportunity to do so. As to the benefit of the transaction, I will speak of that presently.

Mr. McCOMAS. Mr. President, I am surprised that there should be this difference and discussion. The distinguished Senators seem to think, in the discussion with the chairman in charge of the bill, that somebody somewhere is injured and the United States somehow has profited. The suggestion is original and primary here. The commissioner examined, and his report is full, and reported to the President, the Governor-General of Puerto Rico so reported and testified before the two committees of Congress, and every person, native or resident in the island, who testified said not only that this ratio of exchange of coins to put the people upon the permanent and stable currency of our country is just and adequate, but uniformly testified that it is most liberal to the people of Puerto Rico, and the people of Puerto Rico who were interrogated on that subject were quite pleased and uniformly assented to the proposition.

The distinguished Senator from Georgia [Mr. BACON] seems to be troubled about some 40 per cent, as if there were a Puerto Rican dollar, denominated a peso, which, by section 10, is to become depreciated in value 40 per cent. The peso has a distinctive value in co-relation with our own currency. Those who are connected with our customs, those who are concerned in the trade, those who made reports to the Executive, and those who have testified are unanimous in the agreement—there is no exception—that this is a wise, just, and liberal provision. Nobody makes anything by it except the people of Puerto Rico, and I think the testimony will show that according to the exchange of pesos in the last couple of years from Puerto Rico, in foreign trade, in the payment of debts, under this proposition the citizens of Puerto Rico would make a fraction in the advantage of the exchange. There is a proviso here "that all debts owing on the date when this act shall take effect shall be payable in the coins of Puerto Rico now in circulation or in the coins of the United States at the rate of exchange above named." It leaves open, in that relation, to the debtor——

Mr. BACON. Will the Senator from Maryland permit me to ask him a question?

Mr. McCOMAS. Certainly.

Mr. BACON. Of course we all understand that the silver is scattered all through the island, in the pockets of the people. The question I wish to ask the Senator is this: If this bill provided that the party who brought Puerto Rican silver to the United States mint to be coined should receive the full coining value of that silver, would it not raise the value of every silver coin in the pocket of every poor Puerto Rican 40 per cent over what it now is?

Mr. McCOMAS. I think not, Mr. President. The uniform testimony of everybody is that in foreign exchange and domestic contract and payment of obligations the rate of 60 per cent is liberal and overliberal in the adjustment. If the Senator from Georgia is asking me what is the equivalent face value of a peso, according to its legal definition in Spain and in Puerto Rico, the amount may or may not be a little in excess of 60 per cent. But my point is that everybody who deals in Puerto Rico, every government functionary, all the people there think this is a most wise and liberal provision for them. And why should the proposition thus vex the soul of the Senator from Georgia, if everybody concerned says it is liberal to them?

Mr. BACON. The Senator will pardon me. He has not answered my question, and I think there can be but one answer to it. Regardless of what may be the present exchangeable value of Puerto Rican silver, so soon as the bill passes by which all Puerto Rican silver can be coined into American standard legal-tender dollars, of course that bullion is worth a hundred cents on the dollar.

Mr. McCOMAS. Of course. Why?

Mr. BACON. Pardon me. And necessarily it must be true, as suggested by me in the question I asked of the Senator, that when a law is thus passed it will increase the value of the silver coin in the pocket of every poverty-stricken Puerto Rican up to the value of 100 cents on the dollar, whereas under this bill it would be only 60 cents on the dollar. So that those people, whom we are so anxious to befriend and to be benevolent to, stand in this position, that by the passage of a law we can make their money worth in their pockets to-day 60 cents on the dollar or we can make it worth 100 cents on the dollar; and we assume to determine to make it worth 60 cents instead of 100 cents. That is all there is in it; and all the inducement there can be to us to do otherwise is that we ourselves will put 40 per cent of it into our own pockets.

Mr. McCOMAS. The distinguished Senator from Georgia, I suppose, calls that a question. I think the first member of his argument was a question, but certainly the remainder of it was not. As to the peso at an exchange value of 60 cents being convertible into our dollar, they do receive the full value and the added value, because the President's order has fixed the value in that island above the real value, as was stated by the chairman of the committee, the Senator from Ohio; but my purpose, Mr. President, in seeking the recognition of the Chair was to make a suggestion to the chairman of the committee, the Senator from Ohio, and if he will allow me to turn back to page 4, lines 10 to 12—and I ask the attention of the chairman of the committee, the Senator from Ohio——

Mr. FORAKER. I am looking at it in the bill.

Mr. McCOMAS. In lines 10, 11, and 12, on page 4, I want to suggest to the chairman whether he had not better, between now and to-morrow morning, make a slight change in the language. I would suggest that it should read, "That whenever the legislative assembly of Puerto Rico shall have enacted a local law to provide for the support of the government of Puerto Rico by this act established," etc., the President shall proclaim.

Mr. FORAKER. I trust the Senator will not ask us to go back to that now. I am trying to get the amendments disposed of in their order; but I will take into consideration the point suggested by the Senator, if there is a point in it.

Mr. McCOMAS. I will make my suggestion. I shall not ask to go back now, but I will suggest, under the well-recognized law on that subject, the language as it now is might be construed to leave a discretion to legislate elsewhere, either in the President or in the legislature of Puerto Rico. In the case of Field *vs.* Clark, in 143 United States Reports, it was there held, in respect of the President's proclamation as to reciprocity by a majority of the court, the Chief Justice and one other dissenting, that because in that act the President was simply to proclaim a fact when he ascertained it, and then to proclaim the cessation of certain duties, there was no discretion or legislative power. In looking at this language it seems to provide that the President may make a proclamation when "the legislative assembly of Puerto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Puerto Rico by this act established." It is a discretion——

Mr. SPOONER. That is not all.

Mr. McCOMAS. "And shall by resolution duly passed," etc. But it seems to me, to avoid any trouble, it will suffice if the legislature of Puerto Rico shall enact a local law to provide for the support of that government. That is an act which can be made known to the President, whether it does meet the necessities, or whether, indeed, it be intended to meet the necessities. It seems simpler, to guard against the danger of saying that either the legislature of Puerto Rico or the President may legislate, to use the simple phrase "That whenever the legislative assembly of Puerto Rico shall have enacted a local law to provide for the support of the government hereby established," whether it falls short or is in excess of the support and maintenance of that government, and upon the ascertainment by the President that the act has been passed simply for that purpose, and they have resolved that he shall be so informed, he shall then proclaim, and the features of this section shall be noneffective.

I only suggest that point; I will not now make a motion; but it seems to me the language will be beyond cavil if we simply say that when they pass an act, a local law, for the support of the local government intended to be established by this act, and they shall by resolution notify the President that they have passed such an act, that thereupon he shall make proclamation, and under the ruling of the majority of the Supreme Court in Field *vs.* Clark the statute would be safe from the objection either that the President legislates or that the assembly of Puerto Rico legislates.

I suggest to the chairman whether the language I have suggested will not be an improvement in that direction. I merely wish now to bring it to his attention.

Mr. FORAKER. I will say to the Senator that I have given that matter consideration before, but I will again take it up, in

view of what the Senator has stated, to see whether there is any trouble about it. There is not at present.

Mr. MORGAN. I was unable to get the Senator from Ohio to make a statement, which I hoped he would be able to make, as to whether or not the pesos were a legal tender for debts in Puerto Rico at the time we acquired the islands.

Mr. FORAKER. Is the Senator informed about that?

Mr. MORGAN. I am not; but I have always believed that the pesos were legal-tender money.

Mr. FORAKER. I am of the opinion that they were; but they were worth, although a legal tender in the payment of debts, only the ratio indicated.

Mr. MORGAN. Oh, no.

Mr. FORAKER. By the rate of exchange provided.

Mr. MORGAN. Oh, no; no government in the world ever provided that the money that it coined should be a legal tender at the commercial ratio as between that and gold.

Mr. FORAKER. I did not say that. What I said was that that money was never at any time since we have had anything to do with Puerto Rico at any greater value when compared with our money, nor as great as the rate of exchange established by Executive order.

Mr. MORGAN. I understand that perfectly; but the poor Puerto Rican can go and pay his debt of a hundred dollars with a hundred pesos; and he can do that, notwithstanding the commercial value may be only 40 cents on the dollar.

Mr. FORAKER. Or he can do it with $60 of American money.

Mr. MORGAN. He can not, because the American money is not legal-tender money there, unless it has been made so by some military law.

Mr. FORAKER. It is to be made so by the provisions of this proposed act. This act explicitly provides for that.

Mr. MORGAN. I am speaking of what exists there now, and not what will exist.

Mr. FORAKER. What exists there now, if the Senator will allow me, we are not responsible for.

Mr. MORGAN. We are.

Mr. FORAKER. Well, in a certain sense we are, of course.

Mr. MORGAN. In every sense we are.

Mr. FORAKER. We went there upon our own motion; but I mean we did not put that money there, or give it the value that it has.

Mr. MORGAN. I do not propose to detain the Senate more than three or four minutes; but I want to put in the RECORD this evening, so that Senators can see it, the statement in the report made by General Davis. He says:

It is impossible to ascertain more than approximately what is now the volume of the circulating medium. Some light is thrown upon this by Mr. Carlos Soler, the subdirector of the Banco Español de Puerto Rico, whose letter dated August 10, 1898, will be found in the appendix. He estimates the amount of provincial silver placed in circulation at 6,576,000 pesos, and the copper at 70,000 pesos, giving a total of 6,646,000 pesos. Disregarding the gold noted in Mr. Coll y Toste's statement, it would appear that Mr. Soler's total exceeds the other by about 149,000 pesos.

Respecting the volume of this Puerto Rican coinage remaining in circulation at this time, no better information is at hand than that contained in Mr. Soler's letter, cited above. It will be seen that he places the silver at 5,875,000 pesos, and the copper at 45,000 pesos, giving a total of 5,920,000 pesos. He also states that the estimated sum of 600,000 pesos has been sent or taken out of the country by the returning Spanish troops and private individuals; but as this silver peso is worth in Puerto Rico about 20 cents more than anywhere else, it is safe to assume that it will all drift back here in time, and therefore it should be taken into account in any study of the currency of this island.

As respects the volume of American money now circulating, it is impossible to furnish a satisfactory estimate.

I just want to add one statement which I believe to be a fact. The larger part of the money in Puerto Rico must be in the hands of the laboring population. The men who came here to testify before this committee were doubtless men who had influential relations in Puerto Rico and probably were moneyed men there. Let us get hold of these poor working people down there and find out what will be the effect upon them.

Pass this bill, and they will sell their dollars that they work for at 40 cents on the dollar to the men who came here to have these laws passed and men like them. Then those men will sell them to the United States for 60 cents on the dollar, making 20 cents on the dollar. The United States will then coin them into silver legal-tender dollars and pay for them in those very dollars, or in dollars like them, making a profit of 40 cents. So that the profit of 60 cents on the dollar that will be earned amongst them will come out of the laborer. It goes first into the pockets of the usurers, who have mortgages upon property at 24 per cent per annum, and 40 per cent of it goes into the hands of the United States Government. I am willing to let the argument rest there.

Mr. FORAKER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 30, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 29, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROSIUS, for one week, on account of important business.

HOUSE BILLS WITH SENATE AMENDMENTS.

The SPEAKER laid before the House the following House bills with Senate amendments.

The amendments of the Senate were severally read.

On motion of Mr. SULLOWAY, the amendments were concurred in.

A bill (H. R. 1763) granting a pension to Ella F. Sydnor;

A bill (H. R. 3012) granting a pension to Sarah Claggett;

A bill (H. R. 6700) granting an increase of pension to Maria Andrews;

A bill (H. R. 3538) granting an increase of pension to Charles Ross;

A bill (H. R. 470) granting a pension to Jane Dykes;

A bill (H. R. 6701) granting a pension to Serelda C. McGrew; and

A bill (H. R. 2597) granting an increase of pension to Charles Kauffung.

JOSEPH BACIGALUPPI.

The SPEAKER also laid before the House the bill (H. R. 5139) for the relief of Joseph Bacigaluppi, with Senate amendments; which were read.

Mr. JENKINS. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MINNESOTA AND MANITOBA RAILROAD COMPANY.

Mr. EDDY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 8876) granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation, in Minnesota.

The bill was read at length.

The amendments recommended by the Committee on Indian Affairs were read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDOX. Mr. Speaker, I would like to ask the gentleman a question or two before consent is given.

Mr. EDDY. I did not hear the gentleman.

Mr. MADDOX. Is this bill reported by the Committee on Indian Affairs?

Mr. EDDY. Yes, sir.

Mr. MADDOX. Unanimously?

Mr. EDDY. I will say to the gentleman from Georgia that the ceded portion of the Red Lake Indian Reservation——

The SPEAKER. The gentleman will suspend until order is obtained.

Mr. MADDOX. I want to inquire of the gentleman from Minnesota if the bill was reported unanimously from the committee?

Mr. EDDY. Yes.

Mr. MADDOX. The Committee on Indian Affairs?

Mr. EDDY. The Committee on Indian Affairs.

Mr. MADDOX. It is a long bill——

Mr. EDDY. If the gentleman from Georgia will permit, I will say the ceded portion of the Red Lake Indian Reservation occupies a peculiar legal status. As the gentleman is aware, there is a general law providing for a right of way across the public domain of the United States; there is also a general law providing for a right of way across Indian reservations, which passed in 1899. When this Minnesota and Manitoba Railroad reached the western boundary of the ceded portion, they applied to the Secretary of the Interior, under the law of 1875, for a right of way across this ceded portion, supposing it was public domain. They decided that it was not under their jurisdiction; that it was not public land; consequently they turned the matter over to the Indian Office, and they decided that it did not come under the law of 1899, because it was not an Indian reservation; and so the Department advised that a special bill be drawn to cover this particular case. The bill was drawn by the Department, amended by the Department, and unanimously reported by the Committee on Indian Affairs.

Mr. RICHARDSON. I would like to ask the gentleman respecting the amendments. I could not catch them exactly as they were read. I had not a copy of the bill before me. What is the effect of those amendments? Are they committee amendments?

Mr. EDDY. They are committee amendments, proposed by the Indian Office.

Mr. CURTIS. They are Department amendments.
Mr. EDDY. They are Department amendments.
Mr. RICHARDSON. But amendments recommended also by the committee?
Mr. EDDY. Yes, sir.
The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.
The amendments were agreed to.
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.
On motion of Mr. EDDY, a motion to reconsider the vote by which the bill was passed was laid on the table.

NORTHERN DISTRICT OF NEW YORK.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes.
The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill which the Clerk will report.
The Clerk read the bill at length.
Mr. BARTLETT. Mr. Speaker, I have been listening to the reading of this bill, and it shows the importance of listening to it, and I call for the regular order.
Mr. PAYNE. I hope the gentleman will not object.
The SPEAKER. Objection is made, and the regular order is demanded.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.
The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERMAN in the chair, for the further consideration of the Army appropriation bill.
The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of an appropriation bill the title to which the Clerk will report.
The Clerk read as follows:

A bill (H. R. 8582) making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901.

Mr. McRAE. Mr. Chairman, I want to ask unanimous consent to go back to a paragraph passed on yesterday, and I would like to make a statement as to why I do it.
The CHAIRMAN. What was the statement of the gentleman from Arkansas?
Mr. McRAE. I ask unanimous consent to return to a paragraph that was amended yesterday, preparatory to submitting a request.
The CHAIRMAN. Will the gentleman state what the paragraph is?
Mr. McRAE. It is a paragraph giving the 20 per cent to enlisted men and 10 per cent to officers.
The CHAIRMAN. On what page?
Mr. McRAE. On page 14, beginning with line 12. I want to make a statement first.
The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to return to line 12, page 14.
Mr. HULL. I object, Mr. Chairman. I want to get through with this bill first. I do not object to the gentleman making a statement.
Mr. McRAE. If I can not convince the gentleman from Iowa——
The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that he may make a statement.
Mr. McRAE. If the gentleman from Iowa will give me his attention——
The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to return to page 14, line 12, for the purpose of making a statement in reference thereto.
Mr. McRAE. Preparatory to submitting a request.
The CHAIRMAN. Preparatory to submitting a further request. Is there objection? [After a pause.] The Chair hears none.
Mr. McRAE. I think if the gentleman from Iowa will give me his attention I can show him that we did on yesterday what we did not desire to, and what I would not have consented to if I had known the full purport of the amendment of the gentleman from Virginia. The paragraph as amended would read as follows:

For additional 20 per cent of pay of enlisted men $4,524,000: *Provided*, That hereafter the pay of all officers and enlisted men serving in Puerto Rico, Cuba, the Philippine Islands, and Hawaii shall be increased 10 per cent for officers and 30 per cent for enlisted men.

Now, before this paragraph was finally amended, the gentleman from Iowa stated that this increased compensation only applied to times of war. I knew that to be the law. Now, we have made it, with the amendment offered by the gentleman from Virginia, to apply to Puerto Rico, Cuba, and to Alaska, when in fact it ought only to apply to the Philippines, where there is an insurrection, or war, as you may be pleased to call it.
It seems to me that we can not justify giving an increased compensation to people in Puerto Rico when we do not give it to soldiers at Tampa or in any other part of the United States where the duties are just as arduous, and I hope the gentleman will consent to return to that paragraph for the purpose of giving just exactly what he said was intended, and he said it before the amendment was finally adopted. This extra compensation was originally intended to apply to those engaged in warfare. That is as far as we should go.
Mr. HULL. I am not willing, Mr. Chairman, to go back now. But in my opening speech last Monday, I called specific attention to this provision, and explained it at some length. I want to say that the gentleman from Virginia offered his amendment after consultation with—I do not know how many members of the committee, and I had no objection to it; but the question of Puerto Rico and Cuba and the Philippines for the next year presents this additional complication as to the officers and men serving there: The officers have no quarters and no commutation of quarters in many of the cities.
It costs them more than 10 per cent in their forfeiture of commutation of quarters, which it has been held they are not entitled to. The expenses of supporting their families at home continue while they are supporting themselves abroad. I know of some officers, having no means for their support except their salaries, who have made special requests to be ordered home for the reason that they are constantly getting behind in their expenses, being obliged to support their families at home and at the same time meet their expenses abroad, their salaries being insufficient to cover both. I think the provision is a very mild one. As to whether it should extend to all these islands, the gentleman from Virginia has made an investigation. For the purpose of expediting the bill I object, at least now, to going back.
Mr. McRAE. I made two efforts to get the paragraph as amended read on yesterday, but could not. I supposed after the statement of the gentleman that the provision applied only to places where actual war or insurrection existed. If it is the gentleman's idea that in time of peace we should give 20 per cent additional to the enlisted men and 10 per cent to officers, then the bill as amended will accomplish that.
Mr. HULL. My opinion is that until there is a radical change of conditions in those islands the extra pay ought to be allowed; and even then it does not equalize the pay with what they received before the war.
Mr. McRAE. But there is no such condition, as I understand, applying to Alaska or Hawaii.
Mr. HULL. The committee for the last three years have been trying to get in an amendment giving extra pay to the men in the military service in Alaska; for we all know that living is more costly there than anywhere else.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CANNON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendment bill of the following title in which the concurrence of the House of Representatives was requested:
H. R. 4001. An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.
The message also announced that the Senate had passed joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:
S. R. 103. Joint resolution providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature; and
S. R. 86. Joint resolution for the printing of English interpretation of foreign terms as to weights, measures, and so forth, occurring in Government publications.
The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:
Senate concurrent resolution 39:

Resolved by the Senate (the House of Representatives concurring), That upon receipt of information by them that any officer, soldier, marine, or seaman in the Army or Navy of the United States has been wounded, the Secretary of War or the Secretary of the Navy, as the case may be, shall, from time to time, at the expense of the United States, keep the family of such officer, soldier, marine, or seaman seasonably advised of his condition.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901.

ARMY APPROPRIATION BILL.

The committee resumed its sitting.

The Clerk, resuming the reading of the bill, read as follows:

Incidental expenses: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and to enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Army, who have died, or may hereafter die, while in the employment of the War Department in Cuba, Puerto Rico, and the Philippines; and that in all cases where they would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed what is now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men of what is now allowed in their cases may be paid out of the proper funds appropriated by this act, and that the disbursing officers shall be credited with such reimbursement heretofore made; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters and the expenses incident to their pursuit, and no greater sum than $50 for each deserter shall, in the discretion of the Secretary of War, be paid to any officer or citizen for such services and expenses; for a donation of $5 to each dishonorably discharged prisoner upon his release from confinement under court-martial sentence involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmiths' tools and materials, horseshoes and blacksmiths' tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other department, $2,400,000: *Provided*, That such sum as may be necessary to return bodies of civilian employees of the Army as provided in this act shall be immediately available.

Mr. HULL. The committee instructed me to move to strike out, on page 19, all after the word "soldier," in line 3, down to and including the last part of the word "Philippines" in line 8; and it is intended to offer at the close of the section a further amendment, which has been submitted by the Quartermaster-General as covering what the committee desire to do more fully than the amendment which we originally incorporated in the bill. If the amendment I first stated shall prevail, I shall move to insert at the close of the section, striking out the proviso which now closes it, the following:

To enable the Secretary of War in his discretion to cause to be transported to their homes the remains of civilian employees of the Army who have died or may hereafter die while in the employ of the War Department in Cuba, Puerto Rico, Hawaii, and the Philippines, including the remains of any honorably discharged soldiers who are entitled under the terms of their discharge to return transportation on Government transports and who die while on said transports, the sum of $100,000, which is hereby made available for the above purposes as long as it may be required.

Mr. McRAE. I will ask the gentleman whether that is not done now?

Mr. HULL. No; it is not. So far as discharged soldiers are concerned, they are now being sent back; but if they die on transports, there is no provision for continuing their transportation after they have died, and they are buried at sea. This proposed amendment removes that objection and is better than the provision originally inserted by the committee, because it provides for returning the bodies of all who die on transports on their way home.

Mr. McRAE. Then, as I understand, lawful provision is already made for returning the bodies of those who die in service, but not of those who die on transports, and this is intended to reach the latter cases.

Mr. HULL. This provides for sending home the bodies of those who die on transports.

By the construction of the present law it has been held that when a man dies on a transport there is no authority for bringing his remains home. In this proposed amendment we provide for the return of all our soldiers who die on transports. They are now bringing back the remains of those who die on the islands.

Mr. McRAE. Have they not been doing that?

Mr. HULL. They have; and this gives additional authority. There is now no authority to return the bodies of civilian employees of the Government who die there. The gentleman from Illinois [Mr. JETT] brought this matter to the attention of the committee, and they agreed that the provision was very proper.

Mr. McRAE. I make no objection to the provision. I think the bodies should be returned to their families at the expense of the Government. I simply wanted to know whether what it proposes is not done now; and if so, why this authority.

Mr. HULL. This is in addition to what is done now.

Mr. BOREING. Mr. Chairman, I desire to call the attention of the committee to a case of this kind which recently occurred in my district. A soldier was discharged while in Cuba. His discharge came to him while he was in the hospital, not able to travel, and he died there. We applied for transportation and it was denied on the ground that he was a civilian, having been discharged from the Army, and that there was no provision by which his remains could be transported to this country. Will the amendment provide for cases of that kind?

Mr. JETT. I will say to the gentleman that it would.

Mr. BOREING. Then by all means the amendment should pass.

Mr. FITZGERALD of Massachusetts. I should like to ask the chairman of the Committee on Military Affairs if there is not a regulation of the War Department at the present time which allows the family or legal representatives of a deceased enlisted man $35 for burial expenses and the family or legal representatives of an officer $100?

I should also like to ask if the Comptroller of the Treasury has not ruled that where bodies have been taken and thrown into a trench upon a battlefield in Cuba or the Philippines, in some cases seven or eight bodies being thrown into the same grave, that this was a burial by the United States Government, and that therefore the families of the deceased soldier, or the family of the deceased officer, have been denied this money?

Mr. HULL. Mr. Chairman, I do not know what the Comptroller of the Treasury has done in regard to the matter. We have had nothing before the committee on that subject at all.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I desire to say to the chairman of the Committee on Military Affairs, who I think is very anxious to do everything that is proper and right for the family of the private soldier and the officer, that that is a fact. It was reported in all the papers of the country, and a transcript of the Comptroller's decision was given.

This being the case, it seems to me that the matter ought to be remedied, because there have been numberless cases occurring every day where claims for this money are thrown out.

The bodies have been sent to the families of the deceased soldiers, and when they arrived at the homes of the soldiers, and after burial, their families were deprived of the $35 which was supposed to be available from the Government for the burial.

If there is no objection on the part of the chairman of the committee, I will ask that this amendment be incorporated in the bill: "That in the case of any officer $100 is hereby appropriated to the family or legal representative, and in the case of an enlisted man, $35 is hereby appropriated, irrespective of any moneys expended by the Government."

Mr. HULL. I object to that.

Mr. FITZGERALD of Massachusetts. If that is the law, it seems to me that we ought to place it beyond the power of the Comptroller of the Treasury, by any decision such as I have indicated here, to prevent the proper persons from receiving the money to be applied to burial expenses. The Comptroller of the Treasury holds that when a body is thrown into a trench five minutes after the man is killed, that is a burial.

Mr. DENNY. Why does the gentleman from Massachusetts in his proposed amendment make this discrimination between the officer and the enlisted man?

Mr. FITZGERALD of Massachusetts. Because the existing regulation of the War Department makes this distinction now, and I am compelled to follow out this language.

Mr. HULL. I shall have to raise the point of order to the gentleman's proposed amendment.

Mr. FITZGERALD of Massachusetts. If there is a law or regulation in existence, let us see that it is enforced, and not let it be subject to the whim of the Comptroller.

I desire to say upon the floor at the present time that there are thousands of cases held up by the Comptroller of the Treasury of claims resulting from the Spanish-American war where soldiers have been deprived of their rights and their just dues; and it seems to me that if we are going to have a law, we ought to insist upon its being enforced.

Mr. HULL. Mr. Chairman, I must raise the point of order on the amendment of the gentleman; and I want to say that my reason for doing that is that almost daily the Government is now bringing the remains of soldiers back to their homes. When they deliver them to the family at the place where they live, the remains are turned over to the family to be buried in their private burying ground; and there is no reason that I can see why, after the Government goes to the expense of returning the remains and putting them in the hands of relatives and friends, that the Government should then make an indiscriminate allowance of a hundred dollars for each officer and $35 for each enlisted man. In my country, at least, if it should ever occur in the future that a soldier's family was unable to bury him, the patriotic people of that locality will see that he has a soldier's burial.

Mr. Chairman, this opens up an entirely new line, one that is entirely new to the committee. The amendment proposed here simply enlarges the scope of what is now being done. Within the

last thirty days one of the soldiers killed at Manila was brought to my home in Des Moines and buried there, and other soldiers' remains are being brought home in the same way; so that the gentleman's object can be only this, that after the Government has disinterred the remains, after it has furnished a hermetically-sealed casket, to return the remains to this country—a thing that it does in every case—after it has transported the remains to the place of enlistment, or where the family of the soldier reside; after it has turned the remains over to the family and friends, that then the Government, regardless of the circumstances, whether the people are poor or rich, shall give to the heirs or family of every enlisted man $35 and to the heirs or family of every officer $100, I am not in favor of that, and I insist on the point of order.

Mr. MANN and Mr. FITZGERALD of Massachusetts adressed the Chair.

The CHAIRMAN. The Chair will first recognize the gentleman from Massachusetts, and after that the gentleman from Illinois.

Mr. FITZGERALD of Massachusetts. I should like to state, in answer to the gentleman from Iowa, that the families of dead soldiers should not be compelled to look for charity in this matter of burial.

Yesterday we listened to a grand appeal from the gentleman from Illinois [Mr. CANNON] in regard to the liberality of the United States Government in providing such excellent quarters for the officers on the transports. The gentleman from New York [Mr. DRIGGS] instanced the fact that $8,000 has been paid for a silver service, so that the officers could be provided with extravagant furnishings on these transports.

Now, Mr. Chairman, I call the attention of the House to the fact that there is at the present time a regulation in existence in the War Department by which some of the families of deceased soldiers get $35 and some of the families of officers get $100, but the Comptroller of the Treasury has ruled that in the cases of men killed in battle, who have been buried in a trench, the families of those men can not get the money, and it is to remove that inconsistency that I wish the amendment, which I have presented at the Clerk's desk, incorporated into law.

Mr. WILLIAMS of Mississippi. Do I understand that the gentleman from Massachusetts wants an amendment that contemplates that $35 shall be paid to the heirs or representatives of a dead soldier after he has been brought home and buried by the Government?

Mr. FITZGERALD of Massachusetts. No; they are not buried by the Government.

Mr. WILLIAMS of Mississippi. Are they not brought home at the expense of the Government?

Mr. FITZGERALD of Massachusetts. Certainly. You would not expect the family to pay the cost of transportation.

Mr. WILLIAMS of Mississippi. And is not the casket furnished by the Government, and are not all the funeral expenses paid?

Mr. FITZGERALD of Massachusetts. The casket is furnished by the Government and the transportation is furnished.

Mr. WILLIAMS of Mississippi. Do you think they ought to be paid $35 in addition to that?

Mr. FITZGERALD of Massachusetts. I certainly do.

Mr. WILLIAMS of Mississippi. Do you think they ought to be paid $35 for funeral expenses when the Government has borne all the expenses of the funeral?

Mr. DENNY. The Government simply pays the transportation.

Mr. WILLIAMS of Mississippi. The Government pays everything.

Mr. BERRY. I think the gentleman will find that they do not pay the expenses of carriages and such things as that.

Mr. FITZGERALD of Massachusetts. They do not pay any expense except that of bringing the bodies home. I do not know what the custom is in Mississippi, but I know the average funeral in the Northern States costs all the way from $50 to $100 for carriages and necessary expenses other than the casket, and I say that in view of the fact that this Government has spent over $200,000,000 in the conduct of the war, and in view of the fact that the soldiers are expected to go away thousands of miles to fight for this Government under the American flag, at $15 a month, the least consideration that this Government can show to the families of these soldiers, who are generally poor people, is to see that this $35 is paid.

I submit to the members of this House the first part of the decision of Comptroller Tracewell, November 18, 1899. This decision was given in answer to the claim of a widow who had incurred quite a large expense in the burial of her son:

The soldier was killed in battle at El Caney, July 1, 1898, and was buried there, presumably at the expense of the Government.

Just think of the throwing of the remains of soldiers killed in battle into a grave—and in some graves it appears that four or five soldiers have been buried—being considered a burial expense at the hands of the United States Government. I think this decision an outrage, and Congress should remedy the matter by passing a law which will not be set aside by the Comptroller.

I understand that hundreds of claims of enlisted men in the Spanish-American war are held up in the office of the Auditor for the War Department. I do not think this is a proper mode of procedure, and I am of the opinion that these claims should be passed upon as soon as the proper evidence is available.

Conditions that prevail now are nothing like those prevailing during the civil war, when it was impossible at all times to get the proper facts. Every means is at hand to obtain the truth regarding these claims, and the soldiers themselves and their families should not be denied what is just and proper through any parsimony or lack of decision on the part of the proper Government officer.

Mr. MANN. Mr. Chairman, the case presented by the gentleman from Massachusetts seems a hard one, yet I question whether it is much worse than the provision of allowing $35 by the Government. I know of many cases where members of the First Illinois Infantry died either in Cuba or at Montauk and their families have been unable to obtain the payment of a cent for burial expenses. I know the case of a widow who spent almost the last dollar that she had in taking home the remains of her dead son who died at Montauk Point, and whose bill and claim for $35 is yet pending in the Auditor's Office. I think the boy died in September, 1898, and it has been almost impossible, it seems, to obtain any information from the Government in reference to the claim. I myself have had correspondence with the Auditor for the War Department, and I say anyone who obtains a claim of that sort and has it allowed has more than earned the $35. It takes more than $35 to prepare the papers necessary to present to the War Department; and I question very much whether the gentleman would gain anything if his amendment were adopted, because I believe the claimants would much more than earn the money before they got it.

Mr. JETT. Mr. Chairman, I simply desire to say a word about this matter. It was before the Committee on Military Affairs, and I quite agree with what has been said by the chairman of that committee, and I think the amendment proposed by the chairman of the Committee on Military Affairs is a good and liberal provision. I do not believe that anyone, any of the relatives or representatives of the soldiers, officers, or employees of the Government, are going to ask more at the hands of the Government than is provided for by this amendment which is offered now by the chairman. I know what my friend from Massachusetts [Mr. FITZGERALD] has said; but when the Government goes and pays the expense of furnishing the coffin and defraying all the expenses necessarily required to convey the remains to the former place of abode of the soldier or civilian employee, they are satisfied, and they ought to be satisfied, and they ought not to ask more of the Government than they are offering to do and as provided for by this amendment. I hope this amendment will be adopted.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I call the attention of the House to the fact that this same provision is, I understand, made for the transportation of those civilians who died in the acquired territories as made in this bill for the transportation of the bodies of the soldiers. Is not that the fact?

Mr. JETT. How is that?

Mr. FITZGERALD of Massachusetts. I understand that the same provision is made for the transportation of the bodies of civilian employees to their homes as is made for the soldiers.

Mr. JETT. Yes, sir.

Mr. FITZGERALD of Massachusetts. I call the attention of the House to that glaring inconsistency. The civilian employees who go down to those islands get from $1,000 to $2,000 salaries, while the soldiers who go there are paid from $180 to $200 a year, yet the civilian employees are given the same privileges, or it is given to their folks, the Government paying the whole expense; now, should not the soldier, who only gets $180 to $200 a year, or his family, be allowed this extra $35 for burial expenses in view of the discrepancy in their pay and that of civilian employees?

Mr. JETT. I want to say this to my friend from Massachusetts, that during the recent war it was just as necessary to the interests of the Government to have civilian employees as to have the soldiers to fight the battles. For instance, take those who are engaged in that department known as the Signal Corps. They were placed in just as hazardous positions, many times, as the soldiers themselves when they were sent out to put up poles and string lines of wire before communication could be had. I think it is only just and proper.

Now, there is only this difference between the civilian and the soldier, whilst the soldier, of course, was in duty bound to respond to the direction of his superior officer, so was the civilian employee in duty bound to obey orders or else prove himself an infamous coward.

And whenever the directions have been given to them they have gone in every instance, and they ought to receive the same consideration at the hands of Congress as do the soldiers.

Mr. FITZGERALD of Massachusetts. I would like to remind the gentleman from Illinois that the Signal Corps were a part of the Army.

Mr. JETT. But many civilian employees were not a part of the Army.

Mr. FITZGERALD of Massachusetts. But it is a fact that the civilian employees, many of them, get from one to two thousand dollars a year, while the soldier only gets $180 a year.

Mr. HULL. Mr. Chairman, I insist on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, I offer the following amendment, to strike out the proviso and insert the following, which I send to the Clerk's desk.

The Clerk read as follows:

On page 20, line 16, after the word "dollars," strike out the proviso and insert "to enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Army who have died or may hereafter die while in the employ of the War Department in Cuba, Puerto Rico, Hawaii, the Philippines, including the remains of any honorably discharged soldiers who are entitled under the terms of their discharge to return transportation on Government transport, and who die while on said transport, the sum of $100,000, which is hereby made immediately available for the above purpose as long as may be required.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, is that amendment susceptible of another amendment?

The CHAIRMAN. It is.

Mr. FITZGERALD of Massachusetts. I move to amend by adding a provision that the family of deceased officers shall receive $100 and the family of deceased soldiers be allowed $35, to be paid out of any moneys in the Treasury not otherwise appropriated, irrespective of any expense incurred by the Government. I make the distinction in amount because this is the established rate paid under regulation of the War Department.

Mr. HULL. To that I raise a point of order.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts to the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Add to the amendment:
"That in the case of deceased officers $100 is hereby appropriated for the family or legal representative, and in the case of enlisted men $35, irrespective of any money expended by the Government."

Mr. HULL. I do not think, Mr. Chairman, that amendment states what it is for. I do not understand that this is a limitation on that. I do not understand that it is for the return of the bodies to their homes.

The CHAIRMAN. If there is no objection the amendment offered by the gentleman from Iowa [Mr. HULL] and the amendment offered to that by the gentleman from Massachusetts [Mr. FITZGERALD] will again be read.

There was no objection.

Mr. RYAN of Pennsylvania rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. RYAN of Pennsylvania. I rise to propose an amendment to the amendment offered by the gentleman from Iowa.

The CHAIRMAN. There is already one amendment to the amendment pending.

The Clerk again read the amendment and the amendment to the amendment.

The CHAIRMAN. Does the gentleman from Iowa raise the point of order that the amendment to the amendment is not germane?

Mr. HULL. I do; it is an entirely different proposition.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts.

Mr. FITZGERALD of Massachusetts. The original amendment offered by the gentleman from Iowa provides a method of payment by the Government for the removal of bodies from the scenes of action to the United States, and my amendment provides, in connection with the removal of these bodies, that an additional amount shall be paid to the families of the deceased soldiers and officers, $100 in case of officers and $35 in case of enlisted men. I can see no reason for the objection; this is in line with the amendment offered by the gentleman from Iowa, on the same subject, and makes an additional expenditure of money. If the amendment offered by the gentleman from Iowa is in order, I do not see that there can be any objection made to my amendment.

The CHAIRMAN. It is clear to the Chair that the amendment is not germane and is subject to a point of order.

Mr. RYAN of Pennsylvania. Now, Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting the following: "After the word ——, in line ——, page ——."

The CHAIRMAN. The amendment is not in proper form; it does not indicate where it is offered.

Mr. RYAN of Pennsylvania. It is to be a new paragraph and to follow the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amend by adding a new paragraph, as follows:
"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $50 for funeral expenses of each soldier serving in the Spanish-American war or since, who died or shall die while absent on sick leave."

Mr. HULL. Mr. Chairman, I raise a point of order on that.

Mr. McRAE. I ask the gentleman to reserve his point of order until the gentleman from Pennsylvania can be heard.

Mr. HULL. I will allow the gentleman to make a statement.

Mr. RYAN of Pennsylvania. Mr. Chairman, I hope the gentleman from Iowa will not insist on his point of order. The amendment I have offered, to my mind, will supply a want and relieve many poor parents throughout the United States who have found it difficult to keep the expenses attending cases where soldiers of the United States Army have contracted disease, and have obtained sick leave, gone to their homes, and there died.

I have in my mind at the present time the cases of several soldiers, some of whom contracted disease at Chickamauga and others in Cuba. They were sent to hospitals, and when they had sufficiently recuperated were ordered by the officers in charge to a northern climate, where it was expected they would recover their health much more rapidly. Two soldiers from my district in Pennsylvania who served in the Spanish-American war and who contracted disease while in Cuba were sent to the hospital, and from there back to their homes in Pennsylvania, where they received medical treatment, but in consequence of a relapse died.

Now, the law at the present time makes no provision for paying the expenses of the burial of such soldiers who thus die at their homes while absent on sick leave. I hope, therefore, the amendment will prevail. I sincerely trust that the gentleman from Iowa will withdraw the point of order. Of course, a soldier dying in hospital or in actual service in the Army would be buried at the expense of the Government; but when he dies while absent on sick leave he must be buried at the expense of his relatives or friends. There is no provision that the Government of the United States shall pay such expense.

Mr. HULL. I insist on my point of order.

Mr. MADDOX addressed the Chair.

The CHAIRMAN. Does the gentleman from Georgia [Mr. MADDOX] desire to discuss the point of order?

Mr. MADDOX. I should like to ask the gentleman from Iowa a question before the point is decided.

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. HULL. Of course I yield for a question.

Mr. MADDOX. Is there now any provision of law providing for the burial of soldiers who die while on furlough?

Mr. HULL. The bodies, as I understand, are now brought home and then turned over to the families of the deceased or to their friends. This provision is for a little extension beyond what has been provided for heretofore.

My reason for raising and insisting on the point of order is that this matter has never been brought before the committee; we do not know what it will cost; we do not know whether it would be a proper thing to do or not. The gentleman from Arkansas and the gentleman from Massachusetts said yesterday that these questions ought to be considered by somebody before they are brought in here.

Mr. MADDOX. The gentleman did not get my point. I wish to know whether there is any law now authorizing payment by the Government for the interment of a soldier who dies while on furlough.

Mr. HULL. There is provision for the burial of any man who dies in the service. I do not know whether that refers to those who die on furlough; I think not. There is a provision of law—I read it from the present bill, for it has been on the statute books for years—to this effect:

Expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers.

Mr. MADDOX. Will the gentleman allow me to call attention to one case within my knowledge? A soldier, having contracted disease at Chickamauga, was granted sick leave and died after leaving the hospital, but before reaching home, perhaps within one day of his destination.

Mr. HULL. I should think that under the existing law the family would have a claim against the Government for his funeral expenses.

Mr. MADDOX. The War Department refuses to pay such claims.

Mr. HULL. I understand not.

Mr. MADDOX. It does; because I have brought that very case to the attention of the Department.

Mr. HULL. Then probably I am mistaken.

But my point is this: This amendment proposes to extend these expenditures into a line that has never been considered by the Military Committee and never brought to the attention of the House by any authorized officer of the Government; and while

the proposition may be the best on earth, yet we ought to have more consideration and we ought to have more information about it than we possibly can have at this time.

Mr. MADDOX. I do not know about that. I was trying to get information on this by bringing the matter to the attention of my friend from Iowa.

Mr. RYAN of Pennsylvania. Mr. Chairman, I desire to bring to the attention of the gentleman from Iowa and the House a case occurring in my own district, in which a soldier died while at home on sick leave. His parents were so poor that neighbors and friends were obliged to come to their relief in meeting the expenses of the burial. I wrote to the Secretary of War acquainting him with the facts, and he replied, stating that he sympathized very much with the parties in question, but that there was no law authorizing the Department to pay the expenses of burying a soldier who died while at home on sick leave.

Mr. HULL. Here is all the information I can give. It is contained in a provision which has been the law for years and is now embraced in this bill:

Expenses of the interment of officers killed in action or who die when on duty in the field or at military posts or on the frontiers or when traveling under orders, and of noncommissioned officers and soldiers.

Now, those cases are covered absolutely by existing law. To extend it without any consideration except what springs up on the floor of the House is something to which I am opposed.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

Mr. McRAE. I want to be heard briefly on the point of order.

The CHAIRMAN. The gentleman from Mississippi asked recognition first.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, prior to this time I have not been acquainted with the exact wording of this law as read a moment ago by the gentleman from Iowa [Mr. HULL]. After having heard him read the law I am of the opinion that this amendment is not a change of existing law, but would be merely a declaration of what the existing law is, although it would cause a change in the administration of the law and the construction of it by the Department. The law as read by the gentleman says that these people shall be buried at the expense of the Government when they are under orders.

Now, a man at home upon sick furlough, or on his way home or on his way back from home, is, in a military sense, under orders. That is to say, he is under the control and orders of his military superior, and is going to a place by a military order. It seems to me, therefore, that the construction placed by the Department upon the existing law has been wrong and that for the House now to pass an amendment would be a mere declaration of what the existing law is, to prevent misconstruction.

Now, this sort of a case happened in my own district: A soldier was sent home upon sick furlough, and, having gotten there, while being treated by a physician, died. His captain furnished the money to the physician to treat him and paid his funeral expenses out of his own pocket, furnishing him with the money before he left to do those things. That captain, a young friend of his, has never been reimbursed for that expenditure. I had myself proposed to offer an amendment covering not only the question of burial expenses for soldiers upon sick leave and furlough, but medical expenses as well to a limited amount, but was of the opinion that it would be a change of existing law. It seems to me now, however, that it would be merely a declaration of the right construction of existing law, because undoubtedly a soldier upon sick furlough is a soldier under military orders, and that is the language of the existing law.

Mr. McRAE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Arkansas desire to discuss the point of order?

Mr. McRAE. I do not, if the Chair is satisfied; but if the Chair is not satisfied that the amendment is in order, I should like to be heard.

The CHAIRMAN. The Chair is perfectly clear on the question. The statement of the gentleman from Mississippi [Mr. WILLIAMS] does not at all relieve the situation, because it has been repeatedly ruled by the Chairman of the Committee of the Whole that a declaration of the intent of the law is not in order.

The amendment to the amendment is not germane to the amendment, and the point of order must be sustained.

Mr. McRAE. I only wanted to say that I think it is germane to the amendment of the gentleman from Iowa and, inasmuch as the amendment proposed by him was subject to a point of order, that he ought not to make it against so modest and just an appropriation as this, even if good. But his having been accepted as pending, this should not be ruled out if germane to his.

The CHAIRMAN. The Chair begs to call the attention of the gentleman from Arkansas to the fact that one amendment relates to civilians and the other to soldiers.

Mr. McRAE. They are all in the service of the Government and make a part of the military establishment, and certainly the expense of burying soldiers should not be ruled out and the expense of burying civilians admitted on the Army appropriation bill. The paragraph under consideration relates to transporting and burying those who die in the military service of the Government.

Mr. FITZGERALD of Massachusetts. I think the amendment offered by the gentleman from Iowa is subject to a point of order, but I do not intend to raise it at this time.

The CHAIRMAN. It is too late to raise that point of order now, the matter having been discussed for half an hour.

Mr. FITZGERALD of Massachusetts. I do not intend to raise it anyway.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. HULL].

The amendment was agreed to.

Mr. HAY. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 19, line 7, strike out the words "Puerto Rico"——

The CHAIRMAN. Line 7 has already been stricken out of the bill—the entire line.

Mr. HULL. All after the word "soldiers," down to and including the word "Philippines," in line 8, was stricken out by instruction of the committee.

Mr. HAY. I withdraw the amendment.

Mr. GREEN of Pennsylvania. Mr. Chairman, on page 18, in line 25, after the word "officers," I move to insert the words "noncommissioned officers and soldiers;" and in line 2, page 19, after the word "orders," to strike out the words "and of noncommissioned officers and soldiers" and insert the words "and on furlough or sick leave."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read, as follows:

On page 18, line 25, after the word "officers," insert "noncommissioned officers and soldiers."

On page 19, line 2, after the word "orders," strike out the words "and of noncommissioned officers and soldiers" and insert "and on furlough or sick leave."

Mr. HULL. I did not catch that amendment. I should like to have it reported again.

The CHAIRMAN. The Clerk will again report the amendment, if there be no objection.

There was no objection.

The amendment was again read.

Mr. HULL. I, of course, could not raise the point of order to the proposition transposing the words, but the gentleman's further amendment is a change of existing law and changes the wording of this; and, as gentlemen are so anxious to keep us down to the exact wording, I shall raise the point of order, if he insists on that.

Mr. GREEN of Pennsylvania. Why, Mr. Chairman, I hope the gentleman will not insist on that point of order. It is a mere amendment of the words and a declaration of existing law, as I understand existing law to be.

It takes up the question of furlough. This is a matter of equity and fairness. If a man dies at Chickamauga he is entitled to be sent home and buried. If he is sent home sick and dies there, I can not see why he is not entitled to the same consideration. I can not see the proper ground for such a variation in the ruling. Now, this is the proper place to put the amendment, it seems to me. It is about what I had intended to do, only if the chairman will read that—the latter part of the sentence in the bill practically means nothing—where it says "and of noncommissioned officers and soldiers." This simply extends it to take in those persons who actually should be taken in—men who die on furlough or on sick leave. It will make no difference in the amount of the appropriation required, and it must be germane to the subject. There is nothing in this that prevents us from making an enlargement of this class, and I can not see how the point of order can possibly be sustained.

Mr. HULL. Mr. Chairman, the language of the bill follows the item in the bill for the past twenty years at least in regard to this matter of the construction of the section, but the gentleman from Pennsylvania [Mr. GREEN] adds to that words which must in the nature of things be new legislation or utterly worthless.

The CHAIRMAN. The present law does not provide for soldiers on furlough or sick leave.

Mr. HULL. The present law provides just as I have read. It does not use those words.

Mr. GREEN of Pennsylvania. I should like to ask the gentleman whether, because it has been in bills for a number of years, that is any particular reason why we should conform to the exact language?

Mr. HULL. It seemed to be so held yesterday by several gentlemen on this floor in regard to what I regarded very important matters.

The CHAIRMAN. Is there any provision of law with reference to soldiers on furlough and sick leave at the present time?

Mr. HULL. My understanding is that the appropriation bills as passed have been the law, and that they follow the law exactly as to what should be done.

Mr. GREEN of Pennsylvania. Then, Mr. Chairman, if that is the case, if the appropriation bill passed now becomes a law, and if that is proper, why should not this be embodied into it?

Mr. HULL. The general law fixes the compensation for burial. I will say to the gentleman that I have been anxiously contending for the right of the Committee on Military Affairs to adjust the wording from year to year of different provisions of the bill, but I have always been overruled, and if it is to be applied all through I raise the point of order on the other.

Mr. RYAN of Pennsylvania. Mr. Chairman, in response to your inquiry as to whether there was a provision for the burial of soldiers——

The CHAIRMAN. That was not what the Chair was asking for. It was whether they were entitled to traveling expenses while on furlough or sick leave.

Mr. GREEN of Pennsylvania. This is simply the burial expenses where they died on furlough. Now, Mr. Chairman——

The CHAIRMAN (reading). "Traveling under orders and on furlough or sick leave."

Mr. GREEN of Pennsylvania. But above that it comes in.

The CHAIRMAN. Is there at present any provision for paying expenses while they are traveling on furlough or sick leave?

Mr. GREEN of Pennsylvania. Yes, but not after they have reached the place of their destination.

Mr. HULL. Oh, no.

Mr. GREEN of Pennsylvania. If they died traveling, as I understand it, this bill covers it; but if they reached their destination it does not cover it.

Mr. HULL. The Government has never paid the expenses of a man on furlough except in the case of the civil war where they enlisted as an organization and had thirty days' leave, and the Government transported the regiment back to their homes and then back to the field; but there never has been any other case where men receiving a furlough can get their traveling expenses on the furlough.

Mr. GREEN of Pennsylvania. Is it not true that when the soldier dies at the camp or while traveling in the service he is buried? Now, if he is sent on a furlough or sick leave it is not true, and why should there be a difference made?

The CHAIRMAN. That is not the point before the Chair. The question is whether it is obnoxious to the rule; and it seems to the Chair that if it is not obnoxious to the rule, it is not necessary. If it is existing law, it is already provided for. If it is not existing law, it is obnoxious to the rule and can not go on an appropriation bill.

Mr. GREEN of Pennsylvania. But I understand we are making existing law here in regard to that matter.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Barracks and quarters: For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same: *Provided*, That no part of the money so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men, $3,000,000.

Mr. HULL. Mr. Chairman, that was a misprint in that respect. The words "three million dollars" should be stricken out of line 9 and inserted after the word "same," in line 7.

The Clerk read as follows:

Strike out the words "three million dollars," in line 9, and insert them before the word "same," in line 7.

The amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, I want to strike out the comma (,) after the word "fuel," in line 8.

The CHAIRMAN. If there be no objection, the amendment will be agreed to.

There was no objection.

Mr. CALDERHEAD. Mr. Chairman, I desire to offer an amendment on the same page, to line 7, after the word "dollars," which has just been inserted by the chairman of the committee.

The Clerk read as follows:

Page 21, line 7, after the word "dollars," insert:

"*Provided*, That of said sum there shall be expended $75,000 for continuing construction of permanent buildings at Fort Riley."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FITZGERALD of New York. I raise the point of order against the amendment.

Mr. CALDERHEAD. I hope the gentleman will reserve the point of order and let me make a statement.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. FITZGERALD of New York. I reserve it, if the gentleman wishes to make a statement.

Mr. CALDERHEAD. I do.

Mr. Chairman, I do not think that the point of order will apply in this case; but before I address myself to that subject I want to ask particular attention to the matter. This is one of the most important and largest military reservations in the United States, as there are 22,000 acres of land and more than $750,000 worth of buildings on it that have been put there since 1887. It was established under the direction of General Sheridan at the time he was Lieutenant-General, for the purpose of establishing there a training school for cavalry and artillery. It was intended, I believe, as a twelve-company post of cavalry, with the addition of five batteries of light artillery.

Buildings have been constructed there from time to time for the purpose of completing the post for the uses for which it was intended. There yet remains, according to the original plan of General Sheridan and the plan which was adopted in establishing the post buildings, enough to amount to $250,000 to complete the plan. During the lifetime of the late Senator Plumb careful attention was paid to the appropriations from year to year for the purpose of continuing the construction of these buildings; but since his death no appropriation has been set apart by the Department for this purpose; no use has been made of this item in the annual bill for the purpose of continuing the construction of buildings at this post.

In the Fifty-fourth Congress, by an item in the sundry bill, $75,000 was given for the purpose of continuing the construction at this post. There is no question but that the construction of these buildings should be continued until the post is completed. There is no doubt about that matter in the mind of General Miles or in the minds of the officers of the Army who are acquainted with the post. In the disposition of these funds placed in the hands of the Secretary of War by this item I do not know what influences prevail, but it happens that Fort Leavenworth is also situated in my State, in the First Congressional district. That Congressional district is represented in Congress by two Senators and, at the present time, by two members of Congress. Their influence usually prevails in the disposition of funds for the purpose of carrying on the building at Fort Leavenworth, and Fort Riley is allowed to stand idle.

Now, recently, since the committee have considered this bill, one siege battery has been ordered to Fort Riley. Day before yesterday I called on Colonel Miller at the War Department, who has charge of the construction of barracks and quarters, and he gave me a memorandum. He said there would be needed barracks for the siege battery, stables for the siege battery, a gun shed, and one double set of officers' quarters. The aggregate estimate, according to the original estimate of the buildings required for the completion of this post for these items which he named to me, amounts to $100,000. The estimate for the buildings that are needed to complete that post are in a statement which I will have printed with my remarks, but which I need not read now. I will say, however, for the cavalry quarters there is needed $100,000, for the artillery $107,000, and for the medical department $19,965, a total amount of between $240,000 and $250,000 for the completion of the entire post according to the original plan.

Now, it is a very small item to set apart $75,000 at one session of Congress and $75,000 at another session until that post is completed. The statement of Colonel Miller to me was that $100,000 would be necessary for the completion of the buildings for the siege battery which has been ordered there, and that battery has been ordered there as a part of the permanent garrison. It is for the purpose of training the men in the use of different arms of the service from time to time, and while the battery is not to be removed, the soldiers are sent there for the purpose of drill and training.

I want to state a little further concerning the post that no post in the United States is better equipped with the same amount of expenditure. As I said, I think it is the largest military reservation which the Government owns. There are 22,000 acres of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALDERHEAD. I would like to have three minutes more.

The CHAIRMAN. The gentleman from Kansas asks for three minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDERHEAD. The statement of the War Department is that the horses for the cavalry and artillery are maintained with less expense than in any other post in the United States. The fact is, the post has on it quantities of native stone, which is used for rubble work, and the buildings have been constructed for less money than any other buildings of the same size and quality at any post in the United States.

Now, I know it is not a gracious thing to ask this committee to distribute the fund, to apportion it to this post and that post, but

I think the committee is justified in this instance in appropriating this much for continuing the construction of this post, in view of the fact that the siege battery has been ordered there at this time, which was not known to the committee at the time they had the bill under consideration. I do not think the chairman will object to it. If I had had the opportunity I would have presented the matter to the committee before the bill was reported. It is not subject to the point of order which the gentleman has raised. It is not a new appropriation. It is merely directing the Secretary of War to segregate from his annual appropriation for this purpose this amount for the construction of the buildings at Fort Riley.

The committee has a perfect right, and Congress has a perfect right, to direct that matter. It is not subject to the point of order that it is new legislation. The post has been under construction since the year 1887, and it is not completed according to the original plans, and it will not be until all the quarters that I have recited have been constructed. On that I think the point of order is not well taken.

On the other point, the wisdom of directing the Secretary to segregate this appropriation, I appeal to the House for that direction, for the reason that if it is not done there are Senators and members of Congress to use their influence that the amount shall be segregated after the appropriation goes into the hands of the War Department and use it for the continuation of construction at other places to the neglect of Fort Riley, which needs it.

I think, Mr. Chairman, that I have said all that I desire to say upon this matter.

Mr. SIMS. Will the gentleman allow me an interruption?

Mr. CALDERHEAD. Yes.

Mr. SIMS. Are you afraid to risk the Secretary of War?

Mr. CALDERHEAD. For the reason I have stated, that there are Senators whose interest is in other places and members of Congress who are interested in other posts to use their influence with the Secretary of War to secure additional buildings at their posts, while the district in which Fort Riley is located has only one member of Congress to speak for this post.

Mr. SIMS. If we can not risk him in this instance, we should have to parcel it all out.

Mr. CALDERHEAD. That, of course, would be the objection. The House must use its own discretion in the matter. The committee might have used their discretion if the matter had been presented at the proper time. I think this is an instance in which the House can properly use its discretion in this matter, and I do not believe the chairman of the committee will object.

The following is the paper referred to by Mr. CALDERHEAD:

When the school of instruction for cavalry and light artillery was established here it was intended that the garrison should consist of one regiment of cavalry and not exceeding five batteries of light artillery, and the construction of the post has been carried on with the view of providing for a garrison of that size.

To complete the post as thus planned the following buildings are required:

For the cavalry:	
2 sets field officers' quarters	$14,000.00
1 double set officers' quarters	12,765.00
3 double sets noncommissioned officers' quarters	11,461.00
1 set band barracks	5,000.00
7 stables	60,000.00
7 workshops	8,400.00
Total	112,053.00
For the artillery:	
3 double sets officers' quarters	38,300.00
2 barracks	42,000.00
3 gun sheds	24,000.00
3 workshops	3,600.00
Total	107,900.00
Medical department:	
1 field officer's quarters	7,200.00
1 double set officers' quarters	12,765.00
Total	19,965.00
	240,419.76

Mr. HULL. Mr. Chairman, I do not believe it is subject to a point of order, but I am compelled to object to the amendment. I think the committee would have a right to go through all the posts in the United States and make a specific appropriation for each one. And we have repeatedly adopted provisos of this kind. I do not care to discuss the amendment unless it is held by the Chair to be in order.

The CHAIRMAN. It seems perfectly clear to the Chair that the rule prohibiting legislation on appropriation bills does not preclude this amendment, but that the amendment is a provision which should be carried on the sundry civil rather than the military bill.

Mr. HULL. Provisions of this kind have repeatedly been placed on the military bill.

The CHAIRMAN. If the gentleman is correct about that, the amendment would be in order here, because it is not new legislation; it is clearly a provision for the continuance of a work in progress.

Mr. HULL. Provisions of this kind have repeatedly been put on the Army appropriation bill. For instance, in the last Congress we made a limitation on the appropriation for hospitals by providing that a certain amount should be expended at Hot Springs, Ark. At one time since I have been a member of the committee there was a proviso adopted that a certain amount of the appropriation for barracks and quarters should be expended at Columbus, Ohio. I could recall, if necessary, many other instances. I suppose that we would have the right to appropriate a lump sum, letting the War Department distribute it as it pleased, or we would have the right to take up all the posts of the United States and make a specific appropriation for each, would we not?

The CHAIRMAN. The understanding of the Chair is that the appropriation for military posts has always heretofore been carried upon the sundry civil bill, not the military bill.

Mr. HULL. I think that ever since the appropriation bills were distributed among different committees, we have incorporated provisions of this kind in the item for barracks and quarters for troops, storehouses, etc. I do not say that some appropriations of this class are not carried upon the other bill, because I find that the Appropriations Committee frequently reports appropriations on the sundry civil bill for almost anything on earth that seems to them proper.

But we have jurisdiction of the question of barracks and quarters; the language of this bill gives us that jurisdiction. We have always had it from the time the appropriation bills were distributed among the different committees.

The CHAIRMAN. If the Chair may interrupt the gentleman from Iowa, he desires to say that in the sundry civil bill for 1896 there is a provision "to continue the construction of buildings at the Fort Riley, Kans., military post, to be expended under the direction of the Secretary of War, $75,000."

Mr. CALDERHEAD. The Chair will allow me to say that I was at that time a member of Congress and made an appeal to have that appropriation adopted on the sundry civil bill. I want to say, however, that at that time I felt that the jurisdiction was entirely with this committee. My proposition happened to come in accidentally, as it were, in connection with an appropriation asked for by Mr. Hyde, of Washington, for the post at Spokane. Upon his appeal that appropriation was granted; and afterwards the chairman of the Committee on Appropriations consented to an amendment by which each of these posts obtained an appropriation, Mr. Hyde obtaining his appropriation for the post at Spokane and I obtaining the appropriation for Fort Riley.

I think the truth is that this is a matter entirely within the jurisdiction of this committee. As the chairman of the committee [Mr. HULL] has just said, they might report separate appropriations for each of the military posts, according to their own discretion. It is a matter for their judgment. I am asking this appropriation at this time for the reason I have stated, and I urge earnestly that it is for the purpose of continuing construction work at one of the best and most important military posts in the country.

Mr. FITZGERALD of New York. Was not this at the outset specifically authorized in some separate bill?

Mr. CALDERHEAD. Oh, no.

Mr. HULL. Oh, no. It follows the same language as other appropriations of the same class, except where some limitation or proviso has been added; but there is no law authorizing this particular language.

I will say to my friend from New York [Mr. FITZGERALD], that these matters come up on a question of jurisdiction. I assume that what the Chair now has in his mind is the question of jurisdiction between different committees, not the language.

The CHAIRMAN. That is it. There is no question that this is for the continuation of a work now in progress; and as such it is entirely competent for the Committee of the Whole to make this appropriation on some of the appropriation bills. The only question is which is the proper bill.

Mr. HULL. If the Chair will look back through all the appropriation bills reported from the Military Committee since the distribution of the appropriation bills, he will find in all of them substantially the language of this bill, with the exception at different periods now and then of a provision that a certain amount of the appropriation should be expended at some particular point.

The CHAIRMAN. The Chair desires to call attention to the fact that the amendment offered by the gentleman from Kansas provides for continuing the construction of permanent buildings, whereas the body of the bill provides simply for the construction of temporary buildings and for repairs, not for continuing the construction of permanent buildings.

Mr. CALDERHEAD. I would not undertake to limit the jurisdiction of the Committee on Appropriations and say what it might or might not admit in the sundry civil bill, only that it has always been perfectly clear to my mind that this committee had jurisdiction of this subject; and that if it had a right to make appropriations for the construction of temporary buildings it also had a

right to make appropriations for the construction of permanent buildings, and it certainly had the right to make an appropriation to continue the construction of buildings at posts that were already established.

If it has a right to appropriate at all for the construction of barracks and quarters at any military post in the United States, it certainly has the right to appropriate for the construction of barracks whether temporary or permanent, and it has the right to segregate any item from the amount of the appropriation at any time for any post. As the chairman has just said, it has been done from time to time in different instances. If it had not been perfectly clear to my mind that it had the right to do that thing in this instance, I would not have troubled the committee or the chairman with the proposition; but I believe this is the proper place to ask for this distribution of that fund, and I ask for it.

The CHAIRMAN. The Chair will overrule the point of order as raised by the gentleman from New York [Mr. FITZGERALD].

Mr. HULL. Mr. Chairman, then I want to say that I am opposed to the amendment. I do not believe that we should go into the business of segregating these items without any information whatever from the War Department. We have had no information from the Department leading us in any way to take up this question. The gentleman from Kansas spoke to me some time ago about it, and I requested him to get a recommendation from the War Department in order to strengthen his position.

Now, he has submitted this morning an estimate of what it will cost to continue this work; but, Mr. Chairman, that question could not be determined by us because we do not know whether it is necessary to continue the work at this time or not. I hope this amendment will be voted down, because, without any information whatever before the committee, without any information to-day before the House, except the gentleman's statement which I do not challenge, but which is not official from the proper authorities, I think we shall be entering into the wrong course of legislation to attempt to segregate these items that are appropriated in a lump sum.

Mr. FITZGERALD of New York. I desire to speak in opposition to the amendment. I agree fully with the chairman of the Committee on Military Affairs. It has been the custom to set aside in each of these appropriation bills a certain amount to be expended, in the discretion of the Secretary of War, for the improvement of these various posts. Now, this practice has been adopted, as I understand it, in order that the Secretary of War, in his discretion and with the information at his command, might put this money in the different places where it is most needed. Now, if there is any particular merit in this request of the gentleman from Kansas, why, I am sure the Committee on Military Affairs would consider a bill to appropriate money to continue the construction of this post, and it should receive favorable consideration in this House, just like other measures which are pending for that purpose; but for this committee to incorporate in this bill a limitation upon the power of the Secretary of War, a reflection upon his discretion, in his official action, is something that it appears to me should not be done. I would leave it in his discretion and permit him to expend this money.

Now, the gentleman says this post requires it particularly. Nobody knows that better than the Secretary of War does, if that be true, and there is no reason why we should favor this particular post to the disadvantage of all the other posts in the country. Now, there may be special reasons for it, but I can not see them. I would say to the gentleman that right in the city of New York, in the borough of Brooklyn, is situated Fort Hamilton, one of the most important posts in this country—one of the defenses of the city of New York. At that post immense sums of money have been expended in perfecting the batteries, but the quarters for officers and men are hardly fit for dogs. Now, if you want to limit the power of the Secretary in this matter, there would be the proper place to compel him to expend the money, so that these men, in one of the most important defenses of the country, could exist with some degree of comfort and security, and for that reason I am opposed to any special favoritism of this kind for any post.

Mr. CALDERHEAD. Mr. Chairman——

Mr. HULL. I ask unanimous consent that debate on this proposition close in ten minutes. That certainly ought to be enough, and I am perfectly willing to say in five minutes, if nobody objects.

Mr. CALDERHEAD. I would like to have a little more than that.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that debate on this question close in five minutes.

Mr. CALDERHEAD. Make it ten.

Mr. HULL. In ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CALDERHEAD. I wish to say in reply that I do not intend to cast any reflection upon the Secretary of War or anybody in the War Department as to the manner of their distribution of the funds that are placed in their hands for the construction of military posts or the completion of them. Congress never reflects upon their judgment in this matter, and there is no reflection on their judgment in doing this thing. Year after year the Military Committee gives to the Quartermaster-General or to the War Department from two to three or four million dollars to be used for the construction of barracks and quarters and for the completion of military posts. It puts in his hands a fund; and if the gentleman from New York [Mr. FITZGERALD] will give me his attention, I will say to him that it puts in the hands of the Quartermaster-General a fund for the purpose of keeping up Fort Hamilton, as well as all the other forts, and the Secretary of War or the Quartermaster-General, under his direction, has expended more money in repairs at Fort Hamilton in the last three years than I ask for the purpose of carrying on the construction of permanent buildings at this fort.

Mr. FITZGERALD of New York. Will the gentleman permit me?

Mr. CALDERHEAD. Fort Hamilton has cost more money in any twenty years of its existence——

Mr. FITZGERALD of New York. The money has been expended for batteries and defenses, and not for buildings and quarters. As far as I can learn, there has been no money expended for that purpose——

Mr. CALDERHEAD. I have not the figures at hand.

Mr. FITZGERALD of New York. "The gentleman from New York" has the figures.

Mr. CALDERHEAD. Here in the RECORD, in the speech made the day before yesterday by the gentleman from New York [Mr. MCCLELLAN], is a statement of expenditures for buildings within the last five years, showing $96,000 expended for that purpose within that time at Fort Hamilton. At Fort Sheridan the sum of $715,000 has been expended; at Spokane, $205,000; at Fort Bliss, in Texas, $358,000; at Fort Harrison, $366,000; at Fort Logan, in Colorado, $622,000; at Fort McPherson, in Georgia, $722,000; and at Fort Crook, Nebr., $722,000.

These moneys have been distributed under the direction of the Secretary of War and the Quartermaster-General, according to their judgment. Now, while Congress has implicit confidence in their integrity and in their judgment as to the necessities of these various cases, it remains the fact that the final responsibility is upon Congress, and we leave it to the Military Committee.

Mr. CLAYTON of New York. I should like to ask the gentleman a question. He made the statement that $96,000 was expended for buildings at Fort Hamilton, N. Y.

Mr. CALDERHEAD. Yes.

Mr. CLAYTON of New York. Does the gentleman know what that was expended for?

Mr. CALDERHEAD. "Cost of buildings constructed since January 1, 1895, or under construction on March 19, 1900"——

Mr. CLAYTON of New York. But that includes a lot of temporary structures put up there in 1898——

Mr. CALDERHEAD. I will just read the list and then you will see.

Mr. CLAYTON of New York. I have the list before me.

Mr. CALDERHEAD. If the gentleman has the list he will see that the bulk of that money was for repairs to buildings that were already there, and that was disbursed and expended according to the discretion of the Quartermaster-General.

Mr. CLAYTON of New York. How much of it was for repairing permanent barracks?

Mr. CALDERHEAD. If the gentleman has the items there he can easily see by reading them.

Mr. CLAYTON of New York. It says, for temporary barracks, $17,000, and for plumbing in the same, $4,200 more.

Mr. CALDERHEAD. It does not say temporary works alone. It also says—

For forage storehouse, $7,180.41; wagon shed, $2,500.

Mr. CLAYTON of New York. It says—

Six temporary pavillion hospital wards, $17,124.

Mr. CALDERHEAD. And right opposite that it says—

Four double set noncommissioned and staff officers' quarters, $17,537.

Mr. CLAYTON of New York. You state the use part of the money was put to, and a part of it was not.

Mr. CALDERHEAD. I certainly wanted to be fair, and I know the gentleman does.

Mr. CLAYTON of New York. Now, how much has been spent on the post you speak of?

Mr. CALDERHEAD. Not a solitary cent in the last two years, except what was spent for the repair of the roofs and ordinary repairs.

Mr. CLAYTON of New York. You have talked about the $96,000 that has been spent for Fort Hamilton. Now, how much was spent on that fort?

Mr. CALDERHEAD. Within the last ten years there has only

been expended $75,000 at Fort Riley in the construction of buildings, and this was obtained in the Fifty-fourth Congress.

Mr. CLAYTON of New York. And how old a post is it?

Mr. CALDERHEAD. It is not a question as to how old the post is; the question is, What is the use of the fort there? It was established as a training school for cavalry and artillery, and is now used for the training of a siege battery in connection with it. It is one of the permanent posts of the Army.

Mr. FITZGERALD of New York. Will the gentleman permit me to ask him a question?

Mr. CALDERHEAD. You will only consume my time.

The CHAIRMAN. Does the gentleman yield to the gentleman from New York?

Mr. CALDERHEAD. Certainly, if he does not take too much of my time.

Mr. FITZGERALD of New York. I would like to ask if the gentleman thinks it is more necessary to spend a sum of money to put up buildings where soldiers are trained or quarters where they have to live and care for the defenses of the country?

Mr. CALDERHEAD. There is no question about that. Will the gentleman be candid enough to say when Fort Hamilton was established?

Mr. FITZGERALD of New York. The memory of man goes not to the contrary.

Mr. CALDERHEAD. Exactly.

Mr. FITZGERALD of New York. And the people are living there now as they were.

Mr. CALDERHEAD. I say that Fort Hamilton is one of the oldest posts of the country, and there has not been a year from its foundation that it has ever lacked the necessary appropriation through Congress or by the necessary distribution from the War Department—not at any time. The very fact that within the last two years more money has been expended in the construction of buildings there and in the repairs of buildings and quarters there than have been expended on the post at Fort Riley within the last ten years——

Mr. CLAYTON of New York. Does not the gentleman know that these buildings were temporary buildings for the accommodation of sick soldiers?

Mr. CALDERHEAD. Seventeen thousand dollars were, but $17,500 is for permanent headquarters for noncommissioned officers, and the remaining items for permanent buildings. But I do not intend to detract anything from the merits of Fort Hamilton. I am only asking for a fair distribution; and I say now that it is entirely within the power of the committee and Congress to direct the Secretary of War where the money shall be expended, and a double responsibility is with the committee. It was not necessary that I should bring to the committee as a private member of this House or as a private citizen—it was not necessary that I should bring to the committee notice of the demands of these several posts. The committee is organized for the purpose of ascertaining what is required at these several posts, and for the purpose of directing the distribution of its appropriations.

Mr. FITZGERALD of New York rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from New York?

Mr. CALDERHEAD. I have only two minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. CALDERHEAD. The committee is organized for the purpose of determining what is required. It was the duty of the committee to know that the post at Fort Riley was not completed according to the plans that were authorized in 1887; it was the duty of the committee to ascertain whether the construction of the buildings had been carried on there according to the original plans or not.

Whether it was by the direction of the Secretary of War or by the direction of the Quartermaster-General, who supervises the buildings, it was the duty of the committee to ascertain whether that post had been completed according to the plans and directions upon which it was established. And the final responsibility and duty is on Congress to say where and how its military posts shall be constructed. Congress has heretofore directed by its own act that the post at Fort Riley shall be completed for a post where soldiers shall be trained in the use of the different arms of the service, and it is now the duty of Congress to make the appropriation to complete the post, and I ask this amendment of this bill for this purpose.

Mr. HULL. Now, Mr. Chairman, I call for a vote.

The CHAIRMAN. Debate upon this amendment is exhausted by order of the committee, and the question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Transportation of the Army and its supplies: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses for recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster's stores, from Army depots or places of purchase or delivery to the several posts and Army depots, and from these depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as trainmasters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; for procuring water, and introducing the same to buildings, at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of Army transportations lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service, $30,000,000: *Provided*, That $100,000 of this sum can be used in Alaska, and shall be immediately available, for the construction of military roads and bridges in Alaska; and said appropriation shall be continuous until said sum shall be expended.

Mr. McRAE. Mr. Chairman, I make a point of order against the provisos to this paragraph.

Mr. LEVY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York. For what purpose does the gentleman from Arkansas rise?

Mr. McRAE. I want to make some inquiries about the provisos, and therefore reserve the point of order.

The CHAIRMAN. The Chair will recognize the gentleman from New York.

Mr. LEVY. I offer the following amendment.

The CHAIRMAN. The Chair thought the gentleman from New York desired to debate the proposition. The committee will first dispose of the point of order.

Mr. McRAE. It is only to the proviso to that section; I want some explanation of it. I am perfectly willing for the gentleman from Iowa to explain the matter.

Mr. HULL. I do not believe it is subject to a point of order, for we are now legislating in this section for military roads for troops; but I will send to the Clerk's desk and have read a communication received from the War Department, which sends it to the Committee on Military Affairs to put in the proviso in this way in place of letting it go in the other way.

The Clerk read as follows:

WAR DEPARTMENT, *Washington, February 12, 1900.*

SIR: I have the honor to inform you that the War Department has this day transmitted to Congress, through the honorable Secretary of the Treasury, an estimate of appropriation for the sum of $100,000 for the construction of military roads and bridges in Alaska under the title of "Transportation of the Army and its supplies."

It is requested that the subject of this estimate be considered in connection with the estimates for the support of the Army now pending before your committee; and as the working season is so short in this region, it is also requested that the appropriation be made available immediately and be continuous until work is completed or appropriation exhausted.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 13, 1900.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of War of the 12th instant, submitting an estimate of appropriation for "Transportation of the Army and its supplies," being for the construction of military roads and bridges in Alaska, $100,000, the same to be made immediately available and to remain available until expended.

Respectfully,

O. L. SPAULDING,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT, *Washington, February 12, 1900.*

SIR: I have the honor to forward herewith for transmission to Congress an estimate ($100,000) of appropriation for "Transportation of the Army and its supplies," for the construction of military roads and bridges in Alaska,

and to request that the funds, if appropriated, may be made available for immediate expenditure and remain available until the appropriation is exhausted.

Very respectfully,

ELIHU ROOT,
Secretary of War.

The SECRETARY OF THE TREASURY.

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, February 13, 1900.

SIR: This office has learned that request has been made to Congress for an appropriation "for the purpose of connecting headquarters Department of Alaska, at St. Michael, by military telegraph and cable lines, with Fort Egbert, Cape Nome, and other military stations in Alaska."

General Randall, department commander, informs me that it will be necessary to construct roads in connection with above lines, and also to build other military roads. It is therefore recommended that an appropriation of $100,000 be requested "for the construction of military roads and bridges in Alaska."

As the working season is so short in this region, this work will probably extend over two or three fiscal years, and it is requested the appropriation be made available immediately and be continuous until work is completed or appropriation exhausted.

Estimate in regular form is transmitted herewith.

Respectfully,

M. I. LUDINGTON,
Quartermaster-General, U. S. A.

The SECRETARY OF WAR.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1901, by the Quartermaster's Department, United States Army.

WAR DEPARTMENT.

QUARTERMASTER'S DEPARTMENT.

Transportation of the Army and its supplies—

For the construction of such roads and bridges in Alaska as may be found necessary for military purposes in that Territory (submitted) $100,000

NOTE.—It is respectfully recommended that this sum be added to the $38,578,547 already estimated for "Transportation of the Army and its supplies," and that the language of that appropriation be made to provide that $100,000 shall be immediately available for such construction of roads and bridges, and remain available until exhausted.

Mr. McRAE. Now, Mr. Chairman, the provision which makes this appropriation continuous is beyond all question subject to a point of order. There ought not to be any policy initiated here which will make appropriations immediately available and continuous. Appropriations should be for the next fiscal year; and if the road is not completed by the 1st of July, 1901, other money can be appropriated. I do not question the necessity for it, for I do not know anything about it. I do say that such appropriation should not be made for Alaska when it is not made for other places. If the gentleman will modify his amendment and strike out the words "continuous appropriations"——

Mr. HULL. This came to us after the bill had been reported to the House, with an estimate, and also with the draft of a bill to be introduced independent of the appropriation bill, or, if put on the appropriation bill, it was suggested that it ought to be in addition to what we had already appropriated. The committee examined that matter and believed the appropriation already reported was ample for the current fiscal year, and would be ample with this amount taken out. Now, Mr. Chairman, the only question, as I understand it, which the gentleman raises on the point of order would be that to make it continuous and immediately available.

Mr. McRAE. I think it is all subject to a point of order, but that is all I insist on.

Mr. HULL. I do not believe the part outside of those words would be subject to a point of order. The season up there is very short.

Mr. McRAE. The fact that the season is short seems to me to be no reason for making the appropriation continuous.

Mr. HULL. The appropriation in the bill each year comes in too late for them to get the full benefit of the work. For instance, this appropriation goes into effect from the 1st day of June, and they ought to be at work as soon as this, or as soon as they are able to get to work, to take advantage of the short season. Therefore this provision making the appropriation continuous and available is desirable; but if the gentleman wants to limit it to two fiscal years, I would not object to that. There is a general law that all appropriations are covered back into the Treasury if not used in two years.

Mr. McRAE. I think when we make it immediately available that is sufficient. If there is any pressing necessity for it, they can certainly spend $100,000 in a year and a half. It is against the well-established policy to make appropriations continuous, and I now object to changing that wise policy, rule, and law.

Mr. HULL. I am willing to strike out the words "continuously available."

Mr. McRAE. Strike out all after the word "and?"

Mr. HULL. All after the word "Alaska," in line 24, page 23.

Mr. McRAE. Yes.

Mr. HULL. That would make it available for the balance of this fiscal year and for the next fiscal year, when Congress can further legislate in regard to it.

Mr. McRAE. No doubt it will all be spent by that time. Then, Mr. Chairman, with that understanding, I withdraw the point of order.

Mr. HULL. Mr. Chairman, I move to strike out, in line 23, all after the word "Alaska" down to and including the word "expended," in line 2, on page 24.

The amendment was agreed to.

Mr. LEVY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 22, in line 12, insert after the word "ocean," the following:

"That from and after the 30th day of June, 1900, all the powers exercised and duties performed by the Secretary of War in relation to Army transport, their officers and crews, shall be exercised or performed by the Secretary of the Navy, and said transports shall form an auxiliary of the naval service of the United States: *Provided*, That the Secretary of the Navy shall, upon the requisition of the Secretary of War, provide for the transportation of all troops, stores, and accouterments of the Army as may be necessary, the responsibilities of such transportation to begin at water's edge at embarkation, and end at water's edge of destination: *And provided further*, That nothing in this act shall be so construed as to affect or impair the present powers conferred or duties devolved by the laws of the United States, upon the Secretary of War regarding the transportation of said troops, stores, and accouterments, by land."

Mr. STEELE (interrupting the reading). Mr. Chairman, it is perfectly obvious that that is obnoxious to a point of order, which I make.

The CHAIRMAN (Mr. GROSVENOR). The Chair thinks the amendment should be read in full to the House.

Mr. HULL. Does the Chair desire that it shall be read through?

The CHAIRMAN. The Chair is of the opinion that the amendment is not in order.

Mr. STEELE. It is perfectly obvious that it is a change of existing law.

Mr. LEVY. I think it is germane to the question.

Mr. STEELE. Well, Mr. Chairman, I will withdraw the point of order temporarily for the purpose of having the amendment read through.

The Clerk proceeded with the reading of the amendment, as follows:

SEC. 2. That the Secretary of War, at the close of the fiscal year, shall transfer from the War Department to the Navy Department all Army transports, together with all records appertaining thereto, their appurtenances, and all things belonging or pertaining to said vessels.

SEC. 3. That transports belonging to the United States shall be officered and manned from the Navy: *Provided*, That when transports are chartered by the United States the officers and crews thereof in whole or in part may, at the discretion of the Secretary of the Navy, be included in the charter party.

SEC. 4. That from and after the passage of this act there shall be established in the Navy Department a bureau of transports.

SEC. 5. That the chief of bureau of transports shall be appointed from the list of line officers of the Navy not below the grade of commander in the same manner and under the same provisions as other chiefs of bureaus in the Navy Department. He shall perform, under the direction of the Secretary of the Navy, all executive duties relating to transportation afloat which are or which may be hereafter placed under the control of the Navy Department.

SEC. 6. It shall be the duty of the Navy Department to provide vessels for the transportation of officers and men, as well as of other persons attached to the Army or Navy, and of all stores, equipment, and accouterment for both branches of the service as may be necessary; to prepare plans for the quick conversion of merchant vessels to the needs of the transport service, and to provide proper regulations to govern the transport service.

SEC. 7. That all contracts entered into by the Secretary of War for the maintenance, construction, and repair of the Army transports in force on the 30th day of June, 1900, shall remain in force the same as if made by the Secretary of the Navy in accordance with the provisions of this act.

Mr. STEELE. Now, Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair is very clear that the point of order should be sustained. The Clerk will read:

The Clerk read as follows:

Clothing, and camp and garrison equipage: For cloth, woolens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing and washing and cleaning, when necessary; for equipage, and for expenses of packing and handling, and similar necessaries; for a suit of citizen's outer clothing, to cost not exceeding $10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge, for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed by order of medical officers of the Army for sanitary reasons, $3,000,000: *Provided*, That on application of the governor of any State or Territory the Secretary of War is authorized to replace the quartermaster stores which the volunteers from said State or Territory carried into the service of the United States Army during the recent war with Spain, and which have been retained by the United States exclusive of such stores as have been allowed for in the office of the Auditor for the War Department and such award accepted by a State.

Mr. HULL. I move to amend by striking out, in line 17, page 24, the word "stores" and inserting in lieu thereof the word "supplies." "Stores" is not a proper word to be used in that connection. "Stores" applies to the Ordnance Department, and "supplies" to the Quartermaster's Department.

The amendment was agreed to.

Mr. HULL. I move further, to amend by striking out the word "stores," in line 21, page 24, and inserting "supplies."

The amendment was agreed to.

Mr. HULL. I am instructed by the committee to offer a further amendment—to insert after the word "million," in line 15, the words "five hundred thousand;" increasing the amount of

this appropriation on account of the provision for returning these quartermaster's supplies to the several States.

The amendment was agreed to.

The Clerk read as follows:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including, also, all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., except quarters for the officers, $250,000: *Provided*, That for the purpose of improving and repairing the Army and Navy General Hospital at Hot Springs, Ark., and for the reconstructing and refitting the interior of the bath house, for the construction of a boiler house and the purchase of boilers, for establishing ice and electric plants, and for the construction of a reservoir with a capacity of 150,000 gallons, the sum of $55,000, or so much thereof as may be necessary, of the foregoing may be used, said sum to be expended under the direction of the Secretary of War.

Mr. MAHON. I move to amend by striking out the last word. I want to ask the chairman of the committee how many soldiers there are in this hospital at Hot Springs?

Mr. HULL. I think about 70. The Surgeon-General's report will give the gentleman the exact information. Let me say to the gentleman that the President issued an Executive order admitting to that hospital soldiers discharged from the Volunteer Army.

Mr. MAHON. I want to call the attention of the committee to the construction of this section. The first appropriation is $250,000. The Secretary of War can apply all that, or nearly all of it, if he sees fit, to this hospital at Hot Springs.

Mr. HULL. Oh, no. The law prohibits the erection of any of these hospitals or buildings at a cost exceeding $20,000.

Mr. MAHON. A good deal of money is being expended on this institution. If the committee thinks this expenditure absolutely necessary, I will not object. But I want to understand the reason.

Mr. HULL. The report of the Surgeon-General and the papers received from the War Department ask that this appropriation be made.

Mr. MAHON. We are spending a good deal of money on this institution. There is in this bill a specific appropriation of $55,000 for it. Now, if we need this sort of a hospital to accommodate 60 or 70 men, all right; but at this time, when we are making these enormous appropriations for our armies in the field, these other matters, I think, might wait. Why roll up the amount of this bill by these large appropriations? I move to strike out the whole of this proviso appropriating $55,000. I think that out of the $250,000 provided for in the other part of the paragraph there will be enough money for this hospital.

The Clerk read the amendment of Mr. MAHON, as follows:

Strike out all after the word "dollars," in line 5, down to and including the words "Secretary of War," in line 15.

Mr. MAHON. If this hospital needs further expenditure, let it be taken out of the $250,000 provided for in the rest of the paragraph.

Mr. HAY. I call attention to the fact that this is not an appropriation of $250,000 for the naval hospital at Hot Springs. It is for construction and repair of hospitals at military posts, and as a matter of fact only $55,000 of that sum is appropriated for the hospital at Hot Springs.

Mr. MAHON. A few minutes ago the gentleman from Kansas wanted to appropriate something like $3,000,000 to be expended in his district; and an objection was raised that this appropriation should be distributed according to the discretion of the Department; that it was not proper to pick out any particular institution and appropriate for it specifically.

Mr. HAY. I understood the gentleman from Pennsylvania to say that the whole of this money was for the hospital at Hot Springs.

Mr. MAHON. Let me read:

For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including, also, all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., except quarters for the officers, $250,000.

The hospital at Hot Springs is thus provided for in the first part of the paragraph; and then you go on and make an additional appropriation——

Mr. HULL. No; we do not.

Mr. HAY. Nobody who understands the English language should put such a construction on this provision——

Mr. MAHON. Now, just wait. The bill reads:

Provided, That for the purpose of improving and repairing the Army and Navy General Hospital at Hot Springs, Ark., and for the reconstructing and refitting the interior of the bath house, for the construction of a boiler house and the purchase of boilers, for establishing ice and electric plants, and for the construction of a reservoir with a capacity of 150,000 gallons, the sum of $55,000, or so much thereof as may be necessary, of the foregoing may be used, said sum to be expended under the direction of the Secretary of War.

Now, you propose that this $55,000 shall come out of the general appropriation of $250,000. Is that so, or is that an addition?

Mr. HAY. Fifty-five thousand dollars of the $250,000 is appropriated for the hospital at Hot Springs.

Mr. MAHON. You appropriated before for a hospital at Hot Springs.

Mr. HAY. The proviso provides how much of that appropriation shall be set apart for that particular hospital.

Mr. MAHON. That is exactly what I am getting at.

Mr. HAY. No; the gentleman said the whole thing was for the one single hospital.

Mr. MAHON. The committee, a short time ago, opposed the setting apart of any portion of a general appropriation for a particular place.

Mr. HAY. I yielded to the gentleman for a question, but I can not yield for a speech.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] has the floor.

Mr. MAHON. I thought I had the floor.

Mr. HAY. Oh, no.

Mr. MAHON. Well, I will take it again.

The CHAIRMAN. Very well; the gentleman can do that when he has the opportunity. The gentleman from Virginia has the floor and yielded for a question.

Mr. MAHON. I had the floor, and the gentleman asked me a question and I yielded.

The CHAIRMAN. Oh, no; the gentleman from Pennsylvania is in error. The gentleman from Virginia had been recognized, and yielded to the gentleman from Pennsylvania for a question.

Mr. MAHON. Well, I will get the floor again.

Mr. HAY. I will yield now for a question, if the gentleman wishes to ask a question.

Mr. MAHON. I want to ask this question: Did you not, a while ago, oppose the taking of any of the $3,000,000 for buildings at fortifications and applying it specifically to Fort Riley because you said it ought to be left to the discretion of the Secretary? Now, this is a provision that a certain part of the general appropriation for construction and repair of hospitals shall be set apart and used for a particular hospital.

Mr. HAY. Because this is a very different proposition.

Mr. MAHON. Not at all.

Mr. HAY. The committee last year made an appropriation, which it was understood should, a part of it, be for the hospital at Hot Springs, Ark.; but the general law was so worded that the amount which was intended to be used there could not be used. So this is put in this form for the purpose of allowing this sum to be used at Hot Springs. I yield to the gentleman from Iowa, the chairman of the committee.

Mr. HULL. If the gentleman from Pennsylvania will allow me to make a little statement it may simplify the matter. We made an appropriation for hospitals, including the Army and Navy Hospital at Hot Springs, of $250,000. Now, this is on a different basis to the other, for this reason: There is a law upon the statute books providing that the Department shall not expend to exceed $20,000 on any one hospital without express authority of law, and this proviso comes in and provides that so much of this $250,000 shall be expended at Hot Springs. This is on a different basis again, because I have the report here of the Surgeon-General on the proposition, in which he says:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
January 15, 1900.

Respectfully returned to the honorable the Secretary of War. This bill is based upon an estimate made by the commanding officer of the Army and Navy General Hospital, as shown by the inclosed communication. In my opinion the improvements asked for are necessary, and I recommend approval of the bill.

GEO. M. STERNBERG,
Surgeon-General, United States Army.

WAR DEPARTMENT, *January 27, 1900.*

Respectfully returned to Hon. J. A. T. HULL, chairman Committee on Military Affairs, House of Representatives, inviting attention to the foregoing indorsement of the Surgeon-General, United States Army, and to the accompanying papers therein referred to.

ELIHU ROOT, *Secretary of War.*

Last year we started out and put in 70 new cots to make room for the volunteer soldiers that are admitted there. We then gave an appropriation of $25,000. That has been expended, and the Surgeon-General says this amount is necessary to complete and perfect the hospital. That is all there is of it.

Mr. MAHON. If that hospital is to opened up to the volunteer soldiers, I have no objection. I know it is a good place, and I am perfectly willing that the money shall go there; but to expend a thousand dollars for every man you have got there, as you have been doing, it appears to me is a pretty expensive business, and that you ought to get more men in there.

Mr. McRAE. I hope the gentleman from Pennsylvania will hear my colleague [Mr. LITTLE] who represents the district in which the city of Hot Springs is located. I am certain he will be able to convince him that this improvement should be made.

Mr. LITTLE. Do I understand the gentleman from Pennsylvania withdraws his objection?

Mr. MAHON. I withdraw the amendment.

Mr. LITTLE. Then I do not care to be heard.

The CHAIRMAN. The amendment is withdrawn, if there be no objection, and the Clerk will read.

The Clerk read as follows:

For the library of the Surgeon-General's Office, including the purchase of necessary books of reference and periodicals, $10,000; and the disbursing officer of the Medical Department, at Washington, D. C., shall be credited with all payments from the appropriations for the library for the years ending June 30, 1898, June 30, 1899, and June 30, 1900, heretofore or to be hereafter made by him for such publications upon accounts approved by the Surgeon-General.

Mr. McRAE. Mr. Chairman, I reserve a point of order against that paragraph, for the purpose of inquiring what the language means. The language, as I understand it, beginning with line 7, and down to the end of the paragraph, is new, and I confess I do not understand the purpose of it.

Mr. HULL. I have not the testimony taken at the hearings before me, but as I remember it, and the gentleman from Texas [Mr. SLAYDEN] and the gentleman from Virginia [Mr. HAY] will perhaps remember it better than I do, it was simply a question of disbursement; that the disbursing officer was frequently held up until he had the approval of certain other officers, where the matter of fact, the Surgeon-General was the sole judge of the expenditure for books to be placed in the library of his office. I have not paid any particular attention to it because it was a small matter, but it refers entirely to the library of the Surgeon-General.

Mr. McRAE. It seems to me this proposition is to pay for some things that have been already purchased, and which is not allowed under the present law. If that is true, let us know the facts.

Mr. HULL. It is simply a question of the matter of expenditure by the Surgeon-General for books for the library of his office. It can be looked up. My recollection is that the disbursing officer's accounts are held up on account of some technicality as to the disbursement of the fund for the purchase of the books during the years referred to.

Mr. McRAE. Were the committee satisfied that the money had been properly expended?

Mr. HULL. The committee are satisfied on that point.

Mr. SLAYDEN. There is no division in the committee about that.

Mr. McRAE. Then I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

For the purchase of material for use of United States Engineer School and for instruction of engineer troops at Fort Totten, Willets Point, in their special duties as sappers and miners; for land and submarine mines, pontoniers, torpedo drill, and signaling, and for travel expenses of officers on journeys approved by the Chief of Engineers and made for the purpose of instruction, $1,500.

Mr. McRAE. I desire to reserve a point of order against the last three lines of this paragraph, for the purpose of inquiring why that provision is inserted. I refer to lines 9, 10, and 11, on page 27, reading as follows:

And for travel expenses of officers on journeys approved by the Chief of Engineers and made for the purpose of instruction, $1,500.

That seems to be new language. I should like to know why it is inserted.

Mr. HULL. Well, as far as I am concerned, I do not remember the details of it. I think we simply followed the Book of Estimates, without any particular discussion of the matter.

Mr. McRAE. I think the gentleman will find that it is entirely new. There ought to be a reason for inserting that language, and unless it can be given it should go out.

Mr. HULL. There has been no amendment talked of relating to that.

Mr. MOODY of Massachusetts. The officers would get their mileage under the law without that provision.

Mr. HULL. But, as I remember it now, this would give them, on that kind of travel, their actual expenses. These officers of the Engineer Corps are sent from one place to another, and where they are sent short distances and then kept at a place for several days before they can complete their investigation and report their mileage does not cover their actual expenses. A man going from Philadelphia to Baltimore, or from Washington to Baltimore, and remaining there for several days on necessary work, would not find his mileage sufficient to pay his actual expenses. The Engineer Corps are a corps by themselves. They have charge of this river and harbor business, and in my judgment this language will give them their actual expenses, when ordered to report, under the language of the bill.

Mr. MOODY of Massachusetts. The same difficulty runs all through the Army service. Officers have to travel upon their mileage and stay away upon duty and subsist upon their pay.

Mr. HULL. This is when they are sent on journeys approved by the Chief of Engineers. The idea is that the mileage account of the officer does not pay the actual expense.

Mr. HAY. If the gentleman from Iowa will permit me for a moment——

Mr. HULL. I do not remember exactly the details of the statement which was made to us on the subject.

Mr. HAY. The object of it was to provide funds for the officers of the engineers to travel for the purpose of instruction, which you will find in the bill, and which heretofore had not been provided, when ordered by the Chief of Engineers to go somewhere and instruct a school. It is exactly the same amount as heretofore appropriated.

Mr. HULL. While the language means that, an officer may be sent to Baltimore, and they have no mileage, and he may have to stay there several days in order to accomplish the actual purposes for which he is ordered there, and it is only done with the approval of the Chief of Engineers. It is in the line of fair dealing with the engineers.

Mr. McRAE. If there is no danger of allowing two expense accounts for the same work, I can see no objection to it; but we know that the Army officers are supplied with transportation and all their expenses are paid. This language has never been carried in appropriation bills before, and I think we ought to have some explanation as to why it is here now. If the gentleman insists on it, however, I shall not make the point, if he will insert the words "actual traveling" instead of the word "travel;" so there can be no doubt about what it means.

Mr. MOODY of Massachusetts. I should like to ask the gentleman from Iowa why there is any reason to give a different treatment to the engineer officers in traveling to that given officers of the cavalry and infantry who are traveling for the same purpose? There may be some reason, but it does not appear on the surface.

Mr. HULL. There is a difference in the work. Their work is somewhat the same as private individuals.

Mr. MOODY of Massachusetts. While the paragraph deals with instructions to engineer troops at Willets Point, the travel expense is an expense incurred while traveling for the purpose of instruction. Now, why should the officers of the other arms, having to do the same thing, not have the same provision made for them? If we put this provision in here, the other branches will come and apply for the same thing.

Mr. HULL. If this is placed on here, whenever a member of the Engineer Corps was ordered from here, this would necessarily give him the amount of the actual expenses and will be saving to the Government. The Chief of Engineers in his hearing made no remarks upon that subject at all.

The CHAIRMAN. The Chair understands that the gentleman from Arkansas does not make the point of order.

Mr. McRAE. I said I would withdraw it if the gentleman would insert "actual traveling" for the word "travel."

Mr. MOODY of Massachusetts. I renew the point of order, then.

Mr. HULL. The chairman of the committee is not informed about it so as to combat it, and cares nothing about it. But the committee believed to such an extent in what the Chief of Engineers said, believing that the Corps of Engineers was doing important work, we simply met his recommendation in the matter, and therefore we put in this provision.

Mr. MOODY of Massachusetts. I have not looked up the old law; but I have just spent two hours with the Paymaster-General of the Army or a gentleman from his Department, and am considering the whole law governing the traveling allowances of officers of the Army. This is a departure from the principle heretofore adopted. It seems to me, just fresh from that conference, it would be very unwise for us to do it in the absence of a fuller explanation than the gentleman from Iowa is now prepared to give.

By the present law an officer would be allowed his mileage at 7 cents a mile when he is traveling without troops under orders. Now, then, that is what is given as travel compensation under existing law, and he would have to subsist himself; and the 7 cents a mile is supposed to be sufficient for that purpose. Now, there are very many cases where the distance traveled would be short and the stay at the end of the journey very long, and the mileage by no means compensates the officer. This provision would have to extend to other branches of the service if we begin to make a change in the law here.

Mr. HULL. There is no question in my mind that it is subject to a point of order.

The CHAIRMAN. Then the point of order is sustained, beginning with the word "and," in line 8, down to and including the word "dollars," in line 11.

Mr. HULL. Oh, no; to the word "instruction," in line 10.

The CHAIRMAN. Oh, yes; that is correct.

Mr. HULL. That is all they can raise the point of order to.

The CHAIRMAN. Certainly; the gentleman is correct.

The Clerk, proceeding with the reading of the bill, read as follows:

Ordnance, ordnance stores, and supplies: For manufacture or purchase of metallic ammunition for small arms and ammunition for reloading cartridges, including the cost of targets and material for target practice, ammunition for burials at the National Home for Disabled Volunteer Soldiers and its

several Branches, including National Soldiers' Home in Washington, D. C., and at Soldiers and Sailors' State Homes, and marksmen's medals and insignia for all arms of the service, $750,000: *Provided*, That hereafter the Chief of Ordnance is authorized to issue such obsolete or condemned ordnance, gun carriages, and ordnance stores as may be needed for ornamental purposes to the Homes for Disabled Volunteer Soldiers, the Homes to pay for transportation and such other expenses as are necessary.

Mr. MOODY of Massachusetts. Mr. Chairman, I desire to ask——

Mr. McRAE. Mr. Chairman, I reserve a point of order.

Mr. MOODY of Massachusetts. I desire to ask, Mr. Chairman, with reference to the language employed in line 13, page 28, whether it is customary to make the appropriation for the purchase as well as the manufacture of small arms and ammunition?

Mr. HULL. I think it is. I am looking for the old bill.

Mr. MOODY of Massachusetts. My information is that this is a departure from the language heretofore employed in this particular appropriation.

Mr. HULL. The gentleman from Massachusetts is right about it.

Mr. MOODY of Massachusetts. I trust the gentleman will strike that out. The evidence before our committee is that the arms manufactured in the Government factories are superior to those manufactured in the private factories, and are cheaper. The experience in our late Spanish war would indicate that we had better continue the manufacture of our own arms and ammunition.

Mr. PARKER of New Jersey. We may be suddenly in need of ammunition. Everybody knows that ammunition is a thing that gets away. If we need it, we ought to have the opportunity to buy it. I can not help speaking about this matter earnestly, because it seems to me that when it is necessary to buy arms and ammunition the Government ought to have the opportunity and the power to do it.

Mr. McRAE. I make the point of order against these words in that paragraph, "or purchase," in line 13, and the words "Soldiers and Sailors' State Homes," wherever they occur, and against the word "hereafter," in line 21. It has been clearly shown in the Committee on Appropriations that we can manufacture ammunition cheaper and better than we can buy it. We have the factories with which to do it, and we ought to do it.

Mr. PARKER of New Jersey. Will the gentleman permit a question?

Mr. McRAE. Certainly.

Mr. PARKER of New Jersey. It is perfectly well understood that we make it when we can. Nobody wants the Government to purchase supplies when it has them; but the Secretary of War can not make ammunition at all times in a sudden emergency, and he ought to have the authority to buy it.

Mr. McRAE. I am not going to suppose an impossibility nor assume any emergency will arise in the next year.

Mr. PARKER of New Jersey. If we shoot it all away in the Philippines and can not get any more immediately, he ought to have the opportunity to buy abroad.

Mr. HULL. Mr. Chairman, this question of striking out the power to purchase these supplies will not be consented to by the committee at least. If the Chair decides that we can not keep it in the bill, we bow to his decision. As the gentleman from New Jersey [Mr. PARKER] very properly says, we ought to have the opportunity to buy supplies when we need them. We did need ammunition terribly only a short time ago. We are using a vast amount of ammunition to-day. If we do not need it, it will not be bought; if our own factories can manufacture it, it will not be purchased; but if the time comes in the next fiscal year when the United States wants to buy ammunition, or has to go without it, it seems to me that we ought to have the right to provide that they can buy it.

Mr. McRAE. If the time comes that we can not manufacture all the ammunition necessary to overcome any force now in the field or that may hereafter assail us, permission can be had to buy it very easily and quickly.

Mr. HULL. Oh, yes; if Congress is in session.

Mr. McRAE. We do not need it now, and I am opposed to giving authority to any officer to buy ammunition in time of peace, when we can make better ammunition in our own factories. We have all the machinery and appliances necessary to make it, and if necessary, build more of them. I believe our success in the last war was due more to the fact that we made our own ammunition and had fresher and better than our foes had. The Spanish Government bought theirs abroad, and a good deal of it was utterly worthless as compared with that used by our men.

Mr. PARKER of New Jersey. Will the gentleman permit another question?

Mr. McRAE. Certainly.

Mr. PARKER of New Jersey. Was not there complaint all through the Spanish war that our soldiers were dying because we had not smokeless powder and ammunition and the enemy had and every shot with our black powder revealed the presence of our troops?

Mr. McRAE. The other fellows did the complaining in the Spanish war, because our men located them; and so it will be in any war when they stand up against American soldiers armed with American guns loaded with material which our factories turn out. I think, Mr. Chairman, these words ought to go out on a point of order.

The CHAIRMAN. The Chair understands the point of order made by the gentleman from Arkansas covers only the words "or purchased," in line 13.

Mr. McRAE. And the words "at Soldiers and Sailors' State Homes," wherever they appear, and the word "hereafter," in line 21. That seeks to make this a permanent law.

The CHAIRMAN. The Chair thinks that a part of the point of order is well taken and a part not. If the gentleman is willing to have the Chair rule upon any part of the paragraph——

Mr. McRAE. Of course, I do not object to that. Each one should stand alone.

The CHAIRMAN. It seems to the Chair that the words "or purchase" are not susceptible to the point of order; and so far as those words are concerned the Chair will overrule the point; but he will sustain the point of order so far as relates to the words "and at Soldiers and Sailors' Homes" and the word "hereafter."

Mr. McRAE. I submit, without appeal, to the ruling of the Chair, and move to amend by striking out the words "or purchase."

Mr. HULL. I sincerely hope that this amendment will not prevail. By no possibility can the language proposed to be stricken out do harm, and it may do a vast amount of good. There is no danger in allowing an officer of this Government to purchase munitions of war which it may be necessary for the Government to have and which it can not manufacture.

So far as I am concerned, I want to say to the gentleman from Arkansas and to this committee that I am in favor of the Government of the United States accumulating a surplus of powder and munitions of war, including metallic ammunition. We went into the last war practically without anything. Our arsenals were bare, our munitions of war absolutely worthless, because Congress had not provided for proper supplies of that kind. I believe that this Government ought to provide small arms; and we have provided for the erection of another plant at Rock Island for the purpose of increasing the supply of small arms.

I believe the Government ought to have not simply the powder it uses from year to year, but a reserve of powder that will enable us to do something effective when war breaks out, without sending our agents scurrying over the world to buy the supplies we need. I hope the gentleman's amendment will not prevail.

Mr. UNDERWOOD. Mr. Chairman, it was stated yesterday in the discussion on this bill that repairs were being made to Government vessels, War Department vessels, at private navy-yards, whilst—and I did not hear the statement contradicted on the floor—whilst the Government navy-yards were working at half time. It was openly stated and charged here that a bill was rendered against the Government for $8,000 for repairs which ought not to have cost $2,000.

What is the result? The provision now before us is just in line with that proposition. Whenever you leave questions of this kind open as to whether a private contractor can get these contracts from the Government, you institute at once a lobby here and a lobby at the War Department to take out of the hands of the Government the manufacture or repair of Government material and put that work into the hands of private contractors for political purposes; and that is especially true in the face of a campaign, when by giving out this class of contracts you can probably make votes for the party that controls the giving out of those contracts.

There is no question that the experience of this Government in the manufacture of great guns and in the manufacture of carriages for guns has demonstrated beyond a doubt that these materials can be manufactured better by the Government than by private contractors. When the materials are to be used solely by the Government, when the Government is the sole purchaser, the sole competitor for such materials, it is better for the Government, so far as regards the quality of the material, and also cheaper for us to establish our own factories, as we have done in this case, and carry on the manufacture for ourselves. We have now factories for making powder.

The gentleman from Iowa says that we should carry a supply on hand, and that is the reason he gives for wishing to retain in this paragraph the words "or purchase," because the Government needs to carry a supply of powder. Of course it does; but, sir, the limitation of the appropriation, which in this instance is $750,000, is a limitation upon the amount of ammunition that we are to keep on hand, whether it be manufactured by the Government or by private contractors. There is nothing to indicate that within the next six months or during the coming recess of Congress we shall have any great or extraordinary demand for powder. We have already established our factories, and they are

prepared to manufacture this powder, and I see no reason why the Department should be authorized to go into the field and give out these contracts, possibly for purposes which if known would not be approved. I hope the amendment will be adopted.

Mr. PARKER of New Jersey. Mr. Chairman, I do not know whether I am regularly in order, because I have already spoken on this amendment; but I desire to ask unanimous consent that I may have, say, ten minutes to answer the objections of the gentleman from Alabama, continuing those of the gentleman from New York, with reference to the transport *Sumner*.

Mr. HULL. I ask unanimous consent that the gentleman may have ten minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from New Jersey [Mr. PARKER] may proceed for ten minutes without interruption. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, we had a very interesting speech yesterday with reference to the transport *Sumner*, a speech which was the more interesting because it was not in the words of the honorable gentleman who introduced the matter [Mr. DRIGGS], but in the words of a newspaper article. We heard of "A palace of the seas is this Army transport. Where and how the Government lavished $750,000 on the *Sumner*."

In the short time which I have I can not read the whole article over, and I would not if I could; but I want to call attention to the facts in the case as distinguished from the statements made in that article.

The transport *Sumner* was a collier belonging to the Navy. She was transferred to the Army to be changed into a transport, at the sum of $160,000. The newspaper article says that since that time she has been converted into a floating palace at an expense of over $750,000.

Fact No. 1. The sum of $100,000 was paid to the Navy Department for necessary ship work, and her total expense since she was bought from the Navy Department, including that amount, is less than half of the sum mentioned in the article quoted. The total was expended in different places and can not at this moment be exactly stated.

Mr. DALY of New Jersey. What newspaper article are you reading from?

Mr. PARKER of New Jersey. I am reading from the RECORD of yesterday, reprinting an article and statement in the Brooklyn Eagle, read by the gentleman from Brooklyn [Mr. DRIGGS] yesterday. We are told in that statement that the *Sumner* was slightly injured coming up New York Bay and that the expenses of her repair ought not to have been over $2,000, but that they cost $8,000, and the criticism is made that she ought to have been sent to a Government dock, where she could have been repaired for not over $2,500, instead of being sent to the Erie Basin, where the work was done. This brings us to fact No. 2. The actual cost of repairs to the transport *Sumner* at the Erie Basin, New York City, was not $8,000, but $1,945, or less than the estimates at which the article says the work should have been done.

Mr. DRIGGS. Will the gentleman yield for a question?

Mr. PARKER of New Jersey. I can not yield. There are a number of different statements of fact in that article which was referred to which are as wholly erroneous as those to which I have referred. If the gentleman wants to know where I got these figures, I will say that I got them from the Quartermaster's Department of the United States Army, where the gentleman [Mr. DRIGGS] should have gone himself before he made these statements, if he had desired to do so.

Mr. FITZGERALD of New York. How much did the gentleman say these affairs cost?

Mr. PARKER of New Jersey. The total will be given when they get all the bills together at the Department. Part of the bills are from the Navy Department and have not come in.

The tumblers and water bottles in the staterooms were referred to as wondrously costly cut glass. The tumblers actually cost 39 cents and the water bottles $1.25, respectively, at retail, the cost in this case being much less, as they were purchased in a lot.

The fine linen on board was referred to in that article. This is the kind of fine linen that it is. The tablecloths cost 87½ cents a yard; the napkins 23 cents apiece. The sheets cost 47½ cents each, the pillows 14 cents each, and the pillow slips 14½ cents each—ordinary linen and nothing more. We heard again about the engraved frosted glass covering the front doors of these magnificent staterooms. The glass covers for the front doors of the staterooms cost 50 cents apiece and is the ordinary frosted glass used in doors of such character.

We heard about mahogany furniture. Yes, the furniture in the cabins is actually mahogany. It was put in by the Navy, as they always do in their own ships, because mahogany stands sea air better than any other wood; and while the original outlay is greater, it pays better in the end. The tables in the dining room were made by the workmen at the Norfolk Navy-Yard, not by private contract.

A sideboard was referred to. It was described as being at one end of the saloon, about 10 feet long and 3 feet wide, and extending to the ceiling with "great beveled-edged French plate mirrors, costing $1,500." The fact is that the sideboard was built and put in by the Navy Department, and the three mirrors cost all together $12.50 instead of $1,500. The largest mirror on the stairs cost $35.

We heard a great deal about $8,000 worth of silverware in that sideboard. There is not one piece of silverware aboard the ships. It is simply plated ware throughout, and the total silver plate for soldiers, officers, and everybody on board ship—not merely on the sideboard, but all through the ship—cost $1,298.99 instead of the $8,000 stated to be the cost of the silverware in the sideboard alone.

We heard of wonderful velvet carpet. We heard about costly rugs. The carpets on board that ship are the ordinary body Brussels carpet, costing $1.10 a yard, and the rugs are ordinary Smyrna rugs, averaging $10 apiece.

We heard of wonderful bathrooms and porcelain tubs. We all know something about the cost of plumbing. The entire plumbing aboard the ship, including everything, bathrooms, bath tubs, shower baths, washstands, and all pipings and fixtures for officers, soldiers, crew, and hospital, cost $12,983.81. The average cost per bathroom, including all fittings, was $354.96.

Mr. DRIGGS. I did not quite understand the gentleman's figures as to that item.

Mr. PARKER of New Jersey. The whole plumbing throughout the ship was under $13,000. The average cost per bathroom was $354.96.

Mr. DRIGGS. Is that bill itemized?

Mr. PARKER of New Jersey. Yes; I have got some items here. I will hand the list to the gentleman when I have finished my statement or I will put it in the RECORD. They talk about tiling on the bathroom floors. Yes, there is tiling on the bathroom floors, because it is the only material that resists water and rust together. It costs 60 cents per square foot and is the only kind of material that should be used in such places.

They talk about bunks. Oh, yes; "each man will be given a berth, a sleeping place arranged on galvanized frames," as if that was too much to give them. Berths are better than hammocks as used in the Navy, for they can put more men in a given space and they are more comfortable. They cost $6.50 per bed, while the cost of the Navy hammock, with pads and half stands, which would be necessary, averages $6.63 per man. So the berths were cheaper as well as better.

Then we come to the automatic egg boiler, which it is said cost $75. It actually did cost $60, and the quartermaster reports that, with the large amount of cooking which is necessary to be done for the different messes, it is an essential and not absolutely or relatively a costly article.

Mr. Chairman, why do we not get facts instead of imagination?

Mr. OTEY. Will the gentleman answer a question?

Mr. PARKER of New Jersey. I will, with pleasure, if I can.

Mr. OTEY. How many eggs will that thing boil at a time? [Laughter.]

Mr. PARKER of New Jersey. I can hardly answer that.

Mr. OTEY. Is it for the officers or for the men?

Mr. PARKER of New Jersey. It is for the officers and men both. The statement of the Quartermaster is that with the large amount of cooking that is necessary to be done for the different messes it is necessary. It is for all the officers and men, as I understand it.

Mr. OTEY. But do you know how many eggs it will boil at once?

Mr. PARKER of New Jersey. No; I am not an expert in boiling eggs. Why do not gentlemen get the facts? The Quartermaster's Department is accused of extravagance, and the statement is repeated here without any investigation. It is said that the sum of $750,000 was expended in changing a transport, in nonessentials, and the proof is that the bulk of the changes were made in our own navy-yards, as our own ships are built, and, thank God, all men—Democrats and Republicans—since Manila, now stand by the Navy, and know that honest work is done there. [Applause.] The rest of the work was not done in the navy-yards because it could not be done there. These are the facts as to the fitting up of this transport to carry so many soldiers, so as to give them comfort in large numbers in a hot climate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER of New Jersey. I will simply ask to insert this statement in the RECORD.

The statement is as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 28, 1900.

MY DEAR MR. PARKER: The inclosed list will give you practically what you wish. I have been unable to get as yet from the Navy the total expense for the repairs to the *Sumner* at the Norfolk Navy-Yard, but as soon as they

can obtain a reply from a telegram sent to Norfolk Navy-Yard I will send the amount up to you.

Very sincerely,

J. B. BELLINGER,
Major and Quartermaster, U. S. V.

Hon. RICHARD WAYNE PARKER,
House of Representatives, Washington, D. C.

1. The cost of the repairs to the transport *Sumner* at Erie Basin, New York City, was not $8,000, but was $1,945.

2. The tumblers and water bottles in the staterooms were included in a sum-total bid for all crockery, but can be bought at retail for 30 cents and $1.25, respectively, the cost being much less, of course, purchased in the lot.

3. The linen on board is of good quality, but is not the best, the cost of same being as follows: Tablecloths, 87½ cents a yard; napkins, 22 cents each; sheets, 47½ cents each; pillows, 14 cents each, and pillowslips, 14½ cents each.

4. The glass covers for the front doors of the staterooms cost 50 cents apiece, and is the ordinary frosted glass used in doors of such character.

5. The tables in the dining room were made by the workmen at the Norfolk Navy-Yard, and the exact cost is not known.

6. The chairs are the standard chairs used in all ocean-going steamers, and cost $20, instead of $15. In this connection it would be advisable to call attention to the fact that all ships carrying passengers are fitted up with mahogany, simply because it stands the sea air better than any other woods; and while the original outlay is a little greater, it is the cheapest in the end, as it takes a great deal less labor to keep it polished and lasts much longer than other woods.

7. There are three mirrors in the sideboard, the total cost of the three being $12.50, instead of $1,500. The large mirror at the head of the stairway cost $35.

8. There is no silverware on board the ship. It is simply plated ware, and the total silver plate on board the ship costs $1,298.99, instead of $8,000, as stated for the silverware on the sideboard alone.

9. The carpets are ordinary body Brussels carpets, and cost $1.10 per yard. The rugs are the ordinary Smyrna rugs, and average $10 each.

10. The entire plumbing aboard the ship, including everything, bathrooms, bath tubs, shower baths, washstands, all piping, and all fixtures for officers, soldiers, and crew, cost but $12,983.81. The average cost per bathroom (as given in the inclosed slip) is $354.90. Shower baths cost $5 each. The washstands in the corner of the staterooms cost $18. Nickel-plated brass is found to be the cheapest thing to use in this work, as it wears much better and costs less in labor to keep it in proper condition. The bath tubs cost, approximately, $125 each, instead of $200.

11. The automatic egg boiler cost $60, and with the large amount of cooking which is necessary to be done for the different messes is an essential and is not an absolutely or relatively costly article.

12. The flooring of all bathrooms, shower baths, butcher shops, kitchens, and other places which are continually covered with water are of tile or a composition of cement, and cost 60 cents per square foot. You can readily see that this is the only kind of material that should be used in such places, as wood would rot and iron would rust.

13. Bunks are substituted instead of hammocks as used in the Navy, as they permit of carrying more men, and they take up less space and are more comfortable. These bunks cost $6.50 per bed; the cost of the Navy hammock, with pads and one-half standee, which would be necessary, averages $8.63 per man.

The following is a list of the articles installed in bathroom No. 1 on the Army transport *Sumner*, at a cost of $354.96, which was the most costly of any of the bathrooms on the ship, viz:

"Imperial porcelain roll rim 'Granada' bath, 4 feet 6 inches, Class A, finished outside white, with 3 gold lines, plate 13–Y; N. P. Unique waste; N. P. high bell supply, clamps as 14–Y; H. P. Security heater; Imperial porcelain lavatory, Class A, 20 inches by 20 inches, plate 306–Y; H. P. brass leg; N. P. soap cup, plug, coupling, stopper, and chain; N. P. trap to deck, plate 386–Y, fitted with single N. P. Mott's patent self-closing basin faucet, plate 373–Y; 1 N. P. shower, with white-duck curtains, chain, and cock; N. P. connections from heater to shower and bath; beveled plate-glass mirror with N. P. frame, 20 inches by 24 inches; N. P. brass comb and brush holder, plate 229–Y; N. P. brass combination towel shelf and rack, 20 inches long, 6 inches wide, plate 212–Y; N. P. brass sponge holder, plate 216–Y; vitro-adamant soap dish, with N. P. brass holder, plate 223–Y; 2 brass hand rails, lengths 1 foot 10 inches, diameter 1 inch, as per plate 225–Y; N. P. paper holder for roll paper, plate 209–Y; 1 Oregon water-closet, same as previously described."

Mr. FITZGERALD of New York. Will the gentleman allow a question?

Mr. DRIGGS rose.

Mr. FITZGERALD of New York. I ask that the time of the gentleman from New Jersey may be extended in order to answer a question.

The CHAIRMAN. The gentleman from New York [Mr. DRIGGS] is recognized.

Mr. FITZGERALD of New York. I will ask the gentleman if he will answer a question.

The CHAIRMAN. The gentleman from New York [Mr. DRIGGS] has the floor.

Mr. FITZGERALD of New York. Will you answer a question? I will ask you if you are ready to join us in the movement to build the ships in the navy-yards, as you say it is a saving?

Mr. DRIGGS. Mr. Chairman, I did not have the felicity of listening to the remarks of the gentleman from New Jersey at the outset, but in the very melodious tones of his voice I heard a number of statements resounding over this side of the House. I understood in the commencement of his remarks he accused me of having made a misstatement.

Mr. PARKER of New Jersey. Oh, no, sir; if I made any statement that seemed like that I shall take it back. The gentleman simply asked a question, but a rather long one.

Mr. DRIGGS. All right, then; we will consider that a "closed incident." I noticed among the various items that he read, which I understand have been sent him this morning from the Quartermaster's Department, one little item of $12,000—a mere bagatelle, of course—for plumbing of that ship.

Mr. PARKER of New Jersey. You desire me to answer. I went this morning to the Quartermaster-General's Office and he was not there. They had not heard of what was said here yesterday, and before leaving the Department I asked Major Bellinger, assistant quartermaster-general, who had charge of the transport service, to find out the facts and investigate the items in that matter. The expenses were incurred, as the gentleman will notice and will know, in New York, as to matters in these items that were not done in the navy-yard. All that could be done was to telephone to New York to ascertain the accuracy or inaccuracy of the figures given and specific charges made in that newspaper article. The gentleman could have found out as to their accuracy, or, rather, as to their want of accuracy, if the gentleman had taken the pains to talk with the Secretary of War or the Quartermaster-General and to make the same inquiry he could have found out.

Mr. DRIGGS. I decline to yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. DRIGGS. Mr. Chairman, in my introductory remarks yesterday I said that this is a matter of so great importance that we should know something about it, and this morning I have introduced a resolution authorizing the Speaker of the House of Representatives to appoint a committee of nine members of this House to investigate the entire transport service of the United States. It has been a well-known fact to every citizen of the city of New York, where many of these transports have come from time to time, and where many of them from time to time have been visited by our people, that there was something wrong in the transport service of the United States; and when this article appeared in the Brooklyn Daily Eagle I realized that where there is some smoke there must be some fire.

Mr. PARKER of New Jersey. Does the gentleman repeat that? Does he mean to say now that there is some fire in this matter?

Mr. DRIGGS. I say there is fire until I am convinced that there was something wrong in that article.

Mr. PARKER of New Jersey. The gentleman said that he made no statement yesterday, but merely read an article.

Mr. DRIGGS. Oh, no; I said yesterday, in answer to the gentleman from Indiana, that I proposed to stand by every statement made in that newspaper article until it was proved to my satisfaction and the satisfaction of my constituents that those statements were false, and I do not think that the article you have brought in here from the Quartermaster-General's Office absolutely refutes the statement made here. You may say that some of these glasses have not cost so much, or some of this other cut glass may not have cost so much. But here is a specific charge of these people that the mirror cost $1,500. I do not care about little ground-glass windows in front of the door. Where is your answer to that?

Mr. PARKER of New Jersey. I will tell you where the answer is. The mirrors on the sideboard cost $12.50, and the biggest mirror on board, at the head of the stairs, $35. How can you answer that? If the Department is to spend its time giving responses to articles such as that, they will never get through.

Mr. DRIGGS. I desire to be fair, and I think the gentleman is trying to be fair, and these charges are very serious.

Mr. PARKER of New Jersey. I understood you to say you did not make a charge yesterday, and here you say you stand by the charge.

Mr. DRIGGS. I did, through the newspaper article, make the charges yesterday, and I stand by them despite all that the gentleman from New Jersey may say, and, whatever the article he has brought in here this morning, I will stand by the article that I introduced until it is absolutely proved to be untrue; but I desire to state to this House that there is altogether too much truckling to the idea of a Department saying what members of this House should do. We should go on and demand an investigation, and obtain the absolute facts as they really are; not that I am saying that the statements of the gentleman from New Jersey are false, or the reports that have come from the Quartermaster's Department this morning are false. The taxpayers are paying the freight, and should have the benefit of a thorough investigation.

But I do contend that in that item of $12,000 for plumbing there is plenty of room for $200 bath tubs and all such appurtenances as that.

Mr. Chairman, if we have not the right to investigate into a system and service which is notoriously bad, I would like to know where under the sun we can make an investigation.

The CHAIRMAN. The time of the gentleman has expired. Debate on the amendment is exhausted.

Mr. McRAE. Mr. Chairman, I would like to be heard upon this amendment.

Mr. HULL. There is another amendment before the House.

The CHAIRMAN. The amendment before the House is to strike out the words "or purchase."

Mr. HULL. I ask unanimous consent that the gentleman from Arkansas may have five minutes in which to discuss the amendment.

The CHAIRMAN. The gentleman from Iowa asks unanimous

consent that the gentleman from Arkansas may have five minutes to discuss the amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. McRAE. Mr. Chairman, all of this debate about the *Sumner* shows the necessity of the Government making its own ammunition and building its own ships, as far as possible. You will find abuses running all through the Departments under all Administrations. I have no special charge to make against any one about purchasing ammunition at this time. They are likely to exist in any Administration if you give them the power sought to be given now. Pressure will be so strong that ordinary men can not resist it. Every transport, every vessel that could be sold at all, was bought by the Government in 1898, whether it could be used to advantage or not.

In the hurrah and excitement of war men who had something to sell came, one after another, and made the life of those who controlled the Executive Departments a burden until they sold. If you give them the power to purchase ammunition for small arms, as is authorized by this bill, I predict that it will not be three months before the Government shops will be running on short time and the men standing idle, and all the refuse ammunition of this country will be dumped on the Government, kept a few years, and then condemned as worthless. Every man who has investigated this question knows that you can not keep powder within a short distance of salt water without its deteriorating in strength.

I remember that just before the Spanish war certain civilians, and even some in high military authority, insisted that we should have on hand as much as 200 rounds of ammunition. The gentleman then in charge of the Ordnance Department, one of the most conscientious and capable officers that ever served the Government, General Flagler, said, with a cool, soldier-like courage, that it was unnecessary; that we could not keep such a quantity without its deteriorating; that there was no necessity for it anyway. He explained that with our superior guns, accurate marksmanship, and strong powder we did not need 200 rounds. He said that no enemy and no ship of any enemy on the face of the earth could venture within range of our guns and stand against them for even ten shots. The engagements both upon land and sea proved the truth of every word he uttered.

Under the judgment of that gentleman that war was prosecuted successfully. He furnished plenty of good ammunition, the most of it made by the Government. Why do we need authority to purchase now when we are practically at peace? When we only have a little insurrection in the Philippine Islands there is no necessity for going beyond the capacity of our own factories, where we can get the best ammunition in the world for less money than we can purchase it. Believing this as I do, I hope that the committee will vote out these two words, "or purchase," so that the Government can go on manufacturing its own ammunition, at least until some necessity arises for more than we can manufacture, and thus give employment to our own employees.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas [Mr. McRAE].

The question was taken; and on a division (demanded by Mr. HULL) there were 76 ayes and 65 noes.

Mr. HULL. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Arkansas [Mr. McRAE] and the gentleman from Iowa [Mr. HULL] will take their places as tellers.

The question was taken; and the tellers reported 73 ayes and 85 noes.

So the amendment was rejected.

Mr. STEELE. Mr. Chairman, before that paragraph is passed I desire to offer an amendment.

The Clerk read as follows:

On page 20, after the word "transportation," insert the following: "out of any appropriation for transportation now made."

Mr. STEELE. There is no objection to that on the part of the chairman of the committee.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, D. C., and State Soldiers and Sailors' Homes, including material for cartridges, bags, and so forth, $25,000.

Mr. McRAE. Mr. Chairman, I make the point of order against the words "State Soldiers and Sailors' Homes," in the twentieth line. It seems to me that these State institutions ought to be kept separate from and not to be mixed up with like homes owned and supported by the Government.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Hereafter all volunteer officers and soldiers who served in the United States Army, Regular or Volunteer, during the late war with Spain, and all who served, or shall serve, in the Philippine Islands, shall be admitted to the benefits of the National Home for Disabled Volunteer Soldiers on the same terms and conditions as officers and soldiers who served in the late war for the suppression of the rebellion from 1861 to 1865: *Provided*, That the provisions of this act shall apply for the payment of volunteers as fully as though they formed part of the Regular Army.

Mr. HULL. I move to amend the paragraph just read by striking out lines 7 to 14, inclusive, and inserting before the word "*Provided*," in line 15, the following:

Hereafter the following persons only shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto upon the order of three of the Board of Managers, namely: All honorably discharged officers, soldiers, and sailors who served in the regular or volunteer forces of the United States, who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of such disability are incapable of earning their living; and such of these as have neither wife, child, nor parent depending on them, on becoming members of this Home or receiving relief therefrom shall assign thereto their pensions, when required by the Board of Managers, during the time they shall remain therein.

Mr. STEELE. I desire to reserve a point of order on this amendment.

Mr. HULL. The only change which my amendment próposes in the existing law is to strike out of the law the words "war of 1812, the Mexican war, and the civil war" and to insert "all wars." The rest of the amendment is now existing law. Under this amendment men who served in the Mexican war can be admitted to the Home even if they served in the Confederate army. The amendment removes that restriction. It puts the whole question of admission into the hands of the Board of Managers.

It strikes out that part of the present law which gives the President the right on his own motion to admit without any regard to the Board of Managers. It covers all wars in which the Government of the United States has been engaged. The original proposition submitted by the committee was limited to those who served in the Spanish war and in the Philippines. This broadens the provision so that the Board of Managers shall have complete jurisdiction of this matter of admission.

Mr. TONGUE. Does this include soldiers who served in the Indian wars?

Mr. HULL. I should say that it included all persons who actually served in such wars.

Mr. STEELE. I should like to have the provision confined to those who have served in the Regular or Volunteer Army of the United States.

Mr. HULL. That is the provision of the amendment already.

Mr. STEELE. I do not think so. It uses, I believe, the words "all wars."

Mr. HULL. The language is, "who served in the regular or volunteer forces of the United States, who are disabled," etc.

Mr. STEELE. Then I have no objection.

The CHAIRMAN. As the Chair understands, the gentleman from Indiana does not press the point of order.

Mr. STEELE. No; I withdraw it.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I move to amend by striking out the last word. What I am about to say I have deferred until the bill is practically completed, because I did not wish to delay its passage. I desire, however, to call the attention of the House to the inadequate and unfair provision now existing in the matter of chaplaincies in the Army. As is well known, a large number, if not a majority, of the soldiers in the Army at the present time who belong to any church are members of the Catholic Church, and yet of 34 chaplains who hold commissions at the present time only 4 are members of that faith. This matter was emphasized anew yesterday when I read an article which appeared in one of the New York dailies stating—and I presume the story is true—that a priest who was sent for by a sick soldier was denied admission to one of the forts at Bay Ridge, Long Island.

While an amendment such as I should like to offer is not in order at this time, I think it proper to call attention to this condition of affairs, so that the Committee on Military Affairs may see the necessity of presenting to the House some legislation which will remedy the evil in this case. It seems to me that when so large a proportion of the soldiers of the Army belong to a particular religious faith that this church ought to be recognized more in the matter of appointments of chaplains. It is a well-established truth that in case of serious sickness the members of the Catholic Church desire the attendance of a clergyman.

How impossible it is to bring this condition of affairs about in the Army is easily seen when the proportions quoted above are realized. I realize how impossible it is to appoint chaplains in the Army so that all religious beliefs can be recognized. I do think, however, where there is and will continue to be such a large representation of members of the Catholic Church in the service of the United States, and where the teachings of that church require the presence of a clergyman in cases of dangerous illness, that a larger proportion of Catholic clergy should receive commissions.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. MEYER of Louisiana. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add, after line 17, on page 30, the following:
"*Provided*, That the provisions for extra pay embraced in the act entitled 'An act granting extra pay to officers and enlisted men of the United States Volunteers (Public, No. 114) be extended to officers and enlisted men with creditable record who resigned or were honorably discharged prior to the formal muster out of the commands to which they were attached, and whose length of service was not less than six months.'"

Mr. HULL. I raise the point of order to that, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. HEDGE. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert, before line 15, on page 30, the following:
"That all honorably discharged officers and enlisted men of the Volunteer Army of the United States who served in the recent Spanish-American war and who received no furlough prior to being mustered out, or at the time of mustering out no extra pay in lieu of such furlough, and who have been paid no extra pay under the provisions of the acts of January 12 and of March 3, 1899, be now paid one month's extra pay if they served within the limits of the United States, and two months' extra pay if they served beyond the limits of the United States."

Mr. CANNON. I will reserve the point of order until I find out what this is. It may be very proper.

The CHAIRMAN. The gentleman from Illinois reserves the point of order. The gentleman from Iowa.

Mr. HEDGE. Mr. Chairman, this amendment is offered to fill an omission in two statutes passed about a year ago, referred to in my amendment, January 12, 1899, and March 3, 1899, which provided that soldiers who were honorably serving should have either a furlough or one month's pay. This furlough or one month's pay was given to all the soldiers of the Spanish war who were subsequently mustered out.

I have been informed by the gentleman from Illinois, who offered that statute of January 12, that it was supposed at that time that that covered all cases, but as a matter of fact two regiments from the State of New York, as will appear from a statement by the gentleman from New York [Mr. CLAYTON], and two batteries from Iowa, were not included, although all the other conditions were just the same and the intention was to cover all such soldiers. I do not think there are any other soldiers who are excluded from the benefits of the law of January 12 and March 3 except the two Iowa batteries and the New York regiments that I have referred to. I think that with a full knowledge of the facts there will be no objection to this amendment, because it puts these soldiers on an equal footing with other honorably discharged soldiers who served in the Spanish war.

Mr. CLAYTON of New York. Mr. Chairman, this amendment offered by the gentleman from Iowa [Mr. HEDGE] is practically the same as a bill that I introduced some time ago to put the discharged officers and men of the Twenty-second Regiment of New York and the First Volunteer Cavalry, known as the Rough Riders, on the same footing with reference to this extra pay as were the other volunteers during the Spanish war. At first it was decided, and I believe according to law, that when these troops returned to the United States they should have this furlough previous to being mustered out, but it afterwards became the custom to muster them out immediately.

Now, Congress passed the law of January 12, 1899, giving those who were mustered out immediately a month's pay in lieu of that furlough; but before this act was passed two regiments, one or two batteries, and a few staff officers had been mustered out of the service, so that they did not come under the provisions of that act. This amendment simply extends to those who were mustered out before the passage of the act the same privileges that were granted to those who were mustered out after the passage of the act. And, as stated by the gentleman from Iowa [Mr. HEDGE], it only includes two regiments, a few staff officers, and two other separate organizations—batteries, I believe—small organizations. I think the amendment ought to pass as a matter of justice, to put them all on the same plane.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] withdraw his point of order?

Mr. PAYNE. The gentleman from Illinois was called out of the Hall, but he requested me to withdraw the point of order for him.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. HEDGE].

Mr. MAHON. I renew the point of order.

The CHAIRMAN. The gentleman from Pennsylvania renews the point of order. Will the gentleman from Iowa inform the Chair if there is any question that this is a new provision?

Mr. HULL. It is a new provision.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HULL. Now, Mr. Chairman, on yesterday we passed over certain provisions of the bill.

The CHAIRMAN. We first passed over the provisions on page 6, to which the gentleman from Arkansas [Mr. MCRAE] raised a point of order against the first three sections, covering lines 3 to 8, inclusive.

Mr. MCRAE. The Chair does not quite state the full scope of my point of order.

The CHAIRMAN. The Chair will ask the gentleman from Arkansas to make a full statement.

Mr. MCRAE. The point of order was to each paragraph, beginning with line 3, down to and including line 16.

The CHAIRMAN. The gentleman contemplated covering that entire section by his point of order?

Mr. MCRAE. Not by one point of order, but by a point of order against each paragraph. That was the understanding when that was passed over.

The CHAIRMAN. Very well. When the matter was passed over temporarily yesterday the Chair had sent for the volume of Opinions of the Attorneys-General of the United States, in order to look at an opinion that was given by the Attorney-General some years since in reference to what was covered by the expression "Executive Departments." The Chair is informed that this opinion was not presented to the gentleman from Illinois last year when he made the ruling to which reference was made by the gentleman from Iowa and by the Chair yesterday. That opinion, in part, reads as follows:

The several Executive Departments are by law established at the seat of government; they have no existence elsewhere. Only those bureaus and offices can be deemed bureaus or offices in any of these Departments which are constituted such by the law of its organization. The Department, with its bureaus or offices, is in contemplation of the law an establishment distinct from the branches of the public service and the offices thereof which are under its supervision. Thus, the office of postmaster or of collector of internal revenue or of pension agents or of consuls is not properly a departmental office—not an office in the Department having supervision over the branch of the public service to which it belongs. True, an official relation exists here between the office and the Department, one, moreover, of subordination of the former to the latter; but this does not make the office a part of the Department.

In view of that opinion of the Attorney-General, which, as the Chair before stated, he understands was not called to the attention of the gentleman from Illinois when he made the ruling last year, it seems perfectly clear to the Chair that this provision, so far as it changes last year's appropriation bill, is susceptible to the point of order, and therefore the Chair sustains the point of order.

Mr. HULL. I understand, then, from the decision of the Chair, that all that part of the bill, commencing with line 3 and ending with line 18, is out of the bill.

The CHAIRMAN. Yes; all that is out of the bill.

Mr. HULL. Then I offer the following amendment, which is an exact copy of the law of last year.

The CHAIRMAN. The gentleman from Iowa offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Insert in lieu of lines 3 to 18, inclusive, on page 6, the following:
"Thirty clerks, at $1,400 each per annum, $42,000.
"Sixty clerks, at $1,200 each per annum, $72,000.
"One hundred clerks, at $1,000 each per annum, $100,000.
"Sixty-eight messengers, at $720 each per annum, $48,960.
"In all, $302,960."

The amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, on page 12, in regard to mileage of officers—that was passed over also on the point of order reserved by the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Chairman, I have examined with great care the substitute proposed by the gentleman from Iowa [Mr. HULL] to the paragraph under consideration. I have examined it in connection with some officials from the Pay Department. There are two changes of law in it, one, I think, clearly in the interest of orderly administration and not against the interests of the Treasury, and the other in the interest of orderly administration and of economy. For that reason I withdraw the point of order which I made, and shall offer an amendment to the substitute proposed by the gentleman from Iowa, to which, I believe, he will have no objection.

The CHAIRMAN. The point of order is withdrawn, and the gentleman from Iowa——

Mr. MCRAE. I do not want to consider it as lost until the gentleman from Iowa accepts the amendment.

Mr. HULL. Oh, I have already done that.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

In line 7 of the amendment as printed in the RECORD on page 3866, after the word "war," insert the following: "which computed distance shall in no instance exceed the distance over the shortest usually traveled route between given points."

Mr. HULL. I hope that amendment will be adopted.

The amendment was agreed to.

Mr. HULL. Now, going back to the original law and finding the exact language of the last bill, I move to strike out, in the first line, the word "traveling," and out of the second line the words "on duty under orders without troops" and to insert the words "authorized by law."

Mr. MOODY of Massachusetts. That makes it the same as the last year's law.

Mr. HULL. So that it will read:

For mileage to officers and contract surgeons, when authorized by law, $500,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, lines 13, 14, and 15, strike out the words "when traveling on duty under orders without troops" and insert in lieu thereof "when authorized by law."

The amendment was agreed to.

Mr. HULL. The amendment as amended is now before the committee.

The CHAIRMAN. Has the gentleman another amendment?

Mr. HULL. No, sir; it is the substitute.

Mr. MOODY of Massachusetts. The amendment I offered is an amendment to the substitute, and that substitute has not been submitted to the committee.

Mr. HULL. The original substitute has not been adopted.

The CHAIRMAN. The question is, then, upon the amendment offered by the gentleman from Iowa on yesterday.

Mr. HULL. Yes, sir.

The CHAIRMAN. The Clerk will again report that amendment, having now been amended by the amendment of the gentleman from Massachusetts.

The Clerk read as follows:

Pages 12, 13, and 14, strike out all after the word "*Provided*," in line 15, on page 12, down to and including the word "road," in line 4, page 14, and insert in lieu thereof the following:

"That officers so traveling shall be paid 7 cents per mile and no more; distances to be computed and mileage to be paid over the shortest usually traveled routes, with deduction as hereinafter provided for such portion of any route as may be over a subsidized railroad; and payment and settlement of mileage accounts of officers shall be made according to distances computed over routes established and by mileage tables prepared by the Paymaster-General of the Army, under the direction of the Secretary of War, which computed distance shall in no instance exceed the distance over the shortest usually traveled route between given points, and all payments made by paymasters on account of mileage previous to the passage of this act shall be settled in accordance with distance tables officially promulgated and in use at date of payment: *Provided further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation requests for the entire journey under their orders; and the cost of the through ticket between the points traveled shall be a charge against the officer's mileage account, to be deducted by the paymaster paying the same and turned over to an authorized officer of the Quartermaster's Department: *And provided further*, That when the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, or over the railroad of any railroad company which by law is entitled to receive only 50 per cent of the compensation earned by such company for transportation services rendered the United States, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests by the Quartermaster's Department, and the cost of the transportation so furnished shall be a charge against the officers' mileage accounts for such travel, to be deducted by the paymaster who pays the accounts, at through rates as paid by the general public for such travel as a part of the through journey under their orders: *And provided further*, That actual expenses only shall be paid to officers for sea travel when traveling, as herein provided for, to, from, or between our island possessions."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HEDGE. Mr. Chairman, I now ask unanimous consent to return to the consideration of the amendment offered by me a few moments ago.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to return to the amendment offered by him a few moments ago. Is there objection? [After a pause.] The Chair hears none.

Mr. HEDGE. I offer that amendment, and I understand that there is no objection to it.

The CHAIRMAN. The gentleman from Iowa again offers the amendment which the Clerk will report.

The Clerk read as follows:

That all honorably discharged officers and enlisted men of the Volunteer Army of the United States who served in the recent Spanish-American war and who received no furlough prior to being mustered out, or at the time of mustering out no extra pay in lieu of such furlough, and who have been paid no extra pay under the provisions of the acts of January 12, and of March 3, 1899, be now paid one month's extra pay if they served within the limits of the United States, and two months' extra pay if they served beyond the limits of the United States.

Mr. MAHON. Mr. Chairman, I will not raise the point of order against that amendment now, and the reason I did so before was that the bill was sent to the Committee on War Claims, where it properly belongs. We had a hearing on it of the gentleman who introduced it, and spent two or three hours' labor on it in making a favorable report; and when I put it in the basket, to my surprise I was informed that by unanimous consent, asked for by the Committee on Military Affairs, the bill had been referred to the Committee on Military Affairs. This bill, I could point out to the gentlemen of that committee, contained many items that under the rules of this House did not belong to the Committee on Military Affairs.

In other words, every claim growing out of any war that had no existing law at the time goes to that committee. But I did not object. I want to serve notice now that if any bill goes to that committee and that committee takes action on it—because I, as chairman of that committee, have been informed that no unanimous consent would be given to the War Claims Committee or the Claims Committee to pass any bill through this session, and I am making no objection to it. But I propose, as chairman of that committee, to state that no other bill over which that committee has got jurisdiction shall hereafter be slipped through this House on any appropriation bill, especially when that bill is here and the chairman of another committee knows the committee have possession of it. I expect that courtesy shall be given to me before a change of reference is asked. I do not raise any objection in this case.

Mr. HULL. I want to say to the gentleman that he is entirely mistaken as to his committee having any right to this bill. It is not a claim. The law passed by Congress gives certain parties a certain amount of money. Now, if it had given them that and the law had expired, they could have gone to the Committee on Claims and filed a claim; but there never was a law upon the statute books to give these men any compensation whatever. And unless we pass a law there is absolutely no claim that could be made against the Government. They might say that in equity they ought to have it.

The Committee on Military Affairs had the original claim. We gave the two months' extra pay. That committee passed a bill to give the two months' extra pay, and I want to say to gentlemen on the Committee on War Claims that we are not hunting legislation that does not belong to us; but we do believe that in every case where a law must first be passed before a claim can be made the jurisdiction, under the rules of the House, is in the Committee on Military Affairs and not in the Committee on War Claims.

I want to say further to the gentleman from Pennsylvania that, as chairman of the committee, I called the attention of the Speaker to the wrong reference of that bill. It was not a claim; it was asking the enactment of a law to give parties, not named, but parties occupying certain positions before the country, compensation for services that would equalize their pay with the pay of others that had already been provided for by the Committee on Military Affairs. It could not belong to the Committee on War Claims, because there was nothing in it that would make a claim. If a man in the Rough Riders had filed a claim against the Government, it would have gone to the Committee on Claims; but neither the colonel nor the privates did it; but they did send in a bill here asking that they should be put on a level with the other troops. I submitted the request to the committee, and the Speaker of the House submitted the request for unanimous consent, which was given, for the change of reference.

Mr. MAHON. Mr. Chairman, that committee has charge of every claim growing out of the war. That is the rule of this House now. These men were mustered out before that law was passed. They made a demand for this extra pay, and that was referred properly, and the Speaker referred it to the House for unanimous consent. That committee is loaded with bills to pay expenses for the burial of soldiers after they are taken home. I will not discuss this any further, but I shall insist upon the rules of this House being enforced in reference to the War Claims Committee. If I find a claim of this kind trying to be passed through the House on an appropriation bill I will make a point of order against it.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

In the second line of the proposed amendment, after the words "Volunteer Army of the United States," insert the words "or members of the Regular Army."

Mr. HULL. I object to that, Mr. Chairman. We have already provided for that.

Mr. FITZGERALD of Massachusetts. The law already provides for volunteers, but this is to appropriate for the men mustered out of the Regular Army before the law went into effect.

Mr. HULL. The amendment offered by the gentleman from Massachusetts provided for soldiers of the Regular Army mustered

out either before or after the passage of the law who enlisted for a war with Spain only.

Mr. FITZGERALD of Massachusetts. I believe the law applied to those men mustered out of service after the enactment of the law. This amendment will not only apply to the men mustered out after but before the enactment of the law.

Mr. HULL. I think that is covered now. It provides for those that enlisted for the war only, and that is all that ought to be covered by it.

Mr. FITZGERALD of Massachusetts. I appreciate that, but the gentleman will admit that the men mustered out of service before the enactment of the law are just as much entitled to it as those mustered out afterwards.

Mr. HULL. It is covered already.

Mr. FITZGERALD of Massachusetts. I do not understand that it is.

The question was taken on the amendment offered by Mr. FITZGERALD of Massachusetts, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Iowa [Mr. HEDGE].

Mr. McRAE. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. If there is no objection, the amendment will again be reported.

There was no objection.

The Clerk again read the amendment.

Mr. McRAE. Mr. Chairman, I have an amendment to the amendment.

The Clerk read as follows:

Strike out the words "within the limit of the United States" and insert in place thereof "in the State;" also strike out the words "beyond the limits of the United States" and insert in place thereof "in Puerto Rico, Cuba, or the Philippine Islands."

Mr. McRAE. I offer this amendment, Mr. Chairman, so that there can be no question as to whom the pay is granted, and I hope the amendment will be accepted.

Mr. HEDGE. I can not accept the amendment, Mr. Chairman.

The amendment to the amendment offered by Mr. McRAE was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. HULL. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the bill as amended do pass.

Mr. STEELE. One moment, Mr. Chairman, before that motion is put. As I understand it, the amendment with reference to admissions to the Soldiers' Home was only intended to broaden or extend the authority now vested in the Board of Managers under existing laws with reference to admissions, and it is not intended to change the law with respect to the pensions of members. If it is found that it has done so, in the haste and confusion under which we have been proceeding, I am sure the chairman of the Committee on Military Affairs will see that it is corrected before the bill becomes a law, the prime object of the amendment being to extend the law so that soldiers serving in the Spanish and Philippine wars may be placed on the same footing with those of the war of the rebellion when the Home was established.

Mr. HULL. That is true.

The motion of Mr. HULL was then agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 8582, making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, and had directed him to report it back with sundry amendments, with the recommendation that as amended the bill do pass.

The SPEAKER. The gentleman from New York, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee has had under consideration House bill 8582, and has directed him to report it back with sundry amendments, with the recommendation that as amended it do pass.

Mr. HULL. Mr. Speaker, I move the previous question on the bill and amendments.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the question will be on agreeing to the amendments recommended by the committee.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

NAVIGATION ON SIMMONS REEF AND LANSING SHOAL.

Mr. BURTON. I ask unanimous consent for the present consideration of House joint resolution 168.

The joint resolution was read, as follows:

Resolved, etc., That the Light-House Board be authorized and directed to remove the light-ship, No. 55, now on Simmons Reef, in Lake Michigan, near the Straits of Mackinac, to Lansing Shoal. And further, that the gas buoy on Lansing Shoal be removed, so as to take the place of said light-ship to be removed from Simmons Reef.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. RICHARDSON. I should like to ask whether this matter can not wait until the regular river and harbor bill is reported? Is there necessity for immediate action?

Mr. BURTON. This provision does not belong to the river and harbor bill. The joint resolution is reported by the Committee on Interstate and Foreign Commerce.

Mr. RICHARDSON. I thought it came from the Committee on Rivers and Harbors.

Mr. BURTON. It pertains to navigation in the northerly part of Lake Michigan. The shipping interests have petitioned for this change and also the different associations made up of the masters of boats which ply this lake.

Mr. RICHARDSON. Is this a unanimous report?

Mr. BURTON. It is.

Mr. CLARK of Missouri. Allow me to ask whether it is customary for the River and Harbor Committee to have charge of this sort of thing?

Mr. BURTON. The question of light-houses, light-ships, gas buoys, etc., does not come within the jurisdiction of that committee.

Mr. CLARK of Missouri. Well, let me ask, how is the River and Harbor Committee coming on with the river and harbor bill? I am somewhat interested in that. [Laughter.]

Mr. BURTON. The shipmasters of the lakes and the Lake Carriers' Association, representing the owners of vessels there, desired me to take charge of this matter, I presume, because they thought me somewhat familiar with these questions of navigation.

Mr. CLARK of Missouri. The gentleman has not answered my question. I asked him how the River and Harbor Committee were getting on with the river and harbor bill, and when it would probably be reported.

Mr. BURTON. Oh, we are getting on with it very nicely, I think. [Laughter.]

There being no objection, the House proceeded to the consideration of the joint resolution, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BURTON, a motion to reconsider the last vote was laid on the table.

WHITE VS. BOREING.

Mr. OLMSTED. On behalf of the Elections Committee No. 2 I present a privileged report—the report of that committee on the contested-election case of John D. White *vs.* Vincent Boreing, from the Eleventh Congressional district of Kentucky. The report is unanimous, and I think there will be no controversy upon its adoption. I ask unanimous consent for its immediate consideration.

The SPEAKER. This being a privileged matter, it does not require unanimous consent. The gentleman from Pennsylvania [Mr. OLMSTED] calls up a privileged report on an election case. The Clerk will read the resolutions appended to the report.

The Clerk read as follows:

Resolved, That John D. White was not elected to the Fifty-sixth Congress from the Eleventh Congressional district of Kentucky, and is not entitled to a seat therein.

Resolved, That Vincent Boreing was elected to the Fifty-sixth Congress from the Eleventh Congressional district of Kentucky, and is entitled to a seat therein.

Mr. ROBINSON of Indiana. Elections Committee No. 2 preserves its usual good record; it has united unanimously on this report.

Mr. STEELE. Under this report who goes out? It must be a Democrat that goes out if the report is unanimous. [Laughter.]

Mr. ROBINSON of Indiana. No, it is not. These parties both belong to the Republicans. They have been fighting among themselves. [Laughter.]

The question being taken, the resolutions were adopted.

On motion of Mr. OLMSTED, a motion to reconsider the last vote was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and House bill (with Senate amendments) of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2154. An act granting an increase of pension to William A. Owens—to the Committee on Invalid Pensions.

S. 1918. An act granting an increase of pension to John E. Higgins—to the Committee on Invalid Pensions.

S. 2651. An act granting a pension to Henry Hill—to the Committee on Invalid Pensions.

S. 3078. An act granting a pension to Charles Weittle—to the Committee on Pensions.

S. 3289. An act granting a pension to Isabella Underwood—to the Committee on Invalid Pensions.

S. 3662. An act granting an increase of pension to Louise D. Smith—to the Committee on Pensions.

S. 3418. An act granting an increase of pension to Eliza Adelaide Ball—to the Committee on Invalid Pensions.

S. 1578. An act granting an increase of pension to George W. Campbell, alias George W. Smith—to the Committee on Invalid Pensions.

S. R. 86. Joint resolution for the printing of English interpretation of foreign terms as to weights, measures, and so forth, occurring in Government publications—to the Committee on Printing.

S. R. 103. Joint resolution providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature—to the Committee on the Judiciary.

Senate concurrent resolution 39:

Resolved by the Senate (the House of Representatives concurring). That upon receipt of information by them that any officer, soldier, marine, or seaman in the Army or Navy of the United States has been wounded, the Secretary of War or the Secretary of the Navy, as the case may be, shall, from time to time, at the expense of the United States, keep the family of such officer, soldier, marine, or seaman seasonably advised of his condition—

to the Committee on Military Affairs.

H. R. 4001. An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona (with Senate amendments)—to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6627. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes;

H. R. 9279. An act making appropriations to supply additional urgent deficiencies in the appropriations of the fiscal year ending June 30, 1900, and for prior years, and for other purposes; and

H. R. 5067. An act concerning the boarding of vessels.

WITHDRAWAL OF PAPERS.

Mr. VAN VOORHIS, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Charles Hansure, Fifty-sixth Congress, no adverse report having been made thereon.

REPRINT OF BILL AND REPORT.

On motion of Mr. RICHARDSON, it was ordered that House bill No. 3363 and the report thereon, No. 606, be reprinted, to correct errors in the bill and report.

LEAVE OF ABSENCE.

Mr. CONNELL, by unanimous consent, obtained leave of absence for six days, on account of important business.

And then, on motion of Mr. HULL (at 4 o'clock and 25 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting copy of a communication from the Commissioner of Indian Affairs relating to the examination of the claims of certain Nez Perces Indians—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of State, transmitting a copy of a dispatch from the United States minister at Bangkok, Siam, relating to an allowance for repairing the legation premises—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 2916) to grant right of way over Government lands for a pipe line for the conveyance of water to Flagstaff, Ariz., reported the same without amendment, accompanied by a report (No. 859); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10152) to provide for the sale of isolated and disconnected tracts or parcels of the Osage trust and diminished reserve lands in the State of Kansas, reported the same in lieu of H. R. 5758, accompanied by a report (No. 860); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7667) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced, reported the same with amendment, accompanied by a report (No. 872); which said bill and report were referred to the House Calendar.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred House bill 5017, reported in lieu thereof a bill (H. R. 10211) fixing the compensation of customs inspectors for night services in the examination of baggage, and for other purposes, accompanied by a report (No. 873); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4616) repealing the provisions of the desert-land act requiring cash payment for desert lands, and providing for the payment in desert-land entries of the same fees now required in the case of homestead entries, reported the same with amendment, accompanied by a report (No. 875); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9457) granting an increase of pension to Roger Fenton, reported the same with amendment, accompanied by a report (No. 834); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4658) to pension Anna Hering, reported the same with amendment, accompanied by a report (No. 835); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3778) granting an increase of pension to Elisey A. Sloane, late private Company D, One hundred and second Ohio Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 836); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2409) granting an increase of pension to Frank C. Stevens, reported the same with amendment, accompanied by a report (No. 837); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1007) granting a pension to Mary E. Fenn, reported the same without amendment, accompanied by a report (No. 838); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2863) restoring to the pension roll the name of Francis H. Staples, reported the same without amendment, accompanied by a report (No. 839); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5655) granting a pension to Lurinda Laughlin, of Aurora, Ind., reported the same with amendment, accompanied by a report (No. 840); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9749) granting a pension to Melissa A. Trulock, reported the same with amendment, accompanied by a report (No. 841); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3490) granting a pension to Freeman H. Farr, reported the same with amendment, accompanied by a report (No. 842); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9044) granting an increase of pension to Albert Rudiger, reported the same without amendment, accompanied by a report (No. 843); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4440) to grant a pension to Harriet L. Hughes, widow of the late Maj. Chester K. Hughes, Company I, One hundred and forty-third Pennsylvania Volunteers, of Berwick, Pa., reported the same with amendment, accompanied by a report (No. 844); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8926) granting a pension to Chill W. Hazzard, reported the same with amendment, accompanied by a report (No. 845); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7614) granting an increase of pension to David P. Stewart, reported the same with amendment, accompanied by a report (No. 846); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3481) granting a pension to Josephine A. Haley, reported the same with amendment, accompanied by a report (No. 847); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2125) for the relief of Thomas Robert Harris, of Marion County, Tenn., reported the same with amendment, accompanied by a report (No. 848); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9714) granting an increase of pension to Alexander N. Shipley, reported the same with amendment, accompanied by a report (No. 849); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8592) granting a pension to Elizabeth J. Fields, reported the same with amendment, accompanied by a report (No. 850); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4760) granting a pension to Samuel G. Trine, reported the same with amendment, accompanied by a report (No. 851); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8389) granting an increase of pension to Martin D. Miller, reported the same with amendment, accompanied by a report (No. 852); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1202) granting an increase of pension to Sarah E. Stubbs, reported the same without amendment, accompanied by a report (No. 853); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 820) granting an increase of pension to Anna M. Deitzler, reported the same with amendment, accompanied by a report (No. 854); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2382) granting an increase of pension to Margaret H. Kent, reported the same without amendment, accompanied by a report (No. 855); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1751) for the relief of Cordelia Sessions, reported the same with amendment, accompanied by a report (No. 856); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5718) granting a pension to Joseph Whitmore, reported the same with amendment, accompanied by a report (No. 857); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6285) granting an increase of pension to James R. Green, reported the same with amendment, accompanied by a report (No. 858); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1242) granting an increase of pension to Adele W. Elmer, reported the same with amendment, accompanied by a report (No. 861); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the Senate (S. 207) granting an increase of pension to Margaret E. Van Horn, reported the same with amendment, accompanied by a report (No. 862); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1137) granting an increase of pension to Hannah G. Strong, reported the same with amendment, accompanied by a report (No. 863); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1296) granting a pension to Mary R. Bacon, reported the same without amendment, accompanied by a report (No. 864); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2497) granting an increase of pension to Sarah W. Rowell, reported the same with amendment, accompanied by a report (No. 865); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1489) granting an increase of pension to Robert C. Rogers, reported the same with amendment, accompanied by a report (No. 866); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 474) granting an increase of pension to Isaac Patterson, reported the same without amendment, accompanied by a report (No. 867); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 995) granting an increase of pension to Nelly Young Egbert, reported the same with amendment, accompanied by a report (No. 868); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 517) granting a pension to Nancy E. Neely, reported the same with amendment, accompanied by a report (No. 869); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1804) granting an increase of pension to Rida B. Haskell, reported the same with amendment, accompanied by a report (No. 870); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2505) granting an increase of pension to James C. Carlton, reported the same with amendment, accompanied by a report (No. 871); which said bill and report were referred to the Private Calendar.

Mr. NEEDHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 1759) for the relief of William A. Richards, late surveyor-general of Wyoming, reported the same without amendment, accompanied by a report (No. 874); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10138) to remove the charge of desertion against George C. Armstrong; and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MILLER, from the Committee on the Public Lands: A bill (H. R. 10152) to provide for the sale of isolated and disconnected tracts or parcels of the Osage trust and diminished reserve lands in the State of Kansas—to the Union Calendar.

By Mr. CUSHMAN: A bill (H. R. 10153) appropriating $1,500 to investigate the fishery interest of the Pacific coast—to the Committee on the Merchant Marine and Fisheries.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 10154) to amend section 4488, Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. PARKER of New Jersey: A bill (H. R. 10155) for the relief of the island of Puerto Rico—to the Committee on Ways and Means.

By Mr. ADAMS: A bill (H. R. 10156) to incorporate the National Association of Manufacturers—to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 10157) regulating the acceptance of proof in certain pension claims—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 10211) fixing the compensation of customs inspectors for night services in the examination of baggage, and for other purposes—to the Committee of the Whole House on the state of the Union.

By Mr. ROBERTS: A joint resolution (H. J. Res. 219) for the renovation of statues and busts in and about the United States Capitol building—to the Committee on the Library.

Also, a joint resolution (H. J. Res. 220) authorizing the Secretary of War to prepare and submit estimates for the improvement of the harbor at Lynn, Mass.—to the Committee on Rivers and Harbors.

By Mr. SNODGRASS: A joint resolution (H. J. Res. 221) for the further improvement of the Cumberland River, in the State of Tennessee—to the Committee on Rivers and Harbors.

By Mr. DRIGGS: A resolution (H. Res. 202) providing for the appointment of a select committee of nine members to investigate matters relating to the transport *Sumner* and other transports—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOREING: A bill (H. R. 10158) to pension William R. Coyle—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 10159) granting a pension to Arthur V. Walsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10160) granting an increase of pension to Sarah E. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10161) granting a pension to J. E. Latta—to the Committee on Invalid Pensions.

By Mr. BROSIUS: A bill (H. R. 10162) to advance Maj. Gen. Galusha Pennypacker, United States Army, from the rank of colonel on the retired list to the rank of major-general on the retired list—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 10163) granting a pension to J. Lavenia Childs—to the Committee on Invalid Pensions.

By Mr. CARMACK: A bill (H. R. 10164) for the relief of the estate of Dr. Jesse Brown, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10165) for the relief of the estate of Thomas Williams, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10166) for the relief of Edwin T. Yancey, of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. COUSINS: A bill (H. R. 10167) granting an increase of pension to Stephen Winans—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 10168) for the relief of E. A. Seeley—to the Committee on Claims.

By Mr. DENNY: A bill (H. R. 10169) for the relief of Betsey Jones, widow of Joseph Jones—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 10170) to remove the charge of desertion from the military record of Noah Cox—to the Committee on Military Affairs.

Also, a bill (H. R. 10171) granting a pension to Elizabeth Morrison—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 10172) for the relief of the estate of George W. and Richard B. Cooper, late of Knox County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10173) for the relief of William E. Scott, Blount County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10174) for the relief of the estate of Isaac Hull, deceased, late of Jefferson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10175) for the relief of William Line, of Jefferson County, Tenn.—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 10176) granting an increase of pension to Franklin W. Wright—to the Committee on Invalid Pensions.

By Mr. KETCHAM (by request): A bill (H. R. 10177) granting a pension to Mary Taffe—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 10178) for the relief of the trustees of the Methodist Episcopal Church South, of Cleveland, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10179) for the relief of R. B. Warren, of Pelham, Grundy County, Tenn.—to the Committee on War Claims.

By Mr. OTEY (by request): A bill (H. R. 10180) for the relief of the heirs of Mary N. Cox, deceased, late of Lunenburg County, Va.—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 10181) granting a pension to C. A. Craig—to the Committee on Invalid Pensions.

By Mr. RYAN of Pennsylvania: A bill (H. R. 10182) granting a pension to Elizabeth Bachman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10183) granting an increase of pension to Robert A. Reid—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 10184) granting an increase of pension to Archa P. Smith—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 10185) for the relief of the legal representative of John H. North, deceased—to the Committee on War Claims.

By Mr. CROWLEY: A bill (H. R. 10186) to correct the record of Allen Byers—to the Committee on Military Affairs.

By Mr. DE GRAFFENREID: A bill (H. R. 10187) for the relief of Sophronia Atwood Paige—to the Committee on War Claims.

By Mr. DALY of New Jersey: A bill (H. R. 10188) for the relief of George W. Spencer—to the Committee on Military Affairs.

By Mr. ADAMS: A bill (H. R. 10189) granting an increase of pension to Anna B. McCurley—to the Committee on Pensions.

By Mr. FITZPATRICK: A bill (H. R. 10190) for the relief of Samuel May, sr., of Prestonsburg, Floyd County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 10191) placing on the muster rolls of the United States Army the First Regiment Kentucky Capital State Guards, Big Sandy Volunteer Battalion—to the Committee on Military Affairs.

Also, a bill (H. R. 10192) for the relief of the Sixty-fifth Enrolled Militia, of Johnson County, Ky.—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 10193) granting a pension to John Douglas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10194) granting a pension to Jerome W. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10195) for the relief of Kenzie H. Grandy—to the Committee on Military Affairs.

Also, a bill (H. R. 10196) for the relief of Robert B. Tubbs—to the Committee on Military Affairs.

Also, a bill (H. R. 10197) for the relief of Samuel Whitehorse—to the Committee on Military Affairs.

Also, a bill (H. R. 10198) for the relief of John A. Bishop—to the Committee on Military Affairs.

Also, a bill (H. R. 10199) granting an increase of pension to Henry Daley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10200) granting an increase of pension to Charles L. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10201) granting an increase of pension to John G. McMillan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10202) granting an increase of pension to Helen Mervine—to the Committee on Invalid Pensions.

By Mr. GASTON: A bill (H. R. 10203) granting a pension to Rachel Wooding—to the Committee on Pensions.

Also, a bill (H. R. 10204) granting a pension to Angie T. Myer—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 10205) for the relief of Commander A. G. Kellogg, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. MEYER of Louisiana: A bill (H. R. 10206) to authorize the legal representatives of the estate of George E. Payne, deceased, to prosecute his claim before the Court of Claims—to the Committee on War Claims.

By Mr. WISE: A bill (H. R. 10207) granting a pension to Thomas Allen—to the Committee on Pensions.

Also, a bill (H. R. 10208) for the relief of the Baptist Church at Williamsburg, Va.—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 10209) to remove the charge of desertion from the record of John W. White, late private, Company E, Thirteenth Pennsylvania Cavalry—to the Committee on Military Affairs.

By Mr. GRAFF: A bill (H. R. 10210) granting a pension to Ellen Miles Brown—to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 10212) for the relief of J. M. Thomas—to the Committee on War Claims.

Also, a bill (H. R. 10213) for the relief of the estate of August Heberlein—to the Committee on War Claims.

Also, a bill (H. R. 10214) for the relief of M. B. Woodyard, Mrs. Alice N. Rush, Mrs. Sue T. Smox, and Joseph N. Woodyard, heirs of Col. Humphrey M. Woodyard—to the Committee on War Claims.

Also, a bill (H. R. 10215) for relief of Mary F. Pollan, administratrix of William H. Pollan, deceased, late of Crittenden County, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 10216) for the relief of the estate of A. C. Kerr, deceased, late of Jackson County, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 10217) for the relief of the estate of Richard Higgins, late of Phillips County, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 10218) for the relief of the estate of John Caruth, deceased, late of Marshall County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10219) for the relief of Martha A. Lanford—to the Committee on War Claims.

Also, a bill (H. R. 10220) for the relief of Theophilus M. Hamilton, of Cross County, Ark.—to the Committee on War Claims.

By Mr. WISE: A bill (H. R. 10221) for the relief of P. F. Eagan—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Communication from Col. Clifford D. Ham, of the Herald Printing Company, Dubuque, Iowa, transmitting resolutions of the American Newspaper Publishers' Association, asking for an inquiry into the price of printing paper as affected by the trusts—to the Committee on the Judiciary.

By Mr. BABCOCK: Petition of citizens of Montfort, Wis., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, resolution of Will Hickok Post, No. 134, of Bloomington, Wis., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BOUTELLE of Maine: Petition of citizens of Sherman and Dexter, Me., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BUTLER: Petition of the Baptist Church of Oxford, Pa., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. CARMACK: Papers to accompany House bill relating to the claim of the estate of Jesse Brown—to the Committee on War Claims.

By Mr. CROWLEY: Papers to accompany House bill to correct the record of Allen Byers—to the Committee on Military Affairs.

Also, resolutions of Post No. 639, of Jewett, Ill., Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DAHLE of Wisconsin: Petition of citizens of Lake Mills and Waterloo, Wis., against the passage of House bill No. 5791, providing for the collection of judgments against municipal corporations—to the Committee on the Judiciary.

Also, resolutions of William Payne Post, No. 186, of Pardeeville, Wis., Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DAVIS: Petition of P. H. Sheridan Post, No. 15, of Fernandina, Fla., Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DE GRAFFENREID: Paper to accompany House bill for the relief of Sophronia A. Paige—to the Committee on War Claims.

By Mr. DOLLIVER: Petition of D. L. Hoefle, druggist, at Beaver, Iowa, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. DOUGHERTY: Papers to accompany House bill to remove the charge of desertion now standing against Noah Cox, of Grant City, Mo.—to the Committee on Military Affairs.

Also, paper to accompany House bill granting a pension to Elizabeth Morrison—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of retail druggists of La Crosse, Wis., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of the Congregational Church of Sparta, Wis., urging the passage of House bill No. 5457, abolishing the Army canteen—to the Committee on Military Affairs.

By Mr. GROSVENOR: Papers to accompany bill for the relief of Commander Augustus G. Kellogg, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. GROUT: Petitions of A. B. Breman and 40 citizens of Fairfax, and resolutions of the Lima County Farmers' Institute, at Springville, Iowa, favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. HEMENWAY: Petition of citizens of Newburg and Boonville, Ind., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. HITT: Memorial of J. M. Smith Post, No. 720, and David Hill Post, No. 532, Grand Army of the Republic, of Elizabeth, Ill., favoring the passage of House bill No. 7094—to the Committee on Military Affairs.

Also, resolution of the Savanna Republican Club, of Savanna, Ill., protesting against the imposition of a tariff on commerce between the United States and Puerto Rico—to the Committee on Ways and Means.

Also, petitions of C. W. Singlehurst and others, of Lupton and Caledonia, Ill., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. HOFFECKER: Petition of the Woman's Christian Temperance Union of Wilmington, Del., for a new code of laws for Hawaii, forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. HOWELL: Petition of James H. Dandy Post, No. 43, of Perth Amboy, N. J., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. JONES of Virginia: Petitions of the Concord, Bowling Green, and Wrights Chapel Woman's Christian Temperance unions, of Caroline County, Va., favoring a new code of laws for Hawaii, against the manufacture and sale of intoxicating liquors, and prohibiting the importation and sale of opium, etc.—to the Committee on the Territories.

By Mr. LACEY: Resolution of J. M. Tuttle Post, No. 497, of South Uttumwa, Iowa, Grand Army of the Republic, favoring the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the Chicago Federation of Labor, against sundry bills taxing oleomargarine and butterine—to the Committee on Ways and Means.

By Mr. MANN: Petition of the National Woman's Christian Temperance Union, Chicago, to prohibit the sale of intoxicating liquors in any post, exchange, canteen, transport, or premises used for military purposes—to the Committee on Military Affairs.

Also, paper to accompany House bill No. 9756, for the relief of Maria McMurdie—to the Committee on Claims.

Also, papers to accompany House bill No. 5184, for the relief of E. C. Sturges—to the Committee on War Claims.

By Mr. MOON: Papers and photograph to accompany House bill for the relief of R. B. Warren, late wagon master, First United States Cavalry—to the Committee on War Claims.

Also, papers to accompany House bills for the relief of the trustees of the Methodist Episcopal Church of Cleveland, Tenn.—to the Committee on War Claims.

By Mr. NEVILLE: Papers to accompany House bill No. 9427, for the correction of the military record of Robert Ellison, deceased—to the Committee on Military Affairs.

By Mr. NORTON of Ohio: Paper to accompany House bill No. 10130, granting a pension to James Moss—to the Committee on Invalid Pensions.

By Mr. OTJEN: Petition of R. M. Dadd and others, of Milwaukee, Wis., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of the Wholesale Grocers' Association of Indiana, relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. POWERS: Resolutions of J. M. Warner Post, of Morrisville, Vt., Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the New York Board of Trade and Transportation, favoring free trade with Puerto Rico—to the Committee on Insular Affairs.

Also, petition of citizens of Chippenhook and Clarendon Springs, Vt., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. ROBINSON of Indiana: Resolution of S. C. Aldrich Post, No. 138, of Hudson, Ind., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of various congregations of the Disciples of Christ in Northern Indiana, for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, petition of Harvy K. Turner, of Fort Wayne, and citizens of Sheldon and Chamberlain, Ind., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. SHOWALTER: Resolutions of Post No. 530, of Bruin, and Post No. 251, of New Lebanon, Grand Army of the Republic, Department of Pennsylvania, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: Petition of citizens of Idaho, for free homesteads—to the Committee on the Public Lands.

By Mr. WISE: Paper to accompany House bill for the relief of the Williamsburg Baptist Church—to the Committee on War Claims.

SENATE.

FRIDAY, *March 30, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CLAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

PETITIONS AND MEMORIALS.

Mr. SPOONER presented the petition of A. A. Pardee and 66 other citizens of Madison, Wis., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented the petition of Alexander Nelson and 92 other citizens of Wisconsin, praying for the imposition of a tariff or special internal-revenue duty upon tobacco imported into the United States from Cuba or Puerto Rico; which was ordered to lie on the table.

He also presented a petition of the La Crosse Branch of the Humane Society of Wisconsin, praying for the enactment of legislation regulating the transportation of live stock from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of Robert C. Spencer and 3 other citizens of Milwaukee, Wis., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. QUARLES presented a memorial of the Society of Christian Endeavor of Racine, Wis., remonstrating against the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

Mr. LODGE. I present resolutions of the legislature of the Commonwealth of Massachusetts, favoring the establishment of a harbor of refuge at Pleasant Bay, on the eastern shore of Cape Cod. I ask that the resolutions be read and referred to the Committee on Commerce.

The resolutions were read, and referred to the Committee on Commerce, as follows:

COMMONWEALTH OF MASSACHUSETTS.

In the year one thousand nine hundred.

Resolutions in favor of the establishment of a harbor of refuge at Pleasant Bay, on the eastern shore of Cape Cod.

Whereas the preservation of life and property requires the establishment of a harbor of refuge upon the eastern shore of Cape Cod, which now contains no safe harbor for a distance of more than 50 miles; and

Whereas by cutting an opening through Nauset Beach, such a harbor might easily be constructed at Pleasant Bay, lying between Chatham, Orleans, and Harwich, which is entirely landlocked, and which has an average depth of more than 25 feet: Therefore,

Resolved, That the general court of Massachusetts earnestly requests the Congress of the United States to provide that surveys be ordered, and that an appropriation be made for the construction of the said harbor of refuge; and

Resolved, That properly attested copies of these resolutions be transmitted to the United States Senate and to the House of Representatives, and also to each Senator and Representative in Congress from this Commonwealth.

SENATE, *March 13, 1900.*

Adopted: Sent down for concurrence.

HENRY D. COOLIDGE, *Clerk.*

HOUSE OF REPRESENTATIVES, *March 15, 1900.*

Adopted in concurrence.

JAMES W. KIMBALL, *Clerk.*

A true copy.
Attest:
HENRY D. COOLIDGE, *Clerk of the Senate.*

Mr. FORAKER presented a memorial of the congregation of the Christian Church of Norwood, Ohio, and a memorial of the congregation of the Presbyterian Church of Deersville, Ohio, remonstrating against the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

Mr. DEPEW presented a petition of the Niagara Woman's Christian Temperance Union, of Buffalo, N. Y., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was ordered to lie on the table.

He also presented a petition of the congregation of the Friends' Church of Clintondale, N. Y., praying for the enactment of legislation to suppress gambling, including bookmaking on races in the District of Columbia and the Territories, and interstate gambling by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the New York Board of Trade and Transportation, praying for the appointment of a national health commission; which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of sundry citizens of Saratoga Springs, Ballston, and Sandy Hill, all in the State of New York, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the American Bar Association, praying for the adoption of certain amendments to the war-revenue law; which was referred to the Committee on the Judiciary.

He also presented a petition of the drug-trade section of the New York Board of Trade and Transportation, praying for the enactment of legislation relative to the use of alcohol in the arts; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Friends' Church of Clintondale, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Soldiers' Homes, hospitals, etc.; which was referred to the Committee on Military Affairs.

He also presented a petition of the Niagara Woman's Christian Temperance Union, of Buffalo, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Army; which was referred to the Committee on Military Affairs.

Mr. MASON presented a memorial of the Chamber of Commerce of Quincy, Ill., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Illinois Manufacturers' Association, praying for the establishment of a pneumatic-tube system in Chicago; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Julia Holmes Smith, president; Elizabeth H. Bull and Martha Spencer Dietz, vice-presidents, and Elizabeth M. Fifield, secretary, on behalf of the Political Equality League, of Chicago, Ill., praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of Plow Fitters' Union No. 7044, American Federation of Labor, of Moline, Ill., praying that all the remaining public lands be held for the benefit of the whole people, and that the grants of title to the same be given to none but actual settlers and home builders thereon; which was referred to the Committee on Public Lands.

He also presented memorials of the Evangelisten, of Chicago; the Journal, of Tallula; the Vienna Democrat; the Herald, of Arcola; the Democratic Herald, of Lawrenceville; the Commercial, of Mattoon; the Ottawa Daily and Weekly Free Trader, of Ottawa; the Sunday Optic, of Quincy; the Index, of Wenona, and the Sidney By-Way, of Sidney, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8395) granting an increase of pension to Henry Johns;

A bill (H. R. 2203) granting an increase of pension to John M. Garrett;

A bill (H. R. 7445) granting a pension to Emma B. Reed; and

A bill (H. R. 5169) granting an increase of pension to Charles Weed.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C., reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2924) to provide for the purchase of a site and the erection of a public building thereon at Colorado Springs, in the State of Colorado, reported it with amendments.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 3616) to authorize the payment of traveling allowances to enlisted men of the regular and volunteer forces when discharged by order of the Secretary of War, and stated by him as entitled to travel pay, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. CLAY introduced a bill (S. 3913) for the relief of the heirs of James W. Bellah, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3914) granting an increase of pension to Elisha B. Seaman;

A bill (S. 3915) granting an increase of pension to John H. Grove (with an accompanying paper); and

A bill (S. 3916) granting an increase of pension to Charles De Graw (with accompanying papers).

Mr. SULLIVAN introduced a bill (S. 3917) providing for the improvement of the navy-yard bridge, Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3918) providing for the erection of engine house and the purchase of a chemical engine at Congress Heights, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DAVIS introduced a bill (S. 3919) to extend and enlarge the provisions of chapter 914, Statutes at Large, first session Fiftieth Congress, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN introduced a bill (S. 3920) for the relief of the estate of Asa Johnston, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3921) for the relief of Nancy J. Watkins; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3922) granting an increase of pension to Mary Corinne Blandin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 3923) for the relief of James M. Alden; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SULLIVAN introduced a bill (S. 3924) to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO PUERTO RICAN BILL.

Mr. DAVIS submitted an amendment intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which was ordered to lie on the table and be printed.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $125,000 to authorize the Commissioners of the District of Columbia to acquire by purchase Analostan Island, in the Potomac River, near the city of Washington, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CODE FOR THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 500 extra copies of the bill (S. 3812) to establish a code of law for the District of Columbia be printed for the use of the Committee on the District of Columbia.

READJUSTED SALARIES OF POSTMASTERS IN DELAWARE.

Mr. KENNEY submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the State of Delaware between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled John W. Bateman and others *vs.* The United States, No. 18192, each such stated account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884, and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in the said circular and publication in the newspapers and in circular form No. 1223, the text of each of which, under date of November 8, 1897, was transmitted by the Postmaster-General to the Attorney-General for use in the case of Jane Yarrington and others *vs.* The United States, No. 16345.

FINDINGS OF COURT OF INQUIRY.

The PRESIDENT pro tempore. If there are no further concurrent or other resolutions, the morning business is closed, and the Chair lays before the Senate a resolution coming over from a former day.

The Secretary read the resolution submitted yesterday by Mr. JONES of Arkansas, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate a copy of the minutes, proceedings, and findings of the court of inquiry pursuant to the President's instructions of February 20, 1899, together with the final report of said court of inquiry and the action taken thereon.

Mr. SPOONER. I suggest that, as the Senator who introduced that resolution is absent, it at least lie on the table until he comes into the Chamber.

The PRESIDENT pro tempore. The resolution will lie on the table—retaining its place?

Mr. SPOONER. Retaining its place.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JONES of Arkansas subsequently said: I ask the Chair to lay before the Senate the resolution which was introduced by me yesterday and went over under objection.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Arkansas.

The Secretary again read the resolution.

Mr. PROCTOR. Will the Senator from Arkansas please inform the Senate what is the nature of that inquiry?

Mr. JONES of Arkansas. It was an inquiry into the management of the Quartermaster and Commissary Departments, I think, in the conduct of the Spanish war in 1898.

Mr. PROCTOR. I have no objection to the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

GOVERNMENT FOR PUERTO RICO.

Mr. DEPEW. Mr. President, I desire to give notice that I wish to submit some remarks to the Senate upon the Puerto Rican tariff bill on Monday next, after the conclusion of the remarks of the Senator from Tennessee [Mr. BATE].

ESTATE OF LAWRENCE D. BAILEY.

Mr. ALLEN. If the routine morning business is at an end, I ask unanimous consent to call up the bill (S. 72) for the relief of the heirs of Lawrence D. Bailey.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order, and the Senator from Nebraska asks unanimous consent for the present consideration of a bill which will be read.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to repay to the heirs of Lawrence D. Bailey the sum of $200 erroneously paid by them on timber-culture cash entry 16045 for the SE. ¼ sec. 24, T. 22 S., R. 34 W., Garden City, Kans., on the 11th day of March, 1893.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNIVERSITY AT LANGSTON, OKLA.

Mr. SHOUP. I ask unanimous consent to call up the bill (H. R. 8463) ratifying an appropriation by the legislature of Oklahoma, out of the Morrill fund, for the use of the university at Langston for colored students.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, I desire to ask unanimous consent that, if to-morrow at 4 o'clock the Senate be not engaged in the consideration of the unfinished business, one hour be given to the consideration of unobjected pension bills on the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that to-morrow at 4 o'clock, if the Senate be not then engaged in the consideration of the unfinished business, one hour may be given for the consideration of unobjected pension cases. Is there objection?

Mr. PETTUS. There is, Mr. President.

The PRESIDENT pro tempore. Objection is made.

LAND AT ELRENO, OKLA.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (H. R. 7649) authorizing the Secretary of the Interior to issue patent to the city of Elreno, Okla., for cemetery purposes. It is a very short bill.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOVERNMENT FOR PUERTO RICO.

Mr. SPOONER. Mr. President, I desire to address the Senate briefly upon the Puerto Rican bill. I am unable to do so to-day, as I am suffering from a sore throat. I give notice that on Monday, after the Senator from Tennessee [Mr. BATE] and the Senator from New York [Mr. DEPEW] shall have concluded their remarks, I will take the floor to submit some observations upon that bill, if it is then agreeable to the Senate.

WILLIAM H. WANAMAKER.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 2946) for the relief of William H. Wanamaker.

The PRESIDENT pro tempore. The bill will be read.

Mr. WARREN. I think the reading of the preamble may be omitted, as I propose to strike it out.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. WARREN. I move to amend the bill by striking out the word "said," in line 7, page 4, after the word "for;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury of the United States is hereby authorized and directed to pay unto William H. Wanamaker the sum of $20,000, as and for the reimbursement and return to him of the amount of money paid by him to the United States as surety and bail for Gideon W. Marsh, and that the sum of $20,000 is hereby appropriated for that purpose, out of any moneys of the United States not otherwise appropriated.

The amendment was agreed to.

Mr. BATE. I wish to be informed if some committee has passed on the bill.

The PRESIDENT pro tempore. It was reported from the Committee on Claims.

Mr. BATE. I think it is correct.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WARREN. I move that the preamble be stricken out.

The motion was agreed to.

ELIZABETH JOHNS.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (H. R. 153) granting a pension to Elizabeth Johns.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Elizabeth Johns, widow of Joseph Johns, late a member of the so-called Black Brigade, of Cincinnati, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND IN SANTA FE, N. MEX.

Mr. BERRY. I ask unanimous consent for the consideration of the bill (H. R. 5049) to settle title to real estate in the city of Santa Fe, N. Mex.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901;

A bill (H. R. 9876) granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation in Minnesota; and

A joint resolution (H. J. Res. 168) for change in location of aids to navigation on Simmons Reef and Lansing Shoal, in Lake Michigan.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3207) approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas;

A bill (H. R. 470) granting a pension to Jane Dykes;

A bill (H. R. 1763) granting a pension to Ella F. Sydnor;

A bill (H. R. 2597) granting an increase of pension to Charles Kauffung;

A bill (H. R. 3012) granting a pension to Sarah Claggett;

A bill (H. R. 3538) granting an increase of pension to Charles Ross;

A bill (H. R. 5189) for the relief of Joseph Bacigaluppi and others;

A bill (H. R. 6700) granting an increase of pension to Maria Andrews; and

A bill (H. R. 6701) granting a pension to Serelda McGrew.

GOVERNMENT FOR PUERTO RICO.

Mr. PROCTOR. I ask that the unfinished business be now laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate, without objection, the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. PROCTOR. Mr. President, the outline of civil government for the island of Puerto Rico, contained in the bill reported by the Senator from Ohio [Mr. FORAKER], meets my entire approbation and witnesses the ability and care which was exercised in its preparation. But the committee has included in this bill a provision for a tariff between the United States and that island, on a basis of 15 per centum of the rates of duty prescribed in the Dingley Act of 1897.

I greatly regret that these two measures, naturally separate and distinct, should be thus combined, and still more regret that in declining to support the tariff provisions of the bill, this unwise union compels me to vote against the excellent governmental features which it contains. My remarks will be directed exclusively to the tariff portion of the bill.

Mr. President, let us briefly consider the history of this tariff proposition. The President in his annual message, a document always prepared with great care, after much thought and consultation with his advisers, says:

Our plain duty is to abolish the customs tariffs between the United States and Puerto Rico, and give her products free access to our markets.

The people of the United States, Mr. President, know that sentence by heart.

The Secretary of War in his very able annual report had said:

The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States. We should treat the interests of this people as our own. I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

Note the words of the President, "*our plain duty*," and of the Secretary, "*justice and good faith demand.*"

Following these recommendations a bill was introduced in this body by the Senator from Ohio, the chairman of the committee, giving Puerto Rico free trade. A like measure was introduced in another body; but, presto! with little notice or apparent reason a bill comes to us levying a tax upon Puerto Rican exports and imports.

Is it strange that some of us, in lack of an official statement or apparent reason for this sudden shift, should be slow to give up a line of action which we believe to be based on principle and justice, which we believe to be the only honest and consistent course? It is charged that this change was demanded and brought about by the sugar and tobacco interests, and also, it is stated, by organized labor.

I, however, have failed to see that the representatives of this latter interest appeared before the committee. It is practically admitted that free trade with Puerto Rico does not harm these interests materially, but Mr. Oxnard for the sugar interest and Mr. Myrick and Mr. Frye, president of the Tobacco Growers' Association, claimed before the committee that it creates a precedent that will harm them if adopted in reference to the Philippines and Cuba. It will be time to cross those rivers when we come to them, and, in my opinion, the crossing will not be difficult when the proper time comes for action.

There are fair differences of opinion about our constitutional right to impose a tariff tax upon Puerto Rico. I do not propose to discuss that question, but upon it and the general purpose of this bill will ask the Secretary to read a letter from one who held and filled an honored seat in this Chamber for a quarter of a century, Hon. George F. Edmunds.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

PHILADELPHIA, PA., *March 21, 1900.*

MY DEAR SIR: I have yours of the 20th instant, and, both as an American citizen and an original and constant Republican, am very glad to learn that you are opposed to legislation having the effect of imposing on the people of Puerto Rico (whether we call them citizens or subjects of the United States) any kind of revenue burden or benefit that is not common to the whole people of the United States. Any such measure, if enacted, will, I believe, be unique in our whole history. It will imitate and parallel the acts of the British Parliament which forced our fathers to just resistance and revolution, and led them to establish a Constitution which in studied and explicit terms forbade any such discrimination.

I know there are many gentlemen engaged in public affairs whose intelligence and patriotism are above question who believe that our Constitution does not embrace the Territories, and that as to them the President and Congress possess the same omnipotent powers that the British Crown and Parliament have always possessed over their possessions. While I think that position is untenable as a matter of law, I believe the proposed action is still less defensible viewed in the light of those principles of liberty, justice, and equality of rights we all profess to believe in, and which, whether we believe in and practice or not, are still living and will live and bear fruits more and more among men, in spite of all the tyrants—well-meaning or otherwise—in the world.

I need not weary you by referring to the often stated arguments on the general subject, but I will mention one aspect of it which, so far as I have noticed, has not been particularly adverted to. Congress is the creature of the Constitution and not the reverse. A law passed by Congress is its creation, a mere expression of its will, which it may repeal or change at pleasure. If, therefore (assuming that the Constitution does not exist in Puerto Rico), Congress were to enact a statute declaring that the present Constitution shall be extended over and be in force in that island, the Constitution gets its only force there by the virtue of the statute. It is a statutory constitution and nothing else, and a repeal of the statute would extinguish it.

But the Constitution as such, I suppose all admit, is not subject to the control of Congress, either to enlarge or diminish, to expand or contract, or to be applied to or withdrawn from any people or place. It is not a movable thing, like the Ark of the Covenant of the Israelites, to be set up and moved here or there, as the tribes might wander. It is the actual event and condition and not the legislative or executive will that must in the nature of things determine the status of a man or a country under it.

The instances in which Congress has declared in statutes organizing Territories that the Constitution and laws should be in force there are no evidence that they were not already there, for Congress and all legislative bodies have often made enactments that in effect merely declared existing law. In such cases they declare a preexisting truth to ease the doubts of casuists. Puerto Rico and its people came under the sovereignty of the United States by force of the treaty with Spain, and I think all will agree that if any part of the people of the island levied war against the United States or adhered to our enemies, etc., they would be guilty of treason. But treason is an exclusively defined constitutional crime, and it can not exist on the island unless the Constitution that defines it is in force there.

Apart, however, from considerations of fundamental equal law for all who owe allegiance to our flag of liberty and justice, there are, it seems to me, other very weighty and commanding reasons why we should treat the people of Puerto Rico on the basis of absolute civil equality of right and circumstance with the citizens of our States and home Territories, and in doing so if, as is contended, the Constitution is not in force there, we make no precedent for the territories on the other side of the globe; for, like all measures within the discretion of Congress, each subject must, of course, be dealt with when it arises under its own peculiar circumstances and conditions. These people gladly yielded to our dominion on assurances, never disowned or withdrawn, of our commanders and other officers that they would become free and equal citizens of the Republic with all the rights implied by that term.

The geographical position of the island makes it, to my mind, especially important that its people should become and remain completely and earnestly loyal, and intimately acquainted and interested with the people here and bound to us by ties of business and friendship common to all. If we do not abandon or impair or imperil our supremely important and exclusive interests—common between our country and the Central American Republics and other American States—in relation to the Nicaragua Canal, Puerto Rico will in times of stress be the key of the situation. It was for this reason that, before peace with Spain was attained, I was earnestly in favor of holding the island, although I was opposed to taking dominion over the Philippines excepting Guam.

Pardon this too lengthy note, and believe me,

Faithfully, yours,

GEO. F. EDMUNDS.

Hon. REDFIELD PROCTOR,
United States Senate, Washington, D. C.

Mr. PROCTOR. But, Mr. President, admitting for the sake of argument that Congress has plenary power under the Constitution, that right must be interpreted in the fair and generous sense which the American people give to that instrument, and not given the interpretation of absolutism. We may do many wrong and foolish things without violating the Constitution, but it does not follow that we *must* do them or *ought* to do them, and I claim, Mr. President, that the plain people, the sensible, honest American people, who look at this question from no standpoint of interest, who are not sugar men, nor tobacco men, nor men who have any commercial or class interests, which it is claimed must be placated by our action, are the best judges of what is fair and right and honest, and that their judgment in the end must and will prevail.

If we are not bound by the letter of the Constitution, we are bound by justice and humanity to deal with these questions in the spirit of American institutions and American civilization. Our mission must be to prepare these people, who have come by the fortunes of war under our control, for self-government according to American ideas, and during this process we must treat them with absolute justice and good faith. The fundamental principle of our Government is that it must be for the benefit of the governed.

The people, Mr. President, look upon this as a matter of principle, a question of good faith and common honesty; and their moral sense has been shocked and the national heart and conscience stirred by the fear that this measure of taxation will be adopted by Congress. Mr. President, let us thank Heaven that we have a people whose moral sense, whose love of justice and fair play, can not be trifled with with impunity.

Ex-President Harrison has publicly said, "I regard the House bill as a very grave departure from right principles." And it will be admitted, Mr. President, that Benjamin Harrison is a good judge of what are right principles.

The people believe, as the President did when he wrote in his annual message, in the formal and solemn method for communicating with Congress sanctioned by the Constitution and usage, that "our plain duty is to abolish the customs tariff between the United States and Puerto Rico."

The people know that sentence by heart, as I have said, Mr. President, and they will repeat it millions of times within the year from its deliverance unless we perform what the President says is "our plain duty." The people believe that this is a question, not of mere policy, but of principle, as the Secretary of War evidently did when he said in his annual report, "The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States."

Are "the highest considerations of justice and good faith" matters of principle, or simply of policy? The people will answer this question correctly, if we fail to do so. Have these our highest officials in charge of our administration of the affairs of this island changed their minds? Certainly not, by any information of which we can take cognizance.

The Constitution says that the President shall from time to time recommend to the consideration of Congress "such measures as he shall judge necessary and expedient." He has told us in this constitutional method what is "our plain duty," and, Mr. President, while that statement stands as his solemn judgment, officially made known to us, I propose to do my plain duty as he stated it and as I see it.

Upon the question of good faith, I ask the Secretary to read the proclamation of General Miles to the inhabitants of Puerto Rico when he landed on that island.

The Secretary read as follows:

HEADQUARTERS OF THE ARMY,
Ponce, Puerto Rico, July 28, 1898.

To the Inhabitants of Puerto Rico:

In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity its military forces have come to occupy the island of Puerto Rico. They come bearing the banner of freedom inspired by a noble purpose to seek the enemies of our country and yours, and to destroy or capture all who are in armed resistance.

They bring you the fostering arm of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold. Hence, the first effect of this occupation will be the immediate release from your former political relations, and it is hoped a cheerful acceptance of the Government of the United States. The chief object of the American military forces will be to overthrow the armed authority of Spain and to give to the people of your beautiful island the largest measure of liberty consistent with this military occupation.

We have not come to make war upon the people of a country that for centuries has been oppressed, but, on the contrary, to bring you protection, not only to yourselves but to your property, to *promote your prosperity*, and bestow upon you the *immunities* and *blessings* of the liberal institutions of our Government. It is not our purpose to interfere with any existing laws and customs that are wholesome and beneficial to your people so long as they conform to the rules of military administration of order and justice. This is not a war of devastation, but one to give to all within the control of its military and naval forces the advantages and blessings of enlightened civilization.

NELSON A. MILES,
Major-General, Commanding United States Army.

Mr. PROCTOR. Mr. President, when those people are taxed this 15 per cent on their trade with us will they not appreciate at its proper value our promise to bestow upon them the immunities and blessings of the liberal institutions of our Government?

I also ask the Secretary to read the letter of President Schurman, who has had rare opportunity as president of the late Philippine Commission to judge of the effect of such legislation. The letter was one written to a personal friend.

The Secretary read as follows:

DEAR SIR: I agree with you that the United States is under obligation to extend its tariff laws to the island of Puerto Rico. But I can not accept your contention that this obligation is derived from the Constitution, which, in my judgment, does not of its own force apply to annexed territories. The obligation is moral, not constitutional. As the President said, with equal truth and felicity, it is "our plain duty."

We are bound to this course by solemn promises. The supreme and irresistible reason for removing all customs barriers between the United States and Puerto Rico is the promise made by General Miles, when first landing American forces on the island, that the Puerto Ricans should enjoy the same rights, privileges, and immunities as the people of the United States. On

this understanding the Puerto Ricans accepted American sovereignty, not only without opposition, but with joyful trust and confidence.

The present issue is simply this: Shall we repudiate, or shall we fulfill, the national engagements? Shall this great Republic break faith with the little island of Puerto Rico? Having secured the fruits of General Miles's promise, shall we now renounce the promise?

The American people will not tolerate any faltering with solemn obligations. Recognizing the national good faith as the nation's chiefest good, they will condemn any violation of it as the blackest crime.

All over the country this Puerto Rican question has stirred to the deepest the national heart and conscience; legislation, inspired by a breach of good faith, will bring a terrible Nemesis. It is said that a tariff is needed between Puerto Rico and the United States to provide a case for the courts, to determine the extent of our jurisdiction over the new dependencies, especially the Philippines. I answer that no convenience, no expediency, no other obligation, ever justifies a breach of the national good faith.

Let me add, too, that this Puerto Rican legislation is testing us before the eyes of the Filipinos, who keep well informed of all our doings. They will judge by this legislation of the value of American promises. When the ablest and most statesmanlike of Aguinaldo's emissaries to the Philippine commission once expressed the fear that the American Government might not keep the promises it was making—"for Spain," said he, "made promises and broke them"—I silenced him with the reply: "Signor, the United States is not Spain."

Is he now to learn, are all the Filipinos now to learn, that in the first legislation for our new dependencies we prove faithless to our pledges and recreant to our obligations? Such an exhibition of ourselves will strengthen the hands of Aguinaldo and the insurgents, because unhappily it can be used to support their persistent statement that the Americans are no more trustworthy than the Spaniards.

At the very moment when we need to inspire confidence in the minds of the conquered Filipinos, shall we commit an act which will confirm their distrust of us, quicken their suspicions and breed new and, perhaps, ineradicable antipathies? God forbid!

Mr. PROCTOR. Senator Edmunds says that legislation imposing any kind of revenue burden or benefit on the people of Puerto Rico that is not common to the whole people of the United States—

will imitate and parallel the acts of the British Parliament which forced our fathers to just resistance and revolution, and led them to establish a constitution, which in studied and explicit terms forbids any such discrimination.

In this connection I submit, in parallel columns, the statement of the purpose of the measure taxing the colonies and the disposition of the proceeds, and that of our bills in regard to Puerto Rico. The statement of the act of King George is an extract from Lord John Russell's Life of Fox:

The bill "imposing duties on certain kinds of merchandise, when imported into the colonies, required the payment of such duties to be made in gold and silver, and ordered them to be paid into the exchequer, where, with the produce of all former parliamentary duties, they were to be set apart as a separate fund, to be applied under the disposition of Parliament for defraying the future charges of protecting, defending, and securing the colonies."—*Russell's Life of Fox*, volume 1, page 45.

Under our measures Puerto Rico is to be taxed, and the island pays both ways on merchandise which they ship to or receive from this country, and we have provided that the amount heretofore or hereafter so received "shall be placed at the disposal of the President to be used for the government now existing or which may hereafter be established in Puerto Rico, for the aid and relief of the people thereof, and for public education, public works, and other governmental and public purposes therein," until otherwise provided by law.

Mark the resemblance in these two propositions, that the duties in each case, both past and future, are to be set aside for the benefit of the country taxed. One difference is that while our measure taxes merchandise both going to and coming from Puerto Rico, the British bill only taxed a limited number of articles coming to this country, but did not tax our exports, and this difference is in favor of King George.

But there is another vast difference in the two cases: King George and his ministry undertook to impose a tax upon English people—people of their own blood and race, who knew their rights and dared maintain them; who knew that the hearts of the English people were with them. We impose these taxes upon a people unused to assert their rights in the past and powerless to maintain them if they had; upon a people who welcomed our army when it landed on their island as their friends who had come to free them from the misrule of Spain, and who have conducted themselves in the most peaceable manner; upon a people to whom we had promised to bring "the immunities and blessings of the liberal institutions of our Government," and to whom we had said by the mouths of our highest officials that to establish free trade was "our plain duty," demanded by "the highest considerations of justice and good faith."

We levy this tribute upon a people who are in the direst poverty and distress, resulting in a large part from our very action in taking possession of their island and destroying the existing markets for their products and opening no other, and to this is added, by the hand of the Almighty, the terrible destruction of the tornado, so that they are now in the extreme of poverty and destitution, bordering on starvation. They can make no resistance if they would, and have no disposition to if they could, and must accept and submit to whatever we may do. Does this better our position compared with that of King George? Let us rewrite his biography, or see to it that we do not make ourselves fit subjects for a similar one. We claim that our mission in Puerto Rico was to deliver that people from the thraldom of Spain. Will not they in their hearts pray to be delivered from their deliverers?

But, let us consider this question a moment from the lower plane of mere policy. In the first place, honesty is the best policy, as we shall find if we try the other way.

Again, if this bill becomes a law, it will stand greatly in the way of the development of that little island. It leaves the future in uncertainty; for if we levy a tax of 15 per cent, the next Congress may levy a tax of 50 per cent. If we adopt free trade, it will be accepted by everybody as a definite policy toward Puerto Rico. Business interests will know what to depend upon, and capital and enterprise will go there and soon change the deplorable conditions now existing. Uncertainty always paralyzes industry.

I will ask the Secretary to read an extract from the report of General Davis, the present military governor of Puerto Rico, an officer of the very highest standing and ability, noted for his good sense, judgment, and discretion.

The Secretary read as follows:

American sovereignty for Puerto Rico has so far been disastrous to its commerce, for it has deprived the island of markets where were sold nearly one-half of its total output.

* * * * * * *

If the trade conditions between this island and the United States remain as at present, only industrial paralysis can be expected. But if, on the other hand, the productions of Puerto Rico can be admitted free into the Union, there will be brought about a condition justifying the prediction that the island can carry and finally discharge the entire burden of an exchange of the present currency for the American on the basis of the bullion value of the peso.

With trade conditions such as are suggested there will be a very great revival of business and an enormous increase in productions. After a few years for development on those lines it will not be at all difficult to increase internal taxation by three or four million dollars annually. In that case half a million a year could be applied to reimbursing the National Treasury for the benefit conferred on Puerto Rico in giving it a currency having parity everywhere with gold.

Mr. PROCTOR. I will also ask the Secretary to read a dispatch published in the New York Herald, March 23, 1900, from Mr. Charles M. Pepper, a very intelligent and reliable correspondent and author, well known in this city.

The Secretary read as follows:

PONCE, PUERTO RICO, *Thursday*.

The fact that the tariff imposition is to be only 15 per cent of the Dingley rates will not allay irritation in Puerto Rico. On the contrary, it promises to increase. The residents of the island had been expecting free trade, for all advices encouraged this belief. The disappointment in the business community is intense.

I visited several towns this week, and everywhere I found the merchants protesting, but conservative men were calming them by telling them of the prospects of free trade. Even the American officials held the opinion that free trade would be accorded.

MERCHANTS ARE GLOOMY.

The prospects for a business revival are not good now because of the tariff imposition, and the uncertainty as to what will happen is far from over. The commercial class and planters declare they will continue to send protests. Yesterday they were rejoicing in the hope of free trade. To-night they are gloomy.

The demonstration of Ponce merchants last night threatened disorder, and troops were held in readiness in the barracks. Free-trade hopes were freely presented, and the gathering dispersed in order.

THE FEELING IS INTENSE.

The authorities do not really fear disorder, but realize that the incident of last night clearly illustrates the intensity of feeling. It is certain that much impetus will be given the political agitation and that the anti-American issue will become a strong one.

Ponce is more temperate than many other towns, where the resentment is steadily increasing, owing to the deplorable condition of affairs and the uselessness of hoping for an early trade revival.

The $2,000,000 appropriation will not placate the Puerto Ricans if they are subjected to tariff discrimination.

CHARLES M. PEPPER.

Mr. PROCTOR. But, Mr. President, it is not the effect of this measure upon the people of Puerto Rico which constitutes the greatest objection to this bill. It is its effect upon ourselves. It is the injustice and unfairness of our treatment of this helpless, dependent people, for which retribution will surely come upon us in some form. Our action must be such as to appeal to the good sense, to the highest sentiment, and the honest judgment of the American people, rather than to respond to the demands of protected interests or special classes.

The Constitution may or may not follow the flag, but the good faith of the American people must stand unquestioned wherever the Stars and Stripes are seen.

These plain people, if I mistake not, while they may and will differ as to what measure of political rights and privileges we shall give to the people of Puerto Rico, will hold that they should have the same rights and opportunities and be subject to no other restrictions than we are—to raise and market their products; to buy the food they eat, which they must largely take from us; to buy the cotton for their clothing, and that of their wives and children, and the tools to cultivate their land, and to sell their crops in any market on the same terms that we do.

These are matters that affect every household. They are the simplest rights of the people. To deprive them of these is a degradation of their manhood. There is no way to successfully govern or deal with people who are in our power, or are inferior to us in advantages and opportunity, except to be strictly just and to keep perfect good faith with them. The stronger must be absolutely just to the weaker. Returning to them in the name of

charity money we have taken and propose to take from them can not be called justice.

The plea of harmony in the party appeals to me strongly. But this is a question higher than party or policy; it is a question of principle, and it is better that even a small minority of the party should be right than that we should all be wrong. *It is of vital consequence, Mr. President, that this, our first important step in legislation for our new possessions, should be such as to commend itself to the judgment and conscience of the American people.*

Mr. PETTUS. Mr. President, on this same subject I propose, if I can, to show where the majority of this Senate has quit the public road, has quit the road pointed out by the law of the land, and also to show what will be the result.

It is always good to get back to the foundation. The great error contained in this bill in reference to the subject which the Senator from Vermont [Mr. PROCTOR] has just so well pointed out, the violation of all our notions of justice and right and common sense, takes its departure by considering that this Government, the United States, is a sovereign in the sense of the word as used in Europe. This Government is not a sovereign in that sense, and never can be. Some of the supporters of this doctrine found it upon the law of nations. It is true that we are governed by the law of nations so far as that law is applicable to our Government and so far as our Government has the right to exercise the powers declared by the law of nations as pertaining to each separate sovereignty. Vattel draws the distinction as plain as daylight, and so does the Supreme Court of the United States. The idea is that when land is ceded, when a territory is ceded to a nation, that nation can not necessarily exercise all the powers of the former owner. That nation must exercise whatever powers it may have according to its own form of government, and not otherwise.

Take the Government of Spain, from which we derived these possessions. Spain had a right of absolute sovereignty over those islands, and when I say "absolute" I mean unrestricted by any of the constitutional limitations in Spain. But when we take those islands, we take them according to and subject to the powers which the Government of the United States has a right to exercise over Territories, and not in any other way. It is impossible to conceive an idea that the Government of the United States can exercise powers over acquired territory that the Constitution of the United States does not tolerate. This very idea quoted from Vattel—and I hope those Senators who rely on the law of nations as an authority for doing this thing, and doing what is being done now without any authorization from Congress, will listen to what the Supreme Court says on the identical question and in reference to a grant from Spain. We got the territory on the Gulf from Spain, and here is what the Supreme Court of the United States says on the identical question that I am now considering.

If it were true that the United States acquired the whole of Alabama from Spain, no such consequences would result as those contended for.

The contention was that the King of Spain could deed to anyone he chose the land on the banks and under the rivers, and, therefore, the United States could do the same thing; and it had attempted the same thing.

It can not be admitted that the King of Spain could, by treaty or otherwise, impart to the United States any of his royal prerogatives; and much less can it be admitted that they have capacity to receive or power to exercise them. Every nation acquiring territory, by treaty or otherwise, must hold it subject to the constitution and laws of its own government, and not according to those of the governments ceding it.

And Vattel is quoted; and he does strictly sustain that idea.

Mr. MONEY. From what case is the Senator from Alabama quoting?

Mr. PETTUS. I read from 3 Howard, page 225, in the case of Pollard's Lessee vs. Hagan et al. It concerns a wharf in the city of Mobile.

Mr. President, there is the question: Can you, by receiving from Spain a title to the island of Puerto Rico, exercise the prerogatives of the King of Spain without any regard to your own form of government?

This Government is not a sovereign, Mr. President, in the sense that that term is used in Europe. The kingdoms of Europe in regard to this subject have no limitations on them, and they are never to be regarded as bound by any limitations such as we have; they never are, and therefore the doctrine that one sovereign ceding territory to another grants all the rights he has and all the powers he has over that territory when applied to the United States is a gross fallacy. Senators read from books and say that the United States has plenary powers over its colonies or over its Territories. So it has in the sense that it has all the power there is; it has plenary powers; no other power can exercise any authority in the way of legislation over the Territories unless the United States Congress chooses to delegate that power, as it frequently does. But the Congress of the United States has plenary powers over all commerce between the States and foreign nations and with the Indian tribes; it has plenary power; that is to say, no other power on earth can legislate on that subject.

But do not Senators know that that power is limited by the other provisions? Surely it is. It has plenary power to levy taxes; but do not Senators know that all taxes must be levied according to the Constitution of the United States? "Plenary power," when used in our decisions, means nothing more than that our Government has all the power that can be exercised on that subject. That is all it means. It does not mean without any possible limitation.

Mr. President, I was very much entertained by the Senator from New Hampshire [Mr. GALLINGER] on yesterday, when he informed us that he was not a lawyer, and he proved it to us not only by asserting it, but by his argument. [Laughter.] Lawyers know that when you come to read a decision of a judge you must take all he says on the subject; that it will not do to merely take a sentence here, or a piece of a sentence here, and a piece of a sentence there. That will never do, but that is exactly what that distinguished Senator did. He read from the opinion of Justice Bradley, in the Mormon Church case, that Congress had plenary power to legislate over the Territories. That is true in the sense that I have spoken of; but if the Senator had turned over a single page he would also have read, "doubtless, Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments."

Really, Mr. President, the Senator reminded me of a thing that happened in the old times down in Alabama. They all accuse us of being a very unlearned set down there; and I expect in a large measure it is true. I remember on one occasion in the mountains, when I was a boy and was a solicitor for the State, I went to a preaching, and the minister—I will not state his denomination; I am too politic for that—but the minister was as learned in the Bible as my friend from New Hampshire is in the law. [Laughter.] He took his place in the pulpit, had a good congregation, and a very attentive one, for those people up there have a profound reverence for their Master, whatever may be their learning.

He said: "Brethren, my text this morning will be the following: 'Seven sons did Milcah bear unto Enon.' Now, I expect, brethren, if you would look at the commentaries, you might find various meanings to this text; but taking a common-sense view of it, I will say this: I expect that Enon was sick and the doctor told his seven sons, great strong fellows, that it was absolutely necessary that he should have milk for his nutriment; and thereupon the seven sons went out to look up the cows. The cows had not come up the night before, and so the sons could not find them; they could not find them anywhere in the whole neighborhood; but they came across a she bear, and they milked her and carried the milk to Enon; and so, brethren, it is writ, 'Seven sons did milk-a-bear unto Enon.'" [Laughter.]

That preacher had as accurate a conception of the Scriptures as some of our Senators have of the law of the land. [Laughter.]

Mr. President, this is a very important matter, and I am sorry I have been betrayed off into a light vein.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. PETTUS. Certainly.

Mr. GALLINGER. Will the Senator explain how the additional words that he has read from the opinion of Justice Bradley refute the general proposition as stated in the language that I quoted from that opinion? I did not say that Congress could do all sorts of unjust and unlawful and unconstitutional things.

Mr. PETTUS. No; but you did say the Constitution did not apply to the Territories. That is what you said; and this man says it does.

Mr. GALLINGER. Mr. Justice Bradley does not say that, and I should like the Senator, furthermore, to take the opinion Mr. Justice Morrow gave, which I quoted yesterday, and refute that and various other opinions that can readily be cited.

Mr. PETTUS. I have tried my hand on them once before. So far as Justice Morrow is concerned, I suspect he is a lawyer; I hope so; I am absolutely certain myself that he is mistaken; I hope he is an upright and just judge; I do not know him; but I am not in the habit of quoting the opinions of district judges on great constitutional questions, and if the Senator from New Hampshire lived where I do he would not. [Laughter.] He never would do it.

Mr. President, we had a wonderful declamation yesterday from our great orator—wonderful. It was marvelous in all its parts. It was so marvelous that I dare say such a thing has never before been heard of in the Senate of the United States. When you get a genuine orator he is absolutely absolved from all rules of logic or common sense. [Laughter.] When it is necessary, in the fervor of oratorical flourishes, to prove any proposition, true or false, rules of common sense and the decent observance of what is due to others must not stand in the way of maintaining "my reputation as a great orator." It will not do. If it is necessary I must break down the ideas of an observance of what the Senator from Vermont [Mr. PROCTOR] characterized as "the best policy." If it is necessary I must "draw on my imagination for my facts and on my memory for my flights of fancy," as Ovid Bolus

did. When an orator speaks he has a right, in the fervor of his oratory, here in the United States Senate, in reference to the Republicans and Democrats and Populists and any other man who may choose to take a seat here, to speak of them as "enemies to the Government." He has a right to speak of them as "opponents of the Government." The Government, in his mind, is "me and my wife, my son John and his wife; us four, and no more." [Laughter.]

Mr. President, I was amazed at that speech. I once before heard one that went off in that direction. Oh, I tell you the senior or junior Senator from Iowa—I do not know which—and the senior or junior Senator from Maine—I do not know which—will have to take some action in reference to that orator. There is no doubt about it in the world. [Laughter.] There will have to be some caucus on the matter. [Laughter.] I tell you, Mr. President, these four wise men from Maine and Iowa could not devote their time, if they want to serve their party well, better than to take some consideration of the orators in this Chamber. [Laughter.] Orators; yes.

Mr. President, the Master once had to select a man to lead the children of Israel out of Egypt and through the wilderness to Canaan. He did not select an orator. [Laughter.] No; he selected one of these men from Maine or Iowa, and his name was Moses. [Laughter.] And he was a stuttering man, too. [Laughter.] But Moses told his Master to his face that he could not do it, because he could not speak to the people. And what was the reply? "There is Aaron. He speaks well." And they took Aaron along, not in command, that was not allowed, but they took him along as a kind of a deputy; and when Moses on his Master's order went up into the mountain for the Tables, the orator left in charge had a golden calf framed. [Laughter.] And he put all the people down to worshiping the golden calf. [Laughter.] More people worship the golden calf now than did in those days. But while Aaron and his people were all down worshiping the golden calf, the man of God appeared, and he pulled out his sword and demanded to know "who was on the Lord's side," and the orator jumped up from his knees, drew his sword, got on Moses's side, and went to killing the Israelites along with Moses. All these orators will do the same thing [laughter]—the last one of them. We saw an instance of it yesterday afternoon.

Mr. President, I am sorry to have detained the Senate so long.

Mr. PROCTOR. I offer an amendment to the pending bill, which I ask may be read, ordered to lie on the table, and be printed.

The PRESIDENT pro tempore. The Senator from Vermont presents an amendment to the pending bill, which will be read.

The SECRETARY. On page 4, line 19, strike out the remainder of the sentence after the word "shall" and insert in lieu thereof the following words:

Any duties be collected after the 30th day of June, 1900, the end of the present fiscal year.

So that the last clause of section 3 will read as follows:

And in no event shall any duties be collected after the 30th day of June, 1900, the end of the present fiscal year.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. FORAKER. I ask now that we may proceed with the consideration of the amendment offered yesterday by the Senator from Alabama [Mr. MORGAN], which was under consideration at the time when the Senate adjourned.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Alabama, which will be stated.

Mr. FORAKER. The amendment offered by the Senator from Alabama is to an amendment offered by the committee, and it is to strike out the word "sixty," in line 20, on page 8, and insert "one hundred."

The SECRETARY. It is proposed to amend the amendment by striking out, in line 20, page 8, the word "sixty" and inserting "one hundred;" so as to read:

The present established rate of 100 cents in the coins of the United States.

Mr. TURLEY. Mr. President, before the vote is taken on the amendment, I should like to call the attention of the Senator from Ohio to the fact that yesterday a question was put as to whether 60 cents in our money would, in the domestic trade and business of Puerto Rico, buy as much of the articles used there and consumed in that island as the Puerto Rican dollar—the peso, as they call it—and I understood the Senator from Ohio to say, at least the RECORD shows that he stated, that 45 or 50 cents of American money would buy as much as a Puerto Rican peso would buy.

I call his attention and the attention of the Senate to what appears in the report of Mr. Robert Porter on the currency question of Puerto Rico, made to the Secretary of the Treasury in January, 1899. Mr. Porter calls attention to two letters—I will be very brief on this point—which he commends to the attention of the Secretary, and his language as to the first letter is as follows:

In this connection your attention is directed to the following extract from a comprehensive statement prepared especially for your commissioner by Mr. H. C. Fritze, of Fritze, Lundt & Co., of Puerto Rico. Mr. Fritze is engaged in banking, importing, and exporting at Ponce and Mayaguez, and his firm is the largest and strongest house in the whole island. Here is what he says:

I read only a portion of it. He says, quoting from Mr. Fritze's letter:

The sales are chiefly made in Puerto Rico on from six months to twelve months' time, but the payment is frequently extended to a much longer time and postponed from one year to the other, and all these pending debts are contracted in Puerto Rican currency, too. So it results that if the real currency volume amounts to about $5,500,000, the rate to be fixed for the conversion has to be applied to about ten times that amount in debts pending payment—

He has already shown what the indebtedness of the island amounts to.

And if a fair and just rate should not be agreed upon the economical position of the island may suffer to an enormous extent.

He says:

The rate of 100 per cent—that is, $1 of United States currency for $2 of Puerto Rican currency—

Which would be the same thing as 50 cents of United States currency for $1 of Puerto Rican currency—

has been talked of and has been really adopted by the actual military authorities in Puerto Rico for official payments. Such a rate is simply ruinous and can not possibly be thought of as fair and just.

Now, then, Mr. Porter says:

Another phase of the question is that affecting salaries and wages, and on this point attention is respectfully called to a thoughtful article dated Ponce, October 19, 1898, which appeared in the London Times and which was evidently written by one who has fully mastered the situation.

Now I quote from the letter as given by Mr. Porter:

There are, however, other points to be considered. Wages, salaries, contracts, and, indeed, all the business of Puerto Rico is done on Puerto Rican coin. The laborer will not understand that 50 cents in United States money is equivalent to the $1 he has been accustomed to receive. The clerk will find that living on $50 gold monthly is much more difficult than living on $100 silver. The employer of labor will not be able to reduce wages in proportion to the difference in the value of the gold and silver currency, and a heavy balance will ensue against him. The profits of growers of coffee, sugar, and all agricultural products exported and sold for gold will of necessity be largely reduced. In fact, a sudden and arbitrary change from the existing silver basis to the currency of the United States will restrict production in every branch of industry in this island, and for this reason any such change should be most carefully considered in Washington and not decided in the offhand manner at present proposed.

Both of these gentlemen and this report of Mr. Porter are speaking of an exchange on the basis of $1 of American currency for $2 of Puerto Rican currency—that is, 50 cents of American currency for $1 of Puerto Rican currency. Certainly it seems strange that 50 cents of our money should have as much purchasing power in that island as the dollar they already have.

It will be noticed further in the letter from Mr. Fritze, which is quoted by Mr. Porter, that he shows that the Puerto Rican dollar has a much larger value than its bullion value. He says:

The fact that, notwithstanding the low bullion value, a pound sterling was purchasable in Puerto Rico for $7.40 of the new Puerto Rico currency shows that the dollar had a face value and a large amount of fiat in it and was independent altogether of the bullion or intrinsic value of the coin, the same as the American silver dollar in the United States. And this face value was guaranteed by the commercial balance of the island.

It shows that this Spanish currency has an additional value beyond its mere bullion value. I quote the citation from Mr. Porter's report to show that in the opinion of this gentleman the 60 cents which we propose to give will not purchase so much in that island as the dollar which the people already have. Certainly if it will purchase as much it must be on the theory that the prices of all articles in that island, as soon as this exchange is made, will fall, because under this system of exchange, if it is carried out, we will put in the place of 5,500,000 of Puerto Rican dollars, which circulate in that island, 3,300,000 American dollars, and if the number of units of the currency in the island is decreased and they buy as much, then it must be on the theory that all prices in the island will fall.

I call attention to another matter in connection with this question, and then I will leave the subject. A day or two ago we passed a bill to return to the government of Puerto Rico and the people of Puerto Rico $2,095,000, I believe, which we had collected under the present tariff on goods imported from that country to this. The gentlemen on the other side all maintained the doctrine that that tax was legally and properly and constitutionally collected, and therefore that the money derived from it in the United States Treasury belonged rightfully to the Government of the United States. And they took great credit for the fact that we had, in our generosity, donated to this island and its government $2,095,000.

What do we do by this transaction? We take three million three hundred thousand American dollars and carry them to Puerto Rico—I am treating it as if the transaction were all made at once, because when finally consummated it is the same thing—

and we get $5,500,000 of theirs and bring them to the United States. They are about the same value as the American dollar, containing about the same amount of silver. We bring them to the United States and run them through our mints, and then we have $5,500,000, a clear profit of $2,200,000, which we have made out of this transaction, a sum much larger than the amount we propose to donate to those people. While one day we say we are donating $2,095,000, in two or three days we turn around and propose a measure by which we will take from them and add to our money and to our currency about $2,200,000.

Mr. FORAKER obtained the floor.

Mr. MORGAN. Will the Senator from Ohio indulge me a moment, that I may correct the amendment I offered? In the amendment I offered I estimated the Spanish peso at 100 cents, or $1. Looking at the authorities on the subject, I find that it is stated in this communication of General Davis, the governor of Puerto Rico, that the Spanish peso is rated by the Secretary of the Treasury at 93.5 cents to the dollar. So, instead of striking out the word "sixty" and inserting "one hundred," my motion will be to strike out "sixty" and insert "ninety-three cents and five mills."

Mr. SPOONER. What effect will that have on the discharge of mortgage indebtedness?

Mr. MORGAN. I never said it would have any effect.

Mr. SPOONER. I am asking the Senator.

Mr. MORGAN. That is the rate fixed by the Secretary of the Treasury.

Mr. FORAKER. Mr. President, answering first the Senator from Tennessee, the remark made by me yesterday and reported in the RECORD, to which he has called attention, had reference to the relative commercial values of the peso and the American dollar. I read in that connection from the report made by General Davis, wherein he says that according to the market price for silver bullion at the time when he wrote, September 30, 1899, our dollar, so far as the bullion in it was concerned, was worth, I think he said, 43 cents, and the Spanish dollar, or the peso, so far as the bullion in it was concerned, was worth only 40 cents.

I remarked in the same connection that I had recently seen it stated elsewhere that the bullion in the peso was worth perhaps 45 to 48 cents. There seems to be some difference of opinion as to just how much bullion there is in it. There is no difference of opinion as to how much there ought to be, but there has been a claim made that the silver pesos have more alloy in them than they should have. In other words, the silver has been debased. The bullion value has been stated to be somewhere from 45 to 48 cents. I have never seen it stated by anybody any higher than that. That is what I was talking about in the colloquy to which the Senator has called attention when he quoted from the RECORD.

I said later on in the remarks made yesterday upon this question that when it came to the matter of paying debts the Spanish peso has 60 per cent of the value of an American dollar; that the exchange value that has been fixed by Executive order is as 60 to 100, 60 cents of our money the equal of 1 peso; and that if you undertake to pay debts in Puerto Rico with our money, it takes only 60 per cent as much of our money as you would have to employ if you used Puerto Rican pesos.

Now, having corrected that matter, let me call the attention of the Senate, in answer to what the Senator from Tennessee says, to what General Davis says in his report as to the purchasing power of the peso in relation to the exchange value that has been fixed by Executive order. At page 31 he calls attention to what I had not observed until after this debate came up. I had not observed it prior to the discussion we had yesterday. He calls attention to the fluctuation in the purchasing value of the peso. He says:

> The local exchange value of the peso has always been greater than its bullion value—

As the Senator from Tennessee has pointed out in reading from Mr. Porter's report—

> and this fact was evidently recognized when an arbitrary value of 60 was given it by Executive order. The fluctuations in exchange have been very great in the past, the peso at times approaching a value of 70 and at others falling below 60, as referred to gold.

Then, in further discussing the matter, he says in substance—I will not stop to read it in detail—that as the result of it all the exchange value is a little above what its purchasing value is. So 60 cents is a fair rate to be fixed for exchange and is so regarded in Puerto Rico now, and certainly, if that be true, it is a fair rate for us to fix in providing for an exchange of Puerto Rican coin in the way pointed out in this measure.

One word further, Mr. President. It is not the purpose of the United States to make any money out of this transaction, and certainly it is not the purpose of the United States to make any money at the expense of the Puerto Ricans. The Puerto Ricans have this coinage. We are not responsible for it. It was their coin, in circulation among them, when the occupation commenced. We entered upon the situation as they made it to exist. It has no legal-tender quality in the payment of debts since the sovereignty of Spain has ceased. It has no value, therefore, except its intrinsic value, and that, as General Davis points out, is in bullion worth something less than 50 cents on the dollar.

It is impossible for them to successfully conduct their business transactions with two coins, and they have had all the difficulties to contend with that attend the presence in circulation among a people of two coins, necessitating an exchange of money in connection with every kind of business transaction. The money changer is the man who profits by it. The Puerto Rican wants to have but one coin, and he wants our coin, and it seems to be the universal sentiment that our coin should be substituted for the Puerto Rican coin. The only question is, How can that transaction be consummated? The method provided by the bill is the only way that anybody has pointed out. Our endeavor was, after that was settled, to find a rate of exchange that would be fair to the people of Puerto Rico; and inasmuch as the President had fixed 60 per cent as the rate of exchange while the two coins were in circulation there, we adopted that rate for this measure.

Now, it is true, as was said here yesterday, that if we take up the Puerto Rican coins in exchange at that rate and coin them into our money, that bullion, when it becomes our money, will have a greater purchasing power. It will be worth 100 cents on the dollar; but it will be worth 100 cents on the dollar not because of anything we have taken away from the Puerto Ricans, for we will not have taken anything away from them; it will have this increased value simply because it has become money of the United States and as such has all the credit and wealth and power of the United States behind it. It is what we add to that which we buy from them in making this exchange—it is because of that it will have this increased value. I point that out simply to show that we are taking nothing from them.

It is said on the other side that we can afford, if we are to have this increased value, to give it to the Puerto Ricans, and the talk here yesterday was as though all this Puerto Rican money, all these pesos, amounting to something like six or seven million dollars, were to be found in the pockets of the poor people of Puerto Rico. That is not true. General Davis, in this report, gives us some information as to where this money is located. On page 30 of his report he points it out as follows:

> On August 10 there was stored in three local banks the sum of 2,691,500 pesos in silver.

And so on. In other words, Mr. President, about half of all the Puerto Rican coin in Puerto Rico that would be redeemed or exchanged under the provisions of this law was in August last in the vaults of the banks. Perhaps more of it is there by this time; and who can doubt, if the bill becomes a law, that it will all be exchanged through the medium of the banks? That will be the natural course for it to take.

So if we were to give the Puerto Ricans, for what is worth nothing to us except as bullion, this full value of 100 cents on the dollar, this increased value of 40 per cent, to use the language employed yesterday, we would be giving it not to the people of Puerto Rico, in whose pockets Senators assume this money will be found, but we would be giving it to those banks; and the profit to them would amount, on the $3,000,000 they now hold, to more than a million dollars.

That result should not be allowed. But, Mr. President, it should be remembered that we do not want to buy this bullion; we do not want to enter into the business of buying their silver; we are doing it only for their accommodation. There is no reason, therefore, why we should provide so that the increment of value which we give to the bullion by making it into our money will go to a few people who, having half the money already, would without doubt acquire practically the whole of it. Certainly it would at least come through that channel, and they would get the whole benefit of the transaction. The 40 per cent increase in value should belong to the United States, whose credit creates it, and not be given to a few bankers in Puerto Rico who surrender nothing for it.

Therefore, Mr. President, I insist that the provision found in the bill, that the rate of exchange should be at 60 per cent, is the nearest approximation to what is fair and just that it is possible for us to make. That is the rate fixed by the President; that is the rate the people are already familiar with; that is the rate that has proven satisfactory to everybody in Puerto Rico; that is the rate that is satisfactory to everybody now in Puerto Rico. I see no reason to depart from it, especially no reason when, according to that rate, we are giving them more than the real value of that which we get and sharing to that extent the value that we add to the bullion by putting our credit behind it.

So I think, Mr. President, the rate named in the bill ought to be maintained and the amendment offered by the Senator from Alabama to the amendment should be voted down.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment of the Senator from Alabama [Mr. MORGAN] to the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. Strike out "sixty," in line 20, page 8, and insert "ninety-three and one-half."

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. SPOONER (to Mr. FORAKER). Do you object to that change?

Mr. FORAKER. I do not object to the change. I object to the amendment; that is all.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. BACON. What is that? We do not understand it.

The PRESIDING OFFICER. The amendment submitted by the Senator from Alabama [Mr. MORGAN] to the amendment of the committee.

Mr. BACON. I understand that; but I understood the Senator from Wisconsin to ask the Senator from Ohio something in reference to some change, and we do not know to what he refers.

Mr. FORAKER. The Senator from Wisconsin asked me, as I understood him, whether I object to the Senator from Alabama changing his amendment from "one hundred" to "ninety-three and five-tenths" as the rate of exchange, and I say I do not. The question would be whether "sixty" shall be stricken out and "ninety-three and five-tenths" inserted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama to the amendment of the committee.

Mr. MORGAN. I desire to call for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

Mr. MORGAN. Let the Secretary read the amendment to the amendment as it now stands.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. On page 8, line 20, section 10, after the word "of," strike out "sixty" and insert "ninety-three and one-half."

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Alabama [Mr. MORGAN] to the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. JONES of Arkansas. That, I understand, is the actual exchange value of these coins at this time.

Mr. FORAKER. No, Mr. President.

Mr. BACON. It is the par value.

Mr. FORAKER. The real value, the bullion value, in the peso and the American dollar has the relation of 93.5 to 100.

Mr. ALLEN. I demand the regular order.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary resumed the calling of the roll.

Mr. CULLOM (when his name was called). I am paired with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "nay."

Mr. DAVIS (when his name was called). My pair with the Senator from Texas [Mr. CHILTON] has been transferred to the Senator from West Virginia [Mr. ELKINS]. I vote "nay."

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were present, I should vote "yea."

Mr. KENNEY (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PENROSE]. If he were present, I should vote "yea."

Mr. MCBRIDE (when his name was called). I am paired with the Senator from Mississippi [Mr. MONEY]. I transfer that pair to my colleague [Mr. SIMON] and vote. I vote "nay."

Mr. NELSON (when his name was called). I am paired with the junior Senator from Missouri [Mr. VEST] on this question.

Mr. PERKINS. I suggest to the Senator from Minnesota to transfer his pair to my colleague [Mr. BARD].

Mr. NELSON. I will transfer my pair to the Senator from California [Mr. BARD] and vote "nay."

Mr. WELLINGTON (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. BUTLER]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. WETMORE. My colleague, the senior Senator from Rhode Island [Mr. ALDRICH] is unavoidably absent, and a pair on this question has been arranged between him and the Senator from Colorado [Mr. TELLER.] If my colleague were present, he would vote "nay."

Mr. WARREN. I am paired with the senior Senator from Washington [Mr. TURNER].

Mr. BERRY. I desire to state that the Senator from Texas [Mr. CHILTON] is paired on all these questions with the Senator from West Virginia [Mr. ELKINS]. If the Senator from Texas were present, he would vote "yea."

Mr. ALLEN (after having voted in the affirmative). I am paired with the junior Senator from North Dakota [Mr. MCCUMBER], and the Senator from Maryland [Mr. WELLINGTON] is paired with the junior Senator from North Carolina [Mr. BUTLER]. I suggest to the Senator from Maryland that we transfer our pairs and vote.

Mr. WELLINGTON. Very well.

Mr. ALLEN. I will let my vote stand.

Mr. JONES of Arkansas. I transfer my pair with the Senator from Connecticut [Mr. PLATT] to the Senator from South Dakota [Mr. PETTIGREW] and vote "yea."

Mr. CLAY. I wish to state that the junior Senator from South Carolina [Mr. MCLAURIN] is paired with the Senator from North Carolina [Mr. PRITCHARD], and that if the junior Senator from South Carolina were present he would vote "yea."

Mr. HANSBROUGH. I suggest to the Senator from Delaware [Mr. KENNEY] that we make the same arrangement we made yesterday, so that he and I may vote.

Mr. KENNEY. Very well.

Mr. HANSBROUGH. I vote "nay."

Mr. KENNEY. I vote "yea."

Mr. LODGE. My colleague [Mr. HOAR] is unavoidably absent. I desire to announce his pair with the Senator from Louisiana [Mr. MCENERY]. The pair stands on all these amendments to the Puerto Rican bill.

Mr. WELLINGTON. Under the arrangement proposed by the Senator from Nebraska [Mr. ALLEN] I will vote. I vote "nay."

Mr. SCOTT (after having voted in the negative). I should like to ask if the junior Senator from Florida [Mr. TALIAFERRO] has voted?

The PRESIDING OFFICER. The Chair is informed that the junior Senator from Florida has not voted.

Mr. SCOTT. I wish to withdraw my vote. I have a general pair with the junior Senator from Florida.

Mr. HANNA. I have a general pair with the Senator from Utah [Mr. RAWLINS], which I transfer to the Senator from Colorado [Mr. WOLCOTT], and vote. I vote "nay."

Mr. BURROWS (after having voted in the negative). I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and I withdraw my vote.

The result was announced—yeas 12, nays 33; as follows:

YEAS—12.

Allen,	Berry,	Harris,	Morgan,
Bacon,	Clay,	Jones, Ark.	Pettus,
Bate,	Culberson,	Kenney,	Turley.

NAYS—33.

Baker,	Foster,	Kyle,	Ross,
Carter,	Frye,	Lindsay,	Sewell,
Chandler,	Gallinger,	Lodge,	Shoup,
Clark, Wyo.	Gear,	McBride,	Spooner,
Davis,	Hale,	McComas,	Wellington,
Deboe,	Hanna,	McCumber,	Wetmore.
Depew,	Hansbrough,	McMillan,	
Fairbanks,	Hawley,	Perkins,	
Foraker,	Kean,	Quarles,	

NOT VOTING—42.

Aldrich,	Daniel,	Nelson,	Sullivan,
Allison,	Elkins,	Penrose,	Taliaferro,
Bard,	Heitfeld,	Pettigrew,	Teller,
Beveridge,	Hoar,	Platt, Conn.	Thurston,
Burrows,	Jones, Nev.	Platt, N. Y.	Tillman,
Butler,	McEnery,	Pritchard,	Turner,
Caffery,	McLaurin,	Proctor,	Vest,
Chilton,	Mallory,	Rawlins,	Warren,
Clark, Mont.	Martin,	Scott,	Wolcott.
Cockrell,	Mason,	Simon,	
Cullom.	Money,	Stewart,	

So Mr. MORGAN'S amendment to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question now is upon the amendment of the committee.

The amendment was agreed to.

Mr. FORAKER. That is section 10 as reported by the committee?

The PRESIDING OFFICER. It is section 10.

Mr. FORAKER. I now ask that section 8, as it was originally presented, shall be stricken out.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 9, line 15, strike out section 8 down to and including line 18, page 10.

Mr. BACON. I desire to ask the attention of the Senator from Ohio for a moment to a fact. In the section which he now proposes to strike out, and in the succeeding sections which he also proposes to strike out upon the ground that other matter has been substituted for that in these several sections, there is a good deal of the same character as the amendment which I have offered, and which I have asked shall be held back for the accommodation of certain Senators. I want it understood that the motion to strike out this section shall in no manner prejudice the right to offer that amendment.

Mr. FORAKER. No; I ask that this may be stricken out because the amendments adopted yesterday make it unnecessary.

Mr. BACON. I understand that, and only make the suggestion.

Mr. FORAKER. We come now to sections 8, 9, and 10.

The PRESIDING OFFICER. The Chair understands the Senator from Ohio to move that sections 8, 9, and 10 be stricken out of the bill. Is there objection? The Chair hears none. The next amendment will be read.

The Secretary read as follows:

SEC. 11. That all expenses that may be incurred on account of the government of Puerto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, light-houses, buoys, and other works undertaken by the United States, shall be paid by the treasurer of Puerto Rico out of the revenues in his custody.

Mr. ALLEN. I could not hear back here what disposition was made of sections 9 and 10.

The PRESIDING OFFICER. Sections 8, 9, and 10, the Chair will state, have been stricken from the bill.

Mr. ALLEN. They have been stricken out? Where is the proposed amendment found?

Mr. CULLOM. The part stricken out is in brackets.

Mr. FORAKER. What is the inquiry of the Senator?

Mr. ALLEN. I could not hear from my seat here what disposition was made of sections 8, 9, and 10 in brackets.

Mr. FORAKER. They were stricken out because yesterday the Senate adopted certain sections of the House bill with amendments which makes these sections unnecessary.

Mr. ALLEN. What sections were adopted yesterday?

Mr. FORAKER. All the sections that are printed in this reprint up to section 10, which we had under consideration when the Senate adjourned.

Mr. ALLEN. I wanted before that was passed to offer an amendment to it. I do not know whether I understand the Senator from Ohio that we have passed over these matters, supposing that they are completed as far as a vote is concerned, or not.

Mr. FORAKER. No; they are completed now so far as the committee amendments are concerned.

Mr. ALLEN. Is it in order and agreeable to the Senator to offer an amendment?

Mr. FORAKER. Other Senators are holding back their amendments until the committee amendments are made, and then the amendments can be moved to the section as perfected by the committee.

Mr. ALLEN. That order was made when the bill was taken up?

Mr. FORAKER. That was done by consent.

Mr. ALLEN. Very well, then.

Mr. FORAKER. I will be through presently, and then any amendments can be offered.

The PRESIDING OFFICER. The question is on agreeing to section 11. Without objection, the amendment of the committee is agreed to. The Secretary will read the next amendment.

The Secretary read the committee amendment, as follows:

SEC. 12. That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "States," section 12, page 12, line 17, insert:

Except the internal-revenue laws, which, in view of the provisions of section 3, shall not have such force and effect in Puerto Rico.

Mr. SPOONER. I suggest to the Senator that the word "such," in line 19, might, perhaps, with benefit be omitted; so as to read "shall not have force."

Mr. FORAKER. Well, let it read, "shall not have force." Strike out "such." I accept the suggestion. Let the amendment be so modified.

The PRESIDING OFFICER. The amendment to the amendment will be modified by striking out the word "such," in line 19. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon the amendment as amended.

The amendment as amended was agreed to.

Mr. BACON. What is that amendment?

The SECRETARY. Section 13——

Mr. FORAKER. Wait a moment. The Senator from Georgia desires to know what that amendment is. In section 12 we exempt from operation in Puerto Rico the internal-revenue laws in view of the provision made in section 3 of this act. It provides that internal-revenue duties shall be added to the 15 per cent on all articles imported into the United States from Puerto Rico, and I do not want them to pay the internal-revenue tax twice.

Mr. BACON. That necessarily, I think, will be a matter to be determined upon the general proposition embraced in the previous section, and I prefer that it should not be acted upon until the Senate has passed upon the proposition to strike out the previous section with reference to the tariff duties.

Mr. FORAKER. I think the Senator from Georgia will agree with me that if his amendment should prevail, this will have to be recast in a number of particulars, in this as well as others. The amendment might stand; and if the Senator's amendment should not prevail, this would be all right. If it should prevail, I would have to change it, of course. Let it be acted upon with that understanding. If your amendment should prevail, of course this and other provisions in the bill that would be in conflict with your amendment would have to be changed.

Mr. BACON. I would not desire that the terms of that amendment should in any event be considered as agreed to by Senators who are not present.

Mr. FORAKER. Let it be agreed to only conditionally that the Senator reserves the right, as was agreed yesterday, whenever it suits his convenience to move to strike out sections 2 and 3. If section 3 should be stricken out, of course this section would have to go out of the bill, because it expressly states on its face that it is made in view of the provision of section 3.

The PRESIDING OFFICER. The Chair understands the Senator from Georgia to ask that that amendment be passed over. The Chair announced that it was agreed to.

Mr. FORAKER. I think the Senator will have no objection, with the understanding that we have about it, because if his amendment should prevail, I myself would ask to have it taken out, of course.

Mr. JONES of Arkansas. What amendment is under consideration.

The PRESIDING OFFICER. Section 12, page 12.

Mr. PETTUS. Is that matter under consideration?

Mr. FORAKER. It is the matter under consideration now.

Mr. PETTUS. I have a substitute to one of the amendments proposed in section 12.

The PRESIDING OFFICER. The Secretary will read the amendment presented by the Senator from Alabama to section 12.

The SECRETARY. Amend section 12, on page 15, so that it shall read as follows:

SEC. 12. That the Constitution of the United States and also the laws of the United States not locally inapplicable shall have the same force and effect in Puerto Rico as in other Territories of the United States.

The PRESIDING OFFICER. The question is on the proposed amendment to the amendment.

Mr. PETTUS. This is not an amendment to an amendment, sir. It is an amendment to the original bill.

The PRESIDING OFFICER. The Chair understands that the section is a committee amendment.

Mr. BACON. Yes.

Mr. FORAKER. It is a committee amendment.

The PRESIDING OFFICER. So it is an amendment to the committee amendment.

Mr. ALLEN. Mr. President——

Mr. SPOONER. Will the Senator from Nebraska yield to have the amendment read again?

Mr. ALLEN. Yes, sir.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. Strike out section 12 and insert:

SEC. 12. That the Constitution of the United States and also the laws of the United States not locally inapplicable shall have the same force and effect in Puerto Rico as in other Territories of the United States.

[Mr. ALLEN addressed the Senate. See Appendix.]

Mr. FORAKER. I ask for a vote on the amendment to the amendment.

Mr. BACON. Let the amendment to the amendment be stated.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. In lieu of section 12 it is proposed to insert the following:

SEC. 12. That the Constitution of the United States and also the laws of the United States not locally inapplicable shall have the same force and effect in Puerto Rico as in other Territories of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has just been read, offered by the Senator from Alabama [Mr. PETTUS] to the amendment of the committee.

Mr. ALLEN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS], which I transfer to the Senator from Colorado [Mr. WOLCOTT], and vote. I vote "nay."

Mr. HANSBROUGH (when his name was called). I again announce the arrangement of pairs that I announced this morning, and will vote "nay." This arrangement permits the Senator from Delaware [Mr. KENNEY] also to vote.

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT]. If he were present, I should vote "yea."

Mr. LODGE (when Mr. HOAR's name was called). My colleague [Mr. HOAR] is paired, as I have already announced, with the Senator from Louisiana [Mr. MCENERY] on all these Puerto Rican questions.

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]. I transfer that pair to the junior Senator from California [Mr. BARD], and vote "nay."

Mr. QUARLES (when his name was called). I have a general pair with the junior Senator from Texas [Mr. CULBERSON]. I may transfer my pair to the Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "nay."

Mr. SCOTT (when his name was called). I am paired with the junior Senator from Florida [Mr. TALIAFERRO]. If he were here, I should vote "nay."

Mr. KENNEY (when Mr. TURNER's name was called). I desire to announce that the Senator from Washington [Mr. TURNER] is away from the Senate on important business, and that he is paired with the senior Senator from Wyoming [Mr. WARREN].

Mr. WARREN (when his name was called). I announce my pair with the senior Senator from Washington [Mr. TURNER].

Mr. WELLINGTON (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. BUTLER]. In his absence I withhold my vote.

The roll call was concluded.

Mr. WETMORE. My colleague [Mr. ALDRICH] is unavoidably absent. He is paired on this question, under the general arrangement between him and the senior Senator from Colorado [Mr. TELLER] with that Senator. I am not advised, however, as to how, on these amendments, the senior Senator from Colorado would vote. My colleague, if present, would vote "nay."

Mr. CULLOM. I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. He is not present, and I withhold my vote.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. If at liberty to vote, I would vote "nay."

Mr. ELKINS (after having voted in the negative). I wish to withdraw my vote. I am paired with the Senator from Texas [Mr. CHILTON].

Mr. JONES of Arkansas. I am paired with the Senator from Connecticut [Mr. PLATT]. I transfer that pair to the Senator from South Dakota [Mr. PETTIGREW], and I will vote. I vote "yea."

Mr. CARTER. I was requested to state that the senior Senator from Iowa [Mr. ALLISON] is paired on this vote with the senior Senator from Missouri [Mr. COCKRELL]. The senior Senator from Iowa would, if present, vote "nay," and the senior Senator from Missouri would vote "yea."

Mr. QUARLES (after having voted in the negative). I took the liberty of transferring my pair to the Senator from Pennsylvania [Mr. PENROSE]. I now learn that he is paired with another Senator, and, therefore, in the absence of my regular pair, I feel in duty bound to withdraw my vote. [A pause.] It is suggested that it would be proper for me to transfer my pair to the Senator from Nevada [Mr. JONES]. If there is no objection, I shall be pleased to do that, and allow my vote to stand.

Mr. CULLOM. I understand that the Senator from New York [Mr. PLATT] is not paired. If that is true, I will take the liberty of transferring my pair with the Senator from Virginia [Mr. MARTIN] to the Senator from New York [Mr. PLATT], and I will vote. I vote "nay."

Mr. HEITFELD. I vote "yea."

The result was announced—yeas 13, nays 33; as follows:

YEAS—13.

Allen,	Clay,	Kenney,	Turley.
Bacon,	Harris,	Money,	
Bate,	Heitfeld,	Morgan,	
Berry,	Jones, Ark.	Pettus,	

NAYS—33.

Baker,	Foster,	Kyle,	Quarles,
Carter,	Frye,	Lindsay,	Ross,
Chandler,	Gallinger,	Lodge,	Sewell,
Cullom,	Gear,	McBride,	Shoup,
Davis,	Hale,	McComas,	Spooner,
Deboe,	Hanna,	McCumber,	Wetmore.
Depew,	Hansbrough,	McMillan,	
Fairbanks,	Hawley,	Nelson,	
Foraker,	Kean,	Perkins,	

NOT VOTING—41.

Aldrich,	Culberson,	Pettigrew,	Teller,
Allison,	Daniel,	Platt, Conn.	Thurston,
Bard,	Elkins,	Platt, N. Y.	Tillman,
Beveridge,	Hoar,	Pritchard,	Turner,
Burrows,	Jones, Nev.	Proctor,	Vest,
Butler,	McEnery,	Rawlins,	Warren,
Caffery,	McLaurin,	Scott,	Wellington,
Chilton,	Mallory,	Simon,	Wolcott.
Clark, Mont.	Martin,	Stewart,	
Clark, Wyo.	Mason,	Sullivan,	
Cockrell,	Penrose,	Taliaferro,	

So Mr. PETTUS's amendment to the amendment of the committee was rejected.

Mr. GALLINGER. I submit an amendment to section 12.

Mr. HALE. Mr. President, I rise to a privileged question. I call the attention of the Senator from Ohio [Mr. FORAKER] to the motion which I propose to make, that when the Senate adjourn to-day it be to meet on Monday next.

Mr. FORAKER. Mr. President, I hope that motion will not prevail. Several Senators desire to speak to-morrow to this bill. Two or three have asked me if there would be a session to-morrow, stating that they desire to attend and to speak to-morrow. There are so many Senators who are to speak on Monday that it will be necessary to have a session to-morrow in order to accommodate them.

Mr. HALE. That was my object in calling the attention of the Senator from Ohio to my motion. Several Senators desire that there shall be an adjournment until Monday, but under the conditions stated by the Senator from Ohio I do not press the motion, and withdraw it.

Mr. GALLINGER. I submit an amendment which I wish to have read and acted upon.

The PRESIDENT pro tempore. The amendment offered by the Senator from New Hampshire will be read.

The SECRETARY. Add at the end of section 12 the following:

Provided, however, That as to distilled spirits said internal-revenue laws are given force and effect in Puerto Rico.

The PRESIDENT pro tempore. The question is on the amendment presented by the Senator from New Hampshire.

Mr. FORAKER. I will call the attention of the Senator from New Hampshire to the fact that by the provisions of section 3, already adopted by the Senate, distilled spirits imported from Puerto Rico into the United States will have to pay $1.10 a gallon in addition to the 15 per cent; and if the amendment should prevail which is now offered to section 12, there should be a change made in section 3, excepting from the operations of that section the distilled spirits.

Mr. GALLINGER. I will say to the Senator that I had noted that in my copy of the bill and intended if this amendment prevailed to ask the Senate to permit me to go back and to make that amendment to section 3.

Mr. President, in connection with the amendment which I have submitted, I do not want to detain the Senate, but I will simply say that several very intelligent witnesses—Puerto Ricans—before our committee testified that they would be willing to pay the internal-revenue tax on rum and that it would not be a hardship to them. I turn to the statement of one of the witnesses, Mr. Tulio Larrinaga. He is a very intelligent Puerto Rican and a man who has lived in this country for four or five years.

Mr. PERKINS. What effect do you think the application of our internal-revenue laws to the island would have? We have a tax upon alcoholic spirts, and you make a great deal of rum, and there will probably be breweries established there, and there is a proprietary and stamp tax. Do you think the people would like that system?

Mr. LARRINAGA. Yes, sir; we would accept it. Our people are conscious of their duties as well as of their rights, and they would only think it fair.

Mr. PERKINS. Do you now impose any tax on distilleries?

Mr. LARRINAGA. Yes, sir; there is a tax levied.

Mr. PERKINS. Do you remember what it is?

Mr. LARRINAGA. I could not tell you.

The CHAIRMAN. Our tax is $1.10 per gallon. Your rum would be taxed at that rate if our internal-revenue system were applied as here. Could it stand that tax?

Mr. LARRINAGA. The feeling of the people, I believe, is that it would be right.

If I remember correctly, the British vice-consul, Mr. Finlay, who likewise testified before the committee, who, I think, manufactures a very large proportion of the rum on the island of Puerto Rico, admitted that it would not be considered a hardship if our internal-revenue laws were applied to that particular article.

But whether a hardship or not, Mr. President, I submit that this is one of the articles we ought to tax, whether it is in Puerto Rico or anywhere else under our jurisdiction. If it results in less consumption of the article than is now in vogue, it will not do the people of Puerto Rico any harm, and it will bring some revenue into the government to help build schoolhouses and roads and make other needed improvements in the island. I hope the amendment will be adopted.

Mr. JONES of Arkansas. Let the amendment be read again.

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. At the end of section 12 add the following:

Provided, however, That as to distilled spirits said internal revenue laws are given force and effect in Puerto Rico.

Mr. JONES of Arkansas. I would be glad to have the Senator from Ohio explain the theory on which the proposed amendment to the amendment of the committee proceeds. The first part of section 12 provides—

That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States.

Then the amendment to the amendment follows:

Except the internal-revenue laws, which, in view of the provisions of section 3, shall not have such force and effect in Puerto Rico.

What is the provision of section 3?

Mr. FORAKER. The provisions of section 3, which were adopted yesterday, are that on all goods imported into this country from Puerto Rico there shall be paid, first, 15 per cent of the rates of duty provided by the Dingley Act, and then—

in addition thereto upon articles of merchandise of Puerto Rican manufacture coming into the United States and withdrawn for consumption or sale upon payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture.

So the Senator will see that if distilled spirits manufactured in Puerto Rico should be sent into the United States under section 3, it would be necessary in securing their entry here to pay 15 per cent of the tariff rates provided for under the Dingley law and, in addition, $1.10 a gallon, the internal-revenue tax.

Mr. JONES of Arkansas. Which would necessarily prohibit the importation of any spirits from Puerto Rico.

Mr. FORAKER. No; not that alone, because other countries shipping here in competition would have to pay the full Dingley rates, which would amount to more.

Now, the amendment proposed by the committee to section 12, reciting that it was in view of this provision of section 3, prevents the application of the internal-revenue laws to Puerto Rico. The Senator from New Hampshire proposes now a proviso, an amendment to the amendment, namely, that the internal-revenue laws shall apply as to distilled spirits. I call his attention to the fact that if that should prevail, then on distilled spirits there would have to be paid $1.10 in Puerto Rico and another $1.10, under section 3, when imported into the United States.

But he has stated to the Senate that if his amendment prevailed, he then proposed to make an amendment to section 3, excepting from the operation of that section distilled spirits, so that distilled spirits would pay an internal-revenue tax in Puerto Rico and nothing else unless brought into this country, and then only 15 per cent of the Dingley rate.

Mr. JONES of Arkansas. The internal-revenue tax proposed to be raised by the Senator from New Hampshire would then be paid into the Treasury of the United States.

Mr. FORAKER. It would be paid into the Treasury of the United States just as the other tax collections are, temporarily, until the civil government is established which is provided for by this act; and as soon as that government is provided, it would then be paid into the insular treasury of Puerto Rico.

Mr. JONES of Arkansas. Now, this brings me down to the point I wanted to get. As we are providing a local government for Puerto Rico in this bill, as I understand it, the proposition of the committee is that there shall be no revenue from the distillation of spirits to support that government. In this country we will have a tax of that sort. It seems to me if we are going to provide a government down there it would be a legitimate object of taxation, and that whatever spirits may be produced in the island or anywhere else for their consumption should pay the same rate of taxation that would be paid in the United States.

Mr. FORAKER. The Senator is in error in the statement he makes as to the theory of the committee. The theory of the committee is that the laws now in force in Puerto Rico under which rum and tobacco are taxed, an excise tax being provided by those laws, shall continue in force for local purposes, just as they are now in force for local purposes.

Mr. GALLINGER. While I fully believe in this amendment, and that it should be incorporated in the bill, at the request of certain Senators around me I will now withdraw it and give notice that unless my mind is changed, which I do not anticipate, I will offer it when the bill comes into the Senate.

Mr. JONES of Arkansas. Will the Senator from Ohio state the rate of tax on distilled spirits in Puerto Rico?

Mr. FORAKER. It is 3 cents a liter in their law, which, I understand, is the equivalent of about 11 cents per gallon. They have no distilled spirits there except only rum, and that is a very cheap commodity; it costs only 20 or 30 cents a gallon to manufacture and produce it. It is in universal use among the people, not as a beverage so much as for other purposes.

Mr. JONES of Arkansas. We make whisky in this country at a less cost than that, and tax it a good deal more.

Mr. FORAKER. So we do, and in the bill that the committee of which I have the honor to be chairman reported to the Senate we provided that the internal-revenue laws of the United States should be extended to and apply in Puerto Rico, but in the House they did not do that. They provided in lieu of that that an internal-revenue duty should be paid only on such commodities as they brought into this country which would be subject to the internal-revenue tax in Puerto Rico if the laws had been extended there.

The reason for that was, as given by a number of witnesses before the committee, notwithstanding the testimony that has been cited here to the contrary, that to impose these laws would work very great hardship, especially to impose it at this particular time. General Davis's testimony was very explicit upon that point, and my understanding was that the provision was incorporated in the House bill which has now been adopted by the Senate upon his statements as to the results of applying our internal-revenue laws, and upon his recommendation. I can turn to his testimony on that point.

Mr. SPOONER. If the Senator from Ohio will permit me——

The PRESIDENT pro tempore. The amendment of the Senator from New Hampshire has been withdrawn, the Chair understands.

Mr. GALLINGER. The amendment is withdrawn and I wanted simply to add a word to the observation I made, that I have withdrawn it for the reason that Senators have said to me that they desire a little time to examine the amendment and consider its force.

Mr. JONES of Arkansas. I thought there was a committee amendment pending to that section.

Mr. FORAKER. That has been adopted.

Mr. JONES of Arkansas. That has been adopted?

Mr. FORAKER. Yes, sir.

Mr. JONES of Arkansas. Then I think I will suggest to the Senator that after the bill is passed he ought to change the title of the bill to make it read, amongst the other things that it is intended to do, "to encourage the production of rum in the island of Puerto Rico."

Mr. FORAKER. Very well; the Senator can make that motion if he likes.

The PRESIDENT pro tempore. The Secretary will read the next amendment, which is section 13.

The Secretary read as follows:

SEC. 13. That the legislative authority hereinafter provided shall have power by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this act, as it may from time to time see fit.

The amendment was agreed to.

The next amendment reported by the Committee on Pacific Islands and Puerto Rico was to insert as a new section the following:

SEC. 14. That all judicial process shall run in the name of "United States of America, as: the President of the United States," and all criminal or penal prosecutions in the local courts shall be conducted in the name and by the authority of "The people of Puerto Rico;" and all officials authorized by this act shall before entering upon the duties of their respective offices take an oath to support the Constitution of the United States and the laws of Puerto Rico.

Mr. TURLEY. I should like to ask a question of the Senator. I ask why these officials are to be required to take an oath to support the Constitution of the United States, if the Constitution is not in force in Puerto Rico and has no application thereto?

Mr. FORAKER. That does not make it unnecessary to take such an oath. In every Territory the United States has legislated for since the beginning of the Government, whether the Constitution was extended over it or not, it has been provided that the officials appointed to administer the laws that might be enacted by Congress there and all the officials appointed by the President shall take an oath to support the Constitution of the United States; and this provides that the officials in Puerto Rico shall qualify by taking an oath of office to support the Constitution of the United States.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

The next amendment of the Committee on Pacific Islands and Puerto Rico was, to insert as a new section the following:

THE GOVERNOR.

SEC. 15. That the official title of the chief executive officer shall be "The Governor of Puerto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for a term of four years and until his successor is chosen and qualified unless sooner removed by the President; he shall reside in Puerto Rico during his official incumbency, and shall maintain his office at the seat of goverment; he may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of Puerto Rico, and respites for offenses against the laws of the United States, until the decision of the President can be ascertained; he shall commission all officers that he may be authorized to appoint, and shall participate in and may veto any legislation enacted, as hereinafter provided; he shall be the commander in chief of the militia, and shall at all times faithfully execute the laws, and he shall in that behalf have all the powers of governors of the Territories of the United States that are not locally inapplicable; and he shall annually, and at such other times as he may be required, make official report of the transactions of the government in Puerto Rico, through the Secretary of State, to the President of the United States: *Provided*, That the President may, in his discretion, delegate and assign to him such executive duties and functions as may in pursuance with law be so delegated and assigned.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. JONES of Arkansas. I should like the Senator from Ohio to explain what the word "participate," in line 22, means where it says, speaking of the governor, that he "shall participate in and may veto any legislation enacted, as hereinafter provided." Does that mean that he shall have a vote in the legislative assembly?

Mr. FORAKER. It means that he shall be a member ex officio of the executive council, as provided in the next section.

Mr. JONES of Arkansas. And he is to have a vote?

Mr. FORAKER. He is to have a vote in the executive council.

Mr. LINDSAY. And he is to have the power of the veto in addition?

Mr. FORAKER. Yes; he is to have the power of the veto in addition. It was thought the governor could not be too close to the assembly in all its legislation.

The PRESIDENT pro tempore. The question is on the amendment reported by the committee, inserting section 15, which has been read.

The amendment was agreed to.

The next amendment reported by the Committee on Pacific Islands and Puerto Rico was, to insert as a new section the following:

THE EXECUTIVE COUNCIL.

SEC. 16. That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a secretary, an attorney-general, a treasurer, an auditor, a commissioner of the interior, and a commissioner of education, each of whom shall reside in Puerto Rico during his official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with the governor and five other persons of good repute, to be also appointed by the President for a like term of four years, by and with the advice and consent of the Senate, shall constitute an executive council, at least five of whom shall be native inhabitants of Puerto Rico, and, in addition to the legislative duties hereinafter imposed upon them as a body, shall exercise such powers and perform such duties as are hereinafter provided for them, respectively, and who shall have power to employ all necessary deputies and assistants for the proper discharge of their duties as such officials and as such executive council.

Mr. JONES of Arkansas. This seems to me a most extraordinary proceeding, of having a number of executive officers also members of the legislative council. I should like to have the Senator give some reason why there should be this radical departure from anything that has ever obtained in this country in either the Federal or State governments.

Mr. FORAKER. Mr. President, I have several times made explanation of this provision to the Senate, but I presume the Senator did not happen to be in the Chamber at any one of those times.

Mr. JONES of Arkansas. No; I have not heard it.

Mr. FORAKER. The legislation is unlike other legislation for the Territories that the United States has been called upon to legislate for, but chiefly because the conditions are radically different. It is necessary to organize a new government for Puerto Rico, for they never have had anything in the matter of government that would be acceptable to us, and it was thought that these bureau officers, if I may call them by that name, should be appointed by the President, that they should be selected by and with the advice and consent of the Senate, in order that there might be every precaution taken that only capable men would be chosen to perform the very responsible and very arduous duties that will devolve upon them—the duty of practically organizing and setting in operation the machinery of that government.

It was thought by the committee that the men who were engaged in organizing those bureaus, and thus starting this government, would be more capable, because they would have a more familiar knowledge than anybody else, to legislate for Puerto Rico. So we conceived the idea of making them a part of the upper house of the legislative assembly, all the members of which are to be appointed by the President.

We are not acting in that particular without precedent, for the Senator will recall that in many instances it has been provided, in establishing a Territorial government, that the legislative body entire should be appointed by the President. That was the case in Louisiana, and it has been the case in other instances. The only departure that it can be said there is here is in making the bureau officers themselves a part of the legislative body, the reason for which is what I have just given.

The number of bureau officers is six. With them will be appointed five of the citizens of Puerto Rico, natives of the island—at least that many—or the President may appoint more natives if he wants to. He may appoint all the executive council from Puerto Ricans if he so desires; but it is not expected that he will.

We have made the governor a part of the legislative council for the same reason. There is no departure from precedent in that respect either. The governor was a part of the legislative body in nearly all the early Territorial governments that were framed by Congress, and I would say to the Senator that the committee gave to this a great deal of consideration, and agreed to put it in this form after they had discussed it at very great length. I need not, I trust, go further into detail than I have.

Mr. HALE. Let me ask the Senator—he has given great attention to this subject—whether it is not true that in the history of every primitive government the distinction that we draw between the different departments of government and keeping them strictly separate is not observed? I do not suppose, from my reading, that there has ever been a new colonial government formed, a government of a dependency, where it has not been found advisable in the legislative branch or in the council to utilize the experience and judgment of executive officers. The line is now drawn jealously in all of the States; but provisions prohibiting an executive officer in any way sharing in legislative powers were never observed in the early days of the United States.

Some States do not even to-day observe them, though generally they are guarded, as I have said, with great jealousy; but in primitive conditions, when in organizing government there is needed the benefit of experience, of knowledge, more than anything else, officers who do share in the executive branches of the government, in the responsibility of those branches, are also utilized in the legislative branch; and was not that, I ask the Senator from Ohio, borne in mind in this provision?

A hundred years from now, two hundred years from now, perhaps less, when Puerto Rico has emerged into the condition of Ohio, or Massachusetts, or Maine, or Arkansas, the line will be drawn with great accuracy; but at present has not the Senator in charge of the bill found that it was necessary in organizing these proposed legislative departments to take advantage of the experience of the men in the executive branch?

Mr. FORAKER. The Senator from Maine has expressed better than I could have expressed it exactly what was in the mind of the committee; and I might say further in the State of the Senator from Arkansas, when the first Territorial government was established, the legislative authority was conferred upon the governor and the judges; they were made the legislature; and so in a number of other Territories. Similar provisions were made in the Northwest Territory when that was organized before the adoption of the Constitution. The legislative power, until the Territory could be organized, was vested in the governor and judges of the courts.

Mr. LINDSAY. Mr. President——

Mr. FORAKER. One word more, if the Senator will wait for just a moment.

Mr. LINDSAY. Certainly.

Mr. FORAKER. This bill provides for this government only temporarily. One of the last provisions in the bill is for a commission to be appointed to revise, examine, and codify the laws, to report within the year to Congress what ought to be adopted as the permanent form of government there. We thought during this temporary stage, while this government was in operation, it would be better—and the committee were unanimous upon that point—to make these officials a part of the legislative body, so that in legislation there would be that familiar knowledge at command that they alone could have with respect to matters of a legislative character.

Mr. LINDSAY. Mr. President, conceding the propriety—and I do not dispute it—of permitting these executive officers to compose any part of the legislative department of the government, I ask the Senator whether or not in the past we have ever created a legislature in which the governor was to sit as a member, and then to have the power, if he was outvoted in the legislature, to veto the legislation?

Mr. FORAKER. There have been a number of instances, I think, where there has been that provision. I think that was the case as to Louisiana, and I think it was the case as to——

Mr. LINDSAY. My recollection is not distinct; but it seems to me that such ought not to be the case; that the governor ought not to participate in the legislation, and then exercise the power of disapproving it after he has not been able to control the legislature. Therefore I move to strike out so much of the amendment as provides that the governor shall participate in the legislation.

Mr. FORAKER. I can only say to the Senator that we considered that as well as the other provisions of the section, and we were of the opinion that the governor, being the one great, strong, responsible man in the whole government, ought to be closely identified with all the legislation and everything that affects the island, especially during the temporary stage, while the government is being established and set into operation. I do not see that the amendment will do any harm. Ordinarily I would agree with the Senator from Kentucky [Mr. LINDSAY], but under the circumstances I feel that the provision ought to stand as we have it.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Kentucky to move an amendment?

Mr. LINDSAY. Yes, sir.

Mr. JONES of Arkansas. It seems to me that this proposition makes the governor practically an autocrat, for we let him take part in the legislative deliberations with the knowledge of everybody that he can veto whatever legislation does not suit him. We practically put the legislative council under his control. If there were but eleven men in Puerto Rico who were sufficiently intelligent to hold seats in that body, there might be some reason why this mixing of legislative and executive functions should take place.

In the early settlement of this country, of course, government was an experiment; a good many crude things were tried and abandoned, but I do not think there can be any recent instance found of legislative and executive functions being mixed in this way. If there could be enough men found in Puerto Rico to make

a legislative council of eleven, independent of the executive branch, and let the executive branch make recommendation of such legislation as was needed, and then let the function of lawmaking be exercised independently, it would be much better and much more in accordance with modern opinion in the United States.

Mr. LINDSAY. And more in harmony with our institutions.

Mr. JONES of Arkansas. Yes.

The PRESIDENT pro tempore. The Chair understands the Senator from Kentucky has offered an amendment.

Mr. LINDSAY. Yes; my motion is, in line 22, on page 13, section 15, after the word "appoint," to strike out "and shall participate in;" so as to read:

He shall commission all officers that he may be authorized to appoint, and may veto any legislation enacted, as hereinafter provided.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Kentucky [Mr. LINDSAY].

Mr. HALE. I desire the attention of the Senator from Ohio.

Mr. FORAKER. I am listening to the Senator.

Mr. HALE. Does the Senator from Ohio think that this plan of his—in which I agree—to utilize the executive department, requiring that the governor shall participate in the proceedings of the legislative body, is essential? It seems to me on the first reading, the first suggestion, that it is not at all necessary to the force of the Senator's plan. The governor is distinctively executive. Should he participate in the proceedings of a body that he may be called upon to exercise negative force upon?

Mr. SPOONER. Will the Senator allow me to interrupt him a moment?

Mr. HALE. Certainly.

Mr. SPOONER. In the line of the suggestion of the Senator from Maine [Mr. HALE], I will suggest to the Senator from Ohio that if the governor is permitted to be a part of the legislature and to be permitted to vote upon bills, it will lead to a very anomalous situation. The bill provides for a veto by the governor of a measure which has passed both houses, and for its return to the houses, and the power to pass it over the veto. Would the governor have the power to sit and vote on his own veto?

Mr. HALE. That is the very question I wished to suggest.

Mr. FORAKER. I was about to say to the Senator from Maine that this is a provision that I have no especial desire to see kept in the bill; and I am perfectly willing, in view of what has been said, to have it go out.

Mr. HALE. I think that will be very much better.

Mr. FORAKER. Therefore, I accept the amendment of the Senator from Kentucky [Mr. LINDSAY], if I may be allowed to do so, and suggest that he incorporate also in his amendment the following language in section 16, where it now reads "and that together with the governor and," to strike out the words "and that together with the governor and;" so that the amendment will read:

After the word "appoint," in line 22, section 15, on page 13, strike out "and shall participate in;" so as to read:

"He shall commission all officers that he may be authorized to appoint and may veto any legislation enacted."

Then——

The PRESIDENT pro tempore. That amendment will be agreed to in the absence of objection. The Senator has indicated another amendment in section 16, which he will be kind enough to state.

Mr. FORAKER. In section 16, on page 14, line 18, after the word "respectively," I move to strike out the words "and who together with the governor and."

Mr. GALLINGER. Not the word "together."

Mr. FORAKER. No.

Mr. LODGE. Strike out "with the governor and."

Mr. FORAKER. Strike out the words "the governor and."

Mr. GALLINGER. Making the number five, instead of six.

The SECRETARY. It is proposed, in section 16, page 14, line 18, to strike out "the governor and;" so as to read:

And who, together with five other persons of good repute, etc.

The amendment was agreed to.

The next amendment reported by the Committee on Pacific Islands and Puerto Rico was, to insert as section 17 the following:

SEC. 17. That the secretary shall record and preserve minutes of the proceedings of the executive council and the laws enacted by the legislative assembly and all acts and proceedings of the governor, and shall promulgate all proclamations and orders of the governor and all laws enacted by the legislative assembly. He shall, within sixty days after the end of each session of the legislative assembly, transmit to the President, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State of the United States one copy each of the laws and journals of such session.

The amendment was agreed to.

The next amendment was, to insert as a new section the following:

SEC. 18. That in case of the death, removal, resignation, or disability of the governor, or his temporary absence from Puerto Rico, the secretary shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

The amendment was agreed to.

The next amendment was, to insert as a new section the following:

SEC. 19. That the attorney-general shall have all the powers and discharge all the duties provided by law for an attorney-general of a Territory of the United States in so far as the same are not locally inapplicable, and he shall perform such other duties as may be prescribed by law, and make such reports, through the governor, to the Attorney-General of the United States as he may require.

The amendment was agreed to.

The next amendment was, to insert as a new section the following:

SEC. 20. That the treasurer shall give bond, approved as to form by the attorney-general of Puerto Rico, in such sum as the executive council may require, not less, however, than the sum of $100,000, with surety approved by the governor, and he shall collect and be the custodian of the public funds, and shall disburse the same as required by law on warrants signed by the auditor and countersigned by the governor, and shall perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as he may require.

Mr. ALLEN. I desire to suggest to the Senator from Ohio that this fund ought not to be disbursed without an appropriation. The law requires the legislative department of this Government to make appropriations, and provides that the money shall be disbursed in accordance with law from such appropriations.

Mr. FORAKER. The money in the hands of this official will be subject to the legislation enacted by the legislative assembly provided by this act for Puerto Rico. The Congress will have no control over the money that is in the hands of this official for purely insular purposes. He will hold it as a custodian of the public funds and disburse it as that legislature may provide by law.

Mr. ALLEN. Is there a provision that the legislature shall make appropriations?

Mr. FORAKER. I think that would be a proper interpretation of that provision. He "shall disburse the same as required by law." Would the Senator from Nebraska suggest some other form of expression? This may not be the best that can be adopted.

Mr. ALLEN. In section 20, on page 16, line 9, after the word "law," I suggest that there should be inserted the words "only after an appropriation."

It seems to me in legislation of this kind and in the absence of a constitution or a statute requiring that disbursements shall not be made without an appropriation, there ought to be every reasonable safeguard and check placed in the bill. Possibly the money may come into the hands of the treasurer, and it ought not to be paid out on warrant or otherwise unless specifically appropriated by the legislative department of the government. The Treasurer of the United States can not pay out any money unless it is appropriated by Congress; and we ought to have every proper check applied to people who are now for the first time entering upon a career of government. I suggest an amendment to that effect.

Mr. FORAKER. How would it do to insert the word "appropriated" in lieu of the word "required;" so as to read, "shall disburse the same as appropriated by law?" Would that meet the Senator's idea?

Mr. ALLEN. "As appropriated by law." All I care about is that the idea shall be clearly inserted in the bill that the money can be drawn out only on an appropriation.

Mr. JONES of Arkansas. Would it not be better to say "when appropriated?"

Mr. FORAKER. I suggest that it read, "and shall disburse the same as appropriated by law."

Mr. ALLEN. "When appropriated by law."

Mr. FORAKER. Very well, then; let it read, "and shall disburse the same when appropriated by law." I will accept that.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 16, line 9, section 20, after the word "same," it is proposed to strike out "as required" and insert "when appropriated;" so as to read:

And shall disburse the same when appropriated by law.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on the adoption of the amendment of the committee, inserting section 20 as a new section as it has been amended.

The amendment as amended was agreed to.

The next amendment reported by the Committee on Pacific Islands and Puerto Rico was, after line 13, on page 16, to insert as a new section the following:

SEC. 21. That the auditor shall keep full and accurate accounts, showing all receipts and disbursements, and perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as he may require.

Mr. ALLEN. I should like to ask the Senator from Ohio if this report is to be made to the Secretary of the Treasury and if it will come from him to the President or to Congress?

Mr. FORAKER. I suppose it would be made directly to the Secretary of the Treasury. I do not know how that provision will

be construed, but I presume that official will report directly to the Secretary of the Treasury. The reports of the governor are made directly to the President; and it might be that the practice would be that this official would make his report through the governor.

Mr. ALLEN. The reports of the financial affairs of the nation come from the Secretary of the Treasury through the President to Congress. Does not the Senator think it would be wise that the report of the treasurer of Puerto Rico should not only be made to the Secretary of the Treasury, but should be embraced by the Secretary of the Treasury in his report to the President, which would be transmitted annually to Congress?

Mr. FORAKER. No doubt it would be done, I should think, without any special provision. The Secretary of the Treasury is required to make a report of all transactions in his Department.

Mr. ALLEN. I suggest, to put it beyond any doubt, the insertion of words to that effect as an amendment.

Mr. FORAKER. I have no objection to such an amendment.

Mr. ALLEN. I will trust to the Senator's judgment as to what language shall be incorporated.

Mr. FORAKER. "Who shall report the same to the President."

Mr. ALLEN. How would it answer to insert, "shall report the same to the President, and it shall thereupon be transmitted to Congress?"

Mr. FORAKER. Let me suggest to the Senator that we did not think that was necessary. I do not remember that anything particular was said about it, but my own impression about it was that if these officials, the treasurer of the island and the auditor of the island, made their reports to the Secretary of the Treasury, those reports would be a part of the business of the office of the Secretary of the Treasury; and the law requires him to make full reports to the President and also to Congress, and in that way everything would come to Congress.

Mr. ALLEN. Suppose the Secretary of the Treasury should take the other view of it, and say there is nothing in the law requiring it.

Mr. FORAKER. It seems to me the law is so explicit on that point that he could not take the other view and successfully maintain it. I will ask the Senator if he would have any objection to letting that go over until I can look at the general provisions of the law that would be applicable to it?

Mr. ALLEN. Let me have this amendment pending.

Mr. FORAKER. I would rather dispose of it now if it is offered.

Mr. ALLEN. I suggest "such reports to the Secretary of the Treasury of the United States as he may require, which shall annually be transmitted to Congress."

Mr. FORAKER. I have no objection to those words going in.

Mr. ALLEN. Then I move to insert, after the word "require," in line 13, page 16, section 20, "which shall annually be transmitted to Congress."

Mr. FORAKER. I suggest that those words come in at the end of section 21, and also at the end of section 20.

Mr. ALLEN. Yes, sir; wherever the reports are required to be made.

Mr. FORAKER. "Which he shall annually transmit to Congress." Is that the language?

Mr. ALLEN. Yes.

Mr. GALLINGER. "Which shall annually be transmitted to Congress."

The PRESIDENT pro tempore. The amendment to the amendment is agreed to; and section 20 as amended is agreed to.

Mr. FORAKER. I want to get the exact language. Is it "which he shall annually transmit?"

Mr. ALLEN. "Which shall annually be transmitted to Congress."

The PRESIDENT pro tempore. The clerks have it "which shall annually be transmitted to Congress."

Mr. ALLEN. That is right.

Mr. GALLINGER. That is right.

Mr. FORAKER. All right.

The PRESIDENT pro tempore. The next amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 21. That the auditor shall keep——

Mr. FORAKER. That was agreed to, and the same amendment should be made there.

Mr. ALLEN. The same amendment should be made to this section and also to section 22.

The PRESIDENT pro tempore. After the word "require," in line 18, section 21, page 16, the words "which shall annually be transmitted to Congress" will be inserted. The next amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 22. That the commissioner of the interior shall superintend all works of a public nature, and shall have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law, and make such reports through the governor to the Secretary of the Interior of the United States as he may require.

Mr. ALLEN. The same amendment should be made there.

Mr. FORAKER. I suggest that, for the sake of uniformity, these words should also be inserted at the end of section 19, where there is a similar provision as to the Attorney-General.

The PRESIDENT pro tempore. Without objection, the words will be inserted at the end of section 19, and at the end of section 22 the words "which shall annually be transmitted to Congress" will be inserted. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 23. That the commissioner of education shall superintend public instruction throughout Puerto Rico, and all disbursements on account thereof must be approved by him; and he shall perform such other duties as may be prescribed by law, and make such reports through the governor as may be required by the Commissioner of Education of the United States.

Mr. ALLEN. I suggest the same amendment there.

Mr. FORAKER. Yes.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. After the words "United States" it is proposed to insert:

Which shall annually be transmitted to Congress.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 24. That the other five members of the executive council, to be appointed as hereinbefore provided, shall attend all meetings of the executive council and participate in all business of every character that may be transacted by it; and they shall receive as compensation for their services such annual salaries as may be provided by the legislative assembly.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

HOUSE OF DELEGATES.

SEC. 25. That all local legislative powers hereby granted shall be vested in a legislative assembly which shall consist of two houses; one the executive council, as hereinbefore constituted, and the other a house of delegates, to consist of 35 members elected biennially by the qualified voters as hereinafter provided; and the two houses thus constituted shall be designated "The legislative assembly of Puerto Rico."

Mr. ALLEN. Before the words "Puerto Rico," in line 24, I move to insert the words "the Territory of;" so that it will read "the legislative assembly of the Territory of Puerto Rico."

Mr. FORAKER. I do not accept that.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment which will be stated.

The SECRETARY. After the word "of," at the end of line 23, page 17, section 25, it is proposed to insert "the Territory of;" so as to read "the legislative assembly of the Territory of Puerto Rico."

Mr. ALLEN. I should like to know, if the Senator sees fit to afford the information, what objection there is to the insertion of these words?

Mr. FORAKER. The objection is simply that I do not propose by anything in this bill, and those who are in harmony with me as to what shall be done do not propose, to erect a Territorial government in the sense in which that word is understood, but simply to give to the people of Puerto Rico a civil government such as the bill provides for.

Mr. ALLEN. Of course I would understand that from the reading of the bill; but why refuse or decline to give those people the ordinary Territorial government?

Mr. FORAKER. I do not know of any reason why they should have the ordinary Territorial government in preference to another kind of government which Congress may see fit to prescribe. The whole matter is with Congress. We can make it a Territorial or a district or any other kind of political subdivision. For reasons which have been stated here a number of times, we have not seen fit to make Puerto Rico a Territory of the United States and to extend to that Territory the Constitution of the United States.

The Senator gave us a very able speech this afternoon in which he advocated the doctrine that the Constitution extended proprio vigore to Puerto Rico upon the acquisition of that territory. We do not believe it. We do not believe that Puerto Rico stands in the same relation to the United States that other Territories that have been acquired have stood. I do not believe that Puerto Rico

is a part of the United States. There is where the roads part about this whole matter. Puerto Rico is, I think, simply a possession of the United States. There is nothing in the treaty as there was in the treaties by which California and other Territories were ceded to the United States, providing that the territory or the inhabitants of the territory should be incorporated into the Union and be made citizens of the United States.

Mr. ALLEN. Is that necessary?

Mr. FORAKER. Certainly; and it is upon that provision in those treaties that the Supreme Court has held, as respects that territory, that the territory and the people became a part of the United States.

Mr. ALLEN. Did the Supreme Court so indicate in the California case?

Mr. FORAKER. They did, and in the very language read by the Senator this afternoon. They said the territory became a part of the United States immediately upon the ratification of the treaty, referring to the part of the treaty in that connection which contained that provision.

Mr. ALLEN. Yes; but the Supreme Court——

Mr. FORAKER. It has been so held with respect to the treaty under which we acquired Louisiana. In this treaty, however, no such language occurs. On the other hand, it is almost expressly provided to the contrary. Certainly as to citizens it is, whatever you may say as to the land upon which the citizens live, for in this treaty—let me call the Senator's attention to it now, as I did not wish to interrupt him while he was making his argument——

Mr. ALLEN. It is no interruption at all. I am trying to get at the reason of the matter. I do not care anything about the policy of it. I want to know the reason why it should not be erected into a Territory.

Mr. FORAKER. The reason is that it is not a part of the United States, as a Territory is a part of the United States, where we have given Territorial government.

Mr. ALLEN. Why should it not be a part of the United States?

Mr. FORAKER. Perhaps there is no reason why it should not be. We could make it a part of the United States, but we have not yet made it a part of the United States.

Mr. ALLEN. I know, but it is exceptional. This is an anomaly.

Mr. FORAKER. That is the Senator's opinion, and he is entitled to have it and to express it and to advocate it and to contend for it, but I am of a different opinion.

Mr. ALLEN. Where in the history of this Government is there a precedent for this bill?

Mr. FORAKER. We never acquired any territory by treaty as we acquired this. What I desire to call the Senator's attention to is the language of the treaty between Spain and the United States under the provisions of which this territory and the Philippines were ceded to us. Speaking of the inhabitants, the treaty, in article 9—and this has a direct bearing upon the question of their civil and political status, which is expressly provided for later—says:

> In case they remain—
>
> The Spanish inhabitants—
>
> in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance—
>
> Those are citizens of Puerto Rico who were born in the peninsula—
>
> in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.
>
> The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

Now, in no treaty that has ever been made under which we have taken territory has there been any equivalent provision, but in every one except as to Alaska there has been a stipulation that the inhabitants should be incorporated into the United States and made citizens of the United States. Here is a provision that is not only different, but the meaning of it is manifest on its face. Our commissioners who represented us in the framing of this treaty had in mind when this treaty was drawn that we were not only acquiring Puerto Rico with Puerto Ricans, the inhabitants of that country, but also the Philippines, with eight or ten million people, about whom we did not know very much; we did not know whether or not they would make good citizens of the United States, and did not know whether it would be wise to incorporate that territory, when so acquired, into the Union as a part of the territory of the United States, even as a Territory, much less as a State. Therefore they made that provision.

Congress is fully empowered, having acquired territory in the way in which it was acquired under this treaty, by the terms of the treaty itself so to legislate for these people as it may see fit; and in our opinion it is not wise, especially at this time, to create there a Territorial government and extend to that island the Constitution and proceed in legislating with respect to those people in that island as though they were the same as the people of Arizona or some other Territory here on the continent.

Mr. ALLEN. I wish that it were possible for me to agree with the Senator from Ohio. It would be very agreeable to me personally to be able to agree with him, but the Senator does not offer a solitary reason why the same rule should not be applied to these people that was applied to the people of Florida and Louisiana and the other territories that we have acquired from time to time during our history. The same provision, in substance, respecting the right of the people to choose their allegiance within a given time was in the treaty of peace between the American colonies and Great Britain at the time we rescued our independence from that country. So it is not a novel feature at all. It is one of the first things that happened in our own history as a nation.

I can not remember the language, but the Senator will recall the fact that certain classes of people were permitted to expatriate themselves within a certain length of time after the treaty of peace between Great Britain and the colonies and to remain subjects of Great Britain, while certain other classes, if they remained in the United States beyond that period, ipso facto became citizens of the United States. That is in substance the same provision that is contained in the treaty of Paris. But because there is a little peculiarity in the language, that these people are to be dealt with as Congress may see fit, the Senator concludes that that is a sufficient reason for declining to give these people the ordinary Territorial government which it has been the practice of this Government from its organization to this time to establish. I submit that is no reason. It may be held to be an authority for declining to do so, but between authority and reason there is a very broad distinction.

The Senator does not point out one thing in those people or in their history or in their education or in their civilization that would make it advisable to pursue the course pursued in this bill. We took the people of Florida when they were no better than the Puerto Ricans. The original inhabitants were of the same class of people. Many of the original inhabitants of Louisiana were of the same race. In the course of a very short time we made them citizens of the United States and took those Territories into the Union as States.

The people of Puerto Rico are substantially the same people who dwell in South America. There is much of the Mexican in their nature; much of the blood of all the people who dwell in Central and South America, in Venezuela, for instance—Latin-American. The pure bloods and the others are mixed with the Indian and the negro. Every one of these South American countries has a republic. They are instituting from time to time independent civil governments, republican in form. They have got along passably well. They have a revolution every once in a while, it is true, but that is akin to their nature, a thing which they can solve for themselves, and which time and experience will solve for them.

No one asks that the Puerto Ricans be brought into the Union as a State; but there is not one reason offered by the Senator from Ohio, or by any other Senator that I have heard speak upon the subject, why these people should not be treated in their relation to the Union as citizens of an ordinary Territory, with the right of local self-government, subject to national supervision. If there is any hidden or occult reason why that should be so, I should like to know it.

Mr. FORAKER. There is no reason I know of except the reason I have stated; we did not want to do it.

Mr. ALLEN. That is no reason at all.

Mr. FORAKER. Is not that reason enough?

Mr. ALLEN. Not the slightest reason in the world.

Mr. FORAKER. The Territorial form of government that is in operation in the Territories is not suited to the people of Puerto Rico. We have had to make special provisions there. We could not extend to Puerto Rico the laws applicable to the Territories. We had to legislate with respect to that people according to their conditions, and their conditions are wholly different from the conditions obtaining in the Territories of the United States; and the committee, after giving very careful consideration to the whole subject, came to the conclusion that the ordinary Territorial form of government, which we have in force in the various Territories, was not adapted to that people, and that we would have to give them a special form of government, making special provisions for different officials, and providing that the upper house of the assembly, for the reasons I have already given, should be appointed, and that they should have bureau officers, a thing unknown to any Territory, and have a different judicial system from that in force in the Territory; that they should have, in addition to the ordinary Territorial courts, a United States district court, such as the Senator knows there is provision for in the bill.

Those were the reasons which operated upon our minds to not make Puerto Rico a Territory in the sense of giving it a Territorial form of government. It had no right to any other form of government than that we saw fit to give, for the reasons I have

undertaken to state to the Senator and to the Senate. I have undertaken to show that we were invested with full power by the treaty itself, as well as under the Constitution, to legislate as in our judgment might be deemed advisable, and in our judgment it is advisable to provide for Puerto Rico at this time the kind of government this bill establishes. We do not say, I do not say, but that a year from now, or five years from now, we may make them a Territory and incorporate them into the Union. We are not very well acquainted with them yet. You can go faster when you come to know more about it, but if you go too fast you might have trouble later.

Mr. ALLEN. I should like to file a motion for a bill of particulars against the Senator from Ohio, or a motion for a more specific statement, if that is better legal language. The Senator says "we" did not see fit to give those people a Territorial form of government. In the first place, I should like to know who "we" are who did not see fit to do that.

Mr. FORAKER. I was referring to the committee, the Senators who framed this bill and brought it before the Senate.

Mr. ALLEN. And their judgment, of course, is conclusive.

Mr. FORAKER. We were appointed by the Senate to frame a bill, and we brought it here, and our judgment is not binding on anybody. I have said to the Senator, in answer to his inquiry, that he is entitled to his opinion; he is entitled to present it to the Senate and let the Senate judge between us. I have undertaken to give him full information about the matter.

Mr. ALLEN. I knew I had the right to present my opinion.

Mr. FORAKER. The Senator has talked at times as though he did not think he had.

Mr. ALLEN. Oh, yes; I knew that.

Mr. FORAKER. I wanted to acquaint him with the fact——

Mr. ALLEN. The rules have not been changed.

Mr. FORAKER. So that he would be sure to do it, being a little bit backward.

Mr. ALLEN. Yes; I will do it. I think I am just about as backward as the Senator from Ohio. I do not think I am much in advance of him in that respect. I think he has occupied about 90 per cent of the time of the Senate in the discussion of this bill, and the remainder of the Senate have occupied the other 10 per cent. Perhaps I have occupied a good portion of the 10 per cent.

Mr. FORAKER. I have not occupied any time except only as Senators wanted information, as the Senator from Nebraska wanted it. The trouble with the Senator is that when I give information to him in the politest way I can he complains I have not given him enough. He wants to file a bill of particulars. If he will file it and put it in the RECORD, I will endeavor to answer it more fully to-morrow.

Mr. ALLEN. The Senator says, "We did not see fit to do this." There are a great many things a man does not see fit to do that there is no reason for not doing. Men are actuated ordinarily by reason. The first law of evidence, we learn by an examination of Starkie, who has written the only legal classic upon the subject of evidence ever written, is that every sane man acts upon some motive, and therefore he is presumed to have intended the ordinary consequences of his act.

The Senator from Ohio is eminently sane, as are his associates, and they have formulated a bill here that is anomalous. It has not got its equal in the political history of this country. It is a legislative maverick, if I may be permitted to use that expression; and when I call upon the Senator, in the best of good faith, to know what reasons actuated him and his associates in declining to give these people an ordinary Territorial form of government, he says, "We talked it over together, and we thought it was not proper to do so." But why was it not proper to do so?

Mr. FORAKER. Did I not state to the Senator, when I was last on the floor, and in detail, the reasons that operated upon our minds about that?

Mr. ALLEN. No.

Mr. FORAKER. I can not do any more than to state them over again.

Mr. ALLEN. The Senator did not do that.

Mr. FORAKER. Well, I will ask the Senator to look at the RECORD in the morning and see if I did not do it.

Mr. ALLEN. Are they unfit for self-government?

Mr. FORAKER. There is a difference of opinion about that. I think many of them are.

Mr. ALLEN. Does the Senator think they are not proper subjects for the ordinary Territorial government; and if so, why?

Mr. FORAKER. If the Senator will read the RECORD, he will get all the reasons I can give him, and I will have to refer him to that.

Mr. ALLEN. I think the Senator is like John Falstaff in this respect: If reasons were as numerous as blackberries, he would not give a reason under compulsion. The Senator does not see fit to give a reason, and I do not expect to get one from him. I say this in all deference and in all kindliness. There is a hidden purpose evidently beneath this bill which the Senator from Ohio will not disclose.

Mr. FORAKER. Mr. President, I resent the charge made by the Senator and deny there is any such thing, and say to the Senator that when he says that, he speaks without any warrant whatever. There is no purpose about it except only that which we have expressed and expressed over and over again, and always with pleasure, when the Senator has seen fit to make inquiry or anybody else has seen fit to make inquiry. Now, why the Senator should see fit to persist and persist, after I have, as every Senator here knows, answered his questions as fully and as completely and as much in detail as it is possible for me to do, in saying I have not answered him or that there is some occult or some hidden or some improper purpose in the bill, I do not know. I can not imagine what the Senator has in his mind, or why he should use language which he ought to know is offensive and I fear intended to be.

Mr. ALLEN. Oh, no; I would not offend the Senator from Ohio for anything.

Mr. FORAKER. I hope the Senator would not. I have had very agreeable and pleasant relations with him; but why does the Senator persist in saying he asked me for a reason and I will not give it, and he knows I have not and would not give it, because there is a hidden purpose about it. I do not do anything with a hidden purpose——

Mr. ALLEN. I did not say the Senator would not give a reason. I said he had not given a reason.

Mr. FORAKER. And the Senator said he did not expect me to give a reason, and the reason was that the purpose was a hidden one.

Mr. ALLEN. No.

Mr. FORAKER. The RECORD will disclose the fact.

Mr. ALLEN. I said I did not expect the Senator to give a reason, and I do not. That, I hope, is not offensive to the Senator.

Mr. FORAKER. What I said to the Senator is that I had given a reason. I refer him to the RECORD. It is pretty late and is getting near adjournment time.

Mr. ALLEN. It is late; but we have lots of time.

Mr. FORAKER. I know we have.

Mr. ALLEN. Congress can be here all summer if necessary.

Mr. CHANDLER. I should like to move an executive session whenever the Senator will yield.

Mr. ALLEN. I will be glad to yield in a moment. I do not want to have the Senator two or three laps ahead of me, and put me in an awkward position.

Mr. CHANDLER. I could not see which one was likely to end it.

Mr. ALLEN. I will end it as soon as I can, for the benefit of my friend the Senator from New Hampshire, who has important business to transact; but I want to be straight upon the record.

I said, and I repeat it, and I do not mean to be offensive to the Senator from Ohio or any other Senator, that the Senator from Ohio has not given one reason why these people should not have a Territorial form of government. I said I thought, and I repeat it, that there was a hidden reason; and I did not say the Senator from Ohio participated in that reason at all. I believe the Senator from Ohio to be a good man, as I know him to be an intelligent, amiable, well-balanced, good-tempered gentleman.

There is a great deal of distinction between a mere assertion and a reason. A reason must be based upon a fact, and it is necessary to present the reason for a conclusion to determine whether or not the conclusion is warranted by the fact.

That the Senator has not done. He says they have not seen fit to give those people a Territorial form of government. They propose to give them this anomalous Congressional existence, but he does not say that those people are rebellious; that they are warlike; that they lack intelligence; that they lack a disposition for self-government; that they lack capacity for a Territorial government. He does not point out what I call any reason for declining the ordinary Territorial autonomy.

Now, Mr. President, I said I believed that there was a hidden reason. I do believe there is a hidden reason. I do not now, mark you, undertake to connect the Senator with anything that is questionable at all. He is simply the outward exponent of those who are behind the bill.

If Puerto Rico were erected into a Territorial government such as Louisiana and Florida were, the Constitution, according to the decisions of the Supreme Court, would extend to that Territory, and the taxation under the Constitution would have to be equal upon the people there as it is equal upon the people of the United States.

Mr. FORAKER. Mr. President, does the Senator state that that is the hidden reason?

Mr. ALLEN. Now, let me get through.

Mr. FORAKER. I should like to know. You say there is a hidden reason. I do not know of any.

Mr. ALLEN. I will reach the conclusion——

Mr. FORAKER. I wanted to know if you were stating the hidden reason.

Mr. ALLEN. I will reach my conclusion in a moment, when the Senator will see exactly what the reason is, in my judgment.

Therefore, Mr. President (and I am coming to the conclusion now), to avoid all consequences that would follow the construction of this island into an ordinary Territory, to avoid the legal and constitutional consequences, those who are behind this bill—and I exculpate the Senator from Ohio from anything that is culpable or anything of the kind—those who are behind this bill, to avoid that consequence, propose to put up this statutory anomaly in our history, that we may discriminate against those people in taxation.

Mr. FORAKER. Now, Mr. President, if that is the hidden purpose the Senator has been talking about, I can say to him it is not a hidden purpose but is one of the open purposes, openly avowed in the Senate in every speech that has been made in support of this bill, that we are trying so to legislate as not to extend the Constitution of the United States to Puerto Rico.

I am surprised to hear the Senator say that in our opinion it would be necessary to do what we are doing to save the Constitution from going there, because it has been the contention of the Senator, in season and out, that the Constitution extended to Puerto Rico ex proprio vigore the very moment that Puerto Rico was acquired.

Mr. ALLEN. Yes, sir.

Mr. FORAKER. If so, why should there be any objection on the Senator's part to our not, by statute, extending the Constitution, because, according to his contention, it is there already? It is not necessary by statute to extend it.

Mr. ALLEN. If the Senator will permit me, because the Supreme Court have said in the Territorial cases that the Constitution does go to the inhabitant of the Territory to protect him, and because those behind this bill see an opportunity to give the Supreme Court a chance to distinguish between this legislative anomaly and the ordinary Territorial government.

Mr. FORAKER. When the Senator says that the Supreme Court has made that kind of a decision I am bound to believe that the Senator believes that the Supreme Court has made it.

Mr. ALLEN. I know they have.

Mr. FORAKER. But I will say to the Senator from Nebraska in my opinion they never have made any such decision. On the contrary, all the decisions that the Senator has in mind, I will undertake to say, without fear of successful contradiction, are decisions coming to the Supreme Court from territory to which by Congressional action the Constitution had been expressly extended. By statute the Constitution of the United States is extended to all the Territories of the United States. Not only a general statute has been enacted so extending the Constitution, but special acts of Congress have been passed to the same effect.

So here, Mr. President, as we have said from the beginning, and as I said in answering the Senator, our view with respect to Puerto Rico is that Puerto Rico is not a part of the United States in the sense that the Constitution extends there, and we have the power to legislate with respect to Puerto Rico without those restraints and limitations of the Constitution that would be imposed upon us if we were legislating about a Territory as to which by act of Congress we had made the Constitution a statute of that Territory and its organic law.

Mr. ALLEN. The Senator's position is the old story that the decisions, if they stand in the road of what is sought to be accomplished, are obiter.

The PRESIDENT pro tempore. The Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8876) granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation, in Minnesota, was read twice by its title, and referred to the Committee on Indian Affairs.

The joint resolution (H. J. Res. 108) for change in location of aids to navigation on Simmons Reef and Lansing Shoal, in Lake Michigan, was read twice by its title, and referred to the Committee on Commerce.

GOVERNMENT FOR PUERTO RICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. BACON. Mr. President, I present an amendment to the pending bill, which I give notice I will propose at the proper time. It is in the nature of a substitute for the entire bill. I ask that it may be printed in the RECORD, and also be printed for the use of the Senate. I will not now ask that it be read, because the purpose can be accomplished in the same way by having it printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the amendment will be printed in the RECORD, and also be printed and lie on the table.

In the Senate of the United States. March 30, 1900.

Amendment proposed by Mr. BACON to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Strike out all after the enacting clause of the bill and insert the following in lieu thereof:

"GENERAL PROVISIONS.

"That the provisions hereof shall apply to and include not only the island of Puerto Rico, but also all the adjacent islands and the waters thereof east of the seventy-fourth meridian of longitude west of Greenwich that were ceded to the United States by the treaty of peace concluded between the United States and Spain on the 11th day of April, 1899.

"SEC. 2. That the capital shall be at the city of San Juan and the seat of government for the island shall be maintained there.

"SEC. 3. That all inhabitants of the island continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in Puerto Rico, shall be deemed and held to be citizens of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April, 1900, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April, 1899; and they shall constitute a body politic with governmental powers as hereinafter conferred, and with power to sue and be sued in the courts of the United States in the name of the "Island of Puerto Rico" in all cases in which such courts have jurisdiction where one of the parties is a State or Territory of the United States.

"SEC. 4. That the laws and ordinances now in force in the island of Puerto Rico shall continue in full force and effect, except as altered, amended, or modified hereinafter, or by military orders and decrees now in force, and so far as the same are not inconsistent or in conflict with the Constitution and laws of the United States locally applicable, or the provisions hereof, until altered, amended, or repealed by the legislative authority hereinafter provided for the island or by act of Congress of the United States.

"SEC. 5. That the laws of the United States relating to commerce, navigation, and merchant seamen are hereby extended to and over the island of Puerto Rico and all said adjacent islands and waters, and the Commissioner of Navigation may make such regulations as he may deem expedient for the nationalization of all vessels owned by the inhabitants of the island on the 11th day of April, 1899, and which continued to be so owned up to the date of such nationalization, and the coasting trade between the island and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

"SEC. 6. That on and after the date of the passage of this act there shall be levied, collected, and paid upon all articles imported, except from the United States into the island of Puerto Rico, the rates of duty mentioned and prescribed in the schedules and paragraphs of the act 'To provide revenue for the Government, and to encourage industries of the United States,' approved July 24, 1897, in the same manner and to the same extent as if said schedules and paragraphs were expressly reenacted in this act, and all the other provisions and paragraphs of such act comprised in the sections thereof from 2 to 34, inclusive, not locally inapplicable shall be and remain in force in said island of Puerto Rico until otherwise provided by Congress: *Provided, however*, That all collections made hereunder shall be paid into the treasury of the island, to be expended as required by law for the government and benefit of the island instead of being paid into the Treasury of the United States.

"SEC. 7. That on and after the passage of this act there shall be collected within the island of Puerto Rico all the internal-revenue taxes imposed under the provisions of the Revised Statutes elsewhere in the United States in so far as the same are locally applicable, and all the provisions of the laws of the United States providing for internal-revenue taxation and the collection thereof not locally inapplicable shall be and remain in force within the island of Puerto Rico until otherwise provided by Congress.

"SEC. 8. That on and after the passage of this act all merchandise coming into the United States from the island of Puerto Rico, and all merchandise going from the United States into the island of Puerto Rico, shall be admitted into the respective ports of entry free of all tariffs, customs, and duties, all laws and parts of laws to the contrary notwithstanding.

"SEC. 9. That all expenses that may be incurred on account of the government of Puerto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including harbors, light-houses, buoys, and other works undertaken by the United States, shall be paid by the treasurer of the island out of the revenues in his hands, and not be a liability in any case of the United States.

"SEC. 10. That the Constitution and all the laws of the United States locally applicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in the island of Puerto Rico as elsewhere in the United States.

"SEC. 11. That the legislative authority hereinafter provided shall have power by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this act, as it may from time to time see fit.

"SEC. 12. That all vested property rights, and all obligations, contracts, rights of action, suits at law and in equity, prosecutions for crimes and misdemeanors, and all sentences and civil judgments and decrees now existing shall remain unaffected by this act and continue enforceable.

"SEC. 13. That all judicial and legal process shall run in the name of 'The United States of America, island of Puerto Rico,' and all criminal or penal prosecutions shall be conducted in the name and by the authority of 'The United States of America, island of Puerto Rico.'

"THE GOVERNOR.

"SEC. 14. That the official title of the chief executive officer of the island shall be 'the governor of Puerto Rico.' He shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for a term of four years and until his successor is chosen and qualified, unless sooner removed by the President; he shall reside in the island during his official incumbency, and shall maintain his office at the seat of government; he may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of the island, and respites for offenses against the laws of the United States, until the decision of the President can be ascertained; he shall commission all officers of the island that he may be authorized to appoint, and shall participate in and may veto any legislation enacted by the legislative authority of the island, as hereinafter provided; he shall be the commander in chief of the militia of the island, and shall at all times faithfully execute the laws of the island, and he shall in that behalf have all the powers of governors of the Territories of the United States that are locally applicable; and he shall annually, and at such other times as he may be required, make official report of the proceedings and condition of government of the island, through the Secretary of State, to the President of the United States.

"THE EXECUTIVE COUNCIL.

"SEC. 15. That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a secretary, an attorney-general, a treasurer, an auditor, a commissioner of the interior, and a commissioner of education, each of whom shall reside in the island during his official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with the governor and five other persons of good repute, to be also appointed by the President, by and with the advice and consent of the Senate, from the native inhabitants of the island, shall constitute an executive council, and, in addition to the legislative duties hereinafter imposed upon them as a body, exercise such powers and perform such duties as are hereinafter provided for them, respectively.

"SEC. 16. That the secretary shall record and preserve minutes of the proceedings of the executive council and the laws enacted by the legislative assembly of the island, and all acts and proceedings of the governor, and shall promulgate all proclamations and orders of the governor and all laws enacted by the legislative assembly. He shall, within sixty days after the end of each session of the legislative assembly, transmit to the President, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State of the United States one copy each of the laws and journals of such session.

"SEC. 17. That in case of the death, removal, resignation, or disability of the governor, or his temporary absence from the island, the secretary shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

"SEC. 18. That the attorney-general shall have all the powers and discharge all the duties provided by law for an attorney-general of a Territory of the United States in so far as the same are locally applicable, and he shall perform such other duties as may be prescribed by law, and make such reports, through the governor, to the Attorney-General of the United States as that officer may require.

"SEC. 19. That the treasurer shall collect and be the custodian of the public funds, and shall disburse the same as required by law, and shall perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as that officer may require.

"SEC. 20. That the auditor shall keep full and accurate accounts, showing all receipts and disbursements, and perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as that officer may require.

"SEC. 21. That the commissioner of the interior shall superintend all works of a public nature, and shall have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law and make such reports through the governor to the Secretary of the Interior of the United States as that official may require.

"SEC. 22. That the commissioner of education shall superintend public instruction throughout the island, and all disbursements on account thereof must be approved by him; and he shall perform such other duties as may be prescribed by law and make such reports through the governor as may be required by the Commissioner of Education of the United States.

"SEC. 23. That the other five members of the executive council, to be appointed from natives of the island, as hereinbefore provided, shall attend all meetings of the executive council and participate in all business of every character that may be transacted by it; and they shall receive as compensation for their services such annual salaries as may be provided by the legislative assembly.

"HOUSE OF DELEGATES.

"SEC. 24. That the local legislative authority for the island shall consist of two houses; one the executive council, as hereinbefore constituted, and the other a house of delegates, to consist of 35 members elected biennially by the qualified voters of the island, as hereinafter provided; and the two houses thus constituted shall be designated 'the legislative assembly of the island of Puerto Rico, United States of America.'

"SEC. 25. That for the purposes of such elections, and for judicial and other governmental purposes, the island shall be divided by the executive council into five districts, composed of contiguous territory and as nearly equal as may be in population, and each district shall be entitled to seven members of the house of delegates.

"ELECTION OF DELEGATES.

"SEC. 26. That the first election for delegates shall be held on such date and under such regulations as to ballots and voting as the executive council may prescribe; and at such elections the voters of each legislative district shall choose seven delegates to represent them in the house of delegates from the date of their election and qualification until two years from and after the 1st day of January next ensuing; of all which thirty days' notice shall be given by publication in the Official Gazette, or by printed notices distributed and posted throughout the district, as the executive council may prescribe. At such elections all citizens of the island shall be allowed to vote who possess the qualifications of voters under the laws and military orders now in force in the island, subject to such regulations and restrictions as to registration and otherwise as may be now provided, or as may be prescribed by the executive council. The house of delegates so chosen shall convene at the capital and organize by the election of a speaker, a clerk, a sergeant-at-arms, and such other officers and assistants as it may require, at such time as may be designated by the executive council; but it shall not continue in session longer than sixty days in any one year, unless called by the governor to meet in extraordinary session. The enacting clause of the laws shall be, 'Be it enacted by the legislative assembly of the island of Puerto Rico, United States of America;' and each member of the house of delegates shall be paid for his services at the rate of $5 per day for each day's attendance while the house is in session.

"All future elections of delegates shall be governed by the provisions hereof, so far as they are applicable, until the legislative assembly shall otherwise provide.

"SEC. 27. That the house of delegates shall be the sole judge of the qualifications of its members, and shall have and exercise all the powers with respect to the conduct of its proceedings that usually appertain to parliamentary legislative bodies. No person shall be eligible to membership in the house of delegates who is not 25 years of age and able to read and write either the Spanish or the English language, or who is not possessed in his own right of property, real or personal, situated in the island, of the value of at least $2,000.

"SEC. 28. That all laws enacted may originate in either body, but no bill shall become a law unless it be passed in each body by a majority vote of all the members belonging to such body and be approved by the governor within ten days thereafter. If, when a bill that has been passed is presented to the governor for signature, he approve the same, he shall sign it, or if not he shall return it, with his objections, to that house in which it originated, which house shall enter his objections at large on its journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly by adjournment prevent its return, in which case it shall not be a law.

"SEC. 29. That the legislative authority herein provided shall apply to all matters of a legislative character locally applicable to the island, including power to create, consolidate, and reorganize, as may be necessary, the municipalities of the island, and to provide and repeal laws and ordinances therefor; and also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in the island, or any municipality or district thereof, subject in all cases to the requirement that no legislation shall be inconsistent with the Constitution of the United States: *Provided, however*, That all grants of franchises, rights, and privileges or concessions of a public or quasi-public nature shall be made by the executive council, with the approval of the governor, and all franchises granted in Puerto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.

"THE JUDICIARY.

"SEC. 30. That the judicial power shall be vested in the courts and tribunals of the island as already established and now in operation, including municipal courts, under and by virtue of General Orders, No. 118, as promulgated by Brigadier-General Davis, United States Volunteers, August 16, 1899, and the laws and ordinances of the island and the municipalities thereof in force, so far as the same are not in conflict herewith or with the Constitution of the United States, all which courts and tribunals are hereby continued. The jurisdiction of said courts and the form of procedure in them, and the various officials and attachés thereof, respectively, shall be the same as defined and prescribed in and by said laws and ordinances, and said General Orders, No. 118, until otherwise provided by law: *Provided, however*, That the chief justice and associate justices of the supreme court and the marshal thereof shall be appointed by the President, by and with the advice and consent of the Senate, and the judges of the district courts shall be appointed by the governor of the island, and all other officials and attachés of all the other courts shall be chosen as may be directed by the legislative assembly of the island, which shall have authority to legislate from time to time as it may see fit with respect to said courts, and any others they may deem it advisable to establish, their organization, the number of judges and officials and attachés for each, their jurisdiction, their procedure, and all other matters affecting them.

"SEC. 31. That the island of Puerto Rico shall constitute a judicial district, to be called 'the district of Puerto Rico.' The President, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal for said district, each for a term of four years, unless sooner removed by the President. The district court for said district shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizant in the circuit courts of the United States, and shall proceed therein in the same manner as a circuit court. The laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the island. Regular terms of said court shall be held at San Juan, commencing on the second Monday in April and October of each year, and also at Ponce on the second Monday in January of each year, and special terms may be held at mortgage at such other times and places in the district as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language.

"The United States district court hereby established shall be the successor to the United States provisional court established by General Orders, No. 88, promulgated by Brigadier-General Davis, and shall take possession of all records of that court, and take jurisdiction of all cases and proceedings pending therein, and said United States provisional court is hereby discontinued.

"SEC. 32. That writs of error and appeals from the final decisions of the supreme court of the island shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the supreme courts of the Territories of the United States; and such writs of error and appeal shall be allowed in all cases where the Constitution of the United States, or a treaty thereof, or an act of Congress is brought in question and the right claimed thereunder is denied; and the supreme and district courts of the island and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia. All proceedings in the Supreme Court of the United States shall be conducted in the English language.

"SEC. 33. That the salaries of all officials of the island not appointed by the President, including deputies, assistants, and other help, shall be such, and be so paid out of the revenues of the island, as the executive council shall from time to time determine: *Provided, however*, That the salary of no officer shall be either increased or diminished during his term of office. The salaries of all officers and all expenses of the offices of the various officials for the island, appointed as herein provided by the President, including deputies, assistants, and other help, shall also be paid out of the revenues of the island on the warrant of the auditor, who shall pay all salaries, and also all items of official expense approved by the executive council, and duly audit the same.

"The annual salaries of the officials appointed by the President, and so to be paid, shall be as follows:

"The governor, $10,000.
"The secretary, $4,000.
"The attorney-general, $4,000.
"The auditor $4,000.
"The commissioner of the interior, $4,000.
"The commissioner of education, $4,000.
"The chief justice of the supreme court, $5,000.
"The associate justices of the supreme court (each), $4,500.
"The marshal of the supreme court, $3,000.
"The United States district judge, $5,000.
"The United States district attorney, $4,000.
"The United States district marshal, $3,500.

"SEC. 34. That the provisions of the foregoing section shall not apply to the municpal officials. Their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the

municipalities, shall be paid out of the municipal revenues in such manner as the legislative assembly shall provide.

"SEC. 35. That no export duties shall be levied or collected on exports from the island; but taxes and assessments on property, and license fees for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by act of the legislative assembly; and where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the island or any municipal government therein as may be provided by law to provide for expenditures authorized by law, and to protect the public credit: *Provided, however*, That no public indebtedness of the island or of any municipality thereof shall be authorized or allowed in excess of 10 per cent of the aggregate tax valuation of the property of the island or municipality, respectively.

"SEC. 36. That the qualified voters of the island shall, on the first Tuesday after the first Monday of November, A. D. 1900, and every two years thereafter, choose one Delegate to the House of Representatives of the United States, who shall be entitled to a seat, but not to a vote, in that body, on the certificate of election of the governor of the island: *Provided*, That no person shall be eligible to such election who is not a bona fide inhabitant of the island, and who is not 30 years of age and possessed of property in his own right situated in the island of the value of at least $2,000.

"SEC. 37. That a commission, to consist of five members, at least two of whom shall be native citizens of the island, shall be appointed by the President, by and with the advice and consent of the Senate, to compile and revise the laws of the island; also the various codes of procedure and systems of municipal government now in force, and to frame and report such legislation as may be necessary to make a simple, harmonious, and economical government, establish justice and secure its prompt and efficient administration, inaugurate a general system of education and public instruction, provide buildings and funds therefor, equalize and simplify taxation and all the methods of raising revenue, and make all other provisions that may be necessary to secure and extend the benefits of a republican form of government to all the inhabitants of the island; and all the expenses of such commissioners, including all necessary clerks and other assistants that they may employ, and a salary to each member of the commission at the rate of $5,000 per annum, shall be allowed and paid out of the insular treasury as a part of the expenses of the government of the island. And said commission shall make full and final report of all its proceedings and recommendations to the Congress on or before one year after the passage of this act.

"SEC. 38. That this act shall take effect and be in force from and after the 1st day of March, 1900."

EXECUTIVE SESSION.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

GOVERNMENT FOR PUERTO RICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. I submit an amendment which I intend to propose as section 11 at the proper time. I ask that it lie on the table and be printed.

The PRESIDENT pro tempore. It will be so ordered.

Mr. PETTUS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 31, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 30, 1900.

PROMOTION IN THE NAVY.

Capt. Charles S. Cotton, to be a rear-admiral in the Navy from the 27th day of March, 1900, vice Rear-Admiral Alexander H. McCormick, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 30, 1900.

CONSUL.

John J. Girimondi, of California, to be consul of the United States at Santos, Brazil.

APPOINTMENT IN THE VOLUNTEER ARMY.

Thirty-seventh Infantry.

Maj. B. Frank Cheatham, Thirty-seventh Infantry, to be colonel, March 13, 1900.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

John D. Long, of Pennsylvania, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Allan J. McLaughlin, of New Jersey, to be an assistant surgeon in the Marine-Hospital Service of the United States.

POSTMASTERS.

Charles W. Russell, to be postmaster at New Brunswick, in the county of Middlesex and State of New Jersey.

Frederick H. Fowler, to be postmaster at Walpole, in the county of Norfolk and State of Massachusetts.

John Grierson, to be postmaster at Morrison, in the county of Whiteside and State of Illinois.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 30, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LYBRAND, for two weeks, on account of important business.

To Mr. KLEBERG, on account of sickness in his family.

To Mr. S. A. DAVENPORT, for one week, on account of important business.

To Mr. BURTON, for five days, on account of important business.

ENTRY OF DUTIABLE MERCHANDISE, GREENBAY, WIS.

Mr. MINOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill which I now send to the Clerk's desk.

The bill (H. R. 963) to designate Greenbay, Wis., a subport of entry was read as amended by the Committee on Ways and Means, as follows:

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and they are hereby, extended to the port of Greenbay, in the customs collection district of Milwaukee, Wis.

The SPEAKER. Is there objection?

Mr. TERRY. Mr. Speaker, I could not hear the reading of the bill, and, subject to objection, I should like to hear a statement from the gentleman.

Mr. MINOR. I will say to the gentleman from Arkansas that this bill has been unanimously reported from the Committee on Ways and Means, and the amendment just read by the Clerk was prepared at the Treasury Department. They approve the passage of the bill. It will not cost the Government a single dollar, but will afford an opportunity to the jobbers and wholesale dealers and paper manufacturers who receive their goods at that port to have them billed through from Europe without appraisement until they reach the point of destination.

Mr. TERRY. I understand this has been unanimously reported by the Ways and Means Committee.

Mr. MINOR. It has been; yes.

Mr. RICHARDSON. I will say to my friend from Arkansas that that is true, and that the bill is unobjectionable to members of the committee on this side.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the Committee on Ways and Means was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. PAYNE. Mr. Speaker, the title ought to be amended to correspond with the amendment adopted by the committee. The committee did not report any such amendment, but it ought to be amended. The title should read: "A bill to extend the privileges of the seventh section of the act approved June 10, 1880, to Greenbay, Wis."

The SPEAKER. The title of the bill is "A bill to designate Greenbay, Wis., a subport of entry."

Mr. PAYNE. That part of the bill has been stricken out and amended. Now I propose to amend the title so that it will read: "A bill to extend the privileges of the seventh section of the act approved June 10, 1880, to the subport of Green Bay, Wis."

The SPEAKER. Without objection, the title will be amended as suggested.

There was no objection.

On motion of Mr. MINOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES COURT, FRESNO AND LOS ANGELES, CAL.

Mr. NEEDHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9879) to detach certain counties from the United States judicial district of northern California and to annex such counties to the United States judicial district of southern California; to divide said southern district of California into two divisions, and to provide for the holding of terms of court at the city of Fresno and city of Los Angeles.

The SPEAKER. The gentleman asks unanimous consent for consideration at this time of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That all that portion of the State of California now comprised in the counties of Inyo, Mariposa, and Merced is hereby detached from the United States judicial district of northern California, known as the northern district of California, and annexed to and made a part of the United

States judicial district of southern California, known as the southern district of California.

SEC. 2. That the United States judicial district of southern California, known as the southern district of California, as enlarged and constituted by this act, is hereby divided into two divisions, to be known as the northern and southern divisions, to wit, that all that portion of said judicial district of southern California, known as the southern district of California, comprised of the counties of Inyo, Mariposa, Tulare, Merced, Madera, Fresno, Kings, and Kern, shall constitute and be known as the northern division of the southern district of California, and that portion of said judicial district of southern California comprised of the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura, being all the residue of said district not included in the northern division, shall constitute and be known as the southern division of the southern district of California.

SEC. 3. That after the 30th day of June, 1900, terms of the circuit and district courts of the United States for the said southern district of California shall be held in each of said divisions, at the places in said divisions, and at the times, to wit, in and for the northern division, at the city of Fresno, twice in each year, namely, on the first Monday in May, to be known as the May terms of said courts, and on the second Monday in November, to be known as the November terms of said courts; in and for the southern division, at the city of Los Angeles, twice in each year, namely, on the second Monday in January, to be known as the January terms of said courts, and on the second Monday in July, to be known as the July terms of said courts.

SEC. 4. That all suits not of a local nature in said circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides: but if there are two or more defendants residing in different divisions of the district, such suits may be brought in either division.

SEC. 5. That all civil process issued against persons resident in the northern division of said southern district of California, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Fresno; all prosecutions for offenses committed in said northern division shall be tried in the appropriate court of jurisdiction at said city of Fresno; that all civil process issued against persons resident in the southern division of the said southern district of California, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Los Angeles; and all prosecutions for offenses committed in said southern division shall be tried in the appropriate court of jurisdiction at said city of Los Angeles: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage and approval of this act shall be in any way affected by the provision thereof: *Provided further*, That all offenses committed in that portion of the northern district of California hereby detached therefrom and prior to the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect to all intents and purposes as if this act had not been passed: *Provided, however*, That the judge of said circuit court and of such district court may, upon motion by either party to any suit now pending in said circuit or district court of the southern district of California, and commenced prior to the passage of this act, transfer any such cause for hearing to the northern division of said southern district of California, to be tried at said city of Fresno, as though originally commenced in said northern division of said district.

SEC. 6. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or both of the divisions.

SEC. 7. That in all cases of removal of suits from the courts of the State of California to the courts of the United States in the southern district of California such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts held in said division of said judicial district.

SEC. 8. That each of said courts held at Fresno shall be held in a building to be provided for that purpose by the county or municipal authorities and without expense to the United States.

SEC. 9. That except when court is in session, and a judge present, the clerk's office of the said courts may be at Los Angeles, where all records for said courts may be kept, and all duties performed; but should, in the judgment of the district judge and the clerk, the business of said courts hereafter warrant the employment of a deputy clerk at Fresno, Cal., a deputy clerk may be appointed to reside and keep his office at Fresno.

SEC. 10. That this act shall be in force from and after the 30th day of June, A. D. 1900, and all acts and parts of acts so far as inconsistent herewith are hereby repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. Mr. Speaker, we should like to have the gentleman give us some explanation of this bill. It is quite a long one, and it is almost impossible to get the tenor of a bill as long as this from the reading.

Mr. NEEDHAM. This bill is unanimously reported by the Committee on the Judiciary, and simply provides for detaching three counties from the northern district of California and attaching them to the southern district, and provides for the holding of terms of courts in the city of Fresno, which is situated 275 miles from the present place where court is held. It will save an immense amount of money in witness fees to the United States, and there can be no valid objection to the bill.

Mr. RAY of New York. Let me say to the gentleman that it does not create any new offices or add any expense to the Government. It is simply a saving, and is desired by the bar of that State. It has been referred to the Department of Justice, and meets with the approval of the Department.

Mr. RICHARDSON. I should like to know if the minority members of the Judiciary Committee indorse the bill?

Mr. RAY of New York. It was unanimously reported.

Mr. LANHAM. We have heard no objection to the bill from California or elsewhere, and upon full investigation by the Judiciary Committee we came to the conclusion that it ought to pass. The additional judicial service is absolutely required. I think the bill ought to pass.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. NEEDHAM, a motion to reconsider the last vote was laid on the table.

BILLS OF EXCEPTIONS.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8366) to amend section 953 of the Revised Statutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of the bill which the Clerk will now report.

The bill was read, as follows:

Be it enacted, etc., That section 953 of the Revised Statutes be so amended as to read as follows:

"SEC. 953. That a bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, or by the presiding judge thereof if more than one judge sat at the trial of the cause, without any seal of the court or judge annexed thereto. And in case the judge before whom the cause has heretofore been or may hereafter be tried is, by reason of death, sickness, or other disability, unable to hear and pass upon the motion for a new trial and allow and sign said bill of exceptions, then the judge who succeeds such trial judge, or any other judge of the court in which the cause was tried, holding such court thereafter, if the evidence in such cause has been or is taken in stenographic notes, or if the said judge is satisfied by any other means that he can pass upon such motion and allow a true bill of exceptions, shall pass upon said motion and allow and sign such bill of exceptions; and his ruling upon such motion and allowance and signing of such bill of exceptions shall be as valid as if such ruling and allowance and signing of such bill of exceptions had been made by the judge before whom such cause was tried."

SEC. 2. That this act shall apply to all causes now pending, and to all causes pending for hearing upon motion for new trials, and to all causes pending for the allowance of a bill of exceptions.

SEC. 3. That said original section 953 be, and the same is hereby, repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STEPHENS of Texas. We should like to hear some explanation of that bill.

The SPEAKER. The gentleman from Wisconsin.

Mr. JENKINS. Mr. Speaker, the object of this bill is simply to permit the sighing and sealing of bills of exceptions in cases where the judge who tried the cause dies before the settling of a bill of exceptions. I desire to offer an amendment to this bill which has been prepared by some gentlemen who have had some slight opposition to its passage. The bill has been unanimously reported from the Committee on the Judiciary.

Mr. DOLLIVER. Mr. Speaker, I desire to reserve the right to object until the amendment which the gentleman proposes to offer is read.

The SPEAKER. The gentleman will send up the amendment, which the Clerk will read.

The Clerk read as follows:

Insert at the end of section 1 the following:

"But in case said judge is satisfied that, owing to the fact that he did not preside at the trial or from any other cause, that he can not fairly pass upon said motion and allow and sign said bill of exceptions, then he shall grant a new trial as a matter of course to the party moving therefor."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. MAHON. I move that the House resolve itself into the Committee of the Whole House for the purpose of considering bills on the Private Calendar.

The SPEAKER. The gentleman from Pennsylvania, demanding the previous order, moves that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the Private Calendar, with Mr. HEMENWAY in the chair.

The CHAIRMAN. The Clerk will, for the information of the House, read the special order for to-day.

The Clerk read as follows:

Resolved, That on all Fridays for the remainder of this Congress, except the second and fourth of each month, it shall be the order, the House having proceeded to the consideration of private business according to the provisions of section 6 of Rule XXIV and section 1 of Rule XXVI, to take up, in the Committee of the Whole House, bills on the Private Calendar, under the following conditions: On the next Friday which the House may devote to private business, and on every alternate Friday thereafter which may be devoted to private business, bills reported from the Committee on Claims shall have priority over those reported from the Committee on War Claims; and on the remaining alternate Fridays devoted to private bills, those reported from the Committee on War Claims shall have priority over those from the Committee on Claims. (Order made March 14.)

EASTERN EXTENSION AUSTRALASIA AND CHINA TELEGRAPH COMPANY, LIMITED.

The CHAIRMAN. The Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 6909) authorizing the Secretary of State to pay the claim of the Eastern Extension Australasia and China Telegraph Company, Limited, for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut by United States forces during the war with Spain.

Mr. MAHON. Mr. Chairman, there are several bills of a similar character coming up, and it is thought best to defer final action upon this bill until the House can know what they are doing in reference to that whole subject; and I ask unanimous consent that this bill be passed over.

Mr. RAY of New York. Mr. Chairman, I ask for order.

The CHAIRMAN. The committee will be in order.

Mr. MAHON. This is a cable bill we had up here about a month ago, and it went over with the understanding that there should be no action until all these cable bills were before the House, and I ask unanimous consent that we pass it by for the present.

Mr. MOODY of Massachusetts. Why not recommit the bill?

Mr. MAHON. We have some other bills of a like character, and I ask unanimous consent that this bill be laid aside for the present.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that this bill be passed over without prejudice. Is there objection?

Mr. RAY of New York. Before that is done, I wish to have an understanding about it. I think that that bill should be recommitted to the Committee on War Claims. There are a great many claims of that character that have arisen out of the Spanish war, involving directly and indirectly millions of dollars, and this particular bill is very objectionable. I ask, therefore, that the gentleman consent that the bill be recommitted to the Committee on War Claims, in order that they may take up that subject and report all those bills together in some way, so that this House may be fully informed as to the number of these claims, the character of them, and the amount involved.

Mr. MAHON. I think the gentleman's request an entirely proper one. We are now getting all the information we can from the War Department.

The CHAIRMAN. Then the Chair understands the gentleman withdraws his request?

Mr. MAHON. I do.

Mr. RAY of New York. I move that the bill, the unfinished business before the Committee of the Whole, be reported back to the House with the recommendation that the bill be recommitted to the Committee on War Claims.

Mr. MAHON. I will agree that when we get into the House it shall be done.

The CHAIRMAN. The gentleman from New York moves that the bill be reported back to the House with the recommendation that it be recommitted to the Committee on War Claims.

Mr. RICHARDSON. I make a point of order. Does the gentleman from Pennsylvania think that this motion is in order?

Mr. MAHON. I think it ought to be made in the House, and I will not resist it in the House. I think it ought to be done.

Mr. RICHARDSON. Is the gentleman willing for the motion to be submitted here?

Mr. MAHON. Yes.

Mr. RICHARDSON. All right, then; I withdraw the point.

The CHAIRMAN. The question is, Shall the Committee of the Whole lay this bill aside with the recommendation that it be recommitted to the Committee on War Claims?

The question was put, and the motion was agreed to.

CONFERRING JURISDICTION ON THE COURT OF CLAIMS IN CERTAIN CASES.

The next business on the Calendar was the bill (H. R. 909) conferring on the Court of Claims jurisdiction with respect to certain claims.

Mr. MAHON. Mr. Chairman, I would like to have attention to this bill. I would like before the bill is read to ask the attention of the House to this bill. It is an important bill, and after it is read I want you to thoroughly understand it, so that we can pass upon it intelligently. It will save time if gentlemen will listen to the reading.

The bill was read, as follows:

Be it enacted, etc., That in addition to the jurisdiction which now is or may hereafter be conferred upon the Court of Claims said court shall have and possess jurisdiction and authority to inquire into certain alleged claims for property of citizens of the United States alleged to have been taken or destroyed by the Confederate troops in their several invasions into the border counties of York, Adams, Cumberland, Franklin, Fulton, Bedford, Somerset, and Perry, in the State of Pennsylvania, during the civil war, in the years 1861, 1862, 1863, 1864, and 1865; and also certain alleged claims of citizens of the United States for property alleged to have been taken or destroyed in said counties by Union troops during the civil war, in the years 1861, 1862, 1863, 1864, and 1865: *Provided*, That suit is brought as herein provided within five years after the approval of this act.

SEC. 2. That all questions of limitations as to time and manner of presenting claims are hereby waived, and no claim shall be excluded from the jurisdiction of the court because not heretofore presented to the Quartermaster-General or other officer or department of the Government.

SEC. 3. That all claims shall be presented to the court by petition, setting forth in ordinary and concise language, without unnecessary repetition, the facts upon which such claims are based, by whom the property was taken or destroyed, and the actual value thereof at the time same was taken or destroyed, and any other facts connected with the transactions and material to the proper adjudication of the case involved. The petition shall be verified by the affidavit of the claimant, his agent, administrator, or attorney, and shall be filed with the clerk of the court. It shall set forth the full name and residence of the claimant, the damages sought to be recovered, and an itemized schedule setting forth property taken or destroyed; and the value of each item of property taken or destroyed shall be attached to said petition and made a part of the same.

SEC. 4. That the service of the petition shall be made upon the Attorney-General of the United States in such manner as may be provided by the rules or orders of said court. It shall be the duty of the Attorney-General of the United States to appear and defend the interests of the Government in the suit, and within sixty days after the service of the petition upon him, unless the time shall be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government: *Provided*, That should the Attorney-General neglect or refuse to file the plea, answer, demurrer, or defense as required the claimant may proceed with the case under such rules as the court may adopt in the premises.

SEC. 5. That in considering the merits of claims presented to the court under this act any testimony and papers on file in the State departments of the State of Pennsylvania, taken and received by the officers and commissioners appointed by the State to adjudicate said claims under the following acts passed by the legislature of the State of Pennsylvania, to wit, act of 16th of April, 1862, act of 22d of April, 1863, act of 9th of April, 1868, and the act of 23d of May, 1871, shall be considered by the court as legal and competent evidence; but only such weight shall be given thereto as in the judgment of the court is right and proper.

SEC. 6. That the said court shall make rules and regulations for taking testimony in the causes herein provided for, by deposition or otherwise, and such testimony shall be taken in the county where the witness resides, when the same can be conveniently done; and no person shall be excluded as a witness because he is a party to or interested in said suit, and any claimant or party in interest may be examined as a witness on the part of the Government.

SEC. 7. That in case the court, upon hearing, shall find the claimant to have been a loyal citizen and his claim duly proven, and shall also find that the United States is liable for the payment thereof, in every such case, but in no other, judgment shall be entered for the claimant for the amount of his said claim so proven.

SEC. 8. That all judgments of said court shall be a final determination of the causes decided, and of the rights and obligations of the parties thereto, and shall not thereafter be questioned unless a new trial or rehearing shall be granted by said court, or the judgment reversed or modified upon appeal as hereinafter provided.

SEC. 9. That immediately after the beginning of each session of Congress the Attorney-General of the United States shall transmit to the Congress of the United States a list of all final judgments rendered in pursuance of this act in favor of claimants and against the United States and not paid.

SEC. 10. That all sales, transfers, or assignments of any such claims heretofore or hereafter made, except such as have occurred in the due administration of decedents' estates, and all contracts heretofore made for fees and allowances to claimants' attorney, are hereby declared void, and all warrants issued by the Secretary of the Treasury in payment of such judgments shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators, or transferee under administrative proceedings.

SEC. 11. That the claimant or the United States, or other party thereto interested in any proceeding brought under the provisions of this act, shall have the same rights of appeal or writ of error as are or may be reserved in the statutes of the United States in other cases, and upon the conditions and limitations therein contained. The mode of procedure in claiming and perfecting an appeal or writ of error shall conform in all respects, as near as may be, to the statutes and rules of court governing writs of error or appeals in other cases.

SEC. 12. That all papers, reports, affidavits, evidence, records, and proceedings relating to said claims now on file in the departments of the State of Pennsylvania shall be deposited and filed with the Quartermaster-General of the United States before the claim or claims are taken up by the court, and the same shall in every case be furnished to the court upon its order at the request of the claimant, or his or her attorney, or of the Attorney-General or the Assistant Attorney-General of the United States.

SEC. 13. That nothing in this act contained shall be construed as an admission upon the part of the United States of the validity of the said alleged claims or of the liability of the United States for the payment thereof, it being the true intent of this act merely to secure to said claimants an opportunity to have their legal rights determined in the courts.

Mr. COX. Mr. Chairman, I want to ask the chairman of the committee a question or two.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. MAHON. I yield to the gentleman for a question.

Mr. COX. I desire to ask the chairman of the committee, if I can get his attention, two questions: First, does the proposed act in any way interfere with the law as it now exists in regard to the loyalty of the Southern claimants?

Mr. MAHON. I could not catch the question. There was so much noise I could not hear.

Mr. COX. My question is this: First, does this bill include anything except the claims from Pennsylvania and these Eastern States?

Mr. MAHON. The Bowman Act, the Tucker Act, and the abandoned-property act cover nearly all the claims except a few special claims that come from the South, arising under the war of the rebellion.

Mr. COX. I thought there was a section in that bill which

covers claims against the United States where the property was taken by the Union forces.

Mr. MAHON. It is a different class of claims. It does not disturb the Bowman and Tucker acts whatever.

Mr. COX. One more question in regard to it. I see this suspends the statute of limitations. Now, then, as I understand you, this bill has no reference to claims where the property was taken by the Union soldiers?

Mr. MAHON. Both.

Mr. COX. Now, then, my question becomes pertinent. Does it disturb the jurisdictional question in the Court of Claims as to the loyalty of the claimant?

Mr. MAHON. They must prove it as well as your people.

Mr. COX. Now, in regard to the statute of limitations. Does not this bill suspend the statute of limitations in regard to those claims against the United States taken by Union troops regardless of whether it has been filed in any department or not?

Mr. MAHON. I will say to the gentleman I think every claim has been filed. There may probably be half a dozen that have not.

Mr. COX. Quite a number.

Mr. MAHON. Not under my bill. They have been in the Quartermaster's Department since the close of the war. I will make a statement concerning the bill.

Mr. RAY of New York. Mr. Chairman, I rise to a question of order. Here is a bill that involves indirectly $6,000,000.

Mr. MAHON. No; about three millions.

Mr. RAY of New York. Directly three millions, but indirectly more than $20,000,000; and the discussion is being carried on by the chairman of the committee and the gentleman from Tennessee [Mr. COX] over there on that side in a conversational tone which no one can hear 20 feet away.

The CHAIRMAN. The gentleman from Pennsylvania, the chairman of the committee [Mr. MAHON], has yielded to the gentleman from Tennessee. The gentleman from New York makes the point of order that the House is not in order. The Chair will ask the House to be in order.

Mr. JOHNSTON. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from West Virginia?

Mr. MAHON. Yes.

Mr. JOHNSTON. It is well known that many of these claims are scattered over the States of Maryland, Kentucky, Ohio, Virginia, and others, and I would like to know why they are not all embraced in a general bill, so that the House may have them all at one time and do justice to them—justice, if justice is to be done?

Mr. MAHON. Mr. Chairman, in 1864, under peculiar circumstances, that apply to no other section of the country, the Pennsylvania legislature, upon a message from Governor Curtin, passed a law to adjudicate the claims of losses from 1862 to 1865, and substantive legislation was had, that all these claims be thoroughly adjudicated by a competent commission, in which the Government was represented by counsel. All the evidence was carefully taken, as it would be taken in court, and the claims were filed in the auditor-general's department of Pennsylvania, and a certificate was issued to each claimant, as follows:

This is to certify that —— —— has on file in the office of the auditor-general a duly approved and registered claim for the sum of —— dollars, as adjudicated under the act entitled "An act to authorize the liquidation of damages sustained by citizens of Pennsylvania during the late rebellion," and payable only when said claims shall be paid by the United States Government.

Now, this evidence and these claims, under the act of July, 1864, were filed in the Quartermaster-General's Department, and they have all been thoroughly adjudicated and are perfectly clean claims. No other State in the Union has put its claims in as good condition.

Mr. HEPBURN. I beg the gentleman's pardon; the State of Missouri has done the same thing.

Mr. MAHON. Yes; except the State of Missouri. Pennsylvania claims have been filed in the Quartermaster-General's Department.

Mr. COX. Of the State?

Mr. MAHON. Of the State and Government. This bill provides for one thing. I do not care to make an argument as to whether these claims should be allowed or not. This bill provides that these claims shall go to the Court of Claims to ascertain all the facts in the presence of the Attorney-General, or his assistant, of the United States. As to the facts, there will be no question. The only trouble is and has been about the legal question. An appeal is to be had to the Supreme Court of the United States to determine whether the United States is legally liable for the payment of these claims. If the Supreme Court says no, that is the end of this case. If they say that the Government is liable under all the circumstances, then the State must come back to this Congress and go before your great Committee on Appropriations and ask for an appropriation to pay whatever judgments shall be found.

Now, Mr. Chairman, in order that this Congress should not commit itself, having in view all the claims of the State of Pennsylvania and other States, although entirely on a different footing, in some respects similar and others dissimilar, this section was put in the bill after consultation with some of the best lawyers in the Fifty-fourth Congress on both sides of the House:

SEC. 13. That nothing in this act contained shall be construed as an admission upon the part of the United States of the validity of the said alleged claims or of the liability of the United States for the payment thereof, it being the true intent of this act merely to secure to said claimants an opportunity to have their legal rights determined in the courts.

Mr. RIDGELY. Does the gentleman object to an amendment that would allow similar cases from Missouri and Kansas?

Mr. MAHON. I want to say to the gentleman from Kansas that this bill will only cover cases of this kind from Pennsylvania. The other cases from the other States are entirely different so far as the law is concerned. You can not amend this bill by putting in another State, for if you do it will disturb the whole bill. If I had the time, I could explain to the gentleman why we could not put in another State so that it would be germane. In the first place, this is a private bill, and under the rules of the House you can not amend a private bill by adding another private bill, and I want to keep strictly within the rules of the House. Now, the Supreme Court may decide against these claims, and it may decide in favor of the claimants. When I came to Congress, representing a part of these people, I found bills reported to the amount of $3,400,000, and I said that Congress had a right to know two things—first, they had the right to know all the facts surrounding these claims, to be ascertained by a court of claims; and second, this Congress had a right to know from the Supreme Court of the United States whether the Government was legally liable. I refused to ask for an appropriation, and I consented to that last section because it is perfectly fair that these claims should not be paid until we have a decision from the final court of last resort.

Mr. RIDGELY. Can the gentleman tell us why his bill can not be amended so as to admit other claims of the same character?

Mr. MAHON. There is no other bill of this kind in our committee from the State of Missouri; none from the State of Maryland; none from any other State. If gentlemen representing these great States want their claims sent to the Court of Claims and adjudicated, let them present their bills through the proper channel.

Mr. RIDGELY. But if we present a general bill, covering all claims of this character from all the States, what will be its fate in the gentleman's committee?

Mr. MAHON. I do not know what the committee will do.

Mr. HOPKINS. Allow me one suggestion. The gentleman, as I understand, desires that this bill shall not commit Congress to the idea that there are in this case any legal rights——

Mr. MAHON. Wait till we get to the last paragraph of the bill.

Mr. HOPKINS. That is the very point to which I wish to call attention. The last sentence of the last paragraph reads as follows:

It being the true intent of this act merely to secure to said claimants an opportunity to have their legal rights determined in court.

Now, we deny that these parties have any "legal rights" at all; but this bill assumes that they have.

Mr. MAHON. Oh, no.

Mr. HOPKINS. Why then do you say so?

Mr. MAHON. The bill simply gives the parties an opportunity to establish their legal rights, whatever they may be—whether they are entitled to this money or not.

Mr. HOPKINS. Why not strike out that line?

Mr. MAHON. Would it suit the gentleman to insert the words "if any?"

Mr. HOPKINS. Why not strike out the line declaring it to be "the true intent of this act merely to secure to said claimants an opportunity to have their legal rights determined in court?"

Mr. MAHON. The gentleman is a good lawyer, and I ask him this question: When we say that we propose to allow these parties to have their legal rights determined, what does that mean? It means that the question is to be determined whether the Government owes them any money or not.

Mr. HOPKINS. You might make it read "alleged legal rights," or "legal rights, if any."

Mr. MAHON. I have no objection to that.

Mr. HOPKINS. But would it not be better to strike out that clause entirely?

Mr. GILLETT of Massachusetts. Does this last provision of the bill mean that if the Supreme Court should pass favorably upon the claims of these parties they will thereby obtain judgments in their favor, or will they have to come back to Congress for an appropriation?

Mr. MAHON. Oh, yes.

Mr. GILLETT of Massachusetts. So that those of us who believe that this whole principle of the Government paying for the ravages of war is wrong ought not to vote for this bill.

Mr. MAHON. Let me say to the gentleman that here is the great State of Pennsylvania, that put into the war 378,000 men. She paid her taxes; she complied in every other respect with her obligations to the Government, as the patriotic people of Massachusetts and other States did. A certain portion of our people residing in a part of the State that was exposed to the depredations of the enemy undertook to defend themselves. About 12,000 of the finest troops in the State, with three batteries, were put in the field. On three different occasions our people were subjected to raids or depredations, from which citizens of most of the other States were exempt.

Mr. HOPKINS. Let me say to the gentleman that when the soil of Pennsylvania was invaded the people of Illinois and New York and other States sent their regiments over there to drive back the Confederate forces. Is not that enough to satisfy the State of Pennsylvania?

Mr. MAHON. We did the same.

Mr. HOPKINS. Why is it necessary to give Pennsylvania a special bonus for what she did?

Mr. MAHON. There are buried in the soil of Pennsylvania ten Pennsylvanians, perhaps, to your one.

Mr. SNODGRASS. If this bill should pass, will its operations be confined to citizens of Pennsylvania?

Several MEMBERS. Certainly.

Mr. MAHON. This is a private bill for the benefit of the citizens of certain counties of Pennsylvania.

Mr. SNODGRASS. It can not operate elsewhere?

Mr. MAHON. Let me say to the gentleman that this question has been before Congress ever since the war. Now, why should we not let the Supreme Court of the United States settle the principle on which this bill rests, which must be a settlement of the principle for all the States? It can not be otherwise.

Mr. HOPKINS. Is not the principle settled already?

Mr. MAHON. No, sir.

Mr. HOPKINS. I think so.

Mr. MAHON. If I am expected to enter into a legal argument with the gentleman, I have one prepared; but I do not want to inflict it on this House, not deeming this the proper time or place. We merely ask that these parties be allowed to go to court, where this question will be presented fairly, pro and con.

Mr. HOPKINS. If the gentleman has a legal argument prepared, I for one would like to hear it. I say to him frankly that from my standpoint I do not think there is a vestige of legal right in any of these claims. I say that, after an investigation of this question in previous Congresses. If the gentleman has any new light to shed on this subject, I think it due to himself and the members of this House that he present it.

Mr. MAHON. The answer to the gentleman's suggestion is this: If these people have no legal claims whatever, then this bill is as harmless as a dove. We propose to go to the Supreme Court and have that court settle the question of law. If it be settled against us, we are content. But surely the gentleman from Illinois would not prevent the people of that great Commonwealth from at least ascertaining in the highest court of the land what rights they have. If they have no rights, they will be thrown out of court. If they have any legal rights, their claims will be sent back to Congress for such action as it may deem proper.

Mr. HOPKINS. One of the reasons why I have in previous Congresses opposed bills of this kind is that the passage of such a bill would establish a precedent which would enable the people in every county in every State of the Union to come here with a series of bills which would result in flooding the Supreme Court with this class of legislation to the exclusion of all others. If the people who are represented in this bill are entitled to consideration in the courts or anywhere else, there is no claim from anywhere south of Mason and Dixon's line that is not entitled to the same consideration.

Mr. MAHON. I beg the gentleman's pardon. I have great respect for his ability; but I know he has not investigated this case as carefully as persons who have been handling it for thirty years. We have not flooded this Congress or the courts with our claims. These 12,000 claimants have never introduced a private bill, individually. They never intended to do so. These people are represented here by the great State of Pennsylvania.

Mr. MANN. I understood the gentleman to say that the desire was to have the court pass upon some legal principle involved here.

Mr. MAHON. Yes.

Mr. MANN. Would the gentleman inform us briefly what that legal principle is which is involved?

Mr. MAHON. I will. The gentleman asks me, and I am bound to answer him in good faith.

Prior to the federation, at the time when this Government was cemented and put together, the States had absolute control over their own military power. They surrendered that power to the General Government, or, in other words, authorized the General Government, or the Commander in Chief, the President of the United States, to denude every State at any time of its military power.

Now, what was given in return for that? The debate in the convention was a long and able one, and I want to call the attention of the gentleman from Illinois [Mr. MANN] to the fact that if he goes to the debates of that convention he will find that when the question was whether the States should surrender their right to control their own military that section was passed, if I am correct, by a majority of one, and then only on one express condition, which was the introduction into the constitution of section 4 of Article IV of the Constitution of the United States. The States said:

If you propose that we shall give you the power to denude us of our military power to protect ourselves, what does the General Government propose to give in return?

That was the issue in that convention, and when it came to a final conclusion, section 4 of Article IV of the Constitution was introduced and passed, and a solemn compact made between the General Government and the States on this question of military power.

Mr. MORRIS. What does that say?

Mr. MAHON. Now, what was that? I will interpolate into the article a few words to make it clearer.

We hereby, in return, promise and agree to protect the States against invasion, insurrection, and riot.

That was the compact. If this Government does not intend to keep it, far better that it had never been written. Now, I want to say to the gentleman from Illinois that no court in this land has passed upon that section of the Constitution, excepting so far——

Mr. HOPKINS. Right there, as I understand it, the gentleman is not quoting the exact language of the Constitution.

Mr. MAHON. Well, I am not far from it.

Mr. HOPKINS. He is simply quoting the Constitution as he would like to have it.

Mr. MORRIS. Read the exact words.

Mr. MAHON. I am trying to give it from memory. I will give it to you straight now.

Mr. HOPKINS. That is better.

Mr. MAHON (reading)—

The United States shall guarantee—

And that is stronger than I put it. A guaranty is about as strong as a promise—

The United States shall guarantee every State in this Union a republican form of goverment—

That is one part of it—

and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence.

Mr. GROSVENOR. I want to ask now, assuming this to be a contract upon which you can sue, what is the breach of that contract that you allege?

Mr. MAHON. What does that section mean? The gentleman is a lawyer and can give us a legal definition of it.

Mr. GROSVENOR. That is very easy.

Mr. MAHON. Give it to us.

Mr. GROSVENOR. It placed upon the Government the duty to do exactly what the Government did.

Mr. MAHON. But they did not do it.

Mr. GROSVENOR. They did it. They went and drove out the invaders.

Mr. HOPKINS. They sent soldiers and drove the Confederate forces out of the State of Pennsylvania.

Mr. GROSVENOR. And we established a republican form of government.

Mr. HOPKINS. We established a republican form of government.

Mr. MANN and Mr. RAY of New York rose.

The CHAIRMAN. To whom does the gentleman from Pennsylvania yield?

Mr. MAHON. I yield first to the gentleman from Illinois [Mr. MANN], and then I will yield to the gentleman from New York [Mr. RAY].

Mr. MANN. As I understand the statement of the gentleman from Pennsylvania (and if I am not correct I should like to have him correct me), his desire is to obtain a decision of the Supreme Court of the United States upon the relative duty of the National Government and the States as fixed by this section of the Constitution. Is that it?

Mr. MAHON. Yes, I want that decision.

Mr. MANN. And to have the Supreme Court determine——

Mr. MAHON. And settle all these questions finally.

Mr. MANN. Determine the duty of the National Government when a State is invaded.

Mr. MAHON. Yes; that is what I am after.

Mr. MANN. And in case of domestic violence.

Mr. MAHON. Yes.

Mr. MANN. Does the gentleman think the Supreme Court can determine that question as a law question?

Mr. MAHON. If it can not, there is no power that can.

Mr. MANN. Is it not a question of executive discretion?

Mr. MAHON. No.

Mr. GROSVENOR. It is a political question.

Mr. MAHON. No; and it is not a political question.

Mr. RAY of New York. As I understand the gentleman, he founds his claim wholly upon the provision of the Constitution which says:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion.

Now, that provision has always been construed by the courts and the writers on the Constitution to the effect that the word "invasion" applies simply to an invasion by a foreign foe and does not apply to an invasion of one State by an insurrectionary force from another, or by a mob or a crowd. If that provision is a guaranty on the part of the United States to protect every State against every possible invasion, within the ordinary meaning or common understanding of the word, then if a mob in one State should be organized and drift over into another State and commit damage, the United States would be responsible for it, and the result would be that we should have to keep a standing army all along the borders of every State to protect it against invasion, and you could not draw a distinction between a small insurrectionary force invading a State and a large one like the Confederate army. The civil war was all an internal affair, insurrectionary bodies from one or several States going into other States. I want to see what you say about that.

Mr. MAHON. I understand your question.

Mr. RAY of New York. If your position is correct, then the loyal citizen of every Southern State who suffered damage would have a legal claim against the Government of the United States, because they never consented to the formation of the Confederate government or the State governments under it. They were opposed to it, and the formation of those insurrectionary governments in the several Southern States was illegal and never recognized by the United States as representing the States. Those who were loyal under the Constitution were, you contend in effect, entitled to absolute protection against invasion of all kinds; and so in Virginia those people who were guaranteed this protection and who remained loyal when that State was invaded by a force from the other Southern States, and were damaged in their property, are, under your construction of the Constitution of the United States, entitled to compensation, for the Government was at fault because it did not protect them against invasion. It did not keep its contract of insurance, and therefore must pay all damage to person and property sustained by any person within a State invaded by any force, Union or Confederate.

Mr. MAHON. I understand you.

Mr. RAY of New York. This is to call your attention to the matter, and I want you to know just how far your contention will lead.

Mr. MAHON. I will give you an opportunity——

Mr. RAY of New York. I wanted to know the length that you would go. I may suggest that southern Ohio was raided by Confederate forces, and so was Kentucky raided from one end to the other, not only by Confederate forces but by the United States forces; and so I could call your attention to other States. I simply suggest this now, because if we are to go into a matter of this kind I would like to know what you have to say about it.

Mr. MAHON. It will be a little long answer; but I put it down when I was by myself, and I may state it clearer by reading it.

First. Prior to the adoption of the Constitution there existed thirteen independent sovereign States, of which Pennsylvania was one.

Now, this will apply to that:

Second. A Federal Government was created under the provisions of the Constitution, having jurisdiction over these States to the extent, and only to the extent, named in the Constitution; but the authority of the States remained; they continued to be independent of the Federal Government in all respects except as to the powers granted to the latter.

Third. One of the objects of the Constitution was to "insure domestic tranquillity;" and to secure, as you see, the safety of the people of the Commonwealth.

Mr. HOPKINS. Now, will the gentleman allow me right there; right on the point that Pennsylvania was one of the thirteen States?

Mr. MAHON. Fourth. The ratification of the Constitution was required of each State before the State became a part of this Federal Government. This ratification was by the State as an independent government. (See authorities cited in Paschal's Anno. Const., note 243.)

Fifth. The right of a State to have a militia was recognized; but by Article II, section 8, clause 15, power was given to Congress to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions. And by section 2 of same article the President is made Commander in Chief of the militia of the several States when called into actual service; but the right is reserved to the States to appoint the officers of and to train the militia, according to the discipline prescribed by Congress.

Sixth. In consideration of the grant by the States to the Federal Government of the powers enumerated in the Constitution, it was stipulated in section 4, Article IV, that "the United States shall protect each of them (the States) against invasion."

Seventh. The guaranty to protect each State against invasion was one of supreme importance to the States, and especially in view of the fact that the State had conceded to this new nation, into which it entered, the power to control its militia in all respects except the officering and training. And when the Federal Government fails to protect a State against invasion, and by reason thereof injuries have been sustained, a very different question is presented from such as we have above mentioned, to wit, in claims made by private citizens for injuries by the Federal forces in actual conflict, or injuries inflicted by the enemy on such individual citizens.

The present claim now under consideration is presented by the State of Pennsylvania, one of the States that entered into and became a part of this new nation and party to this covenant for protection against invasion upon the terms already mentioned. It is, therefore, a claim that does not, as we submit, fall within the rule so often quoted.

Now, the Supreme Court of the United States, in the case of the Pacific Railroad *vs.* The United States (120 U. S. Reports, page 227), decided that the going on the soil of those States of the Confederate troops was an invasion. So that that question has been decided by the Supreme Court that this was an invasion, and no sane man would deny that.

Mr. RAY of New York. May I interrupt you to refer to that case?

Mr. MAHON. Yes.

Mr. RAY of New York. You have read from 120 United States, case of the Pacific Railroad *vs.* The United States.

Mr. MAHON. That is where they held it was an invasion.

Mr. RAY of New York. May I read you from that case?

Mr. MAHON. I will give you a little time. I will yield to you after a while.

Mr. RAY of New York. The court decided there, and I will read it if you will permit me, that the United States in such cases as this are not responsible.

Mr. MAHON. Do you say it did not decide that it was an invasion?

Mr. RAY of New York. Do I understand you decline to yield to me to read this?

Mr. MAHON. If it is not too long. If you can read it in a minute or two. I have it here in my report.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. MAHON. I do.

Mr. RAY of New York. What I am undertaking to read is not in your report. I do not wish to interrupt the gentleman against his will.

Mr. MAHON. My time is limited.

Mr. DALZELL. I will suggest to my colleague he will be given all the time he wants.

Mr. RAY of New York. Now, I read from the headnote in that case:

United States are not responsible for injury or destruction of private property caused by military operations during the late civil war.

Now, that is what they decided expressly and emphatically in the case to which you have called attention. Now let me read a little further:

The war, whether considered with reference to the number of troops in the field, the extent of military operations, and the number and character of the engagements, attained proportions unequaled in the history of the present century. More than a million of men were in the armies on each side. The injury and destruction of private property caused by their operations and by measures necessary for their safety and efficiency were almost beyond calculation. For all injuries and destruction which followed necessarily from these causes no compensation could be claimed from the Government. By the well-settled doctrines of public law it was not responsible for them. The destruction or injury of private property in battle, or in the bombardment of cities and towns, and in many other ways in the war had to be borne by the sufferers alone as one of its consequences. Whatever would embarrass or impede the advance of the enemy, as the breaking up of roads, or in the burning of bridges, or would cripple and defeat him, as destroying his means of subsistence, were lawfully ordered by the commanding general. Indeed, it was his imperative duty to direct their destruction. The necessities of the war called for and justified this. The safety of the State in such cases overrides all considerations of private loss. Salus populi is, then, in truth, suprem alex.

They have decided this whole question.

Mr. MAHON. No; it has not. I simply quoted that authority

to show that the coming on the soil of Pennsylvania by the Confederate forces was an invasion. Now I will read you what the court has said to show that that is true:

It has been held by this court in repeated instances that, though the late war was not between independent nations, yet as it was between the people of different sections of the country, and the insurgents were so thoroughly organized and formidable as to necessitate their recognition as belligerents, the usual incidents of a war between independent nations ensued. The rules of war as recognized by the public law of civilized nations became applicable to the contending forces. Their adoption was seen in the exchange of prisoners, the release of officers on parole, the recognition of flags of truce, and other arrangements designed to mitigate the rigors of warfare. The inhabitants of the Confederate States, on the one hand, and of the States which adhered to the Union on the other became enemies and subject to be treated as such, without regard to their individual opinions or dispositions, while during its continuance commercial intercourse between them was forbidden, contracts between them were suspended, and the courts of each were closed to the citizens of the other. (Brown vs. Hiatts, 15 Wall., 177, 184.)

Now, my contention was that there was an invasion on the soil of Pennsylvania, and the compact that the State entered into with the General Government was to protect the State against invasion, provided it was able to do so. Now, one moment on that. My State went beyond this. The General Government had denuded us of our military powers in so far as we had placed in the ranks of the Army over 378,000 men. The State of Pennsylvania and her citizens all paid their taxes for it in common with the other people of loyal States who were engaged in this war with the South. In everything we had complied with every demand of this Government.

Then, in addition to that, in 1862 the governor of the State of Pennsylvania, realizing the fact that this Government, perhaps, had as much as she could do to take care of herself, after he had invited the attention of President Lincoln to the provision of the Constitution, and the southern part of Pennsylvania was threatened by invasion—and he was joined in that by the governor of Maryland—the legislature not being in session and these two States were subject to invasion, asked protection under that clause of the Constitution. The President of the United States had failed, and the people of the State of Pennsylvania then raised 12 regiments of as fine men as ever left a State, and she equipped three batteries, not to defend herself against Lee's invasion or an army of invasion of 80,000 or 90,000 men, but against the Confederate raiders who from 1861 to 1865 were hanging along the southern bank of the Potomac.

We put these troops there, which were amply sufficient to protect that State and her people from any inroads or destruction at the hands of Confederate raiders. After the battle of Antietam, when Jeb Stuart swept around that great army of McClellan's, the Confederate raider was confined to the District of Columbia. The President of the United States, to save this Capitol and its archives, and this city, that belonged to the nation, arbitrarily called these troops to the capital to defend it. The result was that 2,000 men swept through the valley carrying fire and sword with them, and destroyed everything in their pathway. Again the Government called, under that section of the Constitution, and 22,000 militia were put in that gap. Again the President of the United States, arbitrarily and under that section, although we owed this Government not a man, ordered these men to the District of Columbia to protect this capital, and our troops never returned after they left the State. In 1864 we organized seven regiments of magnificent troops. We equipped them and put guns into their hands, and with them batteries, and stationed them on the southern border of my State.

Again this capital was threatened on the 28th of July, 1864, and by order of the President these troops were recalled to this capital to save it again. Two days afterwards, on the 30th of July, 2,400 raiders swept into my city at 6 o'clock in the morning, and at 8 o'clock had swept away nearly every vestige of it from the face of the earth.

You may talk about your troops from Illinois being at the battle of Gettysburg, but the troops of Pennsylvania stood on that fateful field, and the remains of their bodies can be found on the Gettysburg ground by the hundreds.

Now, every law writer—and I challenge every man in this House, for I know what I am talking about—from the days of Grotius and Vattel, three hundred and fifty years ago, to the present time, has held this principle, that where a people have contributed their share to the support and burden of the Government in time of war, when they were compelled to suffer extraordinary losses for the common good of the people—and we did suffer these losses for the common good of the State of Iowa, for the State of California, for the State of Illinois—no government would refuse to recompense them and make them whole, except when its treasury was bankrupt and it was unable to pay. All writers have held that.

Mr. HOPKINS. Will the gentleman allow me an interruption?

Mr. MAHON. Yes.

Mr. HOPKINS. The gentleman speaks about the raid into this country and the destruction of property. Were not the people there standing on the same basis as the people in the Shenandoah Valley that was raided by Sheridan, by the Federal troops, and those raided by Sherman in his march to the sea?

Mr. MAHON. The gentleman misapprehends my argument altogether. Here is this great Government that came out of the war of four years mightier, stronger, richer than when she entered into it, and from 1861 to 1900 has made majestic strides toward wealth. Does the gentleman withhold from the people, would he withhold from them, their right to go into the Supreme Court of the United States to ascertain what their rights are?

Mr. HOPKINS. From the gentleman's position now, it would take at least two thousand million dollars to recompense the people for the destruction of the property through the period of the war.

Mr. MAHON. Well, during the last Democratic Administration, which no Democrat has any admiration for now, two hundred and seventy millions were borrowed for some purpose, God only knows what——

Mr. GROSVENOR. Why segregate property? Why put into this bill only damages for property? If the Government has violated its duty and is liable under its contract, it is liable for the lives lost by the wrongful act.

Mr. HOPKINS. And for the interruption of business of those fortunate enough not to get killed.

Mr. MAHON. You people on the plains gave your men, and you that remained at home grew rich and grew fat. You did not feel the horrors of war 700 miles from this city and know nothing about. But if you gentlemen had seen men in the prime of life, men who had accumulated forty or sixty thousand dollars, go to the poorhouse after the war ended, you would have some feeling—certainly enough feeling to allow them to go into the courts of the United States to adjudicate their claims. I have seen men come home who entered into the service with $30,000, and when they came out had nothing but the uniforms on their backs.

Mr. HOPKINS. Will the gentleman allow me right there?

Mr. MAHON. Yes.

Mr. HOPKINS. I know the gentleman is patriotic, and I know his great heart goes out in sympathy to all the people, but I am a little surprised, in view of what he has seen and experienced, that he should limit this bill to a few counties in the State of Pennsylvania. Why not extend it? Why not enlarge the scope of the bill so that all persons having similar claims may participate in its blessings?

Mr. MAHON. I have presented the bill on behalf of my State and its citizens because I am a representative of that great State. I do not represent any other State on this floor, although I support such measures as other Representatives may bring in, if they meet the approval of my judgment.

The gentleman talks about $20,000,000 that claims of this kind coming from the different States might amount to. That may be true; but, great heavens—are $20,000,000 to stand here in the way of doing right?

Mr. HOPKINS. I did not say $20,000,000. I said two thousand million dollars.

Mr. MAHON. I do not care. Make it two hundred million. The gentleman knows, as I do, that if the House would listen to us, we might easily save $200,000,000 every year by securing the defeat of legislation which is brought in here. We appropriate $76,000,000 in a river and harbor bill, and a large part of it is expended on rivers on which, for two-thirds of the year, a boat with a 6-foot bottom can not float.

Now, let me tell the gentleman something. After the Franco-Prussian war, when Germany had laid France at her feet and demanded an enormous indemnity, which France had to pay by borrowing the money, what did she do in regard to her own people down along the Rhine, who had suffered from the ravages of war? Did she do as this Government has done toward her citizens? That unfortunate Government, after having been crushed at the hands of Germany, in the midst of great financial distress, passed an act through her Parliament to send commissioners down into that country which had been devastated by war, not to ascertain what property had been taken by or given to the French troops, but to ascertain the damages sustained by certain citizens at the hands of the army of the enemy.

I have a copy of the report made in that case, showing losses to the extent of $120,000,000; and the French Government, recognizing her duty to her people, who had stood up patriotically and loyally during the war, appropriated $120,000,000 and paid those losses. The German Empire has pursued a similar course in respect to losses of her citizens by reason of the ravages. And after the war of the American Revolution England appropriated $22,000,000 to pay British subjects in this country who had been loyal to the Crown for losses suffered at the hands of the Continental Army. And I can show you by documentary evidence that after the close of the war of 1812, during which the British troops

came up the Potomac toward this city and swept up toward Hagerstown, burning the court-house of that city and destroying property along the Potomac, the Congress of the United States in 300 cases which I could cite directly appropriated money to pay for losses which had been suffered by our citizens at the hands of the British troops.

Our Constitution differs widely from the constitutions of foreign governments. They have made theirs; we have made ours; and the section which has been referred to does not mean that the Government shall protect its citizens against foreign invasion. No law writer in this land, no writer on the laws of war, indeed, I may say no human being, has ever undertaken to maintain such a doctrine. If there is one law writer of standing who has ever taken such a position, I challenge gentlemen to produce the authority.

Mr. HOPKINS. Did not the gentleman from New York call the attention of the gentleman from Pennsylvania to a decision of the Supreme Court of the United States directly in point, saying that this class of claims had no legal or equitable standing?

Mr. MAHON. The gentleman ought to recognize the distinction. Those were private claims.

A MEMBER. So are these.

Mr. MAHON. No, sir. Here come States like the State of Maryland or my own State demanding of this Government that it shall secure to her citizens its rights.

Mr. HOPKINS. I understood the gentleman to say in his opening remarks that this was a private claim, and therefore could not be amended by putting on it a provision for other claimants.

Mr. MAHON. This is a State bill.

Mr. HOPKINS. But it is a private bill.

Mr. MAHON. The State of Pennsylvania is here demanding this matter of right in behalf of her citizens.

Mr. HOPKINS. But it is a private bill, is it not?

Mr. MAHON. Let me tell the gentleman what our State did. The gentleman talks about the million of men who were killed and the armless and legless survivors of the war. Sir, we are not claiming money for men who were killed in battle; we are not claiming money for men who were maimed in battle or who died of disease in camp. In common with the people of other States, we contributed liberally our citizens to the ranks of the Union Army. Those lives were sacrificed on the altar of the country as the free offering of a patriotic people.

No State has ever made such a claim, nor will any State; but I say that while you are bound under this Constitution to protect us, and you failed to do so, we undertook to do it ourselves; but by the intervention of the President, to save this capital, we were sacrificed and run over and became a prey to the enemy, or, in other words, we were made to suffer that loss to save this capital and this Government, and that no other State, excepting a few of the border States, suffered in a similar way.

Now, as to that opinion, I have only read it for one purpose—that is, to show that the going of Confederate troops into the State of Pennsylvania or into any State that was not out of the Union was an invasion.

They so held under that section. They never held that that was to be simply against the foreign invader, and if the gentlemen will read the debate when that section was passed, where you can get the true meaning, and which will be read in the courts, it was held that our people were to have that protection that would make them secure in their lives, liberty, and property. Now, pray, after you have failed to do your part, and after we undertook to do it, and you come in and interfered time after time and took away our troops, and submitted our people to these raids and invasions, I pray the gentleman from Illinois at least to give them one step in this direction. Allow them to go into the courts of the United States to settle this question that never has been settled. If it is settled against them, that will be the end of it. If it is settled for them, then they may come back to Congress.

And I say when this principle is once settled, either for or against these people, it will cover all States that have suffered likewise. You need not come with the beggarly argument that it is going to cost $200,000,000.

The statistics in the room of the committee of which I have the honor to be chairman (the Committee on War Claims) show that, making the most liberal allowance for the claims involved, they will not amount to over $18,000,000. I am speaking of State claims.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has eight minutes.

Mr. MAHON. I will reserve the balance of my time.

Mr. RAY of New York. Mr. Chairman, there is no State in the Union that I love better than I do the State of Pennsylvania, excepting the State of New York, because the State of Pennsylvania is a neighbor of mine, and my home is very near her border; and there is no gentleman in the Pennsylvania delegation I would like to please more than the gentleman who has just addressed the House.

Of course if I thought there was any sort of justice, legality, or equity in this bill, I would not oppose it; but it seems to me it is too plain a proposition to admit of any serious contention that the measure is unwise and devoid of merit and that therefore it should be defeated out of hand, so to speak.

This is a most extraordinary bill in every aspect of it. It is special legislation of the worst kind, in the face of the statutes that the Congress of the United States has made.

I would call attention first to the statute of the United States which created the Court of Claims. In that statute it was provided that—

> All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, express or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress—

are placed within the jurisdiction of the Court of Claims. That remained the law until 1863, when an act was passed known as the "captured and abandoned property act." In that act was placed this proviso:

> *Provided also*, That the jurisdiction of the Court of Claims shall not extend to any claim against the United States growing out of the destruction or appropriation of or damage to property by the Army or Navy engaged in the suppression of the rebellion.

That was the policy of this Government in 1863. Now, later on in the history of our legislation, about two years later, that act was amended.

It granted all this jurisdiction that I have named as to all claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or any regulation of an executive department, or upon any contract express or implied, or for damages liquidated or unliquidated in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admirality if the United States were sueable. Now, that was the jurisdiction conferred, but this proviso was added:

> *Provided, however*, That nothing in this section shall be construed as giving to either of the courts herein mentioned—

The district and circuit courts were given concurrent jurisdiction with the Court of Claims—

> jurisdiction to hear and determine claims growing out of the late civil war, and commonly known as war claims, or to hear and determine other claims which have heretofore been rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same.

Now you see, gentlemen, how careful the Congress of the United States has been in conferring jurisdiction upon the Court of Claims to exclude jurisdiction of these war claims.

Those parties having war claims have been relegated to Congress, and Congress is perfectly competent to deal with the question. The aid of the Court of Claims is not necessary. All States and localities having war claims are relegated to Congress. Shall Pennsylvania be granted special privileges?

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. RAY of New York. Let me finish. I desire to inquire right here why it is that Pennsylvania has greater equity than any other State or locality—any equity that should lead Congress to except her from the provisions of this act?

Now I yield to the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. I want to state to the gentleman that Oregon, Nebraska, California, Kansas, and Nevada, under a bill which you will find in 26 Statutes at Large, page 853, a bill of which the present one is almost an exact copy, were allowed to present their claims arising from Indian wars to the Court of Claims and the Supreme Court of the United States, and there was finally paid by this Congress, after the final decision of the Supreme Court, $1,499,220.27, under an act similar to this, for I have drawn this act almost verbatim from that.

Mr. RAY of New York. Oh, well, that is an entirely different matter. Those were claims for damages occasioned by outbreaks by Indians, Indian tribes over which we have sole and special control, and the cases mentioned are not at all in principle like claims growing out of the late civil war or because of that insurrection. They are based on an entirely different principle.

Mr. MAHON. I want to ask the gentleman another question: At the time of this war were not these Southern people under the control of the General Government?

Mr. RAY of New York. I will not stop to argue Indian depredation claims.

Mr. MAHON. The Government failed to repress these outbreaks. They went into a long war.

Mr. RAY of New York. Those Indian war and outbreak claims were not based upon the principle asserted here.

Mr. MAHON. They were bound to protect those people from Indians.

Mr. RAY of New York. Of course it is obligatory on the Government in equity, if not in law, to afford reasonable protection to our citizens against Indian depredations.

Mr. MAHON. I wanted to call the attention of the gentleman to the fact that Congress had passed such legislation.

Mr. RAY of New York. Now, I am led to inquire, Why is there any superior equity in the claim of the State of Pennsylvania, that she should be excepted from the law as it is now written upon the statute books?

Mr. MAHON. I do not represent those other States; I merely represent the State of Pennsylvania.

Mr. RAY of New York. I say there is none. The equities of the State of Ohio are just as great as the equities of the State of Pennsylvania.

Mr. MAHON. I do not deny that.

Mr. RAY of New York. The equity of the State of Missouri was far greater than the equities of Pennsylvania. The equity of the State of Kentucky was far greater.

Mr. MAHON. In what respect?

Mr. RAY of New York. And then look at Tennessee.

Mr. MAHON. In what respect are the equities greater?

Mr. RAY of New York. Look at Tennessee, nearly one-half of whose people remained loyal to the Government of the United States.

Mr. MAHON. I want to say that Tennessee has got $3,000,000 since the war.

Mr. RAY of New York. How much was paid to the State of Pennsylvania? How much did you get within the last two years?

Mr. MAHON. Not a dollar but $52,000, which went to Pittsburg.

Mr. RAY of New York. Is not Pittsburg in Pennsylvania? When did Pittsburg move out of Pennsylvania?

Mr. MAHON. Since the war ended all we have ever had was $123,000, and Tennessee has got over $3,000,000.

Mr. DALZELL. Those were private claims.

Mr. MAHON. Yes; private claims.

Mr. GROSVENOR. Will the gentleman from New York allow me?

Mr. RAY of New York. Certainly.

Mr. GROSVENOR. We do not want to confuse this matter. There has never been a dollar paid to any State in this character of claims. Those claims are based upon property taken by the Union soldiers and applied to the benefit of the Government.

Mr. RICHARDSON. For stores and supplies.

Mr. GROSVENOR. Munitions of war and supplies.

Mr. RAY of New York. I was about to call attention to that, and I will call attention to the decision of the Supreme Court, pointing out the difference between legal claims against the Government and equitable claims against the Government and those, like these embraced in this bill, where there is no law or equity to sustain them; and I am but repeating what the gentleman from Ohio has said, that no claim of this character has ever been paid to a State to reimburse it for money paid to its citizens on account of depredations committed—by the Indians, I think—certainly not to pay damages for depredations committed either by the Union Army or the Confederate army during the late civil war. The whole proposition of the gentleman from Pennsylvania is based upon the claim that under the Constitution of the United States this Government has guaranteed to protect every State against invasion.

In other words, that we became an insurer, and that we are liable for all damage done to the citizens of a State or the property of the citizens of a State or to a State itself, if we fail to keep that contract. In other words, he says that under the Constitution we become insurers, and it makes no difference what efforts we make, how faithful we are, how large the armies, that if the armies are not at the proper point at the proper time when a hostile force, whether it be that of a foreign government or any sister State, comes within her borders, then the General Government must compensate that State for all damages sustained if an invasion actually occurs.

The gentleman says these are not private claims. What are these claims? Soon after the war closed the State of Pennsylvania, taking time by the forelock—with an eye to her own good, and I think she always has an eye to the main chance, and it is not anything against the State or her Representatives—but taking time by the forelock, she passed an act, at two or three different times, providing that those citizens who suffered damages by reason of the Confederate invasions might prove them up against the State in a certain way prescribed by the State of Pennsylvania. Then the State of Pennsylvania issued certificates of payment to these people. The State had an idea that at some time she would look to the United States Government to reimburse her. I find in the report and other statements that later on the State of Pennsylvania paid on these claims large sums of money; I think $600,000 or more, showing that the people damaged have been paid, and now she comes as a State——

Mr. MAHON. I do not want the gentleman to misrepresent the State.

Mr. RAY of New York. She comes as a State, and these claims are carried into one gross sum, amounting to over $3,000,000. I say that this claim is made up of an aggregation of private claims, and that is all there is of it. The State lost none of its property, and none of its property was damaged. Now the gentleman may interrupt.

Mr. MAHON. Now, if the gentleman's contention is right, that under the Constitution and laws these people have no right to payment of these claims, pray tell me why you are afraid to let them go to the court of last resort? It does not cost Congress anything to dispose of this matter.

Mr. RAY of New York. Why not?

Mr. MAHON. If that section of the Constitution on which we have relied does not amount to anything this bill does not amount to anything.

Mr. RAY of New York. I will answer the gentleman. I do not believe in special legislation. I believe that all States should have an equal chance. If we are going to do anything to wipe out this prohibition against sending claims to the Court of Claims in these cases to which I have called attention, then let every citizen of every State and every State with a real or an imaginary claim go to the Court of Claims and have it there adjudicated and decided. There are hundreds and thousands of them that have far more justice, far more equity, and far more claim for consideration by that court than has this one.

Mr. MAHON. Let me reply to that. I want to say that I know the gentleman is a good lawyer. He is chairman of the law committee of this House, and some of the great lawyers of Pennsylvania, and certainly the great Judge Black, who sat upon the Supreme Court, and other great lawyers have thought there were great doubts about this business, and that it ought to be settled once and forever.

Mr. RAY of New York. I know it ought to be settled, but settled in this way: the great State of Pennsylvania, rich and prosperous as she is, ought to withdraw this claim from the consideration of this House and of the American people, and never again present it.

Mr. MAHON. She never will do it until she gets justice in the courts.

Mr. RAY of New York. Let me call the gentleman's attention and the attention of this House to what the United States court has decided. The gentleman from Pennsylvania says that in this case they decided this was an invasion, within the meaning of the Constitution. The court decided no such thing, and anyone can satisfy himself by looking at the case. Judge Storey and others, in writing about that provision of the Constitution to which the gentleman has called attention, say that the invasion spoken of in the Constitution is an invasion by a foreign power; and it is necessarily so.

Do you think that our fathers, when they wrote the Constitution, had it in mind that there would be an insurrection within the border lines of the United States, and at some time or other an insurrectionary force, a mob organized in one State, would march into another, and that the United States Government was binding herself to protect the several States against such invasions as that? Clearly not. The proposition is clearly contrary to common sense. If such construction prevails, the United States Goverment will not only have to keep an armed establishment upon the coast line and along the borders between ourselves and Mexico and between ourselves and Canada, but armed posts all along the borders between the States to guard against little invasions by people of one State into the territory of another. This whole question has been settled, and now let me call your attention to it. I will call your attention to the settled doctrine of the courts.

I call attention also to a message of President Grant in which he vetoed a claim of this very kind.

This is the headnote in the case referred to, and this is the precise point decided by the Supreme Court of the United States in United States against Pacific Railroad and Pacific Railroad against the United States (120 U. S. Reports, page 227). The headnote is as follows:

> The United States are not responsible for the injury or destruction of private property caused by their military operations during the late civil war, nor are private parties chargeable for works constructed on their property by the United States to facilitate such operations.

That was a case where the Confederate forces burned two of the bridges owned by the railroad company. In two cases bridges were destroyed by the United States forces necessarily. Two were destroyed by the Confederate forces in their advance into Missouri and two by the United States forces in preventing such advance. I will not take the time to read, but I will call your

attention and ask you to read the statement of facts in regard to when and where and why the destruction took place.

Now, what does the court say?

The war, whether considered with reference to the number of troops in the field, the extent of the military operations, and the number and character of the engagements, attained proportions unequaled in the history of the present century. More than a million of men were in the armies on each side. The injury and destruction of private property caused by their operations, and by measures necessary for their safety and efficiency, were almost beyond calculation. For all injuries and destruction which followed necessarily from these causes no compensation could be claimed from the Government. By the well-settled doctrines of public law, it was not responsible for them. The destruction or injury of private property in battle, or in the bombardment of cities and towns, and in many other ways in the war, had to be borne by the sufferers alone as one of its consequences. Whatever would embarrass or impede the advance of the enemy, as the breaking up of roads, or the burning of bridges, or would cripple and defeat him, as destroying his means of subsistence, were lawfully ordered by the commanding general. Indeed, it was his imperative duty to direct their destruction. The necessities of the war called for and justified this. The safety of the state in such cases overrides all considerations of private loss. Salus populi is then, in truth, suprema lex.

These remarks are sustained by the treatises of the text writers.

Now let me read what is said on this subject by Vattel on the Law of Nations and cited and approved by the Supreme Court in this case:

But there are other damages, caused by inevitable necessity, as, for instance, the destruction caused by the artillery in retaking a town from the enemy. These are merely accidents. They are misfortunes which chance deals out to the proprietors on whom they happen to fall. The sovereign, indeed, ought to show an equitable regard for the sufferers, if the situation of his affairs will admit of it; but no action lies against the State for misfortunes of this nature—for losses which she has occasioned, not willfully, but through necessity and by mere accident, in the exertion of her rights. The same may be said of damages caused by the enemy. All the subjects are exposed to such damages; and woe to him on whom they fall. The members of a society may well encounter such risk of property, since they encounter a similar risk of life itself. Were the State strictly to indemnify all those whose property is injured in this manner, the public finances would soon be exhausted, and every individual in the State would be obliged to contribute his share in due proportion, a thing utterly impracticable. (Book III, chapter 15, section 232.)

Again, let me call attention to cases which have been before Congress:

Three cases in Congress, one before the House of Representatives in 1797, and two before the Senate—one in 1822 and one in 1872—illustrate this doctrine. In the first of these, a Mr. Frothingham, of Massachusetts, presented a petition to the House of Representatives asking compensation for a dwelling house, the property of his mother, burned at Charlestown in March, 1776, by order of General Sullivan, then commanding the American troops at that place. The Committee on Claims, to whom it was referred, made a report that they found that the house for which compensation was sought was, with several other buildings in the vicinity, at that time in possession of the British troops, and that, for the purpose of dislodging them, the general sent a party of troops with orders to set fire to the buildings, which was done accordingly, and that they apprehended that the loss of houses and other sufferings by the general ravages of war had never been compensated by this or any other government; that in the history of our Revolution sundry decisions of Congress against claims of this nature might be found, and that the claim presented rested upon the same basis with all others where sufferings arose from the ravages of war. As the Government had not adopted a general rule to compensate individuals who had suffered in a similar manner, the committee were of opinion that the prayer of the petitioner could not be granted, and no further action was had upon the claim. (American State papers, Class XIV, Claims, page 199.)

In the second of the cases referred to a Mr. Villiers, of Louisiana, presented a petition to the House of Representatives, stating that during the invasion of the British in 1814-15, after the enemy had landed near the city of New Orleans, in order to prevent him from bringing up his cannon and other ordnance to the city, General Morgan, commanding the Louisiana militia, caused a levee to be cut through at or near the plantation of the petitioner, whereby the greater part of his plantation was inundated and remained so until after the departure of the invading army from the State; that in consequence the petitioner had suffered great losses in the destruction of his sugar cane, cane plants, and in the expenses of repairing the levee, appraised at $19,250, for which he prayed compensation. The Committee on Claims, to whom the petition was referred, recommended that its prayer should not be granted, on the ground that the losses were sustained in the necessary operations of war, for which the United States were not liable; and their recommendation was adopted. (American State Papers, Class XIV, Claims, page 835; Annals of Congress, Seventeenth Congress, first session, Part 1, page 311.)

The third of the cases referred to is that of J. Milton Best, which was much discussed in the Senate. His claim was for the value of a dwelling house and contents destroyed by order of the officer commanding the Union forces in defense of the city of Paducah, Ky., in March, 1864. The city being attacked by the Confederates in force, the Federal troops, numbering 700, were withdrawn into Fort Anderson. The claimant's house, which was about 150 yards from the fort, was taken possession of by the sharpshooters of the enemy, who did great execution picking off men at the guns within the defenses. They were driven from the house by shells from the fort and gunboats, and late that night the Confederates retired from their assault without success. They appeared with reenforcements the next morning, and the Union officer, regarding his command in great peril, his ammunition being nearly exhausted, gave orders for the destruction of all houses within musket range of the fort. The claimant's loyalty was unquestioned. The officers in command at the post from time to time during the war testified to his reliability and the effective aid he rendered the Union cause.

The Senate Committee on Claims reported the case as one presenting the "simple question of who shall pay for the destruction of a loyal citizen's property destroyed by the order of a commanding officer to save his imperiled army, at the claimant's home, a place never in possession of the enemy, and in a nonseceding State." Upon this question they say: "It appears to your committee that the facts establish a just claim against the Government for private property taken and destroyed to prevent destruction of its own property and the massacre of its troops."

They reported that "the injuries to the claimant's house by shelling out the rebels in the battle of the 25th of March [the day preceding the destruction of the property] may be regarded as a casualty by the general ravages of war which might properly be deducted from the amount of loss proved by claimant;" and they made what they deemed a proper deduction on that account in the bill presented by them for the payment of the damages. The bill was intended to cover the value of his property at the time it was burned to prevent its use by the reenforced enemy on the following day. In the debate which followed it was contended by advocates of the bill that while the damage by shelling from our own fort during the battle came within the ravages of war, the subsequent burning of the house to prevent its being used by the sharpshooters of the enemy was a taking by the Government of private property for public use for which compensation should be made.

The bill passed in the Senate January 5, 1871, but was not acted upon by the House during that Congress. It again passed in the Senate April 8, 1872, and in the House May 18, 1872. It was vetoed by the President June 1, 1872. In his message to the Senate the President, after speaking of the claim as one for compensation on account of the ravages of war and observing that its payment would invite the presentation of demands for very large sums of money against the Government for necessary and unavoidable destruction of property by the Army, said: "It is a general principle of both international and municipal law that all property is held subject not only to be taken by the Government for public uses, in which case, under the Constitution of the United States, the owner is entitled to just compensation, but also subject to be temporarily occupied or even actually destroyed in times of great public danger and when the public safety demands it, and in this latter case governments do not admit a legal obligation on their part to compensate the owner. The temporary occupation of, injuries to, and destruction of property caused by actual and necessary military operations is generally considered to fall within the last-mentioned principle. If a government makes compensation under such circumstances, it is a matter of bounty rather than a strict legal right."—*Congressional Globe*, Forty-second Congress, second session, Part V, page 4155.

The message was referred to the Committee on Claims, and on the 7th of February, 1873, it was reported back with a recommendation that the bill be passed, the objections of the President to the contrary notwithstanding. On the 24th of the same month the bill was reached on the Calendar and was passed over, upon objection. No further action was ever taken upon it in the Senate, and consequently it never reached the House.

The claim has been repeatedly commended to Congress since, but has never been considered by either House. The principle that for injuries to or destruction of private property in necessary military operations during the civil war, the Government is not responsible, is thus considered established. Compensation has been made in several such cases, it is true, but it has generally been, as stated by the President in his veto message, "a matter of bounty rather than of strict legal right."

In that case it was held that the destruction of property was one of the necessary incidents of war, a necessary destruction of property in the operations of both the Confederate and Union armies.

The bill was favorably reported in the Senate and passed by that body, as well as by this House. At that time, if my memory serves me, Ulysses S. Grant, who had command of the Union armies, was President of the United States. He vetoed the bill, taking the ground that there was no foundation for it either in law or equity. After the bill was returned by him no further action was taken upon it.

Mr. MAHON. I have reported a great number of cases in which Congress paid damages for property destroyed by troops. The action of Congress on this subject has fluctuated back and forth. The precedents of one Congress do not bind another. What we want is a final settlement of this legal question by the Supreme Court of the United States.

Mr. RAY of New York. There is a certain class of cases where Congress always has compensated and always will compensate the private citizen for the destruction of his property——

Mr. MAHON. By the enemy?

Mr. RAY of New York. By the enemy, it may be, in some cases. But the court says in this case that where that has been done it has always been a gift or bounty, not as a legal or equitable right.

Mr. MAHON. I want to say to the gentleman that no case like this has been before the Supreme Court, involving the constitutional question.

Mr. RAY of New York. This case I read from involves exactly these questions.

Mr. MAHON. Oh, not at all; entirely different. In some respects it is similar, but the main question is different.

Mr. RAY of New York. The court say:

The claim has been repeatedly presented to Congress since, but it has never been considered by either House. The principle that for injuries to or destruction of private property in necessary military operations during the civil war the Government is not responsible is thus considered established.

What could be more clear and decisive of the question now under consideration? The Supreme Court holds explicitly, emphatically, and clearly that the principle that for injuries to or destruction of private property in necessary military operations during the civil war the Government is not responsible is thus considered established.

They so hold and decide. Then it says compensation has been made in several such cases, it is true, but it has generally been, as stated by the President in his veto message, a matter of bounty rather than of strict legal right.

That is what the court say. The Congress of the United States, when a just claim is presented to it, may, as an act of bounty, do what it pleases, I suppose.

There is no power that could stay our hand should we give away to worthy or unworthy objects every cent of money in the Treasury.

That is, there is no power except the veto message of the President of the United States.

You will recollect that a short time ago one of the Comptrollers undertook to hold up acts of Congress, and you know what a commotion that created. That was under a Democratic administration, however.

I read further:

In what we have said as to the exemption of the Government from liability for private property injured or destroyed during the war by the operations of armies in the field, or by measures necessary for their safety and efficiency, we do not mean to include claims.

Now, here is the character of property where there is a legal liability:

Where property of loyal citizens is taken for the service of our armies, such as vessels, steamboats, and the like for the transport of troops and munitions of war, or buildings to be used as storehouses and places of deposit of war material, or to house soldiers, or take care of the sick, or claims for supplies used or appropriated. In such cases it has been the practice of the Government to make compensation, on the general principle of justice that compensation should be made where private property is taken for a public use, although the seizure and appropriation of private property under such circumstances by the military authorities may not be within the terms of the constitutional clause.

Then again:

While the Government can not be charged for injuries to or destruction of private property caused by military operations of armies in the field or measures taken for their safety and efficiency, the converse of the doctrine is also true.

That is, that private individuals can not be charged with the cost of reconstructing such work when it is done by the Government voluntarily.

Military necessity will justify the destruction of property, but will not compel private parties to erect on their own lands works needed by the Government or to pay for such works when erected by the Government.

That covers the whole case, and it covers this whole proposition.

Mr. SNODGRASS. From what decision is the gentleman reading?

Mr. RAY of New York. From 120 U. S., pages 238 and 239, in the case of The United States *vs.* Pacific Railroad. And the court reiterated the same doctrine right over again soon after that.

Now, Mr. Chairman, something has been said here by the gentleman from Pennsylvania to the effect that he did not think the Government had performed its whole duty in this regard. Why, what could this Government have done? What was this Government under obligation to do? From the outbreak of the war of the rebellion to its close, in 1865, 2,750,000 men on the Union side alone were called into the service.

Mr. MAHON. Will the gentleman allow me to correct his statement? I did not say the Government did not do its duty.

Mr. RAY of New York. No; but you leave us to infer that.

Mr. MAHON. No; I admitted that the President had a right to call these troops away from these counties, but he took them under the obligation that the Government was bound to make good any loss that might come by it.

Mr. RAY of New York. I understand the gentleman's claim, and let me repeat it so there will be no mistake.

Mr. MAHON. I want you to make it right now.

Mr. RAY of New York. The gentleman says that under the Constitution of the United States, when it was framed, the thirteen original States, each being an independent sovereignty, surrendered their right and control over their militia in time of war to the Government of the United States, and gave the Government of the United States under such circumstances the right to call out the militia and put it under orders of the Commander in Chief of the Armies of the United States, and that they were thus placed beyond the control of the several States.

Mr. MAHON. Yes.

Mr. RAY of New York. He says, in addition to that, that in return for that surrender by the States the Government of the United States guaranteed to every State a republican form of government and guaranteed to every State protection against invasion.

Mr. MAHON. And that is what it did not carry out.

Mr. RAY of New York. And that it did not protect the State of Pennsylvania against invasion.

Mr. MAHON. And it could have done it.

Mr. RAY of New York. And that therefore we are legally liable on the ground of a contract—a contract of insurance—which has been broken by the Government.

Mr. MAHON. If the gentleman will allow me—because you can not argue all the law here—if this case goes to the courts it will be shown by the official records that the President purposely withdrew those troops from the State, to invite the rebels into that territory, so that they should not come to this part of the country to destroy this capital. That is the truth of it.

Mr. RAY of New York. Oh, no.

Mr. MAHON. Well, I can show it to you.

Mr. RAY of New York. Now you are claiming that the Government of the United States, acting through the Commander in Chief of its armies, was not only negligent but was guilty of a willful tort.

Mr. MAHON. Oh, no; that is not the position. The gentleman ought to be fair. It was to invite the Confederate troops into that country, to open it up, so that they would not come into this country to destroy this capital. That was war. That was right.

Mr. RAY of New York. This is your claim, that the Commander in Chief of the Army, the President of the United States, having at his command a sufficient force to protect the State of Pennsylvania, voluntarily withdrew it from the valleys and avenues leading to that State, and brought them down in front of Washington or sent them in some other direction.

Mr. MAHON. Brought them here.

Mr. RAY of New York. In order to divert the enemy from the capital of the United States?

Mr. MAHON. That is exactly my statement.

Mr. RAY of New York. Therefore you are charging the Government with a wrong?

Mr. MAHON. No.

Mr. RAY of New York. You are charging it with negligence?

Mr. MAHON. No; that was a military movement decided upon by the War Department.

Mr. RAY of New York. It was either wrong or negligence or was a necessary military operation in seeking to put down and subdue the rebellion. If it was the latter, then the Government of the United States clearly is not responsible; and the Supreme Court of the United States says that for all necessary military operations we are not liable; and so you can not base it upon the ground of negligence or wrong. But now let us see what this Government did do, Mr. Chairman, under the existing circumstances. We raised from the beginning to the end of the war 3,000,000 men, nearly, put them in the Army, armed them, equipped them, and drilled them. We placed them all along the border line. The flower of our Army was always in front of Washington. We sent troops into Kentucky, we sent them into Tennessee, we sent them into Missouri, and sent them into Virginia.

The fair fields of Tennessee, Missouri, and Kentucky (and Kentucky never went into the Southern Confederacy)—the fair fields of all those States, especially of Kentucky, were raided from end to end. They were blackened with the smoke of battle, battles occurring almost every day. Hardly a citizen in that State—whether loyal or disloyal, but suffered the loss of nearly every, thing he or she had excepting the mere land itself. Has Kentucky ever presented any claim here? Are we to allow her to present a claim? Why do not we dignify the claim she may have, that her citizens may have, that Tennessee and her citizens may have, that Missouri and her citizens may have, that Virginia and her citizens may have, or that Maryland and her citizens may have, or Ohio may have?

Why not dignify them all and refer all to the Court of Claims? Why, for thirty-five years we have kept all these claims out, kept them from the consideration of the Court of Claims, because to send them there would be a nonsensical proceeding, would be to dignify these claims, would be to create a feeling of unrest all through the people of the loyal States, because, I almost might say, it savors of stinginess—I do not say it, but I almost might say it savors of stinginess—to ask the General Government to make compensation in any such cases as this. Pennsylvania was loyal. She did her part in every emergency that arose during the civil war. The Government did its part to the best of its ability. The very flower of the Union Army at all times was kept along the border line, along the Potomac, protecting Maryland, the District of Columbia, and the great State of Pennsylvania against these inroads by the Confederate armies.

The border line of Ohio was left almost entirely undefended all the time. When these great raiding hordes came northward, they always found the flower of the Union Army ready to stop them. There was the army under McClellan, that won victory at Antietam; there was the army under Sheridan, in the Valley; there was the army under Hooker first, and then under the gallant Meade, that won victory at Gettysburg. So that on both occasions that the soil of Pennsylvania was invaded the flower of the Union Army was there to repel the invasion. How was it in the State of Maryland? How was it in the State of Kentucky, that I have already called attention to? And I will not rename the others.

Now, then, let me call the attention of this House to the result if this bill is enacted. This wipes out, in the first place, the statute of limitations which has been enacted into law and for the last twenty years has stood against all of these claims. That statute of limitations is in the law now, and this bill would wipe that out. It has been a law for fifty years that all such claims, before they could be acted on, either by Congress or by the courts, any

of the courts, in any way, directly or indirectly, should be submitted to one of the Departments, not the Attorney-General, but one of the Departments. This bill wipes out that provision of law. In other words, it wipes out three express provisions of law that have been on the statute books for fifty years in regard to this class of claims, all in order that we may let this claim and possibly other claims of like character go before the Court of Claims.

I want to say right here that in my judgment the Court of Claims has already business enough of a legitimate character before it for consideration and disposition. There are claims enough growing out of the recent war with Spain, and growing out of the present conflict in the Philippine Islands, to take all the money we will have to devote to this purpose. There are enough claims of that character to take the attention of the Court of Claims without reviving these old, discounted war claims thirty-five years old.

Why, gentlemen, if there had been any justice in this claim or claims of this character, do you not suppose that immediately upon the close of the war of the rebellion, when every loyal heart was beating and throbbing with patriotism and love of country and with a desire to compensate every citizen of the Republic who had suffered damage and who was entitled to compensation, some law of this character would have been passed to enable the speedy determination and disposition of these claims?

Do you think that a claim of this character, for such damages as are here alleged, if just, would have been vetoed in the year 1869 by that gallant Union general, Ulysses S. Grant, who understood all about it? Do you think that he, patriotic and loyal as he was, would have put his foot on this class of claims if he believed there was any justice or merit in them? I hold in my hand a resolution and memorial from the State of Maryland, which has been sent to me during this session of Congress, and I have been asked to support the measure. I doubt not that a similar document has been sent to every member of this House. It is as follows:

Joint resolution and memorial of the general assembly of the State of Maryland to the Congress of the United States, for the passage of a bill to reimburse and indemnify the mayor and aldermen of Frederick.

Whereas on July 9, 1864, during the progress of the late civil war, the town of Frederick, in the State of Maryland, was seized by the Confederate army under Gen. Jubal A. Early, and the said army, by way of retaliation against the Government of the United States for the destruction of property by the Union armies in the Confederate States of America, exacted from said town, under pain of the pillage and burning thereof, the sum of $200,000; and

Whereas the State of Maryland had faithfully satisfied all the requisitions made upon it by the Government of the United States in the prosecution of said war, and was entitled to receive for itself and the said town of Frederick from the Government of the United States protection against the invasions and aggressions of the Confederate armies, and the said Government, after having taken and removed the home defense forces of said State beyond its limits and control, failed to comply with the request of said State to provide for the defense thereof and of the said town of Frederick as one of its municipalities against the invasion of the said Confederate army under General Early, and by reason of such failure of the Government of the United States the said invasion was accomplished and the said town of Frederick was despoiled as aforesaid by way of retaliation against the said Government; and

Whereas the said municipality, as a direct result of said exaction, has ever since been under the necessity of carrying a large bonded indebtedness which has been a continuous and is a present hardship to the citizens of said town, and it is just and equitable that the Government of the United States should assume the loss suffered by said town by reason of its loyalty to the Union and on account of a policy of retaliation directed against the said Government: Therefore, be it

Resolved by the general assembly of Maryland, That the Senate and the House of Representatives of the United States of America in Congress assembled be, and they are hereby, respectfully requested to pass a bill appropriating the sum of $200,000 to be paid to the mayor and aldermen of Frederick, in the State of Maryland, as a reimbursement and indemnity for the loss sustained by the said municipality through the said reprisal and exaction of the said Confederate army of invasion.

Be it further resolved, That the secretary of state be, and he is hereby, requested to transmit, under the seal of this State, a copy of the aforegoing resolution and memorial to each of the Senators and Representatives now in Congress from Maryland, with the request that they lay the same before their respective Houses in support of the measure hereinbefore mentioned.

Given under our hands this 13th day of February, 1900.

JOHN HUBNER,
President of the Senate.
LLOYD WILKINSON,
Speaker of the House of Delegates.

STATE OF MARYLAND, *Set.:*

I, Allan Rutherford, clerk of the court of appeals of Maryland, do hereby certify that the foregoing is a full and true copy of the joint resolution of the general assembly of Maryland of which it purports to be a copy, as taken from the original resolution belonging to and deposited in the office of the clerk of the court of appeals aforesaid.

In testimony whereof, I have hereunto set my hand as clerk and affixed the seal of the said court of appeals this 20th day of February, A. D. 1900.

[SEAL.] ALLAN RUTHERFORD,
Clerk Court of Appeals of Maryland.

STATE OF MARYLAND, EXECUTIVE DEPARTMENT.

I, John Walter Smith, governor of the State of Maryland, do hereby certify that Allan Rutherford is clerk of the court of appeals of Maryland, and, as such, keeper of the acts and resolutions of the general assembly of the State, and that full faith and credit are due and ought to be given to his acts as such.

In testimony whereof, I have hereto set my hand and affixed the great seal of the State of Maryland on this 21st day of February, in the year of our Lord 1900.

[SEAL.] JNO. WALTER SMITH.

By the governor:
WILFRED BATEMAN, *Secretary of State.*

We are asked, or will be asked, to reimburse the State of Maryland for the money that was collected at that time. And, gentlemen, let the Congress of the United States open the door in the way proposed, recognize these claims, give them dignity and character, and where will we stop? What will be the result? All the States I have named, with Kentucky and Tennessee, would take more money from the Treasury, justly, if there is any merit in this bill, than we have in the Treasury of the United States or could put there in the next ten years.

Mr. MAHON. Oh, no; I want to call the gentleman's attention to the fact that that is a mistake. There are men on the floor of this House that know exactly what those claims are, and I assert here and defy contradiction, that the wildest estimates would not amount to over seventeen millions to wipe out all these claims. We have got seven hundred and eighty-five millions now in the Treasury, and for the next ten years it is going to come in by the billions.

Mr. RAY of New York. Well, you say your people suffered to the extent of three millions?

Mr. MAHON. Yes; and if every border State suffered three millions, that would only be fifteen millions.

Mr. RAY of New York. If the State of Pennsylvania, in the Gettysburg campaign, and in that little raid, both of short duration, and only penetrating a little distance into that great State, in addition to the just and legal war claims that have been paid already, has also suffered $3,000,000 damages of this character, what must be the amount of claims that the States of Ohio, Missouri, Kansas, Tennessee, Kentucky, Maryland, West Virginia, and Virginia could bring against this Government?

Another thing, if there is any justice in this claim at all, if there is any foundation to it in law or in equity, then every Southern State has a just claim against the United States for all the damages sustained by loyal citizens by reason of the late civil war between the States. Why? Let me call your attention. You say that under the Constitution the Government guaranteed to protect every State against invasion. You say that an invasion by a Confederate force during the civil war was within the meaning of the Constitution an invasion of the State.

Mr. MAHON. Now, let me answer the question——

Mr. RAY of New York. Will the gentleman wait until I get through? The State of Kentucky never seceded. Virginia did, but the State did not do it; it was an illegal act, and it was done by certain individuals. Thousands of people of that State were loyal. They did not go out of the Union. They remained loyal to the flag. The government that was set up in Virginia—and this is but an illustration—the government that was set up in Virginia was never recognized by the United States as a legal government. It was not a legal government; it was an insurrectionary government. The loyal people of that State, thousands of them, remained at home. They stood up for the nation, for the Stars and Stripes all through the rebellion; they suffered damage in their person and in their property, outrageous, indescribable, at the hands of both armies. The United States had not protected them against invasion, had not protected the loyal people of Virginia against invasion.

MESSAGE FROM THE SENATE.

The committee informally rose; and, Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901.

The message also announced that the Senate had passed without amendments bills of the following titles:

H. R. 8463. An act ratifying an appropriation by the legislature of Oklahoma, out of the Morrill fund, for the use of the university at Langston for colored students;

H. R. 7649. An act authorizing the Secretary of the Interior to issue patent to the city of Elreno, Okla., for cemetery purposes;

H. R. 5049. An act to settle the title to real estate in the city of Santa Fe, N. Mex.;

H. R. 153. An act granting a pension to Elizabeth Johns;

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I rise to present a conference report on the consular and diplomatic appropriation bill, and I ask unanimous consent that the statement may be read instead of the report.

Mr. RICHARDSON. May I inquire what report this is?

Mr. HITT. It is the conferees' report on the diplomatic and consular appropriation bill. We have been over it very carefully, and the gentleman from Arkansas [Mr. DINSMORE], the ranking member of the minority, has aided and agrees to it.

Mr. SIMS. It involves no discussion?

Mr. HITT. None at all; we are all perfectly agreed about it.

The SPEAKER pro tempore (Mr. PAYNE). Is there objection to the request of the gentleman from Illinois that the statement be read instead of the report? [After a pause.] The Chair hears none.

The Clerk read the statement, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7941) making appropriations for the diplomatic and consular service, submit the following written statement in explanation of the effects of the action agreed upon, and recommend it in the accompanying conference report, namely:

The conferees on the part of the House recommend that the House recede from its disagreement to the amendments of the Senate on the following items:

Item.	House.	Senate.	Increase.
Envoy extraordinary to the Netherlands	$7,500	$10,000	$2,500
Envoy extraordinary to Haiti	5,000	7,500	2,500
Minister resident and consul-general to Siam	5,000	7,500	2,500
Secretary of legation to Gautemala and Honduras	.....	1,800	1,800
Third secretary of embassy to Mexico	.....	1,200	1,200
Repairs to legation premises at Bangkok, Siam	.....	2,000	2,000
Consul at Cheefoo, China	2,500	3,000	500
Consul at Bahia, Brazil	2,000	2,500	500
Consul at Barbados, West Indies	2,000	2,500	500
Consul at Rotterdam, Netherlands	2,000	2,500	500
Consul at London, Canada	1,500	2,000	500
Consuls at Genoa and Milan, Italy, each	1,500	2,000	1,000
Consuls at Chihuahua, Mazatlan, and Nuevo Laredo, Mexico, each	1,500	2,000	1,500
Consul at Berne, Switzerland	1,500	2,000	500
Consul at La Guayra, Venezuela	1,500	2,000	500
Clerk hire at Rotterdam (Netherlands), Osaka and Hiogo (Japan), each	500	1,200	1,400
Clerk hire at Naples, Italy	480	800	320
Clerk hire at Prague, Bohemia	480	720	240
Total	.....	.....	20,460

By the Senate amendments the feed consulates were salaried at Rosario, Argentina, $1,500; Cartagena, Colombia, $1,500; Saltillo, Mexico, $1,000; and Orillia, Ontario $1,500; but this does not increase the burden upon the Treasury.

The conferees on the part of the Senate recede from the following amendments of the Senate:

Item.	House.	Senate.	Decrease.
Consul-general at Ottawa, Canada	$3,000	{ $4,000 (3,500) }	$500
Consul-general at Frankfort, Germany	3,000	4,000	1,000
Consul at Dawson City	3,000	3,500	500
Consul at San Juan del Norte, Nicaragua	2,500	3,000	500
Consul at Beirut, Syria	2,000	2,500	500
Consul at Nice, France	1,500	2,000	500
Consul at Port Hope, Canada	1,500	2,000	500
Consul at Windsor, Nova Scotia	1,000	1,500	500
Consul at Batavia, Java	1,000	1,500	500
Decrease in conference report over Senate bill	.....	.....	5,000

Mr. HITT. The statement just read I hope is so clear that everybody will understand it. I may say by way of summary that the estimates of the Department called for $1,895,848.76; the bill as passed by the House appropriated $1,743,708.76; the amount appropriated last year was $1,714,533.76; the net increase of the House bill, as shown by the statement just read, is, I think, $20,460 less $5,000, or $15,460. I move the adoption of the report.

The question being taken, the report of the conference committee was agreed to.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

CONFERRING JURISDICTION ON THE COURT OF CLAIMS IN CERTAIN CASES.

The committee resumed its sitting.

Mr. RAY of New York. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Seven minutes.

Mr. RAY of New York. I ask ten minutes more, that I may complete what I have to say.

The CHAIRMAN. Is there objection?

Mr. SIMS. I hope the gentleman does not want to take up our time. He has already occupied nearly an hour.

Mr. RAY of New York. I have a point which I want to make.

Mr. SIMS. Does the gentleman apprehend that this bill is going to pass?

Mr. RAY of New York. I did not know but that it might.

Mr. SIMS. I hope the gentleman does not want simply to consume our time. I do not wish to cut off his remarks, of course.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? The Chair hears none.

Mr. RAY of New York. Mr. Chairman, I was calling attention to the fact that if the principle of this bill is to obtain in this House, claims of this character will be brought in here from every State and in behalf of every State that engaged in secession—the so-called seceding States—those that formed the Confederacy; and I was pointing out why it would be so.

In all of those States there were a large number of loyal citizens. The governments that were formed there by those who took part in the rebellion were never recognized by the United States. They were held to be illegal, insurrectionary, void. The loyal people were not affected by them. Those States were invaded—take Virginia, for example; that State was invaded by the armies that were formed in the seceding States. They came upon the soil of Virginia in tens of thousands; they overran her fields. The United States Government, not for the purpose of protecting that State from invasion, but to drive out the Confederate forces, went down there and invaded her territory. We failed, in the first instance, to keep our contract to guarantee her a republican form of government under the Constitution.

Then we went down there—for what purpose? To sweep Virginia herself into line, and to drive out the Confederate forces from other States. We invaded her soil. She was blackened with the smoke of battle from end to end by two invading forces. We did not keep out the Southern armies, nor did we keep out our own. Men from both armies committed damage there to the rights and interests of loyal citizens in Virginia, the same as they did in Pennsylvania. Now, I ask you, why should we not compensate those citizens of Virginia for the damage that they sustained?

Mr. BROMWELL. Can the gentleman give us any information as to whether any compensation has been made to the State of Ohio for damages which grew out of the Morgan raid across that State?

Mr. RAY of New York. Not for any such claims for damage as are included in this bill.

Mr. BROMWELL. I refer to the destruction of property during the Morgan raid.

Mr. RAY of New York. Not for damage occurring because of necessary military operations—never a cent. So far as I know—of course I could not search out all these points; I take the word of the gentleman from Ohio [Mr. GROSVENOR]—so far as I can find by a hasty search of the records, the State of Ohio has never made any such claim.

Mr. GROSVENOR. Never. I will tell you what Ohio did. The State of Ohio separated these cases into three classes: First, property taken and used by the Union Army; second, property taken by the rebel forces; third, property destroyed by both forces. Payment was made for property taken by the Union forces——

Mr. MAHON. The Government paid that.

Mr. GROSVENOR. Property taken and used by the Union forces—nothing beyond that.

Mr. RAY of New York. That is to say, the class of claims to which I have called attention, for which the Supreme Court said we were liable.

Mr. MAHON. The reason the States in rebellion have presented no claims of this class is because the legislatures from those States, elected by and acting for the people, voted resolutions of secession, which were the act of the whole people; and as a matter of fact they have never had, never will have, never dreamed of having, such claims as these. After those States had gone out of the Union by consent of the people, they could have no claim for damages resulting from the invasion of our armies.

Mr. RAY of New York. Has not the Congress of the United States always denied that those Confederate governments represented the people?

Mr. MAHON. No, sir.

Mr. RAY of New York. Has it not always denied that they were legal governments?

Mr. MAHON. No, sir.

Mr. RAY of New York. Has not the Supreme Court of the United States decided that they were not legal governments; that no act of theirs was legal?

Mr. MAHON. I beg your pardon. The first State legislatures that voted them out of the Union were legal, and their action was the act of the people.

Mr. RAY of New York. No; the Supreme Court has decided that every one of them was illegal; that they did not represent the people; that they were not acting under or within the Constitution of the United States.

Mr. MAHON. Can you quote the authority of the Supreme Court of the United States for that?

Mr. RAY of New York. That they acted in defiance of the Constitution of the United States. Therefore I say that if your contention is true, every loyal man and woman in all of those States is entitled to be compensated by the General Government

for every cent's worth of damage sustained, either in person or in property; and, as has well been said here, if it be true that that provision of the Constitution amounts to an insurance, then it follows necessarily that the States can not only recover for property destroyed and injured, but every man who was injured in his person has a cause of action against the Government.

Mr. MAHON. Will the gentleman tell us what that section does mean?

Mr. RAY of New York. I will tell you what it means. It is a pledge upon the part of the Government of the United States to do its best to repel invasion by a foreign power; it is a promise that if any foreign potentate or power——

Mr. MAHON. Foreign or domestic. Where do you get your authority for your contention?

Mr. RAY of New York. It does not include any domestic foe. It does not apply to insurrection.

Mr. MAHON. Quote your authority for that.

Mr. RAY of New York. I will give you my authority. Look at the writers on constitutional law, Story and others, and you will find they say so.

Mr. MAHON. Not at all.

Mr. RAY of New York. It refers exclusively to invasion by some foreign potentate or power, and has no reference at all to internal troubles, either in a State or among the United States.

Mr. MAHON. Then you differ from the Supreme Court, that is all.

Mr. RAY of New York. It did not undertake to guarantee a State against invasion by some mob or lawless aggregation of individuals, coming from one State into another. If it was so held, you could see what the obligation would be.

Now, Mr. Chairman, I know my time has expired, and I have taken a longer time than I ought. I do not blame the gentleman from Pennsylvania for favoring this bill. I have no criticism to make. He lives up there in a district composed in whole or in part of those counties thus invaded.

Every legal claim against the Government growing out of those invasions has already been paid, and he now gathers together in a bunch all of these claims for damages arising from the necessary military operations in that State, occasioned not only of the Union but of the Confederate armies resulting from the movements of the Union armies to repel the invasion and the movements of the Confederate army trying to invade the State, and says that because we could not make good an alleged contract of insurance against invasion, therefore the Government of the United States must pay.

And what I say in response to that is, that if this House votes such a bill as that through, and sends such claims as that to the Court of Claims for its consideration, if this House thus dignifies them, then we ought to go back to the war of 1812 and compensate the citizens of Louisiana, who, as I have shown you, were denied a remedy. We ought to go back to the war of 1812 and compensate the people of Maryland, whose right to compensation was denied. We ought to go to the citizens of New York, who had an invasion, and compensate them.

Then let us go to Kansas, Nebraska, Missouri, Kentucky, Tennessee, West Virginia, Ohio, Maryland, and to the loyal citizens of every one of the seceding States, and let us put our hands in the Treasury of the United States and compensate them.

If you vote this bill through, and send this character of claims to the Court of Claims for their consideration, then do what is equal, exact, and fair justice by all. Bring in your bills, boys, and let us have a fine old time. Let us make Rome howl and the Treasury of the United States weep.

Mr. ZIEGLER. Mr. Chairman, the bill under discussion by the committee is an important measure. The manner in which the bill is drawn should limit the discussion. I do not deem it necessary to discuss at length the history leading up to the proposed legislation. The report from the Committee on War Claims clearly and exhaustively sets forth the history of the claims which this bill refers to the Court of Claims. For the purpose of the remarks I am about to make, I am not disposed to repeat it. These claims have frequently been the subject of legislation by Congress, but never in the present shape.

While it is true that a thorough knowledge concerning the manner in which these claims occurred, as well as a full discussion of the law governing the liability of the Government to pay them, might aid the committee in reaching a conclusion favorable to the bill, still the view I take of this measure, I repeat, necessarily precludes a lengthy and exhaustive argument.

It is sufficient to state that the damages claimed resulted from the invasion of Pennsylvania by the Confederate forces during the civil war; that in pursuance of legislation in Pennsylvania these claims have been fully, satisfactorily, and finally adjusted in amount, and with a care and precision that removes all doubt about their correctness. So much care, indeed, was exercised in this direction that there is not the slightest indication of fraud or misrepresentation, and if ultimately the Government must pay these claims the committee can be satisfied that it will not be obliged to pay more than is justly due the claimants.

The itemized claims and the proof in support of them will be found among the records at Harrisburg, and after many efforts to secure their payment by the Government these claimants are now again asking that action be taken by this Congress in the way indicated by the bill. Now, what does this measure provide? Negatively speaking, it does not provide by any of its terms that the amount of these claims shall be paid out of the public funds; that is to say, the bill does not carry with it an appropriation out of the public moneys for that purpose.

The passage of the measure will not commit the Government to either their recognition as valid claims or its liability to pay them. It is expressly declared in the closing words of the act, as its true meaning, merely to secure to the claimants an opportunity to have their legal rights determined in the courts. It simply confers upon the Court of Claims jurisdiction with respect to the claims.

What member of Congress, be he lawyer or layman, will by his vote deny this right to these claimants? As well might the learned judge of a court say to a suitor, there is no use to bring your action into my court, you have no case. Courts are established to hear and determine the facts and law of a case. Suitors are not arbitrarily turned away, their rights denied, and the case prejudged.

If these claimants were by this measure seeking to commit the Government to a recognition of the validity of these claims, if they were asking an appropriation from the public Treasury by any clause or provision of the bill, then I would exhaustively argue their history and the legal question of the Government's liability; but it is not by me deemed essential at this time, in the light of the provisions of the bill. True, all this is fully set forth in the report from the Committee on War Claims, and so strongly, indeed, that there should not be one vote in this House recorded against this most just measure.

Mark its provisions. The first section declares that the Court of Claims shall have and possess jurisdiction and authority to inquire into certain alleged claims for property of citizens of the United States alleged to have been taken or destroyed by the Confederate troops in their several invasions into the border counties of York, Adams, Cumberland, Franklin, Fulton, Bedford, Somerset, and Perry, in the State of Pennsylvania, during the civil war, in the years 1861, 1862, 1863, 1864, and 1865, and requires that suit be brought within five years after the approval of the act.

The second section of the bill waives the question of limitation against the claims because not presented to the proper officer or department of the Government.

The third section, in a most clear and precise manner, prescribes the method of bringing suit.

I will not take the time of the House to read it, and for the purpose of this argument it is not essential.

The fourth section provides the method of serving the petition and defines the Attorney-General's duty, and all must be done as provided by the rules of the court.

The fifth section declares what shall be evidence, both legal and competent, but such weight shall be given thereto as in the judgment of the court is right and proper. The sixth section gives the court power to make rules and regulations for taking testimony by deposition or otherwise, and declares that any party in interest may be a witness and examined on the part of the Government.

It is the seventh section of the bill, Mr. Chairman, to which I wish to call special attention, and I read it in its entirety.

That in case the court, upon hearing, shall find the claimant to have been a loyal citizen and his claim duly proven, and shall also find that the United States is liable for the payment thereof, in every such case, but in no other, judgment shall be entered for the amount of said claim so proven.

Now, it seems to me that in the discussion of this measure we need go no further. If the claimant can not prove his loyalty, and if his claim is not duly proven, that is the end of the claimant's right to recover, even if the court should hold that the Government is liable to pay. If, however, the claimant establishes his loyalty to the Government and proves his claim, and if the liability of the Government to pay is established, then and then only will the public treasury be called upon to pay.

Who will say that this is not just? Who will deny the right of the claimants to prove their loyalty, their claims, and the legal liability of the Government to pay, in the due form of a legal action in the Court of Claims? This is all the bill does. It may be said in reply to this argument that we may as well decide the whole case here by the committee. This would necessarily involve the proof of loyalty on the part of the claimants, proof of the claims themselves, and the legal question of the Government's

liability. Are we prepared to do this? Do we sit here as a court? So far as I am concerned, from my knowledge of the history of these claims, having lived at the time of the invasion in Gettysburg, and from what I believe to be the law governing the case, I would promptly vote an appropriation out of the public Treasury to pay these just and well-established claims; but this is not asked by the bill.

It merely confers jurisdiction upon the Court of Claims with respect to these particular claims, and I ask, Is it not fair and just to these claimants to permit them to go with their demands before the court for final trial and adjudication under the terms of the act? It is proper, however, to call attention to the remaining sections of the bill in order that its absolute fairness both to the claimants and the Government may be understood.

The eighth section says that all judgments of the Court of Claims shall be a final determination of the causes decided, and of the rights and obligations of the parties thereto, and shall not thereafter be questioned unless a new trial or rehearing shall be granted by said court or the judgment reversed or modified upon appeal.

The ninth section says that immediately after the beginning of each session of Congress the Attorney-General of the United States shall transmit to the Congress of the United States a list of all final judgments rendered in favor of claimants and against the United States and not paid.

The tenth section contains an important provision. It declares that all sales, transfers, or assignments of any such claims heretofore or hereafter made, except such as have occurred in the due administration of decedents' estates, and all contracts heretofore made for fees and allowances to claimants' attorneys, are hereby declared void, and all warrants issued by the Secretary of the Treasury in payment of such judgments shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators, or transferee under administrative proceedings, thus removing what has heretofore been an objectionable feature, that a great portion of these claims would go into the hands of attorneys.

The eleventh section gives the right of appeal or writ of error to either the claimant or the United States under the conditions and limitations of existing laws.

The twelfth section provides that all papers, reports, affidavits, evidence, records, and proceedings relating to said claims now on file in the departments of the State of Pennsylvania shall be deposited and filed with the Quartermaster-General of the United States before the claim or claims are taken up by the court, and the same shall in every case be furnished to the court upon its order at the request of the claimant, or his or her attorney, or of the Attorney-General or the Assistant Attorney-General of the United States.

The last section of the bill says that nothing in this act contained shall be construed as an admission upon the part of the United States of the validity of the said alleged claims or of the liability of the United States for the payment thereof, it being the true intent of this act merely to secure to said claimants an opportunity to have their legal rights determined in the courts.

The following is a statement of the amount of losses suffered by each county from invasions by the Confederate forces:

Adams County		$485,900.71
Stuart's raid		3,538.28
		489,438.99
Franklin County	$726,503.98	
Stuart's raid	119,529.32	
Burning of Chambersburg	1,625,435.55	
		2,471,468.85
Cumberland County		211,778.95
Fulton County		6,808.03
York County		53,944.08
Somerset County		214,366.15
Do		120.00
Perry County		2,640.40
		3,450,565.45

The magnitude of this aggregate may startle the committee. No figures should be startling in any case when a question of right and justice is concerned. We appropriate hundreds of millions of dollars for other purposes, and I venture the assertion that in no case more deserving than when under this bill, if it shall become a law, and if the claimants shall bring suit in the Court of Claims and prove their loyalty and their claims and the Government's liability to pay is established, it shall be called upon to pay.

Mr. Chairman, I may well close what I have to say by quoting a portion of the eloquent language of the Committee on War Claims at the close of their report:

> The State of Pennsylvania responded to every call of the Government for the common defense. Her quota of troops was never unfilled. There was no duty she did not perform in common with her sister nonseceding States for the maintenance of the authority of the Federal Government. But she was situated on the border, and in addition to responding as above stated, and notwithstanding that she had the right to expect that the Government would prevent the enemy from entering upon her territory, she organized in addition militia of her own to repel any attempted invasion. She took every precaution against such a calamity. These forces were organized, drilled, armed, and equipped at the expense of the State, and stationed to protect against the very invasion and injuries for which she now presents this claim.
>
> But there was imminent danger to the entire country of incalculably greater loss. The capital of the nation was threatened. Its vast property interests at the seat of government—its Treasury, its archives, its very existence as a Government—all were in the greatest peril, and in this crisis, under the Constitution, the President called this force, organized to protect the State, to the higher duty of protecting the nation. The call was responded to by the withdrawal of the reserved militia raised by the State, and that withdrawal left the State defenseless and this injury followed.
>
> It is impossible to make a stronger case than this for asking compensation.

But compensation is not asked by any of the terms and provisions of this bill. I repeat what I have already said, and what every member of the committee now well understands, the bill simply confers upon the Court of Claims jurisdiction with respect to these claims, and there allows them to be tried and finally determined either in favor of the claimants or the United States Government. The Committee on War Claims unanimously recommend the passage of the bill. There ought not to be one vote recorded against this just measure.

I reserve the balance of my time.

Mr. RIXEY. Mr. Chairman, as I understand it, this is not a bill for the State of Pennsylvania, but a bill for the relief of certain citizens in certain counties of Pennsylvania. It is a bill which is local in its character; it is special legislation. For that reason, among others, Mr. Chairman, I am unable to support the bill. It provides not only for the relief of people whose property has been taken, and for the destruction of property by the Union armies, but by the Confederate armies as well; and so far as I know this is the first attempt to secure compensation for damages to property by the Confederate armies.

I represent a district, Mr. Chairman, which possibly suffered more as the result of the war than any other district in the United States. It was a border district, lying upon the Potomac for a hundred miles. It was the camping and tramping ground of one army or the other, and sometimes of both, during the whole war.

Many of the people suffered the loss of everything that they had. Their personal property was driven off and consumed for the support of the Union Army, and much of their real property destroyed by fire or otherwise.

I introduced a bill here recently to pay the loyal citizens of Loudoun County for the destruction of their property by the Union Army during the war. The bill has been twice reported from Committees on War Claims, once in the Fifty-first Congress and again in the Fifty-third Congress.

If there was ever a meritorious case, deserving of equitable and favorable consideration, the one set forth in that bill and in the report upon it is as meritorious as any other. The facts in that case seem to be about as follows:

In 1864 General Sheridan issued an order, one paragraph of which I will read, commanding the Union Army—

> To clear the country of these parties that are bringing destruction upon the innocent as well as their guilty supporters by their cowardly acts, you will consume and destroy all forage and subsistence, burn all barns and mills and their contents, and drive off all stock in the region, the boundaries of which are above described. This order must be literally executed, bearing in mind, however, that no dwellings are to be burned and that no personal violence be offered the citizens.

A more sweeping order never emanated from a commander. How different was that order from the order issued by General Lee, the great commander of the Confederate troops, when he invaded the State of Pennsylvania.

The names of the loyal citizens of Loudoun County are here given in the report I hold in my hand. Almost without exception, they were of the Society of Friends and of Quaker descent. They were loyal to the Federal Government during the whole war. After the war was over they sent their memorial to Congress, and were paid for the stock which was driven off, but they have never been paid for their property which was destroyed in the wholesale and unreasonable manner directed by the order of General Sheridan. These claims are supported by evidence taken before officers of the Federal Army. Proof has been taken in every case and the amount ascertained.

I ask, do the citizens of Pennsylvania stand upon any higher equitable ground than the loyal citizens of Loudoun County?

Mr. MAHON. Will the gentleman allow me to interrogate him?

Mr. RIXEY. Yes.

Mr. MAHON. I want to say to the gentleman that his district has been sending these claims to the Court of Claims, and they have been adjudicated and sent to Congress, and this district has received as much attention in Congress as any district in the United States, and thousands of dollars of these claims from that district have been paid.

Mr. RIXEY. I will say to my friend that if he will report a general bill, allowing these people to present their claims to the

Court of Claims and stand upon their legal rights, it is all that I ask and all that these people ask.

The report of the committee in the Fifty-third Congress says this in regard to the Loudoun County claim:

> The Confederate States authorities had no military occupation of the county of Loudoun—it was under protective surveillance of the Federal Government. There was no "military necessity" for the issuing and carrying into such vigorous effect as was displayed of such an order for the wholesale running off and destruction of the private property of loyal citizens, in order to prevent the chances—then more or less remote—of their being occasionally robbed by "lawless bands who from time to time depredated upon small parties on the line of the army communications, on safeguards left at houses, and on small parties of our troops," and whose "real object," as further stated in the order, was not war, but "plunder and highway robbery."
>
> It would seem that the condition of affairs in Loudoun County at the time, as set forth in the order, could well have been obviated by the capture of these "lawless bands," and of those who harbored and encouraged them.
>
> As has been stated, the order was carried vigorously into effect and the whole loyal county of Loudoun was wrapped in the blaze and shrouded in the smoke of burning barns and their valuable contents. As it transpired it appears to have been in vain, and effected no actual benefit to the Union cause or damage to the Confederate cause, while it stripped and impoverished over 200 loyal families, mostly belonging to the "Society of Friends," depriving them of the means of subsistence. It wrought wholesale destruction and ruin, from which most of these loyal and devoted adherents to the Union cause have not to this day recovered.

Now, it does seem to me, Mr. Chairman, that if there ever was a claim that would appeal to the equitable consideration of this House or the Committee on Claims, it is the case of loyal citizens of Loudoun County. Why make a distinction between those people and the people of Pennsylvania? The people of Pennsylvania were not stripped as the people of Virginia. Their barns and their houses were not destroyed by fire; and it does seem to me that the gentleman from Pennsylvania ought to concede to the balance of the country the same rule of equity he asks for the State of Pennsylvania. So far as Virginia is concerned, I do not ask for compensation for damage by the Confederate troops, but I do insist that those citizens who can prove their loyalty to the Federal Government during the war should be paid for the destruction of their property by the Federal troops, and placed upon the same footing as loyal citizens residing in other sections of the country.

Mr. LAMB. Will the gentleman allow me to ask him a question?

Mr. RIXEY. Certainly.

Mr. LAMB. When the claims of these loyal people are presented here, will you not vote to refer them to the Court of Claims for decision?

Mr. RIXEY. The Loudoun County claims have been referred to the Committee on War Claims, which has not reported.

Mr. LAMB. Do you not want them referred to the Court of Claims?

Mr. RIXEY. I do.

Mr. LAMB. If that be so, why not let the loyal citizens of Pennsylvania have the same rights that you ask for the loyal citizens of Loudoun County?

Mr. RIXEY. I am willing that they shall have the same rights that I ask for the loyal citizens of London County; but I want the same rights for the loyal citizens of Loudoun County that is now demanded and sought for the loyal citizens of Pennsylvania.

Mr. LAMB. Certainly; and you will get them.

Mr. RIXEY. I am not going to vote now, and I can not say that I would vote to pay the citizens of Pennsylvania for the destruction of their property by the Confederate troops, because I know of no warrant or authority for any such payment.

Mr. MAHON. We are not asking for payment, we are asking to go to the Court of Claims.

Mr. RIXEY. But I am willing to vote for a general law to refer all claims for the destruction of property by the Union Army to the Court of Claims, where the parties will be required to prove their loyalty and the amount of property destroyed; but it ought to be a general bill. I can conceive of no equity in passing a bill limited to four or five counties in Pennsylvania. It is class legislation of the worst kind, and is as objectionable as it can possibly be. I favor a bill to pay the citizens of Loudoun County and the citizens of every other county in the United States whose property was destroyed under like conditions.

Mr. DALZELL. Mr. Chairman, I can say all I desire to say in respect to this bill in a very few words. My colleague, who opened the discussion, has very exhaustively gone over the subject and leaves little to be said by me. Ever since the termination of the civil war the State of Pennsylvania, in the interest of certain of her citizens, has conceived that she has valid claims against the Government of the United States. In every Congress until the Fifty-fourth Congress, bills have been introduced asking for an appropriation from Congress for the payment of these claims.

In the Fifty-fourth Congress for a bill of that character was substituted a bill referring the claim to the Court of Claims. That bill was subjected to very earnest scrutiny upon the part of gentlemen who favor economy in the House and was severely and rigidly pruned so as to get a bill if possible that would carry with it no implication of an assumption on the part of the United States of a liability. That bill is the bill now before the House. It provides for the presentation of certain facts to the Court of Claims and calls for a judgment of the Court of Claims upon a legal proposition. When the Court of Claims shall have passed upon the facts and the law, then an appeal lies to the Supreme Court of the United States. In other words, all that is asked here is that the State of Pennsylvania, conceiving that she has a legal claim against the Government, shall have an opportunity to have that claim passed upon by the only tribunal capable of rendering a final judgment.

Mr. RIXEY. Will the gentleman permit me to ask him a question?

Mr. DALZELL. Certainly.

Mr. RIXEY. I understand this is not a claim of the State of Pennsylvania?

Mr. DALZELL. I say in the interest of certain of her citizens.

Mr. RIXEY. Will the gentleman permit another question?

Mr. DALZELL. Certainly.

Mr. RIXEY. Would there be any objection to an amendment making it apply to all such claims?

Mr. DALZELL. The questions of fact in regard to the different claims are entirely different. These claims stand on no other basis than those that the gentleman has spoken of, the claims in Loudoun County. They are entitled to the same treatment that we ask for Pennsylvania here, and because the gentleman has not yet procured from the Committee on War Claims a report on his bill is no reason why he should refuse to support a bill the principle of which he admits to be correct.

Mr. RIXEY. Will the gentleman permit me to ask him another question?

Mr. DALZELL. Certainly.

Mr. RIXEY. Will you permit an amendment, then, bringing in the loyal citizens of Loudoun County?

Mr. DALZELL. I do not think such an amendment could be put on this bill. I think this bill would have to be entirely redrafted before that could be done. The loyal citizens of Loudoun County are entitled to precisely the same relief that the citizens of Pennsylvania are entitled to, and I have no doubt the gentleman will find that this House will deal with both classes of claims on the same basis.

Mr. UNDERWOOD. Does not this bill establish an absolutely new precedent on the part of the Government as to the payment for destroyed property? I would like to ask the gentleman if the Government has ever heretofore paid for any property destroyed by the Army?

Mr. DALZELL. I will say that I am not willing to express any opinion as to the legal rights of the State of Pennsylvania. I was just coming to the point of saying that the gentleman from New York [Mr. RAY] spent over an hour to-day discussing the question whether or not the Government is liable. That is not the question involved in this case at all. I do not know whether the Government of the United States is liable to the State of Pennsylvania under the facts set out in this claim. It is to ascertain whether it is or not that this bill is brought here. If the State of Pennsylvania was satisfied to stand by the opinion of the House upon the legal question, she would not be asking that you allow her to go to the Court of Claims. All she asks is that the tribunal of last resort, that which settles every question of importance in this country, shall pass upon this question.

There is either a liability or there is no liability. If there is no liability, no harm can come from the passage of this bill. On the contrary, great good will come from the passage of this bill, because the decision of the Court of Claims and the Supreme Court will forever set at rest all claims of this character and relieve this and all future Congresses from their discussion and consideration. If, on the other hand, there be a liability, then I care not how many million dollars be involved. I care not whether this claim be a precedent for a thousand other claims; the United States can not afford, nor can we as her trustees afford, to refuse to pay any amount to a State or to any set of men that which is legally due them.

Now, I said I would occupy but very little time. This is a claim or it is no claim. If it is no claim, no harm can come from the passage of this bill. If there is a legal claim, it ought to be paid, and Congress ought to provide the means for ascertaining whether it is legal or not.

All that we ask is fair play, a right to ascertain by legal methods whether we have a claim, and for that reason the bill ought to pass.

Mr. PAYNE. Mr. Chairman, there is a bill before the Committee on Ways and Means, brought there in the interest of people who claim to have used alcohol in the arts, under an amendment to the tariff laws of 1895. That provision in the tariff law

was placed there by the Senate, providing that when the Secretary of the Treasury should prescribe rules and regulations for the proper protection of the Treasury—I am not giving the exact language, but the idea—that then persons using alcohol in manufacturing should have a rebate of the tax which they had paid.

When that amendment was proposed in the Senate, the question was raised as to whether such rules and regulations could be made that would properly protect the Treasury of the United States, and it was also stated, what every man knows who had experience in the House prior to that time, that the Committee on Ways and Means and the committee in the Senate——

Mr. MAHON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MAHON. The gentleman is not discussing the bill before the committee.

Mr. PAYNE. I am discussing the bill, as the gentleman will find out before I get through, if he will possess his soul in patience.

Mr. MAHON. I have no objection to the gentleman discussing this bill. I understand the gentleman's motive—it is to kill time.

Mr. PAYNE. I am discussing this bill. It was stated that both committees had endeavored to find out some way by which alcohol might be used free in the arts, because everyone believed it was just to the manufacturers that it should be so, if it could be done with safety. The advocates of the amendment said in the Senate that if the Secretary of the Treasury found it was impossible to prescribe proper rules and regulations under which this could be carried on without fraud being perpetrated on the revenue, then these people would have no claim for rebate of the tax, and on that assumption, with that promise, the Senate concurred in the amendment. You remember, gentlemen, how the amendment was finally concurred in by the House and became a part of the law.

Mr. MAHON. Mr. Chairman, a point of order. We are not in Committee of the Whole House on the state of the Union; we are in Committee of the Whole House for the consideration of bills on the Private Calendar, and there is a particular bill before the House. I believe in fair play. I understand the motive of the gentleman from New York, and I simply say this to him, and I say it with all frankness——

Mr. PAYNE. I am speaking in good faith, and the gentleman will recognize the point I am making.

Mr. MAHON. No, sir; the Puerto Rican bill has nothing to do with this bill [laughter]—I mean the bill with reference to alcohol. [Renewed laughter.] I want fair play in this bill. If the gentleman wants to kill it——

Mr. PAYNE. The gentleman from New York wants to kill the bill by fair argument, and he proposes to do it.

Mr. TALBERT. I want to state to the gentleman from Pennsylvania that we will get up a contest and throw him out. [Great laughter.]

Mr. MAHON. I want to say that the gentleman from Pennsylvania has been in the House long enough to demand fair play and to know when he gets it.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] will please confine his remarks to the matter pending before the Committee of the Whole.

Mr. PAYNE. "The gentleman from New York" has done so, and proposes to do so; he will not violate the rule.

As I have said, this provision became a law. Then the Secretary of the Treasury endeavored to prescribe rules and regulations; and finally he published in the newspapers the correspondence between himself and the Commissioner of Internal Revenue, the result of which was that he could prescribe no effective rules and regulations, unless he would put a man in charge of every factory to look after this business and see that there was no fraud upon the Treasury. To do this would have cost $2,000,000, for which there was no appropriation; and therefore he could not put the law into operation. Notwithstanding this, an action was brought which was finally carried to the United States Supreme Court. The court declared that those men had no right under that law to recover a farthing from the Treasury of the United States.

Now, my friend from Pennsylvania says, Let this case go to the Supreme Court of the United States, let it be decided there, and that will be an end of the matter. How can he promise that? Why, sir, the gentleman may some day depart from these halls, but the State of Pennsylvania will "go on forever," and will be represented here. If the Supreme Court should decide in this case that there is no liability on the part of the Government, how can the gentleman say that some future Representative from the Gettysburg district of Pennsylvania will not appear here presenting these claims again?

Such things are being done now. We have parties knocking at the doors of this Congress in behalf of free alcohol in the arts. They want us to pass a bill to give them what the Supreme Court said they never had a right to—free alcohol in the arts. They come here asking for only three or four or six million dollars, just as the gentleman from Pennsylvania has come in here with a bill of limited amount; but behind them are claims for millions of dollars; and they want us to give them what they never possessed.

What is the fact in this case? As I understand, my colleague has read a decision of the Supreme Court which seems to be on all fours with this proposition and dead against the proposition of Pennsylvania, holding that these claims have no status here. And still, in the face and eyes of that decision, these parties come here and ask Congress to pass a law to give them a standing before the courts.

Now, the proper way to meet this bill and to kill this proposition is to vote it down every time it is presented anywhere in a legislative assembly or anywhere else, not to bother the Court of Claims or any other court by requiring it to decide a proposition of law that has already been decided.

This claim should go no further.

Now, I hope the gentleman from Pennsylvania realizes that I have been talking to the question. [Laughter.]

Mr. MAHON. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. PAYNE. I move that it be reported back with a recommendation to strike out the enacting clause.

The CHAIRMAN. The Chair calls the attention of the gentleman from Pennsylvania to the fact that the bill has not yet been read by paragraphs for amendment.

Mr. MAHON. I ask unanimous consent that the reading by paragraphs be dispensed with.

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MAHON] moves that the bill be laid aside to be favorably reported to the House.

Mr. PAYNE. I move that the bill be laid aside to be reported to the House——

Several MEMBERS. Let us take the question directly.

Mr. PAYNE. Very well.

The question being taken on the motion of Mr. MAHON, there were—ayes 26, noes 53.

Mr. MAHON. No quorum.

The CHAIRMAN proceeded to count the Committee of the Whole.

Pending the count,

Mr. MAHON said: Mr. Chairman, I do not care to make a dilatory motion. I desire to make a statement. A good many of the friends of the bill are absent to-day, it being toward the end of the week, and if the committee will consent that we take a vote when we meet on the next day for the consideration of bills of this character, I will not insist on my point of no quorum.

Mr. PAYNE. What is the gentleman's proposition?

Mr. MAHON. That when we get onto this Calendar again we shall take a vote on the bill.

Mr. PAYNE. I think the members who have heard this discussion ought to vote on it. I can not consent to the gentleman's proposition.

The CHAIRMAN. Does the gentleman withdraw the point of no quorum?

Mr. MAHON. I withdraw it.

The CHAIRMAN. The motion to report the bill with a favorable recommendation is negatived.

Mr. PAYNE. I move that the bill be reported back with the recommendation that it lie upon the table.

Mr. MAHON. I hope the House will vote that motion down, and will extend to me that courtesy at least.

Mr. CANNON. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. A majority of the Committee of the Whole having refused to report the bill back with a favorable recommendation, where does that leave the bill?

The CHAIRMAN. It leaves the bill on the Calendar, in its place.

Mr. CANNON. And it can be called up two weeks from to-day?

The CHAIRMAN. It can.

Mr. CANNON. Well, it seems to me that my friend from Pennsylvania [Mr. MAHON] ought, at least, to consent that the bill be disposed of. Something ought to be done.

Mr. PAYNE. My motion was that it be reported back with the recommendation that it lie upon the table.

The CHAIRMAN. The question is upon the motion of the gentleman from New York [Mr. PAYNE] that the bill be reported back with the recommendation that it lie upon the table.

Mr. UNDERWOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. UNDERWOOD. If this bill is not reported back and not laid on the table, then it can be called up here at the next Friday that is set apart for private business reported from this committee and the time of the committee consumed in its consideration, and thereby other claims on the Private Calendar delayed. Will that be the situation?

The CHAIRMAN. The bill will retain its place on the Calendar.

Mr. RIXEY. Mr. Chairman, I should like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIXEY. Would it be in order to move that the bill be laid aside with the recommendation that it be recommitted to the committee?

The CHAIRMAN. That motion would be in order, but the motion of the gentleman from New York [Mr. PAYNE] would first have to be disposed of. The question is on the motion of the gentleman from New York [Mr. PAYNE] that the bill be reported back with the recommendation that it lie upon the table.

The question being taken on the motion of Mr. PAYNE, the Chairman announced that the ayes seemed to have it.

Mr. MAHON demanded a division.

The committee divided; and there were—ayes 52, noes 27.

Mr. MAHON. No quorum. I call for a quorum on that. If you want to get your bills through, you ought to have a quorum here.

Mr. TALBERT. Now, Mr. Chairman, I want to warn the gentleman that if he insists on that, I shall get up a contest in his district and have him thrown out of the next House. [Laughter.]

Mr. MAHON. The gentleman and I made up our little fight the other day, and I thought he had forgotten all about it. [Laughter.]

The CHAIRMAN (having counted the committee) announced 113 members, a quorum of the Committee of the Whole, present.

Accordingly, the bill was ordered to be laid aside to be reported to the House with the recommendation that it lie on the table.

ORDER OF BUSINESS.

The CHAIRMAN. The Clerk will report the next bill.

Mr. SIMS. I wish to call up the bill (H. R. 2356) for the relief of Hiram Johnson and others.

Mr. STEELE. Let us have the regular order.

Mr. GROSVENOR. The gentleman from Tennessee can not do that.

Mr. SIMS. I have the permission of the committee.

Mr. GROSVENOR. That does not make any difference.

The CHAIRMAN. The regular order is demanded, and the Clerk will read the next bill on the Calendar.

GEORGE W. LAWRENCE.

The next business was the bill (H. R. 159) for the relief of the estate of George W. Lawrence.

The bill was read, as follows:

Be it enacted, etc., That the claim of George W. Lawrence for further compensation for the construction of the United States monitor *Wassuc*, under his contract with the Navy Department of June 2, 1863, may be submitted by his personal representatives within six months after the passage of this act to the Court of Claims, under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however*, That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for the construction of the ironclad monitor *Wassuc* under said contract in the completion of the same by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work: *Provided, further*, That such changes or alterations in the plans and specifications required were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work beginning February 3, 1864, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor: *And provided further*, That the compensation fixed by the contractor and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided*, That such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further*, That all moneys paid to said contractor by the Government over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any such changes caused less work and expense to the contractor than the original plans and specifications, a corresponding deduction shall be made from the contract price and the amount thereof shall be deducted from any allowance which may be made by said court to said claimant.

Mr. MAHON. Mr. Chairman, this bill was introduced by the gentleman from Maine [Mr. BURLEIGH]. There is a long report upon it. There has been a controversy between this man Lawrence, of Portland, Me., and the Navy Department as to the sum, as I understand, of about $17,000, and they have never been able to adjust their differences. This bill simply refers the matter to the Court of Claims to ascertain whether the estate of Lawrence owes the Government anything or whether the Government owes the estate of George W. Lawrence.

The bill has been reported by the committee some eight or nine times, recommending a direct payment. It has been reported favorably and passed by the Senate, to make a direct payment. I think it has passed the Senate several times; but it has been the policy of the Committee on War Claims during the last Congress, and especially during this Congress, to refer all these claims to the Court of Claims and let them ascertain where the trouble is. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. CANNON. This bill refers this claim to the Court of Claims. I should have no objection to a bare reference to the Court of Claims; but, as I understand, this bill it is to refer the matter to the Court of Claims under instructions. For instance, I find in the bill the following:

Provided, however, That the investigation shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for the construction of the ironclad monitor *Wassuc* under said contract in the completion of the same by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work.

I should see no great harm in referring the bill, but I want to glance over these provisos.

Mr. MAHON. I will call the gentleman's attention to the last clause.

Mr. GROSVENOR. These are limitations. It does not allow the court to go out into general questions. I think the gentleman from Illinois will find that it is a pretty well limited bill.

Mr. CANNON. I will ask the gentleman if there has ever been a settlement and a receipt in full by the claimant?

Mr. MAHON. I think not. The report would show that. The passage of this bill is recommended by the Chief Engineer of the Navy.

Mr. CANNON. It seems to me that the report ought to be read.

Mr. MAHON. I have no objection to that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 159) for the relief of the estate of George W. Lawrence, have had the same under consideration, and respectfully report:

On the 9th of June, 1863, George W. Lawrence, of Portland, Me., accepted the offer of a contract for the construction of a light-draft monitor, and thereupon a written agreement was entered into between him and John Lenthall, Chief of the Bureau of Construction of the Navy Department. By its terms he agreed to build within eight months from the 2d of June, 1863, one ironclad steam battery of iron and wood combined, for a consideration which was to be increased $4,500 for every month of earlier delivery, and was to be similarly decreased for every month of his delay.

By reason of delays for which he was not responsible, the vessel was not delivered until October 4, 1865. During this whole period prices of labor and material were continually advancing, and almost all the labor and material entering into the construction of this vessel called the *Wassuc* cost the contractor more than it would have done, owing entirely to the delays caused by the Government by making unexpected changes and by unreasonably holding back the essential plans and drawings and suspending the entire work for three months on account of the faulty construction. The present bill under numerous restrictions confers jurisdiction on the Court of Claims to hear and determine this claim.

Your committee are of the opinion that the facts set forth in House Report No. 97, Fifty-fifth Congress, second session, made by this committee, are correctly stated, and therefore adopt the same as their report and recommend the passage of the bill.

Mr. CANNON. Let the Clerk continue the reading. The important part is yet to follow.

The Clerk read as follows:

[House Report No. 97, Fifty-fifth Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 3717) for the relief of the estate of George W. Lawrence, have had the same under consideration, and respectfully report:

Your committee are of the opinion that the facts set forth in Senate Report No. 372, hereto attached and made a part of this report, are correctly stated, and therefore adopt the same as their report and recommend the passage of the bill.

[Senate Report No. 372, Fifty-fifth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 2324) for the relief of the estate of George W. Lawrence, have had the same under consideration, and respectfully report:

Your committee adopt the following report of the House Committee on War Claims (No. 1346, Fifty-first Congress, first session) as a part of this report, and recommend the passage of the bill:

[House Report No. 1346, Fifty-first Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1566) for the relief of the administratrix of the estate of George W. Lawrence, report as follows:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the present Congress, No. 452, a copy of which is hereto appended for information. Your committee adopt the said report as their own, and report back the bill and recommend its passage.

Your committee find that this bill has been favorably reported by seven Committees on War Claims on the part of the House and three of a like committee on the part of the Senate within the past twenty years; that the bill has passed the House three times, passed the Senate three times; and we adopt, in the main, the report made by the Senate and House Committees on War Claims in the Forty-ninth and Fiftieth Congresses, and Senate committee of the Fiftieth Congress, which is as follows:

"In the winter and spring of 1863 the Navy Department prepared plans and drawings for several light-draft steam ironclad monitors, with specifications showing the dimensions, kind, and thickness of the plating, and submitted the same to various contractors for proposals for construction.

"The time required in the construction was a material element in the contract, and none were made for a period longer than eight months. Some of the contracts were limited to six months. So material was the matter of time considered that in the contracts made for six months the contractors were to receive $395,080, while those whose contracts extended to eight months for completion were only to receive $386,000, or at the rate of $4,500 per month less; but there was a provision in all contracts then made that if the vessels were completed in less time than provided in the contract the contractor was

to receive an additional pay of $4,500 per month, and if the completion was delayed beyond the period named the Government was to deduct from the contract price at the same rate; that is, $4,500 per month. McKay & Aldus were contractors for the building of the light-draft monitor *Squando*, to be completed in six months, the Department first satisfying itself of their facilities for doing the work in that time.

"Donald McKay was contractor, and built the light-draft monitor *Nausett*, also the iron double-ender *Ashuelot*. The *Squando* and *Nausett* were identical in the original plans, and in the changes and alterations thereon, with the *Etlah* and *Shiloh*, built in St. Louis.

"Having accepted the undertaking to build these vessels, the several parties named made their arrangements accordingly, having the yards, machinery, etc., necessary therefor, and entered into contracts for the necessary materials, based upon the contracts with the Government, and commenced the work on the several vessels named. About this time, Chief Engineer of the Navy Stimers having returned from Charleston, where he had been sent to make observations as to the conduct of Ericsson's monitors in battle, a consultation was had at the Navy Department, in which (quoting from Stimer's evidence)—

"'The matter was discussed as to whether we had better build our vessels in strict accordance with the letter of the contracts which we were giving out, without any change whatever, or had better take advantage of every such fight and make improvements as we went along, although we fully appreciated that it would delay their completion and add to their cost. Assistant Secretary Fox made the remark that he thought following this course would probably entail an extra cost of a million of dollars for each battle where the monitors were engaged.

"'Well, it was decided that that course should be followed. The contracts for the light-draft monitors, of which the *Etlah* was one, had already been drawn, specifications, general drawings, etc., of the original plans, but we went immediately to work to make changes on them in accordance with what I have already explained as the policy to be pursued. You will understand, therefore, why it was that I should send constant instruction to Mr. McCord directing him to make his vessel different from what he had contracted to do; why I sent him drawings that differed from those specified in the contract. You will find, too, that these might be very material, as they certainly were. The acts, therefore, which I performed, which affected Mr. McCord and affect this case, were to direct him to make a different vessel from the one he contracted to do.'

"Acting upon this theory, the Department commenced forwarding to the contractors orders for changes and drawings before even the keel was laid, and those changes, which in the aggregate affected all parts of the vessel, making in the end almost entirely different vessels, were continued, and the drawings furnished therefor for nearly a year and a half after the time specified in the contract for their completion had elapsed, and from the 23d of June, 1864, for about the period of three months, work was suspended altogether upon these vessels, by the orders of the Navy Department, which had then in contemplation some general changes in their construction which required time to perfect. All of this time, however, the contractors were under heavy expenses for the maintenance of the yards and men, whom they dared not discharge for fear of inability to supply their places, and not knowing on what day their services would be required.

"In addition to all this, the prices of labor and materials required for the work, and for which the contractors had made provision during the time of the contracts, rapidly advanced, so that, as found by the Committee on War Claims of the first session of the Forty-third Congress, iron that at the date of the contracts was worth $65 per ton advanced during the prolonged time to $220 per ton, and labor from $2.50 per day to $4 per day.

"This committee have not, however, considered it necessary to investigate the details as to amounts or percentage of such increase of prices, but are convinced that the cost of the work was greatly enhanced by reason of the delay caused by the course adopted by the Government in these changes and alterations from the original plans.

"Chief Engineer Stimers, in his evidence in McCord's case, states the case as understood by him and presumably by the Department, which had no authority to adjust claims for damages, as follows:

"'Before expressing an opinion on the matter as an expert, I must explain that the principles upon which the contractors of this and the contractors of similar vessels were to be paid were settled upon before I left the office, and I have always understood that these principles were adhered to, and they were as follows: That we should pay for the contract work by making the contract payments, or the payments provided for in the contract; that we should pay for alterations and changes a proper sum as might be agreed upon between the Government and the contractors at current rates. Now, that being the case, I consider that the Government is still indebted to the contractors of the *Etlah*, because, although the original contract work has been paid for as originally agreed upon, and the extra work may have been paid for per se, the fact of calling upon the contractor to make the changes on his vessel, and his compliance with those demands, delayed him in the execution of the original contract work.

"'This delay compelled him to pay the increased rates for labor and material which obtained at the time when the work was actually performed; and although the contractor took the risk of a rise in prices when he signed his contract, it was only for a risk during the period of his contract, or the period he would have required to perform the work if the Government had not delayed him by their direct interference; now, whatever increase there was in the cost of the original work contemplated by the contract, due to the delay caused by the Government, that increase is now due, as there has been no pretense on the part of the officers of the Government to have paid it. If you will determine the increased cost of material and labor of the original contract work during the extent of time when the contract was delayed by an interference of the Government to execute it, you will have, in my judgment, the indebtedness of the Government. There may be very large claims on account of extra work of which I know nothing.'

"There seems to be no question that but for the interference of the Government these vessels would have been completed within the time specified in the contract; that these contractors had the means and the ability to do so, and that the heavy losses sustained by reason of the interference of the Government could not have been prevented by any reasonable prudence or foresight on their part, as the labor could not be anticipated, nor could they possibly know from the frequent changes being made, the kind, quantity, or, in the case of the iron plating, the thickness or size of the plates to be used. The question of the duty of the Government to relieve the contractors for the building of these vessels has been repeatedly recognized by Congress. (Slone, Report No. 17, Thirty-ninth Congress, second session; Senator Nye, Report No. 45, Thirty-ninth Congress, first session; Senator Drake, Report No. 163, Forty-first Congress, second session; Senator Nye, Report No. 37, Forty-second Congress, second session; A. B. Smith, Report No. 36, Forty-second Congress, third session; Senator Cragin, Report No. 124, Forty-third Congress, first session; Senator HOAR, Report No. 14, Forty seventh Congress, first session.)

"Congresses reported favorably on those bills, recommending the claimants such relief as they desired. Several of them have passed both Houses of Congress.

"In 1865 a board was appointed under a resolution of the Senate, called the Selfridge board, which examined and reported upon numerous vessels. Their awards were not paid, but their discussion led to the passage of the act of March 2, 1867, directing the Secretary of the Navy to investigate the claims of all contractors for building vessels of iron, etc., and to ascertain the additional cost incurred by them by reason of any changes and alterations there, with the proviso:

"'But no allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work made necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor.' (14 Stat., 424.)

"The Secretary of the Navy delegated the matter thus submitted to a board, of which J. B. Marchand was chairman, and called the Marchand board. This board, perhaps for economic reasons, decided to confine their examination to the question of extra work, holding that the question of increased cost by reason of the delays caused by the Government was one sounding in damages, and therefore beyond the jurisdiction of the Department, and not included within the act.

"Claims were filed by these contractors, but reported as 'not considered within the province of the board' (report contained in volume 10, CONGRESSIONAL RECORD, page 1504), nor were the claimants permitted to appear before the board on behalf of their claims.

"In the Forty-first Congress, second session, a joint resolution was passed by Congress referring these cases to the Court of Claims, but failed to receive the sanction of the President on the ground that the bill as passed omitted the proviso contained in the act of March 2, 1867, and above quoted, since which time various reports have been made, and favorable action had by one branch of Congress or the other, but no general bill for the relief of these and other contractors has become a law.

"A majority of the contractors for the building of this class of vessels have, from time to time, received relief through Congress, but these claimants have thus far received no relief. Among those who have been relieved are George C. Bestor, contractor of the *Shiloh*, by act of Congress (17 Stat., 733, 1873) appropriating $125,000; Miles Greenwood (17 Stat., 761); S. S. Marchen, jr. (18 Stat., 635); Donohue, Ryan & Co. (15 Stat., 353); C. W. Whitney (17 Stat., 671). Under act of 25th June, 1864 (13 Stat., 409), Ericsson was allowed $1,070,438.93 for such increased cost.

"These contractors also claim that they have not received full pay for the extras furnished by them in the construction of the said vessels, aside from the main question of increased cost by reason of the delays. The facts concerning this branch of the case are as follows:

"The frequent changes and alterations ordered by the Department on these vessels, and which, under the contracts, the Government had a right to demand by paying the extra expense caused thereby, occasioned a large amount of extra work, some of which was specifically agreed upon, and part of which was done under the orders of the Department without any agreed price. This extra work was recognized as being within the jurisdiction of the Department to pay, and the Department did pay a large portion of said extras, but did not pay all that the parties were entitled to receive. The accounts were made up in the Department without consultation with the claimants, and payments made from time to time until the last and final payment, when a voucher containing the words, 'For work done which is extra to the contract, being the full and final payment on all extras, and in full for all claims and demands for that work,' was presented, and which was required to be and was receipted by the claimant upon receiving the amounts specified in the vouchers.

"This committee are satisfied, from the evidence before it, that the account for such extra work was not correctly adjusted; and inasmuch as the said receipts are prima facie evidence not only of payment in full for such extras per se, but may be construed to cover the question of the extra expense caused by the delays as well, therefore deem it just to all parties that the entire matter should be considered by a legal tribunal, with competent jurisdiction to hear and determine the question involved, and in considering such receipt to treat the same as prima facie evidence, but susceptible of explanation by proofs, if any they have, showing the real indebtedness of the Government to them for such increased cost of such vessels beyond the contract price, and beyond the accounts paid by reason of such changes and alterations as evidently contemplated in the previous acts of Congress providing for an adjustment thereof, upon the principle that when the Government has by its acts caused its citizens performing labor for it to incur additional expense in its performance, such additional cost should be borne by the Government."

In addition to that report your committee would further observe:

The claimants have been assiduous for twenty-three years in their efforts to obtain redress for their alleged grievances. This great lapse of time has been due not to any want of energy on their part, nor to any rejection by either House of Congress, but solely to the delay incident to the procurement of private legislation. They have never had a hearing, in the ordinary sense of the word, before any tribunal, and the present bill for their relief is to permit them to appear before the judicial branch of the Government, where their witnesses may be cross-examined by the attorneys for the United States, the credibility of their witnesses tested, and the evidence relied upon by the defense be subjected to similar tests. There they will have an opportunity to explain their failure or refusal to appear before the Selfridge board, and your committee think the Court of Claims can be relied upon to give due weight to this failure or refusal; and if it should appear that the board convened too soon after the Department expressed its satisfaction with the vessels (which was a sine qua non to consideration of the claims), to permit proper preparation of the claims the failure to appear before the board may disappear from the case.

The Marchand board, which sat in 1867, was directed by the Secretary of the Navy to inquire into and report facts, and an examination of the act of March, 1867, shows a clear intention not to submit the claims to him in such a way as to make his conclusions binding either upon the Government or the claimants.

No one has ever attempted to recover in the Court of Claims on the conclusions of the board, and it has never been pretended on either side that its decisions had the force either of judgments or awards. Congress has not considered itself under moral obligations to pay the sums found due, nor has it refrained from paying claims rejected by it.

The nature of its work may really be determined when we find by its report that during a session of four months and twenty days it passed upon the separate accounts of 40 contractors, embracing 55 different vessels, the construction of most of which had extended over the whole period during which the rise of prices changed from day to day, and very naturally the contractors have always been dissatisfied with results reached by such a forum and in so hasty a manner.

The facts which Congress desired to obtain the board did not report. The act required it (14 Stat. L., 424) "to report to Congress a tabular statement of each case which shall contain * * * the whole increased cost of the work over the contract price."

The board did not enter upon so elaborate and extended an inquiry, but

substituted in its tabular report a column (No. 4) entitled, "Whole increased cost of the work over and above the contract price as claimed by the contractors."

The next statement required by the act was: "And the amount of such increased cost caused by the delay and action of the Government aforesaid." Not having ascertained the whole increased cost of the work over the contract price, it was of course unable to state "the amount of such increased cost caused by the delay and action of the Government as aforesaid," and it substituted therefor a column (No. 5) entitled, "Amount of such increased cost caused by the delay and action of the Government as determined by the board to be due."

These two requirements of the statute were neglected by the board and other findings substituted.

The act of March 2, 1867 (14 Stat. L., 424), required the Secretary of the Navy to ascertain "the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work occasioned by the Government which were not provided for in the original contract."

The contract for the *Wasuc* contained the same provisions for alterations and additions as those considered by the Supreme Court of the United States in the case of Choteau *vs.* The United States (95 U. S., 61), and the Marchand board might well find that nothing was due the claimants under the submission of the statute, for the changes and alterations complained of were undoubtedly provided for by the original contract. The inquiry which this bill proposes differs from the examination of the Marchand board in that respect; it recognizes that the alterations were provided for, and that claimants, like Choteau, could not recover for the enhanced cost resulting from such alterations.

The issue which the bill proposes to submit has never been examined by any tribunal. The Supreme Court in the Choteau case did not and could not pass upon any equities in the case. Equitable jurisdiction was not conferred upon the Court of Claims until March 3, 1887 (sec. 1, 24 Stat. L., 505). Your committee appends hereto a letter from Chief Engineer B. F. Isherwood, of January 26, 1887, which explains fully the causes of the increased cost to the claimants.

In addition to the safeguards as they now exist in the Court of Claims for the prevention of fraud against the United States, and the detection of misstatements or mistakes, other precautions have been adopted in the bill itself which seem to your committee sufficient to prevent any wrong or injustice being done to the United States.

Your committee are unanimously of the opinion that the claimants should not be concluded by the voucher and final receipt in question unless it should appear in equity that they should be, and that the claimants should have their rights adjudicated upon the merits of their claim.

Wherefore your committee report the bill favorably and recommend that it do pass.

WASHINGTON, D. C., *January 26, 1887.*

DEAR SIR: I have the pleasure of acknowledging the receipt of your communication of the 22d instant, asking me to inform you of the causes of the alterations and changes in the plans of the light-draft monitors constructed during the war for the Navy Department, and the causes of the delays in their construction, and whether these delays caused extra expense to the contractors.

In reply I would refer to the report on this subject made by the Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, United States Senate, volume 3. From this report you will find that although I was, as you state in your note above referred to, the Chief of the Bureau of Steam Engineering in the Navy Department during the war, I had nothing to do whatever with either the designing or the execution of the work for these monitors.

The Navy Department had established what was in effect a bureau for this purpose in New York City, and had placed Mr. Alfan C. Stimers at its head, with a large corps of assistant engineers, draftsmen, etc. The whole work, hulls and machinery, was entirely in his hands. He was absolutely untrammeled, being allowed carte blanche by the Department, and his acts and plans were never submitted to any other person.

The selection of Mr. Stimers by the Navy Department for this duty was most unfortunate. The selection was wholly the act of Mr. G. V. Fox, then the Assistant Secretary of the Navy, who had unbounded but misplaced confidence in Mr. Stimers's abilities. In making the appointment Mr. Fox did not consult either of the mechanical bureaus of the Navy Department, nor was Mr. Stimers's plans ever submitted to them. The result, as is well known, was a most disastrous failure, due to the absolute and astonishing incapacity of Mr. Stimers, and to the fact of his selection by Mr. Fox without inquiry of the mechanical bureaus as to Mr. Stimers's qualifications. In a professional matter of which Mr. Fox had no knowledge, such a selection, without careful investigation of Mr. Stimers's abilities, was an act of temerity which in a measure made the Navy Department a party to the cause of failure.

At the commencement, then, Mr. Fox was responsible for a most injudicious selection for a most important position, and Mr. Stimers was responsible for the absurd blunders he committed, and as both represented the Government, the latter was to that extent justly responsible for their acts. Under this system twenty vessels were built, all of which (they were exact duplicates) proved absolute failures, their only value being their worth as old material. The cost to the Government was about $3,000,000, and there was, in my opinion, a considerable loss borne by the contractors chargeable to the action of the Government, and not yet compensated.

The contracts were taken at a round sum for a certain amount of work to be done in a certain time conformably to drawings and specifications to be furnished by Mr. Stimers. The responsibilities of the contractors where limited to the quality of the materials and workmanship, and to the completion of the vessels in the specified time. They were not at all concerned in the final success or failure of the vessels.

From the first the plans were continually changed and important modifications introduced, all in the direction of more expensive work and materials, and requiring longer time for execution. This increased length of time involved greatly increased cost of the work of the contractors, owing to the daily and rapidly increasing rise, at that date, in the cost of materials and labor. The war was then at its height, and the Government was in the market for the whole mechanical resources of the country, which were not able to meet the demand upon them, and, as a result, the price of certain materials and labor used in the construction of ships and machinery rose abnormally high above even the general increase of price. The loss due to this cause was of necessity borne by the contractors, and has never in any of the settlements made been taken into consideration. Had the plans and specifications been delivered to the contractors at the date of the contract, so that they could have then made their purchases of materials, and had there been no changes in these plans and specifications, so that the work could have been prosecuted uninterruptedly to completion without the great delays unavoidable to such changes and alterations, it could have been executed in the contract time, and the contractors would have saved to themselves the rise in the price of materials and labor which took place during the extended time.

There must be here recalled that for the great extension of time in the completion of these contracts the Government alone was responsible by the changes, alterations, and additions it made to the work after the contracts were executed. This extension of time reacted upon the cost of the work as a whole, and though the Government paid a certain sum for additional work, that sum was inadequate to cover the losses of the contractors by the rise in the cost of materials and labor used in the construction of the work done according to the original contract, and which was prolonged in consequence of the alterations and additions.

All that the Government paid for was the price of additional work at current rates, but the work as a whole could only progress together; that which was in accordance with the original contract had to wait until the additions and alterations could be completed, and in the meantime the cost of materials and labor was rising rapidly and enormously. These delays, which no efforts of the contractors could prevent and which were caused exclusively by the action of the Government, were ruinous to the contractors by reason of the continual rise of prices; materials and labor became every day scarcer and scarcer; the shops and plant of the contractors were occupied by the vessels that they could neither abandon nor complete. They could not therefore take other and remunerative work, and they had to keep a full force of workmen, for if they once lost them they could not, at that time, be recovered, so great was the demand.

Some approximation may be furnished of the losses sustained by the contractors from the action of the Government in departing from the original plans and specifications by additions and alterations involving great increase of time, by estimating the cost to the contractors of the original work had it been done in contract time, which would have been the case but for the interference of the Government, and the cost of the same work done in the extended time caused by the action of the Government taking as the basis the average price of materials and labor in the two cases.

The additions and alterations referred to were due to the incapacity of Mr. Stimers to properly design such vessels. Without knowledge of how to proceed, he was constantly vacillating, doing and undoing; completed work was destroyed and other work substituted; time was lost between the notification to the contractors that other plans would be prepared in place of those already furnished and the reception of such plans. In fact, the character of the vessels was essentially changed during their construction from the original programme; great delays were consequently necessarily experienced, and as the price of materials and labor was continually increasing, due to the continually increasing demand for the same caused by the war, the cost of executing the work which was done according to the original contract was much increased at the expense of the contractors.

Respectfully,

B. F. ISHERWOOD,
Chief Engineer, U. S. N.

Hon. BENJAMIN BUTTERWORTH.

I certify the above is a true copy.
[SEAL.]

WM. H. DAVIS,
Notary Public for New Jersey.

That Congress has in the past comprehended the injustice of permitting these contractors and others similarly situated to bear the immense losses they suffered under the circumstances stated has been made apparent in various proceedings had at different times since the close of the war, sometimes by one House acting separately and independently, sometimes by the joint action of both Houses—notably in the former case the action of the Senate of March 9, 1865, which led to the organization of the Selfridge board, and of the latter by the act of March 2, 1867, which resulted in the organization and report of the Marchand board, to say nothing of the various special acts of Congress and numerous reports submitted from the committees of the respective Houses from time to time. Among the latter reference might be properly made to the following: Report of Senator Nye, Senate Report No. 45, second session Twenty-ninth Congress; Senate Report No. 37, second session Forty-second Congress; Representative Stone's report, No. 17, second session Thirty-ninth Congress.

One of the awards has been paid by joint resolution of March 30, 1867 (15 Stat. L., 353), by which Donahue, Ryan & Secor were paid $179,000 for losses sustained by them in constructing the *Comanche*. Amount allowed by the board, $179,993.80.

In addition the following special acts have been passed to relieve contractors in similar cases, to wit:

Act of February 18, 1870, to relieve the heirs of George C. Bestor, $125,000. (17 Stat. L., 733.)

Act of June 1, 1872, to pay Charles W. Whitney $50,000. (17 Stat. L., 671.)

Act of June 10, 1872, to pay J. S. Underhill $23,310.75. (17 Stat. L., 691.)

Act of March 2, 1875, to pay Daniel S. Mershon, jr., $46,715.08. (18 Stat. L., 635.)

The contractors for building the Dome of the Capitol were awarded and paid $96,000 for increase in the price of labor and material during its construction. The Government prolonged the time of its completion. (See Senate Report No. 132, first session Thirty-ninth Congress.)

John Ericsson was paid $1,070,498.93 on the *Puritan* (U. S. Stat. L., June 25, 1864, vol. 13, 409) for increased cost of labor and materials.

Miles Greenwood, of Cincinnati, Ohio, was paid $76,000 for increased cost of labor and material in building the United States vessel *Tippecanoe*, in 1873.

During the reading of the above,

Mr. CANNON. The Clerk has not concluded the reading of the report.

Mr. MAHON. The report is finished. The appendix is a short one and has not been read.

Mr. CANNON. What does the gentleman call the appendix?

Mr. MAHON. You called for the reading of the report, and the reading of the report proper is finished. The remainder just shows how many Congresses this bill has been before.

Mr. CANNON. I have been following the reading of the report, and if the Clerk is tired I will read it.

Mr. MAHON. Let it be read.

The Clerk proceeded to read the remainder of the report.

Mr. MAHON. I understand the gentleman from Illinois wants some time.

Mr. CANNON. After you.

Mr. MAHON. I have the floor, and I will yield any time the gentleman wants.

Mr. CANNON. I am listening. The gentleman is familiar with the bill, and I would be very glad to hear from him about it.

Mr. MAHON. This follows the rest of the bills of this character. The bill was introduced by the gentleman from Maine [Mr. BURLEIGH]. It came to the committee and was carefully considered by it. A similar bill passed the Senate and the House on two occasions, but failed to become a law. So far as I am individually concerned, I think the committee did right in reporting the bill.

A great many of these boat bills have been considered and the money has been paid and they have been wiped out. There are a few more of them remaining. This bill is to send the claim to the Court of Claims. It is for this committee to say whether they will pass it or not. I think we ought to get rid of these controversies. This question has been in Congress for twenty years and has passed both Houses, but has failed to reach the President. Now, the committee has adopted a rule to send these claims to the Court of Claims and let them ascertain the facts. The Navy Department is tired of the case, and the Chief Engineer recommends that this matter be taken up and finally settled. I reserve the balance of my time and yield as much time to the gentleman from Illinois as he wants.

Mr. CANNON. I will say to the gentleman that this matter is a generation old.

Mr. MAHON. Yes; when any claim is filed for something owing by the Government they all get old.

Mr. CANNON. Yes, that is right; they all get old; and under our power to legislate we might pay and pay and reject and send to the courts, and the courts might reject, and the claimant could still come, like hope, springing eternal.

Mr. MAHON. If the gentleman will permit me to interrupt him, I will state that of all the claims that have gone to the courts they have knocked out about 90 per cent of them, and they never came back here, because it is a bar that anybody can set up against a claim. But there are a great many bills introduced here. I want to say that one member of the House offered 110 bills, and my committee found that 42 of them had been paid, and all such bills are laid aside. They will never come up before this committee.

Mr. GROSVENOR. This bill has been reported to the House seven times. There seems not to have been any kind of laches on the part of the claimant. It has been recognized by Congress as long as eighteen years ago, and constantly ever since.

Mr. CANNON. I want to call attention to page 4 of the report:

In 1865 a board was appointed under a resolution of the Senate—

Not an act of Congress, but a resolution of the Senate—

called the Selfridge board, which examined and reported upon numerous vessels. Their awards were not paid.

Certainly not; because one coordinate branch of Congress has no power to legislate, and it did not bind the House or either the Senate and the House.

Their awards were not paid, but their discussion led to the passage of the act of March 2, 1867—

And I crave the attention of the committee and the gentleman to it—

directing the Secretary of the Navy to investigate the claims of all contractors for building vessels of iron, etc., and to ascertain the additional cost incurred by them by reason of any changes and alterations there, with the proviso:

"But no allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work made necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor." (14 Stat., 424.)

That legislation was had. This party, before the board appointed by virtue of the legislation of 1867, had his day and took nothing in his day. Others did take something, but he took nothing under that legislation; and because he took nothing Congress supposed it was disposing of it; but he has all the while acknowledged that Congress controls the matter, and has introduced bills to get something, but not having taken anything, I have no doubt if the House finally passes the bill and it is approved and he goes to the Court of Claims and the Court of Claims turns him down he would be back the first Congress after the Court of Claims had turned him down knocking at the door of Congress for an absolute payment. For a long time these bills took the form of absolute payment. Lately they have taken the form of being sent to the Court of Claims.

Mr. MAHON. If the gentleman will permit me to interrupt him, I want to say to him that there are a great many bills introduced here by members. They follow their predecessors. But it is a written rule of the committee that where the claim contained in any bill has been turned down by the Court of Claims not to report that claim to the House. I want to say further to the gentleman from Illinois that this matter has been in dispute between the two Houses for a great many years, that it originally involved $17,000 and perhaps settlement may not involve more than $5,000. The Navy Department wants it settled. Now, the gentleman from Illinois will understand that these vessels were all under construction in 1862, and there were vessels under these contracts away up to 1864 and 1865, and changes were made from time to time. Let me read just a moment what the Chief of Engineers of the Navy said about this man, to whom carte blanche had been given to alter and change them:

The Navy Department had established what was in effect a bureau for this purpose in New York City, and had placed Mr. Alfan C. Stimers at its head, with a large corps of assistant engineers, draftsmen, etc. The whole work, hulls and machinery, was entirely in his hands. He was absolutely untrammeled, being allowed carte blanche by the Department, and his acts and plans were never submitted to any other person.

The selection of Mr. Stimers by the Navy Department for this duty was most unfortunate. The selection was wholly the act of Mr. G. V. Fox, then the Assistant Secretary of the Navy, who had unbounded but misplaced confidence in Mr. Stimers's abilities. In making the appointment Mr. Fox did not consult either of the mechanical bureaus of the Navy Department, nor was Mr. Stimers's plans ever submitted to them. The result, as is well known, was a most disastrous failure, due to the absolute and astonishing incapacity of Mr. Stimers, and to the fact of his selection by Mr. Fox without inquiry of the mechanical bureaus as to Mr. Stimers's qualifications. In a professional matter of which Mr. Fox had no knowledge, such a selection, without careful investigation of Mr. Stimers's abilities, was an act of temerity which in a measure made the Navy Department a party to the cause of failure.

Now, under this man these men worked for three and a half years to construct this boat, and during that time metal went up from $90 to $250 a ton; labor increased from $2 to $4 or $5 a day. Many contractors were ruined. Now let the court settle it.

Mr. CANNON. I want to ask my friend upon that point whether the contract for the construction of this monitor did not expressly provide that the Government should have the right to change the specifications?

Mr. MAHON. In all its contracts in building a vessel and everything else, if a contractor wants to build it, the Government retains the whole barrel of the gun. They reserve the right to change the plans and specifications, and in this case the boat was entirely changed, so that you would not have known her originally.

Mr. CANNON. In pursuance of the original contract?

Mr. MAHON. They did not suppose the Government would hold these people up for four years. No such large increase in the price of iron and labor was anticipated. It was no fault of the contractor that the boat was not finished properly. If the Government has a defense to the claim, they can make it in the Court of Claims. The gentleman knows that the Government will be well defended there.

Mr. CANNON. Oh, yes. Now, I have two points that I want to state to the gentleman: First, this man has had his day in court, if he was entitled to any, under the legislation of 1867, under the Marchand board, and he took nothing by it. But, so far as I have knowledge, if it was between A and B, private citizens, there is nothing in law or morals by which the claimant would be entitled to recover one cent, or could recover one cent.

Mr. MAHON. It is evident that the Government did not keep its contract with the man. The Government has never recognized until within the last ten years that where a party to a contract has failed to keep his part of the contract that the doctrine of estoppel prevails. That defense could be raised; but it is only within the last ten or twelve years that the Government has recognized that as a defense.

Mr. CANNON. There is no allegation here that the Government did not keep its contract.

Mr. MAHON. Yes, there is. The chief engineer says that you sent a man down there who was a failure.

Mr. CANNON. I am talking about the contract. You take good care not to set out the contract in the report.

Mr. MAHON. The contract was that the Government could make the changes.

Mr. CANNON. My friend admits that the contract was that the Government could change the specifications. Of course I have no doubt the contract provided that if there was an increased expense from the changes, that that expense should be paid; but nowhere is there to be found in the contract any stipulation that the Government would pay for the increase in the cost of the materials, or in the price of labor. The Government does not make that kind of a contract.

But I want to call the gentleman's attention to the fact that he fixes the time in the bill. Let me read again from the act of March, 1867:

But no allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work made necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor. (14 Stat., 424.)

Now, the gentleman, on page 2, line 10, does more than this legislation of 1867 contemplates, by providing that—

no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work—

That was in the act of 1867 creating the Marchand board. Now the gentleman puts in the bill—

beginning February 3, 1864.

So the gentleman fixes the time in his bill, rather than leaving it as a question of fact for the court. If the gentleman desires to proceed, in substance, under the equities set out in the legislation of 1867, why does he fix the time?

Mr. MAHON. The evidence filed with the Navy Department shows that that is the time. I did not draw the bill.

Mr. CANNON. I do not see it stated in the report, and I have followed it quite closely, at what time this contract was to be completed on the part of the claimant.

Mr. HEPBURN. In eight months.

Mr. CANNON. When was it made?

Mr. HEPBURN. On the 9th of June, 1863.

Mr. MAHON. You will find it on the first page of the report. The Government never allowed this man to finish the boat until 1864.

Mr. HEPBURN. October 4, 1865—six months after the close of the war.

Mr. MAHON. Yes; 1865. The claimant would have finished it in six months if he had been allowed to follow the original specifications; but they changed them over and over and over again.

Mr. MIERS of Indiana. Has any extra amount been paid by the Government to the contractor by reason of the change?

Mr. MAHON. He did not go before the Marchand and Selfridge boards. He claims that $17,000 is due him. I do not know whether the Government owes it to him or not.

Mr. HEPBURN. Mr. Chairman, I should like to occupy a moment or two on this bill. I think I ought to say something about it, because it is an old acquaintance. It was pending in the first Congress that I was here, nearly twenty years ago, and it is here now.

It seems to me, Mr. Chairman, that the gentleman from Pennsylvania has not correctly stated the claim of the beneficiary in this bill. The gentleman says that the claimant is entitled to compensation for the advance in the price of labor and material. That is not a fair statement. This party is here claiming damages because of the depreciation of the currency of the United States. That is the claim.

Mr. MAHON. I did not see any evidence of that.

Mr. HEPBURN. There was no appreciation of either wages or material as measured by gold during the war; the appreciation was only apparent because of the depreciation of the currency.

Mr. MAHON. Will the gentleman allow me to interrupt him?

Mr. HEPBURN. In a moment.

If the depreciation of the currency is to be recognized as the basis of a claim, see where it will extend. Here were millions of men employed by the Government of the United States. As their first payments were in gold, or its equivalent, they expected and had a right to expect that such payments would continue. But they were afterwards compelled to take a depreciated currency—a currency $2.40 of which were required to purchase a gold dollar. Now, is it the purpose of Congress to reimburse all men who, in their dealings with the Government, suffered in that way?

Mr. LITTLEFIELD. Does the gentleman think that such a proposition would be favorably considered by the Court of Claims? Would it not be safe to leave the proposition as the gentleman now states it to be determined by the Court of Claims as a legal proposition?

Mr. HEPBURN. I do not know as to that. There are certain provisions in this bill which make me think that we had better deal with the question here, so as to leave no room for controversy about the matter in the courts. I am entirely unwilling that claims like this, coming here years after the facts are ascertainable, should be recognized by this body.

Mr. MADDOX. I have been informed that these gentlemen have receipted to the Government in full for all their claims against it. Is that true?

Mr. HEPBURN. The report so says; that is, if this is one of the series of claims discussed in this report. I do not know whether it is or not. It is not specifically so stated. All the evidence reported here is in relation to another claim. The gentleman from Pennsylvania assumes that this is one of that series.

But let me call attention to a statement made by the chief engineer who has been referred to:

Under this system—

A system which had been instituted by Mr. Stimers—

Under this system twenty vessels were built, all of which (they were exact duplicates) proved absolute failures, their only value being their worth as old material.

Mr. MAHON. That is an argument in favor of this bill.

Mr. HEPBURN (continuing the reading)—

The cost to the Government was about $8,000,000, and there was, in my opinion, a considerable loss borne by the contractors, chargeable to the action of the Government and not yet compensated.

Now, there was a time when this claim could have been adjudicated. The Government made ample provision. It appointed a commissioner, Mr. Marchand, with full jurisdiction over the subject-matter, but with a provision that no allowance for any advance in the price of labor or material should be considered unless such advance occurred during the prolonged time for completing the work made necessary by the delays resulting from the action of the Government.

If there was an advance during that time, Mr. Marchand had absolute jurisdiction. Yet these gentlemen failed to go before him. Why? Because this rise in the price of material and labor did not occur at the proper time. At least, we have tried to infer that that is what deterred them from going before him.

Mr. MAHON. Oh, no; that is not the reason.

Mr. HEPBURN. Why did they not go?

Mr. MAHON. Because it was a board that had been hastily appointed, consisting of one man, and the boat builders did not all feel that the Navy Department had the right to take that action.

Mr. HEPBURN. But this was an act of Congress authorizing the appointment of one man, who was the agent of the Government, to make the adjustment.

Mr. MAHON. They were afraid he was another Stimers.

Mr. HEPBURN. They were afraid of their tribunal, were they?

Mr. MAHON. We have the statement here that the Government lost about $8,000,000 and that these contractors lost a considerable amount, through no fault of theirs, but through delays and on account of defective plans furnished by the Navy Department.

Mr. HEPBURN. I do not think it is fair for the gentleman to say that these men were afraid of that tribunal. They could have had the right of appeal to Congress after that adjudication, the same as now. That is not a reason to give, simply that they were afraid he would not do them justice. Some were not afraid; some had their cases adjudicated, but this man did not. Why? Simply because this rise in prices did not occur during the time of delay for which the Government was responsible. I assume and have the right to assume that that was the reason why they failed to appear.

Mr. MAHON. Mr. Chairman, I move that the bill be reported to the House with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HEPBURN demanded a division.

The committee divided; and there were—ayes 33, noes 18.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HIRAM JOHNSON AND OTHERS.

Mr. SIMS. Mr. Chairman, I ask to call up the bill (H. R. 2356) for the relief of Hiram Johnson and others.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to take up the bill H. R. 2356. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the respective sums of money as hereinafter provided, to the respective persons named herein or to their heirs or legal representatives, to wit:

To H. Johnson, $659.86;
To Stephen M. Johnson, $659.86;
To D. J. Franklin, $130.48;
To Josiah Franklin, $156.60;
To Nat Buckley, $261.20;
To John Turl, $313.49;
To Elias Bray, $391.92;
To Dr. G. Johnson, $156.60;
To Harrison Trice, $261.20;
To Jeremiah Crook, sr., $522.41;
To Willis Arnold, $5,213.89;
To Arch McCorkle, $391.92;
To G. L. Ross, $1,306.91;
To S. L. Ross, $1,306.91;
To John M. Hart, $522.41;
To William A. Brummer, $801.69;
To John D. Smith, $261.30;
To A. B. Crook, $261.20;
To Daniel McCollum, $261.20;
To Jeff Jones, $130.48;
To Thomas McGill, $156.61;
To James Ledbetter, $156.61;
To William Ozier, $522.41;
To Elijah Bond, $261.20;
To John L. Cawthon, $522.41;
To William Hall, $522.41;
To Carroll Beaver, $522.41;
To John West, $389.88;

To James Clifford, $261.20;
To O. F. Hendrix, $784.04;
To Frank Cawthon, $313.49;
To James Cawthon, $130.49;
To S. E. Grider, $130.49;
To Silas Grider, $130.49;
To John Robinson, $240.34;
To Hugh McKnight, $200.25;
To John G. Smith, $79.96;
To Caleb McKnight, $200.25;
To James Thomas, $200.25;
To William P. Walker, $120.06;
To A. S. Rogers, $341.55;
To Tyson G. Maness, $561.02;
To William H. Bond, $130.06;
To F. M. Ballard, $240.04;
To Stephen Massengill, $120.06;
To William Swink, $440.80;
To Keton M. Jones, $361.15;
In all, $22,271.26.

Mr. SIMS. Mr. Chairman, I think if I explain this bill it will not be necessary to read the report.

In November, 1862, the Federal forces occupied all of West Tennessee west of the Tennessee River. At Henderson, a station on the Mobile and Ohio Railroad, there was a small Federal force. Col. N. N. Cox, now my honored colleague on this floor, led a number of Confederate soldiers from the Tennessee River across to Henderson, made a raid and captured this Federal force, burned a lot of cotton, and burned the depot.

Under an order of General Grant, who was in command of that department at that time, an assessment was made upon the citizens living in the vicinity of Henderson to repay the Government for its losses. First, an appraisement was made of the losses. The Government lost $1,900 worth of cotton, and camp equipage and other property, amounting in all to $5,080. Individual citizens had something over $18,000 worth of cotton destroyed, and the Mobile and Ohio depot was burned. In appraising the value of the property lost they also appraised the value of the depot and of this cotton which belonged to these private individuals. The whole money was collected, amounting to $27,000 and over.

When the facts were made known to General Grant that a collection had been made from these citizens to pay for the private property, he immediately stated that he had no idea of making any such order, and that his order had been misconstrued, his only object and purpose being to collect from the citizens a sufficient amount to reimburse the Government for its losses.

The money was turned over to the provost-marshal-general, and was used for Army purposes. The entire amount was so used. Now, there are forty-eight claimants, or their representatives in this bill, from whom this money was collected. It was not applied to the payment of these individual claims, and we are only asking in this bill a return to the parties, or their heirs, of so much of said funds as was over and above the amount required to reimburse the Government, which amounts to $22,272.26. We are not asking for a cent of interest.

Now, the report is somewhat long, but the proof shows that this was entirely within the Federal lines; that these were good and law-abiding citizens, and I have here General Grant's letter, written in his own hand and signed with his own signature, in which he says that no such purpose was intended by him, and he repudiated the construction of his order placed upon it by his subordinates. A similar bill has been before Congress for about twenty years, and this identical report was made by General Bragg in 1882.

I have a letter here from Secretary Gage, in reply to one which I wrote him, inquiring whether the money had been received into the Treasury. The letter of Secretary Gage is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 26, 1899.

SIR: I have the honor to acknowledge the receipt of your letter of January 20, 1899. You refer therein to the rebel raid on Henderson Station, Tenn., in November, 1862, the damages sustained by the Government and loyal citizens, and the subsequent assessment of $26,751.36 on disloyal citizens to reimburse the Government and loyal citizens for the damages thus sustained. You summarize your inquiries by this statement: "What I want to know, and all I want to know, is, did the Government by its authorized officers receive this money?"

In answer you are informed that collections were made on this assessment, but it can not be found that more than $23,325.15 was in fact collected and accounted for by the military. The money was obviously used in the military operations of the Army, but none of it can be traced into the Treasury.

Respectfully, yours,

L. J. GAGE,
Secretary.

Hon. T. W. SIMS, M. C.,
House of Representatives, Washington, D. C.

Now, there are a number of other letters here, including one from General Hillyer, showing that every cent of this money was used for Army purposes, and therefore was virtually paid into the Treasury of the United States.

Mr. Chairman, as it is getting late, unless some member desires to know more about it, I will ask that the bill be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

MATHIAS PEDERSEN.

Mr. HAUGEN. Mr. Chairman, I wish to call up the bill (H. R. 1992) for the relief of Mathias Pederson. The bill is meritorious, and I ask that it be considered.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to take up the bill H. R. 1992. Is there objection?

Mr. CANNON. Let the bill be read first, and then we will see.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to Mathias Pederson, late of Spring Valley, Rock County, Wis., out of any money in the Treasury not otherwise appropriated, the sum of $300, with interest at 6 per cent per annum from November 27, 1863, being the sum unlawfully collected from him on that date by the board of enrollment, namely, $300, to furnish a substitute when drafted for service in the Army, he not being a citizen of the United States.

The following amendment, recommended by the Committee on Military Affairs, was read:

In lines 7, 8, and 9 strike out "with interest at 6 per cent per annum from November 27, 1863."

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. HAUGEN. I ask that the report be read. It is short.

The CHAIRMAN. The Clerk will read.

The report (by Mr. HAUGEN) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1992) for the relief of Mathias Pedersen, beg leave to submit the following report, and recommend that said bill do pass, with an amendment.

A bill similar in its nature has been before Congress for many years; has often been reported favorably in the House and in the Senate, and has passed the House at various times.

The claim is for the repayment of $300, together with interest thereon at 6 per cent per annum, amounting in all to $768. The $300 was collected from the claimant by the board of enrollment on November 27, 1863, to furnish a substitute when drafted for service in the Army, the receipt for which accompanies this report. Evidence is submitted showing the claimant to be a native of Norway; that he came to the United States and located in the State of Wisconsin in the month of June, 1860, when 21 years of age. It is shown also that the claimant was drafted into the service of the United States from the town of Spring Valley, Rock County, Wis., on November 12, 1863, and in order to secure his release he was obliged to pay to the board of enrollment the sum of $300.

It is further shown that the claimant was exempt from military service at the time he was drafted and at the time he paid the $300, on the ground that he was then the subject of a foreign government, and that he did not declare his intention of becoming a citizen of the United States until October 17, 1864.

The act of Congress approved February 23, 1867, authorized the Secretary of War to refund from the commutation money the amount paid by any person drafted during the civil war who was not legally liable to draft; but the act applied only to claims received at the War Department prior to its passage. The act is as follows:

[14 Stat. L., page 417.]

Extract from an act for the relief of certain drafted men.

"SEC. 2. *And be it further enacted*, That the Secretary of War is authorized and required to refund from the commutation money the amount (not exceeding $300 in any one case) paid by any person drafted during the late war who furnished a substitute or paid commutation money, wherever it shall appear that, under the decisions and rules of the War Department governing at the time, the said person was entitled to discharge from the obligation to render personal service under the draft for which he paid money or furnished a substitute, and to refund, in like manner, in all cases wherein it shall appear that a person so having paid commutation money or furnished a substitute was not legally liable to draft: *Provided*, That this section shall apply only to claims received at the War Department prior to its passage.

"Approved, February 28, 1867."

Claimant was ignorant of the law and did not file his claim in the War Department until after the passage of the above act. Your committee have considered the facts in the case and are of the opinion that the claim is a just one, and report back the bill and recommend its passage with the following amendment:

In lines 7, 8, and 9 strike out "with interest at 6 per cent per annum from November 27, 1863."

Mr. HAUGEN. I submit the following documents relating to the case:

United States Statutes at Large, page 731, act of March 3, 1863, reads as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all able-bodied male citizens of the United States and persons of foreign birth who shall have declared on oath their intention to become citizens under and in pursuance of the laws thereof between the ages of 20 and 45 years, except as hereinafter excepted, are hereby declared to constitute the national forces and shall be liable to perform military duty in the service of the United States when called out by the President for that purpose."

Sections 4 and 9, page 732, provide: "States to be divided into enrollment districts."

Section 13, page 732: "*And it is further enacted*, That any person drafted and notified to appear as aforesaid may on or before the day fixed for his appearance furnish an acceptable substitute to take his place in the draft, or he may pay to such person as the Secretary of War may authorize to receive it such sum, not exceeding $300, as the Secretary may determine, for the procuration of such substitute, which sum shall be fixed at a uniform rate by a general order made at the time of ordering a draft for any State or Territory, and thereupon such person so furnishing the substitute or paying the money shall be discharged from further liability under the draft, and any person failing to report after due service of notice, as herein prescribed, without furnishing a substitute or paying the required sum thereof shall be deemed

a deserter, and shall be arrested by the provost-marshal and sent to the nearest military post for trial by court-martial unless, upon proper showing that he is not liable to do military duty, the board of enrollment shall relieve him from the draft."

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 19, 1900.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, inclosing copy of H. R. bill 1992, for the relief of Mathias Pederson, and asking to be advised under what law was the board of enrollment authorized to accept $300, and if the record shows that the $300 was paid, and to inform you that the same has been referred to the Chief of the Record and Pension Office, War Department, to whose Bureau the subject-matter pertains.

Very respectfully,

H. C. CORBIN,
Adjutant-General.

Hon. G. N. HAUGEN, M. C.,
House of Representatives.

WAR DEPARTMENT,
Washington City, January 22, 1900.

SIR: In reply to your request for information relative to Mathias Pedersen, drafted man from Wisconsin, I have the honor to inclose a report from the Chief of the Record and Pension Office of this Department.

Very respectfully,

G. D. MEIKLEJOHN,
Assistant Secretary of War.

The CHAIRMAN COMMITTEE ON WAR CLAIMS,
House of Representatives.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, January 20, 1900.

SIR: In reply to your letter of the 17th instant, received to-day, in which you inclose a bill (H. R. 1992, Fifty-sixth Congress, first session) directing the Secretary of the Treasury to pay to Mathias Pederson, late of Spring Valley, Rock County, Wis., the sum of $300 with interest at 6 per cent from November 27, 1863, which, it is stated, was collected from him by the board of enrollment to furnish a substitute when drafted, and request to be informed of the law under which the board of enrollment was authorized to accept the sum mentioned, and further request to be informed whether the records show that the sum mentioned was paid, I am directed by the Secretary of War to inform you that there is on file in this office a duplicate receipt; dated office of receiver of commutation money, Second district of Wisconsin, Madison, November 27, 1863, signed by E. R. Wadsworth, receiver of commutation money, in which he acknowledges to have received on that date from Mathias Pederson, who was drafted into the service of the United States on the 2d day of November, 1863, from the Second district of the State of Wisconsin, the sum of $300 to obtain, under section 13 of the act for enrolling and calling out the national forces, and for other purposes, bearing date of March 3, 1863, discharge from further liability under that draft.

The copy of the bill submitted by you is herewith returned.

Very respectfully,

F. C. AINSWORTH,
Chief, Record and Pension Office.

Hon. G. N. HAUGEN,
House of Representatives.

CASE OF MATHIAS PEDERSEN, DRAFTED MAN FROM WISCONSIN.

The records show that Mathias Peterson was drafted from Spring Valley, Rock County, twelfth subdistrict, Second district of Wisconsin, November 12, 1863, and that he was exempted from personal service under the draft November 27, 1863, by reason of the payment of $300 commutation money, a duplicate receipt for which is as follows:

[Duplicate. No. 79.]

"OFFICE OF RECEIVER OF COMMUTATION MONEY,
"SECOND DISTRICT OF WISCONSIN,
"*Madison, November 27, 1863.*

"Received at Madison, on the 27th day of November, 1863, from Mathias Pederson, who was drafted into the service of the United States on the 12th day of November, 1863, from the Second Congressional district of the State of Wisconsin, the sum of $300, to obtain, under section 13 of the 'Act for enrolling and calling out the national forces, and for other purposes,' approved March 3, 1863, discharge from further liability under that draft.

"E. R. WADSWORTH,
"$300. *Receiver of Commutation Money.*"

Nothing has been found of record in this office to show that he was an alien at the time of his draft, or that he claimed exemption from service under the draft by reason of being an alien.

Respectfully submitted.

F. C. AINSWORTH,
Chief, Record and Pension Office.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
January 22, 1900.

The SECRETARY OF WAR.

STATE OF IOWA, *Worth County, ss.:*

I, Mathias Pedersen, of the county and State aforesaid, being first duly sworn, upon oath do depose and say: That in May, 1860, as a native of Norway, I landed in America; that on or about November 12, 1863, while yet a subject of Norway, I was drafted into the United States Army from the town of Spring Valley, Rock County, Wis.; that on or about November 12, 1863, I paid to the board of enrollment the sum of $300, receipt for which sum has already been filed in connection with H. R. 2062, Fifty-fourth Congress, first session; that on November 12, 1863, this affiant was not a subject of the United States, for that on the 17th day of October, 1864, he declared his intention of becoming a citizen of the United States, in Janesville, Rock County, Wis.; that the sum of $300 was paid to said board of enrollment through ignorance as to his rights and as it was then understood to purchase for him a substitute for service in the United States Army; that full evidence has already been filed, but can not be found.

MATHIAS PEDERSEN.

Subscribed and sworn to before me by Mathias Pedersen, this 22d day of January, 1900.

[SEAL.]

DOW SIMMONDS,
Notary Public in and for Worth County, Iowa.

STATE OF IOWA, *Worth County, ss:*

I, Dow Simmonds, being first duly sworn, on oath depose and say that I have been acquainted with Mathias Pederson for twenty-two years last past; that during said period I have never heard of his honesty or integrity being impugned; his reputation for truth and veracity has never been called in question.

Signed this 22d day of January, 1900.

DOW SIMMONDS.

Subscribed and sworn to before me by Dow Simmonds this 22d day of January, 1900.

[SEAL.]

T. L. RINGHAM,
Notary Public in and for Worth County, Iowa.

The amendments recommended by the committee were agreed to.

Mr. HAUGEN. I move that the bill be laid aside to be reported to the House with favorable recommendation.

The motion was agreed to.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. MAHON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEMENWAY, Chairman of the Committee of the Whole House, reported that that committee had had under consideration various bills and had directed him to report them back to the House with the following recommendations: That the bill H. R. 6909 be recommitted to the Committee on War Claims; that the bill H. R. 909 lie on the table; that the bills H. R. 159, H. R. 2056, and H. R. 1992 do pass.

EASTERN EXTENSION AUSTRALASIA AND CHINA TELEGRAPH COMPANY, LIMITED.

The bill (H. R. 6909) authorizing the Secretary of State to pay the claim of the Eastern Extension Australasia and China Telegraph Company, Limited, for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut by United States forces during the war with Spain, reported back with the recommendation that it be recommitted to the Committee on War Claims, was recommitted to the Committee on War Claims.

CONFERRING ON THE COURT OF CLAIMS JURISDICTION WITH RESPECT TO CERTAIN CLAIMS.

The bill (H. R. 909) conferring on the Court of Claims jurisdiction with respect to certain claims reported by the Committee of the Whole with the recommendation that it do lie on the table, was laid on the table.

GEORGE W. LAWRENCE.

The first bill reported favorably from the Committee of the Whole was the bill (H. R. 159) for the relief of the estate of George W. Lawrence.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the bill S. 736, which is exactly the same as the bill H. R. 159, which has been reported from the Committee of the Whole with the recommendation that it do pass, be substituted for the House bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a similar bill, S. 739, be substituted for the House bill. Is there objection?

Mr. UNDERWOOD. Let the title be read.

The Clerk read as follows:

A bill for the relief of the estate of George W. Lawrence.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the House bill will lie on the table.

There was no objection.

HIRAM JOHNSON AND OTHERS.

The next business reported from the Committee of the Whole was the bill (H. R. 2356) for the relief of Hiram Johnson and others.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MATHIAS PEDERSON.

The next business reported from the Committee of the Whole was the bill (H. R. 1992) for the relief of Mathias Pederson, with an amendment.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MAHON. Mr. Speaker, I move to reconsider the several votes by which the various actions have been taken on the bills reported from the Committee of the Whole, and also move to lay that motion on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MEEKISON, for ten days, on account of important business.

To Mr. SHACKLEFORD (by request of Mr. LLOYD), for one week, on account of important business.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1763. An act granting a pension to Ella F. Snyder;

H. R. 470. An act granting a pension to Jane Dykes;

H. R. 6700. An act granting an increase of pension to Maria Andrews;

H. R. 2397. An act granting an increase of pension to Charles Kauffung;

H. R. 3012. An act granting a pension to Sarah Claggett;

H. R. 6701. An act granting a pension to Serelda McGrew;

H. R. 5139. An act for the relief of Joseph Bacigaluppi and others; and

H. R. 3538. An act granting an increase of pension to Charles Ross.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 3207. An act approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas.

CHANGES OF REFERENCE.

The SPEAKER submitted to the House the following changes of reference, to which there was no objection:

A bill (S. 1919) granting an increase of pension to Consolacion Victoria Kirkland, from the Committee on Invalid Pensions to the Committee on Pensions;

A bill (H. R. 958) to provide for the reimbursement of the governors of the several States for payment of certain pay and expenses of the naval militia, from the Committee on Naval Affairs to the Committee on War Claims; and

The bill (H. R. 1190) granting thirty days' leave of absence with pay to the compositors and pressmen employed in the awards division of the Bureau of Engraving and Printing, Treasury Department, from the Committee on Appropriations to the Committee on Claims.

LATE HON. EVAN E. SETTLE.

Mr. GAYLE. Mr. Speaker, I ask unanimous consent for the adoption of the following resolution.

The Clerk read as follows:

Resolved, That Saturday, April 21, after the hour of 1 p. m., be devoted to eulogies on the late Representative EVAN E. SETTLE, of the Seventh district of Kentucky.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the order will be made.

Mr. MAHON. Mr. Speaker. I ask unanimous consent to print a speech that I prepared on the Pennsylvania bill that was defeated. It is a purely legal argument, and I ask unanimous consent to publish it in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks on the Pennsylvania bill, which was laid upon the table. Is there objection? [After a pause.] The Chair hears none.

Mr. MAHON. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hezekiah M. Martin against the United States, was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1939) authorizing the President of the United States to appoint a commission to study and make full report upon the commercial and industrial conditions of China and Japan, and for other purposes, reported the same with amendment, accompanied by a report (No. 878); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9634) to set apart certain lands in the Territory of Arizona as a public park, to be known as the Petrified Forest National Park, reported the same with amendment, accompanied by a report (No. 879); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4450) for the relief of the legal representatives of George M. Clapp, of the Washington Iron Works, reported the same without amendment, accompanied by a report (No. 877); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4554) granting a pension to Margaret M. Badger, widow of the late Commodore Oscar C. Badger, United States Navy, reported the same with amendment, accompanied by a report (No. 880); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7180) granting an increase of pension to Amelia A. Taylor, reported the same with amendment, accompanied by a report (No. 881); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6990) granting a pension to Patrick O'Donnell, reported the same with amendment, accompanied by a report (No. 882); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9574) granting an increase of pension to Catharine Brown, widow of Frank Brown, reported the same with amendment, accompanied by a report (No. 883); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4992) for the relief of Mrs. Susan Buntine, reported the same with amendment, accompanied by a report (No. 884); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7066) granting an increase of pension to Hiram C. Childress, reported the same with amendment, accompanied by a report (No. 885); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8686) granting a pension to James A. Tulloss, of Rhea County, Tenn., a soldier of the Indian wars, reported the same with amendment, accompanied by a report (No. 886); which said bill and report were referred to the Private Calendar.

Mr. THROPP, from the Committee on Claims, to which was referred the bill of the House (H. R. 2294) for the relief of J. V. Davis, of Alexandria, Va., reported the same with amendment, accompanied by a report (No. 887); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MUDD: A bill (H. R. 10222) providing for the erection of engine house and the purchase of a chemical engine at Congress Heights, D. C.—to the Committee on the District of Columbia.

Also, a bill (H. R. 10223) for improvement of navy-yard bridge, at Washington, D. C.—to the Committee on the District of Columbia.

By Mr. JOHNSTON: A bill (H. R. 10224) to provide the manner of proving the records of justices of the peace—to the Committee on the Judiciary.

By Mr. DE VRIES: A bill (H. R. 10225) relating to rights of way for canals and ditches used for irrigation and other beneficial uses—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 10226) for the protection of cities and towns in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 10227) authorizing the President to appoint an inspector to be attached to the office of the Secretary of the Navy—to the Committee on Naval Affairs.

By Mr. STEWART of Wisconsin: A bill (H. R. 10228) providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin—to the Committee on Indian Affairs.

By Mr. BROWNLOW: A bill (H. R. 10229) to fix the salaries of certain judges of the United States—to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 10230) authorizing the Commissioner of Fish and Fisheries to cause examination to be made as to the advisability of establishing a biological station and fish-cultural station on or near the coast of the Gulf of Mexico, as to the best place or places for such stations, and making an appropriation for such examination—to the Committee on the Merchant Marine and Fisheries.

By Mr. BABCOCK: A bill (H. R. 10231) to amend an act entitled "An act to regulate in the District of Columbia the disposal of certain refuse, and for other purposes," approved January 25, 1898—to the Committee on the District of Columbia.

By Mr. LOUD: A bill (H. R. 10275) to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER: A bill (H. R. 10276) for the purchase of a site and the erection of a post-office building at Westminster, Carroll County, Md.—to the Committee on Public Buildings and Grounds.

By Mr. ROBERTS: A joint resolution (H. J. Res. 222) authorizing the Secretary of War to prepare and submit estimates for the improvement of the harbor at Lynn, Mass.—to the Committee on Rivers and Harbors.

By Mr. ALDRICH: A joint resolution (H. J. Res. 223) proposing an amendment to Article II of the Constitution of the United States—to the Committee on the Judiciary.

Also, a joint resolution (H. J. Res. 224) proposing an amendment to the Constitution providing for the election of members of the House of Representatives of the United States every three years—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. RICHARDSON: A resolution (H. Res. 203) directing the Secretary of War to furnish the House of Representatives with any opinion or opinions given the Department by Charles E. Magoon, law officer of the division of insular affairs, relative to the extension of the Constitution to the island of Puerto Rico—to the Committee on Military Affairs.

By Mr. McCLELLAN: A resolution (H. Res. 204) requesting the Secretary of the Interior to furnish a list of the names of those officers now on the rolls of the Army and of the Navy who have received letters patent for any invention of arms, of ammunition, or of other war material or of military or naval equipment—to the Committee on Patents.

By Mr. DOLLIVER: A memorial of the Iowa legislature, in regard to the collection of mail in country districts—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: A concurrent resolution of the legislature of Iowa, in relation to the rural free-delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. GREENE of Massachusetts: Resolutions of the legislature of Massachusetts, in favor of the establishment of a harbor of refuge at Pleasant Bay, on the eastern shore of Cape Cod—to the Committee on Rivers and Harbors.

By Mr. FITZGERALD of Massachusetts: Resolutions of the legislature of Massachusetts, in favor of the establishment of a harbor of refuge at Pleasant Bay, on the eastern shore of Cape Cod—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT (by request): A bill (H. R. 10232) for the relief of Thomas G. Verdine, of Upson County, Ga.—to the Committee on War Claims.

Also (by request), a bill (H. R. 10233) for the relief of Pinkney Persons, of Monroe County, Ga.—to the Committee on War Claims.

By Mr. BENTON: A bill (H. R. 10234) for relief of Jacob Scott—to the Committee on Military Affairs.

Also, a bill (H. R. 10235) granting an increase of pension to George Friend—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 10236) granting a pension to Catherine Garcia—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 10237) to place Henry Zell on the retired list of the Army—to the Committee on Military Affairs.

By Mr. BURLEIGH: A bill (H. R. 10238) granting a pension to Margaret E. Welch—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 10239) for the relief of Solomon Geisenberg, Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10240) for the relief of Aquila Bowie, of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10241) for the relief of Louis Sommer, Washington County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10242) for the relief of the estate of Alex. Russell, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10243) for the relief of the estate of John Crawford, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10244) for the relief of the estate of William Redden, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10245) for the relief of the estate of Charles Denia, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10246) for the relief of Ann E. Saddler, Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10247) for the relief of the estate of Mary Oliver, deceased, of Warren County, Miss.—to the Committee on War Claims.

By Mr. FITZPATRICK: A bill (H. R. 10248) for the benefit of the family of William Byrd, deceased—to the Committee on Claims.

Also, a bill (H. R. 10249) giving military record to John F. Rudd—to the Committee on Military Affairs.

Also, a bill (H. R. 10250) to remove the charge of desertion from the military record of James Stone—to the Committee on Military Affairs.

Also, a bill (H. R. 10251) placing the name of J. R. Mann, of Salyersville, Ky., on the muster rolls of the United States—to the Committee on Military Affairs.

Also, a bill (H. R. 10252) for the relief of Green Clay Gardner, Thirty-ninth Regiment Kentucky Volunteer Mounted Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10253) giving military record to Manfred S. Friend—to the Committee on Military Affairs.

Also, a bill (H. R. 10254) removing the charge of desertion from the military record of R. L. Davis—to the Committee on Military Affairs.

Also, a bill (H. R. 10255) for the relief of Jake T. Patrick, of Salyersville, Ky.—to the Committee on Claims.

By Mr. GILBERT: A bill (H. R. 10256) for the benefit of Mary Conn, administratrix of John Conn—to the Committee on War Claims.

By Mr. GRAFF: A bill (H. R. 10257) for the relief of W. D. Catlett—to the Committee on Claims.

By Mr. LONG: A bill (H. R. 10258) granting an increase of pension to Elijah Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10259) for the relief of Harvey Smith—to the Committee on Military Affairs.

By Mr. LITTAUER: A bill (H. R. 10260) granting an increase of pension to Ira C. Hall—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 10261) granting a pension to Josiah H. Buckingham—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 10262) to remove the charge of desertion from the naval record of James McFarlan—to the Committee on Military Affairs.

By Mr. ROBINSON of Nebraska: A bill (H. R. 10263) granting a pension to Abraham A. Croy, of Bloomfield, in the State of Nebraska—to the Committee on Invalid Pensions.

By Mr. RYAN of Pennsylvania: A bill (H. R. 10264) granting an increase of pension to Abraham Yoder—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 10265) confirming certain leases given by the Seneca Nation of Indians to John Quilter—to the Committee on Indian Affairs.

By Mr. SIMS: A bill (H. R. 10266) for the relief of James D. Lane, of Madison County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10267) for the relief of W. E. Mitchum, of Carroll County, Tenn.—to the Committee on War Claims.

By Mr. STARK: A bill (H. R. 10268) granting an increase of pension to J. L. McGee—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 10269) for the relief of Charles W. Geddes—to the Committee on Naval Affairs.

By Mr. WHITE: A bill (H. R. 10270) for the relief of Elizabeth T. Flowers and Sarah E. Bridges, of Wayne County, N. C.—to the Committee on War Claims.

Also, a bill (H. R. 10271) granting Mary E. Norman a pension—to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 10272) for the relief of the Methodist Episcopal Church South, of Fox Hill, Elizabeth City County, Va.—to the Committee on War Claims.

By Mr. RIDGELY: A bill (H. R. 10273) granting a pension to John Cooper—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 10274) granting an increase of pension to Henry Smith—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of Fred Tigge and other citizens of Lakeford; S. P. Hale, G. W. Hazlett, and others of Tripoli, Iowa, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. ADAMS: Petition of the Keystone Association, of Philadelphia, Pa., favoring the passage of House bill No. 6872, for the printing of the label of the allied printing trades on all publications of the Government—to the Committee on Printing.

By Mr. BABCOCK: Letters of Prof. W. A. Henry and Prof. J. B. Johnson, of the Wisconsin State University, relating to Senate bill No. 2746, to aid certain States to support schools of mines—to the Committee on the Public Lands.

Also, letter of Dr. Jacob Senty, of Prairie du Sac, Wis., favoring the passage of House bill No. 7017, relating to a patent in the interest of dentistry—to the Committee on Patents.

By Mr. BAKER: Petition of Denison Post, No. 8, of Baltimore, Md., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BELL: Petition of W. W. Williamson, of Colorado Springs, Colo., favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

Also, petition of citizens of Antonito, Colo., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Abbey and Cimarron, Colo., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. BRENNER: Petition of the Dayton (Ohio) Turngemeinde, in favor of American mediation between Great Britain and the Transvaal Republic—to the Committee on Foreign Affairs.

By Mr. BURLEIGH: Petitions of citizens of Freedom, Monroe, Thordike, Augusta, Madison, North Anson, and other towns in the State of Maine, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of citizens of Waldo, Me., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of China, Me., against the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. BURLESON: Petition of citizens of Blanco County, Tex., favoring Government distribution of blackleg vaccine—to the Committee on Agriculture.

Also, resolutions of Company D, Third Regiment National Guard of the State of Texas, urging the passage of House bill No. 7936, increasing the appropriation for the State militia—to the Committee on Militia.

By Mr. BUTLER: Petition of the Temperance Association of Friends, of Philadelphia Yearly Meeting, favoring the anti-canteen bill—to the Committee on Military Affairs.

By Mr. CALDWELL: Petition of Lingle Post, No. 780, and John A. Bross Post, No. 578, Department of Illinois, Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Resolutions of the Grand Army of the Republic Posts of Janesville, Racine, Albany, and Darien, Department of Wisconsin, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Thomas North and others, in the First Congressional district of Wisconsin, favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

Also, resolutions of the Presbyterian Christian Endeavor Society of Racine, Wis., to prohibit the sale of intoxicating liquors in Army canteens and at military posts—to the Committee on Military Affairs.

Also, resolution of Du Lac Grange, No. 72, of Milton Junction, Wis., urging the immediate construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Grand Army of the Republic Post No. 70, of Clinton, Wis., indorsing the speech of Gen. Albert D. Shaw at the Seventy-first armory of the National Guard of the State of New York—to the Committee on Military Affairs.

By Mr. DOLLIVER: Petition of L. L. Palmer and others, of Paton, Iowa, for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. EDDY: Petition of J. J. Greaves and other druggists in the State of Minnesota, for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

Also, resolution of the St. Paul (Minn.) Chamber of Commerce, in regard to subsidies—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the St. Paul Chamber of Commerce, recommending the establishment of a route to the Philippines via Puget Sound—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of St. Paul, Minn., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Levi Whiting Post, No. 29, and Colonel Cobham Post, No. 90, Grand Army of the Republic, Department of Minnesota, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of Battery A, of St. Paul, and Company H, Third Regiment, of Olivia, National Guard, State of Minnesota, favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the militia of the States and Territories—to the Committee on Militia.

Also, resolution of the Red River Millers' Club, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Minnesota State Agricultural Society, against a certain bill to promote foreign commerce, etc.—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the St. Paul Commercial Club, urging the immediate construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Ramsey County (Minn.) Medical Society, in favor of the establishment of homes or colonies for lepers—to the Committee on Insular Affairs.

Also, petition of the United Labor League of Weston, Pa., and International Association of Machinists, favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

By Mr. KAHN: Petition of General George W. Meade Post, No. 48, Grand Army of the Republic, of San Francisco, Cal., favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KETCHAM: Petition of Hamilton Post, No. 20, of Poughkeepsie, N. Y., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LACEY: Petitions of Ottumwa Camp and New Sharon Camp, Modern Woodmen of America, to amend the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LANE: Resolution of Post No. 8, of Iowa City, Iowa, Grand Army of the Republic, praying for the passage of House bill No. 7094—to the Committee on Military Affairs.

By Mr. LITTLE: Paper to accompany House bill for the relief of Isaac W. Morse—to the Committee on Invalid Pensions.

By Mr. LYBRAND: Resolution of Coshocton (Ohio) Subordinate Association, No. 19, of the Lithographers' International Protective and Beneficial Association of the United States and Canada, favoring House bill No. 6872, to print the label of the Allied Printing Trades on publications of the Government—to the Committee on Printing.

Also, petitions of Livingston Post, No. 425, and John Falk Post, No. 745, Grand Army of the Republic, Department of Ohio, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MANN: Petitions of druggists of Chicago, Ill., and others, for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. NEEDHAM: Resolution of the San Diego (Cal.) Chamber of Commerce, urging the passage of House bill No. 1439,

amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the San Diego (Cal.) Chamber of Commerce, for the passage of House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. NORTON of Ohio: Petition of E. B. Hubbard and other druggists of Tiffin, Ohio, for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, papers to accompany House bill No. 7798, for the relief of Denton Whips—to the Committee on Military Affairs.

Also, resolution of the Ohio Association of Local Fire Insurance Agents, urging the passage of House bill No. 6252, relating to the collection of tax on fire-insurance policies—to the Committee on Ways and Means.

Also, resolution of Manville Moore Post, No. 525, of Fremont, Ohio, and Moses Martin Post, No. 649, of Huron, Grand Army of the Republic, Department of Ohio, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of Subordinate Association No. 19, Lithographers' International Association, Coshocton, Ohio, to print the label of the Allied Printing Trades on publications of the Government—to the Committee on Printing.

By Mr. ROBERTS: Petition of William B. Eaton Post, No. 199, Grand Army of the Republic, of Revere, Mass., favoring the passage of House bill No. 7094—to the Committee on Military Affairs.

By Mr. ROBINSON of Nebraska: Petition of citizens of Niobrara, Nebr., for an appropriation of $10,000 for the purpose of improving the Missouri River at and below the mouth of the Niobrara River, etc.—to the Committee on Rivers and Harbors.

By Mr. RUSSELL: Petition of Grand Army of the Republic post at Mystic, Conn., favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. STARK: Petition of L. B. Martin and 54 others, of Crete, Nebr., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of W. A. Carpenter and other citizens of York, Nebr., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. STEVENS of Minnesota: Resolution of the St. Paul Chamber of Commerce, asking for a United States supervising inspector of steam vessels at St. Paul—to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. J. Roseman, of St. Paul, Minn., favoring the anti-canteen bill—to the Committee on Military Affairs.

Also, petition of Company E, Fourth Infantry National Guard of State of Minnesota, in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on Militia.

By Mr. WACHTER: Affidavit to accompany House bill No. 8190, for the relief of Henry Miller—to the Committee on Pensions.

By Mr. WHITE: Petition of J. W. Reynolds and others, of Texas, and John W. Fox and 36 others, of Massachusetts, against the crime of lynching and mob violence—to the Committee on the Judiciary.

Also, petition of Mary E. Norman, for a pension—to the Committee on Invalid Pensions.

By Mr. WISE: Papers to accompany House bill for the relief of P. F. Eagan—to the Committee on Claims.

SENATE.

SATURDAY, *March 31, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901.

The message also announced that the House had passed the bill (S. 739) for the relief of the estate of George W. Lawrence.

PETITIONS AND MEMORIALS.

Mr. HANSBROUGH. I present resolutions adopted at a meeting of citizens of South Minnewaukon Township, in the county of Ramsey, N. Dak., declaring in favor of the Boers in South Africa, against a tariff as to Puerto Rico, against the ship-subsidy bill, and against the war in the Philippines. I ask that the resolutions, which can not be sent to any particular committee, be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

SOUTH MINNEWAUKAN TOWNSHIP, N. DAK., *March 13, 1900.*

To the Senators and Representative of North Dakota in Congress:

The residents of South Minnewaukan Township in mass meeting assembled. The following resolutions were unanimously adopted:

Resolved, That we sympathize with the brave and valiant Boers in the manly struggle for freedom and independence, and hereby declare that the people of South Africa and the Orange Free State are and of right ought to be free and independent: Therefore, be it

Resolved, That we hereby request our Senators and Representative in Congress to take such active measures as shall insure immediate mediation by the President of these United States as shall lead to a speedy termination of the unholy and unjust war now waged by England in an unjust cause—a war of greed and conquest.

Resolved, That we are in favor of such treatment being accorded to the people of Puerto Rico as is now accorded to the peoples of every State in the Union; that no discriminating tariff duties should be imposed upon any of their products entering into competition with like products of the United States. We favor executing honorably every pledge or promise that may have been made to the peoples of Puerto Rico.

Resolved, That we are opposed to the useless shedding of the blood of American soldiers in the war of conquest against the Philippines.

Resolved, That the peoples of the Western States are producers and have to depend on foreign markets for fixed prices and sale of their products; therefore we are opposed to all forms of tariff protection that tends to foster trusts and combinations of aggregated capital which compels consumers to pay exorbitant prices for such protected commodities.

Resolved, That we favor ship subsidy, but are opposed to the "Hanna-Payne bill" now under consideration; if special favors must be granted, let such favoritism be extended toward ships on the Pacific, not on the Atlantic Ocean.

Resolved, That copies of these resolutions be forwarded to the Senators and Representative of North Dakota in Congress.

Mr. COCKRELL presented a petition of the Merchants' Exchange of St. Louis, Mo., and the Business Men's League of St. Louis, Mo., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1378) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others, reported it without amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (H. R. 3775) granting an increase of pension to Robert Boston, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6885) granting an increase of pension to Horace B. Durant, reported it without amendment, and submitted a report thereon.

JOHN H. STREETER.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3797) granting an increase of pension to John H. Streeter, to report it without amendment, and as this is a bill proposing to give relief to a very sick soldier, I ask immediate consideration for it.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Streeter, late of Company F, Sixth Regiment New Hampshire Volunteer Infantry, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MORGAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3925) for the relief of the estate of Caswell B. Derrick, deceased;

A bill (S. 3926) for the relief of the estate of Bradford Hambrick, deceased;

A bill (S. 3927) for the relief of the estate of James Campbell, deceased; and

A bill (S. 3928) for the relief of the estate of A. J. Underwood, deceased.

Mr. COCKRELL introduced a bill (S. 3929) for the relief of Sidney J. Wetherell, assignee of A. V. Davis; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 3930) to increase the salary of the United States marshal for the southern district of Ohio; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3931) to correct the military record of Forrest C. Briggs; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SPOONER introduced a bill (S. 3932) to provide compensation for injuries received by George E. Giles, of Watertown, Wis., at the Ford's Theater disaster, which occurred June 9, 1893; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAKER introduced a bill (S. 3933) for the protection of cities and towns in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3934) to provide for the sale of isolated and disconnected tracts or parcels of the Osage trust and diminished reserve lands in the State of Kansas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. HALE introduced a bill (S. 3935) granting an increase of pension to James Ryan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHOUP introduced a bill (S. 3936) for the relief of Caroline V. English; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 3937) to amend an act entitled "An act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes," approved January 25, 1898; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. McBRIDE introduced a bill (S. 3938) reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, and so forth; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SULLIVAN introduced a bill (S. 3939) for the relief of the estate of Mary P. Govan, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3940) for the relief of Sally G. Billups; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3941) granting an increase of pension to John Hutchins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 3942) for increasing the efficiency of the Signal Corps of the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO PUERTO RICAN BILL.

Mr. GALLINGER submitted two amendments intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which were ordered to lie on the table and be printed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I submit a concurrent resolution, which is simply to correct an error in the enrollment of an appropriation bill, and I ask for its adoption.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill H. R. 7941, "An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901," the Clerk of the House of Representatives be directed to omit the word "Ottawa," in line 22, page 11, of the engrossed bill.

READJUSTED SALARIES OF POSTMASTERS IN IOWA.

Mr. GEAR submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the State of Iowa between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled "Ebenezer H. Swinney and others *vs.* The United States, No. 18213," each such stated account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884, and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in the said circular and publication in the newspapers and in circular form No. 1223, the text of each of which, under date of November 8, 1897, was transmitted by the Postmaster-General to the Attorney-General for use in the case of Jane Yarrington and others *vs.* The United States, No. 16345.

INSULAR SURVEYS.

Mr. FOSTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to submit to the Senate of the United States a report stating what surveys the Navy Department has made in the islands recently acquired by the United States.

READJUSTED SALARIES OF POSTMASTERS IN ILLINOIS.

Mr. MASON submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the State of Illinois between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled "Albert Dickerson and others *vs.* The United States, No. 17058," each such stated account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884, and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in the said circular and publication in the newspapers, and in circular form No. 1223, the text of each of which, under date of November 8, 1897, was transmitted by the Postmaster-General to the Attorney-General for use in the case of Jane Yarrington and others *vs.* The United States, No. 16345.

RECOMMITTAL OF A BILL.

Mr. McMILLAN. I move that the bill (S. 3663) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

NOTES ON TERRITORIAL EXPANSION BY CARMAN F. RANDOLPH.

Mr. ALLEN. I ask unanimous consent to have published as a miscellaneous document a legal argument made by Mr. Carman F. Randolph, of the New York bar, citing the authorities very fully on the subject of the legal status of our new possessions. It is an argument that was made for the benefit of the Judiciary Committee of the Senate.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent to have printed as a document the argument of Mr. Randolph touching——

Mr. SPOONER. What does the Senator mean by saying that it was made for the benefit of the Judiciary Committee?

Mr. ALLEN. If the Secretary will be kind enough to read the title, the Senator will see. I do not remember the exact title.

The PRESIDENT pro tempore. The title will be read.

The Secretary read as follows:

Notes on the law of territorial expansion, with especial reference to the Philippines, submitted to the Committee on the Judiciary of the Senate of the United States March 16, 1900, by Carman F. Randolph, of the New York bar.

The PRESIDENT pro tempore. Is there objection to printing the paper as a document?

Mr. McCOMAS. I trust that may not be done. We have many arguments in respect to that matter, and it might be very well to have them brought together and printed in a collection. I believe that this argument, which I have read——

Mr. ALLEN. I can not hear the Senator.

Mr. McCOMAS. I think that the request had better go over; and if arguments before committees are to be thus printed, I should like to see a collection, including this one with others that are more cogent.

Mr. ALLEN. I will take back the paper and put it in one of my speeches, and then the Senator will have the benefit of it.

Mr. McCOMAS. If the Senator wishes to do that, very well.

Mr. SPOONER. I do not know but that the paper ought to be referred to the Committee on the Judiciary if it was prepared for that purpose.

Mr. ALLEN. I withdraw it. The Senator from Maryland seems to be afraid of that legal question.

Mr. McCOMAS. I have no objection to having it printed as a part of a collection.

Mr. ALLEN. No; of course you want to suppress it. That is the purpose of sending it to a committee.

Mr. McCOMAS. I have read it myself, and there are several other arguments that I would like to see printed with it if it is to be printed.

Mr. ALLEN. If it has the approval of the distinguished legal

judgment of the Senator from Maryland it ought to be printed without any objection.

Mr. CULLOM. It does not have his approval, as I understand it.

SCHOOL LANDS IN ALABAMA.

Mr. MORGAN. I ask unanimous consent for the consideration of the bill (S. 3421) to grant lands to the State of Alabama for the purposes of education of colored students at Montgomery, Ala.

There being no objection, the bill was considered as in Committee of the Whole. It authorizes the governor of the State of Alabama to select, out of the unoccupied and uninhabited lands of the United States, not held for public purposes, within the State, 25,000 acres of land, and shall certify the same to the Secretary of the Interior, who shall forthwith, upon receipt of the certificate, issue to the State of Alabama patents for the lands. But the proceeds of the lands, when sold or leased, shall forever remain a fund for the use of the State normal school for colored students at Montgomery, Ala.

It also authorizes the governor of Alabama to select, out of the unoccupied and uninhabited lands of the United States, not held for public purposes, within the State, 25,000 acres of land, and shall certify the same to the Secretary of the Interior, who shall forthwith, upon receipt of the certificate, issue to the State patents for the lands. But the proceeds of the lands, when sold or leased, shall forever remain a fund for the use of the State normal college at Troy, Ala.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to grant lands to the State of Alabama for the use of the State normal school for colored students at Montgomery, Ala., and of the State normal college at Troy, Ala."

W. T. SCOTT AND OTHERS.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (S. 3554) for the relief of W. T. Scott and others.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to refund to W. T. Scott and William Umdenstock, of Harrison County, Tex., or to their heirs or legal representatives, $2,750 each, that being the amount erroneously paid by them severally into the Treasury of the United States on the 17th day of September, 1881, in compromise of a judgment recovered against them as sureties on the official bond of Davis B. Bonfoey, late collector of internal revenue for the fourth district of Texas, in the circuit court of the United States for the western district of Texas December 11, 1873.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT AND FOG SIGNAL AT BROWNS POINT, PUGET SOUND.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill (H. R. 8128) to establish a light and fog signal at Browns Point, in Puget Sound.

There being no objection, the bill was considered as in Committee of the Whole. It provides that a light and fog signal shall be established and constructed at Browns Point, on Commencement Bay, in Puget Sound, being at the entrance of the harbor of the city of Tacoma; the light and fog signal not to exceed the cost of $6,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF GILMAN SAWTELLE.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (S. 257) for the relief of Gilman Sawtelle.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 4, after the word "to," to insert "the legal representative of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the legal representatives of Gilman Sawtelle, Priest River, Idaho, out of any money in the Treasury not otherwise appropriated, the sum of $2,070, for remuneration for damages done to his property by United States troops while camping on his ranch at Henrys Lake, Idaho, in 1877.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal representatives of Gilman Sawtelle."

JAMES AND WILLIAM CROOKS.

Mr. SPOONER. Some time ago I entered a motion to reconsider the vote by which the Senate passed the bill (S. 631) for the relief of James and William Crooks, of Canada. I have examined the case since then, and in view of the fact that the court held the original seizure to have been void, I regard the principle which it seemed to me ought to prevent the passage of the bill to be inapplicable. I therefore ask unanimous consent to withdraw the motion to reconsider.

The PRESIDENT pro tempore. The Senator from Wisconsin withdraws the motion to reconsider the vote by which Senate bill 631 was passed. The bill stands passed.

JOHN COLLINSON.

Mr. DAVIS. I ask unanimous consent that the bill (S. 3723) to enable John Collinson, a subject of Her Majesty the Queen of Great Britain, to dispose of his right, title, and interest to and in certain lands situate in the Territory of New Mexico, be now considered.

The Secretary read the bill.

Mr. BERRY. From what committee does the bill come?

The PRESIDENT pro tempore. The Committee on Foreign Relations.

Mr. COCKRELL. I should like to ask the Senator a question. Would the bill authorize Mr. Collinson to sell the lands to another citizen of England?

Mr. DAVIS. Yes.

Mr. COCKRELL. Then would that authorize the purchaser to hold and convey it indefinitely to other citizens?

Mr. DAVIS. The same as if it were sold to a citizen of the United States.

I will say to the Senator that the bill received the very careful consideration of the Committee on Foreign Relations. We heard an explanation of the history of the matter from Senator ELKINS. It seems that Mr. Collinson acquired this property in 1873. The act of Congress forbidding the purchase of property by aliens was passed in 1887; but upon looking at the facts and circumstances, Mr. Collinson having large business interests in this country, we concluded that it was a proper case in which to grant relief from the operation of the act. He can make a sale to people in London and can not make it here. We thought on the whole it was a proper thing to do.

Mr. COCKRELL. In other words, it would enable this piece of property to be held indefinitely and to be transferred by citizens of England from one to the other?

Mr. DAVIS. Just as if it were held by a citizen of the United States. Mr. President, considering the treaty we made the other day, and considering the very questionable policy of such sweeping legislation, I think this is a proper and fit bill to pass under the circumstances of the case.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Foreign Relations with amendments.

The amendments were, in section 1, page 1, line 8, after the word "Bosque," to insert "del Apache;" and on page 2, line 2, after the word "act," to insert "or statute of the United States;" so as to make the section read:

That John Collinson, of London, England, a subject of Her Majesty the Queen of Great Britain, be, and he hereby is, authorized and empowered to sell, convey, transfer, and deliver, either as a whole or otherwise, all his right, title, and interest in and to certain lands situate in the Territory of New Mexico, known briefly as the "Bosque del Apache grant," to any person or persons or corporation or corporations, and that such person or persons or corporation or corporations be, and it or they hereby are, authorized and empowered to take, receive, hold, transfer, and deal with the lands and interests so acquired, notwithstanding the provisions of any Territorial act or statute of the United States now in force respecting the holding of lands in Territories of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM PENNSYLVANIA.

Mr. CHANDLER. Mr. President, I desire to give notice, with reference to the unanimous-consent agreement that the resolution No. 107, in reference to the vacant seat in this body from the State of Pennsylvania, shall be proceeded with on Tuesday next, after the conclusion of the morning business, that I shall defer asking the Senate to act under that consent agreement on Tuesday next, out of deference to the discussion of the Puerto Rican bill, but I shall ask the Senate to proceed under that order on the next day, Wednesday, after the conclusion of the routine morning business,

or, if not under that order, to proceed with the resolution as the highest possible question of privilege.

GOVERNMENT OF PUERTO RICO.

The PRESIDENT pro tempore. The first bill on the Calendar will be announced.

Mr. FORAKER. I move that the Senate take up the unfinished business, being House bill 8245.

The PRESIDENT pro tempore. The Senator from Ohio moves that the Senate proceed to the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of Puerto Rico, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. FORAKER rose.

Mr. BACON. Will the Senator from Ohio pardon me a moment?

Mr. FORAKER. Certainly.

Mr. BACON. Mr. President, I wish to make a statement that I would have made yesterday afternoon but for the fact that time would not then permit. Just as the Senate was on the eve of going into executive session I offered an amendment, announcing at the time that it was in the nature of a substitute. I do not wish to appear to be the appropriator of that which I am not really the original owner of. I desire to state that the substitute which I offered was not drawn by myself; that it is the original bill offered by the Senator from Ohio [Mr. FORAKER] for the establishment of civil government in the island of Puerto Rico, and that it is the product of the brain of the Senator from Ohio and not of myself.

I wish to state that in one or two minor particulars two changes were introduced by myself, and I desire to call attention to what they were.

In the first place, the provision which the Senator from Ohio will remember in the original bill, requiring that franchises granted in Puerto Rico should, when granted by the authorities in the island, be submitted for the approval of the President, was changed by me to the extent of making it conform to the present pending bill, making such franchises subject to the approval of Congress and reserving the right of Congress to annul.

Another change was that in the original bill, as to the district court of the United States organized there, it provided for what might be understood to be a constitutional judge with a life tenure of office. This bill was to the extent changed that it is made a Territorial judge with a four years' tenure of office.

But, Mr. President, as both of those changes are taken from the pending bill, they may also be said to be the product of the Senator from Ohio, and that, therefore, there is no line or letter in the bill or in the substitute proposed by me which is not the bill of the Senator from Ohio.

I desire to state, Mr. President, that there are one or two other minor particulars in which I shall desire to make a change. One of them which I intended to make, and inadvertently omitted to do so, is that the salary of the governor is fixed at $10,000, which seems to me to be excessive, and unless some good reason can be shown to the contrary I shall ask the permission of the Senate to strike out "ten" and insert "five" before "thousand."

One other matter inadvertently omitted by me when presenting the substitute was that section 38, which prescribes the time when the bill shall take effect, ought to have been stricken out before it was offered, and it will be stricken out by me, with the permission of the Senate.

The PRESIDENT pro tempore. The Senator has a right now to modify the amendment as he pleases.

Mr. BACON. I will modify it in the points indicated. I desire to state, with the permission of the Senator, that I thought it was due to him and to myself that I should make this statement, because, of course, anyone familiar with the two measures would naturally see their identity and might suppose it was my purpose to appropriate it without giving due credit to the author.

I want to say another thing; that I have offered the amendment in the utmost good faith; that I shall be more than delighted if it can be passed, and passed not as my amendment or substitute, but as the bill of the Senator from Ohio. I have examined it with great care, and I have compared it with the Territorial bills, copies of which are included in the pamphlet which has been gotten up as a Senate document, and it is my deliberate judgment that in comparison with them it is superior to any of them in care and in the symmetry and harmony of its provisions, and in its entire correspondence in all of its particulars with the great fundamental principles of our Government and with the institutions of our Government.

I desire, Mr. President, to call attention to the particulars in which this bill has so radically commended itself to me that I have felt that it should not be discarded, and that even if it were discarded by those who originally favored it, I myself should have the opportunity, and others who think like me should have the opportunity, to vote for it.

In this original bill of the Senator from Ohio, which has been presented by me now as a substitute after it has been practically put aside by those who originally favored it, there is a declaration that the inhabitants of Puerto Rico are citizens of the United States. It imposes upon imports into Puerto Rico from foreign lands the duties levied by the Dingley tariff law. It specifically declares that there shall be no tariff duties between Puerto Rico and any other part of the United States as to goods coming from Puerto Rico or going to Puerto Rico. It establishes a legislative assembly in the island and denominates it the legislative assembly of the island of Puerto Rico, United States of America. The provision of the bill requires that in the enactment of laws by that Territorial legislature the following language shall be used: *Be it enacted by the legislative assembly of the island of Puerto Rico, United States of America.*

It further prescribed that there shall be no legislation inconsistent with the Constitution of the United States, and it provides that the existing laws of the island shall continue in force except so far as inconsistent with the Constitution of the United States.

It provides that the officers of the judicial courts shall be officers of the United States—the judges, the district attorneys, and the marshals.

There is another point which I omitted to mention. It extends over the island the internal-revenue system of the United States. Finally, it gives to the people of Puerto Rico a Delegate in Congress.

Now, I will not stop at this time to contrast that with the present measure which is now urged upon the Senate, but I desire to say that if the Senator from Ohio and those who act with him should see fit to bring to a vote in the Senate the bill as originally introduced by him with such minor amendments as may be found necessary, while I am not authorized to speak for all on this side of the Chamber, I know there are a number who would vote for it, and I do not believe there would be a dissenting voice on this side of the Chamber in support of that measure, for the reason that it accomplishes what we think ought to be accomplished.

It established in Puerto Rico a free Territorial government, just as free, just as perfect, just as satisfactory in all its provisions—as measured by the requirements of republican principles and republican institutions—as the Territorial governments which now exist in this country over the Territories of the United States known technically as such. The only possible exception which now occurs to me being in the constitution of what is known as the council, which is not an unusual feature in the inauguration of new Territorial governments, where the inhabitants have not possibly the experience which would enable them to enjoy the full measure of representative government which they are expected to enjoy afterwards.

Now, Mr. President, I repeat that I have introduced this measure in the utmost good faith, not only that we may have the opportunity to vote for it, but that, if possible, those who agree that there should be this free government for Puerto Rico may have the opportunity to vote for it, and I have made this full announcement of the origin of this bill because I know the fact that Senators who are in the majority are necessarily sensitive upon the subject of supporting a measure which comes from the minority.

This, therefore, Mr. President, is presented not as a measure coming from the minority, but as one which was introduced and appears in its original shape upon the Calendar as the offspring of a leading member of the majority, and I desire to assure the Senator from Ohio that in taking this liberty with his property I do so, in the first place, because as it appeared it was the only way in which it could be again brought before the Senate, and because in the utmost good faith I desire that, if possible, it shall be enacted into law.

Mr. FORAKER. Mr. President, I am not insensible to the compliment paid me by the Senator from Georgia, both in adopting as his amendment the bill originally introduced on this subject by me and particularly in the employment by him of the kind language he has seen fit to use in making reference to the bill and to myself in connection with it. I thank him for all that.

And, Mr. President, at the same time I desire to congratulate the Senator from Georgia that he has, in the short space of two months, caught up to the place where I was in regard to this matter when I introduced this bill some six or eight weeks ago. But this is to be said:

The bill as it was introduced by me was simply a first draft. It expressed my idea at that time, without having heard the testimony that we have since listened to as to the conditions in Puerto Rico and the character of government that was suitable to Puerto Rico. It does not, however—and for that reason it would not be satisfactory now—provide for many difficulties there that must be provided for by any legislation that we may enact looking to the establishment of a civil government. I refer to matters about which I was not informed when I made this draft.

In many particulars, if it were necessary, I could point out that this draft is inadequate because entirely silent with respect to such matters. One will illustrate, and that is the subject of an

exchange of the coinage, about which we had so much debate in the Senate yesterday and the day before. This bill makes no provision on that point. A number of other provisions that are now in the bill as pending and under consideration are not to be found in this original draft.

But, Mr. President, the points to which the Senator desires to call particular attention, and does call particular attention, as making this bill satisfactory to him are those in relation to citizenship, free trade, the title to be given to the legislative assembly, and the other particulars to which he called special attention. When I made this original draft I had the same opinion that I have now as to the relation of Puerto Rico to the United States. I regarded it as a possession or as a dependency and not as a part of the United States. But I recognized that the Congress had a right to make it a part of the United States if the Congress saw fit to do so, and in the framing of this bill I had that in view, and I accordingly extended the Constitution and proceeded generally upon that theory.

When, however, that question came up for consideration and discussion it was thought by my colleagues that we could at any time make it a part of the United States; that it was not wise policy to make it so now; and that for that reason such provisions in this bill as looked in that direction should be eliminated, and that the legislation with respect to Puerto Rico should be as legislation for a dependency and not as a Territory or a part of the territory of the United States in any other sense than that it belongs to the United States. For that reason all the expressions in the bill to which the Senator has called attention were eliminated. The general provisions are the same, but the expressions to which he refers, that would carry with them the idea that we were incorporating it into the Union and making it in effect a Territory if not in name a Territory, thus putting it in a state of pupilage for statehood, have been purposely eliminated.

That, Mr. President, is the reason why these changes have been made and the reason why I would not now agree to such legislation as I myself proposed when this bill was originally introduced, at least not in those particulars.

Now, Mr. President, before we consider the substitute that has been offered by the Senator from Georgia, I desire to have disposed of the amendment proposed by the Senator from Nebraska [Mr. ALLEN] which we had under consideration when the Senate adjourned yesterday. As I remember, the Senator from Nebraska proposed that certain words be inserted at the end of section 25, on page 17 of the reprint. I ask that the Secretary may read the amendment.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The SECRETARY. In section 25, on page 17, line 23, after the word "of," insert the words "the Territory of;" so that the sentence would read:

The legislative assembly of the Territory of Puerto Rico.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. ALLEN. Mr. President, that was the amendment pending last night, I believe, when we adjourned, upon which I requested the Senator from Ohio [Mr. FORAKER] to enlighten the Senate as to why we should not treat Puerto Rico the same as any other Territory, which, in my judgment, he failed to do. We were discussing at that time the all-important question of the relation of that island under the treaty of Paris to the United States. Mr. Carman F. Randolph, an eminent member of the New York bar and a distinguished writer on constitutional subjects, has recently addressed a paper to the Committee on the Judiciary of the Senate, and it is of that important character that I will read it and make it a part of my remarks.

Mr. ALLEN thereupon proceeded to read the paper.

Mr. SPOONER. Will the Senator yield to me?

Mr. ALLEN. I yield to the Senator from Wisconsin.

Mr. SPOONER. The Senator from Nebraska is proceeding to read a very elaborate document, which I suppose he has a right to do, but I think that he ought to be permitted to append it as part of his remarks without reading it, and I ask unanimous consent that it may be printed as a part of the Senator's remarks, without putting him to the trouble of reading it.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the Senator from Nebraska may be permitted to print in the RECORD, as a part of his speech, the paper he holds in his hand. Is there objection?

Mr. CHANDLER. What is the document, Mr. President?

Mr. ALLEN. The argument of Mr. Carman F. Randolph submitted to the Judiciary Committee of the Senate. It is a brief or argument on the law of territorial expansion, with especial reference to the Philippines.

Mr. McCOMAS. I shall not object to the printing of the pamphlet to which the Senator refers as a part of his remarks, but I desire to have read in connection with these proceedings a statement of President Havemeyer, of the American Sugar Refining Company, which was made yesterday, in favor of free trade between Puerto Rico and the United States, consisting of about fifteen lines. I desire to have it read, as it is rather pertinent to the present argument.

Mr. ALLEN. Mr. President, I have no desire to bargain with the Senator, and I will proceed to read this document.

Mr. CHANDLER. If the Senator from Nebraska will allow me, I should like to ask him whether I entered into any bargain with him? I simply asked what the document was.

Mr. ALLEN. I was not speaking of the Senator from New Hampshire.

Mr. CHANDLER. I was about to ask the Senator of how many pages the pamphlet consists?

Mr. ALLEN. Fifty-four pages.

Mr. CHANDLER. Mr. President, while I regret that the Senator from Nebraska wishes to put so long a document in the RECORD, he has an undoubted right to read it as a part of his speech, and then it will go into the RECORD. Therefore, I do not see any wisdom in making objection to it.

Mr. ALLEN. I have never known until within the last three or four weeks of any objection being made to the printing of documents in this Chamber. If there is no objection, I will submit this pamphlet to be printed as a part of my remarks.

The PRESIDENT pro tempore. Is there objection to the printing of the pamphlet without its being read by the Senator from Nebraska? The Chair hears none, and it is so ordered.

The pamphlet referred to is as follows:

NOTES ON THE LAW OF TERRITORIAL EXPANSION, WITH ESPECIAL REFERENCE TO THE PHILIPPINES.

[Submitted to the Committee on the Judiciary of the Senate of the United States, March 16, 1900, by Carman F. Randolph, of the New York bar.]

Before the treaty of Paris became effective the disposition of the Philippines was an open question. Then the islands were foreign territory. The United States controlled their disposition, but stood in the broad ways of war and diplomacy uncommitted and uncompelled to a particular course. Now the islands are part of the United States, and our relation to them is defined by the law of the Constitution, complemented by treaty provisions and principles of public law conformable to its supreme authority. This statement is challenged, and the foremost challenger is the Administration, which would hold the islands in firm possession, yet aloof from the United States and beyond the ægis of the Constitution.

THE STATUS OF THE PHILIPPINES.

THE TRANSFER OF THE SPANISH TITLE.

According to the principles recognized by civilized nations as determining national title to land, Spain possessed the Philippines in exclusive sovereignty. That she had not reclaimed all parts of the archipelago nor bent all its savage tribes to her will no more affected her title than did like shortcomings affect our right to the far West in the early days. Nor was her title divested by insurrection, for the principles of public law affirm the right of a State to territory as against insurgents who do not maintain a recognized government. Besides, the insurrection must be viewed in connection with our campaign. Our hostile preparations revived it, our fleet brought back its leader, our aid made it so formidable that, when Manila fell, Spain was mistress only of the few towns in which her troops were huddled. Finally, the United States have put all question of Spain's title beyond discussion. They have determined its sufficiency by accepting the islands from her hands?

Being thus entitled to the Philippines, Spain had the legal right to cede them. The United States had the legal right to accept them. The treaty of Paris expressed the lawful intentions of the signatory powers and brought the islands under the sovereignty of the United States. And it must be insisted that our title to all the land acquired as a result of the war with Spain is derived from Spain exclusively. The President says in his message: "The authorities of the Sulu Islands have accepted the succession of the United States to the rights of Spain, and our flag floats over that territory." (Page 43.) This statement may convey the wrong impression that our interest in the Sulus differs in derivation and quality from our interest in the rest of the Philippines—in derivation, because it is strengthened by the consent of the Sultan; in quality, because the statement may imply, what has indeed been asserted, that "the rights of Spain" in the Sulus were those of a protector rather than a sovereign proprietor. The article of cession in the treaty of Paris was submitted by the American commission in what proved to be its accepted form, and its precise delimitation of the "Philippine Archipelago" embraced the unmentioned Sulu group.

The assertion of the Spanish commissioners that the "Philippines" did not include the Sulus and the great island of Mindanao was a play for better terms. They said in effect, "You are willing to pay $20,000,000 for the 'Philippines.' Here are the 'Philippines;' if you want Mindanao and the Sulus as well you must pay more." The American commissioners replied in effect, "The 'Philippines' we demand, and which you will cede without change in terms, include Mindanao and the Sulus." Of course the victors proved to be better geographers than the vanquished. Throughout the negotiations Spain's ability to transfer the complete sovereignty of all the land demanded by the United States was never questioned, and, whatever may have been her actual relation to this or that island, she assumed to cede and the United States accepted sovereignty over all. We can not afford to esteem that sovereignty as less than perfect and all-embracing. We can not go behind the treaty of Paris for confirmation of our title to any part of the Philippines. As we have not sought "the consent of the governed" from the people of Luzon, we can not even appear to recognize its necessity in dealing with slaveholding and polygamous barbarians who are only restrained from piracy by gunboats and blackmail.

This brief certificate of title sufficiently demonstrates our legal right to possess the Philippines, and with legal rights only are we at present concerned.

THE EFFECT OF CESSION.

Despite our acquisition of the Philippines there is a disposition to balk at its real effect. The islands are called a "colony," a "dependency," a "province," or other name suggestive of detachment from the United States, but it will appear that by virtue of the character of our occupation they are United States territory.

The United States may happen to control land actually or constructively

without making it domestic territory. An occupation of new-found or abandoned or hostile territory involves a certain assumption of sovereignty in respect of the land itself, and also in an international sense, for among the nations the state in visible control of a country is accounted its sovereign for important purposes. (Thirty Hogsheads of Sugar *vs.* United States, 9 Cranch, 191, 195; Fleming *vs.* Page, 9 Howard, 603, 615.) Land occupied through enterprise or conquest does not thereby become United States territory in a domestic sense, even though the act be prompted or approved by the President. The President can not enlarge the boundaries of the Republic. (See Fleming *vs.* Page, 9 Howard, 603, 614.)

These boundaries mark the territorial jurisdiction of Congress, and Congress can not be forced to extend its jurisdiction at the pleasure of the President. Land is annexed to the United States when and only when its occupation has been authorized or confirmed by some act of legislation, a statute or treaty, asserting territorial sovereignty. Such an act is the treaty of Paris by which "Spain cedes to the United States the archipelago known as the Philippine Islands," and "cedes" her "sovereignty" thereof. If the assent of the House of Representatives is necessary to a perfect acceptance, it is given by the appropriation of $20,000,000 to carry out the treaty.

At this point we meet the suggestion that if the treaty-making body has full power to determine the status of ceded territory, the omission from the treaty of Paris of a specific designation of the Philippines as United States territory differentiates them from land heretofore acquired by a treaty or an act of Congress recognizing it in more or less definite phrase as incorporated in the United States. I think this suggestion is rebuked by the treaty itself. The ninth article declares that the Spanish-born residents of the ceded islands who shall not elect to retain their old allegiance within a given time shall be deemed to have adopted "the nationality of the territory in which they may reside."

Must not "the nationality" of Philippine territory be that of the United States, since we do not recognize the existence of a Philippine nation? And what is land impressed with United States nationality but United States territory? But, apart from this article, the suggestion is discredited by a conclusive presumption of law. The treaty-making body has, without doubt, a large discretion as to the interest it may acquire in land on behalf of the Republic, or the relation it may cause the Republic to assume toward another country. For example, our rights over Pearl River, in Hawaii, and Pago Pago, in Samoa, were not the rights of unlimited sovereignty; and by this very treaty of Paris we assume a peculiar relation toward Cuba, wholly distinguishable from sovereign proprietorship. Assuredly we may gain an interest in a country or assume a certain control over it without making it United States territory. But when land is brought within the complete and exclusive sovereignty of the Republic I find no argument of inconvenience strong enough to overcome the presumption that it is United States territory by force of the supreme tenure by which it is held.

The Philippines are not only within the United States in a general sense; they are not distinguished organically from the rest of our territory. Prior to the treaty of Paris the common property of the States of the Union, called the territory of the United States, comprised New Mexico, Arizona, Oklahoma, Indian Territory, Alaska, Hawaii, and a number of islets. To these are now added the Philippines, Puerto Rico, and Guam. These districts present different characteristics. All are not governed in the same way. Some will become States or parts of States. Others will not. Some, indeed, have been acquired under what has been called a promise of ultimate statehood (see New Orleans *vs.* De Armas, 9 Peters, 224, 235), but these are not distinguishable in law from the others, for the admission of new States is an act of policy within the unlimited discretion of Congress. Hawaii, annexed without promise, may enter the Union before Indian Territory, carved out of that Louisiana purchase in regard to which the so-called promise was made nearly a century ago.

All are held by the United States in sovereign proprietorship, and although we unite now in protesting the everlasting unfitness of the Philippines for admission to the Union, our prejudice does not prevent their being, in point of law, as eligible as New Mexico, nor would their admission by the next generation involve a more radical and surprising reversal of prejudice than the admission of millions of negroes to political equality by the last generation. All the districts I have named are organically alike, because each is owned by the United States in sovereign proprietorship, and when this likeness is determined all differences in condition, location, and probable destiny must be purely circumstantial.

The Constitution and the Philippines.

An anxiety to rule the Philippines free from constitutional restrictions is even more marked than the unwillingness to consider them United States territory. Indeed, this unwillingness is due to the apprehension that throughout all this territory the Constitution must be the supreme law. And so keen is the fear that we shall be obliged to administer the Philippines by constitutional rules that ingenious arguments are advanced to prove that the Constitution is really quite as foreign to these islands, unquestionably ours, as though they belonged to another nation.

Furthermore, the gravity of the issues at stake has created an impression that the question of the Philippines is not properly a question of law, but lies within that domain of policy into which the Supreme Court will not intrude; or, as some having greater respect for the powers than for the integrity of the court say, its judgment will reflect what they assume is the popular desire to exploit the islands with a free hand. The Philippine question is political, and until it be adjudicated the Administration will probably persist in misconstruing the Constitution to suit its policy. But whenever a person having access to the Federal courts alleges that one of his constitutional rights is invaded, what may have been a political question becomes an issue in a suit at law—the suitor must pay a tax, or he need not; his property has or has not been wrongfully taken. The decision may displease a faction; it may thwart a novel policy or even forbid a practice of long standing; yet the court will see only the parties to the suit and judge the cause according to the law of the Constitution.

Arguments against constitutional rule examined.

It is contended that the Constitution is not in the Philippines because it has not been carried there by an act of Congress. This argument attributes unlawful powers to the Federal Legislature. Congress is the creature of the Constitution, not its master; bound to obey it wherever it is supreme, not privileged to decide where, within the jurisdiction of the United States, it shall be supreme. Probably the argument is suggested by an improper estimate of legislative practice. Certain acts of Congress organizing Territories purport to extend the Constitution to the new district. The Supreme Court has recognized such legislation, but has never treated it as carrying the Constitution to a new field. In fact, the court in a recent case practically ignored an act of Congress purporting to establish the right to trial by jury in Utah Territory, declaring that the right was established by the Constitution. (Thompson *vs.* Utah, 170 U. S., 343, 346.) The acts in question are not of constitutional dignity. If the Constitution is in the Territory by its own force, they affirm an actual condition in a spirit of abundant caution; if it is not, they are merely repealable laws couched in the phrase of the Constitution, and an act of Congress dispensing with trial by jury, for example, would abrogate the privilege granted by the so-called extension of the Constitution. Of all the heresies that embarrass the fair discussion of the Philippine question few are more mischievous than the notion that Congress is competent to grant and, if to grant, to take away or withhold the Constitution at pleasure.

It is suggested that the Constitution will not affect the Philippines until Congress shall establish civil government there. Mr. Webster expressed perhaps somewhat the same idea when he said in the Senate on February 24, 1849, "I do not say that while we sit here to make laws for these Territories we are not bound by every one of the great principles which are intended as general securities for public liberty. But they do not exist in Territories till introduced by the authority of Congress." (Curtis's Life of Webster, II, 360.) Even Webster's name can not sustain the proposition that constitutional guaranties demand respect only when the establishment of civil order under the auspices of Congress renders them less likely to be needed. A monstrous doctrine indeed that the President may rule United States territory during the inaction of Congress free from the restraints which, it is conceded, affect both himself and Congress after the territory shall have been duly organized! Even a King of England can not do so much; for, as Lord Mansfield said, "If the King (and when I say the King I always mean the King without the concurrence of Parliament) has a power to alter the old and introduce new laws in a conquered country, this legislation being subordinate, that is, subordinate to his own authority in Parliament, he can not make any new change contrary to fundamental principles." (Campbell *vs.* Hall, Cowper, 204, 209.)

The annual report of the Secretary of War for 1899 contains the following passage:

"The treaty of Paris provides: 'The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.' I assume, for I do not think that it can be successfully disputed, that all acquisition of territory under this treaty was the exercise of a power which belonged to the United States because it was a nation, and for that reason was endowed with the powers essential to national life, and that the United States has all the powers in respect of the territory which it has thus acquired and the inhabitants of that territory which any nation in the world has in respect of territory which it has acquired; that as between the people of the ceded islands and the United States the former are subject to the complete sovereignty of the latter, controlled by no legal limitations except those which may be found in the treaty of cession; that the people of the islands have no right to have them treated as States, or to have them treated as the Territories previously held by the United States have been treated, or to assert a legal right under the provisions of the Constitution which was established for the people of the United States themselves and to meet the conditions existing upon this continent, or to assert against the United States any legal right whatever not found in the treaty." (Page 26.)

If I read this passage aright, it suggests two arguments against the rule of the Constitution. One is predicated on a provision of the treaty of Paris which will be considered presently; the other is suggested by the words: "The people of the islands have no right to have them treated as the Territories previously held by the United States have been treated, or to assert a legal right under the provisions of the Constitution, which was established for the people of the United States themselves, and to meet the conditions existing upon this continent," and we read later that the Puerto Ricans can not demand uniform tariff duties as between Puerto Rico and the United States because the constitutional provision of uniformity was "solely adapted to the conditions existing in the United States upon the continent of North America." In other words, the Constitution is supposed to have been ordained for the present and future dominions of the United States upon the continent of North America and nowhere else. The preamble, it is true, entitles our Republic "the United States of America," but I understand the suffix to be merely a descriptive term aptly chosen at the time, and not a legal restriction; otherwise we could not have lawfully annexed the Philippines. The "continental" theory is not even derived from the preamble, for it restricts the Constitution to North America. Upon what basis of fact is a constitution conceded to be adapted to the diverse physical, social, and economic conditions of our continental domain deemed to be essentially unfit for Puerto Rico? Upon what principle of law can there be read into the Constitution this or any other geographical limitation on its authority?

The last clause of Article XI of the treaty of Paris reads: "The civil rights and political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by the Congress." This clause is cited to show that the Constitution is not in the ceded territory, for, it is argued, were the Constitution supreme, the rights and status of the islanders would not be left to the will of Congress. This argument is based on the premise that the President and Senate may determine whether or not the Constitution shall prevail in territory annexed by their treaty. It has been shown that Congress is incompetent to grant or withhold the Constitution, and if the power denied to the Federal Legislature be vested in the special legislative body designated for the making of treaties, it must be upon the theory that this body differs from Congress in being free from constitutional restraints.

The theory that treaty provisions are a law unto themselves has a certain attraction because engagements with foreign states are presumably sacred, but this ethical principle does not necessarily bind our courts, and if Congress passes an act inconsistent with a treaty pledge, they will enforce the act and not the treaty, holding simply that an old law has been repealed by a new one. (Head Money Cases, 112 U. S., 580; Fung Yue Ting *vs.* United States, 149 U. S., 698; United States *vs.* Old Settlers, 148 U. S., 427.) And in this relation it should be noted that the clause we are considering is not an engagement with Spain, but is merely a reservation of a matter of domestic interest.

Another argument for attributing arbitrary powers to the treaty-making body is that it must be competent to act quickly and decisively in the most serious emergencies. What agreements and concessions the President and Senate might be forced to make and the Republic be forced to accept by a conqueror, suggests a circumstance too humiliating and too remote to affect the interpretation of their powers in normal cases. And the treaty of Paris is on our part a normal act, requiring no sacrifice of constitutional principle to the law of necessity.

The theory of the independence of the treaty-making power finds no place in our jurisprudence. Though the Supreme Court has never been obliged to declare a treaty provision unconstitutional, and would do so with peculiar reluctance (see Ware *vs.* Hylton, 3 Dallas, 199, 237), it holds, as a matter of course, that treaties are subordinate to the Constitution. (See United States *vs.* The Peggy, 1 Cranch, 103, 110; New Orleans *vs.* United States, 10 Peters, 662, 736; Lattimer *vs.* Poteet, 14 Peters, 414; Doe *vs.* Braden, 16 Howard, 635, 657; Geofroy *vs.* Riggs, 133 United States, 267; Thomas *vs.* Gay, 169 United States, 264, 271.) "It need hardly be said," says the court, "that a treaty can not change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government." (The Cherokee Tobacco, 11 Wallace, 616, 620.) Even in Great Britain it is doubtful whether the courts would respect a treaty provision repugnant to "the law of the land." (See The Parlement Belge, 4 P. D., 128; 5 P. D. (C. A.), 197; Walker *vs.* Baird, [1892] A. C., 491; Dicey, Law of the Constitution, first ed., 391.)

In view of the subordination of treaties to the Constitution it must be

assumed that the clause in question was drafted with due respect to the higher law, and that the President and Senate did not pretend to set bounds to a Constitution not at their disposition, but simply declared the powers of Congress in regard to status and rights of less than constitutional rank.

A most objectionable yet the only plausible argument against the rule of the Constitution in the Philippines is that the Constitution was ordained for the States of the Union alone. This proposition was advanced in the Senate debates on the acquisition of Louisiana in 1803, and on the question of slavery in California in 1849. On August 12, 1848, Mr. Webster said in the Senate that Congress in governing territory "is subject, of course, to the rules of justice and propriety, but it is under no constitutional restraints;" but in the debate of 1849 Mr. Calhoun forced him to abandon this position and concede, as we have seen, that Congress is bound by the constitutional guaranties in legislating for the Territories.

The theory that the Constitution is operative in the States only appears to have consciously affected the past government of outlying territory so slightly, if at all, that there is no warrant for the boast that in denying the Constitution to our new territory the Administration emulates its predecessors.

The present policy of definitely excluding new territory from the great customs district of the Republic is contrary to precedent. (Infra, pages 23-26.)

As to the estimation of the general guaranties of the Constitution we find that in the case of Louisiana the inhabitants complained that self-government was not accorded at once, and that American rulers did not understand the local laws they were expected to administer. But it does not appear that our Government ever denied the efficacy of the guaranties in Louisiana, and the Supreme Court practically recognized their existence in Bollman's case. (See infra, page 13.)

Whatever we did in Florida before we took possession under the completed treaty of cession was done in a foreign land, and so is immaterial to this inquiry. Upon the cession General Jackson was commissioned, by the authority of Congress, "with all the powers and authorities" theretofore enjoyed by the Spanish rulers. (21 Niles Weekly Reg., 135.) Jackson was not affected, however, with a Spanish officer's irresponsibility in regard to our Constitution (see the citation from Pollard *vs.* Hagan, infra, page 35), though he is said to have declared that his powers were those "that no one under a republic ought to possess" (21 Niles Weekly Reg., 136); and if during his brief term he was justly chargeable with arbitrary actions, they are not evidence of a general policy.

The obligatory force of the Constitution in California was maintained by President Polk's Administration, whose position was attacked by Webster and Benton because Calhoun assumed that it permitted the carrying of slaves into the new Territory. If Calhoun argued for the Constitution in California with an unworthy motive, he at least contemplated the enjoyment of its rights by white men, while these rights are now denied to all people in the islands in order to facilitate administration, and, above all, to check industrial rivalry.

I am not aware of any act of the Government which can be construed as denying the authority of the Constitution in Alaska.

A keen search for arbitrary acts in unorganized territory may not be wholly unsuccessful; but the search is a discreditable waste of time when its purpose is to parade such acts for our commendation.

In reply to the assertion that the theory of the restriction of the Constitution to the States has the sanction of judicial opinion, I am justified in stating that it is unsupported by a single dictum of the Supreme Court, hardly countenanced, indeed, by a questioning phrase, and has been repeatedly discredited in that seat of authority.

In its opinion in Callan *vs.* Wilson the Supreme Court maintained the law of the Constitution beyond the States in the only case where an act of Congress disregarding it was forced upon the court's attention. The suggestion that the principle of this decision is limited to the District of Columbia, to which the act applied, is refuted in the following paragraph of the opinion: "In Reynolds *vs.* United States (98 U. S., 145, 154) it was taken for granted that the sixth amendment of the Constitution secured to the people of the Territories the right of trial by jury in criminal prosecutions; and it had been previously held in Webster *vs.* Reid (11 Howard, 437, 460) that the seventh amendment secured to them a like right in civil actions at common law. (See also American Publishing Company *vs.* Fisher, 166 U. S., 464; Springville *vs.* Thomas, 166 U. S., 707; Thompson *vs.* Utah, 170 U. S., 343.) We can not think that the people of this District have, in that regard, less rights than those accorded to the people of the Territories of the United States. (Callan *vs.* Wilson, 127 U. S., 540, 550.)" The notion that, because the District once belonged to States which ceded it for a Federal capital, its people enjoy constitutional rights denied to the people of the Territories is quite as fanciful as the conceit of the early days of the civil war, that if Maryland should secede she would carry the Federal capital with her by operation of law! If the District is held by the United States subject to a possibility of reverter for condition broken it is too remote to affect the status of the inhabitants. There is no reason of law or policy why they should be preferred to the people of Oklahoma.

When General Wilkinson arrested Bollman and Swartwout in Orleans Territory (Louisiana) upon a charge of treason and sent them to Washington for trial, all without civil warrant, the Supreme Court discharged them (Bollman's Case, 4 Cranch, 75), and Judge Story termed the arrest "a very gross violation of the fourth amendment" (Commentaries, section 1902, note).

Among the justices who have recognized the Constitution as having a broader dominion than the States are Chief Justices Marshall (Loughborough *vs.* Blake, 5 Wheaton, 317, 324), Taney (Scott *vs.* Sandford, 19 Howard, 393, 450), Waite (Bank *vs.* County of Yankton, 101 U. S., 129, 133), and Fuller (Mormon Church *vs.* United States, 136 U. S., 1, 67), and Justices Curtis (Scott *vs.* Sandford, 19 Howard, 393, 614, 624), Miller (Slaughterhouse Cases, 16 Wallace, 36, 72), Bradley (Mormon Church *vs.* United States, 136 U. S., 1, 44), Harlan (McAllister *vs.* United States, 141 U. S., 174, 188), Matthews (Murphy *vs.* Ramsey, 114 U. S., 15, 44), and Gray (Capital Traction Company *vs.* Hof, 174 U. S., 1). This consensus of opinion represents every theory of constitutional interpretation that has been expounded in the Supreme Court. Several decisions cited in opposition are readily distinguished.

In Benner *vs.* Porter the court held that Territorial courts are not courts of the United States within the meaning of the judiciary clauses of the Constitution. (9 Howard, 242.) This decision simply affirms the absolute discretion of Congress in creating the machinery of Territorial government. The Mormon Church case (136 U. S., 1) involved an act of Congress applying to educational uses certain property of the dissolved Corporation of Latter-Day Saints in Utah Territory. Three justices declared the act to be invalid because spoliative, thus affirming their conviction of the authority of the Constitution in the Territory. The court conceded that the constitutional guaranties were effective in Utah, but held that the disposition of the property was justified by the law of charitable uses. In Ross's case (140 U. S., 453), the petitioner had been convicted of murder before our consular court in Japan. The conviction was affirmed, though the act of Congress authorizing the court under a treaty with Japan did not provide for presentment and trial by jury.

The judge of the court was an American, yet it was not, from the constitutional standpoint, essentially different from a tribunal of mixed nationality like the one in Egypt, and in either case there is no question of carrying our Constitution to a foreign land where, as the Supreme Court said, "it can have no operation." Such tribunals are created for the protection of foreigners in uncivilized countries. As they exist, in theory of law, by the permission of the local sovereign, albeit the permission is commonly extorted, their jurisdiction is entirely a matter of arrangement. As they dispense justice in a strange environment, their procedure is largely a matter of discretion. Our former privilege in Japan does not interpret our present duty in the Philippines, for we claim territorial sovereignty over the islands, not extra-territorial privilege; the whole authority of the United States, not a fragment of authority wrung from a foreign government.

The textual criticism by which territory beyond the States is read out of the Constitution upon the theory that the "United States" covered by the Constitution comprises the States of the Union only is as harsh and artificial as that of the most strict constructionists of the old school, whom the new school resembles in denying the national and commercial unity of all who owe allegiance to the Republic. And the new school is subject to a reproach not imputable to the old. It reverses the great rule of the common law by making every presumption against the individual and in favor of the State, by attributing to the Federal Government absolute dominion over all persons and property lying beyond what it is pleased to call the "United States" of the Constitution. Unquestionably the "United States," whose people framed the Constitution and retained for themselves and the States all powers not delegated to the Federal Government, are the States of the Union only. These States and their people wield the whole political power of the Republic. In the words of Chief Justice Marshall, "the members of the American Confederacy only are the States contemplated in the Constitution." (Hepburn *vs.* Ellzey, 2 Cranch, 445, 452.) Unquestionably the Constitution contains clauses relating exclusively to States either in terms or by necessary implication. Other clauses embody principles of universal value and unrestricted range, and these are operative throughout the larger "United States," described by Marshall as "our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania." (Loughborough *vs.* Blake, 5 Wheaton, 317, 319.)

SOME IMPORTANT QUESTIONS AFFECTED BY THE EXTENSION OF THE CONSTITUTION.

Slavery.—The first section of the thirteenth amendment of the Constitution reads: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." Slavery exists in the Philippines, especially, perhaps exclusively, among the Mohammedan tribes, and although we shall see that these tribes may be classified as "Indians" and left with a large discretion in the management of their domestic affairs, they are within the purview of this amendment, which, in fact, has been held to forbid a system of serfdom found among the Indians of Alaska. (Sah Quah's case, 31 Federal Reporter, 727.)

Concerning an agreement negotiated with the Sultan of Sulu, the President says in his message:

"Article X provides that any slave in the archipelago of Jolo shall have the right to purchase freedom by paying to the master the usual market value. The agreement by General Bates was made subject to confirmation by the President and to future modifications by the consent of the parties in interest. I have confirmed said agreement, subject to the action of the Congress, and with the reservation, which I have directed shall be communicated to the Sultan of Jolo, that this agreement is not to be deemed in any way to authorize or give the consent of the United States to the existence of slavery in the Sulu Archipelago. I communicate these facts to the Congress for its information and action." (Page 43.) As the article in question purports to accord a qualified recognition of slavery, it is outlawed by the Constitution. We may not handle slavery with gloves. The gradual emancipation tolerated by England in Zanzibar is not permitted to us. There is not even a lawful process of emancipation. The amendment declares sharply that slavery shall not "exist," and the Supreme Court has pronounced it to be "undoubtedly self-executing without any ancillary legislation, so far as its terms are applicable to any existing state of circumstances. By its own unaided force and effect it abolished slavery and established universal freedom." (Civil Rights Cases, 109 U. S., 3, 20.)

The full effect of the prohibition of "involuntary servitude" has not been determined by the Supreme Court, which has decided, however, that it does not abrogate the ancient rule of the sea whereby a sailor shipping for a voyage may be compelled to perform his contract under pain of imprisonment, nor is intended to introduce "any novel doctrine with respect to certain descriptions of service which have always been treated as exceptional, such as military and naval enlistments, or to disturb the right of parents and guardians to the custody of their minor children or wards; * * * services which from time immemorial have been treated as exceptional shall not be regarded as within its purview." (Robertson *vs.* Baldwin, 165 U. S., 275, 282.) Nor is it necessary to insist that a person can in no case be compelled to complete a particular undertaking; an engineer who should be prevented from willfully abandoning a pump forcing air into a mine would not be held in "involuntary servitude." But after making all exceptions warranted by inveterate usage or emergency, the thirteenth amendment appears to declare that an employer can not, of his own motion or by the assistance of the State, force an unwilling workman to perform his contract.

As Judge Cooley says, "Contracts for personal services can not, as a general rule, be enforced, and application to be discharged from service under them on habeas corpus is evidence that the service is involuntary." (Constitutional Limitations, 6th ed., 363, note.) And the Supreme Court has said, "If Mexican peonage or the Chinese coolie labor system shall develop slavery of the Mexican or Chinese race within our territory, this amendment may be safely trusted to make it void." (Slaughterhouse Cases, 16 Wallace, 36, 72; cited in U. S. *vs.* Wong Kim Ark, 169 U. S., 649, 677. For a description of peonage see Jaremillo *vs.* Romero, 1 New Mexico, 190.) What effect the enforcement of the thirteenth amendment against the coolie system would have upon agriculture in some of our new possessions can not be known until the labor conditions are thoroughly understood. It is noteworthy, however, that Great Britain finds it expedient to maintain the coolie system in several of her colonies, shorn of many abuses, it is true, yet retaining the essential feature of compulsory service during an agreed period. And in the report on British New Guinea for 1897-98 we read (pages 10, 11) that Ordinance No. II, of 1897, "rendered it compulsory on a native to perform the work for which he may be duly engaged;" and Ordinance No. VIII, of 1897, "provides that a deserting laborer may be returned to his employer."

However, in view of the state of labor in Hawaii, we are not free at present to criticise British policy. In June, 1869, the supreme court of Hawaii confirmed the order of a district magistrate who, under the masters and servants act, had sentenced a man to imprisonment at hard labor "until he should consent to return to his master and consent to serve according to law." (Honomu Sugar Company *vs.* Zeluch, 60 Albany Law Journal, 213.) The prisoner was an Austrian who had been "imported" by the company under contract to work for three years. The court did not attempt to

distinguish the imprisonment from the "involuntary servitude" forbidden by the thirteenth amendment, but dismissed the amendment with a curt reference to earlier opinions, in which it had pronounced the Constitution of the United States to be of no force during "the transition period."

If it shall be finally determined that in the United States Territory of Hawaii a plantation hand may be imprisoned until he is ready to perform his contract to labor, perhaps a like system will be some day established in the cotton States that have already practically disfranchised the negro.

Citizenship and civil rights.—All persons born in the Philippines after annexation and subject to our jurisdiction are citizens of the United States, though, as we shall see, they are not members of the voting body of the Republic.

This proposition is denied not only on the ground already noted that the Constitution is wholly ineffective beyond the States, but upon a peculiar interpretation of the first sentence of the fourteenth amendment, which reads: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." The last clause, "and of the State wherein they reside," is said to restrict the words "United States" to the several States. We are told that had the framers of the amendment contemplated a broader field than the States, they would have written, "and of the State and Territory where they reside." This, certainly, they would not have done. Citizenship involves allegiance. Allegiance is due only to a sovereign. The Territorial governments have no attribute of sovereignty, because they are created by Congress and exist during its pleasure. The clause is to be understood as a distinct command rather than as part of a general description. Its sole purpose is to compel each State to recognize as its citizens all persons residing therein whom the United States recognize as their citizens.

The narrow construction of the amendment that would restrict United States citizenship to persons born or naturalized within a State is disapproved by the Supreme Court, which has said that a man "must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union." (Slaughterhouse Cases, 16 Wallace, 36, 72.) And Justice Bradley said in the same case: "The question is now settled by the fourteenth amendment itself, that citizenship of the United States is the primary citizenship in this country, and that State citizenship is secondary and derivative, depending upon citizenship of the United States and the citizen's place of residence." (Page 112.) In a late opinion the court says: "The words 'in the United States, and subject to the jurisdiction thereof' in the first sentence of the fourteenth amendment of the Constitution, must be presumed to have been understood and intended by the Congress which proposed the amendment and by the legislatures which adopted it in the same sense in which the like words had been used by Chief Justice Marshall in the well-known case of The Exchange, and as the equivalent of the words 'within the limits and under the jurisdiction of the United States,' and the converse of the words 'out of the limits and jurisdiction of the United States,' as habitually used in the naturalization acts." (United States *vs.* Wong Kim Ark, 169 U. S., 649, 687.) A scrutiny of the naturalization acts, beginning with the act of 1795, will show that "the United States," wherein an applicant for citizenship must have resided for a prescribed period, and in which he may be naturalized, includes the Territories

The terms "citizen," "citizen of the United States," and "citizens of the United States" are employed elsewhere in the Constitution to describe a larger body than the people of the States. The Constitution prescribes that a Congressman must have been seven years a "citizen of the United States," and a Senator nine years. If the State of Utah unlawfully represented in the Senate on the theory that her Senators have only been citizens of the United States since Utah was admitted to statehood in 1896? Only a natural born citizen who has reached the age of 35 years and resided fourteen years "within the United States" is eligible to the Presidency. Will it be contended that a man born in Colorado Territory in 1864 was not born in the United States? Or that a man born in Ohio the same year and taken in infancy to what is, since 1889, the State of Washington has not resided fourteen years in the United States?

The fifteenth amendment reads: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." This amendment plainly contemplates a power in Congress to confer the suffrage. Now Congress can neither confer, deny, nor abridge the suffrage in any State, for each State has the exclusive power to designate its voting body subject only to the limitation of this amendment. (See United States *vs.* Cruikshank, 92 U. S., 542, 555.) The field of Federal action in the matter of suffrage is then beyond the States, and the amendment declares in effect that if Congress shall create a voting body in a Territory it can not deny the suffrage to any citizen of the United States therein, that is to say, to any person owing allegiance to the United States, because of "race, color, or previous condition of servitude."

We need not rely upon an inspection of constitutional texts alone to sustain our broad definition of a natural born citizen of the United States. The Supreme Court declares that recourse must be had to the common law to determine who are native-born citizens (United States *vs.* Wong Kim Ark, 169 U. S., 649), and the common law, ignorant of our State boundaries, makes all persons born within the dominion and jurisdiction of the sovereign natural born subjects, or, in our republican phrase, "citizens." The court says in the case cited: "Passing by questions once earnestly controverted but finally put at rest by the fourteenth amendment of the Constitution, it is beyond doubt that before the enactment of the civil-rights act of 1866 or the adoption of the constitutional amendment all white persons, at least, born within the sovereignty of the United States, whether children of citizens or of foreigners, excepting only children of ambassadors or public ministers of a foreign government, were native-born citizens of the United States." (United States *vs.* Wong Kim Ark, 169 U. S., 649, 674.) This statement presents the opening words of the fourteenth amendment in their true light. They do not create citizenship of the United States, but affirm the preexisting common-law rule of citizenship by birth, and assure to "all persons" the benefit of this rule, which as applied by the Federal courts of this country in the past appears to have ignored the dark races.

Persons who, though born in the United States, are not citizens, because not subject to the jurisdiction, are the children of foreign ministers, of Indians, and of alien enemies in occupation of our soil. (See United States *vs.* Wong Kim Ark, 169 U. S., 649, 693.)

Tribal Indians within the domain of the original States were set apart by the Constitution as a peculiar people, and with each extension of territory other tribes have been surrounded. Congress can not make a man an "Indian" by calling him one, because, though the status of the Indian is in some respects indeterminate, and in all respects anomalous, it is settled at least that he is a person born in the allegiance of a tribe of barbarous or savage origin, having its seat in United States territory, yet being, in the language of the Supreme Court, "a distinct political community." (Elk *vs.* Wilkins, 112 U. S., 94, 99.) There are natives in the Philippines who appear to have maintained their political organization during the overlordship of Spain, as had the Seminoles in Florida, and who, like the Seminoles, will be segregated as Indians.

"Alien enemies" is not a legal description of the Filipinos in arms. Without suggesting a general likeness between them and the Confederates of 1861, in one respect their positions are not altogether dissimilar. Said the Supreme Court of the insurgent State of Texas and its people: "The State did not cease to be a State nor her citizens to be citizens of the Union. If this were otherwise, the State must have become foreign and her citizens foreigners. The war must have ceased to be a war for the suppression of rebellion and must have become a war of conquest and subjugation." (Texas *vs.* White, 7 Wallace, 700, 726.) In point of fact, the war in Luzon is waged for conquest and subjugation, yet it is not a foreign war. Like the civil war, it is an insurrection against the United States, and the status of the insurgents is determined, like that of the Confederates, by our assertion of sovereignty, and not by their assertion of independence.

The Chinese and other foreigners in the Philippines are within the protection of the rule that while an alien "lawfully remains here he is entitled to the benefit of the guaranties of life, liberty, and property secured by the Constitution to all persons, of whatever race, within the jurisdiction of the United States. His personal rights when he is in this country and such of his property as is here during his absence are as fully protected by the supreme law of the land as if he were a native or naturalized citizen of the United States." (Lem Moon Sing *vs.* United States, 158 U. S., 538, 547.)

What is the status of the natives living in the islands at the time of annexation, and who are not within the constitutional definition of Indians? Like the Mexicans of New Mexico, these have come under the sovereignty of the United States as former subjects or citizens of a State which has ceded the land of their residence. They have a right to reside in their native land, and they must possess in permanence at least the primary rights affirmed by the Supreme Court to aliens during their sojourn.

Having ascribed to the Filipinos the rights confirmed by the Constitution to all human beings within the jurisdiction of the United States, we come to the question of their political status. Treaties of annexation frequently provide that the subjects or citizens of the ceding state may elect to retain their old allegiance, either unconditionally or upon condition that they emigrate within a certain time. This election is sometimes called and usually treated as a right (see Cogordan, La Nationalité, 321), and it is, I think, the nearest approach to a recognition in international law of the ethical principle that government should exist with the consent of the governed in its relation to the cession of territory. This principle is not recognized to the extent of entitling the inhabitants of the territory to determine its destiny by their vote. Though the plebiscite is not unknown in such cases, it is uncommon and is not always a free expression of the people's will. (See Phillimore, International Law, I, 585, 604.)

Nor is the so-called right of election anything more than a privilege, either, granted by a conqueror, who thereby waives his right to forbid the emigration of persons whom he may hold as new subjects or citizens (see United States *vs.* Repentigny, 5 Wallace, 211, 260), or arranged by parties negotiating on an equal basis, and in each case often depending for its real value upon the ability of the people to find homes elsewhere. This privilege we properly accorded to the Spanish-born residents in the Philippines, for these have a fatherland to receive them should they choose to return and a government to protect them should they choose to remain. It was properly withheld from the Filipinos, as its allowance would have greatly embarrassed the United States without holding out any substantial advantage to the islanders.

The Filipinos, then, remain in the islands absolutely divested of their allegiance to Spain, and by the rules of public law they owe allegiance to the United States. Said Chief Justice Marshall of the inhabitants of Florida after its cession to the United States: "The same act which transfers their country transfers the allegiance of those who remain in it." (American Insurance Company *vs.* Canter, 1 Peters, 511, 542.) And the Supreme Court said in a later case: "Manifestly the nationality of the inhabitants of territory acquired by conquest or cession becomes that of the government under whose dominion they pass, subject to the right of election on their part to retain their former nationality by removal or otherwise as may be provided." (Boyd *vs.* Thayer, 143 U. S., 135, 162.) The Supreme Court has recognized a power to create citizens en masse by process of collective naturalization "as by the force of a treaty by which foreign territory is acquired." (Elk *vs.* Willkins, 112 U. S., 94, 102.)

Now, the treaties of annexation considered by the court purport to confer citizenship expressly, and so Chief Justice Marshall significantly said of the citizenship of the people of Florida who remained there after cession: "It is unnecessary to inquire whether this is not their condition, independent of stipulation." (American Ins. Co. *vs.* Canter, 1 Peters, 511, 542.) The treaty of Paris contains no such stipulation, but because it operates to transfer the allegiance of the Filipinos from Spain to the United States it appears to naturalize them collectively by implication. We have no word other than "citizens" to describe persons whose relation to the United States involves the reciprocal obligations of loyalty and protection. (See Chisholm *vs.* Georgia, 2 Dallas, 419, 456.)

The tariff.—The authority of the Constitution in the Philippines has an important bearing upon the question of the taxation of commerce. (See infra, pages 39-40.)

First, of commerce between the islands and foreign countries. After our occupation of California had been confirmed by the ratification of the treaty of cession, the Administration abandoned the military tariff imposed during the belligerent occupation, and proceeded to collect upon foreign imports the duties of the general tariff act. (Cross *vs.* Harrison, 16 Howard, 164.) A different practice prevails in our new territory, where the Administration imposes duties at discretion. Now, even if Congress were authorized to levy peculiar taxes upon foreign goods brought into annexed territory, the President would have no right to do so. His ability to collect duties at all rests upon a presumed intention of Congress evidenced by a tariff act, though it is not clearly decided that even such collections are valid unless they are ratified by Congress. (See infra, page 40.) To admit his right to levy taxes at discretion because of a latent power in Congress to do this would imply the existence of an Executive power to originate revenue legislation in territory belonging to the United States, in derogation of the fundamental principle that taxes shall not be imposed by Executive proclamation, and of the particular provision of the Constitution that "all bills for raising revenue shall originate in the House of Representatives."

We come now to the question whether Congress itself may impose special duties upon foreign goods brought into the Philippines. As a matter of fact Congress has never exacted peculiar duties in new districts, but has always extended the existing tariff laws either about the time of annexation or shortly thereafter. As a matter of law, the Administration insists that the constitutional provision that "all duties, imposts and excises shall be uniform throughout the United States," does not apply to the new islands. The Secretary of War says in his report for 1899 (page 27): "The provision of the Constitution prescribing uniformity of duties throughout the United States was not meant for them (the Puerto Ricans), but was a provision of expediency solely adapted to the conditions existing in the United States upon the continent of North America." I should call a law assuring equal taxation and freedom of trade throughout the Republic a provision of justice, not of expediency, and I fail to understand upon what principle a court must hold this provision to be operative in Maine, Louisiana, Alaska, and Ohio, and in Mexico and Labrador, should we one day annex them, yet inoperative in

Puerto Rico. From this makeshift interpretation of the Constitution we turn with confidence to Chief Justice Marshall's impregnable definition of the "United States" contemplated by this very clause—"our great Republic, which is composed of States and Territories. The District of Columbia, or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties and excises should be observed in the one, than in the other." (Loughborough *vs.* Blake, 5 Wheaton, 317, 319.) Here is the law of the commercial unity of the Republic expounded by its foremost interpreter, and the Philippines being within the Republic are within the law.

We have next to consider the question of duties upon commerce between the islands and our mainland. A statement of the court in Fleming *vs.* Page (9 Howard, 603, 617) is often cited in this relation: " * * * Under our revenue laws every port is regarded as a foreign one, unless the custom-house from which the vessel clears is within a collection district established by act of Congress, and the officers granting the clearance exercise their functions under the authority and control of the laws of the United States." This statement misleads in so far as it lends color to the assertion that precedent sanctions the taxation of this commerce. It is conceded that a port is foreign in a fiscal sense, though the United States claim title to it, if they have not gained possession, as in the case of Baton Rouge, in the Louisiana territory, ceded by Spain to France and by France to us, but actually held by Spain for some time after we had taken possession of New Orleans; or have lost possession, as in the case of Castine, in Maine, seized by the British forces in 1814 (United States *vs.* Rice, 4 Wheaton, 246); and a port is foreign, too, though the United States have possession, if they await the ratification of a treaty to perfect their title, as in the case of San Juan, in Puerto Rico, or if they hold it by mere force of arms, as in the case of Tampico, in the Mexican war, which was the matter before the court in Fleming *vs.* Page.

But a scrutiny of administrative practice down to the end of the Mexican war shows that with perhaps trifling and peculiar exceptions, as in the case of New Orleans (see Cross *vs.* Harrison, 16 Howard, 164, 199), duties were not collected upon goods carried between old and new possessions after our right to the latter had been confirmed by the ratification of a treaty of cession. The notable illustration of the rule of free intercourse, however, is the case of California after the Mexican war. Upon the ratification of the treaty ceding California to the United States the Administration promptly recognized the trade between the new territory and the rest of the country as domestic, as appears by the following passage from a letter of the Secretary of State quoted by the Supreme Court in Cross *vs.* Harrison (16 Howard, 164, 185): "This government de facto (the temporary government of California) will, of course, exercise no power inconsistent with the provisions of the Constitution of the United States, which is the supreme law of the land. For this reason no import duties can be levied in California on articles the growth, produce, or manufacture of the United States, as no such duties can be imposed in any other part of our Union on the productions of California. Nor can new duties be charged in California upon such foreign productions as have already paid duties in any of our ports of entry, for the obvious reason that California is within the territory of the United States." And the court also refers to a dispatch from the Secretary of the Treasury "providing for the reciprocal admission of goods which were the growth, etc., of California and the United States, free of duty, into the ports of each."

The California precedent was followed upon the annexation of Alaska, the Secretary of the Treasury deciding that furs and oils brought in from the new Territory were not subject to duty. (Synopsis Treasury Decisions, 1868, pages 10 and 20.) The present Administration disregards these precedents. It treats the commerce between our islands and our mainland as foreign, and collects duties in each upon the imported products of the other, exacting in the former place a tax determined by itself, and in the latter the duties of the tariff act. It is ungenerous and unlawful to treat our new citizens as foreigners in their commercial relations and hamper an intercourse whose promotion should be our first concern. So disastrous has this practice proved to Puerto Rico that the President has said to Congress, "Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets." (Message 1899, page 50.) But as the distress is caused by his refusal to follow the constitutional practice of his predecessors, he may relieve it at once. The President is not authorized to hamper internal commerce by laws of his own making, and this he has done in levying duties on merchandise carried from our mainland to our islands. Nor is he authorized to enforce a tariff act against merchandise brought in from islands which, since its enactment, have become United States territory.

The tariff act of 1897 is entitled "An act to provide revenue for the Government and to encourage the industries of the United States," and by the enacting clause its operation is limited to "articles imported from foreign countries." As the islands have been made domestic territory by the treaty of Paris, they are not within the purview of an act intended to impose burdens upon foreign products exclusively. And this construction of the act is required by the Constitution, for the rule of uniformity which, as we have seen, forbids Congress to impose different duties upon foreign imports in different sections of the United States, forbids it to impose any duties whatever on commerce between them.

Our inquiry into the subject of the tariff leads to these conclusions: Under no circumstances can duties be lawfully collected in the annexed islands or the mainland upon the imported products of either. Duties collected upon foreign goods brought to the islands must be the same as imposed in the rest of the United States.

ALLEGED IMPOSSIBILITY OF CONSTITUTIONAL GOVERNMENT.

The considered arguments against the Constitution for the Philippines affect the sanction of law, but they are really arguments of inconvenience, for they rest upon the assumed impossibility or, at least, the impropriety of constitutional government rather than upon approved legal principles. The assumption can not be disproved by reciting opinions of the Supreme Court, for it suggests a question of fact determinable only by experience, but it will be shown that our constitutional powers are not presumptively insufficient and our constitutional obligations not presumptively unendurable.

The Constitution permits the pacification of the Philippines by any method which public opinion should tolerate. Surely a Government that suppressed the revolt of 11 States is competent to deal with an insurrection in Federal territory. And when reconstruction shall follow pacification, a Government that "reconstructed" the South can not decently complain of lack of power in the Philippines. It will be shown that the Constitution permits the President to govern the islands after a fashion until Congress shall exert its powers, and does not hamper Congress in providing a government for them. And the local affairs of the Philippines may be administered with as single a regard to their peculiar interests as are the affairs of a State, for the Constitution does not prescribe that all Territories shall be administered from a common standpoint, but permits the peculiar needs of each to be considered.

There is bitter opposition to applying to the Philippines the constitutional rule of uniform tariff taxes. It is asserted that Congress can not impose uniform duties on foreign imports that will be equally fair to the islands and to the mainland; but this suggests merely a phase of the persistent tariff controversy. Doubtless the new phase presents new difficulties, yet recalling that one tariff act drove South Carolina to the edge of rebellion and that another led Louisiana to the Treasury for sugar bounties, we need not apprehend more extreme results from extending our revenue system to the Philippines. Moreover, the Philippines will have no voice in making a United States tariff, and this exclusion of an interested section from the work of bargain and compromise that usually accompanies tariff legislation will make the task somewhat easier. Exclusion is not so great a hardship as it seems, for in any event an insular tariff would be dictated in Washington and not in Manila, and the islanders will be quite as well off with an assurance of equal taxation as with a possibility of lighter taxation. Federal taxation without representation may be inevitable under the Territorial system, but it is shorn of its worst possibilities where the taxpayer can not be singled out for special burdens.

The rule of uniformity that forbids Congress to impose different duties on foreign goods imported into the Philippines and into the mainland of course forbids it to impose any duties whatever on commerce between them, and here we find the chief motive for resisting its application to our new territory. Free trade between the Philippines and Puerto Rico and the mainland may affect important agricultural interests here. Should Cuba be annexed, notwithstanding our promise, serious disturbance would be inevitable. If manufactures can be established in the islands, the wave of disturbance will cover a wider area. But these results, however unwelcome, can not influence the interpretation of the Constitution. They must be accepted as practical consequences of annexation.

There is no evident absurdity in attributing the civil rights of the Constitution to the Filipinos when the nature and limitations of these rights are understood. Surely the Republic must regard life, liberty, and property everywhere as rights, not as privileges. Even these primary rights are not absolute. Each one may be forfeited for crime. Each is held subject to the legitimate claims of the State.

Of course the right to liberty confers the freedom of the Republic, and no law can check the orderly migration of Filipinos to any part of the country. "We are all citizens of the United States," says the Supreme Court, "and as members of the same community must have the right to pass and repass through every part of it without interruption, as freely as in our own State." (1 Crandall *vs.* Nevada, 6 Wallace, 35, 49.) A man's right to work in any part of the Republic and his right to send the lawful product of his labor to any part rest upon precisely the same foundation of personal liberty. As for liberty of speech and of the press, expressly guaranteed by the Constitution, why should not a Filipino speak and write his mind when he may be punished for abusing his rights, and hung if, like the Chicago anarchists, his utterances are linked to the crimes they are intended to provoke?

The Filipinos are entitled to bear arms, but the Constitution affirms this right for "the security of a free state," not for the benefit of insurgents; they may assemble and petition for redress of grievances, but the Constitution requires them to do so "peaceably."

Citizens of the United States not residing in States have no voice in Federal affairs, nor have they a constitutional right to regulate their own. The whole political power of the Republic, whether directed to Federal, State or Territorial affairs, is vested exclusively in the voting citizens of the several States, and each State may prescribe such qualifications for suffrage as it pleases, so long as it bars no one because of "race, color, or previous condition of servitude." The entire sovereignty over territory beyond the States is vested in the Federal Legislature. This proposition was questioned in the Dred Scott case (19 Howard, 393, 501) and Senator Douglas and other statesmen declared that the people of the Territories possessed sufficient "popular sovereignty" to decide for themselves whether slavery should be allowed within their borders.

The doctrine of "popular sovereignty" in the Territories was a political device for taking the question of slavery out of Federal politics. It was wholly incompatible with the fundamental conception of the union of States, and is now thoroughly discredited. (See National Bank *vs.* County of Yankton, 101 U. S., 129, 133; Murphy *vs.* Ramsey, 114 U. S., 15, 44; Mormon Church *vs.* United States, 136 U. S., 1, 44.) The definition of Filipinos as "citizens" carries no right to participate in governing the Republic, nor any State, nor even the Philippines. They can become members of the voting body of the United States only by coming into a State and satisfying the requirements of the local law of suffrage. They can exercise in the islands only such political franchises as Congress may grant. In the language of the Supreme Court: "The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty, which restrain all the agencies of government, State and National; their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States." (Murphy *vs.* Ramsey, 114 U. S., 15, 44.)

VALUE OF THE CONSTITUTION IN NEW TERRITORY.

In affirming the authority of the Constitution in the Philippines, I am far from anticipating the transformation of an Asiatic dependency of Spain into a well-ordered section of the United States by any magical power of written law. Constitutional rule will not prevail throughout the islands until the authority of the United States shall be as supreme in fact as it is in theory.

The gap between fact and theory, so marked in the Philippines, is not a novel circumstance in our history. A Southern Confederacy once denied the Constitution, and temporarily suspended its active authority throughout a wide area; yet the Supreme Court said of the insurrectionary State of Tennessee: "She never escaped her obligations to the Constitution, though for a while she may have evaded their enforcement." (Keith *vs.* Clark, 97 U. S., 454, 461.) Again, the influence of the Constitution spread slowly throughout the vast domains we have annexed from time to time; isolated communities made their own laws, sparsely peopled regions had none.

These conditions, after all, illustrate merely the general proposition that constitutional guaranties are not thoroughly efficient unless persons injured by their violation have recourse to competent tribunals for redress. How far such courts as may now sit in the islands are thus competent I do not discuss, for it may be admitted that until Congress shall institute Federal tribunals constitutional rights will receive imperfect protection. But this admission must be made in regard to the whole Republic. The only court named in the Constitution is the Supreme Court, whose original jurisdiction is strictly confined to "all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party." (See Marbury *vs.* Madison, 1 Cranch, 137.) Whether Congress may destroy the Supreme Court should forever be an academic question, but certainly this tribunal of limited original jurisdiction is the only one specifically contemplated by the Constitution. What inferior courts there shall be, what their jurisdiction, when and how their judgments involving the questions mentioned in the Constitution as reviewable by the Supreme Court shall be carried up, are determinable by Congress, which can not be coerced into creating a court or directed in defining its jurisdiction, or prevented from abolishing it. Broadly speaking, the American people depend upon the facilities afforded by the judiciary acts for the orderly enforcement of their constitutional rights. And the judiciary acts are but one of many examples of legislative aid to the Constitution, for although its presence in a particular territory

does not depend on the pleasure of Congress, as I have shown, many of its provisions are partially or wholly ineffective anywhere until Congress shall have effectuated them by legislation.

Before leaving the subject of the jurisdiction of courts it will be profitable to note a marked difference between the American and English systems. The judicial committee of the privy council affirmed an ancient rule when they said in Bishop Colenso's case: "It is the settled prerogative of the British Crown to receive appeals in all colonial causes." (The Lord Bishop of Natal, 3 Moore P. C., N. S. 115.) The royal prerogative, however, has long been required to be exercised in accordance with the judgment of the judicial committee, a court selected from the council according to rules established by Parliament.

This court of appeal has a broad and varied jurisdiction. For example, it will entertain an appeal from the act of a colonial governor in imprisoning an African chief (Sprigg *vs.* Sigcau [1897], A. C., 238); from the order of a colonial court denying certain powers and privileges to a colonial legislature (Speaker, etc., *vs.* Glass L. R. 3. P. C. 560); from the judgment of a police magistrate in a petty colony (Falkland Islands Company *vs.* The Queen, 1 Moore P. C., N. S. 299); and it will receive appeals in criminal cases generally whenever it appears that "by a disregard of the forms of legal process, or by some violation of natural justice or otherwise, substantial and grave injustice has been done" (Dillet's case, 12 Appeal Cases, 459).

Under the British system, then, the subjects of the Queen in all parts of her dominion may appeal for redress of injuries to a permanent tribunal whose territorial jurisdiction expands with the expansion of the Empire. There is no such tribunal in the United States. Citizens in an annexed district have no recourse to the Federal courts until Congress shall so provide. In these circumstances it behooves Congress to extend promptly the Federal judicial system to the annexed Territories.

After the authority of the United States shall have been established in the Philippines, Federal courts opened, and necessary laws enacted, after the Government shall have done its part toward confirming the rule of the Constitution, the islanders must learn to live up to it before it can mean to them what it means to us. We do not hand down the Constitution to the Filipinos in the anticipation of an early acceptance of its principles. Indeed, the unanimous protest that the islands shall never be admitted to statehood affirms our conviction that the islanders can never be trusted with a share of the political power of the Republic. We do not believe, we do not wish to believe, the enthusiastic prophecy with which the Philippine Commissioners close their preliminary report: "When peace and prosperity shall have been established throughout the archipelago, when education shall have become general, then, in the language of a leading Filipino, his people will, under our guidance, 'become more American than the Americans themselves.'"

A hostile environment does not annul the Constitution, although it may impair its efficiency. In the Philippine Archipelago, as in all United States territory, the Constitution confers rights upon the ignorant and the unwilling as well as upon those who value them; enjoins our public servants to respect it in all their dealings; justifies resistance to acts forbidden by it; and, in theory of law, renders void every command and illegal every act disregarding its prohibitions.

EFFECT OF DENYING THE CONSTITUTION TO THE PHILIPPINES.

I do not belittle the inconvenience of governing the Philippines under the Constitution, but, having acquired the islands, we had better accept constitutional responsibilities in their regard than face the consequences of rejecting them. Rejection would mean to the Filipinos the rule of a new master of higher purpose, of greater ability, of kindlier disposition than the old one, yet equally free from the restraints of law. Defining the so-called rights of the islands under such a régime, the Secretary of War proffers "moral right," and "the nature of our government," and "implied contract" as efficient substitutes for legal guaranties (see Report for 1899, pages 26, 27), in disregard of the fact that the Constitution demonstrates our conviction of their inefficiency, our determination that neither prejudice of race, or class, or religion, nor the power of one or of many shall overcome the rights of man so far as the written law, enforced by the courts, can maintain them. And who shall say that the constitutional restraints so necessary in the self-governing sections of the Republic are superfluous in the Philippines? Who shall say that abuse of power decreases with the increase of opportunity in the face of the unprincipled bill now pending in Congress, discriminating against our fellow-citizens in Puerto Rico?

Were the Filipinos alone concerned, we might perhaps be seduced to try our hand at absolutism, but the evil course would have far-reaching consequences.

Should the Constitution be denied to the Philippines on the ground that it is only effective in the States, the people of the Territories and the District of Columbia would be deprived of its protection, and they would suffer this wrong not because of their deserts, but by the operation of a rule fabricated for the handling of a host of Malays over whom we have hastily asserted dominion. If to live beyond the States is to live beyond the Constitution, New Mexico, Arizona, Oklahoma, Alaska, and Hawaii and Puerto Rico as well, will instantly present a moral claim to statehood that we may find it difficult to disregard.

Should the Constitution be denied to the Philippines upon any pretext, a drawback from indiscriminate expansion will be removed. While acquisition of territory means the enlargement of the United States and the reception of new citizens, while Congress must govern all country within its jurisdiction as a commercial and social unit, the American people will not covet outlying land if its acquisition means fellowship with uncongenial multitudes.

THE CONSTITUTION AND A COLONIAL POLICY.

We are told that the United States are a nation and are therefore competent to deal with the Filipinos as any other nation, especially Great Britain, might deal with them under the circumstances. This is true in the sense that there is an ultimate authority in the Republic substantially similar to the authority of the British nation. It is not true in the intended sense that this authority is lodged in the Federal Government. The British Parliament is the British nation for every purpose. The Federal Government is the American nation only for the purpose of exercising the powers delegated in the Constitution by the people of the several States, who have reserved to themselves or to the States all powers not delegated and the right to amend the Constitution.

The immeasurable difference between the limited powers of Congress and the omnipotence of Parliament is recognized by our courts (see Van Horne's Lessee *vs.* Dorrance, 2 Dallas, 304, 307; Justice Harlan's opinion in Robertson *vs.* Baldwin, 165 U. S., 275, 296), and it can not be too strongly emphasized at this moment, when a sudden admiration for English colonial policy has begotten the desire to imitate it.

The will of Parliament is the fundamental law of the British Empire whose parts are united by their common subjection to it, and Parliament governs the scattered lands and the polyglot people with equal and unfettered power. England and the Gold Coast, the citizen of London and the native of India, are on an equal footing before an authority that knows no legal restraint. The Constitution is the fundamental law of the United States. So long as its broad guaranties run throughout their territory all the people are equal before the law in respect of their civil rights. But if these guaranties are not general all are not equal before the law. There is the law of the Constitution for some, the pleasure of Congress for others. The difference between British and American legislative systems shows how repugnant the British colonial policy would be to the spirit of our institutions even were it agreeable to their letter. An opportunist colonial policy, so harmonious with the British scheme of government, would be a strange graft on American institutions, which are distinguished, and, as I think, admirably distinguished, from all others by their imposition of real restraints upon governmental power.

By the law of the Constitution all land within the sovereignty of the United States is one country; all people within their jurisdiction are one people, who enjoy life, liberty, and property of constitutional right without regard to which side of a boundary line between State and Territory or of lines of latitude or longitude they happen to live; these lines can not be made a hindrance to the course of legitimate commerce. A few months ago this statement was generally accepted as good law and policy, and it might not be so seriously questioned to-day had the treaty of Paris limited our acquisitions to American territory. It is the circumstance of conquest in Asia, with its suppressed but inevitable suggestion of further aggrandizement in the East, for while we talk of the Philippines we are thinking of China, that provokes the assertion that at last we have gone beyond the proper sphere of the Constitution.

Assuming, for the sake of argument, that the assertion is true, or at all events expresses the deliberate wish of the American people, how shall we deal with the question it presents? Certainly not by accepting an injurious rule as a perpetual obligation or by refusing to admit that the Constitution must come at last to reflect a matured public opinion. If the supremacy of the Constitution in the Philippines will cause serious embarrassment, the approbation of law will not make it endurable. Or, if the American people are unwilling to treat the islands as United States territory in any circumstances, no rule of law will long compel them. I am convinced that either event should move us to relinquish sovereignty over the country we can not or will not govern according to our Constitution. Any abandonment of constitutional for arbitrary rule must weaken the moral supremacy of the Republic, and the taking over of millions of Asiatics who are deemed unfit for fellowship must increase its burdens without bringing new strength to bear them.

But should these considerations be overborne by a determination to hold the Philippines as a subject province at all cost, let the Constitution as it stands remain unspoiled by interpretations restricting it to the States or conditioning its efficacy in Federal territory upon the pleasure of Congress or the treaty-making body. Let us frankly admit that in ruling without the restraint of organic law the Government would assume an office requiring the approval of imperial standards for its acceptance, the delegation of imperial powers for its administration, and then approve these standards and delegate these powers in a special amendment of the Constitution. I have seen no considered suggestion that the Constitution be amended, yet it must come to this if the United States are to embark upon a colonial policy with lawful, adequate, and unquestioned powers. A short amendment would serve to distinguish the Republic, governed under the old organic law, from outlying provinces, ruled as policy shall dictate.

THE GOVERNING OF THE PHILIPPINES.

The incorporation of the Philippines into the United States, and their subordination to the Constitution, are legal results of our acquisition of territorial sovereignty through the operation of the treaty of Paris. Whether sovereignty should have been acquired is strenuously disputed. That it has been acquired is the controlling factor in the situation, and while it is maintained we must address ourselves to practical questions of government and policy involved in the administration of United States territory, some of which have been already considered.

EFFECT OF ANNEXATION UPON THE OLD ORDER.

One of the first questions suggested by the coming of a new sovereign to a country has regard to the fate of that old order which is evidenced by the local law. Chief Justice Marshall says, "The law which may be denominated political is necessarily changed." (American Insurance Company *vs.* Canter, 1 Peters, 511, 542.) This statement is true in the broad sense that the peculiar attributes and powers of the old sovereign are not transmitted to the new one, nor do the laws through which such powers have been exercised become its laws. As the Supreme Court said in a later case (Pollard *vs.* Hagan, 3 Howard, 212, 225; see also New Orleans *vs.* United States, 10 Peters, 662, 730), "It can not be admitted that the King of Spain could, by treaty or otherwise, impart to the United States any of his royal prerogatives; and much less can it be admitted that they have capacity to receive or power to exercise them. Every nation acquiring territory, by treaty or otherwise, must hold it subject to the constitution and laws of its own government, and not according to those of the government ceding it." And other parts of the law termed "political" may, for one reason or another, lapse upon a transfer of sovereignty.

Although the new sovereign has a right to change all the political institutions of the annexed district, Chief Justice Marshall did not mean that the act of annexation necessarily effects this sweeping result, and governmental agencies consistent with the new order may be utilized without confirmatory legislation. The vitality of municipal agencies, for example, is illustrated in the case of California, where the State courts have even sustained grants of pueblo (town) land made during the existence of the military government by ayuntamientos acting under the old Mexican law. (Hart *vs.* Burnet, 15 California, 530, 559. See also Townsend *vs.* Greeley, 5 Wallace, 326.) So the courts of a country are not necessarily closed by its cession. The treaty of Paris recognizes this in the provision that civil suits undetermined at the time of the exchange of ratifications may be prosecuted to judgment in the court in which they are pending, or in such court as may be substituted therefor. And the courts of California have affirmed the validity of proceedings in tribunals of Mexican origin acting under the military government. (Mena *vs.* Le Roy, 1 California, 216; Ryder *vs.* Cohn, 37 California, 69.) In regard to civil as distinguished from political law it is well settled that a system of jurisprudence already established in annexed territory is not supplanted by the system of the acquiring State by the mere act of transfer, but subsists until the new sovereign shall see fit to change it. (Campbell *vs.* Hall, Cowper, 204; United States *vs.* Percheman, 7 Peters, 51, 80; Strother *vs.* Lucas, 12 Peters, 410, 436.) And the United States observe both the rule of public law and the obligations of the Constitution in respecting private property and rights in annexed territory which have become duly vested under the old laws. (United States *vs.* Percheman, 7 Peters, 51, 86; United States *vs.* Moreno, 1 Wallace, 400.)

Except as they are the foundation of private rights already vested and compatible with the Constitution, the laws of annexed territory impose no permanent obligation upon the United States, yet all may not be in one category.

Laws conflicting with the Constitution impose no obligation whatever.

If an act of Congress extends of its own force to the ceded territory, it displaces all laws inconsistent with its provisions. This statement is made rather for the sake of precaution than with a definite suggestion as to its

practical bearing, for, while certain acts may be, perhaps, in some sense self-extending (see Cross *vs.* Harrison, 16 Howard, 164, 197), there has not been established a general rule according to which this quality shall be attributed. Certainly self-extending acts must be exceptional, for it is presumed that a legislature enacts a law with regard to the known requirements of the country then within its jurisdiction, and not to the unknown requirements of after-acquired territory. This presumption is sustained by the common practice of our Government, and by our observance of the rule, just mentioned, that the laws of annexed territory generally subsist until they are definitely superseded; a rule of little value did the general statutes of the United States extend to the territory of their own force.

All other laws stand until changed by the authority of Congress.

THE POWERS OF THE PRESIDENT.

The President is in possession of the Philippines and governs them by military agents. This government originated in a belligerent occupation of foreign territory, and, agreeably to the precedent approved by the Supreme Court in the case of California, it was not dissolved by the transfer of the islands at the end of the war, but continues until superseded by Congress. (Cross *vs.* Harrison, 16 Howard, 164, 193.)

The rightful existence of this government being conceded, we must determine its powers. The President's message states that the government of Puerto Rico is maintained by the executive department "under the law of belligerent right" (page 50), and of course this statement includes the Philippines, since both districts are in like case. It is not perceived how the President can act under this law in any territory acquired from Spain. Belligerent right is predicated upon a state of war. Puerto Rico is at peace. Chief Justice Chase declared the invariable rule when he said in Milligan's case (4 Wallace, 2, 140), "Where peace exists the laws of peace must prevail." Belligerent right is predicated upon a state of formal war. There is an insurrection in the Philippines, but there is not a formal war. We have carefully refrained from treating the insurgents as belligerents. What powers the President might enjoy under the law of belligerent right I do not discuss, for it is as inapplicable in the ceded territory as it was in the like case of California, of which President Polk said:

"Upon the exchange of ratifications of the treaty of peace with Mexico * * * the temporary governments which had been established over New Mexico and California by our military and naval commanders by virtue of the rights of war ceased to derive any obligatory force from that source of authority. * * *" (Messages of the Presidents, IV, 638.) The President's governments in Puerto Rico and the Philippines are precisely alike in origin and powers. They are, indeed, military as distinguished from civil governments established by Congress, but they are not to be administered according to the laws of war. In the disturbed Philippines, as in quiet Puerto Rico, the President is the steward of territory belonging to the United States, in virtue of his office, and the fact that this territory is under the jurisdiction of Congress, though not yet organized under its laws, goes far toward indicating the duties, the powers, and the limitations of his stewardship.

The President is bound to uphold the sovereignty of the United States, and they magnify his office who urge him to recognize a Filipino republic or declare a protectorate or acknowledge in any way the existence of a local sovereign. The islands are in his charge, not at his disposition. They have been annexed by treaty and, unless wrested from us, can not be dissevered except by legislation of equal solemnity.

Of the strictly military powers of the President it need only be said that in the face of insurrection he enjoys precisely the same authority in the Philippines as elsewhere in the territory of the United States. And these powers extend, of course, to the maintenance of peace generally.

Although the authority of the President is called "military," it has a civil side. We have seen that the annexation of a country does not necessarily abolish all its old laws and governmental agencies, and perhaps some laws of Congress may extend to it by their own force. Unquestionably the President is competent to enforce these laws and utilize these agencies, as far as circumstances permit. Thus far the President's powers are normal, being wholly of an executive nature.

There remains the question whether the President may exercise legislative powers in the ceded territory pending action by Congress, and I mean by legislative powers the enactment of new laws and the repeal, alteration, or suspension of old ones, the extension of acts of Congress, the creation of offices, the imposition of new taxes and the appropriation of their revenue—in fine, the powers of Congress. Sir William Anson says of English practice: "Colonies acquired by conquest or cession fall at once under the legislative powers of the Crown in council, subject always to these limitations, that Parliament might intervene and make provision for the government of the colony, and that the Crown could not make laws 'contrary to the fundamental principles' of English law, nor presumably enforce such laws if found among the colonists at the time of cession." (The Law and Custom of the Constitution, The Crown, 2d ed., 274.) The power to legislate for ceded territory thus vested in the Crown in council is not enjoyed by the President when the United States acquire territory; it vests in Congress, whose jurisdiction attaches at once, and within this jurisdiction there is no room for an executive prerogative of legislation even by the permission of Congress. In the words of the Supreme Court, "That Congress can not delegate legislative power to the President, is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution." (Field *vs.* Clark, 143 U. S., 649, 692.)

The prohibition against executive legislation in United States territory is not affected by the judgment of the Supreme Court upon the Kearny Code of New Mexico. This code was promulgated by Gen. Stephen M. Kearny in 1846, while in command of our forces in hostile occupation of New Mexico. It was argued that the code lapsed upon the termination of the belligerent status of the territory by its formal cession to the United States, leaving the old Mexican law as the law of the land. But the court held that the Kearny Code was entitled to respect as the law in force at the date of cession. (Leitensdorfer *vs.* Webb, 20 Howard, 176.) Here was a code of purely executive, indeed of belligerent, origin recognized by the court, yet the decision is not an authority for the exercise of general legislative powers in annexed territory, for this is a part of the United States, while the Kearny Code was proclaimed in a foreign land. In other words, the powers of legislation which, according to Leitensdorfer *vs.* Webb, may be exercised by the President as Commander in Chief of our forces in belligerent occupation of foreign territory, where Congress has no jurisdiction, are not enjoyed in the United States, where Congress is supreme. Nor is the prohibition affected by the decision in Cross *vs.* Harrison (16 Howard, 164): After the ratification of the treaty ceding California to the United States had been communicated to our military governor in occupation of the territory he ordered that the duties of the tariff act should be collected upon foreign imports, created the office of collector, and appointed a civilian thereto with a salary.

In dismissing a suit for the recovery of duties paid under protest the court sustained these acts of a legislative nature, saying, "It has been sufficiently shown that the plaintiffs had no right to land their foreign goods in California at the times when their ships arrived with them, except by a compliance with the regulations which the civil government were authorized to enforce—first, under a war tariff, and afterwards under the existing tariff act of the United States. By the last, foreign goods, as they are enumerated, are made dutiable—*they are not so because they are brought into a collection district, but because they are imported into the United States.* The tariff act of 1846 prescribes what that duty shall be. Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? * * * The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of the provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. Indeed, it must be very clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States." (Page 193. The italics are mine.) The gist of this paragraph is that a tariff act is so far binding upon territory acquired after its passage that the President, in possession, is expected to collect the duties, but the court did not appear to be thoroughly satisfied with this position, for at the close of the opinion we read:

"We do not hesitate to say, if the reasons given for our conclusions in this case were not sound, that other considerations would bring us to the same results;" and the last of these considerations, which are generally of a practical nature, is "that the Congress has by two acts adopted and ratified all the acts of the government established in California upon the conquest of that Territory, relative to the collection of imposts and tonnage from the commencement of the late war with Mexico to the 12th November, 1849, expressly including in such adoption the moneys raised and expended during that period for the support of the actual government of California after the ratification of the treaty of peace with Mexico. This adoption sanctions what the defendant did. It does more—it affirms that he had legal authority for his acts."

From the opinion in Cross *vs.* Harrison we gain the impression that the acts of the President in California were made good by Congress rather than warranted by his own powers.

In applying the rule that the President is without legislative power in United States territory to the present case I do not suggest an invariable test by which administrative decrees issued from Washington directly, or through the military government in the islands, are to be approved as executive regulations or condemned as acts of legislation. It is sufficient for our purpose, however, to note that decrees plainly of the forbidden sorts are promulgated in the annexed territory. (See General Davis's Report on Puerto Rico, October 13, 1899, pages 107–156.)

Perhaps some examples of Executive usurpation of the powers of Congress may be unearthed, but the present Administration appears to be the first that has ever made laws for United States territory under claim of right. The incapacity of the executive department to legislate for unorganized territory was recognized by President Jefferson in the case of Louisiana (Messages of the Presidents, I, 363), and by President Polk in the case of California (Messages, etc., IV, 589, 638), and the wretched plight of Alaska, a Territory neglected by Congress for more than thirty years, has been laid before Congress by every President, none of whom has supposed, however, that the inactivity of the Legislature has given him the right to act in its stead. Yet, while President McKinley's last message recites that, "there is practically no organized form of government in the Territory [Alaska]. There is no authority except in Congress to pass any law no matter how local or trivial. * * *" (page 48). We find no expression of doubt as to his powers to legislate for the unorganized Philippine territory, and that these powers are not really assumed upon the plausible though mistaken ground of the existence of insurrection is shown by the fact that the same powers are exercised in the peaceful territory of Puerto Rico.

As the Administration declares that its government of the islands "is maintained by the law of belligerent right" (supra, page 37), it may harbor the idea that it enjoys the broad powers of a conqueror. Or, as it seems to be committed to the doctrine that the Constitution is inoperative in the ceded territory, it may arrogate to itself all governmental powers upon the theory that the constitutional separation of powers does not affect the President as the custodian of the Philippines. Neither of these positions is tenable, as I have shown. Whenever the Administration has legislated for Puerto Rico and the Philippines since their annexation it has invaded the province of Congress, and all arguments of extenuation must come at last to the plea of necessity.

In considering this plea we must dismiss at the outset the notion that the assembling of Congress in stated session worked a change in the President's powers as administrator of the annexed territory by depriving him of legislative functions enjoyed of necessity during the recess. These powers are the same in recess as in session, as in the theory of law the President never lacks the cooperation of the Legislature, except perhaps during the brief time needed to convene it in special session. If, then, the President possessed legislative powers of necessity when he might have called Congress but did not, his right must be based upon the mere inaction of Congress, and not upon the physical impossibility of its acting, for this was due to his failure to convene it, and on this theory he would possess legislative power now while Congress sits, but does not act. And this appears to be the opinion of the Administration, for the Secretary of War has lately decreed an order forbidding the foreclosure of mortgages in Puerto Rico for six months, unless Congress shall otherwise provide. In opposition to this theory, I submit the proposition that no legislative powers accrue to the President because of the inaction of Congress. If, in his judgment, legislation for annexed territory is necessary, he may commend it to Congress in regular or special session. If Congress shall not legislate on his motion or its own, it is presumed to be satisfied with the existing body of law comprising the Constitution, the old law of the territory, and such United States statutes as may extend of their own force.

Whatever moral weight a plea of necessity may have when in a recess of Congress instant action is required to avert a threatened peril, it has none in this case. The governing of the islands is not an emergency in itself. Congress had provided for their acquisition before it adjourned in March, 1899, and must be presumed to have anticipated that the President would probably take charge of them during the usual recess. If, before the next regular session, there had arisen a need for legislation, the President should have convened Congress. He can not plead the emergency of a condition caused by his failure to call the Legislature.

Breaches of the rule against Executive legislation are not condoned by the good intentions of a Chief Magistrate or by the excellence of his decrees.

When the people commenced the Constitution with the law, "All legislative powers herein granted shall be vested in a Congress of the United States," they laid a prohibition upon all Presidents at all times. Yet breaches are not always beyond repair.

The redeemable legislative acts of a President are those which Congress could have passed and can ratify. For these President McKinley should seek legislative approval, as President Taylor sought it for some acts of the military government of California (Messages of the Presidents, V, 19) and as the British Government sought it in the case of "the forty days' tyranny" in 1763, during which it suspended the laws permitting the export of corn. Irredeemable acts are those which Congress is constitutionally incompetent to ratify.

THE POWERS OF CONGRESS.

Congress is supreme in the Philippines, and it acquired jurisdiction the moment the islands became United States territory. The impression that Congress will not be supreme until it actually legislates for the islands is erroneous. Congress is paramount over all United States territory, and in legislating for the Philippines it will not newly take jurisdiction, but will exercise jurisdictional right already vested in it by the operation of the treaty of Paris.

Whether the power of Congress to govern territory be derived from the provision of the Constitution which reads: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State" (American Insurance Company *vs.* Canter, 1 Peters, 511, 542), a provision plainly relating to the management of property, especially in public lands, and not to the governing of people, or whether the power be derived, logically, from the "right to hold territory" (Sère *vs.* Pitot, 6 Cranch, 332, 336; Scott *vs.* Sandford, 19 Howard, 393, 443; United States *vs.* Kagama, 116 U. S., 375, 380), all will agree with Chief Justice Marshall that "whichever may be the source whence the power is derived, the possession of it is unquestioned" (American Insurance Company *vs.* Canter, 1 Peters, 511, 543). And the scope of the power must be the same whichever its source.

The scope of Federal power over territory beyond the States is thus defined by the Supreme Court: "By the Constitution, as is now well settled, the United States have rightfully acquired the Territories, and being the only government which can impose laws upon them, have the entire dominion and sovereignty, national and municipal, Federal and State, over all the Territories so long as they remain in a Territorial condition." (Shively *vs.* Bowlby, 152 U. S., 1, 48; see also National Bank *vs.* County of Yankton, 101 U. S., 129, 133.) In virtue of these powers Congress enjoys a wide discretion in prescribing a government for the Philippines. Any form is permissible, from an organization chosen by the islanders to a governor or commission appointed by the President. But a Territorial government is essentially subordinate and precarious. Congress remains the sovereign body, and may alter or abolish it at will and exert superior legislative powers during the term of its existence. The unquestioned power of Congress to establish a Territorial government without enlisting the cooperation of the people, or even consulting them, results from the necessary denial of popular sovereignty in the Territories; but this government, however arbitrarily imposed, can not be arbitrary in conduct, for it must obey the law of the Constitution.

The current session affords Congress the first opportunity to exert its constitutional powers in the Philippines, and though it should not legislate freely in respect of the islands in advance of reliable information of their requirements, a general policy of deliberation will not excuse neglect of prompt efforts to ameliorate some of the worst conditions.

Each day of unrest in the Philippines makes our presence more hateful and postpones our opportunity for helpfulness; indeed, if resistance be greatly prolonged we may learn one day that we have demoralized a people we promised to benefit. The Republic itself may be menaced by persistent disaffection, for if it shall be involved presently in a new and greater war, the enemy will find allies in the Philippine territory. The Administration is blameworthy for having belittled the strength of the insurrection. If the President shall now call for troops to garrison the islands thoroughly, he will not be blamed for exaggerating it. But whatever may be the state of the insurrection, the peace we want is contentment—not merely the end of strife; and we can not hope that one will follow the other while we treat disaffection as wanton opposition to a benign sovereign, and armed resistance to its authority as unnatural rebellion.

The attitude of regretful surprise that Filipinos should resist our benevolence is a dishonest pose. When we recall that a few months ago we knew nothing of the Philippines, know little now in fact, we may comprehend how ignorant must be the islanders of the institutions and spirit of our Republic, how possible it is that with their experience of white rulers they should view the United States as more dreadful than Spain because more powerful. In these circumstances conciliation is not an improper overture to rebels. It is a generous effort to allay the mistrust of a strange people, and to assure mutual comprehension between parties brought unexpectedly into a difficult relation. In pursuance of these ends let Congress cause proclamation to be made that the Philippines are not a dependency, but are part of the Republic and within the protection of the Constitution; and especially that citizenship and civil rights are bestowed in the Philippines as in all other United States territory, and that trade between all parts of the Republic is free. This proclamation should not be withheld because proclamations of the President and his representatives have failed, for as a message from Congress declaring the law of the Constitution it will be of higher dignity and promise. Nor should it be issued with an exaggerated hope of its influence, since the sending of a message is, after all, but a one-sided dealing at arm's length with a situation that requires intimate discussion. Representative Filipinos should be invited to attend a conference to be held at Washington, and they should be received neither as traitors nor as heroes, but as people of a new territory come to discuss the vital question of its government.

If it be objected that any intercourse with insurgents is beneath our dignity let us remember that President Lincoln left his capital to talk with Confederate leaders at Hampton Roads, set in his own opinions, with no expectation of changing theirs, but determined that no chance for peace should be lost through lack of consideration on his part.

The President's government in the Philippines is so incompetent that Congress should supersede it at once. A bill has been introduced providing "That when all insurrection against the sovereignty and authority of the United States in the Philippine Islands, acquired from Spain by the treaty concluded at Paris on the 10th day of December, 1898, shall have been completely suppressed by the military and naval forces of the United States, all military, civil, and judicial powers necessary to govern the said islands shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion."

A precedent for this bill is said to be found in the action of Congress after the annexation of Louisiana. On October 31, 1803, ten days after the exchange of the ratifications of the treaty of cession, Congress passed an act authorizing the President to take possession of Louisiana and providing "that until the expiration of the present session of Congress, unless provision for the temporary government of the said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion." (2 Stat. L., page 246.) The Louisiana act was followed substantially in the case of Florida (3 Stat. L., 523), and may have inspired a part of the act annexing Hawaii (30 Stat. L., 750), but it will be shown that it is not a precedent for the Philippine bill.

The government of Louisiana, such as it was, was established definitely. The Philippine government is to be called into being by the President upon the happening of an event of which he is to be the sole judge—the suppression of insurrection. And in this relation the bill is open to the serious objection that it recognizes, inferentially, the law of belligerent right as the present foundation of Executive jurisdiction in the islands.

The Louisiana act continued the old government of Louisiana and merely authorized the President to fill its offices. The Philippine bill enables the President to erect a government at will, manned by "such person and persons * * * as he may direct."

The Louisiana act did not purport to confer legislative powers upon the President, and Governor Claiborne's first proclamation expressly recognized the obligation of the old laws and municipal regulations. The Philippine bill seems to concede to the President full legislative powers.

The Louisiana government was to last no longer than the then session of Congress, though the new government ordained by Congress on March 24, 1804, was not actually installed until October 1, 1804. The Philippine government is without term.

Viewing the bill as an Administration measure and recalling the opinion of the Administration that the Constitution is not law in the Philippines, it seems that it purposes to invest the President with the right, or perhaps I should say to recognize that he has the right, to hold all legislative powers in the island and exercise them at his pleasure. If this be the purpose of the bill, it approves the powers of the British Crown over dependencies not regulated by Parliament without imposing the checks upon their abuse which obtain in the British system, where the Crown can do nothing "contrary to the fundamental law" (see supra, page 38), and where relief from injustice may be had through an appeal to the judicial committee of the privy council. (See supra, page 30.)

The Philippine bill is a halting measure of doubtful legality. It merely conveys an impression that some day, in some way, something ought to be done for the Philippines, whereas it is the duty of Congress, and well within its power, to act at once. Probably Congress is not now in a position to prescribe an elaborate system of government; but it is able to substitute for the present makeshift an organization that will be in all respects at least lawful and competent. Congress could ordain a government modeled broadly upon the act of March 24, 1804, creating a temporary government for Orleans Territory, composed of a governor, a legislative council, and a court, all appointed by the President and vested with sufficient powers. Such a government would serve until Congress shall perfect a scheme for a permanent government.

THE DISPOSITION OF THE PHILIPPINES.

I have defined the status of the Philippines and partially outlined the law governing our relation to them in order to determine the responsibilities of the Federal Government in their regard. I have written as though there were no question of renouncing sovereignty over these islands, because the opportunity for renunciation in nowise lightens the obligations now cast upon us; yet my conviction of the impolicy of annexation, expressed before the ratification of the treaty of Paris (see Notes on the Foreign Policy of the United States, June, 1898; A Note on the Question of the Philippines, October, 1898; Constitutional Aspects of Annexation, December, 1898; Harvard Law Review, January, 1899, reprinted in the CONGRESSIONAL RECORD January 11, 1899), has been so strengthened by later events that I would have the voting citizens of the Republic view the disposition of the Philippines not as settled by destiny, but as an open question.

As it is the purpose of these notes to deal chiefly with legal questions, I shall pass over the moral and political principles that enjoin us to relinquish sovereignty over the Philippines, and simply point out the undoubted right and the probable method of relinquishment.

THE RIGHT OF DISPOSITION.

Although the law requires us to treat the Philippines as part of the United States, it does not compel us to hold them forever. The implied right of acquisition under which we annexed the islands has its opposite in an implied right of disposition, at all events in the case of territory beyond a State.

Voluntary relinquishment of territory is not unexampled. Witness the cession of Louisiana by France to the United States; of Alaska by Russia to the United States; of Java and Heligoland by Great Britain to Holland and Germany, respectively; of St. Bartholomew by Sweden to France. The right of disposition is conceded by the Administration in the agreement with the Sultan of Sulu, which provides that the United States will not sell the Sulu Islands without his consent. The concession is important as showing that, in the opinion of the Administration, the annexation of the Philippines has not closed discussion as to their future disposition, but the provision itself is derogatory to our sovereignty. We acquired the Sulus from Spain without the consent of the Sultan, and we shall not require his permission to sell them.

There is, however, a presumption against the ability and willingness of a State to give up a section of its territory, and this is strengthened where the section has been deliberately acquired or long occupied or, above all, is identified with the rest of the country through national unity or community of interest. At the outbreak of the war the American people neither wished nor expected to annex the Philippines, and, whatever individual hope of aggrandizement lurked behind the plan of campaign in the East, the Administration maintains that aggrandizement was not the purpose, though it was well advised of the probable opportunity. (See Admiral Dewey's letter from Hongkong, March 31, 1898, Senate Document 73, Fifty-sixth Congress, first session.) Indeed, the prevailing argument for annexation is apologetic: The law of war forced us to the islands; the law of necessity has chained us there. Our occupation of the Philippines is not only of yesterday, but will probably be, during an indefinite period, merely an armed occupation. Not only is national unity beyond prophecy, but race hatred confronts us, and we are so far from even desiring community of interests that we actually tax the trade between the islands and the mainland, and would view an immigration of Filipinos as an Asiatic plague. When we add that the Philippines are not even an outer line of defense, but rather a vulnerable outpost, and are neither the home of American colonists nor the seat of American investments it is perceived that we are not embarrassed by considerations that usually place relinquishment of territory beyond the pale of discussion.

THE PROTECTORATE.

The United States relinquishing sovereignty over the Philippines may have a choice of courses, but, as at present advised, they will be persuaded to a protectoral relation. The President says in his message:

"The suggestion has been made that we could renounce our authority over the islands and, giving them independence, could retain a protectorate over them. This proposition will not be found, I am sure, worthy of your serious attention. Such an arrangement would involve at the outset a cruel breach of faith. It would place the peaceable and loyal majority, who ask nothing better than to accept our authority, at the mercy of the minority of armed insurgents. It would make us responsible for the acts of the insurgent leaders and give us no power to control them. It would charge us with the task of protecting them against each other and defending them against any foreign power with which they choose to quarrel. In short, it would take from the Congress of the United States the power of declaring war and vest that tremendous prerogative in the Tagal leader of the hour." (Page 44.)

The humiliating relation here depicted is a travesty of a real protectorate. A brief examination of the law and custom of protectorates will show that the United States may assume the office of protector without allowing a minority of armed insurgents to terrorize the peaceable islanders or permitting an Aguinaldo to call the American people to arms at his whistle.

A protectoral relation always suggests the comparative weakness of the protected country, but not, in its broadest sense, supervision by a guardian. In this sense perhaps the United States may be called the protector of Central and South American states, because in the Monroe doctrine they declare their intention to resist foreign aggrandizement upon this continent. An extension of the Monroe doctrine to the Philippines would not enable us to fulfill our present responsibilities in their regard. We should establish a closer relation—a protectorate.

"Protectorate" is a name for so great a variety of political relationships that of itself it defines none accurately, but a few general observations will suggest the relation I have in view. The protectorate will be founded upon a treaty or agreement with a Philippine state whose organization and fundamental law shall be satisfactory to the United States. I do not mean that we should draft an ideal constitution for the islands, as did Locke for the Carolinas, nor commend as of course our own as the perfect model, but we must condition our protection upon the adoption of a practicable scheme of government as enlightened as we have a right to expect.

The Philippine state will not be an exception to the rule that a protected state is never sovereign in all respects. It will not be officially known in the family of nations, for it will hold no relations with foreign states, neither making treaties nor exchanging ministers, nor will it fly a national flag upon the high seas. At every point of contact between the state and the world at large the United States must stand the promoter of its interests, the defender of its rights, the surety for its good behavior. This denial of official foreign intercourse is necessary if only for the reason that as the protector must defend the protected, it must deprive the latter of opportunity to embroil itself with a foreign state, and in anticipation of the possibility of payment of damages by the United States on Philippine account, the treaty should provide a method of recoupment.

As the responsibility for the defense of the island requires that the means be within our control, the establishment of a protectorate will not be followed by the withdrawal of all our forces nor by the maintenance of a Philippine army at the discretion of the local government. The disposition of our troops will depend upon our own judgment, and so will the size and composition of a native force.

If it shall be advisable that foreigners be employed for a time in certain offices in the military and civil services in an advisory or responsible capacity, the employment must be open to Americans alone, for the admission of other foreigners might lead to bickering and intrigue.

A protector may commend, and, in fact, often dictates, a foreign commercial policy to the protected state, and any action of the United States in this direction should tend to open the door to the Philippines as wide as the exigencies of revenue will allow.

Should it appear that native courts ought not to administer civil or criminal justice where Americans or other foreigners are concerned, the treaty may provide and Congress maintain tribunals competent to try these cases.

To suggest in a general way the protectoral attitude of the United States toward the Philippines, it may be said that in matters of foreign concern our interest will be very broad, but in domestic affairs it will be limited to the maintenance of the Philippine state and the security of the protectorate. While it is to be hoped that the people of the northern islands will range themselves under a single government, if not of a national, at least of a confederate, character, race antagonisms may necessitate the recognition of more than one, and it is quite likely that the southern, or Mohammedan, islands will require a separate protectorate.

The study of the protectoral relations of other governments will be profitable, but it is not likely to suggest a model. Apart from the Mohammedan districts, which appear to be much like the protected states of the Malay Peninsula, the Philippines are quite dissimilar from any country now under protection, for we find there a population largely of Malay origin whose dominant portion has been Christianized and civilized to a degree by Spanish influence. More importantly, our action must be inspired by uncommon purposes. A protectorate frequently precedes annexation; ours would be the sign of disseverance. A protectorate is often a cloak for substantial ownership, but if ownership be our real purpose we must continue to govern the islands constitutionally as part of the United States, and not set up a mock state through which our Government may give arbitrary orders to a subject people.

A protectorate is usually established without period, though its end may be conditioned upon the happening of an unexpected event; thus it is written that Great Britain shall hold Cyprus until Russia shall surrender Kars. Our protection should be accorded in the expectation of its withdrawal. The battle of Manila Bay has opened up interests and opportunities in the East that will broaden with years, but our shortcomings at Washington have not necessarily saddled us with interminable responsibilities in the Philippines. Assuming that a protectorate will be declared with a reasonable anticipation that a Philippine state will one day be able to maintain a place among the smaller states of the world, the treaty of protection should fix its own duration, though some provisions might be accorded a longer or shorter term.

The exigencies of the protectorate may require the presence of a considerable force in the Philippines, which would thus be a practicable base of hostilities in the event of war, and for this reason would be open to attack. (See Despagnet, Essai sur les Protectorats, 343.) Yet it is hard that a country should be the theater of a war in which its people have no national interest, and to avoid this hardship the establishment of a protectorate over the Philippines should be accompanied by negotiations with the maritime powers looking to their neutralization. Moreover, an earnest attempt to neutralize the islands would prove that we are not in the East as the foe or the ally of any nation, and its success would give us substantial advantages. While the Philippines are open to assault, they are a remote and vulnerable outpost requiring the presence of a large force, and subject to the danger of a native uprising in aid of foreign invasion. Neutralized, they will require only a force commensurate with local necessities.

A protectorate is not necessarily unconstitutional. So long as it is an honest relation and not a subterfuge for complete control, it is one of those foreign relations maintainable by the United States as well because they are one of the family of nations as by the express contemplation of the Constitution. While the United States have never entered into a relation with another state like that commended in the case of the Philippines, they have occasionally assumed a protectoral office; notably in respect of the possible routes of interoceanic canals. And our relation to Samoa, now in process of alteration, is not only distinctly protectoral, but is complicated by partnership with Great Britain and Germany. It is open to criticism only for reasons of policy, and such reasons alone were given by President Cleveland for withholding the United States from participating in the Kongo Protectorate. (Messages of the Presidents, VIII, 330.)

Our courts have never been required to define the position of the United States in respect of protected territory, but it may be indicated. Bearing in mind that the establishment of a protectorate will mark our relinquishment of territorial sovereignty it is perceived that the Philippines will pass straightway from the territorial jurisdiction of Congress to that of the protected state, for as Justice Story states the rule, "The laws of no nation can justly extend beyond its own territories, except so far as regards its own citizens. They can have no force to control the sovereignty or rights of any other nation within its own jurisdiction. And however general and comprehensive the phrases used in our municipal laws may be they must always be restricted in construction to places and persons upon whom the legislature have authority and jurisdiction." (The Apollon, 9 Wheaton, 362, 370.)

Another statement of the Supreme Court will suggest our manner of dealing with the protected state. "By the Constitution a government is ordained and established 'for the United States of America,' and not for countries outside of their limits. * * * The Constitution can have no operation in another country. When, therefore, the representatives or officers of our government are permitted to exercise authority of any kind in another country, it must be on such conditions as the two countries may agree, the laws of neither one being obligatory upon the other." (Ross's case, 140 U. S., 453, 464.) This was written of our consular jurisdiction in Japan, now ended by limitation, but it applies to any protectoral relation we may assume toward the Philippines. Upon the establishment of a protectorate, the Federal Government will be no longer the government of the islands. Any authority it may have therein will be exerted in a foreign land by agreement with its sovereign. Our rights under this agreement will be maintained by the President like other treaty rights. Any legislation that Congress may enact in regard to the Philippines will be of an ancillary nature, based upon a general power to provide the means for maintaining the lawful rights and obligations of the United States without regard to locality.

This jurisdiction of Congress is not territorial jurisdiction in a foreign country, but is a power to be exercised in furtherance of rights lawfully acquired by the United States in that country. That is to say, Congress can not impose its will on a Philippine state because it is the Legislature of the United States only, but it may aid in effectuating the rights defined by the treaty of protection. Its aid may take the form of new legislation; for example, an act creating an international court and defining its jurisdiction. More often it will be given by an appropriation of money. For some years the act making appropriations for the diplomatic and consular service has contained this item: "For the execution of the obligations of the United States and the protection of the interests and property of the United States in the Samoan Islands, under any existing treaty with the government of said islands, and with the Governments of Germany and Great Britain, $6,000, or so much thereof as may be necessary, to be expended under the direction of the President."

I shall not sift the mass of conflicting opinion as to whether the Filipinos are able to administer a protected state, because the report of the Philippine Commission seems to bear sufficient testimony in their favor. The commissioners describe the Filipinos as being "of unusually promising material" (I., page 130); "strongly desirous of better educational advantages" (page 41); and say that, after the insurrection has been suppressed, the majority will be found to be "good, law-abiding citizens" (page 120). They testify to the marked ability of the educated class, who, "though constituting a minority, are far more numerous than is generally supposed, and are scattered all over the archipelago." (Page 120). In the matter of government the commissioners remark a striking likeness between the Filipino ideal and American achievement, going so far as to say that the leading Filipinos have selected "almost precisely the political institutions and arrangements which have been worked out in practice by the American people; and these are also, though less definitely apprehended, the political ideas of the masses of the Philippine people themselves." (Pages 91, 119.)

Finally, the commissioners cap their appreciation by earnestly recommending for the islands a Territorial government substantially of the first class. (Pages 111, 112.) It is true that in spite of these tributes to Philippine competency the commissioners are at some pains to discredit the possibility of establishing a protectorate (pages 90, 106); but, like the President, whose views they reflect, they narrow their consideration of protectorates to the obviously impracticable. And their disapproval must be weighed with due regard to the fact that a recommendation of a method of relinquishing sovereignty, or even an open-minded inquiry for practicable methods, would have been altogether foreign to their official instructions.

The American people, relinquishing sovereignty over the Philippines, still may fulfill every duty they can be truthfully said to owe to the islanders, and promote every legitimate interest in the commerce of the East. Best of all, in the face of a great temptation they will hold by the cardinal truth that a remote country teeming with people who, however competent to develop a nationality of their own under our protection, can never safely be admitted to statehood, is an undesirable possession for a republic whose strength is the "indestructible Union of indestructible States."

MARCH 8, 1900.

Mr. McCOMAS. I have asked in this connection to have published the statement of Mr. Havemeyer, the president of the New York sugar trust, published in the Chicago Tribune of March 30, 1900, which consists of about fifteen lines. I ask consent to have it read.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maryland? The Chair hears none, and the paper will be read.

The Secretary read as follows:

NEW YORK BUREAU CHICAGO TRIBUNE,
New York, March 29.

President Havemeyer, of the American Sugar Refining Company, was the center of interest in speculative circles to-day, owing to the cut of 5 cents a hundred pounds announced by the Arbuckles and the possible action of the Havemeyer interests. The sugar king, in discussing the whole situation, was plain and outspoken regarding the position of Puerto Rico and the Philippines, and declared that there was no reason in the world why sugars should not be admitted free of duty from those countries.

"I am much in favor of it," he said, "and I believe the time is not far off when they will be admitted free of duty. Why, both of those countries are part and parcel of the United States, and no matter what action Congress takes, I am confident the Supreme Court will hold that the products of those colonies are entitled to free entry here.

"There is no more reason why a duty should be placed upon the products of Puerto Rico than on stuff coming into New York from Long Island. There is only a wide ditch between the United States and Puerto Rico. Well, if Puerto Rican sugars are brought in free, it will not be long before some similar policy is adopted with reference to Cuban products."

Mr. McCOMAS. I thought it was apt that it might appear from the highest authority that the distinguished Senator from Nebraska and the principal of the sugar trust were in entire accord in

respect of free trade in sugar between Puerto Rico and the United States.

Mr. ALLEN. I have never before known the opinion of a layman to be cited or read in this Chamber on a question of law. I do not know what knowledge Mr. Havemeyer may have or what the Supreme Court of the United States will finally decide, nor do I understand that it detracts from the opinion of Mr. Havemeyer that he and I agree upon one question, nor do I think it adds anything to the glory or the prestige of the most distinguished and learned jurist from Maryland that he should refer to that fact on this occasion.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Nebraska [Mr. ALLEN] to the amendment of the committee, inserting, as a new section, section 25.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is on agreeing to the amendment of the committee inserting section 25 as a new section.

The amendment was agreed to.

The next amendment of the Committee on Pacific Islands and Puerto Rico was, at the top of page 18, to insert as section 26 the following:

SEC. 26. That for the purposes of such elections Puerto Rico shall be divided by the executive council into seven districts, composed of contiguous territory and as nearly equal as may be in population, and each district shall be entitled to five members of the house of delegates.

The amendment was agreed to.

The next amendment was, on page 18, after line 5, to insert as a new section the following:

ELECTION OF DELEGATES.

SEC. 27. That the first election for delegates shall be held on such date and under such regulations as to ballots and voting as the executive council may prescribe; and at such elections the voters of each legislative district shall choose five delegates to represent them in the house of delegates from the date of their election and qualification until two years from and after the 1st day of January next ensuing; of all which thirty days' notice shall be given by publication in the Official Gazette or by printed notices distributed and posted throughout the district, or by both, as the executive council may prescribe. At such elections all citizens of Puerto Rico shall be allowed to vote who have been bona fide residents for one year and who possess the other qualifications of voters under the laws and military orders in force on the 1st day of March, 1900, subject to such modifications and additional qualifications and such regulations and restrictions as to registration as may be prescribed by the executive council. The house of delegates so chosen shall convene at the capital and organize by the election of a speaker, a clerk, a sergeant-at-arms, and such other officers and assistants as it may require, at such time as may be designated by the executive council; but it shall not continue in session longer than sixty days in any one year, unless called by the governor to meet in extraordinary session. The enacting clause of the laws shall be, "Be it enacted by the legislative assembly of Puerto Rico;" and each member of the house of delegates shall be paid for his services at the rate of $5 per day for each day's attendance while the house is in session, and mileage at the rate of 10 cents per mile for each mile necessarily traveled each way to and from each session of the legislative assembly.

All future elections of delegates shall be governed by the provisions hereof, so far as they are applicable, until the legislative assembly shall otherwise provide.

The amendment was agreed to.

The next amendment, was on page 19, after line 15, to insert as a new section the following:

SEC. 28. That the house of delegates shall be the sole judge of the elections, returns, and qualifications of its members, and shall have and exercise all the powers with respect to the conduct of its proceedings that usually appertain to parliamentary legislative bodies. No person shall be eligible to membership in the house of delegates who is not 25 years of age and able to read and write either the Spanish or the English language, or who is not possessed in his own right of taxable property, real or personal, situated in Puerto Rico.

The amendment was agreed to.

The next amendment was, on page 19, after line 24, to insert as a new section the following:

SEC. 29. That all bills may originate in either house, but no bill shall become a law unless it be passed in each house by a majority vote of all the members belonging to such house and be approved by the governor within ten days thereafter. If, when a bill that has been passed is presented to the governor for signature, he approve the same, he shall sign it, or if not he shall return it, with his objections, to that house in which it originated, which house shall enter his objections at large on its journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly by adjournment prevent its return, in which case it shall not be a law: *Provided, however*, That all laws enacted by the legislative assembly shall be reported to the Congress of the United States, which hereby reserves the power and authority, if deemed advisable, to annul the same.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert as a new section the following:

SEC. 30. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities, so far as may be necessary, and to provide and repeal laws and ordinances therefor; and also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Puerto Rico, or any municipality or district thereof, not inconsistent with the provisions hereof: *Provided, however*, That all grants of franchises, rights, and privileges or concessions of a public or quasi-public nature shall be made by the executive council, with the approval of the governor, and all franchises granted in Puerto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.

Mr. PETTUS. Mr. President, I have an amendment to this proposed new section which I ask to submit at this time.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. PETTUS] submits an amendment to the amendment of the committee, which will be stated.

The SECRETARY. At the end of the section it is proposed to insert:

Provided, however, That the legislative assembly of Puerto Rico shall have no power or authority to enact any law in conflict with the Constitution of the United States.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

Mr. PETTUS. I do not desire to discuss the question at all, but I desire to have the yeas and nays on it.

Mr. GALLINGER. Let the amendment be again stated.

The PRESIDENT pro tempore. The amendment will be again stated.

The Secretary again read the amendment of Mr. PETTUS to the amendment of the committee.

The PRESIDENT pro tempore. The Senator from Alabama demands the yeas and nays on the adoption of the amendment to the amendment. Is the demand seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. HEITFELD (when his name was called). I have a pair with the senior Senator from New York [Mr. PLATT]. If he were present, I should vote "yea."

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY], but I will transfer that pair to the junior Senator from New York [Mr. DEPEW] and vote. I vote "nay."

Mr. SCOTT (when his name was called). I am paired with the junior Senator from Florida [Mr. TALIAFERRO], but I will transfer that pair to the Senator from Nevada [Mr. JONES] and vote. I vote "nay."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from Washington [Mr. TURNER], but it is suggested to me that I shall transfer that pair, so that the Senator from Washington may stand paired with the junior Senator from Rhode Island [Mr. WETMORE], and I will vote "nay."

The roll call was concluded.

Mr. KENNEY. I have a pair with the Senator from Pennsylvania [Mr. PENROSE], and the senior Senator from North Dakota [Mr. HANSBROUGH] has a pair with the senior Senator from Virginia [Mr. DANIEL]. I suggest to the Senator from North Dakota, as we have done heretofore, that we transfer those pairs, so that we can both vote.

Mr. HANSBROUGH. That will be agreeable to me.

Mr. KENNEY. Under that arrangement I am at liberty to vote, and vote "yea."

Mr. HANSBROUGH. I vote "nay."

Mr. JONES of Arkansas. I am paired with the Senator from Connecticut [Mr. PLATT], but I transfer that pair to the Senator from South Dakota [Mr. PETTIGREW], so that the Senator from Connecticut will stand paired with the Senator from South Dakota, and I vote "yea."

Mr. BURROWS. I have transferred my pair with the senior Senator from Louisiana [Mr. CAFFERY] to the junior Senator from California [Mr. BARD], and vote. I vote "nay."

Mr. ALLEN. I am paired with the Senator from North Dakota [Mr. MCCUMBER], who is detained from the Senate by sickness. If he were present, I should vote "yea."

Mr. COCKRELL. I desire to announce, once for all, that the senior Senator from Iowa [Mr. ALLISON] and I are paired. We are now necessarily engaged in the consideration of one of the appropriation bills, as we have been for the last two days, and that accounts for our not being recorded as voting. We have been paired with each other and will be for the balance of the day.

Mr. SULLIVAN. I inquire whether the junior Senator from Illinois [Mr. MASON] has voted?

The PRESIDENT pro tempore. The junior Senator from Illinois has not voted.

Mr. SULLIVAN. I have a general pair with that Senator, but I will transfer the pair to my colleague [Mr. MONEY], so that he and the Senator from Illinois will stand paired. I vote "yea."

Mr. NELSON. I have a general pair with the junior Senator from Missouri [Mr. VEST]; but I transfer that pair to the senior Senator from Idaho [Mr. SHOUP], and I vote "nay."

The result was announced—yeas 15, nays 31; as follows:

YEAS—15.

Bacon,	Cockrell,	Kenney,	Pettus,
Bate,	Culberson,	Lindsay,	Sullivan,
Berry,	Harris,	Martin,	Turley.
Clay,	Jones, Ark.	Morgan,	

NAYS—31.

Allison,	Deboe,	Hansbrough,	Perkins,
Baker,	Fairbanks,	Hawley,	Quarles,
Burrows,	Foraker,	Kean,	Ross,
Carter,	Foster,	Lodge,	Scott,
Chandler,	Frye,	McBride,	Simon,
Clark, Wyo.	Gallinger,	McComas,	Spooner,
Cullom,	Gear,	McMillan,	Warren.
Davis,	Hale,	Nelson,	

NOT VOTING—41.

Aldrich,	Hanna,	Penrose,	Teller,
Allen,	Heitfeld,	Pettigrew,	Thurston,
Bard,	Hoar,	Platt, Conn.	Tillman,
Beveridge,	Jones, Nev.	Platt, N. Y.	Turner,
Butler,	Kyle,	Pritchard,	Vest,
Caffery,	McCumber,	Proctor,	Wellington,
Chilton,	McEnery,	Rawlins,	Wetmore,
Clark, Mont.	McLaurin,	Sewell,	Wolcott.
Daniel,	Mallory,	Shoup,	
Depew,	Mason,	Stewart,	
Elkins,	Money,	Taliaferro,	

So the amendment of Mr. PETTUS to the amendment of the committee was rejected.

The PRESIDENT pro tempore. The question recurs on the adoption of the amendment of the committee, inserting section 30 as a new section.

The amendment was agreed to.

Mr. FAIRBANKS. Mr. President, there are two principal questions which lie at the very foundation of the pending bill. One is a question of Congressional power and the other a question of national policy. The first has been somewhat exhaustively discussed, particularly during the last few weeks, in both the Senate and the House. In fact, it has been discussed more or less since the Louisiana purchase, almost a century ago. It is impossible to recall a precedent or authority which has not been invoked in support of one or the other contention and with which the country and the Senate have not already become entirely familiar. The fact is, that so much attention has been devoted to the constitutional question by the able expounders of the Constitution that scant consideration has been given to the question of policy; and the urgency of the situation as respects relief for the Porto Ricans has been very largely overlooked.

I shall not detain the Senate by the citation of authorities which have been so frequently presented that its patience is already overtaxed, but shall content myself with some generalizations with respect to the power of the Congress over Porto Rico which are based upon what I conceive to be the overwhelming weight of authority and sound reason.

POWERS UNDER THE CONSTITUTION.

The Federal Government possesses in the most comprehensive manner all powers which pertain to the sovereignty of nations. It was not created by the fathers with any limitation upon those powers which are inherent in the sovereignty of the nations of the world.

It has been invariably recognized that one of the attributes of sovereignty is the right to acquire and govern territory as the result of war, and I am not disposed to read into the powers of the United States an abridgment of those rights which pertain to other sovereignties.

The Federal Government has very broad powers under the Constitution which are distinctly expressed or necessarily implied. The implied powers are such as are essential to give force and effect to those which are expressed and are of equal force and virtue with the latter.

The Constitution of the United States clearly vests in the Federal Government the exclusive function of declaring war and of making treaties. As an indispensable incident of this power, the Government is authorized to acquire territory. In the language of Chief Justice Marshall, territory may be acquired "either by conquest or by treaty." The authority to so acquire territory without the amplest power to govern and to legislate for it would be contradictory and abortive. Our right to govern it does not, however, rest upon *mere implication*, although that is quite sufficient, but has been distinctly conferred by the Constitution, wherein it is declared that—

> Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

No matter what doubts have arisen from time to time, they have been resolved in favor of the power of the Government to acquire territory. Such was the case when we acquired Louisiana in 1803, Florida in 1819, Texas in 1845, California in 1848, the Gadsden purchase in 1853, Alaska in 1867, and Hawaii in 1898—acquisitions which are now the strength, the pride, and the glory of the Republic. How richly has been vindicated the wisdom of the statesmen who invoked the powers of Government to extend the national sovereignty by the acquisition of territory, without which we would be unable to-day to successfully challenge leadership among the nations of the earth.

Whether the Constitution extends automatically to a territory acquired has been a much-debated question. Divergent views have been and still are sharply entertained upon the subject. Such differences of opinion will continue until the Supreme Court, in the serenity of yonder judicial chamber, shall, in a case raising squarely the issue, determine the question. Its supreme judgment will be accepted by the country, for in its wisdom and in the integrity of its purpose there exists no doubt. Until it shall interpret and define the powers of Congress under the Constitution the Congress should reserve to itself the widest possible liberty, the amplest discretion in dealing with the problems and conditions which are now facing us and which were not within the contemplation of the wise framers of the Constitution.

Our Constitution, for which the American people have a respect and veneration next only to their respect and veneration for Holy Writ, was framed for the government of a people who had in them the seed of self-government which had germinated and grown for centuries, a people who were familiar with the privileges conferred and the duties imposed by the Constitution, and who knew how to exercise and observe them. It was formed for a people whose wants and capacities were distinctly known and understood.

In its essential principles, in its most exalted purpose, the Constitution can be adapted to many peoples and many countries who are without preliminary training or experience; but as to others it would be illy adapted, and some modification as to details would become necessary, if it were to be applied to them. The spirit of that immortal instrument may go everywhere, but many of its fixed and absolute provisions would rest imperfectly upon those peoples and races whose traditions and conditions are entirely unlike our own.

GOVERNMENT OF NEW POSSESSIONS.

We are charged with the responsibility of providing a government for new possessions and new peoples. We are only partially informed as to their necessities and capacities. There is no one, I dare say, who approaches the task before us with that complete confidence in the information before him which is so essential to wise decision. While we have a sympathetic interest in the people who have come to us and a profound desire and purpose to lift them into as full enjoyment as possible of the priceless liberties which we cherish, we should have the wisdom to know that we should proceed with caution and sound judgment; that we should advance according as we have light and information, always looking toward granting them the amplest privileges consistent with their capacities and the welfare of our own country. There is no thought or desire in this Chamber, or elsewhere, to subordinate these people, to impose upon them any arbitrary or unjust rule, or to withhold from them for a moment the enjoyment of religious freedom and all of the opportunities which shall make for their greatest social and commercial progress.

The greatest danger, Mr. President, in dealing with the new problems which engage our attention is undue haste, inconsiderate action. There will be no difficulty in solving them if we will be content to act only upon ample information, and be willing to retrace our steps if we go wrong. There is no mind so gifted as to be able to see the end from the beginning. We must obtain the best lights possible and follow them in the settlement of the questions before us, actuated always by the exalted purpose to deal justly and liberally with those who, through one of the great revolutions in history—may I not say evolutions—are committed to our care.

We should remember that free government did not spring Athene-like into existence, but is the fruit of centuries of trial and tribulation, and that education and experience are essential before any people can appreciate and exercise that government which we enjoy and which we believe is the best that human wisdom has devised.

Congress can not instantly create a form of government for the island which shall meet the requirements and satisfy fully the demands of the people. Time is required to formulate a scheme and put it in full operation.

We should proceed with all reasonable dispatch, it is true, but the form of government, its adaptability to these people, with whom we are more or less unfamiliar, is the essential and should be the first consideration.

They are not without present insular government. True, it is a military government, but it has so rapidly adapted itself to the needs of the people that there is more of liberty in it, more of republicanism in it, more of justice in it, than any which they have ever enjoyed.

NOT A PARTY QUESTION.

Another danger which now besets us is that our course with respect to the people for whom we must provide government may be controlled by purely partisan considerations. The questions are of such high moment that they should be settled free from partisanship. They should not be determined in the heat of

political contests or made the football of purely partisan contention, but under our system of government, where party so largely controls, we must expect to find parties dividing upon questions affecting the administration of the newly acquired territory. The danger is that parties will divide, not so much upon the merit of the questions which may concern the domestic welfare of the people of such territory, but as shall seem to promise the greatest party advantage in the exigency of a political campaign in the United States.

Mr. President, the responsibility of administering for the present the islands committed to our keeping rests upon the party in power. I regret to see a disposition on the part of those in opposition to assume an attitude of antagonism to measures proposed for the welfare of the people of these islands.

I am not concerned lest the Congress of the United States, created by the people and directly responsible to them, shall not decide the questions before us wisely. I have no fear, sir, that it will not now, and in the future, patriotically carry into all its laws and acts the spirit of the Constitution, and that it will not carry that great charter into the new territory as soon as the people therein are fitted for its enjoyment, and that it will not be observant of the rights and liberties of those, even to the humblest, who are committed to us by a treaty of peace at the close of a triumphant war.

HISTORY OF THE ISLAND.

Mr. President, we are now immediately concerned with the administration of Porto Rico. There were ceded to the United States by the treaty of Paris the island of Porto Rico and other islands under Spanish sovereignty in the West Indies. Aside from Porto Rico there were some three small islands embraced in the cession. The principal one of these is Vieques, distant 13 miles from the eastern shore of the main island. It is quite 21 miles in length, with an average width of about 6 miles. It is now under cultivation. There are one or two other smaller islands of no great importance.

Porto Rico embraces about 3,668 square miles. It is some 90 miles in length, with an average width of about 35 miles. Although the interior is mountainous, the entire island is more or less arable and productive.

It has been under Spanish rule for some three hundred and ninety years. The population is, according to the best statistics obtainable, about 950,000 people. There is much wealth and intelligence among certain classes of the people, but the great mass are poor and ignorant. Fully 85 per cent are unable to either read or write. There is only one modern schoolhouse in the island, and that has been built within the last six months. There is a great desire among the people for the establishment of schools. They are anxious for the education of their children, and by the extension of the American school system there is every warrant for the belief that the people will rapidly avail themselves of the opportunity offered for education. The people are docile, kind, and courteous, and accept with pleasure the change from the blight of Spanish government.

COMMERCE.

The commerce of the island has heretofore been chiefly with Spain. Prior to American occupancy fully 40 per cent of the exports and imports was between it and the mother country, and about 21 per cent was with the United States. The exports and imports of the island for the period of five years prior to 1898 averaged about $11,000,000 a year each, making approximately a total of $22,000,000 per annum. During the year 1899 about 40 per cent of the commerce of the island was with the United States. The exports to the United States were $3,416,686, and the imports were $3,499,356.

The chief articles of export are coffee, sugar, and tobacco.

Coffee, which constituted about $\frac{7}{10}$ per cent of the exports, has found a market chiefly in Europe. It is a superior article, ranking with the best.

A slight export duty was imposed upon it by Spain, but this has been abolished by Executive order since American occupation.

In order to protect the Porto Rican interests against the cheap Brazilian coffee, a duty will be necessary, solely in the interest of Porto Rico. The pending bill fixes the rate at 5 cents per pound.

Sugar is next in importance to the coffee crop. The average production has been about 60,000 tons per annum, but this year the yield for export is estimated at about 45,000 tons. The Dingley duty upon this product this year would average about $30 per ton, and, according to the Ways and Means Committee, it would aggregate about $1,350,000.

The proposed duty of 15 per cent of the Dingley rates would reduce this to $4.50 per ton, so as to yield for the administration of the island the sum of $202,500, a saving to the owners of sugar, on the basis of the Dingley rates, of $1,147,500.

There were consumed by us last year some 2,000,000 tons of sugar, of which only about 600,000 tons were produced in the United States. It is obvious that the 45,000 tons imported from Porto Rico this year will have no appreciable effect upon the price of our domestic product, nor will the island, if cultivated to its full capacity, yield sugar sufficient to concern our domestic producers.

The tobacco crop is estimated at 4,000,000 pounds per annum, and under the existing rates will pay a duty of 35 cents per pound, or $1,400,000. On a basis of 15 per cent of the present rates, or 5¼ cents per pound, the duty will yield $210,000. The amount of tobacco which would be imported from Porto Rico if the entire crop were sent here would have no perceptible impression upon the tobacco interests of the United States, which amount to about 450,000,000 pounds per annum.

By reducing the duties now in force under the Dingley law to 15 per cent, it will be seen from what has preceded that there will be derived from the duty on tobacco and sugar the sum of $412,500, while under the rates fixed by the Dingley law the amount would be $2,750,000—a total reduction in Porto Rican sugar and tobacco of $2,337,500.

Aside from coffee, sugar, and tobacco, the island produces cattle and tropical fruits.

The total imports into the United States during the calendar year 1899, as heretofore observed, amounted to $3,416,681. Of this amount there was admitted free of duty $268,727, leaving the total dutiable imports $3,147,954. Estimated duties under the rates of the present tariff, $2,051,574.52.

The total value of the exports for the year ending December 31, 1899, was $3,499,356. Upon the basis of existing rates the duty thereon would have been $1,210,104.68. But by order of the President, breadstuffs, provisions, and some other articles necessary for the poor were placed upon the free list.

Duties will continue under existing law until reduced or repealed by act of Congress. By a reduction to 15 per cent, according to the present measure, the estimated duty on the basis of last year's commerce will be only $489,271.89.

THE HURRICANE.

A hurricane visited Porto Rico on the 8th of last August and wrought great havoc and destruction throughout the island, especially to the coffee plantations, and it is estimated that quite five years must elapse before there is a complete restoration of the coffee-growing industry. Other crops were seriously injured and the homes of many of the people destroyed. At the request of the President, the people of the United States made quick response, as they always do, and sent relief to the suffering. The War Department rendered prompt assistance to relieve the distress in no illiberal or parsimonious way.

MILITARY RÉGIME.

Porto Rico since the treaty of peace has been under military control. There has been a general improvement in administration throughout the island. Municipalities are better governed than under the Spanish régime; the insular government has been conducted with improved results and at greatly diminished cost. There has been an improvement in the civil and criminal judicial administration.

At the time of American occupancy the prisons were filled, some two thousand persons awaiting trial, being held upon trivial and often false complaint. Corruption and injustice attended the whole judicial administration. Under the improved system the number of jails has been reduced, speedy trial has been given the accused, and the number of persons awaiting trial has decreased nearly one-half. The number of judicial officers has been reduced and the cost of administering justice has been diminished and a large saving in money has been effected for the people.

A large number of useless and expensive officials, favorites of the Crown, has been dispensed with, and the civil expenditure has gradually been brought more and more to conform to the standard maintained in the States and Territories of the Union.

The task of changing from a monarchical to a republican system has been an arduous and tedious one. The habits of the people can not be changed in a day. The process of educating them to the new order of things, to the new duties and responsibilities, is necessarily slow and attended with difficulties.

It should be our policy to educate the Porto Ricans in public administration as rapidly as possible, and, so far as the best interests of the service will warrant, appoint them to fill their own public offices.

The Porto Ricans have shown a commendable willingness, in fact a desire, to conform to the views and methods of the authorities of the United States in the island.

A gentleman in the island familiar with the situation informs me that—

> Almost without exception the native Porto Ricans, and many Spaniards as well, made haste to express gratification over the change of government, and to avow their loyalty to the United States. All had a thorough understanding of what they had changed from, but very few had any sort of true conception of what they had changed to. The responsibility of citizenship was a new and novel idea to them, and it was plain to be seen that their expectations were paternal. They confidently relied on the Government of the United States to take care of them. From this condition there must be an awakening—rude, too, it may have to be—and then, at best, it will become effective only gradually, as generations pass away.
>
> I base this belief on the fact that the Government of Spain in her possessions has ever been paternal. She ground the natives to earth for centuries, wrenched from them in taxes, imposts, fines, or bribes the rewards of their

toil, but ever held before them the assurance that they were the children of the Crown and its constant care. By keeping them in ignorance and poverty, with a plentiful display of military effulgence to awe them, * * * it is easy to understand why we found them in this condition and to appreciate the burden of lifting them up to a realization of their rights, duties, and responsibilities as American citizens. The wise legislator will recognize in this a stumbling block in the path of progress toward even a Territorial form of government for Porto Rico.

The whole policy and example of the Spanish régime was calculated to teach the natives immorality, dishonesty, deception, and chicanery. Spanish officials came here to accumulate wealth to carry back to Spain for future enjoyment. The quicker each could gather in the amount that would satisfy his cravings the sooner he could return home. Every possible department of government, with minor positions galore, was instituted, and Spaniards, almost without exception, filled the offices. If a native did creep in it was through sycophancy and fawning, and because he could be used to further the schemes of the chief. The Spanish administration was always rotten, woefully rotten. Money was extorted from the people in every way possible and boldly diverted to the enrichment of officials.

The selection of General Davis as military governor has been fully justified by the results. He has enlisted the cooperation of the Porto Ricans more and more in administering the affairs of the island. He appreciates the desirability of establishing a system of government in which the natives shall participate in the fullest possible measure. He has not been a military autocrat, but at all times a wise and conservative executive.

The reports of the governor-general as to the conditions and needs of the island have been ample, although the report as to the results of the hurricane made on the 5th of last September was found by his subsequent and more careful investigation to be incomplete. The deficiencies of that report were supplemented by his report to the Secretary of War on the 15th of December, after the President's annual message to Congress. In his later report he shows that the results of the hurricane were more destructive and conditions were less favorable than he had at first believed.

The President has desired that the Porto Ricans should be given the amplest possible measure of local self-government. In his annual message of December 5, 1899, he brought the subject earnestly and distinctly to the attention of Congress.

It is desirable—

said he—

that the government of the island under the law of belligerent right, now maintained through the executive department, should be superseded by an administration entirely civil in its nature. For present purposes I recommend that Congress pass a law for the organization of a temporary government, which shall provide for the appointment, by the President, subject to confirmation by the Senate, of a governor and such other officers as the general administration of the island may require, and that for legislative purposes upon subjects of a local nature not partaking of a Federal character a legislative council, composed partly of Porto Ricans and partly of citizens of the United States, shall be nominated and appointed by the President, subject to confirmation by the Senate, their acts to be subject to the approval of the Congress or the President prior to going into effect. In the municipalities and other local subdivisions I recommend that the principle of local self-government be applied at once, so as to enable the intelligent citizens of the island to participate in their own government and to learn by practical experience the duties and requirements of a self-contained and self-governing people. I have not thought it wise to commit the entire government of the island to officers selected by the people, because I doubt whether in habits, training, and experience they are such as to fit them to exercise at once so large a degree of self-government; but it is my judgment and expectation that they will soon arrive at an attainment of experience and wisdom and self-control that will justify conferring upon them a much larger participation in the choice of their insular officers.

From the message it appeared that $392,342.63 had been expended through the War Department for the relief of the Porto Ricans.

TARIFF FOR REVENUE.

According to the best estimates thus far made it will require $2,000,000 for the ordinary civil administration of the island for the current year. The necessity for the construction of schoolhouses, the inauguration of a comprehensive system of education, and the construction and improvement of public roads all appeal strongly for the appropriation of money and more than $3,000,000 could be judiciously spent. The committee thought it wise and entirely just, without going into any comprehensive taxing system, that some measure should be provided for supplying the island with some portion of the revenue so obviously needed. It seemed to it that one method of providing a part of the revenue was through the customs offices. It recommends, therefore, a reduction in the existing tariff duties of 85 per cent, leaving in operation a duty of 15 per cent.

Some criticism is indulged in because the present measure does not completely abolish the existing duties, but merely makes a reduction of 85 per cent.

The committee regarded the Dingley rates as protective, and excessive under the circumstances, and the 15 per cent to which they are reduced as purely and simply a very moderate revenue duty. The amount realized is to be used for the support of the insular government. Every dollar is to be faithfully dedicated to the benefit of the Porto Ricans; not a cent is to be retained and used for the benefit of the United States.

Their commerce is not restricted in any wise for our benefit, but is to all intents and purposes absolutely unrestricted so far as we are concerned, the small duties being imposed for the purpose of raising needed revenue for the benefit of the people of the island. On the basis of last year's commerce a reduction of the Dingley rates to 15 per cent would yield, as I have heretofore observed, a total sum of about $439,271.89, or an average of less than 50 cents per capita of the people of Porto Rico. And yet there are those on the opposite side of the Chamber who challenge the duty as if it were conceived in an ungenerous spirit and for an unholy purpose.

The necessity of providing revenue for the support of the island was more manifest the more familiar we became with the actual conditions prevailing, and with what was needed to rehabilitate it. Upon a closer and more minute inquiry it seemed impossible, or at least inadvisable, to attempt to raise the entire amount required to support the insular administration by a direct tax upon the people.

The President recommended unrestricted free trade, leaving it, of course, to Congress, whose duty it is under the Constitution to provide revenue for the support of the administration of the island. It was deemed just and equitable by the committee charged with the responsibility in the premises to retain a slight duty upon imports and exports until a temporary government could be established competent to deal locally with the subject and to hold the entire revenue collected for the sole and exclusive benefit of Porto Rico.

This conclusion was not arrived at hastily and without the amplest investigation and most deliberate consideration.

The committee was at particular pains to ascertain from General Davis what revenues could be derived for the support of the local administration, the purpose being to provide revenue for temporary purposes, if it fairly could be done, without calling too largely upon the Treasury of the United States.

He testified that:

The budget for this year, prepared in May or June, contemplated an expenditure of $2,000,000 for the insular government. That does not include municipal expenditures. Two causes have reduced that figure. One, the continual adding of articles to the free list so as to bring the necessaries of life to the consumers at less cost.

The CHAIRMAN. Who has been making those additions?

General DAVIS. The Secretary of War, by order of the President, in order to cheapen the necessaries of life for the poor.

And I may pause here, sir, to say that from the beginning of the Spanish war to the present hour nothing but the most generous treatment has been accorded by the President to those who, by the chance of war, have come within our control.

General Davis further testified that because of the industrial depression, intensified by the hurricane of last August, that:

The expected income from customs alone of one and one-half millions will probably very little exceed a million; it may reach a million two hundred thousand. I do not think it can exceed that. Half a million was expected from internal taxation of various kinds, included in which is a hundred thousand of back taxes owed during different years under Spanish control. But the destruction caused by the storm, and the industrial depression, has made it impossible for a great many of the people to pay their taxes. It is not likely that on that item more than $250,000 can be collected this year. Judging from the capacity of the island to pay taxes, and on the basis of present tariff rates and the condition of their industries, I should say it would be imprudent to expect to obtain more than a million and a half from all sources.

Mr. PETTIGREW. Suppose we should repeal the tariff, so as to have free trade with the United States?

General DAVIS. That would cut it still more.

Mr. PETTIGREW. How much?

General DAVIS. It would cut it about in two.

Mr. NELSON. What does your plan contemplate in regard to customs and internal-revenue taxes. Are they to go into the general fund, or be devoted exclusively to that country?

General DAVIS. It is, of course, immaterial where the money comes from, but they must have a large revenue to administer the affairs of government. My suggestion is that all collections inure to the country; but I am looking to see the sources from which a revenue can be obtained. A general system of taxation to produce revenue enough to carry on the government would amount to confiscation.

Mr. PETTIGREW. Can you collect revenue enough to maintain the government?

General DAVIS. Not for two or three years on any basis.

General Davis was asked by Mr. NELSON:

Have you any system of taxation akin to our internal-revenue taxation?

General DAVIS. Only on two articles. One, the liquor tax, of which I have spoken, of 3 cents a liter, and the other a tax on matches, the manufacture of matches.

The CHAIRMAN. Do you levy the tax readily, or with difficulty?

General DAVIS. With difficulty; no man pays his tax readily.

Shall we further increase taxes on the articles named, or enter upon an enlarged system of direct taxation pending the formation of a local government? An elaborate internal-revenue system and the requisite machinery for making it effective is a work requiring time and intelligent attention. That is a work which more properly should be left to the citizens of the island. Justice demands that we confer upon the Porto Ricans at the earliest moment possible the requisite authority to levy such internal taxes as their necessities require or they may see fit. But may we not in the meantime, in absolute justice to them, without contravening our constitutional or moral obligations, continue a slight tariff duty under which a part of the revenue may be raised? And if we do it who can call in question the integrity of our purpose, or hold the act to be un-American or as wanting in the fundamental elements of justice and right? No one, Mr. President, can question the fact that such an act is founded in absolute equity.

How, Mr. President, are the revenues required for the support of the insular administration to be obtained? Obviously in one of

four ways. First, by an appropriation from the Treasury of the United States; second, by a loan; third, by direct taxation in the island; fourth, by the imposition of tariff duties.

The first method proposed, namely, a direct appropriation by the United States, is to be adopted only in the event there is no other just and equitable means of providing the requisite revenue. As heretofore observed, the people of the United States have already liberally contributed from their Treasury for the benefit of the Porto Ricans. They have done it with a generous hand, as they always do when mercy requires it. They are willing to do more when occasion demands, but in working out the Porto Rican problem it must not be understood that the Porto Ricans are to be treated as mendicants, as mere helpless wards, always dependent upon the bounty and charity of the people of the United States. They must bear their full share of the burdens of civil government according to their capacity, be that great or small, and there is every reason to believe that they are perfectly ready and willing to do this.

The second method of supplying the insular treasury, namely, by a loan, can not be made effective until an insular government is erected upon the island. Congress is now engaged, and has been since its attention was invited to the subject by the President in his annual message, in devising a form of government endowed with executive, legislative, and judicial functions suited to the needs and capacities of the people of Porto Rico. Until such a government is created there will be no power to authorize an issue and sale of bonds to meet the present urgent necessities.

The third plan which has been proposed is impracticable for the reasons heretofore indicated. The imposition of additional direct taxes would, in the opinion of General Davis, amount practically to confiscation. Then there is wanting the necessary local machinery for devising a scientific and just system of direct taxation.

The fourth plan which has been proposed is that which for more than a century has been the most acceptable method in the United States, and that is through the imposition of tariff duties. This is known as the indirect method. This revenue is collected at the custom-houses upon goods and commodities passing through them.

I will not pause to consider the question as to whether the exporter or the consumer pays the tax.

The Dingley law was enacted before the Spanish-American war and has been in full force since then and is in force to-day with respect to imports from Porto Rico. The duties collected under this law since the evacuation of the Spanish forces on the 15th of October, 1898, to the 1st of January, 1900, amount to $2,095,455.88. Under a law recently enacted this sum has been placed at the disposal of the President, to be used for the government now existing and which may hereafter be established in Porto Rico, and for the aid and relief of the people thereof, and for public education, for public works, and other governmental and public purposes therein, until otherwise provided by law. Future duties collected are to be placed at the disposal of the President in the manner as above.

It has been ungenerously charged elsewhere that the amount appropriated is to be used in the payment of large salaries to unnecessary American officials. The charge is scarcely worth the answer. The history of the administration of the island is a sharp denial of the charge. Under Spanish rule there were twenty-one officers in the island drawing salaries of $4,000 a year. Under the present administration there are but two receiving this salary. The Spanish governor of the island received a salary of $12,000 per year, which was paid by the people. General Davis, the present military governor, is paid out of the Treasury of the United States. Other military officers engaged in the civil administration are likewise paid out of the Treasury of the United States. The civil list has been very greatly reduced.

It will be interesting to observe in this connection how, according to the testimony of General Davis, Spain diverted the revenues of the island from proper uses.

Mr. FAIRBANKS. Under Spanish authority were the revenues derived from the tariff and internal taxes in the island devoted to the general government of the island entirely?

General DAVIS. Not entirely. About half a million were sent to Spain to pay the expenses of her ministry of the colonies; about a million went to the army in the island, and 160,000 or 170,000 pesos to the support of the clergy.

Small duties have been imposed upon many articles imported into Porto Rico for the benefit of the insular administration. In order that the necessaries of life might be secured as cheaply as possible, for the benefit of the poor, the President directed that the following, among other articles, should be admitted into the island free: Flour, rice, codfish, pork, bacon, fresh beef and mutton.

It is obvious at the present time that the duty upon the existing stocks of sugar and tobacco in Porto Rico will be paid by the large planters and by the sugar and tobacco trusts of the United States; that the burden will not in anywise fall upon the mass of the people of Porto Rico.

The statement has been made that the existing duties have resulted in the reduction of the wages of the laborers on the plantations. Such a statement has been repeatedly made upon the floor of the Senate. It is not supported, however, by the testimony before the committee in charge of the pending bill.

The committee in the other branch of Congress, upon which devolves the duty of originating revenue measures for the support of the Government, proposed a reduction of the duties provided by the existing Dingley law upon imports into the United States from Porto Rico to 15 per cent of such duties, and it likewise provided that a duty of 15 per cent of the Dingley rates should be imposed upon certain articles and commodities imported into Porto Rico from the United States. The duties imposed were for the purpose of raising a part of the revenue required for the support of the insular administration.

It will be observed that this method of raising revenue is quite in accordance with the recommendations made by General Davis. Said he:

The island must, it is supposed, ultimately derive its principal revenue from internal taxation, but this can not be until a new scheme of taxation for the whole island can be worked out. This work requires very careful consideration and can not be properly done until the general policy to be pursued with respect to the future status of Porto Rico is known.

While recommending that trade should be left as free as possible with the United States, he clearly contemplated the necessity of the present retention of some customs duties, and he so advised Congress. Said he:

It is recommended that the trade between the United States and the island be left as free as possible, and that the customs revenues collected here be left to the island temporarily as an income for local expenditure. As soon as a new local internal-revenue tax law can be framed and put into operation, the custom-house collections would inure to the General Treasury, but for a few years it will be very difficult to balance the budget without this aid.

The proposition is to make the island self-supporting, and to maintain all services here, including posts and quarantine, as a charge against local revenues; to extend the existing wagon roads and railroads, to build hospitals, schools, and asylums, to deepen the harbors, to extend or create dock facilities, and to foster and promote the general welfare by utilizing for this purpose all available resources as well as the proceeds of wisely placed loans.

Henry K. Carroll, special commissioner for the United States to Porto Rico, in his full and able report, says with reference to Porto Rican affairs, among other things:

The taxes need a complete readjustment. The main dependence has been on the customs revenue, and must continue to be until the future government of the island is determined. The estimates of receipts for the year ending June 30, 1898, amounted for both the government and the provincial deputation to $5,157,200.

Of this amount $3,377,900 was derived from customs.

Said he, further:

It must be remembered * * * that large sums will be needed almost immediately for the public schools and for various internal improvements indispensable to the development of Porto Rico. Fortunately there is no debt, so far as can be learned; surpluses have been the rule in the insular accounts, though they do not seem to have been carried over, but used for Spanish exigencies in Cuba and elsewhere.

It would seem to be prudent not to revise the Porto Rican tariff so as very greatly to reduce the customs revenue, at least for the period ad interim.

Mr. Carroll spoke from a thorough and careful investigation of the commercial conditions existing in Porto Rico, and concurs in the conclusion reached by the committee that during the period of transition from a military government to a civil government a portion of the revenue to meet insular requirements should be derived from the customs.

TRUSTS ARE OPPOSED TO DUTIES.

The statement has been frequently made that the duties were modified and imposed at the dictation of the sugar and tobacco trusts. Those on the opposite side of the Chamber have frequently referred to the action of the committee as having been inspired by some mysterious, occult influence for an obvious purpose.

These trusts have so offended against the public interest and so aroused popular resentment that nothing should be done in the premises either at their suggestion or for their especial benefit. While the subject is still within our control we should know, so far as possible, whether these statements are true or whether they are mere idle and unfounded assertions.

Let us briefly analyze the situation. In what way would they be interested? They can not be concerned certainly in the imposition of duties upon commodities entering the island, for they neither ship sugar nor tobacco nor any other commodity into it so far as we are advised. Therefore, whether a duty be imposed or not upon such articles as enter the island is a matter of no possible concern to them.

It is quite obvious also that whether a duty is imposed upon coffee, which constitutes, as before observed, by far the larger part of the exports from the island, or other articles, excepting sugar and tobacco, exported from the island to the ports of New York, Boston, Philadelphia, Baltimore, and elsewhere, is alike a matter of no possible interest to them.

Their interest, therefore, if there be any, is limited to the two articles—sugar and tobacco—which are exported to the United States.

The sugar trust, as we are advised, is interested chiefly, if not exclusively, in the refining of sugar. It requires the raw sugar

which is produced in the United States, in Porto Rico, and other countries. These sugars are refined for domestic use.

Is it, therefore, interested in the question as to whether raw sugar purchased in Porto Rico shall be admitted into the United States free or with a tariff of 15 per cent of the Dingley rates imposed upon it?

The least observant mind must perceive that it is interested in the absolute free admission of raw sugar, and that it is, in the very nature of things, opposed to the imposition of any duty whatever. The suggestion, therefore, that the sugar trust could have inspired a duty on raw sugar must originate with those who have entirely misconceived the interest of the trust. It is inconceivable that it would advocate the imposition of a duty upon its raw product, so as to increase the price thereof to itself, unless we attribute to it less sagacity than it is supposed to possess.

It is estimated that there are at present in Porto Rico some ten thousand tons or more of raw sugar awaiting shipment to the United States upon the reduction or entire removal of the Dingley rates.

A large quantity is said to be stored in the bonded warehouses of New York to be held pending action upon existing duties.

If a duty of 15 per cent of the Dingley rates is paid upon this sugar and other sugars which are purchased by the trust and those in like interest, who will be the beneficiary; that is to say, for whose benefit is the money paid at the custom-house? It will not go into the Treasury of the United States, but will be used for the exclusive benefit of Porto Rico. This contribution for the support of the insular government will not be made by the masses of the people, but will be contributed, in a very large measure, by the sugar trust, or by the wealthy Spanish importers. General Davis informs us that: "A large part of the mercantile and exporting houses are owned and conducted by Spaniards, men who, under the treaty, preserve their Spanish nationality."

What is said with respect to the sugar trust applies with equal force to the tobacco trust. It is interested, if at all, in the absolute free admission of tobacco. It is, like the sugar trust, interested directly in having tobacco, its raw material, raised and delivered at its factories at the lowest possible price. The exaction of any duty whatever at the custom-house is directly opposed to its selfish interests. The removal of the entire duty and unrestricted free trade would undoubtedly meet with its cordial and enthusiastic approval. Can there be the remotest possible ground to doubt this?

The tobacco producers in this country who are hostile to the trust are the farmers, who would naturally favor a duty and oppose the free admission of tobacco. They desire a protective rate, yet it will be found, I believe, that the amount of tobacco produced in Porto Rico will be so inconsiderable compared with the vast amount required and consumed in the United States as to have practically no prejudicial influence whatever upon the tobacco-growing interest in this country.

A few weeks ago a suit was brought against the collector of customs in the city of New York to recover some two million dollars collected on imports from Porto Rico, upon the ground that the Constitution extended to Porto Rico, and that the duties could not be lawfully collected. It will be instructive to note who are the plaintiffs suing. They are Lawrence, Turnure & Co., American Sugar Refining Company, L. W. & P. Armstrong, Muller, Schall & Co., John Farr, and Melchor, Armstrong & Dessau. One of the principal parties, it will be seen, is the American Sugar Refining Company, which is the corporate name of the sugar trust. Of the amount collected, 90 per cent, or some eighteen hundred thousand dollars, represents the duties paid on sugar and tobacco.

To maintain the suit, the sugar trust denies the constitutional power of the United States to collect any duty whatever. There are those in this Chamber, as heretofore observed, who have openly or by insinuation suggested that the small duty which is to remain upon sugar has been dictated by the trust. Strangely enough, the opposition would have us believe that while the trust was in the courts denying the constitutional power of Congress to impose any duties upon the raw sugars imported by it at New York, it was in Washington advocating before Congress the imposition of a duty upon sugar. I do not believe that anyone will fail to understand how utterly contradictory and absurd the proposition is.

The only legislation suggested in the present Congress which was in the interest of the sugar and tobacco trusts was proposed by the honorable senior Senator from Arkansas [Mr. JONES], who, on the 15th day of this month, introduced an amendment to an appropriation bill proposing:

> That all duties collected to this date upon articles imported into the United States from Porto Rico since the 11th day of April, 1899, the date of the exchange of ratifications of the treaty of peace between Spain and the United States, be returned to the persons from whom they were collected, and from and after the passage of this act no duties shall be collected on articles coming from Porto Rico.

If the Senator's amendment had been adopted, the $2,000,000 collected on imports from Porto Rico would be returned to the sugar trust and other importers now suing the Government.

The money collected from the trusts and importers in New York has recently been appropriated by act of Congress and will in a few days be sent to Porto Rico, to be expended in public works, in the cause of education, and in granting relief to the poor people requiring it.

It must be perfectly clear, therefore, that the statements made and the insinuations indulged in by the opposite side of the Chamber, to the effect that some subtle and mysterious influence emanating from these two trusts dictated and changed the policy from free sugar and tobacco to a small duty upon them, are unworthy of a moment's consideration. Whoever professes to believe that these trusts in any way, shape, or manner could have influenced the retention of any duty upon their raw products can not deceive anyone, unless it be themselves.

For one, Mr. President, I would regard myself recreant to the trust committed to me and false to the best interests of the people of the United States if I did not by my vote compel these trusts and their allied interests to pay some part of maintaining the Porto Rican government, which they do pay under the duty upon their raw products, rather than increase the direct taxes upon the people in the island, or, in the alternative, appropriate it from the Treasury of the United States. Let us not delude ourselves; let no one be deceived, for the duty of $4.50 per ton which will be collected on sugar will not add a solitary dollar to the burden of the people of Porto Rico.

It should be observed that those who have been paying the full Dingley rates upon sugar have been paying at the rate of about $30 a ton. By the pending bill this is reduced to 15 per cent of existing rates, or to $4.50 per ton. One is a protective and the other a revenue duty. Every dollar collected is to be used for the support of the people of Porto Rico. If this duty is not collected, an equivalent amount will in all probability have to be paid directly out of the Treasury of the United States.

Shall the great staples, sugar and tobacco, pay nothing toward the support of the government of the island? If so, then we should admit them free. If, on the contrary, they should be taxed and made to contribute for governmental purposes, as all property is required to do in the various States and Territories of the Union, how shall the tax be imposed and collected?

By act of Congress now upon the statute books, by virtue of Republican, Democratic, and Populist votes, we send the Federal taxgatherer into Alaska and compel contribution from those engaged in various lines of business there; and by the same power and code of morals may we not compel the owners of sugar and tobacco in Porto Rico to pay some reasonable tax upon their products?

Can anyone successfully question our authority or the fairness of its exercise? If the tax is not imposed upon sugar and tobacco in the factories or warehouses in the island and they enter the customs-house untaxed, may we not impose a duty or tax upon them there?

The money is to be used in either case for the same purpose—the support of the insular government, construction of public roads and other public utilities, the erection of schoolhouses, and the like. In other words, does it matter materially whether we levy a tax of $4.50 a ton on sugar in the factory or impose a duty of $4.50 a ton at the customs-house?

Sir, it is the substance of the act and not its mere form which we should consider. Unless we are wanting in constitutional power we may compel sugar and tobacco as well as other articles of merchandise to pay just tribute to the Government which gives them protection, and whether the tribute is required of them in the form of excises or imposts is of no possible consequence.

And yet, Mr. President, there are some in Congress, well meaning and patriotic, who say that this act is not only unconstitutional but immoral; that it is violative of the principles for which our forefathers contended.

PRESENT POLICY UNLIKE THE POLICY OF GEORGE III.

The question before us is quite different from the one against which our forefathers so resolutely and successfully protested.

When George III imposed taxes without representation, there existed a system of colonial governments, with capacity to provide for the public necessities of the people. They were competent and capable of levying their own taxes. The taxation imposed by England was a part of her permanent policy—the assertion of a power to be exercised arbitrarily and without limit as to time, and the money to be raised would "increase the fees and salaries of the crown officers in the plantations and the pensions and sinecure places held by favorites in England," and to maintain a military establishment in the colonies.

On the other hand, Porto Rico is without capacity to provide for the public needs. The existing duties are to be reduced, and continue in force only until there shall be erected in the island a government capable of levying taxes for its support, and not to continue longer than two years in any event. The pending bill, which provides for the reduction of the Dingley duties to almost a nominal basis, provides for a most liberal form of government,

under which the people of Porto Rico are to be given plenary power over the subject of their own revenue. The proposed duties are to meet a temporary exigency and are not a part of the permanent policy of the United States. Sir, there is not the slightest difficulty in differentiating the broad, liberal, unselfish purpose of the present bill from the narrow, sordid, and indefensible policy of George III.

PORTO RICAN LOBBY.

Mr. President, it has not escaped public attention that a lobby from Porto Rico has been maintained here during the consideration of the pending bill. It is headed by a British subject, a most admirable gentleman personally, who has been insistent for free trade between Porto Rico and the United States. His opinion has frequently appeared in print in criticism of the policy proposed. The gentleman in question is one of the largest producers of sugar in the island, having over $800,000 invested in his sugar enterprises. It is quite natural that he should desire that his product should reach the American market without any duty whatever, although the duty, if imposed, should be returned as soon as collected to help support the government of Porto Rico, which must be maintained at large expense for the protection of his and other like investments.

BILL JUSTIFIED AS A REVENUE MEASURE.

We rest the justification of the pending bill upon the broad and simple proposition that it is the duty of Congress to provide revenue for the territory belonging to it, and to provide it in a just and equitable manner. There is no power save and except Congress which can legislate for Porto Rico. For the time being the Congress sustains the relation to the island that the legislatures sustain to the several States and Territories. It is, of course, true that the Porto Ricans have no choice in its selection and have no representation in it, and yet, in the due and orderly operation of law recognized by the usages of mankind, it has become its duty to enact laws for their government. It is entirely within the competency of the Congress to legislate forever for them, but to do so would be in contravention of the genius of our institutions and contrary to the wishes of the Congress and the people.

It is the duty of Congress to provide a government for the people at the earliest date practicable, so that they may administer their own domestic affairs, but until then—and we trust that the time may be brief—Congress must provide revenue for the support of the administration of the island. It must make provision so far as it reasonably can that will enable the people to support the present honest and economical administration. No expressed or implied duty rests upon the Congress to provide for their public safety, public health, and their general welfare out of the Treasury of the United States, although the United States has spent and is spending a large sum of money for their support.

If the Congress proceeds with all reasonable dispatch, as it is doing, to erect an insular government, there can be no ground for impeaching its policy or purpose. It has no desire to impose any tax burdens upon the island or its people for a solitary day longer than is imperatively required. It desires to create and clothe a government with adequate powers, so that the citizens of the island may adopt and execute their own revenue policy. If the Congress was disposed to delay making provision for an insular government or would wholly refuse to provide one, and then should insist upon the imposition of taxes for the support of the people, there might be good ground for questioning its purpose or its wisdom.

UNWISE TO NOW EXTEND THE CONSTITUTION.

We are so familiar with the Constitution and have so long enjoyed its blessings that many of our friends are unable to see any reason why it should not be forthwith extended to Porto Rico, if it is not already there. There are those on the opposite side of the Chamber who profess to see in our refusal to immediately extend it some ulterior purpose, some drift toward imperialism—a much misunderstood and misapplied word. This could not occur to anyone who has studied the situation and who has familiarized himself with the history of the island and its present condition.

Assuming that the Constitution does not extend into newly acquired territory ex proprio vigore, is it now wise that it should be forthwith extended to Porto Rico?

Its extension will carry with it the right to trial by jury, one of its most beneficent provisions, it is true, the splendid fruit of Anglo-Saxon civilization. But are the people of Porto Rico prepared to appreciate and enjoy this right? We must determine the question not by mere sentiment, but by our best reason and sense. The committee charged with the consideration of the pending bill desired to extend to the Porto Ricans all the privileges enjoyed by the people of the United States, so far as possible, and were careful to ascertain whether our jury system could be safely extended to the island. They have taken testimony bearing directly upon the subject, for it is an important one, and from the best information obtained it would seem utterly impracticable and unwise to extend the system to the island at the present time.

Mr. Curtis, a member of the Insular Commission, which outlined a form of government, was very positive and strong in his belief that the extension of the jury system should not now be attempted. His testimony in brief was as follows:

The CHAIRMAN. You did not extend the Constitution and laws of the United States?

Mr. CURTIS. Only as locally applicable there. We did not extend the right of trial by jury for this reason, that we thought the people were not ready for it. We found that if Congress legislated trial by jury must take place, even before justices of the peace, where $20 or more was involved. We found that foreigners were not put on juries in this country. To make a jury of 12 persons out of those ignorant peons who have lived in a country where bribery is at a premium and favoritism is a good thing—compelling trial by jury, as the Supreme Court had held necessary in the case of the District of Columbia and in all Territories, in such courts would make a trial in the courts of justice a farce. But in the Federal court we provided for a jury to be selected largely in the manner I understand General Davis selects a jury now in the one provisional court. The marshal and the clerks of the court prepare lists of 200 or 300 men from all over the island, who are qualified, and they are drawn from a box. In that way, taking the whole island in, you could get one jury; but to get juries in all cases is, I think, without any possibility of being mistaken, making a farce of justice on the island, and the people so regard it. You can not find a man, hardly, who will not say that they are not ready for the jury system.

General Davis concurred fully in the conclusions reached by Mr. Curtis. Said he:

As respects a trial by jury I agree entirely with what Mr. Curtis says, that the attempt to utilize the jury system in Porto Rico should not now be made. They have no conception of it and can have none for many years, it seems to me. I think it would be imprudent to attempt to establish the grand jury and petit jury and trial by jury throughout these municipalities and remote districts in that ignorant population.

Shall we brush aside these opinions as entitled to no weight? Shall we be guided by the advice and opinion of competent men who are familiar with the situation and desire only the best results, or shall we plunge headlong into the future, heedless of existing conditions? Shall we attempt to strain a point to extend the Constitution when its extension must inevitably result in confusion and embarrassment? It seems to me, Mr. President, that it were inexcusable for us to adopt any happy-go-lucky policy in dealing with this delicate and important subject. The jury system goes with the Constitution. Unless the Constitution is already there, we should be slow to extend it in its full force by Congressional act in the face of the opinion of men of sound and disinterested judgment, who solemnly advise us that the jury system should not now be extended. Sir, let us first be right, and then go ahead.

If the system is withheld for the present we can extend it later, whenever, under the educational processes now being inaugurated in the island, the people are qualified to enjoy this among the greatest of all the privileges conferred by the Constitution. I grant that we should be quick to extend the full operation of that immortal instrument when, in the evolution of the Porto Ricans, they are fitted to enjoy its provisions.

It should further be borne in mind that the extension of the Constitution to Porto Rico necessarily carries with it our entire internal-revenue system of taxation. Would or would not this system prove beneficial to the people of the island? In the language of the Constitution, "duties, imposts, and excises must be uniform throughout the United States." The conditions existing in Porto Rico are so different from those existing here that it would be unwise, to say the least, to impose upon the Porto Ricans the rates which are imposed here, for they must rest upon them with special severity. According to General Davis, the increase of rates upon some important articles upon which taxes are now imposed in the island would amount to confiscation. The wisdom of reserving to the Porto Ricans so far as possible the supreme control over subjects of local taxation must be manifest to those who give the subject attentive consideration.

Furthermore, if the Constitution be now in Porto Rico, or if it be soon extended there, the coffee industry in the island will be seriously injured unless a duty is hereafter imposed upon coffee coming into the United States. Brazilian coffee is inferior in quality and value to it and would be imported into the island to the injury of the local industry unless excluded by a suitable duty. The present bill imposes a duty upon it of 5 cents per pound. This is solely in the interest of Porto Rico and does not prevent in any wise the free admission of coffee from the island and other coffee-producing countries into the United States.

From these observations it will appear that whether or not the Constitution should be extended to Porto Rico is a problem of grave and practical moment, and the question should receive the most careful and profound consideration.

HAWAII AND PORTO RICO.

It has been said that we impose no duties upon the commerce between Hawaii and the United States, and that a different course should not now be pursued with respect to Porto Rico.

It is well to bear in mind the clear distinction between the respective situations of Hawaii and Porto Rico. The former came to us with an organized, self-supporting republican form of government. It had the requisite laws and machinery for its own

support without drawing upon the Treasury of the United States. There was no period in Hawaii, as there is in Porto Rico, when there was no government having jurisdiction over the entire island. In the one case it was not necessary to provide revenue for the support of the government, while in the other case it is.

Mr. MASON. Would it interrupt the Senator if I should make a suggestion?

Mr. FAIRBANKS. I would prefer that the Senator should not interrupt me now, if agreeable to him, but that he should wait until I conclude. I will gladly reply then to any inquiry he is pleased to make.

Mr. MASON. I only want to suggest that we paid the debts of Hawaii, amounting to something like $3,000,000, as I remember it; more than we pay to Puerto Rico.

Mr. FAIRBANKS. That does not concern or alter the principle which I am considering. That is a mere matter of detail. Is the Senator through?

Mr. MASON. That is all I care to say.

Mr. SPOONER. That was a part of the bargain of annexation.

Mr. FAIRBANKS. Yes; that was embraced in the treaty.

Mr. SPOONER. That was a part of the contract of annexation.

ALASKA AND PORTO RICO.

Mr. FAIRBANKS. There is no essential difference in the manner in which Congress treats Alaska and Porto Rico. Alaska is without organized government. Congress imposes taxes in that Territory different from those levied elsewhere, and without any representation. No one has thought that the Congress by so doing was violating the fundamental principles of our institutions or was arbitrarily and unjustly exercising the taxing power.

It will not have escaped attention that Congress at the last session enacted a law requiring persons and corporations doing business in the district of Alaska to obtain licenses for the purpose, and to pay therefor specific amounts per annum. Among the many pursuits embraced in the law for which license fees are to be paid are the following: Banks, $250; brokers, $100; billiard rooms, $15; breweries, $500; electric-light plants furnishing light or power for sale, $300; hotels, $50; jewelers, $25; quartz mills, $3 per stamp; meat markets, $15; railroads, $100 per mile upon each mile operated; sawmills, 10 cents per thousand feet upon the lumber sawed; theaters, $100. There was no party division upon the proposition. There was and is complete and absolute acquiescence in the power to do this and in the wisdom and justice of doing it.

The quality of this act does not differ in any respect from the retention of the small duties necessary in raising revenue for the temporary support of Porto Rico. In the case of Alaska it is the fixed and permanent policy of Congress to levy direct taxes for the support of the Government there and elsewhere. These taxes are local to Alaska alone. If the Constitution is in the Territory, the taxes imposed are laid in positive violation of the provision of the Constitution which requires uniformity of taxation throughout the United States, and are therefore unconstitutional and void. There is no reason why the residents in Alaska should not share the burden of government and not cast it upon the people of the United States, and there is no more reason why the good people of the United States should do more for Porto Rico than they should do for Alaska. What is warranted by the law in Alaska, what is lawful and equitable there, is none the less justified and defensible in Porto Rico.

The people of Alaska since 1867 have been obliged to pay import duties which were imposed upon them by Congress without representation. It is true they have paid no duties upon goods of the United States going into Alaska. There has been no necessity for requiring them to do so.

It is unnecessary to dwell upon similar legislation with respect to the Indian Territory and other Territories belonging to the United States. So far as I am advised, no one upon this floor has called in question its absolute validity, and the present contention of our friends in opposition to the effect that the Constitution extends by its own force into all the territory belonging to the United States would seem to be an afterthought. If the Constitution is in Alaska and in the Indian Territory and in other Territories, the direct taxes imposed by the Congress, without partisan division, were certainly ill advised and unlawful.

PORTO RICO TO CONTROL HER OWN REVENUE SYSTEM.

It is the purpose of the pending measure to give to Porto Rico the entire control of her own revenue affairs and at the earliest moment practicable.

It is provided that the customs duties contemplated by the pending measure shall cease absolutely on the 1st day of March, 1902, and that whenever the legislative assembly has enacted and put into operation a system of local taxation to meet the necessities of the insular government, upon notice of such fact to the President he shall make proclamation thereof, and thereafter all commerce between Porto Rico and the United States shall be free and unrestricted.

The pending bill provides a civil government, republican in form and ample, so far as we can now judge, for all present requirements. It establishes executive, legislative, and judicial departments. Provision is also made for a commission to carefully revise the laws and report such legislation as may be necessary to extend in fullest measure "the benefits of a republican form of government to all the inhabitants of Porto Rico."

CONCLUSION.

Mr. President, we should approach and consider the subject before us in no illiberal or dogmatic spirit. No matter what shades of opinion there are with respect to the best course to be pursued and the wisest measures to be adopted with reference to Porto Rico, there is perfect unity of purpose among all parties to provide the most liberal form of government and just laws under which her welfare may be promoted in the very highest degree.

Sir, the pending bill commands my judgment, my conscience; it shall have my vote.

It has not been given to finite mind to read the future of Porto Rico, but we may believe that under the inspiration of republican laws and the impetus of American example her people will grow in knowledge, strength, and power, and forever bless the great Republic.

Mr. DAVIS. Mr. President, I do not rise for the purpose of taking up any time of the Senate. I have heard the remarks of the Senator from Indiana with the greatest interest, and do not propose to controvert them at any length or, indeed, at all. It is well known that for my own part I do not believe at all in this system of building up a wall against commercial intercourse between the United States and Puerto Rico. I rise merely to say that the other day I made some observations upon the effect of this legislation as contrasted with certain treaties now pending before the Senate, observations which have attracted some degree of attention and in some degree have been challenged. I have prepared with considerable care two papers, Exhibits A and B, the one showing, in the first place, the free list as prescribed by the Dingley Act. It shows, also, in paragraphs printed in italics, the free list as extended by the orders of the War Department.

It will be borne in mind that the pending bill provides that there shall go on the free list as between the United States and Puerto Rico the articles in the free list of the Dingley statute, and in addition thereto the articles made free by the orders of the War Department. I have also prepared a paper, Exhibit B, which sets forth the stipulations of the pending treaties, by which it is shown and will be seen upon comparison with the statutes wherein and whereby the inhabitants of the British colonies in repeated instances will have an advantage over our own people of Puerto Rico. I ask that these papers may be printed as a part of my remarks.

The PRESIDENT pro tempore. Is there objection to printing the papers submitted by the Senator from Minnesota? The Chair hears none, and it is so ordered.

The papers referred to are as follows:

"A."

[Paragraphs printed in italics comprise articles not on free list of tariff act of 1897, but placed on free list by order of President.]

FREE LIST.

Acids: Arsenic or arsenious, benzoic, carbolic, fluoric, hydrochloric or muriatic, nitric, oxalic, phosphoric, phthalic, picric or nitropicric, prussic, silicic, and valerianic.

Aconite.

Acorns, raw, dried or undried, but unground.

Agates, unmanufactured.

Albumen, not specially provided for.

Alizarin, natural or artificial, and dyes derived from alizarin or from anthracin.

Amber, and amberoid unmanufactured, or crude gum.

Ambergris.

Aniline salts.

Any animal imported specially for breeding purposes shall be admitted free: *Provided*, That no such animal shall be admitted free unless pure bred of a recognised breed, and duly registered in the book of record established for that breed: *And provided further*, That certificate of such record and of the pedigree of such animal shall be produced and submitted to the customs officer, duly authenticated by the proper custodian of such book of record, together with the affidavit of the owner, agent, or importer that such animal is the identical animal described in said certificate of record and pedigree: *And provided further*, That the Secretary of Agriculture shall determine and certify to the Secretary of the Treasury what are recognized breeds and pure-bred animals under the provisions of this paragraph. The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision. Cattle, horses, sheep, or other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, may be brought back to the United States within six months free of duty, under regulations to be prescribed by the Secretary of the Treasury.

Animals brought into the United States temporarily for a period not exceeding six months, for the purpose of exhibition or competition for prizes offered by any agricultural or racing association; but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury; also teams of animals, including their harness and tackle and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of

such emigration under such regulations as the Secretary of the Treasury may prescribe; and wild animals intended for exhibition in zoological collections for scientific and educational purposes, and not for sale or profit.

Annatto, roucou, rocca, or orleans, and all extracts of.

Antimony ore, crude sulphite of.

Apatite.

Arrowroot in its natural state and not manufactured.

Arsenic and sulphide of, or orpiment.

Arseniate of aniline.

Art educational stops, composed of glass and metal and valued at not more than 6 cents per gross.

Articles in a crude state used in dyeing or tanning not specially provided for in this act.

Archæological and numismatical objects for public museums, etc.

Articles the growth, produce, and manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means; casks, barrels, carboys, bags, and other vessels of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes; also quicksilver flasks or bottles, of either domestic or foreign manufacture, which shall have been actually exported from the United States; but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury, but the exemption of bags from duty shall apply only to such domestic bags as may be imported by the exporter thereof, and if any such articles are subject to internal tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded: *Provided*, That this paragraph shall not apply to any article upon which an allowance of drawback has been made, the reimportation of which is hereby prohibited except upon payment of duties equal to the drawbacks allowed; or to any article manufactured in bonded warehouse and exported under any provision of law: *And provided further*, That when manufactured tobacco which has been exported without payment of internal-revenue tax shall be reimported it shall be retained in the custody of the collector of customs until internal-revenue stamps in payment of the legal duties shall be placed thereon.

Asbestos, unmanufactured.

Ashes, wood and lye of, and beet-root ashes.

Asafetida.

Bacon.

Bags for sugar; coopers' wares; and wood, cut, for making hogsheads or casks for sugar or molasses, upon the sworn declaration of importers that they are intended solely for such use.

Balm of Gilead.

Barks, cinchona or other from which quinine may be extracted.

Baryta, carbonate of, or witherite.

Beef, fresh.

Beeswax.

Binding twine: All binding twine manufactured from New Zealand hemp, istle or Tampico fiber, sisal grass, or sunn, or a mixture of any two or more of them, of single ply and measuring not exceeding 600 feet to the pound: *Provided*, That articles mentioned in this paragraph, if imported from a country which lays an import duty on like articles imported from the United States, shall be subject to a duty of one-half of 1 cent per pound.

Bells, broken, and bell metal broken and fit only to be remanufactured.

Birds, stuffed, not suitable for millinery ornaments.

Birds and land and water fowls.

Bismuth.

Bladders, and all integuments and intestines of animals and fish sounds, crude, dried or salted for preservation only, and unmanufactured, not specially provided for in this act.

Blood, dried, not specially provided for.

Bolting cloths composed of silk, imported expressly for milling purposes, and so permanently marked as not to be available for any other use.

Bones, crude, or not burned, calcined, ground, steamed, or otherwise manufactured, and bone dust or animal carbon, and bone ash, fit only for fertilizing purposes.

Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress.

Books, maps, music, engravings, photographs, etchings, bound or unbound, and charts, which shall have been printed more than twenty years at the date of importation, and all hydrographic charts, and publications issued for their subscribers or exchanges by scientific and literary associations or academies, or publications of individuals for gratuitous private circulation, and public documents issued by foreign governments.

Books and pamphlets printed exclusively in languages other than English; also books and music, in raised print, used exclusively by the blind.

Books, maps, music, photographs, etchings, lithographic prints, and charts, specially imported, not more than two copies in any one invoice, in good faith, for the use or by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in the United States, or any State or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe.

Books, libraries, usual and reasonable furniture, and similar household effects of persons or families from foreign countries, all the foregoing if actually used abroad by them not less than one year, and not intended for any other person or persons not for sale.

Bovine animals, castrated.

Brass, old brass, clippings from brass or Dutch metal, all the foregoing, fit only for remanufacture.

Brazil paste.

Brazilian pebble, unwrought or unmanufactured.

Breccia, in block or slabs.

Bristles, crude, not sorted, bunched, or prepared.

Broom corn.

Bullion, gold or silver.

Burgundy pitch.

Cadmium.

Calamine.

Camphor, crude.

Castor or castoreum.

Cat gut, whip gut, or worm gut, unmanufactured.

Cerium.

Chalk, crude, not ground, precipitated, or otherwise manufactured.

Chromate of iron or chromic ore.

Civet, crude.

Clay: Common blue clay in casks suitable for the manufacture of crucibles.

Coal, anthracite, not specially provided for in this act, and coal stores of American vessels, but none shall be unloaded.

Coal tar, crude, pitch of coal tar, and products of coal tar known as dead or creosote oil, benzol, toluol, naphthalin, xylol, phenol, cresol, toluidine, xylidin, cumidin, binitrotoluol, binitrobenzol, benzidin, tolidin, dianisidin, naphtol, naphtylamin, diphenylamin, benzaldehyde, benzyl chloride, resorcin, nitro-benzol, and nitro-toluol; all the foregoing not medicinal and not colors or dyes.

Cobalt and cobalt ore.

Cocculus indicus.

Cochineal.

Cocoa, or cacao, crude, and fiber, leaves, and shells of.

Codfish.

Coins, gold, silver, and copper.

Coir, and coir yarn.

Copper in plates, bars, ingots, or pigs, and other forms, not manufactured or specially provided for in this act.

Old copper, fit only for manufacture, clipping from new copper, and all composition metal of which copper is a component material of chief value not specially provided for in this act.

Copper, regulus of, and black or coarse copper, and copper cement.

Coral, marine, uncut, and unmanufactured.

Cork wood, or cork bark, unmanufactured.

Cotton, and cotton waste or flocks.

Cryolite, or kryolith.

Cudbear.

Curling stones, or quoits, and curling-stone handles.

Curry, and curry powder.

Cutch.

Cuttlefish bone.

Dandelion roots, raw, dried, or undried, but unground.

Diamonds and other precious stones, rough or uncut, and not advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process, including miners', glaziers', and engravers' diamonds not set, and diamond dust or bort.

Divi-divi.

Dragon's blood.

Drugs, such as barks, beans, berries, balsams, buds, bulbs, and bulbous roots, excrescences, fruits, flowers, dried fibers, and dried insects, grains, gums, and gum resin, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, and stems, spices, vegetables, seeds aromatic, and seeds of morbid growth, weeds, and woods used expressly for dyeing; any of the foregoing which are drugs and not edible and are in a crude state, and not advanced in value or condition by refining or grinding, or by other process, and not specially provided for in this act.

Eggs of birds, fish, and insects: *Provided, however*, That this shall not be held to include the eggs of game birds or eggs of birds not used for food, the importation of which is prohibited except specimens for scientific collections, nor fish roe preserved for food purposes.

Emery ore.

Ergot.

Fans, common palm-leaf, plain and not ornamented or decorated in any manner, and palm leaf in its natural state, not colored, dyed, or otherwise advanced or manufactured.

Felt, adhesive, for sheathing vessels.

Fibrin, in all forms.

Fish, fresh, frozen, or packed in ice, caught in the Great Lakes or other fresh waters by citizens of the United States.

Fish skins.

Flint, flints, and flint stones, unground.

Flour.

Fossils.

Fruits or berries, green, ripe, or dried, and fruits in brine, not specially provided for in this act.

Fruit plants, tropical and semitropical, for the purpose of propagation or cultivation.

Furs, undressed.

Fur skins of all kinds, not dressed in any manner and not specially provided for in this act.

Gambier.

Glass enamel, white, for watch and clock dials.

Glass plates or disks, rough cut or unwrought, for use in the manufacture of optical instruments, spectacles, and eyeglasses, and suitable only for such use: *Provided, however*, That such disks exceeding 8 inches in diameter may be polished sufficiently to enable the character of the glass to be determined.

Grasses and fibers: Istle or Tampico fiber, jute, jute butts, manila, sisal grass, sunn, and all other textile grasses or fibrous vegetable substances, not dressed or manufactured in any manner, and not specially provided for in this act.

Gold-beaters' molds and gold-beaters' skins.

Grease and oils (excepting fish oils), such as are commonly used in soap making or in wire drawing, or for stuffing or dressing leather, and which are fit only for such uses, and not specially provided for in this act.

Guano, manures, and all substances used only for manure.

Gutta-percha, crude.

Hair of horse, cattle, and other animals, cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially provided for in this act; and human hair, raw, uncleaned, and not drawn.

Hide cuttings, raw, with or without hair, and all other glue stock.

Hide rope.

Hones and whetstones.

Hoofs, unmanufactured.

Hop roots for cultivation.

Horns and parts of, unmanufactured, including horn strips and tips.

Ice.

India rubber, crude, and milk of, and old scrap or refuse india rubber which has been worn out by use and is fit only for remanufacture.

Indigo.

Iodine, crude.

Ipecac.

Iridium.

Ivory tusks in their natural state or cut vertically across the grain only, with the bark left intact, and vegetable ivory in its natural state.

Jalap.

Jet, unmanufactured.

Joss stick, or Joss light.

Junk, old.

Kelp.

Kieserite.

Kyanite, or cyanite, and kainite.

Lac dye, crude, seed, button, stick, and shell.

Lac spirits.

Lactarene.

Lava, unmanufactured.

Leeches.

Lemon juice, lime juice, and sour-orange juice.

Licorice root, unground.

Lifeboats and life-saving apparatus specially imported by societies incorporated or established to encourage the saving of human life.
Lime, citrate of.
Lithographic stones, not engraved.
Lithographs, posters, calendars, and folders, for advertising purposes only, having no commercial value and designed for free public distribution.
Litmus, prepared or not prepared.
Loadstones.
Machinery and apparatus and parts thereof for making and refining sugar or for other agricultural purposes. Upon entry of any of the articles included in this paragraph, affidavit will be required that they are solely for the purposes indicated.
Madder and munjeet, or Indian madder, ground or prepared, and all extracts of.
Magnesite, crude or calcined, not purified.
Magnesium, not made up into articles.
Manganese, oxide and ore of.
Manna.
Manuscripts.
Marrow, crude.
Marshmallow or althea root, leaves or flowers, natural or unmanufactured.
Medals of gold, silver, or copper, and other metallic articles actually bestowed as trophies or prizes, and received and accepted as honorary distinctions.
Meerschaum, crude or unmanufactured.
Minerals, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for in this act.
Mineral salts obtained by evaporation from mineral waters, when accompanied by a duly authenticated certificate and satisfactory proof, showing that they are in no way artificially prepared, and are only the product of a designated mineral spring.
Mineral, carbonated, or seltzer waters, natural or artificial, root beer, ginger ale, and other similar nonalcoholic beverages, not otherwise provided for.
Models of inventions and of other improvements in the arts, including patterns for machinery, but no article shall be deemed a model or pattern which can be fitted for use otherwise.
Modern school furniture, of kinds or styles not manufactured in Puerto Rico, which has been purchased by the properly constituted authorities of public or private educational institutions, in quantities not exceeding the absolute requirements for the accommodation of such schools; conclusive evidence being furnished to the customs officers that such purchases were made prior to the importation of the articles entered, together with the certificate of the superintendent or principal of the school that the same is to be used exclusively for such institution.
Moss, seaweeds, and vegetable substances, crude or unmanufactured, not otherwise specially provided for in this act.
Musk, crude, in natural pods.
Mutton.
Myrobolans.
Needles, hand-sewing and darning.
Newspapers and periodicals; but the term "periodicals" as herein used shall be understood to embrace only unbound or paper-covered publications, issued within six months of the time of entry, containing current literature of the day and issued regularly at stated periods, as weekly, monthly, or quarterly.
Nuts: Brazil nuts, cream nuts, palm nuts, and palm-nut kernels; cocoanuts in the shell and broken cocoanut meat or copra, not shredded, desiccated, or prepared in any manner.
Nux vomica.
Oakum.
Oil cake.
Oils: Almond, amber, crude and rectified ambergris, anise or anise seed, aniline, aspic or spike lavender, bergamot, cajeput, caraway, cassia, cinnamon, cedrat, chamomile, citronella or lemon grass, civet, cocoanut, fennel, ichthyol, jasmine or jasimine, juglandium, juniper, lavender, lemon, limes, mace, neroli or orange flower, enfleurage grease, nut oil or oil of nuts not otherwise specially provided for in this act, orange oil, olive oil for manufacturing or mechanical purposes fit only for such use and valued at not more than 60 cents per gallon, ottar of roses, palm, rosemary or anthoss, sesame or sesamum seed or bean, thyme, origanum red or white, valerian; and also spermaceti, whale, and other fish oils of American fisheries, and all fish and other products of such fisheries; petroleum, crude or refined: *Provided*, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country.
Oleonaphtha, crude natural petroleum, and crude oils derived from schists.
Orange and lemon peel, not preserved, candied, or dried.
Orchil, or orchil liquid.
Ores of gold, silver, copper, or nickel, and nickel matte; sweepings of gold and silver.
Osmium.
Palladium.
Paper stock, crude, of every description, including all grasses, fibers, rags (other than wool), waste, including jute waste, shavings, clippings, old paper, rope ends, waste rope, and waste bagging, including old gunny cloth and old gunny bags, fit only to be converted into paper.
Paraffin.
Parchment and vellum.
Pearl, mother of, and shells, not sawed, cut, polished, or otherwise manufactured or advanced in value from the natural state.
Personal effects, not merchandise, of citizens of the United States dying in foreign countries.
Pewter and britannia metal, old, and fit only to be remanufactured.
Philosophical and scientific apparatus, utensils, instruments, and preparations, including bottles and boxes containing the same, specially imported in good faith for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in the United States, or any State or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe.
Phosphates, crude.
Plants, trees, shrubs, roots, seed-cane, and seeds, imported by the Department of Agriculture or the United States Botanic Garden.
Platina, in ingots, bars, sheets, and wire.
Platinum, unmanufactured, and vases, retorts, and other apparatus, vessels, and parts thereof composed of platinum, for chemical uses.
Plows, hoes, hatchets, machetes, cane knives, etc., for agricultural purposes, and other agricultural implements not machinery.
Plumbago.
Pork.
Potash, crude, or "black salts"; carbonate of potash, crude or refined; hydrate of, or caustic potash, not including refined in sticks or rolls; nitrate of potash or saltpeter, crude; sulphate of potash, crude or refined, and muriate of potash.
Professional books, implements, instruments, and tools of trade, occupation, or employment, in the actual possession at the time, of persons emigrating to the United States; but this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment, or for any other person or persons, or for sale, nor shall it be construed to include theatrical scenery, properties, and apparel; but such articles brought by proprietors or managers of theatrical exhibitions arriving from abroad, for temporary use by them in such exhibitions, and not for any other person, and not for sale, and which have been used by them abroad, shall be admitted free of duty under such regulations as the Secretary of the Treasury may prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within six months after such importation: *Provided*, That the Secretary of the Treasury may in his discretion extend such period for a further term of six months in case application shall be made therefor.
Pulu.
Quinia, sulphate of, and all alkaloids or salts of cinchona bark.
Rags, not otherwise specially provided for in this act.
Regalia and gems, statuary, and specimens or casts of sculpture, where specially imported in good faith for the use and by order of any society incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, or seminary of learning in the United States, or any State or public library, and not for sale; but the term "regalia" as herein used shall be held to embrace only such insignia of rank or office or emblems as may be worn upon the person or borne in the hand during public exercises of the society or institution, and shall not include articles of furniture or fixtures, or of regular wearing apparel, nor personal property of individuals.
Reunets, raw or prepared.
Rice.
Rough lumber.
Saffron and safflower, and extract of, and saffron cake.
Sago, crude.
Salacin.
Salep, or salop.
Samples of felt, wall paper, and tissues, when they comply with the following conditions:
(a) When they do not exceed 40 centimeters in length, measured in the warp or length of the piece, even when such samples have the entire width of the piece. The width shall, for tissues, be determined by the list, and for felts and wall paper by the narrow border which has not passed through the press.
(b) Samples not having these indications shall only be admitted free of duty when they do not exceed 40 centimeters in any dimension.
(c) In order to avoid abuse, the samples declared for free entry must have cuts at every 20 centimeters of their width, so as to render them unfit for any other purpose.
Samples of trimmings in small pieces of no commercial value or possible application.
Sausages, bologna.
Second-hand clothing donated for charitable purposes to needy persons, and not for sale.
Seeds: Anise, caraway, cardamom, cauliflower, coriander, cotton, cummin, fennel, fenugreek, hemp, hoarhound, mangel-wurzel, mustard, rape, Saint John's bread or bean, sugar beet, sorghum or sugar cane for seed; bulbs and bulbous roots, not edible and not otherwise provided for; all flower and grass seeds; all the foregoing not specially provided for in this act.
Sheep dip, not including compounds or preparations that can be used for other purposes.
Shotgun barrels, in single tubes, forged, rough bored.
Shrimps and other shell fish.
Silk, raw, or as reeled from the cocoon, but not doubled, twisted, or advanced in manufacture in any way.
Silk cocoons and silk waste.
Silkworm's eggs.
Skeletons and other preparations of anatomy.
Skins of all kinds, raw (except sheepskins with the wool on), and hides not specially provided for in this act.
Soda, nitrate of, or cubic nitrate.
Specimens of natural history, botany, and mineralogy, when imported for scientific public collections, and not for sale.
Spices: Cassia, cassia vera, and cassia buds; cinnamon and chips of; cloves and clove stems; mace; nutmegs; pepper, black or white, and pimento; all the foregoing when unground; ginger root, unground and not preserved or candied.
Spunk.
Spurs and stilts used in the manufacture of earthen, porcelain, and stone ware.
Stamps; foreign postage or revenue stamps, canceled or uncanceled.
Stone and sand: Burrstone in blocks, rough or unmanufactured; cliff stone, unmanufactured; rotten stone, tripoli, and sand, crude or manufactured, not otherwise provided for in this act.
Storax, or styrax.
Strontia, oxide of, and protoxide of strontian, and strontianite, or mineral carbonate of strontia.
Sulphur, lac or precipitated, and sulphur or brimstone, crude, in bulk, sulphur ore as pyrites, or sulphuret of iron in its natural state, containing in excess of 25 per cent of sulphur, and sulphur not otherwise provided for.
Sulphuric acid which at the temperature of 60° F. does not exceed the specific gravity of 1.380, for use in manufacturing superphosphate of lime or artificial manures of any kind, or for any agricultural purposes: *Provided*, That upon all sulphuric acid imported from any country, whether independent or a dependency, which imposes a duty upon sulphuric acid imported into such country from the United States, there shall be levied and collected a duty of one-fourth of 1 cent per pound.
Tamarinds.
Tapioca, cassava or cassady.
Tar and pitch of wood.
Tar and mineral pitch, asphalts, bitumen, and schists.
Tea and tea plants.
Teeth, natural, or unmanufactured.
Terra alba, not made from gypsum or plaster rock.
Terra japonica.
Tin ore, cassiterite or black oxide of tin, and tin in bars, blocks, pigs, or grain or granulated.
Tobacco stems.
Tonquin, tonqua, or tonka beans.
Trees, plants, and moss, in natural or fresh state.
Turmeric.

Turpentine, Venice.
Turpentine, spirits of.
Turtles.
Types, old, and fit only to be remanufactured.
Uranium, oxide and salts of.
Vaccine virus.
Valonia.
Verdigris, or subacetate of copper.
Wax, vegetable or mineral.
Wafers, unleavened or not edible.

Wearing apparel, articles of personal adornment, toilet articles, and similar personal effects of persons arriving in the United States; but this exemption shall only include such articles as actually accompany and are in the use of, and as are necessary and appropriate for the wear and use of such persons, for the immediate purposes of the journey and present comfort and convenience, and shall not be held to apply to merchandise or articles intended for other persons or for sale: *Provided*, That in case of residents of the United States returning from abroad, all wearing apparel and other personal effects taken by them out of the United States to foreign countries shall be admitted free of duty, without regard to their value, upon their identity being established, under appropriate rules and regulations to be prescribed by the Secretary of the Treasury, but no more than $100 in value of articles purchased abroad by such residents of the United States shall be admitted free of duty upon their return.

Whalebone, unmanufactured.

Wood: Logs and round unmanufactured timber, including pulp woods, firewood, handle bolts, shingle bolts, gun blocks for gun stocks, rough-hewn or sawed or planed on one side, hop poles, ship timber, and ship planking; all the foregoing not specially provided for in this act.

Woods: Cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all forms of cabinet woods, in the log, rough, or hewn only; briar root or briar wood and similar wood, unmanufactured or not further advanced than cut into blocks suitable for the articles into which they are intended to be converted; bamboo, rattan, reeds, unmanufactured, India malacca joints, and sticks of partridge, hair wood, pimento, orange, myrtle, and other woods not specially provided for in this act, in the rough, or not further advanced than cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking-canes.

Works of art, drawings, engravings, photographic pictures, and philosophical and scientific apparatus brought by professional artists, lecturers, or scientists arriving from abroad for use by them temporarily for exhibition and in illustration, promotion, and encouragement of art, science, or industry in the United States, and not for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within six months after such importation: *Provided*, That the Secretary of the Treasury may, in his discretion, extend such period for a further term of six months in cases where applications therefor shall be made.

Works of art, collections in illustration of the progress of the arts, sciences, or manufactures, photographs, works in terra cotta, parian, pottery, or porcelain, antiquities and artistic copies thereof in metal or other material, imported in good faith for exhibition at a fixed place by any State or by any society or institution established for the encouragement of the arts, science, or education, or for a municipal corporation, and all like articles imported in good faith by any society or association, or for a municipal corporation for the purpose of erecting a public monument, and not intended for sale, nor for any other purpose than herein expressed; but bonds shall be given under such rules and regulations as the Secretary of the Treasury may prescribe, for the payment of lawful duties which may accrue should any of the articles aforesaid be sold, transferred, or used contrary to this provision, and such articles shall be subject, at any time, to examination and inspection by the proper officers of the customs: *Provided*, That the privileges of this and the preceding section shall not be allowed to associations or corporations engaged in or connected with business of a private or commercial character.

Works of art, the production of American artists residing temporarily abroad, or other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution, or to any State or municipal corporation, or incorporated religious society, college, or other public institution, except stained or painted window glass or stained or painted glass windows; but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe.

Yams.
Zaffer.

STIPULATIONS OF PENDING TREATIES.

[Articles marked with * are admitted to Puerto Rico free of duty under pending bill. All others dutiable at 15 per cent.]

BARBADOS.

FREE.

Bran; pollard.
Candles of tallow.
Carts and vehicles.
Clocks.
Corn brooms.
Corn or maize.
Corn meal.
Cotton-seed oil.
Cycles and parts.
*Eggs.
Hay.
Horses.
Lamps.
Machinery for electric lighting.
Mules.
*Pitch and tar.
*Rosin.
Tallow.
Wire fencing.

FIVE PER CENT.

Fruits and vegetables, fresh, dried, canned, or preserved.
Fish, tinned or canned.
Clothing and wearing apparel made of cotton.
Earthen and glass ware.
Hardware and cutlery.
Furniture and upholstery.
Wooden and willow ware.
Wooden hoops.

BRITISH GUIANA.

FREE.

Bran; pollard.
Candles of tallow.
Carts and vehicles.
Clocks.
Corn brooms.
Corn or maize.
Corn meal.
Cotton seed oil.
Cycles or parts.
*Eggs.
Hay.
Horses.
Lamps.
Machinery for electric lighting, and machinery and implements for mining,* (for agriculture, and for the manufacture of sugar).
Mules.
*Pitch and tar.
*Rosin.
Tallow.
Wire fencing.

FIVE PER CENT.

Fruits and vegetables, fresh, dried, canned, or preserved.
Fish, tinned or canned.
Ready-made clothing and wearing apparel made of cotton.
Earthen and glass ware.
Hardware (metallic) and cutlery.
Furniture and upholstery.
Wooden and willow ware for domestic purposes.
Wooden hoops.

TURKS AND CAICOS ISLANDS.

FREE.

Corn and all other grains, the meal and other preparations thereof (rice and wheat flour excepted).
Fruit and vegetables, fresh, dried, or preserved.
Bran, pollard, and feed.
Live animals of all kinds.
Meats, fresh, of all kinds.†
Clocks and watches.
Fish, fresh, dried, smoked, or salted.
Glass and glassware, earthenware, tinware, woodware.
Brooms and brushes.
Candles, cart grease, and tallow.
Carriages, carts, all wheeled vehicles.
Coal of all kinds.
India rubber goods.
Sewing machines.
Iron, steel, copper, and manufactures thereof (hardware and cutlery excepted).
Machinery of all kinds.
Matches.
Paper of all kinds, stationery and printing materials.
*Pitch, tar, and turpentine.
Varnish.
Waters, mineral or aerated.

JAMAICA.

FREE.

Agricultural implements and tools, namely: Plows, harrows, cultivators, graders, horse hoes, hoes, cutlasses, agricultural forks, axes, bill hooks, clod crushers, dibbles, sowing machines, stump extractors, scythes, shovels, picks, and spades.

Apparatus and appliances of all kinds for generating, storing, conducting, converting into power or light and measuring electricity, including telegraphic, telephonic, and electrical appliances of all kinds for communication and illumination.

Apparatus and appliances for generating, measuring, conducting, and storing gas.

Asbestos and tar paper for roofing.
Bags and sacks made of flax, hemp, or jute for exporting island produce.
Bees, beehives, and all accessories for apiaries.
Beef, smoked and dried.
*Beef and (pork) preserved in cans, not being wet salted or cured.
Belting for machinery, of leather, canvas, or india rubber.
Boats and lighters, and their oars and fittings imported therewith.
Books, printed, bound or unbound; pamphlets, magazines, and newspapers.
Bran, middlings, and shorts; Pollard.
Bridges of iron or wood, or of both combined.
*Bullion and coin.
Coal, coke, and patent fuel.
Candles of tallow.
Cotton wool.
Carts, wagons, cars, and barrows, with or without springs, of all descriptions, not being such as are ordinarily used as vehicles of pleasure.
Cotton seed oil-cake and meal and cottolene.
*Drawings, paintings, engravings, lithographs, and photographs pictures of all kinds.
*Eggs.
*Fertilizers of all kinds, natural and artificial.
*Fish, fresh or on ice.
Fire engines and fire extinguishers.
*Fruit, fresh, canned, dried, or preserved.
Hay and straw, for forage.
Horses, mares, geldings and mules.
Lamps and lanterns, not exceeding 10 shillings in value.
Lime of all kinds.‡
Locomotives, railway rolling stock and parts thereof, rails, railway ties, and all materials and appliances to be used exclusively for construction, equipment, and operation of railways and tramways.
Magic lanterns and slides therefor.
Maps and charts.
Marble or alabaster, in the rough or squared, worked or carved, for building purposes or monuments.
Meat, fresh.

Parts of articles free under the tariff; the component parts of any article which is free under the tariff shall also be admitted free of duty, provided such parts have been especially prepared and manufactured to replace or fit such free articles.

Printing and wrapping paper.
Photographic apparatus and appliances necessary for the production of photographs.
Printer's ink in all colors.
Pans for boiling sugar.
Poultry and other birds.
Prepared food for animals.

†Beef, fresh, and mutton free to Puerto Rico.
‡Citrate of lime free in Puerto Rico.

Resin, tar, pitch, and turpentine.
Sausage, dry and pickled.
School slates and slate pencils and slate by tale.
Sewing machines.
Shooks for tierce, puncheon, hogshead, barrels and casks, and shooks for boxes or crates used in packing.
Steam engines, boilers, prime motor engines of all kinds, machines, machinery, and apparatus whether stationary or portable, worked by power or by hand (*for manufacturing or preparing for market the agricultural and mineral products of the island), including sugar, coffee, cocoa, pimento, ginger, kola, annatto, cocoanuts, tobacco, cassava, fruits of all descriptions, vegetables of all descriptions, woods of all descriptions and fibers.
Steel, ingots.
Stills and parts thereof.
Tallow and animal grease.
Telephones and telephone switch boards.
*Trees, plants, vines, seeds, and grain of all kinds for propagation or cultivation.
Varnish not containing spirits.
*Weather service articles imported for the use of the weather service of the United States of America, being the property of the United States Government.
Wire fencing, with hooks, staples, nails, and other appliances for fastening the same.
Wood hoops and truss hoops.
Wood staves and headings.
Yeast cake and baking powder.
Zinc, in blocks and pigs.

BERMUDA.

FREE.

Books, not reprints of English, and atlases and maps.
Coals.
(*Fresh fruits) (except bananas) and peas and beans.
Ice.
Paintings, engravings, photographs, and sculpture, including monuments.
*Trees, plants, bulbs, and shrubs for planting.
Vessels, dredges, boats, machinery, tools, plants of materials for survey or improvement of ship channels under control of the island government.
Fresh meats and poultry.
Bread and biscuit.
Cheese.
Bran.
Canned fruits.
Canned meats (exclusive of fish).
Canned vegetables.
*Fruit, dried.
Carts and carriages for animal draft.
Clocks.
Corn brooms.
Corn meal.
Cotton-seed oil and oil cake.
Cycles.
*Fertilizers.
Hay.
Horses and mules.
*Implements of agriculture.
*Pitch.
*Resin.
Tallow.
*Tar.
Wire fencing.

FIVE PER CENT.

*Beef and (pork) pickled, and smoked meats.
Butter.
Cereals and prepared cereal food.
*Eggs.
*Flour.
Furniture.
Milk.
And cattle shall be admitted at a rate not exceeding 4 shillings per head.

Mr. DAVIS. If entirely convenient to the Senator from Ohio, I desire to offer certain amendments to the pending bill. I submit the amendment which I send to the desk.

Mr. FORAKER. Let me make an inquiry before any order is made. Does the Senator from Minnesota offer the amendment at this time with a view of having it discussed and disposed of now?

Mr. DAVIS. That was my intention.

Mr. FORAKER. I would prefer to get through with the committee amendments first. There was consent given that the committee amendments should be disposed of, and we are pretty nearly through with them, and if we can conclude them, then the Senator's amendment may be taken up next. I have no objection to that course.

Mr. DAVIS. How long, may I ask, will the consideration of the committee amendments probably take?

Mr. FORAKER. We are down to the thirty-first section. I do not know how much objection there will be, but I hope we may complete the reading of the bill by sections and at least develop whether there is to be opposition to some of the amendments.

Mr. DAVIS. Can I be assured that I shall have sufficient time to offer the amendment before the final vote is taken?

Mr. FORAKER. Yes, certainly, so far as I have any control of the time. I have not the slightest objection.

The PRESIDENT pro tempore. The Senator from Minnesota having given notice of his proposed amendment, it will be in order even when 4 o'clock is reached on Tuesday.

Mr. DAVIS. I understood the arrangement to be different.

Mr. FORAKER. The Senator's amendment can be voted upon.

Mr. DAVIS. I understood that at 4 o'clock on Tuesday the final vote was to be taken and amendments would be shut off.

The PRESIDENT pro tempore. The final vote on the bill and all amendments of which notice shall have been previously given is to be taken at 4 o'clock on Tuesday.

Mr. DAVIS. I withdraw the amendment.

The PRESIDENT pro tempore. The amendment will be printed, then, and lie on the table.

Mr. DAVIS. It has been printed. Let it be returned to me.

The PRESIDENT pro tempore. The amendment will be returned to the Senator from Minnesota.

Mr. FORAKER. So many Senators have given notice of a desire to speak that I take advantage of this opportunity to ask unanimous consent that beginning at, say, 1 o'clock on Tuesday speeches be limited to fifteen minutes.

Mr. CULLOM. May I make a suggestion? I suggest that the Senate meet at 11 o'clock Monday and Tuesday both.

Mr. FORAKER. I made that suggestion to some Senators, and there was objection, and I did not press it.

Mr. CULLOM. I hope that will be done. Otherwise there will be Senators who desire to say something who will not have an opportunity.

Mr. FORAKER. I shall be very glad if we can meet at 11 o'clock on Monday and also on Tuesday.

Mr. CULLOM. I hope that suggestion will prevail.

Mr. PETTUS. It will disarrange all of the committee work entirely to meet at 11 o'clock, and I hope it will not be done. We have our committee meetings already appointed, notice given of them, and important work to do, and I do not think it ought to be interfered with in that way.

Mr. FORAKER. Has the Senator from Alabama a committee meeting on Tuesday morning? That is the last day when this bill can be considered.

Mr. PETTUS. I have, and other Senators have also.

Mr. BATE. I hope the Senator from Alabama will not urge his objection. I find a great many Senators, five or six, who want to make speeches on Monday and Tuesday. Four have already given notice. I think it would be a convenience to them and no inconvenience to the Senate to come here on Monday at 11 o'clock, because very few committees meet on Monday, anyway. I hope the suggestion of the Senator from Ohio will be accepted, and let us meet at 11 o'clock both Monday and Tuesday.

Mr. CULLOM. I will submit a motion to that effect, if I have an opportunity. I hope the Senator from Ohio will ask unanimous consent that we may meet at 11 o'clock on Monday.

Mr. FORAKER. I understand I have asked unanimous consent, and if I have not, I now ask unanimous consent that the Senate meet on Monday at 11 o'clock and also on Tuesday at 11 o'clock.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that when the Senate adjourn to-day it be to meet at 11 o'clock on Monday.

Mr. CULLOM. I hope consent will be given.

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Is there objection?

Mr. PETTUS. There is objection, and I was going to state it.

The PRESIDENT pro tempore. That is the end of it. It is not before the Senate.

Mr. CULLOM. Is it in order to make a motion to that effect?

Mr. DAVIS. I ask unanimous consent——

Mr. PETTUS. I claim the right to explain what I mean. Other Senators do so.

The PRESIDENT pro tempore. In the absence of objection, the Senator from Alabama will proceed.

Mr. PETTUS. The Judiciary Committee meets Monday. It has a large amount of very important work to do. The Committee on Privileges and Elections meet Tuesday, and they have sent word for persons in various parts of the United States to be here on that day. We have framed our business to meet the regular hours of the Senate, and gentlemen do not consider how much they interrupt other business when they change regular hours.

Mr. CULLOM. The only reason why I shall make the motion, if it is in order to make one, is that the final vote is to be taken on Tuesday at 4 o'clock, and, as the Senator from Tennessee has said, there are a number of Senators who desire to speak Monday and Tuesday and this is rather an exceptional case. I, of course, would not like to interrupt the business of committees ordinarily, but I think the Senator from Alabama, under the circumstances, might consent to this arrangement.

Mr. PETTUS. I suggest, if gentlemen want more time, to defer the time for a vote for a day or two days, or until they want to take a vote; but this way of changing hours is no economy. It is a waste of time.

Mr. FORAKER. I ask that we may proceed with the consideration of the committee amendments.

Mr. MASON. Mr. President, I rose during the discussion by the Senator from Indiana [Mr. FAIRBANKS] to ask a question. I have given notice that I desire to speak after the routine business on Tuesday, which was the only hour I found open. I desire now,

in less than two minutes, to ask a question to which some lawyer who is to speak upon the other side of this case will, I hope, reply.

There is no claim, and I shall make no claim when I announce my reason for voting against this bill, that Congress has not legislative power over the Territories. My contention is that the legislative power is limited by the Constitution. I am informed that the distinguished lawyer and Senator from Wisconsin [Mr. SPOONER] is to speak upon this question on Monday. I have great respect for his judgment as a Senator and lawyer, and I want to call his attention to, and I want some explanation of, this point. I am anxious to understand the law. I understand there is a rule in the Senate that you must never mention the Constitution except once, and that is when you swear to support it, and that if you speak of it thereafter——

Mr. SPOONER. The Senator must admit that that rule is violated every hour of every day in the session.

Mr. MASON. Yes; like every other rule of the Senate. They are made for the purpose of being violated.

There is a vast difference between what is proposed here and the taxes levied in Alaska upon theaters, circuses, hotels, etc., spoken of by the distinguished Senator from Indiana. The Constitution does not say taxes shall be uniform. It says, in Article I, section 8, that Congress has the power to lay and collect taxes, duties and excises, etc., but the limitation does not go to taxes. "But all duties, imposts and excises shall be uniform throughout the United States." If not uniform, then it must be levied, if it is an impost duty, under paragraph 2 of section 10 of the same article, which does provide that States may levy an impost duty, but only to the extent of executing its inspection laws.

When we levy this impost duty we do it either as a Congress or a legislature sitting for the Territory of Puerto Rico; and if we exercise it as we do by saying, "coming into Puerto Rico," we exercise it as the legislative power of Puerto Rico. That is clear. If we levy the impost duty and escape section 8 of Article I, we must do it under paragraph 2, which permits a State to levy impost duties. This is the language:

> No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws.

Then, further—

> And the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States.

This bill provides that it shall not be for the benefit of the Treasury of the United States. It provides that it shall be set aside as a special fund in the hands of the President for this particular Territory. I ask the distinguished Senator, when he speaks on Monday, to say whether we levy this impost and export duty under the clause of the Constitution which delegates to Congress the power of levying an impost duty, or whether we levy it under the power conferred by this article, which says that a State or Territory may levy such duties; and, if under the one last mentioned, I ask him if a law is constitutional which provides that the net proceeds of such duties shall go to Puerto Rico, when the Constitution provides that the proceeds of a duty levied in that way must go to the Treasury of the United States and for the benefit of the United States?

I am not contending, and I shall not contend, and I do not consider it necessary for the argument I purpose to make, that the Constitution of its own vigor extends to the Territories. Whether or not I think so as a lawyer will not be discussed, but I ask the Senator to find me one case where the Supreme Court of the United States has said that you may make a law in this Congress that goes to any place in the world and governs any peoples in the world that is in violation of the letter and spirit of the Constitution. Chief Justice Marshall said in the case I have cited to you that wherever our government goes this restriction of the Constitution goes with it; in any place, he says. It may be contended, possibly it will be, that under this other branch of the Constitution we are going to levy this duty; but if you do that, then I insist you are governed by the restriction of the Constitution which says that the net proceeds of any such impost duty shall go to the Government and not the State or Territory which levies it.

Mr. CULBERSON. Mr. President, in view of the request made by the Senator from Ohio [Mr. FORAKER] that speeches on Tuesday shall be limited to fifteen minutes, I think I ought to state that the Senator from Illinois [Mr. MASON] has given notice that he desires to address the Senate on that day after the routine business, and I have asked the Chair to recognize me at the conclusion of the speech of the Senator from Illinois. But I think it proper to state that if it is the wish of the Senate to proceed as indicated by the Senator from Ohio, I shall not insist on speaking at that time.

The Senator from Georgia asks me why I do not speak on Monday. I understand that the Senator from Tennessee [Mr. BATE], the Senator from New York [Mr. DEPEW], and the Senator from Wisconsin [Mr. SPOONER] all expect to address the Senate on that day, and for a young man, unused to the Senate, I did not particularly desire to follow so many distinguished Senators, even if there were time.

The PRESIDENT pro tempore. The next committee amendment will be stated.

The next amendment of the Committee on Pacific Islands and Puerto Rico was to insert as a new section the following:

THE JUDICIARY.

SEC. 31. That the judicial power shall be vested in the courts and tribunals of Puerto Rico as already established and now in operation, including municipal courts, under and by virtue of General Orders, No. 118, as promulgated by Brigadier-General Davis, United States Volunteers, August 16, 1899, and including also the police courts established by General Orders, No. 105, promulgated November 29, 1899, by Brigadier-General Davis, United States Volunteers, and the laws and ordinances of Puerto Rico and the municipalities thereof in force, so far as the same are not in conflict herewith, all which courts and tribunals are hereby continued. The jurisdiction of said courts and the form of procedure in them, and the various officials and attachés thereof, respectively, shall be the same as defined and prescribed in and by said laws and ordinances, and said General Orders, Nos. 118 and 105, until otherwise provided by law: *Provided, however*, That the chief justice and associate justices of the supreme court and the marshal thereof shall be appointed by the President, by and with the advice and consent of the Senate, and the judges of the district courts shall be appointed by the governor, by and with the advice and consent of the executive council, and all other officials and attachés of all the other courts shall be chosen as may be directed by the legislative assembly, which shall have authority to legislate from time to time as it may see fit with respect to said courts, and any others they may deem it advisable to establish, their organization, the number of judges and officials and attachés for each, their jurisdiction, their procedure, and all other matters affecting them.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 32. That Puerto Rico shall constitute a judicial district to be called "the district of Puerto Rico." The President, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal for said district, each for a term of four years, unless sooner removed by the President. The district court for said district shall be called the district court of the United States for Puerto Rico and shall have power to appoint all necessary officials and assistants, including a clerk, an interpreter, and such commissioners as may be necessary, who shall have like power and duties as are exercised and performed by commissioners of the circuit courts of the United States, and shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizant in the circuit courts of the United States, and shall proceed therein in the same manner as a circuit court.

The laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the district court of the United States and the courts of Puerto Rico. Regular terms of said court shall be held at San Juan, commencing on the second Monday in April and October of each year, and also at Ponce on the second Monday in January of each year, and special terms may be held at Mayaguez at such other stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language.

The United States district court hereby established shall be the successor to the United States provisional court established by General Orders, No. 88, promulgated by Brigadier-General Davis, United States Volunteers, and shall take possession of all records of that court, and take jurisdiction of all cases and proceedings pending therein, and said United States provisional court is hereby discontinued.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 33. That writs of error and appeals from the final decisions of the supreme court of Puerto Rico and the district court of the United States shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the supreme courts of the Territories of the United States; and such writs of error and appeal shall be allowed in all cases where the Constitution of the United States, or a treaty thereof, or an act of Congress is brought in question and the right claimed thereunder is denied; and the supreme and district courts of Puerto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district and circuit courts of the United States. All such proceedings in the Supreme Court of the United States shall be conducted in the English language.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 34. That the salaries of all officials of Puerto Rico not appointed by the President, including deputies, assistants, and other help, shall be such, and be so paid out of the revenues of Puerto Rico, as the executive council shall from time to time determine: *Provided, however*, That the salary of no officer shall be either increased or diminished during his term of office. The salaries of all officers and all expenses of the offices of the various officials of Puerto Rico, appointed as herein provided by the President, including deputies, assistants, and other help, shall also be paid out of the revenues of Puerto Rico on the warrant of the auditor, countersigned by the governor.

The annual salaries of the officials appointed by the President, and so to be paid, shall be as follows:

The governor, $8,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Puerto Rico, with the furniture and effects therein, free of rental.

The secretary, $4,000.
The attorney-general, $4,000.
The treasurer, $5,000.
The auditor, $4,000.
The commissioner of the interior, $4,000.
The commissioner of education, $3,000.
The chief justice of the supreme court, $5,000.
The associate justices of the supreme court (each), $4,500.
The marshal of the supreme court, $3,000.
The United States district judge, $5,000.
The United States district attorney, $4,000.
The United States district marshal, $3,500.

Mr. BACON. I should like to ask the Senator from Ohio why the salary of the governor is put at the figure that it is. I understand that the original proposition was $10,000. That has now been modified to $8,000. I understand that is a great deal more than the governors of any of the Territories receive, but I suppose there is reason for it. However, I have not been advised of that reason, and I take the liberty of asking the Senator from Ohio by what they were guided in fixing this amount.

Mr. FORAKER. We were guided in fixing that amount by the fact that the governor of Puerto Rico will have a great deal more work to do than falls to the lot ordinarily of a governor of a Territory. He will be there at the head of a million people, enough, as the Senator thinks, to constitute a State, if other things were equal.

Mr. BACON. No.

Mr. FORAKER. Certainly enough, as he thinks, to put them in a state of pupilage for statehood. I mean make them a Territory.

Mr. BACON. Yes.

Mr. FORAKER. As he suggested this morning. This is not to be compared, as the committee thought, to the ordinary case of a Territory where there would be perhaps only a few thousand people—100,000, or possibly 200,000 at the most. I do not know of any Territory that has that much of a population. Ordinarily we establish a Territorial government when there are but 40,000 or 50,000 people, and perhaps less than that number. In the case of Louisiana and, of course, in the early Territorial governments we established them when there were very few people in the Territory and when conditions were such that they could not pay very large salaries.

But, Mr. President, here is an island which we are giving all these revenues to, and in that way providing for the administration of government, an island where they will be able to pay, and where, until the government is established and in successful operation, the man who is at the head of affairs will have constant and the most arduous labors to perform, requiring the very highest order of ability. It was thought by the committee that was not, under all the circumstances, an unreasonable salary to pay. It was thought that he would earn as large a salary as the governor of any State in the Union would earn, measured by the work he would have to do and by the results that we would expect him to accomplish. The salaries in most of the large States of the Union are larger than the salary named here for this governor. Besides, this is a much less salary than has been paid heretofore to the chief executive officer of the island, and it is a salary that the people of the island are willing to pay, so far as we are advised. No objection coming from the people who pay it, we thought it might be allowed. It is to be paid by the island out of the revenues provided by this act.

Mr. PETTUS. Mr. President, I have proposed an amendment to this section, which has been on file for several weeks. It is to strike out lines 6, 7, 8, 9, and 10, on page 26.

The bill in this particular section provides for the payment of the salaries of the officers of Puerto Rico, and that is well enough. The officers whose salaries I propose to strike out of this section are not officers of Puerto Rico in any proper sense—not in any sense whatever. They are not officers of Puerto Rico; they are officers of the United States in Puerto Rico. They are not charged with any of the business of Puerto Rico. They are charged with the duties which pertain, and pertain alone, to the courts of the United States. Their duties do not concern Puerto Rico any more than the circuit court of the United States in the State of New York concerns the State of New York. It is not put there to execute the laws of New York at all. That is not the purpose of it. It is not a court in any sense pertaining to New York. It is a court organized by the United States to transact its business in New York. There is no more propriety in having the people of Puerto Rico pay these salaries than there is to have the State of Pennsylvania pay the salaries of the United States judges there. Therefore I move to strike it out.

While on this subject, Mr. President, I will just suggest to the Senator from Ohio who has charge of this bill, and who seems to mold it at his will, that if he will make a genuine United States district court in Puerto Rico, give it all the powers of a district court, all the powers of a circuit court, and make it a genuine constitutional court, or give it the constitutional term of the judges, it would confer more benefit on the island than almost anything else he could do.

The PRESIDENT pro tempore. The Senator from Alabama moves to strike out certain lines in the amendment which the Secretary will read.

The SECRETARY. Strike out lines 6, 7, 8, 9, and 10, in the following words:

The United States district judge, $5,000.
The United States district attorney, $4,000.
The United States district marshal, $3,500.

Mr. PETTUS. In order that this amendment may not be misunderstood, I move to strike it out of this section, because the preceding part of the section provides that all these salaries shall be paid out of the treasury of Puerto Rico. I do not make this motion with a view of preventing these salaries from being paid at all. I want to get them out of this section because this section is the one which provides for the payment of salaries to the officers of Puerto Rico. When it is once out of this section there can probably be a provision inserted that they shall be paid out of the Treasury of the United States, and then I should have no objection to the salaries.

Mr. FORAKER. Mr. President, I think there is an eminent propriety in leaving section 34 as it is. It is provided in this bill that all the revenues collected there, although collected by United States officials—that is, by officials appointed by the President—all tariff duties collected in the island, all taxes of every kind, shall be turned over to the insular treasury for the support of that government; and inasmuch as we give them all these revenues, amounting to millions of dollars, there is no hardship in requiring them to pay the salaries of officials who conduct the government and execute the law of Congress in regard to their government. So I hope the amendment of the Senator from Alabama to the amendment of the committee will not prevail.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama [Mr. PETTUS] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. Without objection, the amendment of the committee is agreed to.

The next amendment of the Committee on Pacific Islands and Puerto Rico was to insert the following as an additional section:

SEC. 35. That the provisions of the foregoing section shall not apply to the municipal officials. Their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues in such manner as the legislative assembly shall provide.

The amendment was agreed to.

The next amendment was to insert the following as an additional section:

SEC. 36. That no export duties shall be levied or collected on exports from Puerto Rico; but taxes and assessments on property, and license fees for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by act of the legislative assembly; and where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Puerto Rico or any municipal government therein as may be provided by law to provide for expenditures authorized by law, and to protect the public credit, and to reimburse the United States for any moneys which have been or may be expended out of the emergency fund of the War Department for the relief of the industrial conditions of Puerto Rico caused by the hurricane of August 8, 1899: *Provided, however*, That no public indebtedness of Puerto Rico or of any municipality thereof shall be authorized or allowed in excess of 10 per cent of the aggregate tax valuation of its property.

Mr. ALLEN. I move to strike out of the section, where it speaks of taxation, in line 9, page 27, the word "ten" and insert "five." I think 5 per cent is quite enough.

Mr. FORAKER. I think that 10 is perhaps higher than it ought to be. The situation there is somewhat peculiar, though. I think 7 per cent will perhaps be a good compromise. I appreciate what the Senator has in his mind, and if he will agree upon 7 per cent, I think that would be enough. Five is high enough ordinarily, but just now they have got to issue bonds to a considerable amount.

Mr. ALLEN. Does not this bill exhaust itself in two years?

Mr. FORAKER. By this bill there will be a commission appointed, and they must make a report here at the end of one year after its passage, and the commission are to frame a government, etc.

Mr. ALLEN. I do not think there is any State in the Union that authorizes the bonding of the property of the State or Territory at a rate to exceed 5 per cent of the assessed valuation. That is very high.

Mr. FORAKER. I call the Senator's attention to the fact that General Davis and all others agree that there should be a loan made at once of something like $10,000,000, and that would be 10 per cent of $100,000,000. That is what I had in view when I drafted the provision.

Mr. ALLEN. Will the Senator fix the minimum rate of interest on the bonds?

Mr. FORAKER. All that will be subject to approval by Congress, I suppose. I did not try to fix any minimum rate. The governor and the executive council, I imagine, will be men to whom that can be safely intrusted.

Mr. ALLEN. The only thing I have in mind is to prevent an irresponsible tentative government flooding the island with long-time bonds at high rates of interest.

Mr. FORAKER. I appreciate what is in the Senator's mind and I fully sympathize with his thought. I put it at 10 per cent simply because the testimony was that there would be an immediate necessity for a loan of something like $10,000,000. The necessities were pointed out by General Davis in his testimony, and I

have great faith in all that he said. But I think if 7 per cent were the limit, it would perhaps be enough.

Mr. ALLEN. I will consent to a modification and make it 7 per cent.

Mr. FORAKER. I will accept that if the Senator moves that amendment.

Mr. ALLEN. Let it be 7 per cent. But I do wish the Senator would fix a limit to the length of time the bonds can run and fix a maximum rate of interest.

Mr. FORAKER. I do not know enough about how their securities would be regarded in the market to undertake to deal with that in this law. I hope that the President will appoint a governor and executive council to whom that can be safely intrusted.

Mr. CULLOM. Will the Senator from Ohio yield to me for a moment?

Mr. FORAKER. Is it in regard to this matter?

Mr. CULLOM. No, sir; it is not.

Mr. FORAKER. Then let this change be put in first.

Mr. CULLOM. I wish simply to state that the junior Senator from Alabama [Mr. PETTUS] has withdrawn his objection to meeting on Monday at 11 o'clock, and I move that when the Senate adjourn to-day it adjourn to meet at 11 o'clock on Monday.

The PRESIDENT pro tempore. The Senator from Illinois moves that when the Senate adjourn to-day it adjourn to meet at 11 o'clock on Monday.

The motion was agreed to.

The PRESIDENT pro tempore. The Senator from Nebraska moves to strike out "ten" and insert "seven," in line 9, on page 27.

Mr. FORAKER. I accept that.

The PRESIDENT pro tempore. Without objection, it is agreed to. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next amendment of the committee will be stated.

The SECRETARY. Insert as an additional section the following:

SEC. 37. That the qualified voters of Puerto Rico shall, on the first Tuesday after the first Monday of November, A. D. 1900, and every two years thereafter, choose a resident commissioner to the United States, who shall be entitled to official recognition as such by all Departments, upon presentation to the Department of State of a certificate of election of the governor of Puerto Rico, and who shall be entitled to a salary, payable monthly by the United States, at the rate of $5,000 per annum: *Provided*, That no person shall be eligible to such election who is not a bona fide citizen of Puerto Rico, who is not 30 years of age, and who does not read and write the English language.

Mr. BACON. I do not know whether the Senator from Ohio desires to press that amendment now in the face of the fact that it will be opposed.

Mr. FORAKER. If it is likely to meet any extended opposition and extended debate, it may be passed over. I understand that there are Senators here who prefer that this amendment should not be adopted, but I hoped that they might not care to argue it, because it is only a part of what has been determined upon in other portions of the bill, and I thought they might be satisfied with voting against it.

Mr. BACON. I regard it as the most radical and vital section of the bill.

Mr. FORAKER. Very well; I shall be glad to pass it over, then, until Monday. I want to hurry through with everything we can agree upon in order that I may have a reprint of the bill.

Mr. BACON. Exactly. I hope the Senate will have time to take up that section on Monday, because, as I said, it is an extremely important one, and it makes two very radical changes. It is a new departure, so far as legislation in this country is concerned. One change is that it denominates these people as citizens of Puerto Rico and does not accord to them the privilege of citizenship. That is a repetition really of what is another section. Am I correct? I call the attention of the Senator from Ohio to the fact that the language in that section is partially the same and covers the same ground as to citizenship as that in section 4, which has not yet been agreed to.

Mr. FORAKER. Very well. I will pass this amendment over. I think that course would be better.

Mr. BACON. It also goes to the extent of denying to these people the right of representation by a Delegate, and provides for a commissioner in the place of a Delegate.

The PRESIDENT pro tempore. The amendment proposed as section 37 will be passed over. The Secretary will read the next amendment.

The SECRETARY. It is proposed to add as an additional section the following:

SEC. 38. That a commission, to consist of three members, at least one of whom shall be a native citizen of Puerto Rico, shall be appointed by the President, by and with the advice and consent of the Senate, to compile and revise the laws of Puerto Rico; also the various codes of procedure and systems of municipal government now in force, and to frame and report such legislation as may be necessary to make a simple, harmonious, and economical government, establish justice and secure its prompt and efficient administration, inaugurate a general system of education and public instruction, provide buildings and funds therefor, equalize and simplify taxation and all the methods of raising revenue, and make all other provisions that may be necessary to secure and extend the benefits of a republican form of government to all the inhabitants of Puerto Rico; and all the expenses of such commissioners, including all necessary clerks and other assistants that they may employ, and a salary to each member of the commission at the rate of $5,000 per annum, shall be allowed and paid out of the treasury of Puerto Rico as a part of the expenses of the government of Puerto Rico. And said commission shall make full and final report of all its proceedings and recommendations to the Congress on or before one year after the passage of this act.

Mr. ALLEN. I move to insert, after the words "Puerto Rico," in line 12, page 28, the words "which shall be in the English language."

Mr. BACON. I do not think it would be proper to limit it to the English language. It would be very much in the condition of the lawmaker who hung his laws so high that the people could not read them.

Mr. FORAKER. Let me understand the amendment proposed by the Senator.

Mr. BACON. The laws certainly ought also to be published in Spanish, if we expect the people who are to be governed by them to understand them.

Mr. ALLEN. It is not my purpose to require a translation into the Spanish language. All official communications, in my judgment, ought to be in the English language, and all judicial procedure should be in the English language.

Mr. FORAKER. I think the laws of Puerto Rico, in view of the fact that 95 per cent of the people speak the Spanish language and no other, ought to be printed also in the Spanish language—that is, for the time being.

Mr. ALLEN. I do not object to that.

Mr. SPOONER. I remind the Senator from Ohio that for many years the laws of New Mexico were printed in both the Spanish and English languages.

Mr. FORAKER. What I was going to say is that I will agree to an amendment——

Mr. ALLEN. What I want is simply that the official copy shall be printed in English, and the judicial procedure. That is all.

Mr. FORAKER. I suggest that after the words "Puerto Rico" there be inserted "in both the English and Spanish languages."

Mr. ALLEN. Very well; shall be printed in both English and Spanish.

Mr. BACON. Where does the Senator propose to insert that?

Mr. FORAKER. After the words "Puerto Rico;" so as to read "to compile and revise the laws of Puerto Rico and prepare the same in both the English and Spanish languages."

Mr. BACON. I wish to suggest to the Senator that if inserted at that point, it would not include the other publications which are provided for in this section; it would not include those in the subsequent sentence to the effect that all of the publications which are to be made by this commission shall be in both the Spanish and in the English languages, because the Senator will perceive that there are a number of things required to be compiled by the commission which are not specified preceding line 12, but, on the contrary, they are specified subsequent to line 12.

Mr. FORAKER. If it will meet the approval of Senators, I will suggest that we add at the end of the section:

And all the proceedings of said commission shall be published in both the English and Spanish languages.

Mr. SPOONER. What does the Senator mean by proceedings?

Mr. BACON. I think that is an objectionable word.

Mr. FORAKER. The proceedings of the commissioners would require the revising and the codifying of the laws and the codes of procedure and all the systems of jurisprudence, etc.

Mr. SPOONER. In order that when laid before the legislature and before the people, they may be intellectually accessible to all classes?

Mr. FORAKER. Yes. I think the amendment I have suggested at the end of the section will meet the requirements of the case.

The PRESIDENT pro tempore. The Senator from Ohio proposes an amendment, which will be stated.

The SECRETARY. At the end of section 38 add:

And all the proceedings of the said commissioners shall be published in the English and Spanish languages.

Mr. CHANDLER. "Proceedings and recommendations."

Mr. BACON. Compilations.

Mr. FORAKER. I thought the word "proceedings" would cover everything.

Mr. CHANDLER. If the Senator from Ohio will look he will see he uses the words "proceedings and recommendations" two lines before; and if he now provides that there shall be published in both languages only the proceedings, it would by implication exclude the recommendations, and the recommendations are the very things that ought to be in both languages.

Mr. FORAKER. Now, before we make any other suggestion, let us understand it. I do not suppose there is any necessity in having it reported to Congress in the Spanish language.

Mr. BACON. I will suggest to the Senator that he use the

words "compilations, revisions." If used after the word "proceedings," in line 3, on page 29, they would cover the requirements, for the commission are required to compile and revise; consequently their work would consist of compilations and revisions.

Mr. FORAKER. But before that provision comes another duty which is imposed upon the commission; that is, of also compiling and revising the various codes; and the language employed would cover that.

Mr. BACON. The words "compilations, revisions," I think will answer. The commission do not legislate.

Mr. FORAKER. Very well; I will accept that suggestion.

Mr. SPOONER. If the Senator will permit me, I hardly see the necessity of the publication of the proceedings of a commission revising statutes.

Mr. FORAKER. I have withdrawn that and accepted the wording suggested by the Senator from Georgia [Mr. BACON].

Mr. SPOONER. If the Senator will pardon me, it has many times happened, and it has been very valuable, that where commissions were appointed to revise the statutes of a State they have reported their recommendations, and have accompanied their reports with explanatory notes as to what the law was, and the changes that had been made; and I think if the Senator—I hope that idea will commend itself to him—will change the language so as to embrace all reports the commission may make—that is, that when they recommend a provision they shall accompany it with explanatory notes showing the changes and the reasons for the changes—that will probably more effectually accomplish what the Senator desires than the language employed in the bill as it now stands.

Mr. FORAKER. I will direct the Senator's attention, if he will allow me, to the last sentence of that section, on page 29, which now reads:

And said commission shall make full and final report of all its proceedings and recommendations to the Congress on or before one year after the passage of this act.

Why not insert there—would it not answer the purpose?—the additional words "make a full and final report of all its proceedings, revisions, compilations, and recommendations in both the English and Spanish languages?"

Mr. SPOONER. As this report is to be made to Congress, and as we are to act upon it, we ought to be advised of the reasons which lead the commission to make changes—a statement of the law as it was and the reasons why they make their emendations.

Mr. FORAKER. With notes.

Mr. SPOONER. With explanatory notes.

Mr. FORAKER. Yes. It would then read:

And said commission shall make full and final report, in both the English and Spanish languages, of all its proceedings, revisions, compilations, and recommendations, with explanatory notes, to the Congress on or before one year after the passage of this act.

Mr. SPOONER. I do not know what would be regarded as "proceedings" in contradistinction to "explanatory notes." Of course, when the commissioners meet they take the text of the law and discuss it from various standpoints, and they arrive at a conclusion.

Mr. BACON. Would it not be well to insert the word "record?"

Mr. SPOONER. This is the record. "Explanatory notes" covers all of that.

Mr. FORAKER. I think that will answer.

Mr. SPOONER. "Revisions, with explanatory notes," would cover it all.

Mr. FORAKER. Then I move, to meet the suggestion of Senators, on page 29, section 38, line 4, after the word "report," to insert "in both the English and Spanish languages;" then, in the same line, after the word "proceedings," to insert "revisions, compilations;" and in the same line, after the word "recommendations," to insert "with explanatory notes;" so that the sentence as amended would read as follows:

And said commission shall make full and final report, in both the English and Spanish languages, of all its proceedings, revisions, compilations, and recommendations, with explanatory notes, to the Congress on or before one year after the passage of this act.

Mr. SPOONER. If the Senator will permit me a moment, it appears to me that it is almost impossible to make a record of the details of the proceedings of a commission to revise statutes. If the Senator will strike out the words "proceedings and," before the word "recommendations," in line 4, so that it will read "recommendations, with explanatory notes, showing the changes and the reasons therefor," that will give to us everything that will enable us to act intelligently upon the report of the commission.

Mr. FORAKER. Then you would have it read "in all its revisions, compilations, recommendations," etc.?

Mr. SPOONER. "With explanatory notes as to the changes, and the reasons therefor."

Mr. FORAKER. "With explanatory notes as to the changes and the reasons therefor?"

Mr. SPOONER. Yes, sir.

Mr. FORAKER. I suppose that information would be in the report, of course; but if that is satisfactory, I will insert the words in that form.

Mr. CHANDLER. I should like to ask the Senator from Ohio to restate his last revision, so that we may understand it before voting upon it.

Mr. FORAKER. I was about to ask the privilege of doing that. The proposition is to insert, in line 4, on page 29, section 38, after the word "report," the words "in both the English and Spanish languages;" in the same line, after the word "its," to strike out "proceedings" and at that place insert "revisions, compilations;" in the same line, after the word "recommendations," to insert "with explanatory notes as to the changes and the reasons therefor."

Mr. BACON. Mr. President, that amendment being disposed of—

The PRESIDENT pro tempore. The amendment is not disposed of as yet.

Mr. BACON. I understood it was.

Mr. FORAKER. I agreed to it, so far as I was concerned.

The PRESIDENT pro tempore. But the clerks at the desk have not stated the amendment. The amendment will be stated to the Senate from the desk.

The SECRETARY. In section 38, on page 29, line 4, after the word "report," it is proposed to insert "in both the English and Spanish languages;" in the same line, after the word "its," to strike out "proceedings" and insert "revisions, compilations;" and in the same line, after the word "recommendations," to insert "with explanatory notes as to the changes and the reasons therefor;" so that the clause, if amended as proposed, would read:

And said commission shall make full and final report in both the English and Spanish languages of all its revisions, compilations, and recommendations, with explanatory notes as to the changes and the reasons therefor, to the Congress on or before one year after the passage of this act.

The amendment to the amendment was agreed to.

Mr. BACON. I want to call the attention of the Senator from Ohio to the fact that while that makes a very proper and satisfactory disposition of the manner in which the report shall be made and of the languages in which it shall be made, there still remains unprovided for in this section what I think is very important, to wit: That these compilations and revisions themselves—not simply the report of them, but the compilations and revisions themselves—should be published both in Spanish and in English; and I would suggest to the Senator that there ought to be language, if not at that particular place, at some other point in the section, which would make provision for this very essential requirement.

Mr. FORAKER. I supposed that was the proper interpretation of this language. The commission can not very well make a full report of the revisions and compilations without publishing the reports and compilations themselves. I think the provision as it stands covers the matter.

Mr. BACON. Of course it would be true that the commission would report to Congress in both languages; but does the Senator understand that that covers the publication which would be required for local use? Of course it is not necessary to report in both languages to Congress.

Mr. FORAKER. Until Congress takes final action upon the report of the commission, of course the acts recommended would not be the law, and I suppose there would be some changes made.

Mr. BACON. Possibly the latter suggestion of the Senator is the proper one.

The PRESIDENT pro tempore. The question is on agreeing to the amendment inserting section 38 as it has been amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The SECRETARY. It is proposed to insert as section 39 the following:

SEC. 39. That this act shall take effect and be in force from and after the 1st day of April, 1900.

The PRESIDENT pro tempore. There is an amendment to that section, which will be stated.

The SECRETARY. On page 29, line 8, in section 39, after the words "day of," it is proposed to amend by striking out "April" and inserting "May;" so as to read: "1st day of May, 1900."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FORAKER. I ask to go back to the beginning of the bill and to act upon the recommendation of the committee that the preamble immediately preceding the enacting clause be stricken from the bill.

The PRESIDENT pro tempore. After the bill has been finally passed, a motion will be in order to strike out the preamble.

Mr. FORAKER. Perhaps that will be the better practice. I will pass that. Then I move that the bill be amended so as to strike out the word "Puerto" wherever it occurs and insert "Porto," so that it will read "Porto Rico" instead of "Puerto Rico."

The PRESIDENT pro tempore. The Senator from Ohio moves that wherever the name of the island occurs as "Puerto Rico" it be changed to "Porto Rico." Without objection, that will be agreed to.

Mr. FORAKER. Now, Mr. President, on page 4 I want to strike out, at the end of line 17, the word "such," and I want to strike out the same word in line 19 on that page.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 3, on page 4, line 17, after the word 'all," it is proposed to strike out "such;" and in line 19, after the word "any," to strike out "such;" so as to read:

And from and after such date all merchandise and articles shall be entered at the several ports of entry free of duty; and in no event shall any duties be collected after the 1st day of March, 1902.

Mr. BACON. What is the end to be accomplished by that, I inquire of the Senator?

Mr. FORAKER. It is to make it more definite and certain. Speaking of the last provision first (as I have that before me), that after the 1st day of March, 1902, there shall not be collected any duties levied on goods going into Puerto Rico or coming from there into the United States—and the other relates, as it now reads, to certain goods previously described—I want to make it certain that on no goods going or coming, either way, shall there be any duties levied. That is the only purpose.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Ohio.

Mr. ALLEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator rise to this amendment?

Mr. ALLEN. Yes, sir; I want to ask the Senator from Ohio if he calculates to change the title or name of the government of Puerto Rico?

Mr. FORAKER. I have indicated an amendment that I shall ask to have made after the bill is passed. I understand that, according to the practice and the rule, the title and the preamble are never acted upon until after action is had upon the passage of a bill.

Mr. ALLEN. I am speaking more particularly of the classification of the government, whether it is to have a definite legal status and definition.

Mr. FORAKER. No; if the Senator will look at the bill, he will see printed there the amendment I propose to offer at the proper time.

Mr. ALLEN. In other words, yesterday I called the attention of the Senator from Ohio to the fact that this island was entitled to a Territorial government, and I asked him to consent to the insertion of the word "Territory," so as to make the legal proceedings there run in the name of the "Territory of Puerto Rico," which he declined. I asked him to assent to strike out the words "the people of Puerto Rico" and to insert "Territory of Puerto Rico," which he declined; and he added in that connection that, under the treaty by which we acquired that island, the people of Puerto Rico were not entitled to a Territorial government in the ordinary acceptation of that term, but were only entitled to such a government as Congress saw fit to give to them.

Now, I do not want to unnecessarily consume the time of the Senate, but I think it important that I should call attention to the fact that the words "territory" and "territories" are used six or seven different times in this treaty; and the word "territories" is used in a connection that would indicate as strongly as language is capable of indicating that the people of that island are entitled to a Territorial form of government. These references are to be found in the treaty. In Article IX of the treaty the following language will be found:

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom.

In the latter part of the same article the word "territory" is again used. In Article X this language is found:

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

So the word "territories" also occurs twice in Article XVI, once in Article XIV, and, I think, in several other articles, indicating clearly that the government to be given those people was an ordinary Territorial government, such as we have given to newly acquired territory.

The PRESIDENT pro tempore. Will the Senator suspend one moment? The Senator from Ohio [Mr. FORAKER] proposes to strike out the word "such" in two places in section 3, and the decision of the Senate has not been announced on that amendment. The Chair asked the Senator from Nebraska if he rose to that amendment, and the Chair understood him to say that he did.

Mr. ALLEN. I did not understand the Chair. We do not hear back here very clearly.

The PRESIDENT pro tempore. The words suggested by the Senator from Ohio [Mr. FORAKER], without objection, will be stricken out. The Chair now recognizes the Senator from Nebraska [Mr. ALLEN].

Mr. FORAKER. If the Senator will allow me, for fear I may forget to do it later, I wish to ask to have a reprint of the bill made, with all the amendments as they have been adopted, so that we may have the bill as it now stands on our desks on Monday morning.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered. The Senator from Nebraska [Mr. ALLEN] is entitled to the floor.

Mr. ALLEN. I was about through, Mr. President. I will merely add a few words more. I had hoped to be able to call the attention of the Senator from Ohio to the matter so plainly that he could not escape taking some steps to perfect this bill; but if the Senator from Ohio in charge of this bill announces that it is not his purpose nor the policy of his party to give to the Puerto Ricans an ordinary Territorial government, then I suppose those of us who disagree with him will have to content ourselves with voting in the negative when this bill is upon its final passage.

The Senator said yesterday there were certain reasons why that could not be done, and he insisted if I would look in the RECORD this morning I would see those reasons. I have read very carefully the portion of the RECORD containing the remarks of the Senator upon this subject, and I find an entire absence of any reason why the people of Puerto Rico should not be given a Territorial government.

Mr. FORAKER. Mr. President, the amendments which have been adopted, I believe, perfect the bill, except only as to the sections which have been passed over. The only sections passed over, as I understand it—I will state them in their proper order—are sections 6 and 7 and section 37. Is there any other?

Mr. BACON. Sections 2 and 3 have not been agreed to.

Mr. FORAKER. Sections 2 and 3 were adopted as they stand, subject to the right of the Senator from Georgia to move to strike them out.

Mr. BACON. Yes; and to insert.

Mr. FORAKER. The other sections have been adopted. I suppose, however, all of them will be open to amendment in the Senate.

Mr. BACON. Yes.

Mr. FORAKER. I was speaking of their status at this time.

Mr. BACON. Section 6 has not been agreed to.

Mr. FORAKER. Neither section 6 nor section 7 has been agreed to; but sections 2 and 3 were agreed to, subject to amendment, and section 37 has been passed.

Now I yield to the Senator from Alabama.

EXECUTIVE SESSION.

Mr. PETTUS. I move that the Senate adjourn.

Mr. CHANDLER. I ask the Senator if he will kindly change his motion to one for an executive session, which will take not over five minutes?

Mr. PETTUS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, April 2, 1900, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 31, 1900.

PROMOTIONS IN THE ARMY—INFANTRY ARM.

To be captains.

First Lieut. Charles Miller, Sixteenth Infantry, February 2, 1900, vice French, Second Infantry, retired from active service.

First Lieut. John R. Seyburn, Eighth Infantry, February 3, 1900, vice Frost, Twenty-second Infantry, appointed paymaster, United States Army, who resigns his line commission only.

First Lieut. Truman O. Murphy, Tenth Infantry, February 5, 1900, vice Smith, Nineteenth Infantry, deceased.

To be first lieutenants.

Second Lieut. Charles E. Morton, Twenty-second Infantry, February 2, 1900, vice Miller, Sixteenth Infantry, promoted.

Second Lieut. Van Leer Wills, Twelfth Infantry, February 3, 1900, vice Seyburn, Eighth Infantry, promoted.

Second Lieut. Ethelbert L. D. Breckinridge, Seventh Infantry, February 5, 1900, vice Murphy, Tenth Infantry, promoted.

Second Lieut. Garrison McCaskey, Twenty-fifth Infantry, February 11, 1900, vice Munton, Twelfth Infantry, deceased.

APPOINTMENT IN THE VOLUNTEER ARMY.

To be assistant surgeon with the rank of first lieutenant.

Gustave Moret, of Puerto Rico (late acting assistant surgeon, United States Army), March 30, 1900, to fill an original vacancy, Puerto Rico Regiment, United States Volunteer Infantry.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 31, 1900.

ASSISTANT COMMISSIONER OF PATENTS.

Walter H. Chamberlin, of Chicago, Ill., to be Assistant Commissioner of Patents.

COLLECTOR OF CUSTOMS.

Stuart F. McClearn, of Massachusetts, to be collector of customs for the district of Marblehead, in the State of Massachusetts.

PROMOTIONS IN THE NAVY.

Capt. Charles S. Cotton, to be a rear-admiral in the Navy, from the 27th day of March, 1900.

Lieut. Commander Edward B. Barry, to be a commander in the Navy, from the 9th day of March, 1900.

Lieut. John M. Orchard, to be a lieutenant-commander in the Navy, from the 18th day of February, 1900.

Lieut. John N. Jordan, to be a lieutenant-commander in the Navy, from the 9th day of March, 1900.

Commander Henry W. Lyon, to be a captain in the Navy, from the 27th day of March, 1900.

Lieut. Augustus F. Fechteler, to be a lieutenant-commander in the Navy, from the 27th day of March, 1900.

APPOINTMENT IN THE NAVY.

Christian Joy Peoples, a citizen of California, to be an assistant paymaster in the Navy, from the 27th day of March, 1900.

APPOINTMENTS IN THE MARINE CORPS.

To be second lieutenants.

William Garland Fay, a citizen of New York;
Robert Yancey Rhea, a citizen of Kentucky;
Frank Jacob Schwable, a citizen of Ohio;
Eli Thompson Fryer, a citizen of New Jersey;
Thomas Holcomb, jr., a citizen of Delaware; and
John P. V. Gridley, a citizen of Pennsylvania.

APPOINTMENT IN THE ARMY.

To be chaplain.

Rev. Barton W. Perry, of California, March 24, 1900.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. Henry J. Hunt, Sixth Infantry, to be captain, January 29, 1900.

Second Lieut. James B. Allison, Seventh Infantry, to be first lieutenant, January 29, 1900.

Second Lieut. John L. De Witt, Twentieth Infantry, to be first lieutenant, January 29, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant quartermaster with the rank of captain.

Alvan C. Gillem, of Tennessee (late major, First Tennessee Volunteers), March 24, 1900.

Fortieth Infantry.

First Sergt. Lochlin W. Caffey, Company B, Fortieth Infantry, to be second lieutenant, March 20, 1900.

First Sergt. William Winston, jr., Company L, Fortieth Infantry, to be second lieutenant, March 20, 1900.

PROMOTIONS IN THE VOLUNTEER ARMY.

Thirty-seventh Infantry.

Capt. Benjamin M. Koehler, Thirty-seventh Infantry, to be major.

First Lieut. Charles H. Sleeper, Thirty-sevepth Infantry, to be captain.

Second Lieut. Samuel B. McIntyre, Thirty-seventh Infantry, to be first lieutenant.

POSTMASTERS.

A. W. Fletcher, to be postmaster at Highland Park, in the county of Lake and State of Illinois.

James L. Moorhead, to be postmaster at Boulder, in the county of Boulder and State of Colorado.

J. W. Harvey, to be postmaster at Monrovia, in the county of Los Angeles and State of California.

Emma Hapgood, to be postmaster at Marysville, in the county of Yuba and State of California.

Oliver P. Kendrick, to be postmaster at West Brookfield, in the county of Worcester and State of Massachusetts.

F. Horton Johnson, to be postmaster at Vineyard Haven, in the county of Dukes and State of Massachusetts.

Fred H. Atwood, to be postmaster at Rumford Falls, in the county of Oxford and State of Maine.

E. O. Dewey, to be postmaster at Owosso, in the county of Shiawassee and State of Michigan.

William H. Pierce, to be postmaster at Winchendon, in the county of Worcester and State of Massachusetts.

Edmund W. Nutter, to be postmaster at East Bridgewater, in the county of Plymouth and State of Massachusetts.

Gilbert W. Randall, to be postmaster at Newman Grove, in the county of Madison and State of Nebraska.

Bernard Monnich, to be postmaster at Hooper, in the county of Dodge and State of Nebraska.

Walter W. Harrington, to be postmaster at North Branch, in the county of Lapeer and State of Michigan.

Herbert Lloyd, to be postmaster at Chapel Hill, in the county of Orange and State of North Carolina.

Merrill Hosmer, to be postmaster at Potsdam, in the county of St. Lawrence and State of New York.

William Royer, to be postmaster at Seward, in the county of Seward and State of Nebraska.

Henry F. Hershey, to be postmaster at Steelton, in the county of Dauphin and State of Pennsylvania.

Daniel G. Engle, to be postmaster at Marietta, in the county of Lancaster and State of Pennsylvania.

Charles A. Hartley, to be postmaster at Pomeroy, in the county of Meigs and State of Ohio.

J. K. P. Marshall, to be postmaster at Cleveland, in the county of Bradley and State of Tennessee.

William D. Williams, jr., to be postmaster at McDonald, in the county of Washington and State of Pennsylvania.

Henry D. Ruth, to be postmaster at Lansdale, in the county of Montgomery and State of Pennsylvania.

Henry J. Goddard, to be postmaster at Chippewa Falls, in the county of Chippewa and State of Wisconsin.

Charles P. Ziegenhals, to be postmaster at Bastrop, in the county of Bastrop and State of Texas.

James I. Carter, to be postmaster at Arlington, in the county of Tarrant and State of Texas.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 31, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROWN, for ten days, on account of important business.

FISHING FOR MUSSELS—THE YACHT ANDRIA.

Mr. GROSVENOR. Mr. Speaker, I am authorized by the Committee on Merchant Marine and Fisheries to report back House bill 8246 and House bill 5026, with the request that they lie upon the table, and I ask unanimous consent that the action of the committee be agreed to.

The SPEAKER. The Clerk will report the titles to the bills.

The Clerk read as follows:

A bill (H. R. 8246) to regulate the fishing for mussels in the fresh waters of the United States.

A bill (H. R. 5026) to extend the privileges of section 4216 of the Revised Statutes to the yacht *Andria*.

The SPEAKER. The gentleman from Ohio, chairman of the Committee on Merchant Marine and Fisheries, by direction of that committee, asks that these bills lie upon the table. If there is no objection, that order will be made.

There was no objection.

DAM BETWEEN COON RAPIDS AND THE NORTH LIMITS OF THE CITY OF MINNEAPOLIS, MINN.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9713) permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minn., across the Mississippi River.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of House bill 9713, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Twin City Rapid Transit Company, its successors or assigns, to construct across the Mississippi River, at any point between Coon Rapids and the north line of the limits of the city of Minneapolis, a dam, canal, and works necessarily incident thereto, for water-power purposes. The said dam shall be so constructed that there can, at any time, be constructed in connection therewith a suitable lock for navigation purposes: *Provided also*, That the Government of the United States may, at any time, take possession of said dam and appurtenant works and control the same for purposes of navigation by paying the said company the value not exceeding the actual cost of the same, but shall not do so to the destruction of the water power created by said dam to any greater extent than may be necessary to provide proper facilities for navigation: *Provided further*, That the works shall be constructed so as to provide for the free passage of saw logs. The said Twin City Rapid Transit Company shall make such change and modification in the works as the Secretary of War may, from time to time, deem necessary in the interests of navigation, at its own cost and expense: *Provided further*, That in case any litigation arises from the obstruction of the channel by the dam, canal, or appurtenant works, the case may be tried in the proper Federal court of the United States in which the works are situated.

SEC. 2. That the right to amend, alter, or repeal this act is hereby expressly reserved: *And provided further*, That suitable fishways, to be approved by the United States Fish Commissioner, shall be constructed and maintained at said dam by the Twin City Rapid Transit Company, its successors or assigns.

SEC. 3. That this act shall become null and void unless the dam herein authorized be commenced on or before the 1st day of July, 1901, and be completed within three years thereafter.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman from Minnesota if the bill is supported by the committee and whether the Secretary of War has recommended it?

Mr. FLETCHER. I will say to the gentleman from New York that it was the unanimous report of the Committee on Interstate and Foreign Commerce, and has had the sanction of the Secretary of War. This was a bill passed two years ago, and is simply to extend the time until the work may be completed. There has been some delay in getting the rights of flowage——

Mr. LACEY. I would like to ask the gentleman if the bill makes provision for fishways?

Mr. FLETCHER. It does, on the suggestion of the gentleman from Iowa himself.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. FLETCHER, a motion to reconsider the last vote was laid on the table.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills. I would like to see if we can make some arrangement as to the time for general debate, and I ask unanimous consent that general debate be limited to two hours and a half, the time to be equally divided between the two sides, to be controlled on that side by the gentleman from Colorado [Mr. BELL] and on this side by myself.

The SPEAKER. The gentleman from Indiana asks unanimous consent, pending the motion to go into Committee of the Whole, that general debate upon this bill be limited to two and one-half hours, the time to be equally divided between the two sides, and to be controlled by himself and the gentleman from Colorado [Mr. BELL].

Mr. BELL. I suppose it is understood that we may take a vote at any time before the end of the two hours and a half?

Mr. HEMENWAY. Certainly. If the time is not consumed, I shall move that the committee rise.

The SPEAKER. It will be understood that the reading of the bill by sections will commence, if the time allowed for general debate is not consumed. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. HEMENWAY to go into Committee of the Whole was then agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GROSVENOR in the chair, for the consideration of appropriation bills.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of an appropriation bill which the Clerk will report.

The Clerk read as follows:

Bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. HEMENWAY. Mr. Speaker, this bill carries, in round numbers, $7,000,000. The estimates amounted to $11,500,000. The bill carries less than the estimates $4,635,000.

Mr. BELL. Has the gentleman obtained leave to dispense with the first reading of the bill?

Mr. RICHARDSON. The bill ought to be read.

Mr. HEMENWAY. I will ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent to incorporate the report of the committee as a part of my remarks, which will itself explain the bill. I only desire to say in explanation of this bill that the committee reduced the estimates for the reason that we believe that we can manufacture guns in our own factories cheaper than we can buy them. We are manufacturing at our own gun factory an 8-inch gun at a cost of nearly $5,000 less than we could buy them for by contract. We are manufacturing a 10-inch gun at a cost of $7,500 less than we could buy them for under contract; and we are making a 12-inch gun at $15,000 less than we have bought them for in the past under contract.

So in this bill we undertook to provide sufficient appropriations to keep our gun factory running eight hours each day. This appropriation will provide sufficient material for that purpose. We believe it is economy to appropriate no larger sum than may be absolutely necessary to keep our gun and carriage factory at work.

Now, if there are any questions——

Mr. LIVINGSTON. I want to ask the gentleman in charge of this bill whether the subcommittee carefully considered the demand made for repairs of fortifications, and does the bill carry an ample sum to put in good shape those fortifications which are so much out of repair?

Mr. HEMENWAY. For repairs of fortifications we give the amount of the estimates; and in addition there is an appropriation made for repairs at Fort Caswell, N. C.

Mr. LIVINGSTON. Some specific appropriations?

Mr. HEMENWAY. Yes, sir. For instance, we appropriate specifically for repairs at Fort Caswell, N. C.

Mr. LIVINGSTON. At line 5, on the same page, I find this clause:

For protection, preservation, and repair of fortifications for which there may be no special appropriation available, $100,000.

Mr. HEMENWAY. That is the ordinary appropriation

Mr. LIVINGSTON. Is it ample?

Mr. HEMENWAY. It is ample for the purpose.

I am requested to make a statement showing the progress of coast-defense work. We shall have—well, I may say we now have, because on March 13 the work was complete—85 12-inch guns in place; we have 118 10-inch guns; 94 8-inch guns; 308 rapid-firing guns, and 344 12-inch mortars. The manner of mounting our modern coast-defense guns is altogether different from the old method of mounting such guns. A 12-inch gun is now mounted simply in a hole in the ground prepared for it upon a disappearing carriage, as we call it. The carriage revolves upon a circle upon which the degrees are marked out—north, east, south, and west.

When we desire to fire this gun it is sighted while down in the hole. The range finder reports at sea, 4 miles away, at 10° east of north, a vessel. Then the gun is swung around on the carriage to the point desired, so many degrees east of north as given by the range finder. Then they go to the breech of the gun and give it the proper elevation to shoot 4 miles. They then operate the rachet and the gun tips up out of the hole and fires. If the range finder does his duty, the shot hits every time. That is the difference between the present manner of mounting guns and the old way, when they had to fire out of portholes.

I am asked as to the cost of a 12-inch gun with disappearing carriage. I will say that two 12-inch guns may be mounted now on disappearing carriages at a cost of about $250,000. It costs to mount these same guns on what we call the gun lift $500,000. By means of the disappearing carriage the firing can be more accurate and rapid, and the range of the gun is much greater, as by means of the disappearing carriage you can have an all-round fire—you can fire in any direction. Of course there are only a few places where guns so mounted for all-round firing are of any great advantage; but there are a few such places. Gentlemen can readily see the great saving to the Government accomplished through the invention of the disappearing carriage, because by means of it one gun may be fired in any direction, while with the old gun lift this could not be done.

While we have been criticised for not making appropriations more rapidly for coast defense, the fact has been developed that had large appropriations been made in the past 50 per cent of the money would have been thrown away.

The report of the committee to which I have referred is as follows:

The Committee on Appropriations, in presenting the accompanying bill making appropriations for fortifications and other works of defense, and for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, submit the following in explanation thereof:

The estimates on which the bill is based will be found in the Book of Estimates for the fiscal year 1901, pages 229, 233, and aggregate $11,728,938, of which sum there is recommended in the accompanying bill appropriations amounting to $7,093,488.

During the Forty-ninth Congress (fiscal years 1887 and 1888) no appropriations were made on account of fortifications, their maintenance or armament, and for the twelve fiscal years 1875 to 1886, inclusive, the appropriation by Congress on this account averaged only $540,750 per annum, and only $463,500 per annum for the fourteen years, including 1887 and 1888, for which latter two fiscal years no specific appropriations were made, as stated.

The bill reported herewith contains appropriations in continuance of the policy adopted by the Fiftieth Congress in the passage of the acts approved September 22, 1888, and March 2, 1889, and by the Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses in acts approved August 18, 1890; February 24, 1891; July 23, 1892; February 18, 1893; August 1, 1894; March 2, 1895; June 6, 1896; March 3, 1897; May 7, 1898, and March 3, 1899.

The appropriations by said acts for the twelve fiscal years 1889-1900 aggregate $53,671,649.50, or an average of $4,472,637.46 per annum.

Of the whole sum, $53,671,649.50, appropriated by the fortification acts covering the twelve fiscal years 1889-1900 the sum of $31,182,425 was appropriated in the four fortification acts enacted by the last and preceding Congress.

The fortification appropriation acts enacted at the last Congress appropriated $14,287,396, in addition to which amount sums aggregating $8,674,898 were provided in deficiency appropriation acts for fortifications and the armament thereof, and the further sum of $12,865,840.60 was allotted for the same objects from the general appropriation of $50,000,000 made for the national defense in

the act of March 9, 1898, making in all $35,826,134.00 available for fortifications and the armament thereof under appropriations made at the last Congress.

The total appropriations made for fortifications and other works of defense since 1888, and since the recommendations of the Endicott board of 1885, including the appropriations made in deficiency acts and allotments made from the national defense fund, amount to $75,212,388.10.

The scheme of seacoast fortifications contemplated by the Endicott board, and which has been followed by Congress in the appropriations made since 1888, it is now estimated will cost in the aggregate $112,197,267, of which sum there has been already provided $46,971,013.83, the Engineer Department having received $20,154,061.83 and the Ordnance Department $26,816,382.

The difference between the sum, $46,971,013.83, already provided toward the scheme of the Endicott board and the sum total of appropriations, $75,212,388.10, for fortifications since 1888, is represented in expenditures for erecting and equipping the gun factory at Watervliet, the gun-carriage factory at Watertown, the Ordnance and Fortification Board, purchase of land for fortification sites, torpedoes for harbor defense, providing ammunition for service and for tests, manufacture of field guns, and for sundry other objects incident to providing and maintaining a system of seacoast defenses.

The following shows the aggregate amount appropriated under each natural subdivision of the accompanying bill, namely:

Gun and mortar batteries	$2,000,000
Pneumatic dynamite batteries	189,000
Installation of range and position finders	150,000
Sites for fortifications	800,000
Preservation and repair of fortifications	100,000
Plans for fortifications	5,000
Tools, etc., for maintaining and operating electric plants	25,000
Sea walls and embankments	200,000
Torpedoes for harbor defense	50,000
Armament of fortifications	4,002,588
Proving ground, Sandy Hook, N. J	62,100
Watervliet Arsenal, N. Y	18,800
Ordnance and Fortification Board	100,000
Total	7,093,488

If there is nothing further, I will yield to the gentleman from Ohio [Mr. SHATTUC] forty-five minutes.

Mr. SHATTUC. Mr. Chairman, this is the period of the quadrennial term in which party plans are laid and party promises and pledges given to the people.

Once in every four years the people of the United States are regaled with a series of plans for producing perfect happiness to men, and especially to men in the United States, and these plans are usually labeled the "Democratic platform."

These utterances, however, have two merits: First, they are always pointing to the future, and take care not to direct the mind to the record of the party in the past; second, they present on each occasion some new scheme, irrespective of former propositions and schemes, with which they hope to cater to public favor.

It is interesting at this time, when that party is preparing to announce a new set of principles, to review the plans which it has offered in the past for the perfection of human happiness in the United States, and to see how these propositions consist one with another, and especially to see whether events have justified the wisdom and accuracy of assertions which they have made, and so whether the public is justified in listening to the new propositions which that party will soon offer. I propose—

First. To review briefly the principles laid down in their various platforms, and to see how far they have been consistent one with another;

Second. To see whether their panaceas have been successful where tested; and

Third. To see whether the assertions which they have made regarding the principles of the Republican party and their effects upon the country have been justified by subsequent events.

Take first the question of tariff.

In 1856 the Democratic party announced in its platform that—

The time has come for the people of the United States to declare themselves in favor of progressive free trade throughout the world.

In 1860 they reaffirmed this proposition, and the result in the election which followed was that the people rejected their free-trade proposition by the selection of an electoral college of which 59.4 was against them.

In 1864 they were so busy in declaring the war a failure that they omitted altogether to discuss the tariff question, with which the people in 1860 had failed to agree with them.

In 1868 they so far forgot their free-trade principles of 1860 that they declared in their platform for—

A tariff for revenue and such equal taxation under the internal-revenue laws as will offer incidental protection to domestic manufacturers and best promote and encourage the great industrial interests of the country.

This reversal of their earlier proposition for free trade without regard to domestic industries, coupled with their record with reference to the war, led the people in that year to return an electoral college of which 72.7 per cent was adverse to the Democratic party.

In 1872 they wandered still farther from their original position on free trade, and announced in their platform that—

Recognizing that there are honest but irreconcilable differences of opinion in regard to the various systems of protection and free trade, we remit the subject to the people in their Congressional districts and the decisions of Congress thereon.

The subject having thus been "remitted to the people," they determined to continue its control with the Republican party, the electoral college in that year giving 81.9 per cent of its vote to the Republican candidate.

The abandonment of their original free-trade proposition having proved an utter failure and brought them a practical evidence of the distrust of the people, they in 1876 concluded to return to their former position, and in their platform announced that—

We denounce the present [protective] tariff. It has cut down the sales of American manufactures at home and abroad and depleted the returns of American agriculture.

This assertion that the protective system was cutting down the sales of American manufactures at home and abroad and depleting the returns of American agriculture reads queerly to-day in the light of subsequent history.

Prior to the transfer to the Republican party of the control of Governmental affairs Democratic free trade had been the rule during the entire history of the country, the number of periods in which a protective system was in operation having been insufficient to demonstrate its effect upon our foreign commerce; and it was not until the effect of the war of 1861–1865 had passed away that the real effect of a protective tariff upon our domestic and foreign commerce could be shown.

A study of the statistics of our foreign commerce during the free-trade period and a comparison with those of the period subsequent to 1876 is interesting in the light of this assertion in the platform of 1876—

That the protective system has cut down the sales of the American manufacturer at home and abroad and depleted the returns of American agriculture.

An official statement of the imports and exports of the United States from 1790 to 1899, prepared by the Treasury Department, shows that prior to 1876, the date of this assertion, there had been scarcely a year in which the exports of merchandise from the United States were as large as the imports into the United States, while since that time, under the operations of the protective tariff, which at that date was just beginning its beneficent work free from the embarrassments due to the war period, there has been a constant excess of exportations.

In the eighty-five years between 1790 and 1876 there were but 16 occasions in which the exports were equal to or greater than the imports, while since 1876 they have exceeded the imports in practically every year.

Prior to 1876 the balance of trade against the United States, under the long series of low tariffs which had existed, had amounted in the eighty-five years to $2,139,553,972, while in the twenty-five years since 1876, under the almost continuous protective tariff which has existed, the balance of trade in our favor has been $3,641,670,284.

Here in a nut shell is a practical, visible, and overwhelming refutation of the assertion that a protective tariff injures and cuts down our markets abroad.

In eighty-five years of practically continuous free trade the exports fell $2,139,553,972 below the imports, while in twenty-five years of almost continuous protection the exports have exceeded the imports by the enormous sum of $3,641,670,284.

It is not surprising, in view of the remarkable fact that American sales abroad have been less than American purchases from abroad in all the years of free trade, that the American public in 1876, after the Democratic denunciation of the protective tariff and the assertion that it was cutting down the sales of American manufactures abroad and depleting the returns of American agriculture, again rejected the party and its propositions and placed a Republican President in the White House.

In 1880 the party declared again for a "tariff for revenue only," taking care to make no detailed reference to protection or free trade. This platform and the candidate who stood upon it were rejected by an electoral college which gave to the Republican Presidential candidate 58 per cent of its total vote.

In 1884 the Democracy made another great wobble. It found its free-trade principles so distasteful to the American public that its leaders concluded that it must act as nearly in line with the Republican party on this great question as practicable, seeing, as they did, that the principles of protection were not only satisfactory to the public, but that propositions adverse to those principles were continuously rejected.

It therefore declared that—

The Democratic party is pledged to the revision of the tariff in the spirit of fairness to all interests; but in making reductions in taxation it is not proposed to injure any domestic industries, but rather to promote their healthy growth.

And this Democratic platform further declared that—

Many industries have come to rely upon legislation for successful continuance, so that any change of law must be at every step regardful of the labor and capital thus involved.

The necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may be necessary in consequence of the higher rates of wages prevailing in this country.

I call especial attention to the wording of the sentence which says that—

> Many industries have come to rely upon legislation for successful continuance, so that any change of law must be at every step regardful of labor and capital.

Can it be possible that this direct reference to the protection of capital was an appeal to trusts and combinations, and that, too, by the Democratic party? [Applause on the Republican side.]

Whether it was or not, it is a matter of record that for the first time since that party attempted to destroy the Union it was successful upon this platform, which proposed to be "regardful of labor and capital."

The Administration of the President whom they elected upon that platform, which proposed protection for labor and capital, was signalized by two great events:

First, the veto of ten times as many pension bills as had ever been vetoed by all the Presidents preceding him; and second, by the sending to Congress of the most extreme and violent free-trade recommendations that had ever been submitted to that body since the people, in 1860, rejected its platform, which declared that—

> The time has come when the people of the United States must declare themselves in favor of free trade throughout the world.

Strangely, in 1888, the Democratic party, notwithstanding the fact that they had in 1884 been successful upon a platform which promised protection to labor and capital, so far departed from the principles of that success as to say in its platform that—

> We indorse the last annual message of President Cleveland as the correct interpretation of the platform of 1884 "upon the question of tariff reduction."

And as this message, thus indorsed as "the correct interpretation of the platform of 1884," was the celebrated free-trade message to which I have already referred, the people in the election of 1888 rejected the Democratic party and its candidate by an electoral vote of which 58.3 per cent was in favor of the Republican protectionist candidate.

In 1892, by a series of misrepresentations and denunciations of the McKinley protective tariff, they succeeded in again inducing the voters to make one more experiment in free trade, the first one—that of 1884—having been unsuccessful because of the fact that a Republican majority in one branch of Congress prevented the adoption of a free-trade or low-tariff law. The result of that election of 1892, which brought into power a free-trade President and Congress, was a lesson to the people of the United States which they are not likely to soon forget.

From 1892 to 1896, while the Democratic party was last in control, the depression of business, the suspension of manufacturing interests, and the sufferings of workingmen whose earnings depended upon business prosperity and activity, which had resulted from Republican protection in earlier years, formed a record such as this country had never seen and such as its voters are not likely to again desire to see.

Failing banks, closing business houses, railroad receiverships, silent factories, and men and women without employment, dependent for the first time in their entire lives upon charity—not by thousands, but by hundreds of thousands and millions.

This is the record of four years of experiment with Democratic free trade.

It is not surprising, in view of these facts, that the Democratic party in 1896 "shied" at the tariff and announced that "until the money question is settled, we are opposed to any changes in our tariff laws."

They chose to rather "bear those ills we have, than fly to others that we know not of;" and although the Democratic President had denounced the tariff adopted by his own party in Congress as one of "party perfidy and party dishonor," and had pertinently asked Mr. Wilson, in that famous letter of July 2, 1894, "How can we face the people after indulging in such outrageous discriminations and violations of principle?" and had further said of it in his famous letter to Mr. CATCHINGS, of August 27 in that year, that "The livery of tariff reform has been stolen and worn in the service of Republican protection, and the deadly blight of treason has blasted the counsels of the brave in their hour of might"—in spite of all these denunciations of their own tariff, they in 1896 preferred silence upon this subject rather than to ask the people to authorize further experiments with it, and announced that "until the money question is settled, we are opposed to any change in our tariff laws."

What will they do in 1900? Their record during the century which I have briefly reviewed is sufficient to justify the public in expecting anything. Will it be free trade? Will it be protection? Will it be free silver? Will it be sound money? Will it be a straddle? Probably the latter, as this seems to be the political art in which they are most expert, and which, indeed, is the only one which has in many years brought them success before the American people.

Now, let us see how their assertions with reference to the effect of a protective tariff have been justified. While they have wobbled from side to side in the quantity of free trade which they have offered as a bait to voters in their platforms, they have, with some degree of consistency, persisted in their assertion that a protective tariff must be disadvantageous to the American producer and manufacturer, and therefore the American laborer, in regard to the foreign markets.

They have admitted that under a protective tariff higher wages could be paid, for President Cleveland in a message to Congress said that under the tariff laws which he recommended the wage-earner would be compensated in the reduced price of goods for any reduction in wages which might be brought about by his (Democratic) tariff policy; but they insist that free trade, while it might give lower wages, would so foster our exportations that we should have a vastly improved market abroad, and that, on the other hand, our foreign market could not grow under a protective system.

"If you do not buy of people, you can not sell to them," has been their constant cry.

Now, I propose to take up this single assertion of the Democratic party (and this is about the only assertion which they have consistently continued to make from year to year and campaign to campaign) and see whether our practical experience with free trade and protection justify this assertion.

To do this I propose to compare briefly conditions in 1896 with those of 1899.

It was in 1896 that the Democratic party announced its complete satisfaction with the then existing tariff, under which industries were languishing, prices of farm products low, and foreign trade failing to show that stimulus which had been predicted for it under a low tariff.

Yet that party announced in 1896, despite all the unfavorable conditions which existed and which had followed the adoption of its tariff system, "until the money question is settled we are opposed to any changes in our tariff laws."

That may be accepted as meaning that the Democratic party had done the best it knew how in regard to a tariff, and that we may, by the conditions which accompanied its operations, measure the capacity of that party for legislating in behalf of the workingman, the farmer, the manufacturer, and the merchant, and at the same time test the accuracy of its constant assertions that a protective tariff would destroy our foreign markets.

I want to take a few of the principal articles which enter into our foreign commerce and compare conditions in 1899 with those of 1896, when the Democratic party announced in substance that it considered the tariff conditions satisfactory.

The Treasury Department in its official publications shows the imports and the exports of the principal articles entering into our international commerce.

If by an examination of these figures we find that our exports have grown more rapidly under the protective tariff enacted under President McKinley's Administration than under the low tariff of President Cleveland's Administration, we may assume that the assertion that protection hampers foreign trade is inaccurate.

If we find that under the protective tariff imports of manufactured articles have not increased with the rapidity with which they increased under the low tariff, we may assume that the home market is being reserved for our own workmen, and with the prosperity which thus comes to them their capacity for buying the products of the farm is increased, and thus the general home market fostered.

If we find still further that there has been an increase in the importation of material required in the factory, we may assume that there is an increasing activity among manufacturers.

Society divides itself into four great classes: Those engaged in agriculture, in manufactures, in transportation, and in merchandizing.

In attempting to determine the relative prosperity of the low tariff and the protective tariff periods of the past few years, I propose to consider the question as it affects each of these great classes separately, though the prosperity of any one of them is so interdependent upon and interwoven with each of the others that it can scarcely be possible that one class fails to enjoy prosperity while the others are successful.

Let us take the farmer, to begin with, whose industry forms the foundation of national prosperity and of the world's prosperity and activity. I want to compare his condition in 1899 or 1900, if you please, where practicable, with that of 1896, when Democratic orators were attempting to persuade him that free silver, free wool, and free trade offered the only panacea for improvement of his condition.

Four articles or classes of articles include the chief features of our export and import trade which directly affect the farmer. They are breadstuffs, provisions, cotton, and wool.

I want to consider these principal articles, both as to exportation and prices, and see whether the facts sustain the Democratic assertion that "you can not sell abroad unless you buy abroad."

I find from an examination of the Treasury figures that the exports of breadstuffs in the fiscal year 1896, a year which was just ending when the Democratic party met in Chicago, nominated its

candidate, and announced its entire satisfaction with the then existing tariff, were $141,000,000 in value, while in 1899, under the protective tariff, they were $274,000,000, or practically double those of 1896.

Does this look as though a protective tariff was destroying our markets abroad?

Take the single item of corn. The exports in 1896 were 99,000,000 bushels, and in 1899, 174,000,000 bushels. Does this look as though a protective tariff was destroying our foreign markets?

The exports of wheat in 1896, under the Democratic low tariff, were 60,000,000 bushels; in 1899, under the Dingley protective tariff, 139,000,000 bushels. Is there any evidence of destruction of our foreign markets in this figure?

The value of wheat flour exported in 1896 was $52,000,000; in 1899, $73,000,000; of oats, in 1896, 13,000,000 bushels were exported; in 1899, 30,000,000 bushels; of oatmeal, in 1896, 38,000,000 pounds; in 1899, 58,000,000 pounds; of rye, in 1896, less than 1,000,000 bushels; in 1899, more than 10,000,000 bushels. Is there evidence of destruction of our foreign markets in any of these?

In provisions a comparison of the conditions of 1899 with those of 1896 is equally discouraging in the attempt to find support for the Democratic doctrine that a protective tariff destroys foreign markets. The total exports of provisions, which in 1896, under a low tariff, were $133,000,000, were in 1899, under a protective tariff, $175,000,000.

Bacon exports increased from four hundred and twenty-five to five hundred and sixty-two million pounds; hams, from one hundred and twenty-nine to two hundred and twenty-five million pounds; lard, from five hundred and nine to seven hundred and eleven million pounds, while the value increased from thirty-three to forty-two million dollars during the period under comparison, 1896 to 1899.

Dairy products show an equally healthy growth under the protective system, which, according to the Democratic theory, destroyed markets abroad, the exports of butter increasing from $2,937,203 in 1896 to $3,263,951 in 1899; cheese, from 36,000,000 pounds in 1896 to 78,000,000 pounds in 1899, and milk, from $270,453 in 1896 to over $1,000,000 in 1899.

In cotton, another great article of agricultural production, and entering largely into our foreign commerce, the exports of 1896 were four and one-half million bales, and in 1899 nearly seven and one-half million bales.

Exports of cotton-seed oil, in which our Southern friends are so much interested, amounted, in 1896 under a low tariff, to 19,000,000 gallons, valued at a little over $5,000,000, and in 1899, under protection, to 50,000,000 gallons, valued at over $12,000,000, while the total exportation of cotton-seed meal, which in 1896 amounted to 404,000,000 pounds, was in 1899 more than 1,000,000,000 pounds, having considerably more than doubled in quantity, and actually trebled in value during that time.

Of fruits and nuts the exportation in 1896 amounted to five and one-half million dollars and in 1899, seven and one-half million dollars.

Of hops, the exportation in 1896 was one and one-half million dollars, and in 1899, three and one-half million dollars; vegetables, in 1896, one and one-half million dollars, and in 1899, two and one-half million dollars; and of seeds of various kinds, in 1896, one and one-half million dollars in value, and in 1899, five millions.

In two articles of farm production there has been a marked falling off in our exportations.

In 1896, under the Democratic low tariff, we exported 7,000,000 pounds of wool, and in 1899 only one and one-half million pounds; and of sheep the exports in 1896 were over 3,000,000 in number, as against less than 1,000,000 in 1899.

Here, perhaps, is a single evidence around which the Democratic party may rally in support of the theory that a protective tariff destroys foreign markets.

Under the low-tariff law, which afforded absolutely free trade in wool, we were exporting four times as many sheep and four times as much wool as under the protective tariff.

Not only so, but in 1896 we imported 230,000,000 pounds of wool, and in 1899 but 76,000,000.

If there was any feature of the Democratic tariff which was held up as an absolutely perfect exemplification of the real, genuine, simon-pure Democratic tariff theory in perfect practice, it was that of free wool.

Under it the importation of wool amounted in 1896 to 230,000,000 pounds, and in 1897 to 357,000,000 pounds, while, as I have already said, in 1899, under a protective tariff, it was but 76,000,000 pounds.

As a result of this enormous flood of imports of foreign wools under Democratic free trade, "Ohio XX washed clothing wool" was selling on July 10, 1896, the date of Mr. Bryan's nomination, at 17 cents per pound in the New York markets, while on February 9, 1900, under the protective tariff, it was selling in the same market at 36 cents per pound, or more than double the price under the Democratic tariff, which professed to be framed in special interests of the farmer.

No wonder our farmers were driven to a disposal of their sheep at any price under the low tariff and that the exportation of sheep in 1896 reached more than 3,000,000 in number, and that in this particular branch of our foreign commerce the protective tariff caused a reduction in our sales abroad.

On this general question of prices of farm products let me add a few further facts.

Grains of all kinds, as is well known, have advanced in price since that time, and in every single instance stand at a higher price to-day than at the date of Mr. Bryan's nomination. Lard has advanced from 4.2 cents per pound in the New York markets to 6.42 cents in February, 1900, an increase of 50 per cent; mess pork, from $8 per barrel in July, 1896, to $10.75 per barrel in February, 1900; beef, from $7.50 per barrel in July, 1896, to $11 per barrel in February, 1900; and cotton, from 7.5 cents per pound in New York on July 3, 1896, to 9 1/16 cents on February 23, 1900.

Does this indicate to the farmer that a protective tariff injures his markets or the prices which he receives for his products?

But the Democratic reply to this will be that the increase in prices of the imported articles which the farmer must have has been quite as great as the increase in prices of the articles which he sells, and that this increase in prices of imported articles is due to the Democratic tariff.

Let us see about that. The most important articles of foreign production which the farmer buys are rice, sugar, and coffee.

Rice, which was quoted in the New York markets in July, 1896, at 4¼ cents per pound, is quoted in January, 1900, at 4¼ cents per pound in the same market; granulated sugar, which in July, 1896, was quoted at 4.6 cents per pound, was in January, 1900, quoted at 4.7 cents per pound, an increase of one-tenth of 1 cent, which scarcely offsets a doubling in price of wool; while as to coffee, the Statistical Abstract of the United States shows the average import price of 1896 to be 14.6 cents per pound, and in 1899 6¼ cents per pound, a fall of more than one-half.

Of tea, the average import price in 1896 was 13½ cents per pound, and in 1899, 13.1 cents per pound.

In cotton goods, the average price for standard sheeting in 1896, as shown by the Statistical Abstract of the United States, was, in the New York market, 5.45 cents per yard, and in 1899, 5.28 cents; standard drills, 1896, 5.48 cents, and in 1899, 5.13 cents; New York mills bleached shirtings, in 1896, 9½ cents, and in 1899, 9¼ cents per yard; standard prints per yard, 4.66 cents in 1896, and 4.25 cents in 1899.

A table published in Dun's Review shows the relative prices on December 31, 1896, and June 21, 1899.

It gives the wholesale prices of men's grain shoes December 31, 1896, as $1.07½, June 21, 1899, $1; men's buff shoes, December 31, 1896, $1.17½, June 21, 1899, $1.15; men's calf shoes, December 31, 1896, $1.30, June 21, 1899, $1.27; men's kip boots, December 31, 1896, $1.35, June 21, 1899, $1.35; women's grain shoes, December 31, 1896, 87½ cents, June 21, 1899, 85 cents; women's buff shoes, December 31, 1896, 80 cents, June 21, 1899, 77½ cents.

Thus, in the principal articles which farmers must buy prices have in most cases fallen since 1896, while the prices of all the articles which they sell have advanced.

In a few exceptional cases, such as binding twine, due to the abnormal and temporary conditions in the Philippines; manufactures of iron and steel, due to the general advance in prices and a demand which exceeds the power of production, and certain lines of woolen clothing, there has been an increase in prices of the articles which the farmer must buy.

But in scarcely an instance does it equal the percentage of increase in prices received by the farmer for his wool, while in most of these cases of increased prices of articles consumed the advance is temporary and due to exceptional causes.

It is not necessary to multiply examples of increased prosperity among the farmers under the protective tariff as compared with that which existed under the low tariff, which was in force during 1896, and with which the Democratic party in that year expressed its complete satisfaction.

Debts reduced, mortgages canceled, prosperous farmers and happy homes are of themselves a sufficient evidence of this.

But it may be well to add a single one further statistical statement which should put an end to the Democratic assertion that a low tariff is advantageous to agricultural interests, and that is this: In the fiscal years 1895 and 1896, under the Democratic low tariff, the total exportation of agricultural products amounted to $1,120,000,000, and in the fiscal years 1898 and 1899, under the Dingley protective tariff, they amounted to $1,648,000,000, an increase of about 50 per cent.

Does this look as though a protective tariff destroyed our foreign markets or was disadvantageous to the farmer?

The second great class of our population who are especially affected by the tariff, and therefore constantly appealed to with reference to it, is that great body of men employed in the manufacturing interests and the industries tributary thereto, and in this I include those engaged in the production of coal, iron,

copper, wood, fibers, and other articles which enter into our great manufacturing interests.

It is more difficult to show in exact terms the prosperity which has attended manufacturing interests than that of agriculture.

In the exportation of articles of agricultural products it is practicable to name quantities and values, and thus arrive at the average price per bushel or per pound of the article which the farmer produces.

In the case of the manufacturers, however, while we are able to state the total value of the exports of manufacturers, the specific price of each article or class of articles is more difficult to obtain.

Two or three great facts, however, measure accurately the growth in general terms of our manufacturing interests, and therefore of the prosperity of our manufacturers and the men and women whom they employ.

The first of these is the importation of articles from abroad which are required for use in manufacturing, the second is the importation of manufactured articles, and the third is the exportation of the surplus products of our factories, while a fourth is the wages which are paid to the people employed, and the increase in employment wherever it is practicable to determine the question of increase.

In the case of wages and the number of persons employed, necessarily the figures are fragmentary, but in the case of importations of raw materials and the import and export of manufactured articles we have specific statements.

These show that the importation of raw materials for use of manufacturers increased enormously in 1899 as compared with 1895 and 1896.

The importation of articles in a crude condition which enter into the various processes of domestic industry in the calendar year 1899 amounted to $267,000,000, and formed more than one-third of the total importations into the United States, while in the calendar year 1896, under the Democratic free raw material tariff, they amounted to but $162,000,000, and formed less than one-fourth of the total importations.

This enormous increase in the importation of articles required for use in manufacturing—articles which can not be produced at home—indicates of itself a greatly increased activity on the part of our manufacturing industries, while a further evidence of their increased activity under the protective tariff is found in the fact that the exportation of manufactures, which in 1896, under the Democratic low tariff, amounted to but $253,000,000, were in the calendar year 1899 $380,000,000, and in the fiscal year which ends with June next will, it is confidently believed, reach $400,000,000, which vast sum represents the surplus which our manufacturers are sending abroad after supplying the enormous market which a nation of 76,000,000 prosperous people affords under a protective tariff.

As to increased wages, increased activity, and increased number of people employed, the newspaper statements from day to day, the busy factories in every city and town and hamlet, the increased production of iron and steel and coal and copper and all articles required for use in manufacturing, and the fact that last year we spent over $66,000,000 more for labor and material in 20 cities of the United States than we spent during previous year in the erection of buildings, the busy savings banks, and the fact that in all this broad land no man or woman who wants employment is unable to obtain it, are sufficient evidence of the prosperity which has come with a protective tariff to the manufacturing interests and those dependent upon them.

Another great class of citizens whose interests should be considered in determining whether conditions are more prosperous under a low tariff or a protective system is that of the railways and the millions of people dependent upon them, directly or indirectly, for employment and livelihood.

And here we may obtain striking evidence of prosperity by an examination of the figures relating to the business of our great railway system, which surpasses that of any other part of the world, and whose mileage is more than one-half of the total mileage of the world.

Tons of freight carried 1 mile, earnings per mile of railroads in operation, dividends paid on stock, miles of railway in operation, increase in net traffic earnings, reduction of debts—these are some of the evidences of railway prosperity, and consequently of the prosperity of those dependent upon railways for occupation and earnings; for it is a well-known fact that the great railway systems have since 1896 increased the wages paid their employees as the increase in their earnings has enabled them to do so.

From the Statistical Abstract of the United States it appears that the miles of railway in operation in 1896 aggregated 184,894, against 179,821 in the low-tariff year 1895; the gross traffic earnings $1,250,000,000, against $1,092,000,000 in 1895; the dividends paid on stock $95,000,000, against $81,500,000 in 1895; the net earnings per mile $2,111 in 1898, against $1,804 in 1895, and the tons of freight carried 1 mile 114,000,000,000 in 1898, against 68,000,000,000 in 1895.

As a consequence of this increase in business, dividends, as already indicated, have increased, and at the same time the floating debt has been reduced from $418,000,000 in 1895 to $368,000,000 in 1898, and all of this accomplished without any increased charge upon the public, the average freight receipts per ton mile in 1898 being seventy-six one-hundredths of a cent against eighty-four one-hundredths of a cent in 1895, and the average receipts per passenger mile, $1.99 in 1898 against $2.07 in 1895.

It seems scarcely possible, therefore, that any of the railway employees who, as a body, rallied to the support of the Republican party in 1896 will, in view of the increased prosperity of the great system with which they are so intimately connected, and the increased earnings which they are themselves receiving, desire to return to the experiment of free trade and railroad receiverships, which were so prominent a feature of the depression under Democratic rule.

The fourth great class whose prosperity under protection or low tariff I desire to consider includes those engaged in merchandising and those dependent upon them for occupation.

The most accurate gauge of their prosperity which we can supply is that furnished by the statistics of business failures in the various years or terms of years which we are considering.

That well-known and generally accepted publication, Dun's Review, which every Democratic orator carried in his hand or pocket in the campaign of 1896, publishes from time to time a statement of failures in the various branches of business in the United States during a long term of years. They are carefully compiled and generally accepted as accurate. They show the number of failures and liabilities throughout the United States in each year.

An examination of these figures shows that the total number of business failures in the United States in the protective year of 1899 was 9,337, against 15,088 in the low-tariff year of 1896, the year of Mr. Bryan's nomination; and the liabilities in 1899 were $90,000,000, against $226,000,000 in 1896.

Thus the number of failures in 1896 was 66 per cent in excess of that of 1899, and the liabilities in 1896 were 150 per cent greater than those of 1899.

These figures, it is proper to say, relate to all classes of business, manufactures, traders, and those engaged in banking. An examination of the detailed statements regarding the failures of those engaged in the various branches of merchandising shows a correspondingly large improvement in 1899 compared with 1896.

During the fiscal year 1899 the failures of mercantile establishments, classed under the term of general stores, showed liabilities of $8,474,000 against $11,770,000 in 1896; groceries in 1899, $6,917,000 against $9,290,000 in 1896; clothing and furnishing establishments in 1899, $4,419,000 against $11,400,000 in 1896; dry goods establishments, $6,639,000 in 1899 against $12,360,000 in 1896, and hardware, stoves, and tool establishments, $2,173,000 in 1899 against $4,720,000 in 1896—the total of all establishments classed under the general head or traders being in 1899, $53,972,000 against $98,890,000 in 1896.

Among the manufacturers the evidences of prosperity, as shown by the reduction in failures and liabilities, were even more strongly marked, the liabilities of the failing iron foundries in the fiscal year 1899 being but $1,842,000 against $5,030,000 in 1896; of clothing and millinery establishments, $2,491,000 in 1899 against $5,610,000 in 1896; of lumber, carpenters, and coopers, $4,601,000 in 1899 against $11,300,000 in 1896; printing and engraving, $1,480,000 in 1899 against $3,210,000 in 1896; and for the grand total, $43,499,000 in 1899 against $77,600,000 in 1896.

DEMOCRATIC CURRENCY POLICY.

Having shown the instability and insincerity of the Democratic party in its tariff propositions and the inaccuracy of its general claim that protection is disadvantageous to our great producing, manufacturing, and business classes, I propose to examine briefly the record of that party in regard to currency, and test the accuracy of its statements upon that subject, and for this purpose also the declarations of the party in its Presidential platforms may with propriety be utilized.

In 1840 the party adopted a resolution asserting that Congress had no power to charter a United States bank, and that it believed such an institution "to be one of deadly hostility to the best interests of the country."

In 1844 this resolution was reaffirmed, but in 1848 the principal features of the platform of 1840 were readopted; but this resolution relating to the currency was carefully omitted, as was also any further reference to the money question.

In 1852 and in 1856, however, the resolution was reaffirmed as a part of the platform, but no suggestion made looking to any improvement in the depreciated currency of the State banks with which the country was then flooded and from which business was then suffering.

In 1868 the platform demanded that—

Where the obligations of the Government do not expressly state upon their face, or the law under which they were issued does not provide that they

shall not be paid in coin, they ought in right and in justice be paid in the lawful money of the United States—

Which lawful money was then quoted at about 70 cents on the dollar in gold, and immediately followed this assertion by demanding—

One currency for the Government and the people, the laborer and the office-holder, the pensioner and the soldier, the producer and the bondholder.

Four years later (1872) they took a new stand on the currency question and announced "a speedy return to specie payment, as demanded alike by the highest consideration of commercial morality and honest government."

In 1876 they announced that "reform is necessary to establish a sound currency and maintain the national honor," and immediately followed this by the announcement that "we denounce the redemption clause of the act of 1875 and here demand its repeal."

Quite naturally their proposition was rejected by the people and the Republican candidate elected to the Presidency.

In 1880 they announced in favor of "honest money, consisting of gold and silver, and paper convertible into coin on demand."

In 1884 they announced their "belief in honest money, the gold and silver coin of the Constitution, and the circulating medium convertible into such money without loss."

Two consecutive declarations in favor of honest money seem to have been considered as much as the party could stand, and the currency question was omitted from the platform of 1888. [Great applause on the Republican side.]

In 1892 the party set its sails to a new breeze, and devoted most of its party plank to silver, announcing that—

We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage.

But added that—

The dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value, or be adjusted through international agreement or by set safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the markets and in payment of debts; and we demand that all paper currency shall be kept at par with and redeemable in such coin. We insist upon this policy as especially necessary for the protection of the farmers and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency.

This is certainly interesting reading in the light of the platforms of only four years later (1896), when the party in national convention declared:

We demand the free and unlimited coinage of both silver and gold at the present legal ratio of 16 to 1 without waiting for the aid or consent of any other nation. We demand that the standard silver dollar shall be a full legal tender equally with gold for all debts, public and private.

Here was a proposition by the party which had previously declared that the silver dollar, if utilized, must be of "equal intrinsic and exchangeable value with gold or be adjusted through international agreement," now demanding that a dollar whose intrinsic value was at that moment 48 cents should be admitted to free and unlimited coinage at its "present legal ratio with gold without waiting for the aid or consent of any other nation;" and although it had asserted in 1892 that "the farmers and laboring classes are the first and most defenseless victims of unstable money and a fluctuating currency," calmly proceeded in 1896 to demand that this same 48-cent dollar "shall be of full legal tender equally with gold for all debts, public and private."

Here, then, is the record of the Democratic party on the currency question.

It is as erratic, as inconsistent, and as full of self-contradictions as its record on the tariff. [Applause on the Republican side.]

The inaccuracy of the general Democratic assertions regarding the tariff and its effect upon foreign commerce and domestic prosperity has already been shown.

MONEY QUESTION.

I propose now to show in a few words only—for any detailed statement upon this subject is entirely unnecessary—the absolute inaccuracy and consequent unreliability of the Democratic assertions of 1896 on the money question.

The chief argument offered by the Democratic orators in favor of an unlimited use of silver as a money metal at the old and long-since discarded ratio of 16 to 1 was an assertion that there was not sufficient money metal in the world for use in its growing business, and that gold did not supply a sufficient standard money metal for the use of the world in its growing business, and especially that the United States could not materially increase its currency except through the free and unlimited coinage of silver.

This assertion was so frequently made and so often reiterated that it is as much a record of the Democratic party's assertions in 1896 as any line in its written platform.

Now, how are these assertions sustained by subsequent developments?

In 1896, when this Democratic platform proposing the unlimited coinage of a 48-cent dollar, which should be legal tender equally with gold for all debts, public and private, was adopted, and adopted upon the claim that this was the only process which could increase our currency, the amount of money in circulation in the United States was, according to the official figures of the Treasury Department, $1,506,000,000, of which $464,000,000 was gold.

On February 1, 1900, three years and seven months after that assertion, the money in circulation in the United States was two thousand million dollars, an increase of 33 per cent meantime, while the gold and gold certificates on February 1, 1900, amounted to $619,000,000, likewise an increase of 33 per cent.

What other country has ever made such a record in so short a time?

An increase of 33 per cent in its money in circulation in less than four years' time, and an increase of $500,000,000, or 33 per cent, in three years and seven months, and an increase of $155,000,000 in gold money in circulation during the same time.

No wonder that the leaders of that wing of the Democratic party which so furiously declared in 1896 for the free and unlimited coinage of silver without awaiting the advice or consent of any other nation are now hesitating about a further declaration on the money question, and groping in the darkness for some new declaration of principle, some monetary "fad," with which to catch the votes of the unthinking.

EXPANSION.

Just one more reference to Democratic platforms, and I am done. We hear to-day frequent Democratic denunciations of the expansion policy and predictions that it will be officially denounced by that party in its platform.

This would not be surprising, for it would be in line with the inconsistencies to be found in all its other lines of policy.

Upon this subject that party has, on various occasions and for various reasons, favored expansion.

Its greatest statesman, whom it delights to honor and to whom it frequently refers as the founder of the party, was the greatest expansionist of all, for through his Louisiana purchase was added to the United States a territory which is bringing to us to-day untold wealth and prosperity and proving the happy home of many millions of people.

And with the importance of this purchase he was so profoundly impressed that he entered promptly upon it in the face of serious doubts which then existed in his mind as to whether the act was within constitutional limits.

This, however, was only the beginning of the Democratic expansion policy.

In 1844 the Democratic platform included a resolution to the effect that—

The reoccupation of Oregon and the reannexation of Texas at the earliest practicable period are great American measures, which this convention recommends to the moral support of the Democracy of the Union.

The platform of 1848 solemnly asserted that—

The war with Mexico, provoked on her part by years of insult and injury, was commenced by her army crossing the Rio Grande, attacking the American troops, and invading our sister State of Texas, and upon all the principles of patriotism and the laws of nations it is a just and necessary war on our part, in which every American citizen should have shown himself on the side of his country.

In 1852 the assertion that "the war with Mexico was just and necessary" was reiterated, and the party announced that "we congratulate the American people on the results of that war, which have so manifestly justified the policy and conduct of the Democratic party and insured to the people of the United States indemnity for the past and security for the future."

The "results of that war," to which that Democratic platform alluded as the "indemnity" for the past, "was an addition of the enormous territory which includes a part of New Mexico, Colorado, and Wyoming, and all of Arizona, Utah, Nevada, and California, to say nothing of Texas, which was also the fruit of Democratic expansion policy.

What wonder that the Democratic party congratulated itself and the American people on the results of that war and the "indemnity for the past," which it had obtained by way of additions to United States territory.

Having thus assumed responsibility for every foot of territory lying between the Mississippi River and the Pacific Ocean, one would suppose that the Democracy would have been satisfied on the expansion question.

But no. In 1856 we find them resolving that "the Democratic party will expect of the next Administration that every proper effort be made to insure our ascendancy in the Gulf of Mexico;" and in 1860 the specific meaning of this suggestion came to the front when the two Democratic conventions announced that "the Democratic party are in favor of the acquisition of the island of Cuba, on such terms as shall be honorable to ourselves and just to Spain," and here the declaration stopped.

There was no suggestion of the "consent of the governed," about which we are hearing so much to-day.

The Democratic party, which was then governing millions of people in the South "without the consent of the governed" and

threatening to dissolve the Union if it could not have the privilege of doing so, had no words to waste about proposing the consent of the governed in the island of Cuba. [Applause on the Republican side.]

It wanted to make Cuba a State, in which it could extend slavery and bring into the Congress of the United States additional Senators and Representatives and so maintain its control of this Government.

It is a pretty late date for the Democratic party to talk about the consent of the governed, when from the beginning of its process of expansion, by which it obtained control of the entire territory west of the Mississippi River and proposed to extend it to the islands of the Gulf of Mexico, no word or hint of the "consent of the governed" ever entered their platform or was ever spoken by the lips of one of their representatives.

WE HAVE ALREADY EXPANDED.

Just one word more upon this general question of expansion to which the Democratic party now becomes an opponent simply because expansion as an incident of the war occurs during the control of Republican administration, and therefore is looked upon as the Republican policy instead of, as it should be, being considered as a national policy and above the plane of party or partisan politics.

The war against Spain was declared without party division, in the interests of humanity.

It was not a war of conquest or for territorial expansion.

In the prosecution of the war Admiral Dewey and his brave men destroyed the Spanish fleet May 1, 1898, and Manila surrendered to our Government on August 13 following.

The treaty of peace was ratified by the United States Senate with the aid of the votes of the Democratic Senators, and with the indorsement of and active personal support (for the treaty) of Hon. William Jennings Bryan, on February 6, 1899, and the sovereignty of the Philippine Islands was thereby transferred to and accepted by this Government.

At the moment of the surrender of the Spanish forces at Manila the law of nations made this Government responsible for the security of life and property and good order in those islands. And until the authority of the United States and its flag is fully respected, just so long will it remain undetermined what kind of government will be given the people of those islands. [Great applause on the Republican side.]

What the future will be for those people I am unable to foretell. The last Republican Ohio State platform expresses my views exactly wherein it says, viz:

> To the same master guidance, controlled by the great principles that have shaped the high destiny of the Republican party from Lincoln to McKinley, the people can safely commit the solution of the momentous problems of the future of Cuba, Puerto Rico, and the Philippine Islands.

But one thing I do believe, that in addition to supplying them with a better government than they have ever had we can prove of immeasurable benefit to them in a business and in every other way, and at the same time benefit the people of this country. To what extent they shall have an independent government will depend on their own capacity to govern themselves. The future only can determine that problem. The United States has now reached a point at which it is able to produce more than its people can consume.

Under the beneficent protective policy of the Republican party, manufacturing interests have been developed until we are able to supply the wants of our own people, and in the present year will send abroad $400,000,000 worth of manufactures, besides double that amount of the products of the field, the forest, and the mine.

We want a place to sell these goods.

In the Orient, within easy reach of Manila as a great distributing center, lies half the population of the world, buying every year more than a billion dollars' worth of goods.

Practically all of this billion dollars' worth of goods annually purchased are the very class of material which the people of the United States produce and desire to sell—breadstuffs, provisions, cotton and cotton goods, manufactures of iron and steel and wood, and the thousands of articles of ingenious products of the factory.

Every section of this great Union is interested in this important question—the broad prairies of the Northwest, which produce breadstuffs and provisions; the cotton fields of the South; the iron and copper mines of the Middle West, which contribute material for manufacturing; the manufacturers of the East, and again, of the South, and the multifarious interests of the Pacific coast—all stand ready anxiously waiting to contribute their share to the great and constantly growing commerce of the Orient.

With a Nicaraguan Canal the manufacturers on the North Atlantic seaboard, the cotton factories and fields of the South Atlantic, the grain and provision fields at the head of the Mississippi River and the cotton fields lower down, and the great producing territory of the Pacific coast can all move the products of their fields, mines, and factories almost directly from the point of production by water to this great market.

In return the ships will bring to us what we must have for our constantly increasing manufacturing interests—raw silks and fibers and other natural products of a tropical or a subtropical nature, which are not produced in the United States and of which we must import $100,000,000 worth for the use of our factories—a growing demand which must be met from some part of the world.

Our annual importation of tropical products for manufacturing or for food now averages $250,000,000 and is steadily increasing under the Republican protective system, by which our workmen and factories are supplying our own people with the class of manufactures formerly imported; and with American ships to carry our products to the Orient and return through a Nicaraguan Canal with the tropical products which we require for manufacturing or for food, the new expansion, in regard to which the Democratic party now for the first time assumes the rôle of anti-expansionist, will prove as important to our commerce and industries as have the earlier events of this character, which they officially commended and for which they officially assumed responsibility.

REPUBLICAN NATIONAL PLATFORM.

The Republicans of the United States, through their accredited representatives, their delegates at the Republican national convention held at St. Louis, Mo., June 7, 1896, promised the country through its platform that if the party was intrusted with the control of the governmental affairs at the ensuing national election, it would, at the earliest practicable moment, through its Congress, pass a protective tariff law in the interests of the American workman, adopting the true American policy of taxing foreign products and protecting home industry, putting the burden on the foreign producer, and upholding the American market for the benefit of the American producer, putting the factory at the side of the farm, and making the American farmer less dependent upon foreign demand and prices, and protecting American labor from the degradation of the wage level of other lands.

Maj. William McKinley, of Ohio, was elected President of the United States on that platform in November of 1896; was inaugurated March 4, 1897, and on the 15th day of March, 1897, a special session of Congress convened, by direction of President McKinley, for the specific purpose of passing the tariff bill above referred to, and within fourteen days that bill was passed by the House of Representatives—a much shorter time than that in which any other tariff bill was ever passed during the history of the Government. [Applause.]

The operations of the Dingley tariff in protecting labor, commerce, and all other interests in this country have amply justified all that was claimed for the bill by its authors, as already shown by figures that I have presented, and I may further say that the revenue derived from this tariff has been more than the Government expense, under normal conditions, and as a revenue producer has even exceeded the expectations of the promoters of the bill; so the party has kept its promise to the country in respect to the tariff question.

My time is so limited I will not detain you in reciting the glorious record of our Army and Navy, made while making effective that part of the St. Louis platform which committed the Republican party to effectually use its influence and good offices in restoring peace and giving independence to Cuba.

DEMOCRATS ANXIOUS FOR WAR.

To be sure, the Democratic members of this House were the most anxious to commence at once the execution of this serious but patriotic duty, which fact will be verified by a perusal of the record of this House made at that time. They insisted in season and out of season for a policy toward Cuba that meant war, and that, too, in the face of the fact that the President of the United States, Mr. McKinley, was asking for time, in the hope that the results desired might be secured through diplomatic methods and agencies.

They twitted the Republican members of this House of being unpatriotic, and offered resolution after resolution, as the record will show, which at least meant war, and did everything they possibly could to bring about a war in advance of the President's wishes. The record will also show that after the President had yielded to a universal demand and had sent in his message, and war was thereafter declared, and after the first cannon shot had announced to the world that under a Republican Administration Cuba was to be free, very little patriotism and pride of country has since that time been exhibited by the Democratic side of this House. [Applause on the Republican side.]

In days of peace they were vociferously for war. In the days of war they were persistently and energetically for anything that might embarrass the Administration and bring discredit to the same. And since the war has been practically closed these gentlemen are proclaiming that it is the duty of this country to shirk all the responsibilities that came to us as incidents and results of the war, and they are doing this for the purpose of embarrassing the present Administration. [Great applause on the Republican side.]

It is providential for our side of the House, and for the country

as well, that (the majority of) this House does not need their support, or their advice either, for it can be shown by their record that not since the beginning of the Democratic party's history were they ever once on the right side of a single question. [Continued applause on the Republican side.]

Their tender sympathies go out to the tribes of the Philippine Islands. They are for giving these people "independence," even before they lay down their arms and stop shooting our brave soldiers in the field. They contend that the Constitution of its own strength has expanded there and covered all the citizens of the archipelago, giving those people all the rights our people possess, and it is pitiful in the extreme to see the anxious solicitude these Democratic statesmen have that no "violence" be committed against the rights of the Filipinos.

THE CONSTITUTION NULL AND VOID.

These gentlemen are now the especial, self-constituted custodians of the Constitution. They have been so since 1865. They are the special advocates of the theory that we can not govern except by consent of the governed, and most of this talk comes from the Southern Representatives; yet the majority of them quite forget to explain why millions of people in the United States today are being governed without the consent of the governed, and are deprived of all their political rights, and are hounded and hunted, too, at times, right here at home (more cruelly than are those even in the Philippine Islands), and in open defiance of every constitutional right, and as proof of this statement I will quote from Senator TILLMAN'S speech made in the United States Senate March 20, 1900—made only a few days ago—wherein he said, in speaking of the colored people of the South, and I read from the RECORD, viz:

We made up our minds that the fourteenth and fifteenth amendments to the Constitution were themselves null and void; that the acts of Congress * * * were null and void; that oaths required by such laws were null and void; we resolved that the intelligence, the wealth, and the patriotism of the State belonged only to the white people. We swore by the memories of Revolutionary sires that we would redeem our State, * * * and we did it; and I have no apologies to make for it.

And this same United States Senator, in the same speech, said, and I read from the RECORD, viz:

And as white men we are not sorry for it, and we do not propose to apologize for anything we have done in connection with it. If no other Senator has come here previously to this time who would acknowledge it, more is the pity. I would to God the last one of them was in Africa, and that none of them had ever been brought to our shores. We did not disfranchise the negroes until 1895

This United States Senator stated many other facts in his speech which my time will not permit reading.

I wish this distinguished Southern Senator could see my Democratic opponent in every Congressional campaign in my district (once in every two years) cultivating an intimate acquaintance with the 3,500 good, healthy colored voters in that district, and see how his Democratic sympathy just oozes out of every pore for the colored gentleman, and see how solicitous he is for the colored brother's welfare.

Mr. Speaker, this is before the election, however. [Great applause on the Republican side.]

The colored man, and every other man, had I the power, would be permitted to enjoy every right guaranteed to him by our Constitution in every State in this Union.

While giving good government to our island possessions, I would, if possible, institute proceedings with a view of accomplishing the same results at home for our own people, black or white, in every State, Kentucky not excepted.

This distinguished Southern Senator, no doubt, honestly expressed the majority sentiment of the gentlemen from the Southern States in reference to these matters. While pleading for the people in the Philippine Islands, who are by comparison 80 per cent less capable of self-government than are any of our people; while claiming for them alleged constitutional rights; while claiming that they have no right to be governed without their consent, they are at the same time admitting, and boasting of it, too, in this very Capitol, and in the face of the Government itself, that they sanction the oppression of our own people, who under our Constitution have the same rights exactly as they have themselves. The Democratic party of the United States is dominated by these Southern gentlemen, and the Washington Post, an independent paper, truly says, in an editorial March 29, 1900:

No one can deny that the South holds the balance of power and authority in the Democratic party. Without the South, the Democracy can not achieve even a remote approach to national domination. In any controversy or division within the organization, the South can turn the scale, and against its verdict no party measure has the smallest prospect of success. These facts can not be controverted or even seriously denied. As the South goes, the Democracy must go, or else invite inevitable ruin.

QUESTIONS ASKED AND ANSWERED.

"Would you shoot a poor Filipino into submission?" they ask. "Would you force them to become citizens of the United States?" they query.

No! Not if every person in the Philippine Islands should petition to become citizens, if they were to receive the same inhuman treatment, after submitting and after becoming citizens of the United States, that millions of our people, who are citizens, now receive in the South at the hands of the Democratic party, in shooting submission into them, and forcing them to give up their (political) citizenship. [Continued applause on the Republican side.]

These kind-hearted, constitutional, inalienable-right-loving statesmen are so tenderly looking after the rights of those mixed bloods of the archipelago that they would impress a stranger with the idea that we must, indeed, have here an ideally governed country for ourselves—a paradise for those who needed the kindly guidance of a loving hand!

If you want to learn how the consent of the governed is obtained in a larger field, right here at home, just read the reports of the contested-election cases which come up here annually from the Southern States. Why, sir, they vote men down there who have been dead for five years. They stuff the ballot boxes. They bulldoze, and they adopt any measure, and go to every extreme to accomplish their purpose.

So, Mr. Speaker, knowing all these facts as I know them (and the facts I have I secure from our RECORD, all in print and accessible to anyone), I do not attach any importance whatever to the inconsistent arguments of these constitutional expounders or to the "sympathy racket" of the opposition.

FOR SOUND MONEY.

The Republican party also declared unreservedly for sound money and also declared that the party was irretrievably opposed to any policy tending to debase our currency and injure the credit of our country, and declared that our silver and paper currency must be maintained at a parity with gold.

The Republican party could not redeem its pledge in this matter by the Fifty-fifth Congress, as the Senate of the United States was not of our political faith, and it was not until the present session of Congress that both Houses contained an absolute Republican majority, and were thus for the gold standard.

The very first bill that was introduced at this session of Congress marked the same number, Mr. Speaker, that was given to the report on the tariff bill passed immediately following the inauguration of President McKinley—H. R. No. 1—was entitled "A bill to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes," and that bill enacts into law that which the course of events has demonstrated as an existing fact, namely, that gold is the foundation upon which our commercial structure is built.

That bill reaffirms that the unit of value is the dollar, consisting of 25.8 grains of gold nine-tenths fine, and makes it the duty of the Secretary of the Treasury to maintain all forms of money issued or coined by the United States at a parity with this standard. It puts in the hands of the Secretary of the Treasury ample power to do that.

The silver dollar retains its present legal-tender quality, and the bullion in the Treasury is to be coined as rapidly as possible, about twenty-five millions of it into subsidiary coin, and the remainder into silver dollars.

The "endless chain" is broken by proper provision, so that there is no possible chance of the recurrence of the troubles which were caused by the "endless chain" during a Cleveland Administration, during which time the Democratic Administration had to sell millions of dollars' worth of bonds to meet the current expenses of the Government.

The bill provides for a larger issue of silver certificates, and one clause of the bill, which the public will greatly appreciate, is that which gives the Secretary of the Treasury the right to coin any of the 1890 bullion into subsidiary silver coin up to a limit of $100,000,000, and another clause of the bill which the public will greatly appreciate authorizes the Secretary of the Treasury to recoin worn and uncurrent subsidiary silver now in the Treasury or received hereafter.

This new law permits national banks of $25,000 capital to be organized in communities of 3,000 inhabitants or less. It also permits banks to issue certificates on all classes of bonds deposited up to the par value of the bonds. This ought to make an immediate increase of national-bank circulation up to a very large sum. National banks are permitted, under the new law, to issue circulation up to an amount equal to their capital.

So the Republican party, under the wise and patriotic Administration of President McKinley, has kept faith with the country by redeeming every promise made in 1896—enacting into law and placing the same on our statute books, making effective those promises.

All commercial and business interests are now fully adjusted to new conditions, and an era of prosperity such as this country has never before witnessed is the promising hour at hand and before us; and the wage-earner, who is the first always to feel the approach of hard times and the last to secure an increase in wages when good times are with us, is gradually securing for himself a larger proportion of labor's interests (by an increase in wages) in

the prosperous times now shared in by every industry and enterprise.

What the country now needs and requires in order to secure a continuance of the present prosperous business conditions is that a protective tariff shall remain in force, with a modification of our internal-revenue tariff in the immediate future to meet anticipated reduction in governmental expenses, and that the financial legislation now on our statute books be left undisturbed.

Webster truly said that—

> He who tampers with the currency robs labor of its bread. The prosperity of the working classes lives, moves, and has its being in established credit and a steady medium of payment, and sudden changes destroy it. Honest industry never comes in for any part of the spoils in that scramble which takes place when the currency of a country is disordered.
>
> Did violent fluctuations ever do good for him who depends upon his daily labor for his bread? Did irredeemable money ever enrich the laborers? Certainly never.
>
> All these things may gratify the greediness for sudden gain, but they bring nothing but injury and distress to the house of industry and honest labor

And what is said as to the disastrous effects of tampering with the currency is equally applicable to frequent changes in the tariff. Business would become unsettled. Millions of honest employees would be thrown out of employment. Banks would curtail loans; manufactures would become embarrassed; railroad receivers would be in demand; dividends would be passed; wages of railway employees would be cut. Business would become paralyzed and salaries would be reduced, and we would have a recurrence of the disastrous business conditions prevailing under the last Democratic Administration, which was in control of Governmental affairs from March 4, 1893, to March 4, 1897. [Prolonged applause on the Republican side.]

Mr. BELL. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. RICHARDSON] such time as he may desire.

Mr. RICHARDSON. I shall use only a few minutes, and shall not undertake to enter into any discussion of the fortification bill, nor shall I attempt to answer in detail the arguments of my friend from Ohio who has just taken his seat [Mr. SHATTUC]. Of course I listened with a great deal of interest to the eloquent remarks of that distinguished gentleman. I observed that he remained perfectly quiet during all the preceding days of this Congress, when we had up the great money bill in December, to which he briefly paid his respects a few moments ago.

Mr. SHATTUC. May I ask the gentleman a question?

Mr. RICHARDSON. All right; I yield to my amiable friend.

Mr. SHATTUC. Do you not think that my record in keeping quiet has been more creditable than that of many members on your side in not keeping quiet? [Laughter.]

Mr. RICHARDSON. Perhaps so. In view of what we have seen this morning—the gentleman's appearance—I am inclined to congratulate the House that he has been keeping quiet. [Laughter.] The gentleman, at any rate, kept quiet during all that great debate.

Then we had another great question here, the tariff against Puerto Rico, which it seems did not agitate my friend from Ohio, however much disturbance it gave to that side of the House and to the Republican party at large. He remained perfectly quiet under it. This morning he comes forward, and for about forty-five minutes he delivers a lecture to this side of the House and to the Democratic party at large. Of course we can endure it.

I only want to answer one contention made by the gentleman in respect to the great advantage that has been brought to the country by reason of the passage of the Dingley bill; not that I intend to enter upon a discussion of the tariff question to any very great extent; but the gentleman reviewed the declarations of the Democratic party in its platforms, going back to 1872, upon the tariff.

It seems to me that his logic is as unsound as the conclusion reached by that gentleman as to the result of the election of 1876. He went on to say what the declaration of the Democratic platform was on the subject of the tariff in that year, and decided that that declaration was unsound because, he said, the Republicans elected their President, Mr. Rutherford B. Hayes, of Ohio, in 1876. Now, any such conclusion as that, I say, must demonstrate beyond peradventure the unsoundness of the gentleman's logic. We all know very well that Mr. Hayes was not elected President in 1876.

I will not take issue further with the gentleman upon that question, but I want to refer to one particular point, in answer to the gentleman's contention as to the advantage to the country derived from the passage of the Dingley tariff bill in 1897. I want to show by a few figures which I have here that that bill has had a very injurious effect upon one great industry in this country, one in which the gentleman's own State is profoundly interested, the industry of woolgrowing. I think I can show by the figures that the Dingley bill has been disastrous in its effect upon the price of wool in this country.

If the gentleman expects me to contend that the price of wool has not advanced since 1897 or 1898, I will disappoint him, because there has been an increase in the price of wool; but if we are to judge of the results by what has taken place, we will observe that the Dingley bill, or something else that has operated locally, has been disastrous to the price of wool in our country as against woolgrowers abroad. There must be some reason for it. If we are going to attribute a controlling effect to the tariff, I can establish by the figures that the Dingley bill has injured the wool industry in this country; and in order to do that, I want to compare the prices of wool in this country with the prices of wool abroad.

Mr. Chairman, if it can be shown that the price of wool abroad, in all classes, fine as well as common, has increased far more than in the United States, why, then, it must be that we have some local reason for its failure to increase to so great an extent in the United States. The gentleman, I say, insists that the Republican tariff controls the price of wool.

Now, I have here a circular from a leading firm of wool commission merchants, one of the leading firms in the United States, if not the leading firm, Justice, Bateman & Co., of Philadelphia. I wish to submit some of the figures which I get from this circular. I shall ask to insert the whole circular in the RECORD, or so much of it as relates to the price of wool, as a part of my remarks, and I want to comment briefly upon these figures. I shall call the attention of the committee more particularly to the contention I am making.

We have here a comparison of the prices of the different grades of wool, in this circular issued by this firm, first, of seventy-two grades of wool quoted in the circular. It shows that the average price on January 1, 1899, was 18 cents a pound, as against an average of 24½ cents at this date, an advance of 36 per cent in one year. This shows that upon seventy-two different grades there has been an increase of 36 per cent in the price in one year in the United States. This statement shows that on merino wool the advance abroad has been greater than on other grades; and while this advance of 36 per cent in the United States in this one year has been considerable, it has been considerably exceeded by the increase in the outside markets of the world. The per cent of increase outside of the markets in the United States has been 54 per cent. Now, if the Dingley bill and the Republican tariff control the price, I am justified in the contention in the beginning, that the Dingley bill has actually depressed the price of wool in the United States, and there is no escape from this conclusion.

Mr. WM. ALDEN SMITH. I should like to ask my friend a question.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Michigan?

Mr. RICHARDSON. Yes.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman whether it is not a fact that the value of sheep has very largely increased under the Dingley law?

Mr. RICHARDSON. I am not on that point now.

Mr. WM. ALDEN SMITH. Will you answer the question?

Mr. RICHARDSON. I am giving you the figures on wool, and the gentleman from Michigan may put in his statement in his own time as to the price of sheep. I have not those figures at hand.

Mr. WM. ALDEN SMITH. I ask if the value of sheep has not largely increased under the Dingley law?

Mr. FITZGERALD of Massachusetts. How much tariff was placed on sheep?

Mr. WM. ALDEN SMITH. I ask the gentleman from Tennessee if the price of sheep has not increased from less than $1 a head to $5 a head?

Mr. RICHARDSON. Do you attribute that to the Dingley bill?

Mr. WM. ALDEN SMITH. I attribute it to this, that there has been an extraordinary demand for wool in the American markets, for American wool, and a lessened demand for foreign wool——

Mr. RICHARDSON. How do you account for the figures?

Mr. WM. ALDEN SMITH (continuing). And the value of sheep has greatly increased.

Mr. RICHARDSON. How do you account for the figures that I have given you here, that on 72 grades quoted by this firm—and they could have no purpose in misleading or deceiving—how can you account for the fact that the increase abroad within the year has been 54 per cent in the price, while it has been only 36 per cent in this country on those 72 grades?

Mr. WM. ALDEN SMITH. I do not undertake——

Mr. RICHARDSON. Now, taking finer wools, on merino wool the advance abroad has been greater than on the other grades to which I have referred. Messrs. Buxton, Ronald & Co., in their London wool report, show the advance to have been 60 per cent on merinos and 48 per cent on crossbreds. In the United States the advance on merino and medium wools has only been 34 per cent. On nearly all grades the domestic prices are still below the importing point, the margin increasing as the grades progress from coarse to fine.

I ask consent to put the entire article into my remarks, in order

that it may not be contended that I have garbled their statement in any respect.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to insert in his remarks the article referred to. Is there objection?

There was no objection.

The matter referred to is as follows:

THE WOOL SITUATION.

At no previous time has the home market been more completely in the possession of the domestic woolen manufacturer than it is at present, nor has the wool situation ever before appeared to rest upon a more solid foundation.

Almost without exception manufacturers have sold their output for months ahead, and having bought sufficient wool with which to make the goods required by these contracts, their interest in domestic wool at the advanced prices, even though below the cost of foreign, has perceptibly slackened.

This does not seem to have affected prices, however, for they continue remarkably firm, nor has the recent financial stringency developed any weak spots in the wool market.

A comparison of the 72 grades quoted in our circular shows that the average price was 18 cents on January 1, 1899, as against an average of 24½ cents at this date, an advance of 36 per cent in one year.

While this advance has been remarkable, it has been exceeded by that in the outside markets of the world, where the average advance since this time last year has been 54 per cent.

On Merino wool the advance abroad has been greater than on other grades. Messrs. Buxton, Ronald & Co.'s London wool report just issued shows the advance to have been 60 per cent on Merinos and 45 per cent on crossbreds.

In the United States the advance on Merino (taking XX Ohio as a basis) and medium wools has been only 34 per cent.

On nearly all grades of domestic wools prices are still below the importing point, the margin increasing as the grades progress from coarse to fine.

The present consumption of wool in the United States is estimated at 600,000,000 pounds per annum, and it seems as near certain as anything can be that the home supply will be inadequate for the requirements of manufacturers for this year, thus necessitating extensive importations.

According to The Wool and Cotton Reporter the amount of wool on hand at the present time, exclusive of that in manufacturers' hands, and of foreign wools still in bond with the duties unpaid, is more than 50 per cent less than it was a year ago.

It is evidently in view of these facts that already in many wool-growing sections buyers are contracting for the next clip in the belief that wool on the sheep's back at prices current to-day will show a handsome profit before the end of the year.

WILL PRESENT FOREIGN PRICES BE MAINTAINED?

Measured by No. 60's Botany Tops, Merino wools in Europe have advanced 59 per cent since January 1, 1899, which is the greatest advance in foreign markets for over thirty years.

The nearest approach to it was in 1870. Then, as now, the advance was caused by an abnormal mortality among sheep in the Southern Hemisphere, but as the percentage of losses then was less than half as great as it is now, it seems almost inevitable that the effect upon prices at this period will be proportionately greater.

Prices advanced without interruption from December, 1870, until February, 1872, and although there was a slight temporary reaction in the early part of 1872, prices closed higher in December of that year than in any previous part of the period.

The advance was practically continuous for two years from December, 1870, to December, 1872, and wool values remained on a high plane for several years afterwards.

The diagram [not supplied] in the next column shows the course of prices at that time, and as history frequently repeats itself, and especially as the present advance (instead of lacking any element of stability possessed by the former one) seems to be based on an even more solid foundation, from every point of view the indications are for a continuance of a higher plane of wool prices all over the world during the next few years.

It has been argued that consumers can not afford to pay the advance in the cost of clothing necessitated by higher wool prices; but if foreigners can buy clothing made of fine wool 60 per cent dearer than a year ago, surely the wealthier American masses can afford to wear clothing made of similar wool which has advanced only 34 per cent.

Mr. HENRY of Connecticut. With the gentleman's permission, I will ask if in your opinion the fact that there was a disastrous drought in Australia, where most of the fine wool used in England and in this country comes from, did not affect the price of wool?

Mr. RICHARDSON. I think not. This article makes no estimate of that, and I am not undertaking to account for it.

Mr. HENRY of Connecticut. But it is a fact that sheep in Australia died by hundreds of thousands on account of that drought.

Mr. RICHARDSON. The gentleman must mean by that that the Dingley bill kept the sheep from dying here in this country?

Mr. HENRY of Connecticut. We know that hundreds of thousands of sheep in Australia were destroyed.

Mr. RICHARDSON (reading)—

Measured by Nobo's Botany tops, merino wools in Europe have advanced 59 per cent since January 1, 1899, which is the greatest advance in foreign markets for over thirty years.

The nearest approach to it was in 1870.

Now, Mr. Chairman, I will publish that. I want to add to my remarks an extract from a letter from another firm of wool merchants, Louis S. Fiske & Co., of Philadelphia, addressed to a large woolgrower in the West:

DEAR SIR: We see by the newspaper reports that the growers of your State are contracting their wool now and tying themselves up for next season. This would seem to be unwise, with such a market as you are assured of having next season and a constantly advancing market abroad. From the statements of the best authorities, there is a shortage of fine wools the world over. Domestic wools are still below the price of foreign wools, and it is expected at the January sale that there will be a still further advance abroad.

Now, Mr. Chairman, I have nothing more to say except to emphasize the fact that if the Republican tariff has controlled the price of wool, it has controlled it injuriously in the United States, and has put down the price of wool as compared with the price of that article abroad. It has grown in price more rapidly and higher, and the per cent of increase has been far greater, abroad than in the United States, as shown by this authority.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman a question. He means to be fair about this, I have no doubt. I would like to ask the gentleman from Tennessee if it is not a fact that during the last year of the Wilson law, when we had free wool, our wool market was overcrowded with foreign wool from Australia, New Zealand, and other countries; and if it was not a fact that for over a year after the passage of the Dingley bill few of the fruits of that act could be realized by the American farmer because of excessive importations of foreign wool? But the gentleman from Tennessee knows and must admit that the value of sheep has very largely increased under the Dingley law; with the tariff, the valuation of wool to the woolgrower will be increased.

Mr. RICHARDSON. I propose to conclude my remarks, and I will yield then to the gentleman.

Mr. WM. ALDEN SMITH. I want to ask you if that is not true, that we had a large excess and oversupply of foreign wool here when the Dingley law went into effect?

Mr. RICHARDSON. There may have been. I have not the figures before me, and I would not undertake to reply without them. The gentleman can produce his figures if he chooses. But that was not the line of argument that I was pursuing. If it be conceded that the answer would be along the line of the gentleman's inquiry, that will not controvert the fact that I have produced here, and that is that under the Republican tariff the price of wool has increased everywhere more than in the United States, and the gentleman will be at liberty to produce the facts to show that the Wilson tariff affected the price of sheep if he can do so.

Now, Mr. Chairman, one further matter that I wished to call attention to when I took the floor. I prefer to talk about another matter for a few moments. I want to call attention to the expenses brought upon us by the Republican party since the present Administration came into power. I have a statement here which shows the entire expenses of the Government for all purposes appropriated for the two years immediately preceding the late war with Spain. Take the appropriations for the fiscal year which ended June 30, 1897, and for the fiscal year which ended June 30, 1898, the two years, and compare the appropriations for the three years which immediately followed—that is, for the fiscal year which ended the 30th of June 1899, for the fiscal year which will end June 30, 1900, and for the fiscal year which will end 1901.

The appropriations for 1897 were	$469,499,010.41
For fiscal year ended June 30, 1898, they were	485,002,044.72
A total for the two years of	954,496,055.13
This was an average each year of	477,248,027.56
Now take appropriations for fiscal year 1899	893,231,615.55
Now take appropriations for fiscal year 1900	674,981,022.29
Take the estimates and appropriations for 1901	767,850,540.94
The total for the three years is	2,338,063,178.78
Or an average each year of	778,687,726.26
The average per year before the Spanish war was	477,248,027.56
Which shows an annual increase of	301,439,698.70

Or, as I have already stated, an increase in three years over what the appropriations would have been but for the change from a republic to an empire of over $900,000,000.

I do not charge that all this alarming increase is due to the policy of imperialism, for some of it belongs legitimately to the war with Spain. But when that war ceased, the war expenditures should also cease. They can not grow less under the grandeur and glory of the policy of imperialism.

Mr. HEMENWAY. Will the gentleman yield to me for an interruption?

Mr. RICHARDSON. Yes.

Mr. HEMENWAY. Did the gentleman oppose the expenditures for carrying on the war?

Mr. RICHARDSON. No; I am not opposing the expenditures, and I did not oppose them.

Mr. HEMENWAY. In your figures are the expenses for carrying on the war included?

Mr. RICHARDSON. Yes.

Mr. HEMENWAY. Does the gentleman think that is a fair comparison?

Mr. RICHARDSON. Yes. You are not appropriating for 1901 for expenses of carrying on the war, but for expenses made necessary by your policy of imperialism.

Mr. HEMENWAY. Does the gentleman deny that the appropriation for the fiscal year 1901 will not be largely increased as a result of the war?

Mr. WILLIAMS of Mississippi. That is an insurrection growing out of the empire.

Mr. RICHARDSON. Let me ask my friend in charge of the appropriations, and who knows more about them than I do, what is there in the appropriations for 1901—the fiscal year which will end about fifteen months from now—what is there in that budget of expenses that is chargeable to the war with Spain?

Mr. HEMENWAY. Is it not true that we have a large expenditure in the Philippine Islands?

Mr. RICHARDSON. Certainly; that is what I am talking about.

Mr. HEMENWAY. Is the gentleman in favor of discontinuing those expenses and withdrawing our army from the Philippines?

Mr. RICHARDSON. I am not undertaking to say that all these expenditures are improper. They are proper, many of them, and we are compelled to vote for them by reason of the policy you are pursuing.

Mr. HEMENWAY. If it is a proper expenditure, and you are compelled to vote for it, why do you criticise it?

Mr. RICHARDSON. Because of the policy of your party. The administration of the country by the Republican party is now entailing upon this country, by reason of its policy, which we must carry out under all the conditions, necessitates an annual expenditure of more than $300,000,000 more than it was necessary to spend before your party came into power and entered upon the present policy.

Mr. HEMENWAY. But the gentleman——

Mr. RICHARDSON. I can not yield to the gentleman further. He has got all the time, and I only took the floor to emphasize the fact that it is going to cost us three hundred millions more year by year and every year as long as this policy is continued. I want to get away from this policy and turn back.

Now, Mr. Chairman, I listened with a good deal of interest the other day to the discussion of an issue which was presented by my friend the gentleman from New York [Mr. DRIGGS], when he undertook to show that there had been great extravagance in furnishing an Army transport. I had not looked at the details cited by him, copied from a responsible and respectable paper published in his own city in Brooklyn. I am not here to insist that the details as set forth in that article are all correct. It seems that they are denied; but I want to comment on the fact that no gentleman on the majority side of the House, while that debate was being conducted here, raised his voice against the extravagance, the wild expenditure of money, by the present Administration. It was conceded, or admitted, that the contention made by the gentleman from New York was correct; we all supposed it was true, and instead of condemning it if it were true, even the great watchdog of the Treasury, the gentleman from Illinois [Mr. CANNON], whom we all honor and respect, defended that extravagance, and that is the point I wish to comment upon.

It was assumed in the argument that this expenditure had been had; that they were extravagant all conceded, and no voice on that side of the Chamber was raised in condemnation of that kind of extravagance. On the other hand, an argument was made in justification of it. "Nothing," said the gentleman from Illinois [Mr. CANNON], "is too good for the American soldier." That is true as a theory. As the announcement of a fact, that is true; but the point at issue was the unusual extravagance in the furnishing of this Army transport. They went upon the idea that $750,000 had been expended, and not a voice was raised in condemnation of such recklessness, if recklessness had been employed in furnishing this vessel. The point I want to emphasize is that you have increased the expenditure under your Administration over $300,000,000 a year, and no man on that side of the House raises his voice to say it is time to get back to an economical administration of our Government.

The people will demand it of this Congress, and of the next Congress, and will continue to demand it until their demand is heard by the representatives of the people. We can not go on, Mr. Chairman, spending $750,000,000 a year. We do not need to expend so much. While the country is expanding and must expand, we have not grown that rapidly. All legitimate expenditures will be taken care of by this side of the House, as well as by that side. I regret and I lament to see the position taken by the majority side of the House, when no gentleman over there can be heard to raise his voice in favor of economy and a return to the simple republican institutions, a cheap, simple government, a government of the people. [Applause on the Democratic side.] That is all I desire to say, Mr. Chairman.

Mr. HEMENWAY. Mr. Chairman, I am surprised that the leader on the other side should come forward and criticise the necessary expenses for conducting the war. For many days before war with Spain was declared we heard gentlemen on the Democratic side insisting that we should immediately go to war. They were not willing to wait until we could make the necessary preparations; they were continually urging that the President was a coward; that this side of the House had not the courage to go to war. And now we find the same gentlemen coming forward and saying, "Why, you expended so much money; why do you not stop these expenditures?" Why, sir, it is ridiculous and ought to be ridiculous in the eyes of the American people for the leader of Democratic side of the House to get up here and criticise the necessary expenses for carrying on the war with Spain; and that is what he is doing.

Mr. RICHARDSON. Will the gentleman yield to me a moment?

Mr. HEMENWAY. Yes, sir.

Mr. RICHARDSON. Will the gentleman please specify any necessary expense for carrying on the war that I have criticised? I deny that I have made any such criticism.

Mr. HEMENWAY. The gentlemen has criticised the expenditures of the last three years——

Mr. RICHARDSON. I have not.

Mr. HEMENWAY. In total——

Mr. RICHARDSON. I have not.

Mr. HEMENWAY. By saying that they have been largely in excess of the expenditures for three years previous.

Mr. RICHARDSON. Certainly; but I have not said that under your policy they were unnecessary or extravagant. I simply said that your policy makes it necessary to expend $300,000,000 more.

Mr. HEMENWAY. Then the gentleman means to say that the war policy was our policy?

Mr. RICHARDSON. I do; and that you are responsible for the condition that we are in now; that your administration or policy has made it necessary to expend $750,000,000 a year and to keep up this rate of expenditure.

Mr. HEMENWAY. Then you mean to charge that the Republican party was responsible for the war and its results, do you, and that the Democratic party was not in sympathy with that policy?

Mr. RICHARDSON. Oh, no; I did not say that at all.

Mr. HEMENWAY. Does not that necessarily follow?

Mr. RICHARDSON. I say that you are responsible for the expenditures of the current year and of the next year, and that you are responsible for all the expenditures we are now making. Your policy has caused war and insurrection, and the expenses follow.

Mr. HEMENWAY. We are responsible for the expenditures during the war; and I challenge the gentleman to call attention to one single item of expenditure that was not necessary. These appropriation bills have passed here carrying these amounts for different expenditures which were necessary; and what gentleman on the other side of the House has voted against any of them? Have you been guilty of sitting in your seats while extravagant appropriations were going through without entering a protest? I challenge the gentleman to show where his vote is recorded against a single appropriation bill that has passed——

Mr. RICHARDSON. I do not make myself understood. Your appropriation bills are necessary because of your policy. I can not vote against necessary appropriations.

Mr. HEMENWAY. Why, then, criticise them now?

Mr. RICHARDSON. I can not vote against necessary appropriations, because that would block the wheels of Government. I am not an obstructionist. I vote for these bills because your policy makes it necessary.

Mr. HEMENWAY. The gentleman, then, concedes that every item granted in the appropriation bills passed here has been necessary.

Mr. RICHARDSON. I do not say that.

Mr. HEMENWAY. Now I want to call attention to the policy of the Democratic party.

Mr. FITZGERALD of Massachusetts. Will the gentleman allow me to call his attention——

Mr. HEMENWAY. The gentleman will pardon me a moment, and then I will yield.

You insisted upon the country going to war; you criticised the action taken as to means of defense. Why, sir, I heard every day from the Democratic side criticism as to the amount of ammunition we had on hand—criticism as to the condition of our coast defenses; criticism as to everything. What was the trouble? Why, sir, under Democratic Congresses you passed appropriation bills here for coast defenses carrying less than a million dollars. The largest appropriation bill that ever passed this House for coast defenses, when the House was controlled by the Democratic party, was a little over $3,000,000, and your average appropriation was not half a million dollars.

But during the time that the House has been under the control of the Republican side, during the time even that I have had charge of the coast-defense bill, we have appropriated over $50,000,000—more money than was ever appropriated in all time past for coast defenses. That is why the appropriations under a Republican Congress are a little larger than under Democratic Congresses—because we meet the necessities of the country; we provide for coast defense; we provide for a navy; we

provide for the necessary expenses of the country, and do not, as the Democratic party did when it was in control, leave our coasts in a defenseless condition.

The gentleman complains about Army transports when he knows that the great shipowners of this country combined against the Government and insisted upon outrageous prices for the use of their vessels. The Government refused to contract with them, and finally had to take inferior vessels, when it could get them at halfway reasonable prices. Then we heard from the Democratic side complaints that our soldiers were shipped to Cuba crowded into vessels like so many hogs. When our Government was compelled to use any kind of transports they could put their hands on in order to get transportation at a reasonable price, you came forward and said: "Why, it is an outrage to send soldiers to Cuba on such transports."

On the other hand, if the Government had paid the outrageous prices demanded by many of the shipowners for better transportation, we would have heard from the gentleman from Tennessee that we paid outrageous prices to these great ship companies. That is the position always of the Democratic party. They criticise and criticise, but never act; never have the ability to formulate and carry into effect a policy; never have the ability to act, but always stand and criticise.

Mr. RICHARDSON. We did not have the power to act, and could not act at that time.

Mr. HEMENWAY. The gentleman talks about the price of wool and the price of sheep. I am reminded of a story I used to tell while Cleveland was President of the United States and the Wilson bill was in force. It is a story about a farmer who wanted to have some sheep sheared and a young man who had been going through the country for weeks trying to find work, but could not find it under your magnificent times. Finally this young man struck a farmer, and the farmer said, "Look here, young man, I have some work for you if you can shear sheep." The young man said, "I am an excellent hand at shearing sheep."

So the farmer took him out where the sheep were, and he began by catching hold of the sheep by the hind leg to shear it in that way. The old farmer said, "Look here, that is not the way to shear a sheep. You want to get him by the head and begin in that way." "Yes," replied the young man, "I know that; but under this Administration I am ashamed to look a sheep in the face." [Laughter.]

No one is ashamed to look a sheep in the face now. Sheep were then worth about 75 cents a head. Now they are worth from three to five dollars a head. The price of wool is up, and the gentleman from Tennessee [Mr. RICHARDSON] is trying to explain why it went up. During the time that your Wilson bill was in force you never had to explain why the price of anything went up, did you?

You never had to bring statistics here and letters from London to explain why anything went up during the time the Wilson bill was in force. Upon the other hand, business men went up and farmers went up. There was distress all over the country, and no one was heard to explain why the price of anything had advanced, because the price of everything had gone down. Now the gentleman comes in trying to explain why the price of wool has gone up, why the farmer is raising sheep now and getting his sheep back because they are now profitable, when under the Wilson tariff bill sheep were not profitable. Why, I know in my own county men almost gave sheep away, because they could not sell them for a reasonable price and did not want to keep them. Now, I would like to see a man go out and get a sheep without paying what it is worth—paying from three to five dollars a head.

I appreciate the condition the gentleman is in. Prices have gone up, and some explanation must be made, and the gentleman goes clear over to London to get a letter to bring in here and put into the RECORD to show the farmers of this country why the price of wool has advanced.

Mr. RICHARDSON. What letter is the gentleman referring to?

Mr. HEMENWAY. I understand the gentleman read from a letter from London as to prices of wool.

Mr. RICHARDSON. The gentleman is very far off from the facts.

Mr. HEMENWAY. Where was your foreign letter from? You got some foreign letters into the RECORD.

Mr. RICHARDSON. From Philadelphia. I put no foreign letters in. I was quoting the prices in foreign markets as given in a circular from a Philadelphia firm.

Mr. HEMENWAY. You were quoting foreign prices.

Mr. RICHARDSON. I was obliged to quote them, because I wanted to show that they are higher than prices in the United States under the Dingley tariff.

Mr. HEMENWAY. Did the gentleman, during the time the Wilson bill was in force, have any occasion to quote from anything to show that prices were higher, or to give any reason explaining why prices were higher?

Mr. RICHARDSON. What was the difference? Can you tell the difference between the prices abroad under the Wilson bill, on the 72 grades of wool I have quoted, and the prices now?

Mr. HEMENWAY. I have not the information before me.

Mr. RICHARDSON. I supposed you could not do it.

Mr. HEMENWAY. The gentleman a while ago declined to furnish information.

Mr. RICHARDSON. Because I did not have it before me.

Mr. HEMENWAY. Will the gentleman now, upon that line, tell me what you appropriated in Democratic Congresses for ten years to build fortifications?

Mr. RICHARDSON. We have not had the Congress for ten years.

Mr. HEMENWAY. Well, in the last ten years that the Democratic party did have control of this Congress?

Mr. RICHARDSON. You would have to go back before the war between the States, in the fifties.

Mr. HEMENWAY. It would be better for the country if you had to go a good deal further back than that.

Mr. BERRY. Will the gentleman allow me to interrupt him?

Mr. HEMENWAY. Yes.

Mr. BERRY. Was not the system of fortifications of our coast inaugurated under a Democratic Administration, as well as the new Navy?

Mr. HEMENWAY. It was inaugurated, and called the Endicott system.

Mr. BERRY. And the Navy under Mr. Whitney.

Mr. HEMENWAY. But a Democratic Congress declined to appropriate the money to carry into effect the system of coast defenses then inaugurated and called the Endicott system, and the country had to wait for a Republican Congress to carry into effect the system adopted during a Democratic Administration.

Now, Mr. Chairman, I did not intend to discuss politics, but I could not refrain from saying something when the gentleman from Tennessee got up and undertook to criticise the expenditures which were brought about by the war.

Mr. BERRY. Let me ask the gentleman one other question.

Mr. HEMENWAY. I wish to say this in addition, that if anyone will take this particular bill that is pending before the House and compare the amounts appropriated when the Republicans were in control with the amounts appropriated when the Democratic party was in control he can readily see why appropriations when the Republican party is in power are somewhat larger than they are with the Democratic party in power. It is because the Republican party provides for the defense of our coasts, and the Democratic party never did provide for it. We would have been in a defenseless condition when the war with Spain came on but for the appropriations made by Republican Congresses.

Mr. FITZGERALD of Massachusetts. I should like to ask the gentleman a question.

Mr. HEMENWAY. I yield to the gentleman.

Mr. FITZGERALD of Massachusetts. I should like to call the attention of the gentleman to the report of his committee, which shows that appropriations for coast defenses were made by the Fifty-second and Fifty-third Congresses, both of which Congresses were under the control of the Democratic party.

Mr. HEMENWAY. Appropriations were made in a very limited amount.

Mr. FITZGERALD of Massachusetts. You stated that Democratic Congresses had never appropriated any money, and I call your attention to the fact that the appropriations were very liberal.

Mr. HEMENWAY. No, I did not.

Mr. FITZGERALD of Massachusetts. I so understood you.

Mr. HEMENWAY. The gentleman misunderstood me if he understood me to say that. I never made any such statement. I say that Democratic Congresses did appropriate some small amounts.

Mr. FITZGERALD of Massachusetts. Did they not appropriate just as much money as any Republican Congress did previous to the inauguration of the war?

Mr. HEMENWAY. Oh, no; appropriations under Democratic Congresses since the adoption of the Endicott system averaged about $2,000,000 a year.

Mr. FITZGERALD of Massachusetts. How much did the appropriations of Republican Congresses average?

Mr. HEMENWAY. They will average in the neighborhood of $7,000,000.

Mr. FITZGERALD of Massachusetts. What was the appropriation in the Fifty-first Congress?

Mr. HEMENWAY. The appropriation in the Fifty-first Congress was a limited appropriation, but much larger than the appropriations that had been made prior to that time by Democratic Congresses.

Mr. RICHARDSON. The gentleman has not the figures before him, or he would not make that statement.

Mr. FITZGERALD of Massachusetts. Was it $7,000,000, or anything nearly approaching that, in the Fifty-first Congress?

Mr. HEMENWAY. Yes; it was $8,000,000.

Mr. FITZGERALD of Massachusetts. I am asking the gentleman how much it was, and I want to know what his authority is for making that statement.

Mr. HEMENWAY. The gentleman, by referring to the Book of Estimates or to the list of appropriations tabulated by the committee, which he can get in the room of the Committee on Appropriations, can readily see the amount appropriated every year, and I make this statement——

Mr. FITZGERALD of Massachusetts. If the gentleman will look on page 8 of the bill, he will have difficulty in showing from the figures where the greater liberality of the Republican Congresses was displayed.

Mr. HEMENWAY. I call the gentleman's attention to the act for 1897, which appropriated $7,000,000.

Mr. FITZGERALD of Massachusetts. Why, the country was alive at that time with fear of the war, and Congress had to act.

Mr. HEMENWAY. I call the gentleman's attention to the act of 1898, which carried $9,000,000.

Mr. FITZGERALD of Massachusetts. We had war then.

Mr. HEMENWAY. And I call the gentleman's attention to the fact that that appropriation of $9,000,000 did not come out of war expenses, but was appropriated in the regular fortification bill, and I call the gentleman's attention further to the fact that the fortification bill of 1899 carried over $9,000,000.

Mr. FITZGERALD of Massachusetts. I should like to call the attention of the gentleman to the fact that, as shown by the figures tabulated on page 8 of this bill, the amount appropriated for fortifications in 1889 was $3,972,000. That was appropriated by a Democratic Congress, and it was the first large amount that had ever been appropriated for fortifications. This shows that a Democratic Congress was the first to recognize the wisdom of building fortifications.

Mr. HEMENWAY. Yes.

Mr. FITZGERALD of Massachusetts. The year following the amount was $1,233,594; in 1892 the amount was $3,777,803, and in 1893, $2,734,276. The amount appropriated in the bill for 1889 by a Democratic Congress was greater than in any previous bill up to and including 1890. In 1897 the gentleman knows, as we all know, that there was fear of war; that communications came to every member of Congress insisting upon the different ports of the country being properly protected, and large appropriations were urged. There was not one iota of opposition on the part of Democratic members. When the gentleman claims a surplus of patriotism on that side in the matter of fortification appropriations, the figures show that he is mistaken.

Mr. HEMENWAY. I simply claim this——

Mr. FITZGERALD of Massachusetts. The figures show that the gentleman is stating something that is not correct.

Mr. HEMENWAY. Now, the gentleman loses sight of the fact that the amount carried in the annual appropriation bills and the extraordinary amounts brought about by the war came out of the appropriation of $50,000,000 which was given the President and the amounts carried in deficiencies.

Mr. FITZGERALD of Massachusetts. Was there a single vote on this side of the House against the $50,000,000?

Mr. HEMENWAY. Why, we have the leader on your side of the House here complaining of the amount of the appropriations.

Mr. FITZGERALD of Massachusetts. He is complaining of the extravagant appropriations, and the people will not indorse Republican extravagance, whether it is shielded by war expense or in any other manner.

Mr. HEMENWAY. Will the gentleman name one extravagant item?

Mr. FITZGERALD of Massachusetts. I have one before me just now, and I call the attention of the gentleman from Indiana to the manner in which Army officers have been promoted and immediately retired with increased salary. The speech of the gentleman from Illinois [Mr. JETT] the other day shows men who were promoted in office in the Army, served a few days, the sole and only purpose of which was to get the increased salary when those men retired; and I say it has been a disgrace to the Government that that should be allowed in the flagrant manner in which it was carried out.

Mr. HEMENWAY. Do I understand that the gentleman is opposed to the retirement of the heroes of the Spanish-American war?

Mr. FITZGERALD of Massachusetts. I am not opposed to the retirement of the heroes of the Spanish-American war in their proper places, but I am opposed to retiring men to give place to favorites of the Republican Administration. I am willing to give every soldier his proper desert, and will go as far as any member of this House in that direction.

Mr. HEMENWAY. Will the gentleman name one particular case in which that power was abused?

Mr. FITZGERALD of Massachusetts. Certainly, I will name a case. I think I can do it at once, quoting from the remarks of the gentleman from Illinois the other day.

The list is as follows:

List of appointees.

Name.	When appointed.	When retired.
MAJOR-GENERALS.		
Frank Wheaton	Apr. 2, 1897	May 8, 1897
J. W. Forsyth	May 11, 1897	May 14, 1897
Zenas R. Bliss	May 14, 1897	May 22, 1897
John R. Brooke	May 22, 1897	Not retired.
BRIGADIER-GENERALS OF STAFF.		
Samuel Breck	Sept. 11, 1897	Feb. 28, 1898
W. H. Bell	Nov. 14, 1897	Jan. 28, 1898
S. T. Cushing	Jan. 28, 1898	Apr. 21, 1898
M. I. Ludington	Feb. 3, 1898	Not retired.
Henry C. Corbin	Feb. 25, 1898	Do.
W. H. Nash	Apr. 21, 1898	May 2, 1898
C. P. Eagan *	May 3, 1898	Suspended.
Asa B. Carey	Jan. 30, 1899	July 12, 1899
A. R. Buffington	Apr. 5, 1899	Not retired.
Alfred E. Bates	July 12, 1899	Do.
BRIGADIER-GENERALS OF THE LINE.		
W. R. Shafter	May 3, 1897	Oct. 16, 1899
W. M. Graham	May 26, 1897	Sept. 28, 1898
James F. Wade	....do....	Not retired.
John M. Mizner	....do....	June 7, 1897
Anson Mills	June 17, 1897	June 22, 1897
O. H. Carlton	June 28, 1897	June 30, 1897
H. C. Merriam	June 30, 1897	Not retired.
H. S. Hawkins	Sept. 28, 1898	Oct. 4, 1898
Jacob F. Kent	Oct. 4, 1898	Oct. 15, 1898
Guy V. Henry †	Oct. 11, 1898	Oct. 27, 1899
W. S. Worth	Oct. 29, 1898	Nov. 9, 1898
W. M. Wherry	Jan. 27, 1899	Jan. 18, 1899
J. H. Patterson	Jan. 18, 1899	Feb. 6, 1899
William Sinclair	Feb. 8, 1899	Feb. 13, 1899
M. P. Miller	Feb. 15, 1899	Mar. 27, 1899
E. V. Sumner	Mar. 27, 1899	Mar. 30, 1899
T. M. Anderson	Mar. 31, 1899	Jan. 21, 1900
A. C. M. Pennington	Oct. 16, 1899	Oct. 17, 1899
Royal T. Frank	Oct. 17, 1899	Oct. 18, 1899
L. H. Carpenter	Oct. 18, 1899	Oct. 19, 1899
S. Ovenshine	Oct. 19, 1899	Oct. 20, 1899
D. W. Burke	Oct. 20, 1899	Oct. 21, 1899
E. R. Kellogg	Dec. 5, 1899	Dec. 16, 1899
G. S. Carpenter	....do....	Dec. 26, 1899
S. B. M. Young	Jan. 2, 1900	Not retired.
A. MacArthur	....do....	Do.
William Ludlow	Jan. 21, 1900	Do.

* Suspended by court-martial. † Died.

Mr. HEMENWAY. Is not the gentleman from Massachusetts aware that General Buffington is now Chief of the Ordnance Department?

Mr. JETT. Let me make a suggestion right there.

Mr. HEMENWAY. One at a time, please.

Mr. JETT. Let me make a suggestion.

Mr. HEMENWAY. I want to tell the gentleman from Massachusetts that he is taking all my time.

Mr. JETT. Wait a moment. I want to refer to the major-generals.

Mr. HEMENWAY. The gentleman from Massachusetts is the gentleman I am addressing my remarks to.

Mr. JETT. He has got the floor.

Mr. HEMENWAY. I yielded to the gentleman for a question, and I will yield to you after I get through with him.

The CHAIRMAN. Gentlemen will give attention to the Chair. The gentleman from Massachusetts has no time to yield. The gentleman from Massachusetts asked the gentleman from Indiana to yield to him for a question, which he did; but the gentleman has not yielded to the other gentleman, and he must ask permission of the Chair in the usual way.

Mr. JETT. I will say I had asked the gentleman to yield to me for a question.

Mr. HEMENWAY. I have not yielded to the gentleman at all. I yielded to the gentleman from Massachusetts, and he asked me a question; and in reply I want to ask him if the gentlemen he has mentioned were not entitled to the promotion they have received?

Mr. FITZGERALD of Massachusetts. I certainly do not think they were entitled to the promotion they received, to be retired, as I stated, three days after their appointment.

Mr. HEMENWAY. Does my friend think that General Buffington, who is now Chief of the Ordnance Department, was not entitled to his promotion?

Mr. FITZGERALD of Massachusetts. General Buffington may be an exception, but there are from twenty-five to thirty others, which I have quoted from the statement that the gentleman from Illinois made to the House the other day, which I challenge you to deny.

Mr. HEMENWAY. And these are the great extravagances which you are charging on that side.

Mr. FITZGERALD of Massachusetts. This is one of the great extravagances.

Mr. HEMENWAY. I regret that the President of the United States and the Secretary of War did not consult the gentleman from Massachusetts before these appointments were made.

Mr. FITZGERALD of Massachusetts. They must certainly have consulted the gentleman from Indiana in the matter, because the record shows such excellent results.

Mr. HEMENWAY. I am not criticising the gentleman who has charge of these promotions. I do not think I have sufficient knowledge of the question to do that, and I do not think the gentleman from Massachusetts has developed that he has knowledge on the question.

Mr. FITZGERALD of Massachusetts. The gentleman from Indiana certainly shows that he knows nothing on this subject.

Mr. JETT. Will the gentleman permit me to make a suggestion?

Mr. HEMENWAY. I will permit the gentleman to ask a question, but not to make a speech.

Mr. JETT. This is not a question. You had asked the gentleman from Massachusetts to designate one particular item where in his judgment there had been extravagant appropriation of money by the Congress of the United States.

Mr. HEMENWAY. I ask the same question of the gentleman, if he wants to answer it.

Mr. JETT. I will say, in the line of the suggestion by my friend from Massachusetts [Mr. FITZGERALD], that by reason of the fact of the vacancy on the retirement of General Shafter as brigadier there were five appointments made, and they were made one day after another, consecutively, and if you want the list, I am prepared to give it, day and date. I will say that these appointments were made, in my judgment, for the sole purpose only of retiring these gentlemen, and to enable them to receive an additional salary when they were placed on the retired list.

If you want the list I will read it. On the 16th day of October, 1899, as we all know, General Shafter was retired as brigadier-general. On the very same day he was retired as brigadier-general A. C. M. Pennington was made a brigadier, and the very day following, October 17, 1899, he, too, was retired. On the same day General Pennington was retired Royal B. Frank was appointed as a brigadier-general, and on October 18 he was retired. On the very day he was retired General L. H. Carpenter was made a brigadier-general, and the next day he was retired. On the day he was retired General Ovenshine was made a brigadier-general, and on the 20th he was retired. On the day that General Ovenshine was retired General Burke was made a brigadier-general, and retired the next day. I say this is conclusive evidence of the assertion made by the gentleman from Massachusetts [Mr. FITZGERALD].

Mr. HEMENWAY. Mr. Chairman, in answer to the assertion of the gentleman from Illinois, I ask unanimous consent to place in the RECORD the record of these gentlemen of whom he complains.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent——

Mr. JETT. I want to ask the gentleman from what source he gets that?

Mr. HEMENWAY. The official records of the War Department.

Mr. JETT. When did you receive it?

Mr. HEMENWAY. Right now.

Mr. JETT. Did you not receive it from General DICK this very moment?

The CHAIRMAN (rapping with the gavel). The gentleman from Illinois is out of order.

Mr. HEMENWAY. He was kind enough to hand it to me; I did receive it from General DICK.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to place in the RECORD, as a part of his remarks, the table which he sends to the Clerk's desk.

Mr. RICHARDSON. Let us know what it is.

Mr. HEMENWAY. It is an official statement of the War Department, from the official records, of the record of the officers mentioned by the gentleman from Illinois.

Mr. JETT. May I ask the gentleman from Indiana a question?

The CHAIRMAN. Not until the Chair has had an opportunity to put the question. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

Mr. JETT. I object, Mr. Chairman.

Mr. HEMENWAY. You are too late.

Mr. FITZGERALD of Massachusetts. The gentleman from Indiana is not in the chair.

Mr. HEMENWAY. Now, Mr. Chairman, I have placed in the RECORD the record of these distinguished soldiers, because, in reply to my challenge to point out a single item of extravagance, two distinguished leaders on the Democratic side have been unable to find any one item except a small amount of money to be paid to these distinguished soldiers who by their records have secured promotion.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of Frank Wheaton, of the United States Army, compiled from the records of this office.

Born in and appointed from Rhode Island.

REGULAR ARMY.

First lieutenant, First Cavalry, March 3, 1855; captain, Fourth Cavalry, March 1, 1861; major, Second Cavalry, November 5, 1863; lieutenant-colonel Thirty-ninth Infantry, July 28, 1866; transferred to Twenty-first Infantry, March 15, 1869; colonel Second Infantry, December 15, 1874; brigadier-general, April 18, 1892; major-general, April 2, 1897; retired, May 8, 1897.

Brevetted lieutenant-colonel May 5, 1864, "for gallant and meritorious services in the battle of the Wilderness, Virginia;" colonel, October 19, 1864, "for gallant and meritorious services in the battle of Cedar Creek, Virginia;" brigadier-general, March 13, 1865, "for gallant and meritorious services in the capture of Petersburg, Va.," and major-general, United States Army, March 13, 1865, "for gallant and meritorious services in the field during the war."

VOLUNTEER SERVICE.

Lieutenant-colonel, Second Rhode Island Infantry	July 10, 1861
Colonel	July 21, 1861
Brigadier-general	Nov. 29, 1862

Brevetted major-general October 19, 1864, "for gallant and meritorious services in the battles of Opequan, Fishers Hill, and Middletown, Va."

SERVICE.

Principally with his regiment on the Western frontier from 1855 to 1861, and commanding the Second Rhode Island Infantry in Virginia from 1861 to December, 1862; commanding a brigade and subsequently a division in the Army of the Potomac to the close of the war. Since then he has been serving principally with his regiment in the West until 1892; commanding the Department of Texas from 1892 to 1895, and the Department of the Colorado from 1895 to May 8, 1897, date of his retirement by operation of law (64 years of age).

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of James W. Forsyth, of the United States Army, compiled from the records of this office.

Cadet, United States Military Academy, July 1, 1851; second lieutenant, Ninth Infantry, July 1, 1856; first lieutenant, March 15, 1861; transferred to Eighteenth Infantry, May 14, 1861; captain, October 24, 1861; major, Tenth Cavalry, July 28, 1866; lieutenant-colonel First Cavalry, April 4, 1878; colonel Seventh Cavalry, June 11, 1886; brigadier-general, November 9, 1894; major-general, May 11, 1897; retired, May 14, 1897.

Brevetted major, lieutenant-colonel, colonel, and brigadier-general, for gallant and meritorious services in the battles of Chickamauga, Ga., Cedar Creek, Opequan, Fishers Hill, Middletown, and Five Forks, Va., and for gallant and meritorious services in the field during the war.

SERVICE.

From 1856 to 1861 he served on frontier duty in Washington; instructor of a brigade of Ohio volunteers, October to December, 1861; on duty at headquarters of the Army of the Potomac to April, 1863; in the Army of the Cumberland to April, 1864; inspector-general, cavalry corps, Army of the Potomac, and chief of staff to General Sheridan to May, 1865; commanding cavalry brigade in Texas to September, 1865. From the close of the war to April, 1878, he served as acting inspector-general and aid-de-camp to General Sheridan; with his regiment on the western frontier to November, 1894; commanding the Department of California from November 22, 1894, to date of retirement, May 14, 1897.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of the late Zenas R. Bliss, of the United States Army, compiled from the records of this office.

Cadet, United States Military Academy, July 1, 1850; brevet second lieutenant, First Infantry, July 1, 1854; second lieutenant, Eighth Infantry, March 3, 1855; first lieutenant, October 17, 1860; captain, May 14, 1861; colonel, Rhode Island Volunteers, May 26, 1862, to June 9, 1865; major, Thirty-ninth Infantry, August 6, 1867; transferred to Twenty-fifth Infantry, March 15, 1869; lieutenant-colonel Nineteenth Infantry, March 4, 1879; colonel Twenty-fourth Infantry, April 20, 1886; brigadier-general, April 25, 1895; major-general, May 21, 1897; retired, May 22, 1897; died, January 2, 1900.

Brevetted major and lieutenant-colonel for gallant and meritorious services in the battles of Fredericksburg and the Wilderness, Virginia.

SERVICE.

He was a prisoner of war from May 9, 1861, to April 5, 1862; commanded his regiment and a brigade in the Army of the Potomac and in the Army of the Tennessee to October, 1864; then on sick leave and on detached duty to March, 1866; with regiment in the Southern States and on the Western frontier to May, 1895; commanding Department of Texas, May, 1895, to May, 1897, date of retirement.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of Samuel Breck, of the United States Army, compiled from the records of this office.

Cadet, United States Military Academy, July 1, 1851; second lieutenant, First Artillery, July 1, 1855; first lieutenant, April 11, 1861; captain, assistant adjutant-general, November 23, 1861; major, acting aid-de-camp, May 23, 1862; major, assistant adjutant-general, July 17, 1862; lieutenant-colonel, February 23, 1887; colonel, August 31, 1893; brigadier-general, Adjutant-General, September 11, 1897; retired, February 25, 1898.

Brevetted lieutenant-colonel, colonel, and brigadier-general for faithful and meritorious services during the war.

SERVICE.

Served in the campaign against Seminole Indians in 1856; assistant professor at the Military Academy September, 1860, to December, 1861; adjutant-general of General McDowell's division and of the First Army Corps to June, 1862; in the Office of the Adjutant-General, United States Army, to June, 1870; at various department headquarters to October, 1895; at Washington, D. C., to February 25, 1898. General Breck was senior officer of his department when appointed brigadier-general, and was retired by operation of law, having reached the age of 64 years.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of William H. Bell, of the United States Army, compiled from the records of this office.

Born in and appointed from Pennsylvania.

Cadet, Military Academy, July 1, 1853; brevet second lieutenant, Third Infantry, July 1, 1858; second lieutenant, Third Infantry, December 6, 1858; first lieutenant, Third Infantry, May 14, 1861; captain and commissary subsistence, June 11, 1862; major and commissary subsistence, August 14, 1883; lieutenant-colonel, assistant commissary-general subsistence, December 27, 1892; colonel, assistant commissary-general subsistence, June 10, 1896; brigadier-general, Commissary-General Subsistence, November 14, 1897; retired, January 28, 1898.

Brevetted major March 13, 1865, "for faithful and meritorious services in New Mexico."

SERVICE.

With his regiment on the Western frontier and in the Army of the Potomac from 1858 to 1861; on detached service at the United States Military Academy from September, 1861, to June, 1862; on commissary duty at various places, and since the close of the war of 1861, principally in the West, to March, 1897; on duty in the Commissary-General's Office to November, 1897, and Commissary-General of Subsistence until retirement, January 28, 1898, by operation of law (being 64 years of age).

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of Samuel T. Cushing, of the United States Army, compiled from the records of this office.

Cadet, United States Military Academy, July 1, 1855; brevet second lieutenant, Tenth Infantry, July 1, 1860; second lieutenant, Second Infantry, January 19, 1861; first lieutenant, Second Infantry, May 14, 1861; captain, Second Infantry, February 15, 1862; captain, commissary subsistence, February 9, 1863; major, commissary subsistence, August 28, 1888; lieutenant-colonel, assistant commissary-general, November 11, 1895; colonel, assistant commissary-general, January 26, 1897; brigadier-general, Commissary-General, January 28, 1898; retired, April 21, 1898.

Brevetted major, March 13, 1865, for faithful and meritorious services during the war.

SERVICE.

Principally with his regiment in the West from 1860 to 1861; on signal duty in the defenses of Washington and Army of the Potomac from 1861 to 1863; on duty at the United States Military Academy from 1863 to 1864; on commissary duty at various places from 1864 to 1894; assistant to the Commissary-General of Subsistence from 1894 to January 28, 1898, and Commissary-General of Subsistence until retired, April 21, 1898, for disability in line of duty.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of William H. Nash, of the United States Army, compiled from the records of this office.

Born in and appointed from Ohio.

VOLUNTEER RECORD.

Captain, commissary subsistence, volunteers, November 20, 1862, to December 15, 1865; brevetted major, March 31, 1865, for gallant and distinguished service.

REGULAR ARMY RECORD.

Captain, commissary of subsistence, November 17, 1865; accepted, December 15, 1865; major, July 14, 1890; lieutenant-colonel, assistant commissary-general subsistence, June 10, 1896; colonel, February 4, 1898; brigadier-general, Commissary-General, April 21, 1898; retired, May 2, 1898.

Brevetted major, November 17, 1865, for faithful and meritorious services in the Subsistence Department during the war.

SERVICE.

On duty as supervising commissary, district of the Rio Grande, and depot commissary at Brownsville, Tex., and Santiago, Tex., March 30, 1866, to May, 1867; chief commissary of subsistence, district of Texas, and depot commissary at Galveston, Tex., to February, 1868; on duty at New Orleans, La., to April, 1868; under orders to July, 1868; on duty at Washington, in the Office of the Commissary-General of Subsistence, to July, 1869; purchasing commissary at Cincinnati, Ohio, to May, 1870; at Santa Fe, N. Mex., as chief commissary, district of New Mexico, June 10, 1870, to October, 1873; at Omaha, Nebr., as chief commissary, Department of the Platte, November 1 to 27, 1873; on sick leave, December, 1873, to February 16, 1874; on duty at Louisville, Ky., in office of chief commissary of subsistence, division of the South, to April 30, 1874; purchasing and depot commissary at Louisville, Ky., to June 4, 1874.

In arrest and undergoing sentence of general court-martial (sentence to be dismissed mitigated to suspension from rank and command, with forfeiture of his pay, except $100 per month for one year) to November 4, 1875; awaiting orders to March, 1876; depot commissary at Cheyenne, Wyo., April 6, 1876, to September 30, 1880; depot and purchasing commissary at Boston, Mass., October 7, 1880, to December 7, 1881; at Washington, D. C. (on duty in the Office of the Commissary-General of Subsistence April 1 to September 21, 1882), to January 14, 1885; at New Orleans, La. (on leave July 1 to November 7, 1885), to December 24, 1888; post commissary at Fort Monroe, Va., January 23 to November 30, 1889; chief commissary subsistence, Department of the Columbia, January 1, 1890, to March, 1897; also purchasing and depot commissary at Portland, Oreg., January 13, 1893, to March, 1897; purchasing and depot commissary at St. Louis, Mo., to April, 1898, and at Washington, D. C., until retired, at his own request, May 2, 1898.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of Asa B. Carey, of the United States Army, compiled from the records of this office.

Cadet, United States Military Academy, July 1, 1854; brevet second lieutenant, Sixth Infantry, July 1, 1858; second lieutenant, Seventh Infantry, October 22, 1858; first lieutenant, Thirteenth Infantry, May 14, 1861; captain, Thirteenth Infantry, October 24, 1861; major and paymaster, October 5, 1867; lieutenant-colonel, deputy paymaster-general, March 27, 1895; colonel, assistant paymaster-general, June 10, 1898; brigadier-general, Paymaster-General, January 30, 1899; retired, July 12, 1899.

Brevetted major March 28, 1862, for gallant and meritorious services at the battle of Apache Canyon, New Mexico, and lieutenant-colonel March 13, 1865, for gallant and meritorious services in the war against the Navajo Indians.

SERVICE.

Principally with his regiment in the West from 1858 to 1862, and on quartermaster duty in New Mexico to 1866; on duty as paymaster at various stations from 1867 to 1899, and as Paymaster-General at Washington, D. C., from January, 1899, to July 12, 1899, when he was retired by operation of law (64 years of age).

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of William R. Shafter, of the United States Army, compiled from the records of this office.

First lieutenant, Seventh Michigan Infantry, August 22, 1861, to August 22, 1862; major, Nineteenth Michigan Infantry, September 5, 1862; lieutenant-colonel, June 5, 1863, to April 18, 1864; colonel, Seventeenth United States Colored Infantry, April 19, 1864, to November 9, 1866; lieutenant-colonel, Forty-first United States Infantry, July 28, 1866; unassigned, March 15, 1869; assigned to Twenty-fourth Infantry, April 14, 1869; colonel First Infantry, March 4, 1879; brigadier-general, May 3, 1897; major-general Volunteers, May 4, 1898; retired October 16, 1899.

Brevet colonel, March 2, 1867, for gallant services in battle of Fair Oaks, Va., and brevet brigadier-general, March 13, 1865, for gallant services during the war. With Army of the Potomac to 1862, engaging in siege of Yorktown, battles of Fair Oaks and Malvern Hill, Va., and in Tennessee to 1866; taken prisoner at Thompsons Station, March 5, 1863, and exchanged May 9, 1863. Battle of Nashville, December, 1864. Awarded medal of honor for gallantry at battle of Fair Oaks, Va., remaining on field after being wounded.

SERVICE.

With regiment, principally in West and Southwest, to 1897 (Sioux campaign, 1890); commanding Department of California, May, 1897, to April, 1898, and Fifth Army Corps to October, 1898; commanding Fifth Army Corps in operations against and capture of Santiago in 1898; commanding Department of California to date.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of William Montrose Graham, of the United States Army, compiled from the records of this office.

Second lieutenant, First Artillery, June 7, 1855; first lieutenant, March 1, 1861; captain, October 20, 1861; colonel Second District of Columbia Infantry, April 7, 1865; major, Fourth Artillery, July 18, 1879; lieutenant-colonel First Artillery, August 10, 1887; transferred to Fifth Artillery, May 1, 1890; colonel Fifth Artillery, July 1, 1891; brigadier-general, May 26, 1897; major-general Volunteers, May 4, 1898, to November 28, 1898; retired September 28, 1898.

Brevetted major July 1, 1862; lieutenant-colonel, September 17, 1862; colonel, July 3, 1863, and brigadier-general, March 13, 1865, for gallant and meritorious services in Virginia, battle of Gettysburg, and services in the field during the war.

SERVICE.

In campaign against Indians in Florida, July, 1855, to November, 1856, and Mexican bandits, December, 1859, to February, 1860; with Army of the Potomac to 1864; in the field against hostile Indians in Kansas, June and July, 1869; at various posts on Pacific coast and in Eastern States to June, 1897; commanding Departments of Texas and Gulf to May, 1898; with Second Army Corps to November, 1898; retired by operation of law September 28, 1898.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of John K. Mizner, of the United States Army, compiled from the records of this office.

Born in New York, and appointed from Michigan; cadet, United States Military Academy, July 1, 1852; brevet second lieutenant, Second Dragoons, July 1, 1856; second lieutenant, Second Dragoons, July 28, 1857; first lieutenant, Second Dragoons, March 9, 1861; captain, Second Cavalry, November 12, 1861; major Fourth Cavalry, January 26, 1889; lieutenant-colonel Eighth Cavalry, January 9, 1896; colonel Tenth Cavalry, April 15, 1890; brigadier-general, May 29, 1897; retired June 7, 1897; colonel Third Michigan Cavalry, March 7, 1862, to February 12, 1866.

Brevetted major October 4, 1862, for gallant and meritorious service in battle of Corinth, Miss., and lieutenant-colonel June 12, 1863, for gallant and meritorious service at Panola, Miss.; brevetted brigadier-general March 13, 1865, for gallant and meritorious services during the war.

SERVICE.

Principally with his regiment in the West from 1856 to 1861, and in the Army of the Southwest to 1862; commanding a brigade in the same army to the close of the war; since that time with his regiment at Western posts until his appointment as brigadier-general in 1897, and retirement June 7, 1897, at his own request, after forty years' service.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of Anson Mills, of the United States Army, compiled from the records of this office.

Cadet, United States Military Academy, July 1, 1855 to February 18, 1857; first lieutenant, Eighteenth Infantry, May 14, 1861; captain, April 27, 1863; transferred to Third Cavalry January 1, 1871; major, Tenth Cavalry, April 4, 1878; lieutenant-colonel Fourth Cavalry, March 25, 1890; colonel Third Cavalry, August 16, 1892; brigadier-general, June 16, 1897; retired, June 22, 1897.

Brevetted captain December 31, 1863; major, September 1, 1864, and colonel, February 27, 1890.

SERVICE.

With regiment in the Corinth, Chickamauga, and Atlanta campaigns, with Army of the West, 1863 to 1865; with regiment on the Western frontier to 1893; commissioner of the International Boundary Commission of the United States and Mexico to June 22, 1897, when he was retired at his own request. (Over thirty years' service.)

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
March 27, 1900.

Statement of the military service of Caleb H. Carlton, of the United States Army, compiled from the records of this office.

Cadet, United States Military Academy, July 1, 1854 to July 1, 1859; brevet second lieutenant, Seventh Infantry, July 1, 1859; second lieutenant, Fourth Infantry, October 12, 1859; first lieutenant, Fourth Infantry, May 14, 1861; captain, Fourth Infantry, January 30, 1862; colonel Eighty-ninth Ohio Volunteers, July 2, 1863, to June 23, 1865; assigned to Tenth Cavalry, December 15,

1870; major Third Cavalry, May 17, 1876; lieutenant-colonel Seventh Cavalry, April 11, 1889; colonel Eighth Cavalry, January 30, 1892; brigadier-general, June 28, 1897; retired, June 30, 1897.

Brevetted major and lieutenant-colonel, for gallant and meritorious services in the peninsular campaign and in the battle of Chickamauga, Ga.

Was engaged in some ten or twelve battles; was taken prisoner at Chickamauga, Ga., September 19, 1863, and was prisoner of war to March 7, 1864, when he rejoined his regiment, serving in the Army of the Cumberland until June, 1865. Since then served mainly with his regiment on the Western frontier to May, 1897.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 21, 1900.

Statement of the military service of Hamilton S. Hawkins, of the United States Army, compiled from the records of this office.

Cadet, United States Military Academy, July 1, 1852, to April 30, 1855; second lieutenant, Sixth Infantry, April 20, 1861; first lieutenant, May 14, 1861; captain, September 20, 1863; major Tenth Infantry, October 31, 1885; lieutenant-colonel Twenty-third Infantry, February 17, 1889; colonel Sixteenth Infantry, August 13, 1894; transferred to Twentieth Infantry, September 15, 1894; brigadier-general volunteers, May 4, 1898; major-general volunteers, July 8, 1898, to November 30, 1898; brigadier-general, United States Army, September 28, 1898; retired, October 4, 1898; brevetted major October 11, 1865 (declined).

With Army of Potomac to 1863 as quartermaster Second Brigade, Second Division, Fifth Corps; was on duty with regiment principally on Western frontier to May, 1898; commanding First Brigade, First Division, Seventh Corps, to June, 1898; Santiago campaign, commanding First Brigade, First Division, Fifth Corps, June 8 to July 2, 1898, when he was wounded; retired, October 4, 1898.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900

Statement of the military service of J. Ford Kent, of the United States Army, compiled from the records of this office.

Cadet, United States Military Academy, July 1, 1856; second lieutenant, Third Infantry, May 6, 1861; first lieutenant, July 31, 1861; captain, January 8, 1864; major, Fourth Infantry, July 1, 1885; lieutenant-colonel Eighteenth Infantry, January 15, 1891; colonel Twenty-fourth Infantry, April 25, 1895; brigadier-general, October 4, 1898; retired, October 15, 1898. Brevetted lieutenant-colonel May 12, 1864.

VOLUNTEER SERVICE.

Lieutenant-colonel, acting inspector-general, January 1, 1863, to August 31, 1865; brigadier-general, May 4, 1898; major-general, July 8, 1898, to November 30, 1898. Brevetted colonel of volunteers August 19, 1864.

Was wounded and taken prisoner at battle of Bull Run, Virginia, July 21, 1861, and exchanged September 30, 1862; was inspector-general of the Ninth Corps January 1 to February 6, 1863; of the Sixth Corps to March 1, 1865, and of the Department of Washington to August 31, 1865.

REGULAR SERVICE.

On duty at United States Military Academy to August, 1869; with regiment principally in West and Northwest to April, 1898; Santiago campaign, commanding First Division, Fifth Corps, May 15 to August 24; at Fort Douglas, Utah, to date of retirement, October 15, 1898.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of William S. Worth, of the United States Army, compiled from the records of this office.

Second lieutenant, Eighth Infantry, April 20, 1861; first lieutenant, Eighth Infantry, June 7, 1861; captain, Eighth Infantry, January 14, 1866; major, Second Infantry, March 9, 1891; lieutenant-colonel Thirteenth Infantry, November 26, 1894; colonel Sixteenth Infantry, August 11, 1898; brigadier-general, volunteers, July 12, 1898, to October 30, 1898; brigadier-general, United States Army, October 29, 1898; retired, November 9, 1898.

Brevetted captain, August 1, 1864, for gallant and distinguished services in the assault on the enemy's lines before Petersburg and in the operations in the campaigns against Richmond, Va., and major, United States Army, April 9, 1865, for gallant and meritorious services during the campaign terminating with the surrender of the insurgent army, under Gen. Robert E. Lee.

SERVICE.

Principally with his regiment in New York Harbor and in the Army of the Potomac from 1861 to 1865; in the Southern States and New York Harbor to 1872; at Western posts to 1894; in New York Harbor to 1898, and in the Santiago campaign to July 1, 1898, when wounded in the battle of San Juan Hill, Cuba; absent wounded and on sick leave to date of his retirement, November 9, 1898, at his own request, after over thirty years' service.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of William M. Wherry, of the United States Army, compiled from the records of this office.

First lieutenant, Third Missouri Volunteers, May 8, 1861; first lieutenant, Thirteenth Infantry, October 26, 1861; captain, April 5, 1866; transferred to Thirty-first Infantry, September 21, 1866; assigned to Sixth Infantry, February 15, 1870; major, Twenty-first Infantry, April 20, 1891; lieutenant-colonel, Second Infantry, December 20, 1894; colonel, Seventeenth Infantry, August 30, 1898; brigadier-general, January 7, 1899; retired, January 18, 1899.

Brevetted captain, major, lieutenant-colonel, colonel, and brigadier-general for various services during the war.

SERVICE.

He served, with few exceptions, as aid-de-camp and secretary to General Schofield from July, 1862, to October, 1885; with his regiment in the West to January, 1895; military secretary to General Schofield to May, 1895; with regiment in Nebraska and Montana to April, 1896; at Chickamauga, Ga., and Tampa, Fla., to June, 1898; in the Santiago campaign to August, 1898, when he returned with his regiment to the United States, serving with it until retired, January 18, 1899.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of John H. Patterson, of the United States Army, compiled from the records of this office.

Born in and appointed from New York. First lieutenant, Eleventh Infantry, September 21, 1861; transferred to Twentieth Infantry, September 21, 1866; captain, July 28, 1866; major, Third Infantry, May 19, 1891; transferred to Twenty-second Infantry, November 4, 1895; lieutenant-colonel First Infantry, January 21, 1895; colonel Twentieth Infantry, September 28, 1898; brigadier-general, volunteers, September 21, 1898, to November 30, 1898; brigadier-general, United States Army, January 18, 1899; retired, February 6, 1899.

Brevetted captain, October 1, 1864, "for gallant services in the battle of Chapel House, Virginia."

During the war he participated in the following battles: Siege of Yorktown, Gaines's Mill, Malvern Hill, Turkey Bend, Chancellorsville, Gettysburg, Rappahannock Station, Mine Run, Wilderness, Spottsylvania Court-House, North Anna, Peach Orchard, Bethesda Church, siege of Petersburg, Weldon Railroad, Chapel House, and Hatcher's Run.

SERVICE.

He served with his regiment in Massachusetts and the Army of the Potomac to August, 1862; on recruiting service to March, 1863; with regiment in the Army of the Potomac to September, 1864; aid-de-camp at headquarters, Third Brigade, Second Division, Fifth Army Corps, to November, 1864; with regiment in Maryland to January, 1865; on recruiting service to October, 1865; with regiment in Virginia and Louisiana to April, 1869; on the Western frontier to December, 1877; in Texas to September, 1880; at Columbus Barracks, Ohio, to October, 1881; in Kansas to May, 1885; in Montana to September, 1889; on recruiting service to May, 1891; with regiment in Minnesota to February, 1895; in California to November, 1895; in California and Nebraska to April, 1898; in Florida and Cuba to July 1, 1898, when he was wounded in action at San Juan, Cuba; absent on account of wounds to October, 1898; chief mustering officer, State of New Jersey, to February 6, 1899, when he was retired at his own request (over thirty years' service).

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of William Sinclair, of the United States Army, compiled from the records of this office.

Cadet, United States Military Academy, July 1, 1853; second lieutenant, Third Artillery, July 31, 1858; first lieutenant, April 20, 1861; colonel Pennsylvania Reserve Corps, June 27, 1862, to June 6, 1863; lieutenant-colonel, assistant inspector-general, October 12, 1863, to July 3, 1865; captain, December 11, 1865; major Second Artillery, April 6, 1885; lieutenant-colonel Fifth Artillery, June 6, 1896; colonel Seventh Artillery, March 8, 1898; brigadier-general, February 8, 1899; retired February 13, 1899.

Brevet captain, May 4, 1862, for gallant service at siege of Yorktown, Va., and major, December 13, 1862, for meritorious service at battle of Fredericksburg, Va.

SERVICE.

Served with Army of the Potomac from 1862 to June, 1863, commanding First Brigade, Third Division, Fifth Army Corps, being wounded in battles of Bull Run and Fredericksburg; with Army of Tennessee to July, 1863; acting inspector-general, Thirteenth Corps, to June, 1864; with his regiment, principally in Western and Southern States, in Indian campaigns and labor strikes, to 1898; commanding regiment in New York to February, 1899, when he was retired at his own request. (Over thirty years' service.)

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of Marcus P. Miller, of the United States Army, compiled from the records of this office.

Born in and appointed from Massachusetts. Cadet, United States Military Academy, September 1, 1854; brevet second lieutenant, Fourth Cavalry, July 1, 1858; second lieutenant, September 27, 1859; first lieutenant, May 14, 1861; regimental quartermaster, February 14, 1862, to April 1, 1862; regimental adjutant, April 1, 1862, to May 11, 1864; captain, May 11, 1864; major Fifth Artillery, September 14, 1883; lieutenant-colonel First Artillery, October 10, 1894; colonel Third Artillery, April 30, 1897; brigadier-general, Volunteers, May 27, 1898; vacated February 23, 1899; brigadier-general, United States Army, February 15, 1899; retired March 27, 1899.

Brevetted captain July 1, 1862, "for gallant and meritorious services in the battle of Malvern Hill, Va.;" major, March 13, 1865, "for gallant and meritorious services in the cavalry campaign from Winchester to Richmond, Va.;" lieutenant-colonel, March 31, 1865, "for gallant and meritorious services in the battle of Dinwiddie Court-House, Va.," and colonel, February 27, 1890, "for gallant and meritorious services in actions against Indians in the Lava Beds, California, April 17, 1873, and special gallantry and military ability against Indians at the Clearwater, Idaho, July 11 and 12, 1877."

He participated in the Virginia Peninsular campaign, siege of Yorktown, battles of Malvern Hill, Antietam, Fredericksburg, and Chancellorsville; operations against Richmond, Taylorsville, Dinwiddie Court-House, Five Forks, Sutherland Station, Sailors Creek, and Appomattox Court-House.

At Fort Monroe, Va., September, 1858, to January, 1860; en route to and in Utah to July, 1861; in Kansas to October, 1861; in defense of Washington to March, 1862; in the Army of the Potomac to May, 1863; at Fort Washington, Md., to March, 1864; at Washington, D. C., and Annapolis, Md., to November 11, 1864; in the field in Virginia to May, 1865; in Maryland to November, 1872; in Oregon to June, 1877; in the field against Nez Perce Indians to November, 1877; at the Presidio of San Francisco, Cal., to June, 1878; in the Bannock campaign to October 2, 1878; in California to July, 1879; at Fort Monroe, Va., to August, 1881; at the Military Academy to August, 1884; at Fort Hamilton, N. Y., to November, 1886; acting ordnance officer and inspector of rifle practice at headquarters Division of the Atlantic, to June, 1888; at Fort Columbus, N. Y., and the Artillery School, Fort Monroe, Va., to October, 1894; at Fort Hamilton, N. Y., to October, 1896; in Florida to May, 1897; in California to November, 1898; commanding First Separate Brigade, Eighth Army Corps, to March 27, 1899, when retired by operation of law.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of E. V. Sumner, of the United States Army, compiled from the records of this office.

Second lieutenant, First Cavalry, August 5, 1861; first lieutenant, November 12, 1861; captain, Third Cavalry, September 23, 1863; major, Fifth Cavalry, March 4, 1879; lieutenant-colonel Eighth Cavalry, April 15, 1890; colonel Seventh Cavalry, November 10, 1894; brigadier-general, March 27, 1899; retired, March 30, 1899.

Brevetted major, May 6, 1864; lieutenant-colonel, March 13, 1865, for meritorious services during war.

VOLUNTEER SERVICE.

Major, aid-de-camp, May 19, 1863, to August 15, 1863; colonel First New York Mounted Rifles, September 8, 1864, to November 29, 1865; brigadier-general, May 27, 1898, to February 24, 1899.

Brevetted lieutenant-colonel March 13, 1865, for gallant and meritorious service during war; served as aid-de-camp to General Stoneman in Army of

Potomac September, 1861, to August, 1863, and with regiment in Army of Potomac and James, in operations against Richmond, Va., to close of war; wounded twice at battle of Todds Tavern, Va., May 7, 1864.

REGULAR SERVICE.

He served with his regiment, principally on Western frontier, in various Indian campaigns, from 1865 to 1898; commanding Department of Missouri, May, 1898, to February, 1899, when he retired from active service.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of Thomas M. Anderson, of the United States Army, compiled from the records of this office.

Born in and appointed from Ohio. Private, Company A, Sixth Ohio Infantry, April 20 to May 15, 1861; second lieutenant, Second Cavalry, May 7, 1861; captain, Twelfth Infantry, May 14, 1861; transferred to Twenty-first Infantry, September 21, 1866; major Twenty-first Infantry, March 26, 1866; unassigned, March 15, 1869; assigned to Tenth Infantry, June 24, 1869; lieutenant-colonel Ninth Infantry, March 20, 1879; colonel Fourteenth Infantry, September 6, 1886; brigadier-general Volunteers, May 4, 1898; major-general Volunteers August 13, 1898, to June 12, 1899; brigadier-general, United States Army, March 31, 1899; retired January 21, 1900.

Brevetted major August 1, 1864, "for gallant services in the battle of The Wilderness," and lieutenant-colonel "for gallant services in the battle of Spottsylvania."

SERVICE.

He served with Generals Patterson and Banks in Maryland and western Virginia to September, 1861, being engaged in the actions at Falling Waters July 2, near Martinsburg July 3, and Bunker Hill, Virginia, July 15, 1861; on regimental recruiting service to May, 1862; with the Army of the Shenandoah to September, 1862; with the Army of the Potomac to May, 1863; on duty in Washington, D. C., to March, 1864; in the Army of the Potomac to the close of the war, being wounded at Laurel Hill, Virginia, May 12, 1864; with regiment from 1865 on the Western frontier, taking part in various Indian campaigns and labor strikes to February, 1898; in the Philippine campaign to March, 1899; en route to and commanding the Department of the Lakes from May 8, 1899, to date of retirement.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of Alexander C. M. Pennington, of the United States Army, compiled from the records of this office.

Born in and appointed from New Jersey. Cadet, United States Military Academy, July 1, 1855; brevet second lieutenant, Second Artillery, July 1, 1860; second lieutenant, February 1, 1861; first lieutenant, May 14, 1861; captain, March 30, 1864; colonel Third New Jersey Cavalry, October 1, 1864, to August 1, 1865; major Fourth Artillery, November 8, 1882; lieutenant-colonel, November 28, 1892; colonel Second Artillery, October 29, 1896; brigadier-general Volunteers, May 4, 1898, to April 12, 1899; brigadier-general, United States Army, October 16, 1899; retired October 17, 1899.

Brevetted captain, June 9, 1863, "for gallant and meritorious services in the battle of Beverly Ford, Va.;" major, July 3, 1863, "for gallant and meritorious services during the Gettysburg campaign;" lieutenant-colonel, October 19, 1864, "for gallant and meritorious services in the battle of Cedar Creek, Virginia;" colonel, March 13, 1865, "for gallant and meritorious services during the war," and brigadier-general of volunteers, July 15, 1865, "for faithful and meritorious services."

He participated in the following battles, etc.: Siege of Yorktown, Williamsburg, New Bridge, Mechanicsville, Gaines Mill, Malvern Hill, Boonsboro, Antietam, Martinsburg, Nolans Ford, Philemont, Union, Upperville, Barbees Cross-Roads, Amisville, Beverly Ford, Hanover, Hunterstown, Gettysburg, Monterey Springs, Williamsport, Boonsboro, Hagerstown, Falling Waters, Battle Mountain, James City, Brandy Station, Bucklands Mills, Mortons Ford, Wilderness, Meadow Bridge, Trevillian Station, Winchester, Summit Point, Kearneysville, Toms Brook, Cedar Creek, Mount Jackson, Waynesboro, Dinwiddie Court-House, Five Forks, Sailors Creek, and Appomattox Court-House.

SERVICE.

With his battery at Fort Monroe, Va., September, 1860, to February, 1861; in Washington, D. C., and at Fort Pickens, Fla., to February, 1862; in the Army of the Potomac to August, 1865; in California and Oregon to October, 1872; in North and South Carolina to July, 1877; Maryland and the District of Columbia, to November, 1882; Connecticut, to September, 1885; instructor at the Artillery School, Fort Monroe, Va., to May, 1892; inspector of artillery and Acting Chief Signal Officer, Department of the East, June, 1892, to November, 1896; Fort Adams, R. I., to May, 1898; Camp Black, New York, to July 2, 1898; Department of the Gulf, to March, 1899; awaiting orders to date of retirement.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1900.

Statement of the military service of Royal T. Frank, of the United States Army, compiled from the records of this office.

Born May 6, 1836, Maine; appointed from Maine. He was a cadet at the United States Military Academy, July 1, 1854, to July 1, 1858, when he was graduated and appointed: Brevet second lieutenant, Fifth Infantry, July 1, 1858; second lieutenant, Eighth Infantry, October 19, 1858; first lieutenant, Eighth Infantry, May 14, 1861; captain, Eighth Infantry, February 27, 1862; transferred to First Artillery, December 15, 1870; major, First Artillery, January 2, 1881; lieutenant-colonel, Second Artillery, January 25, 1889; colonel First Artillery, October 25, 1894; brigadier-general, volunteers, May 4, 1898, to May 12, 1899; brigadier-general, United States Army, October 17, 1899; retired, October 18, 1899.

Brevetted major, July 3, 1863, for gallant and meritorious services during the Peninsular campaign, and lieutenant-colonel, December 13, 1862, for gallant and meritorious services in the battle of Fredericksburg, Va.

SERVICE.

On duty at Newport Barracks, Ky., from October, 1858, to June 30, 1859; en route to and on duty with his regiment in New Mexico (engaged against Comanche Indians in a skirmish near Hatch's Ranch, New Mexico, July 23, 1860, and received a letter of thanks from his department commander, and was honorably mentioned in general orders from Headquarters of the Army for gallantry in that skirmish) to February, 1861, and in Texas to May 9, 1861, when the command to which he belonged was captured by Texas rebels at San Lucas Springs, Texas. He was a paroled prisoner of war until February 20, 1862, when he was exchanged.

He served at headquarters Army of the Potomac, in the defenses of Washington, to March, 1862, and in command of a company of provost guard in the Peninsular campaign to August, 1862, and in the Maryland and Rappahannock campaigns to October 5, 1862; commanding regiment in the Army of the Potomac to December 31, 1862; participating in the siege of Yorktown, Va., April 5 to May 4, 1862; battle of Malvern Hill, Virginia, June 30 to July 2, 1862; battle of Antietam, Md., September 16-17, 1862, and battle of Fredericksburg, Va., December 11-15, 1862; engaged in organizing exchanged prisoners of war of the Eighth Infantry at Fort Columbus, N. Y., to June 18, 1863; with his regiment in the Army of the Potomac to July 10, 1863; in New York City and Fort Columbus, N. Y., to February, 1864; on mustering and disbursing duty in New York City and Baltimore, Md., to April, 1864; on recruiting service to June 1, 1864; acting assistant adjutant-general on the staff of Brigadier-General Cooke, superintendent of general recruiting service at New York City to March 2, 1866; on duty with his regiment in the Carolinas from May, 1866, to October, 1870, and at Davids Island, New York, to December 22, 1870; on leave to January 20, 1871; with his regiment at Fort Hamilton, N. Y., to February 28, 1871; at Fort Wadsworth, N. Y., to November 16, 1872; at Fort Pulaski, Ga., to October 25, 1873; at St. Augustine, Fla., to December 2, 1875; at Fort Adams, R. I., December 9, 1875, to October 19, 1876; at Summerville and Charleston, S. C., October 31, 1876, to February 3, 1877; at Washington Arsenal, D. C., February 5 to April 5, 1877, and at Fort Adams, R. I., to January 17, 1881 (being engaged in quelling railroad disturbances in Pennsylvania July 24 to October 24, 1877); on court-martial duty to June 10, 1881; with regiment in command of Fort Trumbull, Conn., June 13 to November 10, 1881; of Alcatraz Island, Cal., November 17, 1881, to December 9, 1884, and at Fort Winfield Scott, Cal., to June 12, 1886; on duty at the Artillery School, Fort Monroe, Va., being superintendent of instruction in the departments of engineering, military art, and law from July 1, 1886, to November 4, 1888, and in command of the Artillery School and the post to May, 1898; commanding the Department of the East, May 19 to July 2, 1898; commanding First Division, Third Army Corps, July 7 to October 14, 1898; Second Division, Fourth Army Corps, October 14, 1898, to January 13, 1899; First Separate Brigade, Fourth Army Corps, January 14 to March 23, 1899; Department of the Gulf, March 24 to October 18, 1899, when retired at his own request after forty years' service.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.
Washington, March 27, 1900.

Statement of the military service of Louis H. Carpenter, of the United States Army, compiled from the records of this office.

Born in New Jersey and appointed from Army. Private, corporal, and sergeant, Sixth United States Cavalry, November 1, 1861, to September, 1862; second lieutenant, Sixth Cavalry, July 17, 1862; first lieutenant, September 28, 1864; lieutenant-colonel Fifth United States Colored Cavalry (Volunteers), October 1, 1864; colonel Fifth United States Colored Cavalry (Volunteers), November 2, 1864; honorably mustered out, March 16, 1866; captain, Tenth United States Cavalry, July 28, 1866; major, Fifth Cavalry, February 17, 1883; lieutenant-colonel Second Cavalry, July 28, 1892; transferred to Fifth Cavalry, August 12, 1892; transferred to Seventh Cavalry, September 22, 1894; colonel Fifth Cavalry, June 2, 1897; brigadier-general, United States Volunteers, May 4, 1898, to June 12, 1899; brigadier-general, United States Army, October 18, 1899; retired, October 19, 1899.

Brevetted first lieutenant, July 3, 1863, for gallant and meritorious services in the battle of Gettysburg, Pa.; captain, September 19, 1864, for gallant and meritorious services in the battle of Winchester, Va.; major and lieutenant-colonel, March 13, 1865, for gallant and meritorious services during the war; colonel of volunteers, September 28, 1865, for meritorious services during the war, and colonel, United States Army, October 18, 1868, for gallant and meritorious services in the engagement with Indians at Beaver Creek, Kans., October 18, 1868.

SERVICE.

With regiment in the Army of the Potomac, March, 1862, to May, 1864, and as aid-de-camp to General Sheridan to October 3, 1864, during which period he participated in the following battles, actions, etc.: Malvern Hill, Philamont, Union, Barbee's Crossroads, Upperville, Fredericksburg, Richards Ford, Stoneman's raid, Beverly Ford, Benton's Mill, Aldie, and Upperville, Va.; Gettysburg, Pa.; Williamsport, Md.; Boonsborough, Md.; Brandy Station, Mine Run campaign, Culpeper, Raccoon Ford, Ely's Ford, Parker's Store, Wilderness, Todds Tavern, Beaver Dam Station, Yellow Tavern, Meadow Bridge, Mechanicsville, Haw's Shop, Cold Harbor, Malvern Hill, Trevelyan Station, St. Mary's Church, siege of Petersburg, Berryville, Winchester, Fisher's Hill, and many other small skirmishes in Virginia.

In Kansas, Tennessee, and Arkansas, October, 1864, to March, 1866; in Texas to December, 1866; regimental recruiting service, January to July, 1867; in Kansas to April, 1869; in Indian Territory to August, 1874; in Texas to March, 1883; in Nebraska and Indian Territory to December, 1892, and on duty as director of the Subschool of Cavalry at Fort Riley, Kans., to August, 1897; commanding regiment and post of Fort Sam Houston, Tex., to May, 1898; commanding brigade and division, Fourth Corps, to November, 1898; commanding brigade in Cuba to January, 1899, and Department of Puerto Principe to July, 1899; on leave, July 31, 1899, to date of retirement.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.
Washington, March 27, 1900.

Statement of the military service of Samuel Ovenshine, of the United States Army, compiled from the records of this office.

Born in Pennsylvania and appointed from Maryland. Second lieutenant, Fifth Infantry, August 5, 1861; first lieutenant, September 25, 1861; captain, March 30, 1864; major, Twenty-third Infantry, July 10, 1885; lieutenant-colonel Fifteenth Infantry, January 31, 1891; colonel Twenty-third Infantry, April 20, 1895, brigadier-general, United States Volunteers, August 13, 1898; honorably discharged, April 17, 1899; brigadier-general, United States Volunteers, April 17, 1899; honorably discharged, October 20, 1899; brigadier-general, United States Army, October 18, 1899; retired, October 19, 1899.

SERVICE.

Principally with his regiment on the Western frontier from 1861 to 1898, and since the beginning of the war with Spain, commanding a brigade under orders for and en route to Manila to July 31, 1898; commanding the First Brigade, Second Division, Eighth Army Corps, operating against the insurgent forces in the Philippines to October, 1898, and the Second Brigade, First Division, Eighth Corps, to June, 1899; sick and on sick leave to date of retirement.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.
Washington, March 27, 1900.

Statement of the military service of Daniel W. Burke, of the United States Army, compiled from the records of this office.

Private, corporal, and sergeant, Second Infantry, June 10, 1858, to November 8, 1862; second lieutenant, Second Infantry, July 18, 1862; first lieutenant, July 2, 1863; captain, Forty-fifth Infantry, January 22, 1867; transferred to Fourteenth Infantry, July 22, 1869; major, Twenty-third Infantry, August

13, 1894; lieutenant-colonel Eleventh Infantry, December 2, 1897; colonel Seventeenth Infantry, September 8, 1899; brigadier-general October 20, 1899.

Brevetted captain, major, and lieutenant-colonel for gallant and meritorious services during the rebellion.

SERVICE.

Was wounded in the battles of Wilsons Creek, Missouri, August 10, 1861; Gaines Mill, Va., June 27, 1862; and Gettysburg, Pa., July 2, 1863. Awarded a medal of honor for gallant and distinguished service at Shepherdstown Ford, Va., September 10, 1862.

After the civil war served continuously with his regiment on the Western frontier, and from July, 1898, to September, 1899, in Puerto Rico.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.
Washington, March 27, 1900.

Statement of the military service of Edgar R. Kellogg, of the United States Army, compiled from the records of this office.

Born in New York March 25, 1842, and appointed from the Army.

VOLUNTEER RECORD.

Sergeant and sergeant major, Twenty-fourth Ohio, April 22, 1861, to July 23, 1861; second lieutenant, Twenty-fourth Ohio, July 23, 1861; resigned, October 28, 1861.

REGULAR ARMY RECORD.

Private and sergeant-major, First Battalion Sixteenth Infantry, November 29, 1861, to August 1, 1862; second lieutenant, Sixteenth Infantry, April 7, 1862; first lieutenant, May 3, 1862; captain, February 16, 1865; transferred to Twenty-fifth Infantry, September 21, 1866; transferred to Eighteenth Infantry, April 26, 1869; major, Eighth Infantry, December 28, 1883; lieutenant-colonel Tenth Infantry, September 16, 1892; colonel Sixth Infantry, June 30, 1898; brigadier-general, volunteers, October 6, 1898; honorably mustered out, February 24, 1899; brigadier-general, United States Army, December 5, 1899; retired, December 16, 1899.

He received the brevet rank of captain December 31, 1862, "for gallant and meritorious service in the battle of Murfreesboro, Tenn.," and major September 1, 1864, "for gallant and meritorious services during the Atlanta campaign and in the battle of Jonesboro, Ga."

SERVICE.

While in the volunteer service he was on duty with his regiment in West Virginia. Since his appointment in the Regular Army he served with his regiment in the armies of the Ohio and Cumberland until severely wounded in the battle of Jonesboro, Ga., September 1, 1864. Absent, sick, on account of his wounds until January, 1865, when he rejoined his regiment.

Since the close of the war of 1861 he has served principally with his regiment in the Southern States until 1879; on the Western frontier until 1892; in California to 1894, and in Oklahoma to April, 1898 (with the exception of four years' absence on recruiting service).

Since the beginning of the war with Spain he has served with his regiment in Florida from April to June 14, 1898, and in the Cuban campaign until July 1, 1898, when he was wounded in the battle at San Juan, Cuba; absent, sick, on account of his wounds and on sick leave to March 12, 1899; commanding his regiment at Fort Sam Houston, Tex., to May 17, 1899, and en route to Manila until June 1, 1899, when he left the regiment at Honolulu, Hawaiian Islands, sick, and returned to the United States; on sick leave from June 13 to November 12, 1899, and awaiting orders to December 16, 1899.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.
Washington, March 27, 1900.

Statement of the military service of Gilbert S. Carpenter, of the United States Army, compiled from the records of this office.

Second lieutenant, Nineteenth Ohio Infantry, April 22, 1861; honorably mustered out, August 31, 1861; private, sergeant, and first sergeant of Company F, Second Battalion, Eighteenth United States Infantry, September 14, 1861, to July 11, 1862; second lieutenant, Eighteenth Infantry, June 9, 1862; first lieutenant, November 25, 1862; captain, December 21, 1866; captain, Forty-fifth Infantry, January 22, 1867; transferred to Fourteenth Infantry, July 22, 1869; major, Fourth Infantry, March 1, 1894; lieutenant-colonel Seventh Infantry, July 7, 1897; colonel Eighteenth Infantry, June 20, 1899; brigadier-general of volunteers, September 21, 1898, to May 12, 1899; brigadier-general, United States Army, December 5, 1899; retired, December 20, 1899.

SERVICE.

With his regiment in the armies of the Ohio and Cumberland from 1861 until severely wounded in December, 1862; absent, wounded, and on detached service to 1865; with his regiment, principally at Western posts, to 1898, and in the Santiago campaign from April to August, 1898; commanding a brigade in the Fifth Corps to September, 1898, and in the Fourth Corps to April, 1899; commanding his regiment en route to and in the Philippine Islands until December 24, 1899, date of his acceptance as brigadier-general, United States Army. Retired, December 26, 1899, at his own request, for over thirty years' service.

Statement of amounts appropriated for coast fortifications.

Fiftieth Congress (Democratic)	$5,205,594.00
Fifty-first Congress (Republican)	8,007,738.00
Fifty-second Congress (Democratic)	4,944,531.00
Fifty-third Congress (Democratic)	4,331,561.50
Fifty-fourth Congress (Republican)	16,895,029.00
Fifty-fifth Congress (Republican)	22,962,294.00
Expended out of national defense fund provided by Fifty-fifth Congress	12,865,840.00

Mr. BELL. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has forty-seven minutes.

Mr. BELL. I yield to the gentleman from Michigan [Mr. WM. ALDEN SMITH] five minutes.

Mr. WM. ALDEN SMITH. Mr. Chairman, the gentleman from Tennessee [Mr. RICHARDSON], in undertaking to justify the free trade in wool under the Wilson law, and in undertaking to criticise the effects of the Dingley tariff upon the wool industry, read into the RECORD this morning some statements of advanced prices of wool in Europe, saying that the advanced prices in our country were not proportionate.

Now, I desire to invite the attention of the gentleman from Tennessee to some figures in the United States Statistical Abstract, just published, and which I hold in my hand. I find that in the last year of the Administration of President Harrison the value of the sheep in the United States was $125,909,264; that immediately upon the enactment of the Wilson law, giving us free trade in wool, the value of the sheep in the United States dropped from $125,000,000 down to $66,685,767 in 1895, and just as soon as the Dingley law was enacted and there was placed around the wool industry of this country the protection that has always been accorded to it by the Republican party, the value of the sheep of the United States mounted from $66,000,000 to $107,697,530 in 1899, and a less number of sheep than in 1895. Thus, Mr. Chairman, I am able to show from the records of the Government—facts which are indisputable—that the value of the sheep of the United States was nearly doubled when protected under the rates of the Dingley tariff.

As to the effects of the Dingley law upon commercial development and the prosperity of our country, I do not believe there can be any question but that it has been healthful and that there are evidences upon all sides of great prosperity; and in order that I may place upon the record some evidence of the prosperity that we have enjoyed under the Dingley tariff in the State of Michigan and are now enjoying, I send to the Clerk's desk and ask to have read a bulletin from the bureau of labor and industry in the State of Michigan, prepared by Hon. Joseph L. Cox, labor commissioner, this year. I ask unanimous consent that this document may be read and published in the RECORD. It completely negatives the proposition on the other side of the Chamber that we have not had prosperity under the Dingley law.

Mr. RICHARDSON. You said I denied that there had been prosperity.

Mr. WM. ALDEN SMITH. That is what you said.

Mr. RICHARDSON. I deny it.

Mr. WM. ALDEN SMITH. You undertook a few moments ago to say here that the prices in Europe had advanced in greater proportion than they had in this country under the Dingley tariff——

Mr. RICHARDSON. I did not say that, and the gentleman ought not to make any such statement.

Mr. WM. ALDEN SMITH. Do you admit that we have prosperity here?

Mr. RICHARDSON. I have not said anything on that subject.

Mr. WM. ALDEN SMITH. Do you deny that we have prosperity here?

Mr. RICHARDSON. Oh, you can not bulldoze anybody.

Mr. WM. ALDEN SMITH. If you do not admit the fact, then I propose to read and put in the RECORD the proof of the fact.

Mr. RICHARDSON. Time was yielded to the gentleman by this side of the House——

Mr. WM. ALDEN SMITH. Certainly you do not wish to avoid the fact?

Mr. RICHARDSON. There have been no facts stated.

Mr. WM. ALDEN SMITH. I wish to read some facts to the gentleman.

Mr. RICHARDSON. You have made a statement which I challenge. You said that I had made some statement about the prosperity of the country. I made no such statement. My point is that I made no such statement as that which the gentleman in his elegant language has denounced as a lie. I wanted simply to say that I had not said what he attributed to me.

Mr. WM. ALDEN SMITH. I have the highest respect for the gentleman from Tennessee, and would not intentionally misrepresent him. I do not wish to put into the gentleman's mouth anything which he did not utter; but I understood him to say that the Dingley law had brought no prosperity to the wool industry of the United States.

Mr. RICHARDSON. I said that the Dingley law had not increased the price of wool in this country correspondingly with the increase abroad. That was my statement.

Mr. WM. ALDEN SMITH. Then I say that the value of the sheep in the United States has nearly doubled under the Dingley law.

Mr. SNODGRASS. Will the gentleman state the number of sheep?

Mr. WM. ALDEN SMITH. Yes; I have the figures here.

Mr. RICHARDSON. Have you the price of sheep abroad as well as here?

Mr. WM. ALDEN SMITH. I have not.

Mr. RICHARDSON. If you wish to publish that, I have no objection.

Mr. WM. ALDEN SMITH. I ask unanimous consent that what I have sent to the desk be read or, if my time will not permit the reading, that it be published in the RECORD.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WM. ALDEN SMITH] has expired. He asks unanimous consent that the paper which he has sent to the Clerk's desk may be incorporated with his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BELL obtained the floor.

Mr. WM. ALDEN SMITH. Will not the gentleman from Colorado [Mr. BELL] allow me time to have this paper read?

Mr. BELL. No, sir; I have not the time.

The document presented by Mr. WM. ALDEN SMITH is as follows:

BULLETIN FROM THE BUREAU OF LABOR AND INDUSTRIAL STATISTICS—MICHIGAN'S INDUSTRIAL CONDITION.

The following is taken from the introductory pages of Labor Commissioner Cox's annual report to the governor, which is now being placed in the hands of the State printer for immediate publication:

At no time within its history has the State of Michigan enjoyed the same general condition of prosperity in all branches of industry and pursuits of employment that it did during the year 1899.

MANUFACTORIES.

Her manufactories of all kinds, and in most instances and in nearly all localities, have been run to their full capacity, while not a small per cent have been in operation on "overtime," to meet urgent orders and increasing demands for their products.

LABOR AND WAGES.

Our laborers, both skilled and manual, have been very generally employed at fair and improving wages, and, as a matter of fact, there has been a great shortage of common labor in many parts of the State; so much so that it has materially interfered with work upon railroad construction and in the woods and mines, notwithstanding the fact that increased wages were offered. Especially has there been a scarcity of carpenters, masons, and builders' employees, while not a few other trades have at times reported a shortage of men.

REAL ESTATE.

Real estate has shown improved activity, and many sales have been reported at advancing prices on both city and farm property, while general building is progressing in every part of the State.

LAKE TRAFFIC.

Our lake traffic for the year made a good showing, as have all means of railroad and rapid transit, and many miles of new electric and steam railroads have been built during the year, or construction commenced, and the companies generally make favorable reports. While we have no means of knowing, only from general observation and reports, we believe that our telephone property has nearly doubled within the past two years.

MINERAL RESOURCES.

Michigan's rich mineral resources—copper, iron, etc.—have been very extensively opened up, and millions of dollars have been cleared from our mining interests through the sales of ores and stock during the past year. But our lumber interests are naturally decreasing, from the disappearance of heavy timber, yet Michigan enjoyed a large lumbering business during 1899. Her salt interests increased materially, and further prospecting promises to develop new salt blocks in localities where it had hardly been expected.

MICHIGAN COAL.

There has been a most wonderful development of her soft-coal beds, which has been somewhat retarded by the lack of miners and mine labor, though to-day there are something like twenty shafts in operation, producing the very highest grades of steam coal and employing several thousand men, where there were but two or three practical coal mines in Michigan two years ago.

MARL DEPOSITS.

Many large and valuable deposits of marl, from which can be produced the very highest grades of cement, have been discovered, while in several instances they have been successfully developed to the extent of most prosperous manufacturing, several factories now being in the process of erection. It is very probable that in no distant future Michigan will lead in the production of cement, as nearly all of her inland lakes contain valuable marl deposits in paying quantities, while the most of the marl is of the best grade. Fortunately, in numerous instances the required clay for cement manufacture is found in close proximity to the marl.

BEET SUGAR.

To-day Michigan has nine large sugar-beet factories in operation, producing a most excellent grade of beet sugar, that were not in existence three years ago, and all seem to have the brightest prospects ahead, while their annual contracts for sugar beets provides another branch of industry for her farmers.

AGRICULTURE.

Her agriculturists have prospered far better within the past two years than some time formerly, and though the price of grains have fluctuated, and at times been lower than might have been expected, our farmers seem to have bettered their condition through the raising of stock, wool, poultry, dairy products, and means of special farming.

MORE FACTORIES, MORE CAPITAL, MORE EMPLOYEES.

In the canvass of nearly 5,000 factories of this State, just concluded by the State factory inspectors, it was determined that 545 of them had increased their actual capital invested $6,531,884 during the year 1899, an average amount of increase for each institution of $11,985 active capital. In 1,382 factories of those canvassed there were found to be employed a total of 24,202 more employees than during the year 1898, an average increase in each of these factories of 17.6 per cent. It was also estimated that 74 per cent of these factories were able to pay their employees weekly, 12 per cent monthly, and 14 per cent semimonthly. Seventy-four per cent of these factories reported an increase of business over 1898.

WAGES ADVANCING.

The average daily wages, considering all the employees found at work in the factories of 1899, of which all grades are included, was $1.39 per day, while the same average in 1898, taken in the same manner and including the same employees was $1.37 per day. While the general labor canvass of the State has not been fully computed, it is very evident that the State wage will be even higher than it was in 1898, though exact figures will be given within a few days.

ORGANIZED LABOR.

From trade-union sources, through their several State and local secretaries and officers, we learn that these champions of wages and organized friends of labor are in a prosperous and growing condition and that increases in pay are being reported in various places with brightening prospects for still greater increases. Nothing is more sensitive to changing times than the wage scale, and an improvement in this is generally the last thing secured or expected.

Mr. BELL. Mr. Chairman, I was in hopes that this appropriation would go through without precipitating any political debate; but as we are now engaged in such debate I wish to put myself on record as saying that the extravagance of this Administration has no parallel. And I do not say it because this is a Republican Administration, but because events establish the charge. The Administration before it may have gone along the same lines, but this one has surpassed all others. I care not from what Administration extravagance comes, I condemn it, and every man on this floor ought to condemn it. Now, if the gentleman from Indiana [Mr. HEMENWAY] is really anxious for an item of extravagance, I will give him one. With the very beginning of the Administration, immediately after the election, the newspapers stated, and I suppose correctly, that Mr. HANNA, the chairman of the national Republican committee, came here and insisted that we should have a great inaugural ball in the new Library building. The Senate absolutely refused to permit an inaugural ball to take place in that great Library building. Then Mr. HANNA, so the press of this city said, went to the Secretary of the Interior and said to him, "We want an inaugural ball in the Pension Office of the United States." The Secretary of the Interior said, "Yes, you may have it." Then he said, "I want possession of the Pension Office that we may properly decorate it, that we may have a becoming inaugural ball for President McKinley." It was conceded.

The employees of that office, numbering hundreds, were given leave, with pay, for ten days, and after the inaugural ball it took days for the force to get the furniture and everything in place again. Not only the papers of this city but the papers of the country stated these facts. The Star, of this city, as I recollect it, interviewed Mr. Murphy, the Commissioner of Pensions, and said, "The people of the United States would like to know what the expense of that ball to the people of this country has been." Mr. Murphy, over his signature, published in the Star, as I remember it, a statement saying, "I can not give you the whole expense. I can not give you the wear and tear and the cost of cleaning up, but I can say to you that the salaries of the employees who were laid off during that time cost this Government $70,000."

Now, you may call that extravagance or economy. From that day until this, I want to say that the extravagance here has been in keeping with the beginning, and it is something that must be stopped. I do not care what the name of the Administration is, it is so unnatural and so reckless that this whole machinery is honeycombed from the sills to the garret with wanton extravagance. Coming before our committee, the Commissioner of Pensions, Mr. Evans, said he could lay off a hundred clerks in the Pension Office and not injure the service one particle. Pension Commissioner Evans says that he has on his roll a surplus of worthless men to the number of 100 whom he could put out of office and not injure the public service.

He not only said that, but he said that there were men there so worthless that they were really in the way; that they could hardly get to the office. It came to our committee that in the Treasury Department they had any number of men who were practically worthless. It not only came to us about these two Departments, but the chairman of the Committee on the Post-Office and Post-Roads, in one of his reports on the Loud bill, says that from his investigation a private individual could undoubtedly run the Post-Office Department of this Government on the appropriation and realize a surplus of thirty to forty million dollars a year instead of a deficit of from $8,000,000 to $12,000,000.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOVERING having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 40:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill H. R. 7941, "An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901," the Clerk of the House of Representatives be directed to omit the word "Ottawa," in line 22, page 11, of the engrossed bill.

AMENDMENT TO DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I ask the consent of the House that the resolution just reported be taken up and acted upon at once. In listening to the reading of the resolution members must have observed the necessity for immediate action.

Mr. RICHARDSON. What is the resolution about?

Mr. HITT. It is to correct a word in the diplomatic and consular appropriation bill.

The SPEAKER pro tempore. The Clerk will report the resolution.

The resolution as set forth in the above message from the Senate was read.

Mr. HITT. I move the adoption of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. BELL. Now, Mr. Chairman, you may go into any department of this Government where you have a friend, and he will point out to you where there are untold leaks and money expended for which the people of the United States do not get value received. You can come to the contingent expenses of Congress, and you will find that you can lop off many thousands of dollars in a year. Money is constantly being filched from the people of the United States without their knowledge and applied to personal as well as public purposes. When it comes to a public servant having his face shaved and his boots blackened at the public expense, when it comes to his being furnished with medicines, lemons, apollinaris and mineral waters at the public expense, and having himself hauled to and from this Capitol at public expense, I say it is filching the money from the people of the United States, and that you and I are not justified in sitting here and seeing it go on.

Mr. DALZELL. My friend will not insist that any such thing occurs at this end of the Capitol.

Mr. BELL. I will say to the gentleman that we often get credit for it. The other day I saw the statement in a newspaper from my district saying that the members of Congress got their faces shaved, their boots blackened, and their heads rubbed at the expense of the people working for a living throughout the country. [Laughter.] I wrote the editor that in this House we did not receive these perquisites; that we had a great many things to answer for, but not that; but I sent him the report of the application of the contingent fund of another Chamber and allowed him to draw his own conclusions.

And while we are talking for the good of the order to-day, I want to say to you that you are not justified and I am not justified in sitting here and saying that one body or the other of this Congress has the right to expend the people's money without limit, or constitute itself into a House of Lords, without you and I know where it goes or enter our protest against the abuse. Do not tell me that an executive officer of this body or the one at the other end of this building has the right to have a line of carriages drive up here and take us from here to our residences and from our residences back at the public expense. You might as well stick your hand into the Treasury of the United States and pull out the actual cash.

Now, if my friends say that is economy, then I say that I do not know the meaning of wanton extravagance. It is not only extravagance, but it is criminal. Read some of the reports under the head of "Contingent expenditures." I have no doubt we could find a good many unjust and unauthorized items that could be traced to our doors. Not only that, but I do not want my friends to say that I am responsible for these great expenditures that we are now making in the War Department. I do not refer to this bill, because this is a coast-defense bill and the expenditure should have been made regardless of the war.

I was not one of the very belligerent fellows in the days of excitement here. I was not rearing and pitching to go to war. I never wanted any Philippine war, so far as I was concerned. When I get ready to rear and scramble for war, I will be man enough to offer to take up a gun and go along with the boys on the field. I have always objected to the idea of so conducting what you call the accidents of war, which are not accidents, as to increase our expenditures to this enormous sum.

Now, I do not claim to be responsible for the war in the Philippines. I believe it is owing to a lack of diplomacy that that war is now going on. I believe that if at the time we went to the Philippine Islands we had come up like men, and had acted toward the Filipinos as we did toward the Utes, or the Cheyennes, or the Comanche Indians, and conferred with their chieftains or leaders, everything would have been all right and there would never have been a gun fired.

But as soon as Aguinaldo learned of the conflict he pronounced it a mistake, not intentional on his part, and insisted upon a conference. Our officers said, "We will accept nothing but an unconditional laying down of your arms." Aguinaldo said, "What are you going to do? That is what we want to know." General Otis refused to tell him what he was going to do, but demanded that he lay down his arms at our feet and say, "Now, do with us what you will; we are at your mercy." We never demanded that of an American Indian. We never demanded that of any people except the Filipinos. We fired the first gun, and we have been firing ever since. I believe it was a mistake. I believe that with diplomacy that could have been avoided.

Now, sir, we are in this expensive turmoil, and I have never withheld my support from anything or from any item that was necessary to carry on the Government according to the ideas of those in control. I do not think that I have the right to do it. I think if we have a government of majorities, and the majority of the people declare for one party and policy, it is the duty of every member of the minority to see that they have a fair opportunity to try their policy; that they have a fair opportunity to put it in force, and let the people judge of the wisdom of it in the future.

We have done that, and, having done that, we are not responsible for what is going on. The ideas of the majority and minority of this House are as different as night and day. One says, "These are our lands and property, and we must keep them; we will keep them." The other says, "We do not want them; we can not own a people against their consent under the ægis of our Constitution; we want the convenience of trade; we want shipping conveniences; we want trade favors; but we want to make you responsible and hold you responsible for your own government and for your own destiny."

With our policy we do not need your great army; with your policy the Army will never be less than it is to-day. In the United States a soldier, in times of peace, costs about $1,000 a year. You can figure the difference between 25,000 soldiers and 100,000 soldiers without any trouble in times of peace, and may double and quadruple it in times of war.

Now, our friend, Mr. SMITH of Michigan, is speaking about the increased price of sheep and wool and such matters and the causes of the rise; they always become confusing. Such arguments are illogical; there is nothing in them. These things vibrate on account of the evolution of time and changing conditions, and they are unaccountable from any single cause; but when you talk about the value of sheep, the same reasoning would apply to cows, chickens, etc.; and if the McKinley Administration doubled the price of sheep, I might tell my farmer friends that it also doubled the price of fence-wire nails. If it doubled the price of wool, I want to say it also doubled the price of iron and steel products; it has doubled the price of a thousand and one things.

The culmination of trusts under this Administration has doubled the price of a thousand and one things. One thing is going up and another thing going down; and every one who has come into contact with the stock business knows that J. Sterling Morton, Secretary of Agriculture, reported a decline in the stock business, and the stock began to rise as the report showed that we were short in the United States over 8,000,000 head.

Last year Mr. Mulhall, in one of his exhaustive articles, takes up everything in America and shows our progress. He shows where we have progressed all along the line until he comes to stock, and he says that we have declined in a very few years 25 per cent. While we have increased in other things, he puts great stress upon the fact that the people of the United States have declined in the stock business 25 per cent below normal. That is because the ranges have been fenced in, because we have taken the herds out of the neutral strip, and the great ranges of the West have been taken up and cultivated.

I do not care to go into this further. What I desired to talk about was the general proposition of the extravagance of the Government. It can not run much longer as it has run without a great national scandal overtaking us. The thing is now recklessly—absolutely recklessly—run from the highest to the lowest Department. Men in office are acting as though they own the Government, instead of being its servants and in the employ of the Government. They are entitled to nothing except what the law gives them for their services, and I care not whether that reaches into Mr. Cleveland's Administration, into Mr. Harrison's Administration, Mr. McKinley's Administration, or anybody's to follow. I am ready to join any party in this House in insisting that not a dollar here or elsewhere shall be expended except as the law requires, whether it is for my convenience or for yours.

Now, Mr. Chairman, I desire to yield the balance of my time to the gentleman from Massachusetts [Mr. FITZGERALD].

Mr. FITZGERALD of Massachusetts. The chairman of the Committee on Appropriations, in charge of this fortification bill, stated a few moments ago that as a matter of general policy the Democratic party had failed to provide any appropriations for fortifications. I have just glanced over a report that has been submitted to me by the clerk of the Committee on Appropriations himself.

Mr. HEMENWAY. Will the gentleman yield to me for a moment?

Mr. FITZGERALD of Massachusetts. Certainly.

Mr. HEMENWAY. I have not stated that the Democratic party failed to make any appropriations whatever.

Mr. FITZGERALD of Massachusetts. The gentleman's proposition, as I understood it, was that they had been opposed to appropriations and failed to make them.

Mr. HEMENWAY. I stated that the average of appropriations made by Democratic Congresses was very much below the averages made by Republican Congresses since the adoption of the Endicott scheme.

Mr. FITZGERALD of Massachusetts. The gentleman has qualified his statement from what he first said, as I understand. But for the sake of historical accuracy, I want to quote the appropriations for fortifications that have been made for several years.

In the Forty-seventh Congress, which I believe was a Republican Congress, and I desire to be corrected if I am in error, in 1883, the amount appropriated was $375,000. The Forty-eighth Congress, a Democratic Congress, in 1885, appropriated $700,000. There was no fear of war at that time. The Fiftieth Congress, a Democratic Congress, appropriated $3,972,000, and was the first large appropriation ever made by Congress for fortifications in the history of this Government. I think, Mr. Chairman, if these figures are correct——

Mr. BROMWELL. Will the gentleman from Massachusetts allow me a question?

Mr. FITZGERALD of Massachusetts. Yes.

Mr. BROMWELL. Was not that large appropriation the first made after the adoption of the Endicott system of coast defenses?

Mr. FITZGERALD of Massachusetts. If that is so, it further contradicts the gentleman from Indiana, who stated that the Democratic party refused or neglected to carry out the recommendations of the Endicott board.

Mr. HEMENWAY. Will the gentleman give the appropriations made by the Fifty-third and Fifty-fourth Congresses?

Mr. FITZGERALD of Massachusetts. The Fifty-third Congress appropriated $2,427,004, and the Fifty-second Congress appropriated $2,734,000.

Mr. HEMENWAY. Compare that with the appropriations in the Fifty-fourth Congress.

Mr. FITZGERALD of Massachusetts. As the gentleman knows, the controversy in regard to Cuba had been going on for a great many years, and the agitation had set forth in every city the necessity of increasing the appropriations for fortifications; and I know that when I came to Congress in the Fifty-fourth Congress, I was bombarded with letters from the Merchants' Association in Boston, and from the Chamber of Commerce there, and for the different interests, which insisted that Congress should make suitable appropriations for fortifications in the event of a war with Spain.

Everybody knew and realized for three or four years previous to the actual declaration of hostilities that war with Spain must be had. And when the gentleman cites the fact that in the Fifty-fourth and Fifty-fifth Congresses, when war was imminent, the appropriations increased, he knows that it was with no opposition of the Democratic party, but with the aid of every Democratic vote. The gentleman also knows that the other side of the House has not a patent in this Congress or a monopoly on patriotism; and although these vast expenditures of money have been made under Republican administration and the Administration has been able to reward its favorites by appointments to the Army service and the naval service and in the different branches of the service, no opposition to the proper maintenance of the Government or a proper support of the war has been offered on this side of the House.

Mr. HEMENWAY. Is the gentleman aware of the fact that on the deficiency bills and out of the $50,000,000 put in the hands of the President for war purposes, twenty-one millions was expended for coast defenses, that being the sum made necessary by the war? The other amounts were carried on the regular appropriation bill—that is, seven millions for 1897, nine and a half millions for 1898, nine and a half millions for 1899—and the twenty-one millions was in addition to that.

Mr. FITZGERALD of Massachusetts. I do not deny that statement.

Mr. HEMENWAY. But the gentleman says that the amount carried by the regular appropriation bills was brought about by the danger of the war with Spain. I am calling his attention to the fact that twenty-one millions was outside of the appropriation bills and made necessary by the preparation for war.

Mr. FITZGERALD of Massachusetts. Everyone knows that the $21,000,000 was not spent until war was actually declared; and to stand up here and say that there was not an agitation spreading over the country in regard to war for two years, that there was no agitation for two years before war was actually declared, is simply absurd.

Mr. HEMENWAY. It is by reason of that fact that the twenty-one millions was expended, and had nothing to do with the regular amounts carried on the appropriation bill.

Mr. FITZGERALD of Massachusetts. The gentleman does not seem to grasp my point. I may be deficient in language. The $50,000,000 was for an emergency, and $21,000,000 of that money was spent after the war had been declared.

Mr. HEMENWAY. I am not criticising the gentleman's patriotism at all. I say the amounts carried on the regular appropriation bills was not brought about by any danger of war and that the only amount that was expended by reason of danger of war was the $21,000,000.

Mr. FITZGERALD of Massachusetts. Well, Mr. Chairman, I do not intend to discuss that line of inquiry any further. The gentleman knows that war was threatened for four years and that it became necessary, whether the Congress was Democratic or Republican, to increase the appropriations, and I call the gentleman's attention to the fact that in the Fiftieth Congress, a Democratic Congress, they appropriated almost $4,000,000. The gentleman made a statement—I do not think he intended it—that the Democratic party had refused to carry out the recommendation of the Endicott board and refused to make appropriations for it. I call his attention to the fact that a Democratic Congress was the first one to make a large appropriation of over three million and a half dollars, when the largest amount appropriated by the Republican Congress before that was $735,000. This is the official record of the Secretary of the Treasury.

Mr. HEMENWAY. If the gentleman will yield, I will ask unanimous consent to put into the RECORD as a part of my remarks a statement of the expenditures since the adoption of the present system of fortifications.

Mr. FITZGERALD of Massachusetts. I have no objection to the publication of that statement.

The CHAIRMAN. The gentleman from Indiana [Mr. HEMENWAY] asks unanimous consent to publish with his remarks in the RECORD a statement of expenditures for fortifications during the period he has named. Is there objection? The Chair hears none.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, as I stated before, and the statement has been made by others on the floor of this House, the Democratic party is just as patriotic as the Republican party, and so far as my observation has gone since I have been a member of this House, it is just as willing to sustain the Government in time of war as the Republican party is. As was said by the gentleman from Tennessee [Mr. RICHARDSON], the honored leader on this side of the House, the Democratic party has never made any opposition to any appropriations that were deemed necessary by the Republican Administration for the carrying on of the war; they have been willing that the Republican Administration should take the responsibility in this matter, and the Republican party must abide by the result.

But when the gentleman from Indiana states that there has not been any extravagance, I can say that there has been extravagance in the War Department, in the conduct of that Department, during this war, and the figures, if they are analyzed—I have not time to analyze them this afternoon—will show this statement to be true.

In connection with this subject, I notice that as part of the Army appropriation bill there is appropriated this year for pay of officers on the retired list and officers who may be placed on the retired list during the current year, $1,273,000. I am as good a friend of the soldier as any man in this House, but I say that this is an extravagant item, and such an expenditure is not justified by the facts.

Mr. HULL. The figures which the gentleman has just given constitute the amount necessary to be appropriated for the pay of those officers who have been or may be placed on the retired list in pursuance of law. An appropriation of that amount had to be made or the law repealed.

Mr. FITZGERALD of Massachusetts. In answer to the gentleman from Iowa, I will say that this large expenditure is caused by the fact that, as the gentleman from Illinois has stated here, men have been promoted for the very purpose of placing them on the retired list at an advanced salary——

Mr. HULL. That matter constitutes but a very small part of the sum appropriated; only the difference in these cases between three-fourths of the pay of a colonel and three-fourths of the pay of a brigadier-general. Now, I want to ask my friend whether he does not believe that a man who served through the civil war, who served his country in all the Indian wars, and then in his old age served through the Spanish war, and never got beyond the grade of colonel because there was no vacancy ahead of him to which he could be appointed—whether such a man has not earned from his country promotion to the rank of brigadier-general that he might be retired as such?

Mr. FITZGERALD of Massachusetts. I do not undertake to answer that question in a general way. I can only say that the record as given by the gentleman from Illinois shows—and I do not think the people will sustain such a condition of affairs—that men were promoted, their rank was increased in this way, and then after they had served in their new grade, in some instances three days, in other instances less than a week, and in other instances less than a month, they were retired, and received the additional pay consequent upon that promotion.

Mr. HULL. They were promoted for the express purpose of having a higher grade on the retired list.

Mr. FITZGERALD of Massachusetts. With higher pay than they would otherwise have received.

Mr. HULL. Did not President Cleveland make promotions the same way for the same purpose?

Mr. FITZGERALD of Massachusetts. I am not defending the Administration of President Cleveland any more than any other Administration. I say the practice is wrong. The gentleman from Colorado said a while ago that the people of the country will

not sustain extravagance of that kind, and I agree with him absolutely on this point.

Mr. HULL. At the last session of the Fifty-fifth Congress we passed a law under which every officer who served in the Navy during the civil war should, when retired, be retired at one grade higher than that which he had held in lineal rank. Does not the gentleman believe that such a law would be fair as applied to officers of the Army who served through the civil war and have rendered constant service since? Is it not fair that they should be retired at one grade higher than their regular rank in order that they might be placed upon an equality in this respect with officers of the Navy?

Mr. FITZGERALD of Massachusetts. I am not familiar enough with the subject to give an answer to that question. I do not know whether the salaries for corresponding grades in the higher offices of the Army and the Navy are the same. But I know this much—that when a man enlists in the Army he is given his clothing and his outfit free; but when he enlists in the Navy it takes about three months' salary to pay for his uniform, etc. If that same system is carried on through other departments of the naval service, then I think that legislation giving this increased rank and pay upon retirement in the Navy is proper. But, as I stated before, I do not think that matter is relevant to this discussion.

Now, in regard to the era of "Republican prosperity" which has been referred to as existing in all sections of the country, and as to the manner in which the Republican party has administered the affairs of this country, I wish only to make this observation and not to enter into any extended discussion: While the gentleman from Michigan was indicating a moment ago the great "prosperity" which existed throughout the country, I came across a little item from Dun's Weekly Review of to-day, stating that the number of business failures last week was 203, an increase of 11 over the corresponding period of last year. Let me say also that in other sections of the country this wonderful "prosperity" which has been depicted on the floor of the House does not exist, and I am informed that business in a great many lines in Boston is at a low ebb.

I also commend to my friends on the other side of the House who glory in the wave of "prosperity" that is claimed to have been caused in this country, and what they have accomplished in the last four or five years, the trust question as something that needs solving. I do not think that any great party which is in power in this House and in the Senate and in the Executive Mansion can go before the people of this country and tell them that it is impossible to frame laws which will prevent corporations of this land from making $80,000,000 a year on a capitalization of $100,000,000, as is the case with Standard Oil, and so increase prices as to make an advance of 3 cents a gallon on the oil used by every poor family in the land, or prevent a condition of affairs such as was instanced in the late Carnegie-Frick deal, where it was shown that $40,000,000 was to be made this year on a capitalization of $25,000,000, and where there has been a reorganization in which one of the members stands for an amount equivalent to $186,000,000, when it is a well-established fact that a great deal less than $100,000,000 is put in as cash in the plant.

How do my Republican friends intend to answer this question when they go before the people this fall? Will they satisfy the people by pointing out that wages have been raised in some lines, that our exports have increased, and that some mills are running night and day? Any prosperity based upon trusts is fictitious prosperity and can not last, and the gentlemen on the other side of the House must realize this as well as I do. Three years ago, by reason of the destruction of the wheat crop in South America and Asia, our farmers received excellent prices for their wheat. The good prices received at that time have been the basis of the good times of the past few years.

How much has the Dingley bill raised the price of wheat the past two years? Is it not a fact that wheat is cheaper to-day than for some time? If this is so, and the farming population represent the greater portion of the people of this country, and they are getting low prices for farm products while the trusts and monopolies have increased tremendously the cost of farming implements as well as everything they eat and wear, how long will this prosperity last? Nearly every commodity in this country to-day is controlled by a trust, and to say that the people can continue to prosper when dividends must be paid on stock watered, in some cases, a thousand per cent, is to convict the American people of insanity.

Gentlemen on the other side of the House know that never in the history of the world have corporations and monopolies been allowed to exist and thrive and extort money from the people as they have been in this country during the last three or four years and as they are doing now right under our noses to-day. For any party in the control of the Government, in any branch of the service, to laud what it has done in the last three or four years, and then to say that Congress is unable and has not the power to restrict these combinations, is to insult the intelligence of the American people and term government of the people, for the people, and by the people a farce. [Loud applause.]

Mr. BELL. Mr. Chairman, I move that we read the bill.

Mr. HEMENWAY. I was about to make that request.

The Clerk, proceeding with the reading of the bill, read as follows:

For construction of a sea wall and for necessary filling in at the reservation at Fort Caswell, N. C., $150,000.

Mr. LOVERING. Mr. Chairman, I wish a few moments in which to refer to a statement made by the gentleman from Tennessee [Mr. RICHARDSON] and also to a paper which he asked to print in the RECORD.

Mr. BELL. Now, Mr. Chairman, I think it is our duty to object to any outside debate under the five-minute rule. I shortened up my time in order that we might get through early to-day. I am perfectly willing, after finishing the bill, that the gentleman may address the House.

Mr. SHATTUC. Will you not yield five minutes to the gentleman?

Mr. RICHARDSON. I hope my friend will let the gentleman have five minutes.

Mr. BELL. I will object to the next request of this kind.

The CHAIRMAN. The gentleman from Massachusetts [Mr. LOVERING] asks unanimous consent to speak for five minutes.

Mr. BELL. I withdraw my objection.

Mr. LOVERING. I wish to refer to a statement made by the gentleman from Tennessee [Mr. RICHARDSON], and also to a paper which he asked to have printed in the RECORD. I do not think he meant to deceive himself; nor do I think he intended to mislead the House in anything that he said, or in anything that he found in the papers. He made one statement, however, which calls for an answer, and that is that under the Dingley tariff the price of wool has increased more abroad than in this country. I am willing to concede this, but I wish to say that the reasons for it are apparent to everyone who has studied the question, and they do not in any way reflect upon the great prosperity enjoyed under the Dingley tariff.

It is a fact that between the election in November, 1896, and the passage of the Dingley Act, in 1897, enough wool was imported into this country to meet the requirements of our manufacturers for two and a half years. It is a fact that woolen goods enough to last the country for two and a half years were also imported. Every storehouse in the neighborhood of a woolen mill or a woolen center was crowded and stored with wool. Since then wool has been exported from this country to Europe and sold in the London market, and the fact that the price of wool just at this moment shows an increase of 54 per cent abroad and only 36 per cent at home is not remarkable. This country consumes somewhere in the neighborhood of 600,000,000 pounds of wool each year. The importations of wool between November, 1896, and the passage of the Dingley Act in 1897, added to the home production of wool for the following two and a half years was fully 1,500,000,000 pounds.

In the months immediately preceding the enactment of the Dingley law the markets of the world were stripped of wool and woolen goods, which were hurried into this country and thrown upon the American markets, producing stagnation. We are only just now getting to the end of this supply, and are beginning to feel the benefit of the Dingley tariff. Any man who is in business or who has anything to do with the woolen business understands why it is that the prices of some wools abroad are higher than they are in our own markets. That is all I desire to say.

The Clerk resumed and completed the reading of the bill.

And then, on motion of Mr. HEMENWAY, the committee rose; and the Speaker having resumed the chair, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had directed him to report the same back without amendment and with the recommendation that the bill do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

MANAGERS OF NATIONAL HOME FOR VOLUNTEER SOLDIERS.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 216, for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

Mr. SLAYDEN. How much will it cost?

Mr. HULL. It will not cost anything. It is to reelect the Board of Managers of the National Home for Volunteer Soldiers.

The SPEAKER. The gentleman from Iowa asks unanimous

consent for the present consideration of a joint resolution which will be reported by the Clerk.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Sidney G. Cooke, of Kansas; Charles M. Anderson, of Ohio, and Alfred L. Pierson, of Pennsylvania, be, and the same hereby are, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States; Sidney G. Cooke to succeed himself, his present term of service expiring April 21, 1900; Charles M. Anderson to succeed himself, his present term of service expiring April 21, 1900; Alfred L. Pierson to succeed himself, his present term of service expiring April 21, 1900.

The Committee on Military Affairs recommended an amendment striking out, in lines 4 and 9, the word "Pierson," and inserting in lieu thereof the word "Pearson."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. RICHARDSON. I think there is no objection on this side.

Mr. GROSVENOR. I certainly shall object to that resolution as a whole. Two members who are named there I have no objection to; but I have some letters that I want to lay before the committee. There is one member from my own State, and I have a great number of papers and letters that the committee ought to see.

Mr. HULL. I want to say that I had no idea that there would be any objection to this. The terms of these members expire early nexth month, and this provides for reelecting the three members of the board who are already serving.

Mr. GROSVENOR. Personally, I have objection to either of them, but I do desire to lay before the committee certain statements which I have, which I certainly should have laid before the committee long ago had I supposed that this question was to be disposed of now.

Mr. HULL. It is out of the hands of the committee. The committee have reported it to the House.

The SPEAKER. Is there objection?

Mr. GROSVENOR. Take them one by one, and I will not object to two of them.

Mr. HULL. I can not do that.

The SPEAKER. The Chair hears no objection.

The amendments recommended by the Committee on Military Affairs were agreed to.

The resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

DISBURSEMENT OF PUBLIC MONEYS IN OUR INSULAR POSSESSIONS.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 9388, reported unanimously by the Committee on Insular Affairs.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill (H. R. 9388) to provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Puerto Rico was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to designate one or more banks or bankers in the Philippine Islands, and in the islands of Cuba and Puerto Rico, as depositaries of public moneys, in the same manner as he now designates national banks as depositaries of public moneys under the provisions of section 5153, Revised Statutes of the United States; such banks or bankers thus designated to give satisfactory security by the deposit of United States bonds, or otherwise, for the safe-keeping and prompt payment of the public moneys deposited with them and for the faithful performance of their duties.

The following amendments, recommended by the Committee on Insular Affairs, were read:

Strike out the word "or," in line 11 of the printed bill, and in lieu thereof insert the word "and;" and at the end of line 13 of the printed bill add the following: "*Provided*, That this act shall apply to Cuba only while occupied by the United States."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDOX. Mr. Speaker, my colleague on the committee, the gentleman from Alabama [Mr. BREWER], gave notice that he would offer an amendment to this bill when it came up in the House. He is not present this evening, and I will have to object until he can be present.

The SPEAKER. Objection is made.

SUBSIDY SHIPPING BILL.

Mr. GROSVENOR. I ask unanimous consent that the minority of the Committee on the Merchant Marine and Fisheries may have until the 20th of April to file a minority report upon the subsidy shipping bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the minority of the Committee on the Merchant Marine and Fisheries have until April 20 in which to file a minority report. If there be no objection, this permission will be granted by the House.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. OTJEN, indefinitely, on account of important business.

To Mr. WISE, for four days, on account of important business.

To Mr. WHITE, for three days, on account of important business.

To Mr. MINOR, for two weeks, on account of important business.

To Mr. MAHON, for four days, on account of important business.

To Mr. BROMWELL, for one week, on account of important business.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 7649. An act authorizing the Secretary of the Interior to issue patents to the city of Elreno, Okla., for cemetery purposes;

H. R. 8463. An act ratifying an appropriation by the legislature of Oklahoma out of the Morrill fund for the use of the university at Langston for colored students;

H. R. 153. An act granting a pension to Elizabeth Johns; and

H. R. 5049. An act to settle the title to real estate in the city of Santa Fe, N. Mex.

PRESERVATION, DISTRIBUTION, INTRODUCTION, AND RESTORATION OF GAME BIRDS AND OTHER WILD BIRDS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 6634) to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes.

Be it enacted, etc., That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as Congress may appropriate therefor.

SEC. 2. That it shall be unlawful for any person or persons to import into the United States any foreign wild animal or bird except under special permit from the United States Department of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural-history specimens for museums or scientific collections, or the importation of certain cage birds, such as domesticated canaries, parrots, or such other species as the Secretary of Agriculture may designate.

The importation of the mongoose, the so-called "flying-foxes" or fruit bats, the English sparrow, the starling, or such other birds or animals as the Secretary Agriculture may from time to time declare injurious to the interest of agriculture or horticulture is hereby prohibited, and such species upon arrival at any of the ports of the United States shall be destroyed or returned at the expense of the owner. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

SEC. 3. That it shall be unlawful for any person or persons to deliver to any common carrier, or for any common carrier to transport from one State or Territory to another State or Territory, or from the District of Columbia or Alaska to any State or Territory, or from any State or Territory to the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed in violation of the laws of the State, Territory, or District in which the same were killed: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are killed.

SEC. 4. That all packages containing such dead animals, birds, or parts thereof, when shipped by interstate commerce, as provided in section 1 of this act, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on inspection of the outside of such packages. For each evasion or violation of this act the shipper shall, upon conviction, pay a fine of not exceeding $200; and the consignee knowingly receiving such articles so shipped and transported in violation of this act shall, upon conviction, pay a fine of not exceeding $200; and the carrier knowingly carrying or transporting the same shall, upon conviction, pay a fine of not exceeding $200.

Mr. PAYNE. Mr. Speaker, I have received some very earnest protests against the passage of this bill. The gentleman from Iowa says he has an amendment that will cover those objections; but I can not look into it and decide the matter now, and I will therefore have to object.

The SPEAKER. Objection is made.

Mr. HEMENWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 3 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for sites for quarters for garrison at Sullivans Island, South Carolina—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. L. Brien, administrator of estate of John B. Blackburn, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Attorney-General submitting an estimate of appropriation for expenses of United States courts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Fish and Fisheries submitting an estimate of appropriation for fish culturist at Clackamas, Oreg.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for new vaults in the United States subtreasury building at New York—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an additional estimate of appropriation for combating epidemic diseases—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for expenses of national currency—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 64) to promote the commerce and increase the foreign trade of the United States and to provide auxiliary cruisers, transports, and seamen for Government use when necessary, reported the same with amendments, accompanied by a report (No. 890); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 3537) to grant authority to change the name of the steamship *Paris*, reported the same with amendment, accompanied by a report (No. 891); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 386) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," reported the same without amendment, accompanied by a report (No. 892); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1797) granting a pension to Mrs. Jane Lucas, reported the same with amendment, accompanied by a report (No. 888); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2726) to pension James A. Root, reported the same with amendment, accompanied by a report (No. 889); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 1611) granting a pension to Rebecca Paulding Meade, widow of Rear-Admiral Richard W. Meade, late of the United States Navy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10058) granting a pension to George A. Alexander and John S. Alexander, the minor children of George A. Alexander, deceased—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9194) granting a pension to Sarah Elvira C. Upham—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SPIGHT: A bill (H. R. 10277) to amend the war-revenue law of 1898—to the Committee on Ways and Means.

By Mr. PEARRE: A bill (H. R. 10278) to purchase the portraits of Chief Justices Marshall, Taney, Chase, and Waite—to the Committee on the Library.

By Mr. NORTON of South Carolina: A bill (H. R. 10279) to provide for sittings of the circuit and district courts of South Carolina in the city of Florence, S. C.—to the Committee on the Judiciary.

By Mr. RIDGLEY: A bill (H. R. 10280) providing for the distribution of the judgment in favor of the New York Indians—to the Committee on Indian Affairs.

By Mr. CUSHMAN: A bill (H. R. 10281) for the relief of the Lower band of the Chinook Indians of the State of Washington—to the Committee on Indian Affairs.

By Mr. ROBERTS: Resolutions of the Massachusetts legislature, in favor of the establishment of a harbor of refuge at Pleasant Bay, Massachusetts—to the Committee on Rivers and Harbors.

By the SPEAKER: Resolutions of the general court of Massachusetts, in favor of surveys for a harbor of refuge at Pleasant Bay, Massachusetts—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 10282) to compensate N. N. Lowry for a mule purchased by the authorities of the United States—to the Committee on War Claims.

By Mr. BOUTELL of Illinois: A bill (H. R. 10283) to remove the charge of desertion from the military record of Arthur Trader—to the Committee on Military Affairs.

By Mr. COX: A bill (H. R. 10284) for the relief of William M. Beasley, Giles County, Tenn.—to the Committee on War Claims.

By Mr. DOLLIVER: A bill (H. R. 10285) for the relief of Companies E, F, G, and M, Fifty-second Iowa Volunteer Infantry—to the Committee on War Claims.

By Mr. FLYNN: A bill (H. R. 10286) authorizing the Secretary of the Interior to issue patent to the city of Arapahoe, Okla., for cemetery purposes—to the Committee on the Public Lands.

By Mr. GAYLE: A bill (H. R. 10287) for the relief of Mrs. Lizarette Herndon Settle, of Owenton, Ky.—to the Committee on Claims.

By Mr. GILLETT of Massachusetts: A bill (H. R. 10288) for the relief of James D. Gill, collector of internal revenue at Boston, Mass.—to the Committee on Claims.

By Mr. HENRY of Mississippi: A bill (H. R. 10289) for the relief of the estate of John R. Powers, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10290) for the relief of Samuel S. Coon, of Brookhaven, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10291) for relief of estate of Mrs. Nancy Eddins, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: A bill (H. R. 10292) granting a pension to James Collins—to the Committee on Invalid Pensions.

By Mr. STOKES: A bill (H. R. 10293) for the relief of Mrs. H. E. Muckenfuss—to the Committee on War Claims.

By Mr. WATERS: A bill (H. R. 10294) granting a pension to Christian Kolf—to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 10295) for the relief of Nancy Smith, of Wayne County, N. C.—to the Committee on War Claims.

By Mr. WISE: A bill (H. R. 10296) to remove the charge of desertion standing against James McGreevey—to the Committee on Military Affairs.

Also, a bill (H. R. 10297) for the relief of Bolivar Sheild—to the Committee on War Claims.

By Mr. MEYER of Louisiana: A bill (H. R. 10298) for the relief of Charles T. Estlin, administrator of the estate of Robert Wilson Estlin, late of New Orleans, La.—to the Committee on War Claims.

Also, a bill (H. R. 10299) for the relief of the estate of Eliza A. Carradine, deceased, late of Orleans Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10300) for the relief of the estate of William Robert Buddendorff, of Orleans Parish, La.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Petition of the St. Louis Business Men's League and the St. Louis Merchants' Exchange, State of Missouri, in favor of Senate bill No. 1439, relating to an act to regulate commerce, and suggesting amendments to the same—to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM: Petition of the Pennsylvania Mycological Society, Academy of Natural Sciences, Philadelphia, Pa., in favor of a national park being made of the Calaveras Grove of Sequoias, in the State of California—to the Committee on the Public Lands.

By Mr. CHANLER: Petitions of C. A. Chanler, F. M. Adams, and other stenographers of New York City, opposing the passage of Senate bill No. 2352, unless amended in specified particulars—to the Committee on the Judiciary.

By Mr. DAHLE of Wisconsin: Petition of the Congregational Society of Christian Endeavor, of Madison, Wis., for the passage of a bill to forbid liquor selling in canteens and in all Government buildings—to the Committee on Military Affairs.

By Mr. DE VRIES: Petitions of First Congregational Church, Methodist Episcopal Church, and Epworth League Chapter of the Methodist Episcopal Church, and certain other churches and societies of Oroville, Cal., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of citizens of Chico Butte, Cal., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

Also, petitions of citizens of Clipper Gap, Cal., and vicinity, urging the enactment of House bill 5475, known as the anti-canteen bill—to the Committee on Military Affairs.

By Mr. DOLLIVER: Papers to accompany bills for the relief of Companies E, F. G, and M, Fifty-second Iowa Infantry—to the Committee on War Claims.

By Mr. ESCH: Resolution of Colonel Ellsworth Post, No. 86, Department of Wisconsin, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HEMENWAY: Petition of John McAtee and other citizens of Oatesville, Ind., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of the Hartford Dental Society, in favor of the Army dental bill—to the Committee on Military Affairs.

By Mr. HOWELL: Petitions of C. H. Hall Post, No. 41, and J. W. Conover Post, No. 63, Grand Army of the Republic, Department of New Jersey, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Cranbury, N. J., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. JENKINS: Petition of W. Woodruff and other citizens of Hammond, Wis., to prohibit the sale of liquor on premises owned or used by the Government—to the Committee on Military Affairs.

By Mr. JONES of Washington: Petition of publisher of the Spangler Star, State of Washington, against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTAUER: Petitions of posts of the Grand Army of the Republic in Saratoga County, N. Y., in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LONG: Resolutions of Bear Valley Post, No. 434, Grand Army of the Republic, Department of Kansas, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. McALEER: Petition and papers of the American Veterinary Medical Association, Washington, D. C., favoring provision for veterinary corps in the Army—to the Committee on Military Affairs.

Also, petition of Dahan & Taitt, F. Eckerson & Co., and Freyer & Eisenlohr, of Philadelphia, Pa., urging the passage of bill for the payment of duties on imported tobacco on its weights at the date of withdrawal from bonded warehouses—to the Committee on Ways and Means.

Also, petition of Coner, Drayton & Leonard, of Philadelphia, for a modification of the treaty with France—to the Committee on Foreign Affairs.

Also, petition of graduate nurses, favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

Also, petition of the Commercial Club, Kansas City, Mo., against any legislation increasing the tax on oleomargarine—to the Committee on Ways and Means.

Also, petition of Henry Dalley, jr., chairman of committee on manufactures, New York, favoring the enactment of the Platt and Russell bills respecting alcohol used in the arts—to the Committee on Ways and Means.

Also, resolutions of the American Anti-Imperialist League of Chicago, Ill., on the conduct of the war with the Philippines—to the Committee on Insular Affairs.

Also, petition of W. A. Weber and others, of Philadelphia, Pa., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of the Patrons of Industry of North America, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of William Ayres & Sons, of Philadelphia, Pa., favoring the erection of a proposed public building at Boone, Iowa—to the Committee on Public Buildings and Grounds.

Also, petitions of the American News Company, of New York, and the American Business College, of Allentown, Pa., and the American Trades Press Association, of New York, in relation to the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the A. Colborn Company, of Philadelphia, Pa., for the improvement of Trinity River to the city of Dallas, Tex.—to the Committee on Rivers and Harbors.

Also, resolution of the Commercial Exchange of Philadelphia, Pa., in relation to the hydrographic appropriation—to the Committee on Naval Affairs.

Also, petition of International Brotherhood of Electrical Workers, in opposition to the passage of Senate bill No. 3009 and House bill No. 8924—to the Committee on the District of Columbia.

By Mr. MINOR: Petitions of citizens of Seymour, Appleton, and Sturgeon Bay, Wis., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

Also, petitions of citizens of Royalton and New London, Wis., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. RIDGELY: Petitions of Grand Army of the Republic posts of Parsons, St. Paul, Neodesha, Grenola, Atlanta, and Cedarvale, State of Kansas, in support of House bill No 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of B. F. Thomas, pastor of United Brethren Church, of Columbus, Ind., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. SULLOWAY: Resolutions of the Retail Butchers and Grocers' Association of Manchester, N. H., favoring the passage of House bill No 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. SUTHERLAND: Petition of Antietam Post, No. 131, of Bloomington, Nebr., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WRIGHT: Petition of C. F. Park and other citizens of Bradford County, Pa., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Sinnell Post, No. 233, of Great Bend, Pa., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of the Sunday Dispatch, of Philadelphia, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fels & Co., Philadelphia, Pa., as to the tax on

the use of alcohol in the arts or in any medicinal or other like compound—to the Committee on Ways and Means.

Also, petition of the Trades League of Philadelphia, Pa., urging liberal appropriations for the support of the Hydrographic Office of the Navy Department—to the Committee on Appropriations.

Also, petition of the University of Pennsylvania, Philadelphia, Pa., urging the purchase of the Calaveras big trees of California by the Government and to set aside the grove as a national park—to the Committee on the Public Lands.

Also, petition of the Chicago Federation of Labor, in relation to the reclamation and settlement of public lands—to the Committee on the Public Lands.

Also, resolutions of the Board of Trade of Philadelphia, Pa., with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

SENATE.

MONDAY, *April 2, 1900.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

TEXAS STATE CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 8th ultimo, reports from the Quartermaster-General and the Acting Commissary-General of Subsistence, United States Army, containing a list of all claims audited and paid to individuals or corporations for expenses for the subsistence, transportation, sheltering, and generally the maintenance of volunteers during the interval between their enrollment and their muster into the service of the United States, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

DISTRICT WATER SUPPLY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, submitting report of an investigation of the feasibility and propriety of filtering the water supply of the city of Washington, together with detailed estimate of the cost of the work required; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had agreed to the concurrent resolution of the Senate to correct the enrollment of the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 963) to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Greenbay, Wis.;

A bill (H. R. 1992) for the relief of Mathias Pederson;

A bill (H. R. 2356) for the relief of Hiram Johnson and others;

A bill (H. R. 8356) to amend section 953 of the Revised Statutes;

A bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof; for the procurement of heavy ordnance for trial and service, and for other purposes;

A bill (H. R. 9713) permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minn., across the Mississippi River;

A bill (H. R. 9789) to detach certain counties from the United States judicial district of northern California and to annex such counties to the United States judicial district of southern California; to divide said southern district of California into two divisions, and to provide for the holding of terms of court at the city of Fresno and city of Los Angeles; and

A joint resolution (H. J. Res. 216) for the appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 153) granting a pension to Elizabeth Johns;

A bill (H. R. 5049) to settle the title to real estate in the city of Santa Fe, N. Mex.;

A bill (H. R. 7649) authorizing the Secretary of the Interior to issue patent to the city of Elreno, Okla., for cemetery purposes; and

A bill (H. R. 8463) ratifying an appropriation by the legislature of Oklahoma, out of the Morrill fund, for the use of the University at Langston, for colored students.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the Farmers' Institute of Oberlin, Ohio, and a memorial of the Woman's Christian Temperance Union of Irving, Ill., remonstrating against the sale of intoxicating liquors in any post exchange, or canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. GALLINGER presented a memorial of 75 citizens of Henniker, N. H., remonstrating against the sale of or dealing in beer, wine, or any intoxicating drinks in any post exchange, or canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented the memorial of Mrs. Jennie E. D. Ashe, of South Columbia, N. H., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a petition of the Merchants' Exchange of St. Louis, Mo., and of the Business Men's League of St. Louis, Mo., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. KENNEY presented a petition of the Wilmington conference of the Methodist Episcopal Church of Delaware, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Army and Navy, Soldiers' Homes, and the educational institutions of the Army and Navy of the United States; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon.

A bill (H. R. 1800) granting a pension to Lutheria H. Maynard;

A bill (H. R. 8610) granting an increase of pension to Abner S. Crawford;

A bill (H. R. 3863) granting an increase of pension to Alfred Dyer;

A bill (H. R. 6284) granting an increase of pension to James Crawley;

A bill (H. R. 3882) granting an increase of pension to John B. Fairchild;

A bill (H. R. 7488) granting a pension to John C. Ray; and

A bill (H. R. 4681) granting an increase of pension to Elizabeth Keiff.

Mr. MCMILLAN, from the Committee on the District of Columbia, reported an amendment proposing to appropriate $4,000 for the grading, repairing, pavement of gutters, and improvement of Thirty-seventh street between New Cut road and Tennallytown road, etc., intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3760) to authorize the construction of a bridge across the Red River of the North at a point on said river where the section line extending east and west between sections 8 and 17, in township 157 north, of range 50 west, in Marshall County, State of Minnesota, intersects said river, reported it with an amendment.

COURT AT CHARLOTTESVILLE, VA.

Mr. PETTUS. I am ordered by the Committee on the Judiciary to report back favorably, without amendment, a local bill in reference to United States courts in the State of Virginia.

The PRESIDENT pro tempore. The bill will be stated by title.

The SECRETARY. A bill (H. R. 65) to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottesville, Va.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill. It consists of only a dozen lines, and it will not take three minutes.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 3943) to provide for the sale or leasing of water power created by public works; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BERRY (by request) introduced a bill (S. 3944) for the relief of A. C. Kerr; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3945) for the relief of L. J. Lawrence; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 3946) for the relief of George F. Schild; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 3947) to authorize certain United States officers to make arrests without process in hand; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LODGE introduced a bill (S. 3948) to provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Puerto Rico; which was read twice by its title, and referred to the Committee on Finance.

Mr. TILLMAN introduced a bill (S. 3949) for the relief of Mrs. Sabina O'Callaghan, administratrix of the estate of Denis O'Callaghan, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WOLCOTT introduced a bill (S. 3950) granting an increase of pension to Henry Blake; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3951) granting an increase of pension to Peter Bittman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3952) granting a pension to Thomas M. Moore; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO PUERTO RICAN BILL.

Mr. DAVIS submitted three amendments intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which were ordered to lie on the table and be printed.

AMENDMENTS TO ARMY APPROPRIATION BILL.

Mr. STEWART submitted an amendment authorizing the Secretary of War to grant a permit to the Commercial Cable Company of Cuba to lay and operate a submarine cable from the United States to Cuba, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment relative to appointments to fill vacancies in the lowest grade in the regular establishment of the Adjutant-General, Inspector-General, Judge-Advocate-General, Quartermaster-General, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (S. 1005) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was referred to the Committee on Indian Depredations, and ordered to be printed.

STATISTICS RELATIVE TO NAVY-YARDS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to transmit to the Senate as soon as practicable a statement showing in tabular form the condition on March 31, 1900, of the various navy-yards and stations, embracing items as to each yard and station as follows:

The number of commissioned officers on duty; the number of foremen and leading men other than workmen; the number of workmen; the amount of wages according to the pay roll or other vouchers, for either the week, fortnight, or month preceding; and the number of vessels at the yard undergoing repairs; and in addition, a separate list of the names of all the ships at the yard or station or within the harbor, with a memorandum as to each showing its condition, whether undergoing or awaiting repairs, or in commission or out of commission, or about to go into commission or out of commission, or laid up for any other purpose than repairs.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 31st ultimo approved and signed the act (S. 197) for the relief of Hattie A. Phillips.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 963) to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Greenbay, Wis.; and

A bill (H. R. 9713) permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minn., across the Mississippi River.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 1992) for the relief of Mathias Pederson; and

A bill (H. R. 2356) for the relief of Hiram Johnson and others.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 8356) to amend section 953 of the Revised Statutes; and

A bill (H. R. 9789) to detach certain counties from the United States judicial district of northern California and to annex such counties to the United States judicial district of southern California, to divide said southern district of California into two divisions, and to provide for the holding of terms of court at the city of Fresno and city of Los Angeles.

The bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. J. Res. 216) for the appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers was read twice by its title, and referred to the Committee on Military Affairs.

PARIS EXPOSITION OF 1900.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, ordered to lie on the table and be printed:

To the Senate and House of Representatives:

I transmit herewith a copy of a letter from Mr. Ferdinand W. Peck, Commissioner-General of the United States to the Paris Exposition of 1900, dated November 17, 1899, submitting a detailed statement of the expenditures incurred under authority of law.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, April 2, 1900.

PERSONAL EXPLANATION—PUERTO RICAN TARIFF.

Mr. VEST. Mr. President, I rise to a privileged question. I shall detain the Senate but a moment.

I find in Thursday's RECORD, the 29th, in the vote upon the motion of the junior Senator from Alabama [Mr. PETTUS] to strike out the 15 per cent tariff tax from the Puerto Rican bill, that I am reported as absent and not paired. My regular pair, since he has been a member of the Senate, has been the junior Senator from Minnesota [Mr. NELSON], and when I left the city some weeks ago, under the advice of my physician, we had, as I supposed, an understanding that my pair should be protected upon all questions where there was anything like a party division.

The Puerto Rican bill was then pending in the House, with a provision for 25 per cent tariff duty upon imports into Puerto Rico. I do not now recall whether I mentioned that bill to him particularly, but I assumed that he would vote with the large majority of his party in favor of the bill imposing a special tariff upon Puerto Rico.

When the Hawaiian bill, to provide a civil government in Hawaii, came before the Senate, I availed myself of the latitude of debate permitted by our rules, in speaking upon that bill, to state that I am unalterably and emphatically opposed to any duty upon imports into Puerto Rico, and that I do not believe the Constitution of the United States authorized any but uniform taxation, including a tax on imports, throughout the territorial limits of this country.

I do not make any complaint of the Senator from Minnesota, because he has been uniformly fair and courteous.

Mr. CULLOM. The Senator will allow me to state that the junior Senator from Minnesota has been ill quite a little time.

Mr. VEST. I have not seen him since my arrival.

Mr. CULLOM. I do not know whether he was here on that day.

Mr. VEST. I am obliged to the Senator; for I only arrived here Saturday night. I noticed in the RECORD that the Senator from Minnesota did not vote on that question, and that my pair was not protected, to use the common expression. I should certainly, if present, have voted for the motion of the Senator from Alabama to strike out the 15 per cent duty.

If the Senate will indulge me for a moment longer, I desire to state, reiterating the views I expressed when I spoke upon the Hawaiian question, that I do not wish it understood that as a lawyer I indorse the proposition that the Constitution follows the flag. The Supreme Court of the United States has decided that it does not follow the flag, while at the same time the Supreme Court has emphatically decided in the same case that within the territorial limits of the United States the Constitution applies to every inhabitant.

I call the attention of Senators (and I do not propose to discuss the Puerto Rican bill) to a decision made in 140 United States Reports, to which I have heard no allusion, except by the junior

Senator from Vermont [Mr. ROSS] when he spoke upon the Philippine question. It was a most remarkable case, and I ask the attention of my brother lawyers in the Senate especially to it.

It seems that a seaman named Ross had shipped upon an American merchant vessel sailing from New York to Nagasaki, in Japan. Of course the vessel belonged to our merchant marine and was under the United States flag. After arriving at Nagasaki, Ross murdered another sailor upon the deck of the vessel. He was carried before the United States consul, tried for murder, and sentenced to be hung. The consular court, under the treaty stipulation between Japan and the United States, had the right, without trial by jury, to inflict capital punishment.

The President of the United States interfered and commuted the sentence of death to life imprisonment, and Ross was sent to the Albany Penitentiary. Immediately after having been incarcerated, he sued out a writ of habeas corpus before the United States circuit judge for that district, upon the ground that he had been denied the right of trial by jury, which was guaranteed to him by the Constitution, and that the crime having been committed on a vessel of this country, under the American flag, the Constitution followed the flag, and his sentence was illegal.

The case was elaborately argued, and the Supreme Court decided that the sentence was a legal one and he must remain in the Albany Penitentiary; that while for certain purposes constructively a merchant vessel of the United States under our flag is subject to our laws, yet that in order to avail himself of the provision of the Constitution in regard to the right of trial by jury the vessel must have been within the territorial limits of this country.

I would be obliged to any Senator who discusses this question to-day or to-morrow (I understand we are to vote to-morrow afternoon) to explain how the Supreme Court of the United States could come to this conclusion and state emphatically that within the territorial limits of the United States the Constitution applies without acts of Congress or treaty stipulation and yet hold that we can impose a different tariff tax upon the people of Puerto Rico from that imposed upon the people of Missouri.

GOVERNMENT FOR PUERTO RICO.

Mr. FORAKER. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT pro tempore. The Senator from Ohio moves that the Senate proceed to the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. BATE. Mr. President——

Mr. FORAKER. Will the Senator allow me a moment?

Mr. BATE. I yield to the Senator from Ohio.

Mr. FORAKER. I wanted, before the Senator commences, to move to reinsert a word that was stricken out on Saturday from section 3 of the bill. In the print we had before us on Saturday the word "such," in line 17, page 4, after the word "all," at the end of the line, was stricken out under a misapprehension as to the office of the word at that place. It ought to be restored to the bill. I ask consent that it may be reinserted.

The PRESIDENT pro tempore. The Senator from Ohio moves to insert after the word "all," in line 17, page 4, the word "such."

Mr. FORAKER. It will be, in the print now before us, to insert the word "such" before the word "merchandise" at the beginning of line 21, on page 4.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. FORAKER. Now, in order to make more definite and certain what we were then undertaking to do, I move to add at the end of the section—that is, at the end of line 24—the following:

On merchandise and articles going into Puerto Rico from the United States or coming into the United States from Puerto Rico.

So the section will then be explicit that there shall not be any duty levied upon articles of merchandise going into Puerto Rico or coming from there into the United States after March 1, 1902.

The PRESIDENT pro tempore. The Senator from Ohio proposes an amendment, which will be stated.

The SECRETARY. Strike out the period at the end of line 24 and insert a comma, and add:

On merchandise and articles going into Puerto Rico from the United States or coming into the United States from Puerto Rico.

Mr. CULLOM. That is at the end of the section?

The PRESIDENT pro tempore. At the end of the section. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FORAKER. Now I yield to the Senator from Tennessee.

Mr. BATE. Mr. President, I deem it my duty as a Senator, as it is my pleasure, to give expression to my convictions in regard to the bill under consideration. It is a grave question, Mr. President, perhaps more so than any that has been under consideration of recent years. In the outset I desire to say that I am one of those who voted against the recent treaty of Paris, all of which, with its relative antecedents and results, is involved more or less in this discussion. Not only that, but I believe if that treaty had not been ratified when it was, but had been left open for further consideration, much bloodshed, much expenditure of money, and many of the sorrows and misfortunes that have followed in its wake would have been avoided.

I was against that treaty. I was against it here in executive session of the Senate, and voted against it. There is now no impropriety in my speaking of it or stating how it was passed, as the secrecy of the executive session has been removed. It is now common property, belongs to the country, and we are free to express our opinions in regard to it and to state the opinions expressed and the votes cast and the sentiments uttered when it was considered in executive session.

There are many Senators here, I wish to say, who most conscientiously voted contrary to the way I did, but quite the larger portion of the political party with which it is my fortune to affiliate opposed the treaty. It is known as a part of the history of the treaty, that to pass it required two-thirds of a quorum voting, and it came near not passing. A change of one vote from one side to the other would have neutralized it and the affirmative proposition would have been lost. Yes, the change of a single vote on the question of ratification in executive session would have changed the result and have left it open for future consideration, and when the real situation as to the Philippines could and would have become known, different and more satisfactory terms would have been agreed upon and avoided much of the troubles and expenditures that have since come upon us. But, however that may be, it is now in force and we must make the best of it.

It is an indisputable fact in my mind that Porto Rico, as one of the islands which have been brought in under that treaty, belongs to the United States, certainly as thoroughly as does any of its other outlying possessions; and as such it is the duty of the country to see that it be properly cared for and that it have all the privileges that any other portion of our country is entitled to under the Constitution.

The truth in connection with this, as I believe, is that there is something behind Porto Rico which is mightier than the Porto Rican question. Left alone, without being associated with other interests, it could be disposed of very readily, and there would perhaps be but little trouble and less excitement and sensational feeling in our country in regard to it; but, Mr. President, there is evidently behind it a political dagger in shape of the Philippines. That is the objective of this battle. No one who has witnessed the scenes that have taken place in this Chamber; no one who has read the current criticisms of the newspapers of the day; no one who has read the messages of the President and the communications of the Secretary of War and other officials connected herewith, but knows and feels in his heart that there is something behind this more mighty than is this proposition touching the government of Porto Rico. The Philippines are behind it with all their troubles. That is like Pandora's box, full of ills, some of which are upon us, and others are to come. That is the real question. Porto Rico is but its front shadow.

Yes, Porto Rico could be readily settled, easily disposed of, but for that which is to come after it. The embarrassing question is as to the character of government that we are to have in the Philippines and how it will affect certain interests. We are upon that line of battle to-day, under cover. Able and astute politicians of this Senate, especially those who represent and lead the other side of this Chamber, see that it is necessary to fight this battle upon the Porto Rican line, and not on that of the Orient. They have so decided, and hence the battle has been made here, although there is a bill from the Senator from Wisconsin [Mr. SPOONER] upon the table which involves the other question in regard to the character of the government that we are to have in the Philippines.

Then the Porto Rican question and the Philippine question is the same thing, and this has been brought about very shrewdly and adroitly by the leading spirits—those who think and mold and lead the movements of the Republican party of the country.

But, to return to what I started to say touching the ownership of Porto Rico by the United States, we are told that it has come into our possession not only by the treaty, but by conquest. Then we have, we might say, a double title to it; and, this being so, it is a part and parcel of this great country. It is under the palladium of the United States and is entitled to her protection.

Mr. President, I did not favor at the start, and do not now, any fighting for the purpose of foreign conquest, for I believe in letting other people alone; but inasmuch as it has come upon us, it is the duty of every good citizen, and especially those who have a voice here in the Senate, to stand by the country in all its needs and do the best we can until the matter is honorably terminated. I feel that to be my duty, and I expect to perform it.

If Porto Rico is a part of the United States, it is the duty of the

Government to give it protection, and the question is how it should be done. Does the Constitution go with the flag? The flag is there, floating over that island in peace. Her people have given welcome in peaceful terms to the representatives of our Government there, not only to our civil officials, but even to the Army. The flag is there now, quietly and peacefully floating over that island, kissed by the breezes of the Caribbean Sea. The officers of the Government of the United States are there now, and, as we are informed, meet with the respect and confidence of those people over whom it is claimed we are to have control.

Such, Mr. President, is the situation. The point is made that, while that is so, the Constitution is there in full force. Upon the theory that the Constitution is in that island now, can we enforce, and must we not enforce, all necessary laws of the United States under it in order to bring about that condition of affairs which is desired by the Government?

I ask the question, Mr. President, and I think it a pertinent one: If the Constitution of our country has not extended its vigor along with the flag in Porto Rico, why is it that those officers who are there—not only those who are citizens of the United States proper, who have been appointed by our President, but those who wear the regalia of our Army as a part of the sheriffalty and constabulary and carry the mace of peaceful authority as civil officers, men who are by birth and citizenship Porto Ricans—why, I ask, are they required to take the oath of office to the Constitution of the United States? Why are they required to swear to support that instrument, unless it is there ex proprio vigore, for no statute has carried it there? I can see no reason why.

Not only that, Mr. President, but you see the United States Government has sent its civil officers there and has taken absolute control of that island. What character of officers have we there? Both military and civil. And this bill now under consideration has sections that have been passed and agreed to in the Senate by which the Government of the United States will take charge of this island in every way. By this bill the President is to appoint judges with large salaries, clerks with salaries, and all the officers and machinery of the government necessary will be engrafted there. Now, Mr. President, if this is so, is the Constitution not already there in its full force and vigor?

Not only so, but you are undertaking also to take charge of their educational interests. You have your schoolmen appointed and in service there, and money is asked to be appropriated for the purpose of conducting those schools, and you by this bill are seeking to have all the machinery necessary for the organization of a society and a government, and all this manipulation is under the protection and guidance of the United States. Then, can there be any question, I ask, in regard to the Constitution of our country being there in full force?

Not only that, Mr. President, but you find section after section in this bill recognizing the various forms as well as substance to carry this contemplated work into effect, and, among others, we find the very remarkable proposition already passed, as a section in the bill, not nem. con., but passed by almost a party vote of 35 to 15, I believe, to allow that government, Porto Rico, to issue bonds to the extent of $10,000,000. If the Senate pass such laws as that, can there be a lingering doubt in the minds of those who advocate the bill that the Government of the United States with the Constitution is there in all its force and power?

The Constitution of our country extends wherever the flag goes. It is like the heart of man, which propels and pulsates the blood even to the extremities of the body. The heart throws the blood out through the arterial, and returns it through the venous, circulation not with more certainty than does the great heart of our country, the Constitution, with all its force, throw out to its extremities all the rights, privileges, and immunities of citizenship. It has thrown them, in my opinion, to the Philippines, 8,000 miles distant, to a foreign people, with a foreign language, because the flag is there, and so, therefore, I believe it is in full force and vigor in Porto Rico.

Yes, the Constitution stands like a great finger board and points the way along with the flag, which is its invariable accompaniment. If that is so, how can the question be raised here of whether the United States has gone there in such manner as to have the Constitution, its principles, protection, and privileges, enforced in that island? The Constitution is there, Mr. President; it is carried there by virtue of the treaty of peace and by virtue of the conquest that was made in the Spanish war.

I believe that when the courts of our country come to speak upon it they will favor the idea we advance, that the Constitution has gone into our newly acquired territories by its own force and is everywhere the flag is.

But there are some reasons which have been urged in regard to this matter that are pertinent, and perhaps they ought to be noticed. There seems to be a disposition to invidiously tax this people, notwithstanding the Constitution says "taxation shall be uniform;" notwithstanding that we know the Constitution is there in force. The Congress of the United States is but the creature of our Constitution. There is an axiomatic saying that the creature can not rise higher than the creator. Notwithstanding the Constitution, the creator, is in full force, yet we see the creature asserting almost omnipotence under this treaty of peace, and that treaty in a novel way transferred the matter to Congress.

Here allow me to say that I believe this is the first time in the history of this country, in all the acquisitions of territory which have been made, where these matters have been left to Congress. Not even in the case of the acquisition of Alaska nor in the acquisition of any of the other Territories has this power ever been left to Congress. It may be that our friends have profited by the experience down South in the days of carpetbaggery, where certain things took place very much to the injury and the misfortune of our people, but that is over, and I only refer to it as an imperishable historic fact.

Now, Mr. President, with that example before us here, we have a treaty which confers on Congress power over this subject. It is not necessary that Congress shall enact a law in order to carry the Constitution to Porto Rico, for it is there in vitality and force. The Constitution is there by its own force, and it needs no action upon the part of the Congress of the United States to give it vitality.

There is a novel proposition here in this bill to tax the people of Porto Rico 15 per cent of the Dingley tariff law rate, which is not placed upon any State or Territory of the Union. That we regard as unconstitutional, for the reason that the Constitution is in force there, and that Porto Rico is a part of our territory, and there is a clause in the Constitution which requires uniformity of taxation. That clause, of itself, should forbid the passage of any such law. Most singular to state in that connection, the proposition was made by my honorable friend from Alabama [Mr. PETTUS] here the day before yesterday that the legislature of Porto Rico should not pass and enforce any law in conflict with the Constitution of the United States, and to my surprise I found that a party vote was had even upon that question, that broad proposition, and it was voted down by Republican votes.

Mr. President, it seems that the Constitution does not stand much in the way, so far as this legislation goes, at least; but this tax of 15 per cent, I contend, is not only unconstitutional, but is unnecessary. It is not needed; and in order to give the very best reason that can possibly be given on that subject, I ask the Secretary to read what I have marked in the paper which I send to the desk. It is a paper prepared by a delegation from Porto Rico itself, which was here but a few days since, perhaps some ten days ago. They state the situation and give some facts in regard to Porto Rico and its affairs—what it has done, and what its capacity is in the way of collecting a revenue and supporting a government—that ought to be heard by every Senator.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

NO TARIFF NEEDED FOR REVENUE.

One of the reasons given by the Republican leaders in Congress, who stand behind the tariff measure, is that they see no other way in which money can be raised for the support of the island except by direct taxation, which they allege the people of Porto Rico would not agree to, or by special appropriation by Congress. Let us say on this point that the island of Porto Rico raised an annual budget of $4,400,000. Of this amount the following sums, in round numbers, were: For the army, $1,200,000; for the minister of colonies, $400,000; for pensions, $300,000; for the clergy, $400,000; for the navy, $400,000; making a total of $2,700,000. Thus there was raised for these purposes annually an amount larger than the total amount now required for the expenses of the island, as estimated by Governor-General Davis, and larger by far than will be raised by the proposed tariff. We refer with pride, and call the attention of the people of the United States to the fact, that we freed our own slaves, paying therefor, in principal and interest, about $12,000,000, without asking aid from Spain or elsewhere. We repudiate the idea that we can not raise the amount necessary to carry on the affairs of the island.

The idea and theory of a tariff is repugnant to us. Our people, since the American occupancy, have been led to believe by Americans themselves; by the utterances of such eminent officers as General Miles, General Henry, and General Davis; by the Secretary of War in his annual report; by the honored President of the United States in his annual message to Congress; by the terms of the bill originally introduced in the House of Representatives; by the chairman of the Committee on Ways and Means, and by the almost universal expression of opinion in the public press, that they were entitled to and would receive, without any material delay, absolutely free commercial relations with this country to which they now must look, but instead of which a tariff unnecessary for revenue is offered.

* * * * * * *

The above appeal is signed by George I. Finlay, Manuel Fernandez Juncos, John D. H. Luce, J. Julio Henna, Arturo Bravo, J. R. Latimer, L. Sanches Morales, Lucas Amadeo, Azel Ames, T. Larrinaga, and R. Valdes, commissioners of Porto Rico, and is indorsed by the Merchants' Association of New York, which has investigated the commercial conditions of the island.

Mr. BATE. Mr. President, some of the facts which are stated in that paper may seem rather remarkable to those who are not well informed as to the condition of affairs in Porto Rico. It shows that $4,400,000 a year has been raised as revenue and has been distributed; it shows that those people have the power, if they are allowed to continue in control of their own affairs, to raise sufficient revenue for their government without calling upon the United States. In the face of that, here is a tax of 15

per cent which is sought to be imposed upon them in contravention of the terms of the Constitution, which says "taxation must be uniform;" and no such tax can be imposed upon any of the States or Territories in this country.

It is stated as an excuse, or rather palliation, for this legislation that we propose to return the money collected to the Porto Ricans. But, Mr. President, that is a cheap and tawdry kind of benevolence. It is one which I think a great country like this ought not to indulge in. You see by what has just been read that the people of Porto Rico are able to take care of themselves and supply their own revenue for the purpose of conducting their own government, and I hope they will be allowed to do so as far as possible to secure good government.

This island lies near us, in the Caribbean Sea, not 8,000 miles away. Its people are more congenial to us, they have a better past history, and I hope they will have a better future history, than the people of some of the islands in the far-distant Orient which have been appended to our Government by the same means.

Mr. President, I take it for granted that the Constitution of the United States, framed as it was in all the light of British history, was designed and intended to guard the future liberty and order, society and individuals, from all the evils which party violence in the British Parliament had heaped upon the people of the colonies.

I can not conceive that the men who drafted the Constitution intended to create by that instrument two classes of people—one protected by a written instrument, with all the rights, privileges, and immunities guarded by restrictions and protected by courts, and another class outside of all guaranties and defenseless against all impositions.

I can not believe that the men who lighted the beacon fires of liberty all over the world with their Declaration of Independence intended to frame the Constitution upon principles which denied the fundamental maxim that all governments derive their just powers from the consent of the governed, and that they confined the inalienable rights of life, liberty, and happiness to the people within the States that composed the Union, but excluded from the protection of those rights by the Government all people whom conquest or treaty might bring under our flag.

I can not believe that the fathers who won our liberty from British tyranny of the jus coronal intended to set up the possibility of despotism under a President's commission.

I can not conceive that the men who fought the Revolutionary war against the absolutism of the British Parliament intended to revive it under the omnipotence of Congress.

The inquiry which confronts the people of the States when considering what shall be the future relation of the peoples of the acquired islands with the States of the Union is: Can a people whose own government rests avowedly on the consent of the governed, whose States ordained and established their own form of government, whose principles of government, both in their Federal and their States application, deny the rightfulness of "absolute despotism" and "absolute tyranny"—which irresponsible government by Congress implies—can they acquire from another nation by purchase the moral right to govern 10,000,000 people against their consent, when attested by forcible resistance, that rightful rebellion which our Revolution consecrated for all people?

There is not a page, not a paragraph, in our history which sustains the rightfulness of purchasing peoples—10,000,000 in one batch, like cattle in box cars.

Those Revolutionary patriots would not "believe that Providence had sent a few men into the world, ready booted and spurred to ride, and millions, ready saddled and bridled to be ridden," nor have made the Congress the riders or purchased the Philippines to be ridden. And yet all these results are embodied in the policy as foreshadowed in bills relating to the government of the people of the islands ceded by Spain.

It is true that the language of the treaty of Paris provides that the political and civil rights of the people in the ceded islands shall be determined by Congress; but by Congress, as Congress is controlled by the Constitution, and not by Congress acting with the absolutism of an English Parliament. The Constitution created Congress, gave it its life and power and action, controls its authority, and directs its energies. Congress can do nothing not authorized by the Constitution. The rules and regulations authorized to be made by Congress respecting the Territories must comply with the restrictions and guaranties of the instrument, which in no line, from preamble to ratification, departs from any of the principles of liberty and government upon which our whole fabric reposes.

In no section, either by grant or implication, is there any authority for two classes of people—"citizens" of the States and "subjects" of the Congress.

In defense and justification of the wide departure and unqualified denial of all American principles of individual right and government, which the policy of the Republican party in this Congress foreshadows, isolated extracts, detached from their proper connection, are paraded from decisions of the Supreme Court, and these are further bolstered and buttressed by the opinions of attorneys arguing for their clients. All this has been analyzed and explained in such an incisive manner by my friend, who is not here to-day, the Senator from Washington [Mr. TURNER], that it would be a work of supererogation, it seems to me, to travel over the same path, for he took those decisions up seriatim, and showed their relationship and the distinction between the facts which govern them and the facts upon which this case should be governed.

I yield to no man in my respect and veneration for the judgment and rulings of the Supreme Court, but my oath to support the Constitution would not excuse my consenting to subordinate my convictions to the arguments of any justice, still less to those of any attorney, however eminent in the profession. The history of territories acquired by the United States very widely accentuates the principles of the Democratic and Republican parties, and illustrates in a remarkable manner the consideration and protection of individual rights which distinguishes those parties in the acquisition of territory and people.

Now, we as Democrats march up to the fighting line and hold ourselves responsible for territorial acquisition. We are responsible for it, at least for the contiguous and homogeneous part of it which lies between the Atlantic and Pacific oceans. The Territories of Louisiana, Florida, New Mexico, California, and Utah were acquired by statesmen of the Democratic party, and each treaty contained the provision that—

The inhabitants of the ceded territory shall be incorporated into the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution—

Not according to the omnipotence of Congress—

to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States, and meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess.

Every guaranty of the Constitution to the people of the States was freely extended to the inhabitants of the ceded territory. There was no discrimination and no distinction as between citizens of the United States and subjects of the Congress. Permit me to say that the term "subject" is one unknown to our Constitution and form of government. We have no subjects. It is only the imperial powers which have subjects. Subjects do not exist in a free republic. They can not. When citizens become subjects of Congress or of any other power, their personal and political liberty is gone.

In the acquisition of Alaska there was a slight but immaterial departure from the broad precedent of acquisition established by a half century of Democratic principles.

The treaty of Alaska provided that—

If they should prefer to remain in the ceded territory they, with the exception of the uncivilized tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States, and shall be protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes shall be subject to such regulations as the United States—

Not the Congress—

may from time to time adopt in regard to the aboriginal tribes of that country.

The Republican party was young—somewhat fresh—when Alaska was acquired. It had not then learned the opportunities which carpetbag government of distant peoples afforded. So it kept close to the precedents of the Democratic party, extending to the civilized people of Alaska all the privileges and immunities of the Constitution, and protected them in the enjoyment of liberty, property, and religion. Nor was it indifferent to the welfare of the uncivilized tribes, which were placed under the same guardianship as our Indians at home. It was the United States, and not the Congress, which protected the people.

Mr. President, it may be proper at this point to say something in regard to the acquisition of these territories. I asserted a moment ago, and I believe it is conceded to be history, that the Democratic party, during Democratic Administrations, has acquired all the territories between the oceans which have been acquired. I am proud to say it, and I am not ashamed for it to go into the record of my country, that all the territories which have been acquired between the oceans were taken in not only by Democrats, but in every instance by Southern men, with one exception, and that exception was President Pierce in the Gadsden treaty, under which we paid $10,000,000 for the slip of territory in the Gila River country, out in the far West, in Arizona, just above and contiguous to the Gulf of California.

That slice of territory was taken in by President Pierce, a Northern Democrat, and if you will search the record you will find that the Democrats voted to pay the $10,000,000 for it, whilst many of the opposition did not. So we, as Democrats, may take the responsibility for it. As a Democrat I am not going to shirk that responsibility, but I say I am proud of the fact that we did take in all this territory wherever it was contiguous and the inhabitants homogeneous; but in no instance did we go beyond that and those natural boundaries—the oceans.

When Alaska was taken in by the Republican party there was a singular fact in connection therewith which I will state. Perhaps all of us do not know of it. After the treaty had been pretty well agreed upon, Mr. Lincoln was assassinated, and he never signed the treaty. It so happened in the upturning of events that even as to the territory of Alaska, which was the last territory we acquired up to the time of the Spanish war, the treaty for the acquisition of Alaska was signed by Andrew Johnson, also a Democrat and Southern man.

I might go over these instances of the acquisition of territory, for each has an interesting history, but I care not to do so now. I might refer to the acquisition of Florida extending into the bosom of the Gulf, and Texas, which we acquired as a result of the Mexican war, Utah, Nevada, and California, and finally Alaska—all these Territories have come in, as I have stated, under Democratic Administrations. That is true as to every inch or foot of territory acquired between the mighty oceans.

Now, with the Republican party in power, we are extending our territory but in a different way. You remember Mr. Seward refused to interfere in behalf of Maximilian upon the ground that it would be a violation of the Monroe doctrine. He was one of the chief Republicans, at the head of the party. The Monroe doctrine was observed by the Republicans then; and we, the Democrats, have observed it all the while; but this expansion, which is outside of the oceans, having neither touch nor kin to us, is a new departure. It smashes the Monroe doctrine, sets it aside with utter indifference, and makes it as "a schoolboy's tale, the wonder of an hour!"

Mr. President, the experience of the Republican party in the art of reconstruction between 1865 and 1870, between the acquisition of Alaska and the Philippines, taught lessons which were not forgotten when the treaty of Paris secured the islands from Spain. The exploitation of the Southern States by carpetbag governments was an experience for which the acquisition of Porto Rico and the Philippines offered opportunities which were provided for in the treaty itself. In the language of Mr. Benton, in another connection, "a new dogma was invented to fit the case," and the omnipotence of Congress suited every condition and gave ample range and room for every kind of exploitation, a Presidential commission drawing its authority and inspiration not from the fountain source of liberty and constitutional government, but from the personal instructions of the President for which no authority of power can be found in Article II of the Constitution, from which his official authority is derived.

A tariff for Porto Rico—that subject of Congress which protects certain interests in the United States and denies to all other people in the States the benefit of competition—creates a virtual trust on cigars, cigarettes, and tobacco, and helps the actual trust in sugar, for the benefit of manufacturers at the cost of consumers in the States and producers in Porto Rico. While 300,000 tons of sugar in Hawaii, the property of the trust king in the United States, enters free of all duty, the 60,000 tons of sugar produced by the impoverished planters of Porto Rico are taxed under the power which the treaty of Paris was so manipulated as to give to Congress—the power which has been thus abused.

The right to do all these wrongs is found under the clause in the treaty of Paris, as follows:

> That the civil rights and political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by the Congress.

No treaty can override the Constitution. In that clause of the treaty there is a deliberate abandonment of all those guaranties of civil liberty heretofore recognized and secured by every treaty of annexation made by the Democratic party. There is no recognition of any right in the future, near or distant, for the incorporation of the inhabitants into the Union of the United States, as was provided in the case of Louisiana, Florida, California, and New Mexico.

But the omnipotence of Congress over the civil rights and political status of 10,000,000 of peoples is grafted on a treaty, and the treaty is now alleged to supersede even the Constitution and to have become the supreme law of the land. Against a claim so monstrous and shocking to every sense of constitutional law the people of the States in the Union will enter their solemn and efficient protest. They will never assent to the new Republican dogma that the Executive, through his diplomatic agents, can negotiate a treaty which shall be paramount to the Constitution, and that the State Department, through and by means of the hocus-pocus of diplomacy, can convert this Republic of republics into an imperialism more despotic than the absolutism of Parliament.

The right of Congress to legislate for the Territories is indisputable, but it is a right coupled with the obligation to legislate under all the restrictions and with all the guaranties that the Constitution secures to the people of the States, as was held by Mr. Justice Matthews, that the

> power of Congress over the Territory is limited by the obvious purposes for which it was conferred.

The absolutism of the British Parliament claimed and exercised the right to tax the colonies by laws different from the laws for England. Our forefathers disputed the right and battled against its exercise, from Bunker Hill to Yorktown, because under the principles of English liberty there could be no rightful taxation without representation. In this country we have for that circumlocution the homely phrase of local self-government. It is a purely American term, but embodies all that is near and dear to the hearts of the people. It carries relief from oppression; it prevents unjust and discriminatory taxation; it embodies an intelligent knowledge of the wants and necessities of the people to be governed; it embraces the thousands of incidents and circumstances, known and understood only by the people to be governed, which make up the sum and the total of human happiness.

For such government Congress is so unfitted that it is impossible to believe that the framers of the Constitution, when they guarded the people of the States by the ten amendments, could have contemplated the Congress governing any people outside the Constitution and outside the Union of States. These amendments, in the nature of a Bill of Rights, assert principles of civil liberty which Congress is prohibited expressly from infringing anywhere and by any law,

"Congress shall make no law," is the language of the Constitution, respecting religion or abridging the freedom of the press, or the right of assembly; nor infringe the right of the people anywhere to keep and bear arms; nor to quarter any soldiers in time of peace in any house; nor to violate by search the homes and habitation of the people, and so on. The prohibition of Congress extends to life, liberty, and property everywhere, not in the States only, but in every place within the jurisdiction of the United States, whether contiguous or far distant. The prohibitions of the ten amendments follow the Congress as the shadow does the substance, and lay their interdictions as well in Porto Rico or the Philippines as in Maine, Virginia, Tennessee, or California. And in that view of the efficacy of these amendments to lay their restraining power upon the alleged omnipotence of Congress, I find Mr. Justice Curtis, in the Dred Scott case, fixing the limit of the power of Congress to legislate respecting the Territories—

> in the express prohibitions of Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law, or bill of attainder, and so in respect to each of the prohibitions contained in the Constitution.

And Mr. Justice McLean, in the same case, emphatically declares against the omnipotence of Congress when he announced that "no powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit," and may I not add, which conflict with its positive mandate that "all duties, imposts, and excises shall be uniform throughout the United States," and shall not be laid on the States with different rates from what are laid on Porto Rico?

Mr. Justice McLean continues:

> So that whether the object may be the protection of the persons and property of purchasers of the public lands, or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

What then becomes of the omnipotence of Congress to which the Supreme Court solemnly sets "limitations" and declares that there are limitations to all Federal powers? Where, in all political history, or in the interpretation and construction of the Federal Constitution, can there be found a principle or a precedent to establish the Republican contention that the Constitution ex proprio vigore does not extend over our new acquisitions, but that it is confined and limited to the States, and requires the action of Congress to embrace within its protection the people whom conquest or treaty may acquire; and that the Constitution needs the help of Congress to embrace within its protection the lives, liberties, property, and religion of the people?

Here, again, we find the omnipotence of Congress and the absolutism of the British Parliament in complete accord—both denying to the people the principles of liberty. Neither Magna Charta nor the Bill of Rights, nor the heritage of liberty as the birthright of Englishmen protected the people of the colonies from the tyranny of George III and the Parliament of England. There was no inherent force in those great statutes which Lord North and the Tories respected; hence they denied their efficiency to protect the liberties of Englishmen outside of England. And now the Republican party has revived the Tory dogma of no inherent force in the Constitution to protect the people. And in support of that dogma Congress is bombarded with extracts from the speeches of statesmen and decisions of the Supreme Court which have no application whatever to the present case, because the facts and circumstances are totally different.

It is the accepted doctrine of the American Government that the great principle of liberty and government by the people extended ex proprio vigore, and need neither Constitution nor laws to entitle the people to their blessings. E cœlo descendit—they

come from a higher power—"the laws of nature and of nature's God."

I am willing to believe that the great justices of the Supreme Court and the eminent statesmen of the past expected that their arguments on certain existing facts and circumstances, totally different from present conditions, should either control or persuade the judgment of others that the Constitution was a dead parchment into which Congress must breathe vitality before it could be invoked to extend the blessings of its provisions over the people we have won by arms and diplomacy.

I can understand the plain language of Chief Justice Marshall when in Loughborough *vs.* Blake he asked and answered his own question:

Does this term (United States) designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Mississippi is not less within the United States than Maryland or Pennsylvania; and it is not the less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in one than in the other.

Whether that be dictum or judgment I will not stop to consider, but whatever it is it condemns a tariff for Porto Rico different from that for the States. It condemns the dogma that the Constitution ex proprio vigore does not carry its guaranties wherever the flag floats over American territory.

I was opposed to acquiring the islands of Spain, and for that reason, in part, voted against the ratification of the treaty of Paris. I am opposed to the retention of those eastern islands a moment longer than is necessary to reestablish order and security. I do not approve the manner in which the islands and their people were obtained and have been treated since they came under our control. But so long as the islands are under our control, and so long as our flag floats there, the representative of our authority, and peace having been secured, I shall, as far as may be within my power, advocate and support the extension to those people of every privilege, right, and immunity which the people of the States enjoy. It is too late for those who wrenched those islands and people from the dominion of Spain to set up the unfitness of the islanders for a government by the people. That ought to have weighed with those who negotiated the treaty and with those who voted to ratify it.

It may be a debatable question with some persons whether the "Constitution follows the flag," but there ought not to be any doubt that the Constitution dominates the Congress and imposes upon its legislation each and every restriction, whether the laws enacted for the States, Territories, provinces, or colonies.

The flag may outsail the Constitution, but Congress can not get away from the instrument nor from under any of its restraints. Its revenue laws must be uniform throughout all territory over which the Congress assumes to legislate. There are in the instrument neither exceptions nor provisos, nor any place for "expediency."

The Constitution forbids Congress to lay a tax or duty on the exports of a State. The proposed law for Porto Rico levies, in the island, a duty of 15 per cent on the exports from all the States. This clearly unconstitutional tax on exports is refined into a tax on the privilege of receiving the exports of the States. But such legerdemain will not deceive the people nor the courts, nor the members of Congress. As an excuse it is too Pickwickian to be seriously considered.

The President has enforced the Dingley tariff in Porto Rico, and under its provisions there have been collected over $2,000,000. If the island was not an integral part of the United States, where was the authority to extend the Dingley tariff there? If it is an integral part of the United States the duties were rightfully collected, and where can the constitutional warrant be found for giving those duties back? At every turn in this matter we find the constitutional provisions moved about like pawns on a chessboard.

There are powerful and ingenious minds who find in the term "United States" almost as many meanings as there are letters. But the plain people—the voters of the country who are too often forgotten in legislation, save when taxes are wanted—are not to be deceived and misled by sophistry and hair-splitting arguments.

It will be difficult to make the people understand that citizenship of the United States depends on the locality in which the man may be, a citizen in New York one day and not a citizen in Porto Rico when he arrives there; that he may enjoy the benefits of free trade with Hawaii, 2,000 miles in the Pacific Ocean, but not with Porto Rico in the Caribbean Sea, near our southern border.

The nice distinctions in constitutional law which the Republican party have drawn between Hawaii and Porto Rico, neither of which I ever wanted to see under our control, are too finely spun to impress the voters, but they can understand Chief Justice Marshall when he held that "the same act which transferred the territory transfers the allegiance of those who remain in it," and that allegiance carries the right to citizenship, with all the privileges of the Constitution. The people will have no difficulty in comprehending Chief Justice Fuller, that—

The nationality of the inhabitants of a territory acquired by conquest or cession becomes that of the Government under whose dominion they pass—

And they will rejoice to know that—

neither the President nor Congress nor the judiciary can disturb any one of the safeguards of civil liberty incorporated into the Constitution, except so far as the right is given to suspend, in certain cases, the privileges of the writ of habeas corpus.

If the power to disturb does not exist, the power to withhold ought not to be exercised. It is peculiarly unfortunate that the prejudices and passions of the slavery discussion should have created such antipathy to the Dred Scott case that men close their eyes and stop their ears to the unanswerable argument of the great Chief Justice, Mr. Taney, on the Territorial part of his very able opinion—that the power to acquire territory was limited to acquisitions which in time, whether long or short, could become States of the Union, but that the power to acquire territory to be held as colonies, either near to or distant from the country, was not deducible from either the war-making or the treaty power.

That is directly in keeping with the resolution of my friend the Senator from Missouri [Mr. VEST], which he introduced at the last session, that no Territory can be received in the Union unless it is intended that it become a State. That is the substance of it. It is the idea if not the language of Chief Justice Taney in the Dred Scott decision, and we commend it; and on that Vest resolution, when the vote was taken it was almost a party vote—Democrats for and Republicans against the idea that all territory that comes under the ægis of the United States is intended in the end for States and not for colonies or provinces. So it will be seen that the sole constitutional view of acquisition of territory was for States in the Union and not for territory outside of the Union.

Under this new order of expansion, what is to become of the Philippines and Porto Rico? Are they to become States with representation here from those countries, from that heterogeneous mass of mongrels that make up the citizenry? That is objectionable to the people of this country, as it ought to be, and they will call a halt before it is done. Neither in the language of the Constitution nor in that of cotemporaneous authority can any warrant be found for colonies or dependencies or territory for any purpose other than States of the Union. The absence of express prohibition from acquiring territory to be held as colonies can not be construed as authorizing such acquisition. States and Territories have their proper place in the American system, in which there is neither room nor propriety for colonies. How can we govern and administer them? Either they will become military satrapies, repugnant to every American instinct of government, or, still worse, the miserable victims of carpetbag administrators whose only purpose is exploitation and robbery.

We have no place for the jus coronal, or crown colonies, and our President, whoever he may be, will be unfitted to select the ruler and administrator of millions of people thousands of miles away from the sight and supervision of the Executive.

EXPANSION.

The first and greatest expansionist that our country produced was that peerless Democrat, Thomas Jefferson. To the Northwest Territory he added that of Louisiana, and both added to our area and multiplied our resources. He bought Louisiana with many serious apprehensions of his constitutional right to make the purchase, but the country sustained him and now recognizes his wisdom in the magnificent domain, which, with other additions by Democrats, extends our national domain from ocean to ocean. The Democratic party has always been the party of expansion along lines which added strength to national resources, defense, and prosperity in that which was contiguous and homogeneous.

The expansion of Mr. Jefferson was over territory which in foreign hands closed the great artery of the Mississippi, along which flows the lifeblood of the Western States, and over territory the acquisition of which involved the life of the Union. Before such conditions of national safety every restraint of law and Constitution must yield, because *salus populi suprema est lex*. But neither his example nor his precedent affords any justification for expansion over territory in distant seas, over peoples incapable of self-government, over religions hostile to Christianity, and over savages addicted to head hunting and cannibalism, as some of these islanders are.

As to the Louisiana purchase and Mr. Jefferson's connection therewith, it amounted to a necessity for the salvation of the country. As to these gentlemen here, our friends, the enemy, on the other side of the Chamber, it is singular that many of those who fought on that side during the civil war should take the position they do. Thomas Jefferson did that as a necessity to save the country. There were Kentucky and Tennessee, and in the future, just budding into statehood, Ohio, Indiana, Illinois, Missouri, and all those States contiguous thereto. It was absolutely indispensable for them to have the mouth of the Mississippi River

under their control. The Spaniards held it at the time. Thomas Jefferson managed, through Robert Livingston, to get it from Spain into the hands of France, and then he made his negotiations. But it was a matter of necessity, and you gentlemen who fought so gallantly on the other side, and by your vastly superior numbers and resources overcame us in the South, fought, if I understand it, on the principle that the Union must be preserved at all hazards—yea, it was its life you fought for.

Therefore you forget the Constitution for the time being, and in strong, emphatic language it has been said that "The Constitution was shot to death in the war." I say those of you who fought upon the other side of the question to what I did, are inconsistent in the arguments you make in regard to Louisiana. It was then a necessity for the salvation of the country. Thomas Jefferson so regarded it. It was life to the then expanding Union and death to its prosperity and great future. Jefferson so saw it, and acted as you did when inspired by similar motives.

What would we have been with the mouth of the Mississippi locked against the transportation and trade of the Mississippi Valley, with all these Territories and all these States, containing, I believe, 22,000,000 people? What would have been the condition of this country? We would have been a pent-up Utica, and hardly a second-class power. Jefferson realized this fact. He took a strong hand in this matter and, notwithstanding he had doubts about the constitutionality of it, saw the great necessity for it, as you did when you wanted to save the Union of these States and may have trespassed upon the Constitution to do it.

Why and by whom was the acquisition of this territory opposed? It is a matter of history in your CONGRESSIONAL RECORDS that the opposition to the admission of Louisiana came from the North. It came principally from Massachusetts, led by Josiah Quincy. Let me say parenthetically here that the first speech ever delivered in the Congress of the United States advocating the right of secession was by Josiah Quincy, from Massachusetts, upon this very question of the purchase of Louisiana Territory. His reason was asserted to be that it would give a balance of power to the South over the North, and justified his right to do so upon the ground that Massachusetts was a sovereign State, and she had a right to do as she pleased—to remain in or go out of the Union.

I say that my friends on the other side of this question who fought for the Union, it seems to me, are inconsistent in their arguments when they condemn Thomas Jefferson for doing that which they say was unconstitutional when the necessity of the country, its expanding life, demanded it, and when the 20,000,000 of population in the Mississippi Valley, with its teeming wealth, would not have been the reality it is to-day. Thus he assumed the responsibility and secured Louisiana.

The trouble was in getting the $15,000,000, opposed as it was, to pay for it. He got it, however, at last. How was that negotiation made? It was made through Robert Livingston and another agent whom Jefferson had sent to Europe. He utterly failed to make any negotiation with Spain for either Florida or Louisiana, for he wanted all the territory owned by Spain below latitude 31. That was the degree of latitude to which the possession of the Spanish extended northward.

Now, what did Mr. Jefferson do? He got the $15,000,000 finally, voted by Congress, and at last got the territory through the instrumentality of Napoleon, Napoleon being then all-powerful in Europe. He owned virtually the throne of Spain, and Spain owned that part of this country. Napoleon wanted ready cash for the purpose of buying vessels to compete with the English, who had the navy of the world then, and we offered him $15,000,000. He took the $15,000,000 and gave us the territory known as the Louisiana purchase. And it is a page in history that when he received the money he purchased the ships. He made his navy and soon thereafter had a fight off Gibraltar with the English fleet which was regarded as a drawn battle, but soon thereafter they again met in battle. This time at Trafalgar, when Lord Nelson was killed and where the British navy was made famous.

A large portion of the $15,000,000 was invested in that French fleet, and at Trafalgar it went down in defeat, and away went the $15,000,000 which the United States had furnished to Napoleon, but we had the title to the Territory of Louisiana, embracing that vast area out of which so many great States have been carved.

The acquisition of territory with the purpose and qualification of admission, in the future, into the Union of States is no precedent for the acquisition of territory whose people are disqualified by every circumstance and fact in their character and nature from ever becoming citizens of a State in this Union. For these facts I vouch the report of the Philippine Commission to the President. That report from a commission selected by the President is not Democratic authority, and can not be impeached as politically hostile to the President, the Republican party, or the expansion policy.

The report says—I invite attention to it specially because of the source whence it comes and for the remarkable facts it details:

The inhabitants of the Philippines belong to three sharply distinct races—the Negrito race, the Indonesian race, and the Malayan race.

Of the first it says:

They are physically weaklings of low stature, with black skin, closely curling hair, flat noses, thick lips, and large, clumsy feet. In the matter of intelligence they stand at or near the bottom of the human series, and they are believed to be incapable of any considerable degree of civilization or advancement. * * * They lead a nomadic life, wandering almost naked through the forest, and living on fruits, tubers, and such game as they can bring down with their bows and poisoned arrows. (Page 11.)

Fortunately, those future subjects of Congress are not more than 25,000, and "the race seems doomed to early extinction."

Of the Indonesian race the report says:

They are tall and well developed, with high foreheads, aquiline noses, wavy hair, and often with abundant beards. The color of their skin is quite light. Many of them are clever and intelligent. None of the tribes have been Christianized. Some of them have grown extremely fierce and warlike as a result of their long struggle with the hostile Malayan people. (Page 13.)

Their number is supposed to be about 241,000.

Of the Malayan race the report says:

The great majority of the inhabitants of the Philippines are of Malayan extraction, although the race is not found pure in any of the islands, but is everywhere more or less modified through intermarriage with Chinese, Indonesians, Negritos, Arabs, and to a limited extent with Spaniards and other Europeans.

The individuals belonging to these Malayan tribes are of medium size, with straight black hair. As a rule, the men are beardless, and when they have a beard it is usually straggling and appears late in life. The skin is brown and distinctly darker than that of the Indonesians, although very much lighter than that of the Negritos. The nose is short and frequently considerably flattened.

And again:

The greater part of the tribes are wild and pagan, but the civilized and Christianized people, few in number, include the majority of the inhabitants.

And again:

The Philippines do not constitute "a nation" or "a people."

The population is stated to be 6,709,810 by one mode of calculation, 8,000,000 by another, and 9,000,000 by a third.

Head hunting is practiced by several of the peoples of North Luzon, some of whom have been accused of eating portions of the bodies of their victims. A considerable number of the wild tribes not only practice polygamy, but take and keep slaves. Human sacrifices are indulged in by at least two of the tribes in the interior of Mindanao. (Page 16.)

Can it be reasonably said that Mr. Jefferson's precedent in expanding our authority once to the Europeans living in Louisiana can be deemed as sustaining the incorporation of millions of savages, cannibals, Malays, Mohammedans, head hunters, and polygamists into even the subjects of an American Congress?

The report discusses at length and with very great ability every phase of government possible for the Philippine people, and with very great emphasis "protests against the suggestion of calling the archipelago a colony; colony means governed by central power, with military force; and this means imperialism. Where, then, will be our rights? It may be asked, What's in a name? In this case certainly much; for in the experience of the Filipinos a 'colony' is a dependent political community which the sovereign power exploits, oppresses, and misgoverns. So they want no colony. No other word in their whole political vocabulary is so ill omened, so terrible, so surcharged with wrong, disaster, and suffering."

That report therefore relieves us of much trouble; there will be no colony of subjects of Congress. It is not my purpose to discuss the character of government intended for the Philippines; I will be content to cross that bridge when we get to it.

I have referred to this report to show that its findings eliminate this Republican expansion from all connection with Mr. Jefferson's precedents and that it must stand alone, unsupported and unsustained by any chapter in American politics. An innovation strange to our system and false to its principles, one which the people can regret and condemn without doing violence to the memory and wisdom of those who inaugurated expansion as a means of widening the area of territory with a homogeneous people who were fitted by education and habit for free institutions.

The acquisition of territory as an incident to the war-making and treaty powers of the Constitution is indisputable. But there is in expansion a principle which ought to confine it to the conservation of the best interests of the people. That principle may be unwisely, injudiciously, and wrongfully applied, as well as rightfully and wisely, and we have an example of the former in the acquisition of the Philippines and also an example of the latter in Louisiana.

The country can and, I think, ought to command the abandonment at the earliest practicable moment of all political connection with the Philippines, either by way of protectorate, which this report demonstrates to be unwise and impracticable, as well as by Territorial organization, which this report endeavors to set up and sustain.

There is an aspect of this policy of the Republican party toward the people of the acquired islands which has been overlooked while the greater and more important question of constitutional right and power has been discussed. The Porto Rico tariff, as set forth in House bill No. 8245, under the title "To regulate the trade of Porto Rico," and which in an amended form passed the

Senate, reveals a departure from the recommendations of the President in his message so great that the anomalous condition exists that the fiscal recommendation of the President in regard to the island of Porto Rico is sustained by his political opponents and opposed by his party supporters, with some notable exceptions. Under the great responsibilities of his high office he solemnly advised the Congress that it was "our plain duty to abolish all customs and tariff between the United States and Porto Rico and give her products free access to our markets."

In a protectionist so pronounced and positive as the President it may be safely assumed that only high moral considerations of official duty would have induced him to recommend such a radical departure from the fiscal scheme that has characterized his whole political life. It may also be assumed that if the President believed that Porto Rico was foreign territory and its inhabitants were not citizens of the United States he would not have ventured to inaugurate free trade with the island. And I hope that it may be also safely assumed that the President is no party to the "little dicker" by which Porto Rico is lightly taxed to make a precedent for heavier wrongs toward the Philippines.

Be that as it may, the future will reveal the mental reservations, if any exist, which now are suspected, and the people will come to know whether there is a "Dr. Jekyll and Mr. Hyde" in our politics as well as in our fiction.

The excuse for a scheme of tariff duties with Porto Rico is that which was made under other circumstances—"it is such a little one." But let us be reminded of the fact that the grandest decisions, the most lucid legal opinions, that have been rendered from the bench in centuries were those which have been rendered upon the smallest items of money; for instance, the shilling in England. Let us remember an instance in our own history, where the citizens of Boston went to the decks of a vessel and tossed the tea overboard. Why? Because the Parliament of England had placed a 3-cent tax per pound upon tea without the American colonies having the right of representation. Then, I say, we do this without representation from Porto Rico, and we should be consistent in our history.

Spain, they say, taxed Porto Rico sugars $2.94 per 100 pounds, and this tariff levies only 40 cents per hundred pounds; that 8½ cents per pound on tobacco in leaf is a mere bagatelle compared with what they were used to under Spain, and yet that tobacco when manufactured on the island and brought to the United States would have "to pay in customs duties and internal-revenue taxes $3.13 per pound. (Those are the figures of a Representative, Mr. SWANSON, of Virginia, familiar, from representing a large tobacco interest, with the laws of taxation as applied to tobacco.)

The original bill was in entire accord with the recommendation of the President for free trade between the island and the States, as there is between all the States. But the protected interests—an euphonism for trusts—took alarm, and the long and slimy tentacles of the octopus soon reached into the committee room and all was lost to justice, equity, free trade, and fair treatment of the acquired people in Porto Rico.

An extract from the debate in the House will show the part played in the committee room by the representative of the sugar trust!

Mr. PAYNE. * * * I made this inquiry: "Mr. Oxnard, do you fear the disastrous influence of the importation of sugar from Porto Rico, bearing in mind the fact that the United States consumes 2,000,000 tons of sugar annually; that it is increasing by 100,000 tons every year; that we import 1,400,000 tons and pay duty on it? Do you think the free importation of 58,000 tons—and supposing it should be doubled to 120,000 tons—from Porto Rico would affect your industry?" He said: "No; that is not what I am afraid of. What I am afraid of is"——

Mr. HENRY of Texas rose.

Mr. PAYNE. Now, let me make that statement.

Mr. HENRY of Texas. I want to make a statement of what he said before the Insular Affairs Committee.

Mr. PAYNE. Well, you can not do it in my time. He said what he was afraid of was free sugar from the Philippine Islands, and he was afraid that when prosperity came to Porto Rico under free sugar Cuba would be knocking at the door for admission, and that all sides of the Chamber—imperialists, expansionists, anti-expansionists, and every other kind—would vote to admit Cuba into the Union; and if we extended free trade to Cuba with her one thousand million tons annually, which she is capable of producing, it would break down all the sugar interests.

The demand of the octopus—the sugar interest—was complied with, and the President's recommendation was sidetracked. Free trade in 60,000 tons of Porto Rico sugar, the property of planters without "influence" with the committee, was subjected to the tax, while 300,000 tons of Hawaiian sugar, the property of a sugar king, is admitted free of all duty. The pitiful excuse of protecting the beet-sugar interest against 60,000 tons of Porto Rico sugar becomes contemptible in the face of the admission of 300,000 tons free to compete with beet sugar when owned by one of the tentacles of the octopus.

These are specimen examples of legislation dictated by the trusts, in which neither the consumers in the United States nor the producers in the islands have any rights which the trusts respect.

This demand of the trusts and the prompt compliance of the committee bears a singular likeness to that policy of England toward the colonists, which forbid their manufacturing iron because it would deprive English iron of a market in the colonies. The same policy returns with the same principles, and the omnipotence of Congress produces the same fruit as the absolutism of the English Parliament.

In that extract from the debate in the House one may read both the promise and the threat—for the approaching Presidential campaign—millions from the protected industries, but not a cent for the guaranties of the Constitution.

The sugar trust takes a reciprocity view of politics and contributes money where it will "do most good"—that is, return the largest profits—but shuts its purse with a snap when the party would obey the Constitution or allow constitutional privileges to bar the way to corporate gain. The House committee took the hint from Mr. Oxnard; turned the cold shoulder to the President; discarded, as he expressed it in his message, the "plain duty;" overthrew the Constitution, and fell back on the absolutism of Congress to do as it pleases with the millions of people acquired under the treaty of Paris.

Nor is it only trade, tariffs, and civil rights that illustrate the breaking up of Toryism in these last years of the century. Away off to far-distant Africa, where the gallant struggles of a brave people fighting for independence and dying for the same ends for which our forefathers made their memorable fight with England, there goes no word of sympathy, no offer of mediation from this Congress. The struggles of Greece and the efforts of South American states attracted the sympathy and illumined the eloquence of our great orators, but the Boers are left to be slaughtered on their kopjes and reduced to English dependency, while the Administration of republican America and a Republican Congress of the United States exhaust the omnipotence of Congress in subduing the spirit of independence in the islands ceded by Spain.

The indignation with which the people met this Porto Rico tariff bill, as it came to the Senate, has been voiced in the protest of a former Republican President, in the marked emphasis with which it has been condemned by a very large section of the Republican press, and by the outspoken disapproval one hears in all places where the people congregate. And yet the Senator from Ohio [Mr. FORAKER] says:

It is the most liberal and generous bill in its provisions that has ever been proposed in Congress for any Territory of the United States since the beginning of our Government.

But the liberality and generosity of the bill carries 15 per cent duties between the island and the States, never before imposed upon the people of any Territory. It is against that price set upon the generosity and liberality of the United States that the people protest. It is that affection, estimated in dollars and cents, levied on a people who have been made a part and parcel of our people that the country resents.

But that indignation has its foundation also in the sole excuse for this bill; that it is necessary to tax Porto Rico in order that a precedent may be established for a tariff against the Philippines. That is the rub. This is the milk in the cocoanut. It is to have a precedent set so that you may guard against the Philippines.

And already we hear the muttering that if the Supreme Court shall hold that the Constitution requires that tariff laws shall impose only uniform duties throughout the possessions of the United States, over islands as well as over States, then the Republican party will again say: "Wayward sisters, depart in peace," for "when I looked for good, then evil came." When the Republican party thought to protect the trusts with duties on the products of the island, then the evil of free trade came; and if the party can not protect the trusts against the Philippine products, it has no use for the islands.

The treaty, Mr. President, brings with it cheap labor, 10 cents per day, from the Philippines. You may say what you please, but it is pregnant with such results that cheap labor of the Philippines will play a part in the future of this country should it be admitted into this land as a part of it. There is no question of that, and there is where the shoe pinches. That is, as I repeat, the milk in the cocoanut. Look to it, and you will hear that in this country from lake to gulf, from ocean to ocean, in less than a year's time, it will be proven that these facts belong to the history of the Paris treaty and the taking in of the Philippines as a part of this country.

The debate on this bill has unveiled the fact that the treaty of Paris has given Spain the same trade privileges that the United States may use—free trade, if there is free trade between the islands and the States—while the "favored-nation clause" in our treaties with many foreign nations stands ready to open wide the Philippine door into the United States.

In that dilemma this bungling treaty—I mean no disrespect to its framers—has placed the Republican party.

It was that discovery which hastened the sugar and tobacco interests, as advanced couriers, to the committee room with the ultimatum of no more money for the political campaign unless a barbed-wire fence of duties was placed around the industries

which heretofore have put so much money where it would do the most good.

The check to expansion, the impediment to imperialism, has taken the money form, before which life, liberty, and happiness, civilization, progress, and good government are mere academic phrases without meaning or import in practical politics, where the profits of the protected trusts stand ready with millions for tribute, but not a cent for defense of the Constitution.

IMPERIALISM.

In the quotation I have made from the great Chief Justice we find him alluding to our country as "the American empire," but qualifying it immediately after as "the great Republic."

It is not against the exaggerations of patriotism which transfers the term of "empire" to the might, power, and resources of the country that the people take alarm, but to the consequences which follow the adoption of a principle which relieves Congress of all responsibility and converts the great Republic, with all its check and balance against irresponsibility in any department, into that omnipotence of Congress which is virtual imperialism, that has aroused the apprehension of the people. A gradual but progressive centralization of power in the Federal Government has steadily gone on for the last fifty years. It is evidenced in the fiscal arrangement which suppressed the banks in the States, in the wide scope given to regulate commerce, in the action of Federal authority to suppress riot and disorder without waiting the call of the State authorities, and in government by injunction of Federal courts.

But these and other evidences that the States were being subordinated far below their proper place in a federated system of equal and indestructible States have been surpassed beyond the comprehension of those who regard our Constitution as the highest chart of a limited and restricted government.

The claim now advanced and insisted upon, that the Congress can legislate for vast territories with 10,000,000 people, outside and beyond all the restraint and restriction of the Constitution, is imperialism systematized and enforced, and imperialism sustained and enforced by an army of 65,000 soldiers, at a cost of hundreds of millions of dollars.

It is not that imperialism of resources and wealth to which Chief Justice Marshall alluded, but the imperialism of power, authority, and might, which, if recognized and approved by the people, must convert the great Republic into the empire, and beyond the limits of the States for the present, change our Executive into an Emperor fixing the legislative, the executive, and the judiciary over 10,000,000 subjects.

The noble and generous sentiment of our people, which flew to arms to liberate Cuba and establish the independence of her people, has been exploited to conquer other people and appropriate their territories.

With one hand we gave to Cuba liberty and independence, and with the other we throttled Porto Rico and the Philippines. This latter-day imperialism violated the Monroe doctrine, and, carrying American interference into the far-distant Orient, invites European intervention in American affairs.

In apprehension of the consequences of our own violence to every principle of American history, we now require the necessary appliances of imperialism—an immense navy and a standing army. And already the Secretary of War has taken steps to inaugurate a war college, in which, should it be established, will of course be taught the principles of militarism in the management and conduct of the armies which an empire might require. Militarism is tyranny, as is its twin brother, imperialism. And that very able naval officer who taught the nations of the world the value and importance of sea power has recently advised us that our Navy must be enlarged still further because the transportation of armies to different and distant provinces has become one of its most important functions, and that the lesson taught by the war of imperial England in suppressing independence in South Africa must be studied by imperial America if it would hold the Philippines.

I love the literature of England; I admire many of the noblest incidents in her history; I venerate her principles of liberty, her Magna Charta, and trial by juries; but her drumbeat around the world has been too destructive and fatal to the independence of other people to become an inviting example for the great Republic founded on the consent of the governed.

No man knoweth what to-morrow will bring forth, and no intelligence can conjecture what imperialism has in store for the Philippines nor can forecast its reactionary force upon the continuance of our Federal system. It is apprehensions of the future for our system of federated States that has alarmed the people, and to that wise alarm I look for that voice of command which shall arrest this march of imperialism.

I recall an incident in parliamentary history of England that illustrates their national character. Lord Palmerston regained a lease of power by that bold and defiant declaration, that as long as he was prime minister the rights of an Englishman in any quarter of the globe would be protected by all the power of England's army and navy. "I am an American," is the defiant boast of every citizen, naturalized or acquired, and wherever he may be, whether in the States, the Territories, or the islands, the Constitution throws around him the power and majesty of the American people and defends his rights as well from Congressional usurpation as from foreign assault.

The errors, the embarrassments, and the false position in which the Republican party has placed the United States before the people of this Union and the nations of the earth arise from its departure from the letter and the spirit of the declaration of war with Spain.

Animated by the sentiments expressed by the President in his message of April 11, 1898, that—

In the name of humanity, the name of civilization, the behalf of endangered American interests, which give us the right and the duty to speak and act, the war in Cuba must stop.

The Congress replied, on the 19th of April, that—

The abhorrent conditions which have existed for more than three years in the island of Cuba, so near to our own borders, have shocked the moral sense of the people of the United States; have been a disgrace to Christian civilization, culminating in the destruction of a United States battle ship, with 266 officers and crew, while on a friendly visit to the harbor of Habana, and can not longer be endured.

The purpose, the reason, and the object of the war against Spain were formulated and announced by the executive and legislative branches of the Government, and were solemnly consecrated by the further declaration that—

The United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island of Cuba except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and the control of the island to the people.

If I mistake not, that was the resolution introduced by the Senator from Colorado [Mr. TELLER], and which all of us subscribed to.

It is true that literally the above declaration is applicable only to the island of Cuba, but the people of the United States, as well as those of all nations, regard the pledge as intended to assure the world that the war then declared was a war of humanity and civilization and would not be prosecuted with any purpose or intention of acquiring territory anywhere from Spain.

A war for humanity and civilization, for the liberty and independence of Cuba, appealed to every noble sentiment in the hearts of the most generous people on earth, so that when the President on April 23, in response to a resolution of Congress, issued his proclamation demanding that Spain should immediately relinquish her authority and government over the island of Cuba, this great country responded with an alacrity that surprised the world, when 125,000 citizens enrolled themselves as soldiers in the army of humanity and civilization.

Of conquest and the acquisition of territory not one man in the 125,000 soldiers had any thought when he volunteered. They left the peaceful avocation of their lives for humanity and civilization and for the liberty and independence of Cuba. No notion of conquest and annexation entered into their noble purpose. To the vast majority of our people the very existence of the Philippine Islands was a matter of ignorance and to all a matter of supreme indifference, and the victory of Dewey at Manila called many of us back to the geographies of our youth to find where our gallant fleet had surprised the world with the most unique and remarkable victory in the annals of naval warfare.

When on the 24th of April the American fleet was ordered from Hongkong to Manila to capture or destroy the Spanish fleet the United States had not declared war, but on the next day, April 25, the declaration was made and antedated as of April 21 to cover what would otherwise have had the ugly look of an order to commit piracy on the high seas.

That the world accepted the sincerity of our declaration of war for humanity and civilization, I need only quote the words of Lord Wolseley on April 28, that "the United States has both moral and material justification for intervention in Cuba."

Following the record of the war we find no intimation of any purpose to depart from the declaration of humanity and civilization, the liberty and independence of Cuba.

On July 26 the French ambassador to the United States formally asked President McKinley to name terms upon which the United States would be willing to make peace with Spain. On August 2 he was advised that the terms of peace must include the immediate evacuation of every Spanish dependency in the Western Hemisphere—still holding on at that time, you see, to the Monroe doctrine, everything in the Western Hemisphere—the relinquishment of all Spanish claims to sovereignty in Cuba; the cession of Porto Rico and other islands, except Cuba, to the United States; the holding by the United States of Manila, city and bay, pending settlement by commissioners of the future disposition and government of the Philippines, and the cession of an island (Guam) in the Ladrones.

There was the first outcropping of the purpose of conquest; but, coming in the mild form of "indemnity for the past and security for the future," the people of the country acquiesced, as no money indemnity for the expenses of the war had been demanded. The

treaty of Paris followed, with its total departure from the high and noble purpose of humanity and civilization—liberty and independence of Cuba—and revealed the fact that the United States had entered upon a career of conquest, subjugation, government of people resisting our authority and unwilling to consent to our governing them.

In that treaty there was announced and ratified the un-American doctrine that a whole people, 10,000,000 in number, could be bought for a money consideration, in total disregard of all those rights heretofore held by all American statesmen to be inalienable.

That treaty has proven itself to be the Pandora box out of which has flown many evils which are now embarrassing this Government, dividing its people along lines of policy which threaten the very existence of the Constitution, and opening the way of imperialism in policy to unnatural expansion of territory, to the overthrow of the Monroe doctrine, to the incorporation with our people of millions of savages totally unfit for self-government and unable to comprehend its forms and purposes.

Our fathers and their descendants until now have held the Constitution and the limitations as the sanctuary of liberty, the sacred temple consecrated to the common-faith government by the people, with that supreme confidence which inspired the Israelites of old that "if thy people go out to battle, or whithersoever thou shall send them, and shall pray unto the Lord toward the city which thou has chosen, and toward the house that I have built for thy name, then hear thou in heaven their prayer and their supplication and maintain their cause."

But I fear the Administration has turned the face of the Government away from the ark of the covenant, away from the temple, and away from that God who has hitherto heard their prayers and maintained their cause.

Let us remember, Mr. President, that "whom the gods would destroy they first make mad." Let us not, in a false philanthropy, in an insatiable greed, or from an overweening ambition, overleap the bounds of reason and bring untold troubles upon us. We have between the two great oceans territory and to spare. Let us be content with it and with home and home rule. Let us live in simplicity and quietude, resting under our own vine and fig tree and worshiping at our own altars. Let us obey the admonition of Washington in his Farewell Address and of Jefferson in his inaugural address and beware of foreign alliances and keep from entanglements with foreign nations. Let us now, in the days of our strength and glory, heed their admonition.

We see that we have in our ambition and greed already broken down the Monroe doctrine, and have reached out with our mighty arm to the Orient as we move on the road to imperialism. To keep the Philippines permanently means colonization. Colonization necessarily leads to centralization, and centralization leads to a large standing army, and a large standing army has never failed to find "the man on horseback," mounted on an imperial steed with trappings of royalty. Let us not take the Philippines in our embrace to keep them simply because we are able to do so. I fear it would prove a serpent in our bosom. Let us beware of those mongrels of the East, with breath of pestilence and touch of leprosy. Do not let them become a part of us with their idolatry, polygamous creeds, and harem habits. Charity begins at home, Mr. President, and let us beware! I fear we are eating sour grapes and our children's teeth will be on edge.

Mr. FORAKER. Mr. President, I want to ask unanimous consent that it may be ordered that when we adjourn to-day it may be until 11 o'clock to-morrow, and that commencing with 2 o'clock to-morrow afternoon, speeches of Senators may be limited on this bill to fifteen minutes each. There are so many Senators desiring to speak that I think that is necessary.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that when the Senate adjourn to-day it adjourn to meet at 11 o'clock to-morrow morning, and that from 2 o'clock forward to the time for voting upon the bill speeches be limited to fifteen minutes each. Is there objection? The Chair hears none, and it is so ordered.

Mr. FORAKER. I now yield to the Senator from Illinois [Mr. CULLOM], who precedes the Senator from New York by an arrangement between those Senators.

Mr. CULLOM. Mr. President, I had not expected until Saturday to take any of the time of the Senate whatever upon this question. But the importance of the subject and the interest the country has in the subject determined me to occupy a few minutes in making some remarks upon the bill. I desire to say in the outset that I was not down for a speech to-day, but both the distinguished Senator from New York [Mr. DEPEW] and the distinguished Senator from Wisconsin [Mr. SPOONER] near me were announced as those who would take the floor to speak to-day after the Senator from Tennessee [Mr. BATE] had concluded. I hope the occupants of the galleries will be patient until I make a few remarks before they can have an opportunity of hearing the gentlemen whom they doubtless came to hear.

Mr. President, the last three years have been full of great events demanding the careful attention of those in charge of the conduct of national affairs, and as one event has followed in quick succession after another, each in its turn has absorbed the attention of the whole people, and presented problems to the Executive and to Congress challenging the most careful consideration.

They will be met, Mr. President, with courage, wisdom, and patriotism, and as a nation we will pass through our difficulties and as a result take our proper place as the foremost nation of the earth.

The map of the world has been changed in the last two years. The Hawaiian Islands are about to take their place as a part of the United States, Cuba is no longer a possession of Spain, Puerto Rico and the Philippines belong to the United States, while changes have been and are now taking place in other parts of the world which I trust and believe are in every instance for the betterment of mankind.

Mr. President, the Philippines are not demanding any special legislation at our hands at this time. Our wise and just President is dealing with those people in the best possible manner, preparing the Filipinos for self-government; and in that connection I wish to say that I have great confidence in the distinguished commission about to depart for those islands, whose great mission is to aid those people in their preparation for, and in the establishment of, governments carried on under law, so that at no distant day they may become capable of enjoying liberty under law and be fully prepared and ready for a civil government under an act of Congress making the people of those islands one great body politic.

If any special legislation by Congress at this time would seem to be necessary before this session of Congress closes, Congress might pass such legislation as the bill S. 2355, introduced by the distinguished senior Senator from Wisconsin [Mr. SPOONER], which provides in substance that when all insurrection against the sovereignty of the United States shall be suppressed, then all military, civil, and judicial powers necessary to govern the islands shall, until otherwise provided by Congress, be vested in such persons and exercised in such manner as the President shall direct for maintaining and protecting the inhabitants of said islands in the enjoyment of their liberty, property, and religion.

Mr. President, it will be time enough after peace is fully restored in the Philippines, the complete supremacy of the Government of the United States is recognized, and after the people shall have been guided in their conduct of affairs for a time, for Congress, under the Constitution, to step in and provide a civil government for the people of all the islands of the archipelago.

But, Mr. President, Puerto Rico is at this time demanding our attention. What shall we do with this island possession? Puerto Rico has had the attention of the President from the time of the surrender of the Spanish army in 1898 up to this hour. Its people are poor, ignorant, and unfortunate, their property having been largely destroyed or swept away by a great storm. They have been cared for by the President and the Secretary of War.

Only recently, upon the recommendation of the President, Congress appropriated over $2,000,000, which sum had been collected as tariff duties from Puerto Rico for a certain period up to January last. The amount is to be used in pursuance of the act, under the direction of the President and Secretary of War, for the benefit of the needy, the distressed, and to rehabilitate the country in the improvement of roads, in the building of schoolhouses, in aid to the poor people, in planting and cultivating crops, etc.

Mr. President, some of our friends on the other side of the Chamber, because the Government first collected this sum from the Puerto Ricans, put it in the Treasury, and then under act of Congress authorize the President to take it out and give it back to them, complain and criticise the performance. Well, Mr. President, if it went back to the same parties who paid it, who were in fact a part of the sugar and tobacco trusts, it would seem to be a useless performance; but the fact is, it was paid by a very few persons—importers connected with the sugar and tobacco monopolies.

One of the firms (A. S. Lacells & Co.) who paid a part of this tax of $2,000,000 is now suing the United States to recover back the amount paid, which suit, in my judgment, is evidence, if we need further evidence, that those great corporations, trusts, and monopolies instead of being in favor of the proposed tax are really opposed to it, and advocate "free trade" between Puerto Rico and the United States; and the Senator from Wisconsin suggests to me that the American Sugar Refining Company of New York and others are doing the same thing.

The fact is, this amount collected on the imports from Puerto Rico, which was largely paid by the bankers and agents of the American Sugar Refining Company and the tobacco trust, as I am informed, goes back to relieve distress and help build up that country. There was a suggestion made by a Senator on the other side that the sum be paid back directly to those who paid it, but of course that suggestion was soon abandoned by that Senator and by others who were at first inclined to support it.

Now that immediate and substantial relief has been given to the people of the island, we must meet the question as to what shall be the policy of the United States in dealing with them temporarily and in the future, and I desire that that word "temporarily" shall be emphasized, because that is what this bill proposes. Congress may be said to be dealing with a condition as well as a theory.

By Article II of the treaty of Paris, proclaimed April 11, 1899, Spain ceded to the United States the island of Puerto Rico and other islands under Spanish sovereignty in the West Indies and the island of Guam in the Marianas, or Ladrones.

By a clause in Article IX of this treaty it is provided that—

> The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress.

Here, therefore, we find the basis of the title of the United States to the control and Government of Puerto Rico; but the United States has as yet fixed no form of "Territorial" or other permanent government for that island. The President has placed the temporary control and management of Puerto Rico under the military arm of the Government until such time as Congress shall fix its status and establish a permanent form of government.

The bill under consideration provides for a civil government, and provides that all the inhabitants who were Spanish subjects on the 11th day of April, 1899, and continued to reside in Puerto Rico, and their children born since, shall be deemed citizens of Puerto Rico, and as such shall be entitled to the protection of the United States (except those who have chosen to preserve their allegiance to Spain), who, together with such citizens of the United States as may reside there, shall constitute a body politic, under the name of the people of Puerto Rico, with certain governmental powers as authorized in the bill. It was the purpose, as I understand it, of the distinguished chairman of the committee reporting this bill to avoid the insertion of any provision in the bill which could be construed as extending the Constitution over the island at this time.

I wish to digress at this point far enough to say that I congratulate the Senate and the country upon having so able a chairman of the committee as we have had in the Senator from Ohio [Mr. FORAKER] to conduct the investigations into the affairs of Puerto Rico and to take charge of this legislation. I know of no man in the Senate or out of it better qualified for such a duty, and I say we are to be congratulated that he has had charge of this subject.

The Constitution can not go to a Territory and enforce itself. The statute laws of the United States not locally inapplicable, as in the bill provided, shall be extended over the island.

There has been much said about the Constitution of and by its own force "following the flag;" that "whenever the sovereignty of the United States is established over any territory," then and there ex proprio vigore the Constitution is in force, without any action by Congress. Mr. President, I do not agree with that. In my judgment, such doctrine is not sound; and if I may refer to parties in this Senate, it has never been believed by the Republican party that that was the true doctrine.

In the first national convention of the Republican party, held in Philadelphia in 1856, the following declaration was made:

> *Resolved*, That the Constitution confers on Congress sovereign powers over the Territories of the United States for their government.

Four years later, when Abraham Lincoln was nominated, the platform of the party declared—

> That the new dogma that the Constitution of its own force carries slavery into any or all of the Territories of the United States is a dangerous political heresy, at variance with the explicit provision of that instrument itself.

Mr. President, there is probably no more explicit enunciation of principle to be found anywhere than in these two platforms from which I have taken the above. It is well to recall them now, for the reason that again the doctrine is urged that the American Constitution, "by its own force," extends over every foot of soil owned by the United States, or that the Constitution follows the flag anywhere and everywhere that the flag may go.

That assumption was a step toward the justification of improper methods in government, and for some years it furnished the basis of the arguments in favor of the continuance and extension of human slavery in this country.

The Constitution has clothed the Congress with the powers necessary for establishing Territories and to make all needful rules and regulations respecting them, and has given that body sufficient scope within which to exercise such powers.

Congress not yet having determined the status of Puerto Rico, nor enacted a form of government for it, and not having made it a Territory of the United States, nor a colony, nor any form of dependency, Puerto Rico has no definable status and possesses only such municipal governmental qualities as may have been conferred upon it by order of the President of the United States under the war power. By this bill it is proposed to create a civil government.

Mr. President, many people of the United States seem to regard the new possessions acquired by American arms and deeded to us by Spain in accordance with the treaty of Paris, proclaimed at Washington April 11, 1899, as being fully annexed to the United States and entitled to the same rights and treatment as one of our home Territories. The truth is that Congress, under the Constitution, can give to the Puerto Ricans such a form of government as is deemed best for them and best for us.

I do not believe that the Constitution of the United States puts Congress in a strait-jacket and requires a particular form of government for every new acquisition of territory. We can give them a Territorial form of government, such as is our usual form. We can govern them by a commission, by a military governor, or govern them as colonies or dependencies. So far as I am concerned, I believe in the ordinary Territorial form of government; but so far as the Constitution is concerned, I do not regard the country as tied down to any particular form.

We ought to give them a government of law and a government of their own, if they are capable of carrying it on; but it rests with Congress to determine the time and character of the government when given.

One year prior to the 12th of August last, in pursuance of the joint resolution passed by Congress providing for the annexation of the Hawaiian Islands, there was a formal transfer of the sovereignty of Hawaii, accompanied by the raising of the flag of the United States over the public buildings and other property of the Hawaiian Islands.

And yet it is true that the republic of Hawaii still controls under its president and authorities that property, with the customs establishment, the post-office department, and the executive, judicial, and municipal functions of the Hawaiian republic still in operation. The postal laws of the islands still exact 5 cents postage upon letters between that Territory and the United States, instead of 2 cents.

The revenue collectors of the Hawaiian republic still collect Hawaiian customs duties, as they have continued to do all the time. They will continue to do so until the Congress of the United States shall enact a form of government to take the place of that now existing, and by which our Constitution and laws may be extended over that Territory, when those islands will be admitted into full fellowship with the United States and become an integral part of it. Even the labor laws of the Hawaiian Islands, offensive as they are, remain in force. They will continue until repealed by Congress, either by separate act or by the establishment of a civil government under the Constitution and by extending over those islands the laws of the United States not inapplicable, thereby repealing all local laws in conflict.

I trust that pending legislation will soon be enacted, whereupon Hawaii will be erected into a Territory of the United States, and then instantly the United States laws not inapplicable, as above stated, will be in force in the islands, with the Constitution and laws extended over the islands in terms by the act. Meanwhile the revenues of every kind continue to inure to the island government; in fact, certain revenues (perhaps approximating a million dollars) have already accumulated in the Hawaiian treasury.

Suppose that during the existing interim Hawaii, as in the case of Puerto Rico, had been devastated by a cyclone and the people rendered homeless and destitute, would the United States have been less humane or less charitable than they are to the Puerto Ricans? I know we would not. But Hawaii brings to us this accumulated revenue, which, by care and industry and thrift, she has accumulated, and it will all go into the Treasury of the United States.

Let it be understood that in both cases the conditions are only temporary, and must soon give way to that ultimate era of good government which is bound to come to all the possessions of the United States.

We have established temporary military governments in our new island possessions, looking toward their future welfare, and have in every possible way tried to qualify them for their coming responsibilities. In their transition from military governments toward the ways of peaceful life we are aiding them as best we can by sending them great quantities of supplies and provisions to relieve their necessities, and have tried to place in their hands the means for their support. We have reduced the burdens of tariff charges so that their progress toward financial independence may not be retarded or impeded.

Now, Mr. President, just what does the bill provide on the question of tariff duties? In the first place, it provides that the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Puerto Rico, other than those from the United States, as are required by law to be collected upon articles imported into the United States from foreign countries; provided that on coffee imported into Puerto Rico there shall be a duty of 5 cents per pound. Coffee comes into the United States free, and it would go into Puerto Rico free but for this provision, which is enacted for the protection of the Puerto Ricans and no one else.

The bill also provides that Spanish, scientific, literary, and artistic works shall be admitted into Puerto Rico free for ten years from the 11th day of April, 1899, as provided by the treaty of peace between the United States and Spain; and, further, that all books and pamphlets printed in the English language shall be admitted free of duty when imported from the United States.

The bill further provides that all merchandise coming into the United States from Puerto Rico shall pay only a duty of 15 per cent of the duties required to be levied and paid upon like articles imported from foreign countries; provided that on and after this bill shall become a law all merchandise and articles except coffee, not dutiable under the tariff laws of the United States, and all articles entered into Puerto Rico free of duty under the orders heretofore made by the Secretary of War, shall be admitted into the ports of Puerto Rico, when imported from the United States, free of duty, all laws or parts of laws to the contrary notwithstanding, and whenever the legislative assembly of Puerto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Puerto Rico by this act established, and shall notify the President, he shall make proclamation thereof, and thereupon all tariff duties on merchandise and articles going to Puerto Rico from the United States and going into the United States from Puerto Rico shall cease, and from and after such date all such articles and merchandise shall be entered at the several ports of entry free of duty, and in no event shall any such duties be collected after the 1st of March, 1902.

Mr. President, I desire to again specially emphasize the proposition that this bill, so far as taxation is concerned, is a temporary measure, to end at the furthest in March, 1902, and sooner if the Puerto Ricans can have a civil government established and provide a system of taxation by which they can obtain the money to run their own government. Then free trade will come between the United States and Puerto Rico.

So, whatever anybody may think as to this policy of taxation, whether it be 15 per cent or any other per cent, upon the island of Puerto Rico as a permanent thing, it seems to me that every man must determine that it is better for us to raise a small amount to help them run that government than to appropriate the money indefinitely out of the United States Treasury, as we should have to do if we did not provide some such system as this; or to subject them, as my friend from New Hampshire [Mr. GALLINGER] suggests to me, to direct taxation when they are in the distressed condition in which they are to-day.

Again, Mr. President, the bill further provides that whatever duties and taxes may be collected in Puerto Rico, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States on articles of merchandise coming from Puerto Rico, shall not be covered into the general fund of the Treasury, but held as a separate fund and be placed at the disposal of the President, to be used for the benefit of Puerto Rico until otherwise provided by law.

It does seem to me that while, as I have said, it occurred to me at first that plain free trade between the United States and Puerto Rico was the right thing, yet when you come to investigate the condition of those people and learn that they are perfectly helpless, needing the support of the Government of the United States in some way, I believe that for temporary purposes there could not be a wiser provision than that which has been provided in the bill which we are now considering.

Mr. President, no man can truthfully say that if this bill shall become a law Congress is not dealing most liberally with the people of Puerto Rico. It imposes no hardships upon those people. It provides the least possible rate of duty upon a few things in order to raise a little money to run their government, and that "little" only for a little while until they can get a start in taking care of themselves by their own system of taxation, at which time absolute free trade is established between the United States and the island.

Who shall say that it is not right and just unless the objection is based on the doctrine that the island must be treated as occupying the same legal relation to the United States that any of the States occupy to the nation, and therefore, under the Constitution, Congress can not do otherwise than to establish free trade between that island and the United States? Any man who occupies that position, of course, can do nothing else but stand upon that ground, whatever the condition of those people may be; but it seems to me if he does not occupy that position, he can not say that this is not a just bill and a proper bill, under the circumstances, in starting out and trying to rehabilitate those people.

A wiser man than I has said that the next most disastrous event to a great defeat is a great victory. In the great struggle which has been successfully carried on with Spain, although we have won laurels of victory and added a vast territory to our possessions, yet unless we shall preserve and maintain our national dignity and honor in the management of that territory it will prove to us really a great disaster.

We have by the treaty of Paris brought to our sovereignty the fruitful and productive territory of Puerto Rico and of the Philippines, altogether the most magnificent acquisition of insular territory in the world. It is an acquisition the title to which is fully confirmed by the law of nations and is in our hands with which to do as we shall determine, in the wisdom of our counsels.

Mr. President, shall we turn this great victory into a great misfortune by unseemly disputes over the management of what has come to us as the result of the Spanish war? Shall we turn these many thousand square miles of the richest land in the world into a desert waste because we differ as to the exact policy which should be pursued toward that island?

We have properly collected $2,000,000 in duties up to January last, almost wholly from the representatives of the sugar and tobacco monopolies in this country, although claimed to have been levied upon Puerto Rican products, and we have already by law turned that sum over as a gracious gift to the people of Puerto Rico to relieve them from the burdens imposed upon them by the great cyclone and by the needs of the schools, the roads, and by the inroads of famine and disease.

The trusts of the United States have held in their hands the thousands of tons of sugar and tobacco gathered together in Puerto Rico, and the $2,000,000 dollars have been collected mainly from those great trusts owned in New York and Boston, and not at all, as is alleged by some, from the poor people of the island of Puerto Rico.

Let the people of the country understand this, that these duties were not imposed upon the sufferers of that island, but every possible means has been used to make the people of the United States believe that the poverty-stricken Puerto Ricans were being harassed and burdened still more by this tariff.

Let the truth be known. This whole "free-trade" scheme is nothing on earth but a deception, a delusion, and a snare to make our people believe that we are oppressing poor Puerto Rico. Let the truth be known, whatever may happen. Any candid man, I think, must admit that this bill is in the interest of the people of Puerto Rico. Mr. President, it was only yesterday that General Davis, now in command in Puerto Rico, said in emphatic terms by dispatches to the public press of this country:

> If free trade is adopted, I can not see how the necessary funds for conducting the affairs of the island are to be raised by myself or those who succeed me. Two million dollars are the present expenses, and this amount will be needed annually. There is only a small revenue incoming from stamps, liquors, tobacco, and mercantile licenses, and it is impossible to collect taxes because of the conditions.

I am glad that I have this here, for the reason that the honorable Senator from Tennessee [Mr. BATE] read something from the Governor-General, and this yesterday was given to the press of this country. That comes immediately from the man who knows more about the situation there than perhaps any other man there or here.

It shows that some means must be provided for raising revenue, unless we are prepared to continue to pay money out of the United States Treasury, when it can be raised by such means as this bill proposes, without embarrassment to the Puerto Ricans, for running their government for the time being. So far as I am concerned, I do not believe ordinarily in making appropriations out of the United States Treasury for any such purpose if it can be avoided by any course consistent and fair to those who are in distress.

Mr. President, I am amazed to see the wave of misrepresentation which has swept over the country as to this question of a Puerto Rican tariff. It is high time to call a halt to this wild scramble of misrepresentation, backed up as it is by the direct personal insistence of representatives of the monopolistic interests to which I have referred.

General Davis knows the situation better than anybody, and I want to emphasize his testimony given above, which is a fortunate contribution to the history of current events. Free trade between Puerto Rico and the United States is all right under ordinary circumstances, and in two years at the most we will have it. I trust that by that time the people of Puerto Rico will be in a prosperous and self-sustaining condition.

We are aiding them as best we can and propose by this bill to put into their hands the means for their support until they have made a start toward financial independence and progress.

By the term "we" I mean the present Administration and the present Congress, aided by a great and important accession of patriotism from our soldiers and sailors, who upon the land and the sea have shown a history of valor unsurpassed. The soldiers and sailors of the United States have circled the globe with their glory. They have ceased to be provincial and have crossed the seas, the mountains, and the rivers, and traversed the earth.

They have planted the patriotic ensign of education and intelligence everywhere. Continents bear the evidences of this modern warfare in behalf of justice and right. The men who have borne our flag across the Pacific and over the archipelagoes loyally followed where loyal leaders led. They wore the badge of the United

States and never asked to be called either Republican or Democrat. To be called an American soldier was honor enough. They never thought to inquire as to the politics of any of the gallant leaders of our armies. They were engaged in earning glory for the United States.

Mr. President, let us in justice to Puerto Rico and the other islands not destroy the distinctive relationship which exists between the islands and this country; and with reference to Puerto Rico the bill now pending should become a law at as early a date as possible. I rejoice that we have a Government and an Administration with stamina and good sense enough to see that justice shall prevail, and I hope that the middle course marked out by this bill will, by its enactment, soon demonstrate the wisdom of the Government of the United States.

Mr. DEPEW. Mr. President, I have been listening with great interest to the many and very able speeches which have been delivered upon the Puerto Rican tariff. I have endeavored to find in them a solution of the singular political conditions which seem to have arisen out of the presentation of this measure. I have thought perhaps the fact that the country is divided into storm centers and normally placid conditions is due to the extended discussion of the constitutional question having obscured the real meaning of a measure of revenue and relief.

There is no division among the majority in either House as to the power of Congress to legislate on this subject. The majority all agree that the Constitution does not extend by its own power over these new possessions, and that Congress can legislate for them as it deems wise, subject only to the prohibitions upon Congress in the Constitution. The Democratic party accepted the other view, that the Constitution does extend by its own force into the Territories, from the moment that it was invented by John C. Calhoun for the purpose of carrying slavery into the new Territories, when it was impossible against the aroused conscience of the country to secure legislation to that effect. It is but fair to say that while the action of the country by the unanimous consent of all statesmen and of all parties for fifty years, and the trend of the decisions of the Supreme Court, sustain the power of Congress to take the whole or any part of the Constitution and the laws of the United States into new Territories and to establish governments for them, yet the questions raised by the acquisitions of Cuba, Hawaii, and the Philippines, when presented to the Supreme Court, must result in such a broad and comprehensive interpretation as will make clear for all time the position of the United States upon the government of Territories which come to us.

While the practical part of this measure has received some consideration, yet it has resulted in pictures of Puerto Rico and its inhabitants which are utterly misleading. The lower house of the Iowa legislature the other day adopted a resolution for free trade with Puerto Rico on the sentimental ground that her people had accepted our sovereignty willingly, while other islands were resisting it. The sudden collapse of the Spanish power, and the almost instantaneous dropping into our hands of the island possessions of Spain, found different conditions in these possessions. It is admitted, for instance, that Cuba is to be under our Government only until she is capable of governing herself. We all know that, with the revolutionary elements and professional agitators of that island, if any excuse or opportunity had been offered there would have been a revolt against our authority. We all know that in the Philippines there would have been universal acceptance of government by the United States except that professional agitators, who revolutionized for revenue and had made fortunes in previous revolts, played upon the imagination of an ignorant people and led them into insurrection, hoping the United States would follow Spanish precedents and purchase their allegiance. It is equally true that in Puerto Rico the population is so poor and so crowded, and the conformation of the island makes it so easy for an army to put down insurrection, that, though the same government existed in Puerto Rico as in Cuba and in the Philippines, it was impossible to inaugurate revolution in Puerto Rico. The Puerto Ricans knew that they must come under some government, and after three hundred years of Spain hailed with delight the transfer to the United States.

Puerto Rico has been pictured here and presented to the country as if it were a Vermont, a Massachusetts, a Connecticut, or an Iowa, populated by an intelligent and educated people who had instantly grasped the problems of government and the institutions of the United States, and were in all respects fitted to early assume a place among the States of the Union; that prior and preliminary to this statehood they were entitled to every privilege, every law, every constitutional right which belongs to the citizens of the States. Puerto Rico has been described as a bride decorated with flowers and tropical coloring, and in culture, education, and training worthy to be the companion and helpmeet of the idealization of the highly developed, liberty-loving, and broad-minded American.

To get a horizontal view of this question we must come back to the testimony of Puerto Rican citizens and foreigners and of the officers of the United States which was given before the Committee on Puerto Rican Affairs. Like judges and juries who see and hear the witnesses, the members of that committee who, for hours every day during three weeks, saw these witnesses and heard their testimony received impressions stronger than the cold type of the evidence presents.

Right here I wish to express my profound appreciation of the great ability and conscientious industry with which the chairman of our committee, the senior Senator from Ohio [Mr. FORAKER], has conducted the investigation and the legislative management of this measure.

Puerto Rico is more thickly populated than any country in Europe. It is one of the most fertile territories on earth. From seashore to mountain top it can be cultivated. With capital, enterprise, and modern machinery the possibilities of increase in its productiveness can not be calculated. It is a little over two-thirds the size of Connecticut, but has a much larger population. Its industries are purely agricultural. As in all countries where there are no varied industries, the young men and the young women have no opportunities to engage in different pursuits. Where agriculture is the only occupation of thickly settled communities the conditions of India are repeated, and so there prevails in Puerto Rico a widespread and grinding poverty unknown in Europe or in America. There are, in round numbers, a million people upon the island. Seventy thousand are negroes, 250,000 of mixed negro and white blood, and about 700,000 are the result of the settlement by the wild adventurers, of all races and nations, who, in the fourteenth and fifteenth centuries, sailed and fought on the Spanish Main. One hundred thousand of these people can read or write; about 50,000 can do both. Nine hundred thousand are in absolute ignorance.

Of this million, 800,000 derive their living from agricultural pursuits. They live in huts, consisting of one room; they have work only during the season for coffee, for sugar and tobacco. The children from 10 to 16 years of age earn about 10 cents a day; vigorous manhood receives 30 cents, and old age, again, from 10 to 15 cents. They live on sugar cane and the fruits that grow, and are so cheap, in the Tropics, and it is estimated can sustain life on 5 cents a day per individual. Most of them have never known bread or meat as it is familiar to our people. They are hired by the day, the contract closing with the sun. By this means the owners of the large estates are free from responsibility for their care or maintenance, a responsibility which would come if the contracts were by the month or by the year. There are no schoolhouses in the island. Thus eight-tenths of this population are ignorant of politics, of government, of Spanish or American rule, and intent only upon the always immediate and exigent necessity of subsistence and life. In the majority of the families the heads are unmarried because they had not the money under Spanish rule to pay the expenses of the marriage ceremony, civil or religious. The 200,000 remaining consist of the landholders, merchants and factors, and of the carriers and skilled artisans in the towns and the small storekeepers in the country.

The island itself consists of two millions of acres. There are 1,200,000 acres in pasture, 181,000 in coffee, 70,000 in sugar, 14,000 in tobacco and the rest is in forests, orchards, gardens and underbrush. The land of the island is owned in 43,000 estates. A large proportion of these owners are Spaniards, English and other foreigners. The coffee, sugar, and tobacco estates are mortgaged for about one-quarter of their value at rates of interest varying from 10 to 25 per cent. The profits of production are so great, even with the antiquated machinery in use, that with normal crops and with the Dingley tariff in full force, as it has been, against them for the past four years, they were enabled to meet this interest and enjoy as much prosperity as is possible under Spanish rule. The government by Spain was oppressive to a degree. The taxes were enormous, no roads were built, no schoolhouses erected, no public improvements maintained, but these great revenues were dissipated by the Spanish officials. There was no justice in the courts, favoritism and bribery being universal. There was no habeas corpus, and civil rights were not respected. Arbitrary arrests were made and citizens lay in dungeons for years because there was no way by which they could get a trial. The Spanish Government gauged its exactions by the profit of the planter, and managed to take nearly everything that the planter could make which he could fairly call net above maintenance, his own support and the interest upon his debts.

For the five years preceding our occupancy the average value of the exports of the island was $16,000,000, of which $10,000,000 were coffee, $4,000,000 sugar, $700,000 tobacco, and the rest molasses, cattle, and hides. Such was the condition of this island when it was occupied by our troops, and submitted to our authority with scarcely a struggle. The introduction of American methods and government were rapidly producing most beneficent results when a calamity occurred which has no parallel as affecting the whole people of a country.

As will be seen from these figures, the great staple of the island, which employed, in one form or another, nearly three-quarters of

the population and capital, was coffee. The coffee plantations are upon the steep mountain sides, and run from the foothills to the peaks. The coffee berry can not thrive under the tropical sun unless protected by partial shade, and so the original forests which clothed these mountain sides were cleared of underbrush and in its place the coffee-bearing trees were planted. The hurricane which swept over the island destroyed nearly the whole of these plantations. It threw down the forest trees or broke off the branches, and they fell crisscross, producing a network over the coffee bushes which made the farm a wreck. Under the tropical sun the weeds which choke the berries unless kept out began to grow luxuriantly.

The testimony showed that every day added to the danger of the annihilation of the coffee plantation; that in six months most of the coffee-berry plants would be killed, the plantations would have to be planted anew and it would take five years for the plant to reach maturity. The coffee planters, being, all of them, in debt, had no credit and no resources with which to clear off their farms. They had no machinery, but could have worked out the problem by the superabundance of labor with which they were surrounded if they had had the capital to employ it. The hurricane produced very great but not equally disastrous damage upon the sugar and tobacco plantations. So within twenty-four hours 800,000 people were left without any occupation or means of support, and the proprietors without any credit or money with which to clear their farms and employ the laborers who were clamoring for work and starving all about them. I have no hesitation in saying that if the island had not in this distress been under the United States, but had remained under the old Spanish régime, the amount of suffering and starvation would have appalled the world. But the President and the Secretary of War, acting through General Davis and the officers of the Army, used about $1,000,000 of the emergency fund in feeding these poor people and in preventing one of the ghastliest horrors of modern times.

The suspension of coffee, sugar, and tobacco industries reacted upon the people in the towns who lived by handling these products and by furnishing the supplies to the people of the interior. There was paralysis on the one hand of the purchasing power of their former customers, and on the other of the occupations by which they themselves earned a living. With the island in this stricken condition, and the people in this deplorable situation, it was impossible to raise revenues for schools, for roads, for courts, for police, or for any purpose of government by direct taxation. The Puerto Rican government must be supported and the means found for the recuperation of Puerto Rican industries and the resurrection of Puerto Rican farms and the salvation of the Puerto Rican people either by taxing the people of the United States, by taking money bodily out of the United States Treasury and pauperizing the island, or by finding a method by which the island itself can secure income and credit. It was when these conditions had become familiar to our committee that we changed our bill from free trade to the tariff measure which is now before the Senate, a tariff measure which is not a Chinese wall, not an oppressive act of arbitrary power, but the most generous and beneficent revenue system ever adopted by any government, because it gives to the island of Puerto Rico not only the duties collected at her own ports, but the duties collected under our laws at our ports upon products coming from the island.

When Daniel Webster was charged with being inconsistent in his later opinions, he said, "It is the privilege of wise men to change their minds." The members of our committee do not make any special claim to wisdom, but we have considered this question with open minds. The President has an open mind, in view of the later and overwhelming testimony about Puerto Rican conditions, is satisfied with the solution of them which this measure gives. General Davis, the governor of Puerto Rico, whose ability and fairness no one questions, has an open mind and after disbursing a million of dollars for the relief of the Puerto Rican people, and becoming personally familiar with their conditions, on March 31—that is, last Saturday—gave this authoritative opinion:

> I have not felt it proper for me to discuss Congressional matters, filling, as I do, an executive position. I have expressed my views fully, however, on Puerto Rico's needs, and I might say if Congress should adopt free trade the receipts of the custom-houses would naturally cease. One million five hundred thousand dollars has been collected during the fiscal year, and with free trade this will fall off. What, then, will run the island? Although I have received no official advices regarding an appropriation, I understand through the newspapers that an appropriation was decided upon, and I infer that this appropriation will be spent on insular government expenses. If free trade is adopted I can not see how the necessary funds for the conduct of the affairs of the island are to be raised by myself or those who succeed me. Two million dollars are the present expenses, and this amount will be needed annually. There is only a small revenue incoming from stamps, liquors, tobacco, and mercantile licenses, and it is impossible to collect taxes because of the conditions.

I wish in this connection to congratulate my friend the honorable Senator from Georgia [Mr. BACON], that he has an open mind. He introduced on Saturday our original bill as a substitute for this one, which shows that my eloquent and able friend is within two months of us. [Laughter.] Within twenty-eight hours this bill is going to pass; the procession is moving on, and he had better get into the band wagon before it is too late. I say to my friend the Senator from Georgia, and his colleagues, that within twenty-eight hours is the opportunity. There are vacancies on the praying benches for salvation, and they had better come in. [Laughter.]

We come naturally now to the question of hardships upon the Puerto Rican people and of cruelty to the inhabitants of our new possessions by the proposed legislation. We were told with wonderful eloquence and passionate rhetoric when the Puerto Rican relief bill to appropriate $2,000,000 was before the Senate, that it was our plain duty to return to the people who have paid the duties under the Dingley tariff act since our occupation the money which had been collected. The whole policy of the Republican party, from the President to Congress, has been to give back to Puerto Rico all the taxes levied and collected upon her products—to give them back to her for the purposes of her government and for the purposes of her improvement and her progress. These duties had been paid by the sugar trust, which controls the sugar products of the island, and the tobacco trust, which controls the tobacco product of the island—two of the richest and greatest money-making corporations in the world. They had bought the sugar and tobacco at a price which included the Dingley tariff duties and sold them to the people of the United States at a large profit after the duties were paid. In the bill which we have just passed, instead of paying these duties back to these corporations, which have been the subject of so much abuse and with whom we have been charged with being allied, we have given them back to the people of Puerto Rico for their schoolhouses, for their roads, for the relief of their starving, and for the employment which will come in the proper administration of the fund.

The analysis of the productions of the island which are exported shows that about five-eighths is coffee. There is no duty on coffee, and so there is no outrage there. There is a duty at present of $1.60 per hundred pounds upon sugar and $1.85 per pound upon tobacco under the Dingley tariff act. There are millions of dollars' worth of this sugar and tobacco, owned by the sugar and tobacco trusts, which is held from the market and stored in warehouses in Puerto Rico awaiting the action upon this bill. This sugar and tobacco was bought from the planters of Puerto Rico at a price which included these Dingley tariff duties and still left a large profit for the purchaser. Every concession made from the Dingley tariff is that much more clear profit, not to the producer, or the laborer, or the citizen of Puerto Rico, but to these purchasers of their products. So by this act we are, out of the hundred per cent of additional profit which the sugar trust and tobacco trust would receive under free trade, taking 15 per cent for the people of Puerto Rico and leaving the purchasers 85 per cent for their own income. The only difference between the original recommendation of the President of the United States and the action of the House of Representatives and of the Senate committee is in the method by which the people of Puerto Rico can receive the whole of the revenue from the tariff.

The President's recommendation of free trade was made in order that Puerto Ricans might have the use of these duties in Puerto Rico by not having to pay them—that is, by keeping the money for public purposes in the island. The proposition of the House of Representatives and of this committee is that those duties shall be collected and returned to the people of Puerto Rico, because it is the only way by which the people of the island will get a dollar of benefit from them. Now, from whom will they be collected? In the last twenty-five years sugar has fluctuated as much as any other product in the market; coffee has been subject to the opening of new sources of supply, to failures of crops, and to all those elements which add or take away from 25 to 50 per cent of the market price. But while coffee and sugar importers have grown rich and by their skill, their capital, and their far-sightedness been able always to calculate future prospects and to make money, no matter what the conditions, the laborer upon the plantations who produced these crops has never known any difference in his wage. Unhappily for him, the labor market was always overstocked; unhappily for him, there was no industry but the land to which he or his family could apply for help. He was "the man with the hoe," meeting all the conditions of Dr. Markham's remarkable poem. He was too ignorant to know when good times were making fortunes for those who handle the product which he raised by his labor; he was too poverty stricken to subsist in an organized effort to increase the remuneration for his toil. It will be many a year before these conditions change for the masses of the Puerto Rican people. They can never change when an overcrowded population has but one means of livelihood and there are no varied industries for its relief.

Then who pays this tariff, and who gets the benefit of it? For the first time in the history of Puerto Rico it is paid by those who make money out of her, by those who are enriched by her toil; by those who are far removed from the ignorance and the suffering and the squalor of her population. The tariff money taken from

them goes really to the people of Puerto Rico who never before received any benefit. It will go for schoolhouses and schoolteachers, which will make the next generation worthier of citizenship and self-government; it will go for roads, which will give employment and opportunities for other industries than merely agricultural; it will go for those ordinary functions of government which must be maintained or you have anarchy, and they will be maintained by this process without those burdens of direct taxation which, in the present condition of Puerto Rico, would be such a terrific brake upon her progress.

Now as to the charge that it will stifle the industries of Puerto Rico. Puerto Rican coffee, representing five-eighths of her product and of her labor, will come in free; Puerto Rican sugar and tobacco will come into our ports in competition with the sugar and tobacco of Cuba. Puerto Rican sugar and tobacco, when the Dingley tariff applied equally to both of them, found a ready and remunerative market in this country. Under the operations of this bill, by which full tariff duties are paid by all others and only 15 per cent of them by Puerto Ricans, the Cuban sugar man will pay in Dingley tariff duties $1.60 for every 100 pounds, while the Puerto Rican sugar man will pay 24 cents. The price of sugar, because of the enormous demand in this country, which is in excess of the supply, will be maintained. The Cuban sugar dealer will make a profit after paying $1.60 duty, and the Puerto Rican sugar man will make the same profit with an addition, on account of the concession of 85 per cent to him of $1.36 on every hundred pounds. This will practically give the controllers of the sugar product of Puerto Rico a return of from 50 to 80 per cent on their investment. Precisely the same conditions and precisely the same excess of profit will be the good fortune of the Puerto Rican tobacco dealer under this concession of 85 per cent from the Dingley tariff as against his Cuban competitor. There can be but one result of this concession of 85 per cent to Puerto Rico as against Cuba, and that is an enormous stimulus, on account of the enormous profit, to both sugar and tobacco areas and productions in the island of Puerto Rico.

Bearing in mind these figures and these enormous profits under this concession of 85 per cent from Dingley tariff duties, and still greater profits with free trade, the following opinion from President Havemeyer, of the sugar trust, is a contribution of great importance to this discussion. It settles emphatically in what direction lie the interests of the sugar trust:

NEW YORK BUREAU CHICAGO TRIBUNE,
New York, March 29.

President Havemeyer, of the American Sugar Refining Company, was the center of interest in speculative circles to-day, owing to the cut of 5 cents a hundred pounds announced by the Arbuckles and the possible action of the Havemeyer interests. The sugar king, in discussing the whole situation, was plain and outspoken regarding the position of Puerto Rico and the Philippines, and declared that there was no reason in the world why sugars should not be admitted free of duty from those countries.

"I am much in favor of it," he said, "and I believe the time is not far off when they will be admitted free of duty. Why, both of those countries are part and parcel of the United States, and no matter what action Congress takes, I am confident the Supreme Court will hold that the products of those colonies are entitled to free entry here.

"There is no more reason why a duty should be placed upon the products of Puerto Rico than on stuff coming into New York from Long Island. There is only a wide ditch between the United States and Puerto Rico. Well, if Puerto Rican sugars are brought in free, it will not be long before some similar policy is adopted with reference to Cuban products."

Here also is the opinion given Saturday by W. T. Townes, president of the Puerto Rico-American Tobacco Company:

W. T. Townes, president of the Puerto Rico-American Tobacco Company, says that the proposed tariff will keep Puerto Rico out of the American market; that Puerto Rico will sell to Europe, China, and Japan, and not a pound to the United States.

Puerto Rican industrial conditions, because of surplus population, lack of remunerative employment and paralyzing poverty, have thrown the transactions of the island into a few hands. As I have said before, the land is divided into 43,000 estates in a population of 1,000,000 people. The business of supplying the demands of the population, as well as handling the products of the island, is conducted by comparatively a handful of as keen and enterprising business men as there are in the world. Under these conditions they will control the price both of the things which the island consumes and which the island produces until education, intelligence, and varied employments have redeemed the island. A startling instance is given of this by cable, which informs us of the rise in the price of food during the last few days. Under the Executive orders of the President all breadstuffs now enter Puerto Rican territory free of duty, and yet the few men who control the supplies which feed the Puerto Rican people and import them from the United States, though they go in absolutely free, have raised the price 100 per cent to these poor, starving people, who are unable to get any relief. The tariff of 15 per cent if imposed would not raise this price; it would be paid by these dealers. It would amount to 4 cents a barrel on flour and to the same, proportionately, on other products, but the vivifying influences of revenue in the hands of an intelligent government and the great profit in the importations would speedily open the way for the farmers of the United States to ship into that market their products in such measure that, while they made money, these exactions could no longer be imposed upon the Puerto Rican people.

Under this bill this tariff lasts only two years, and may be ended by the Puerto Rican legislature at any time. It is a tentative measure; it is wholly for the benefit of the people of Puerto Rico; its proceeds are used for no other purpose than to improve their conditions and enlarge their opportunities. Congress is always in session, and two years will be an object lesson in the experiment of caring for and governing the Puerto Ricans.

The singular thing about this whole matter is the isolation of sentiment. There seems to be, and it is so reported, a storm center of sentiment in Indiana and not a particle in Ohio; that there is a fever in Minnesota and none in Michigan; that there is a sort of a wild burst of indignation in Oregon and not a particle in New York or Pennsylvania or New England, except Vermont. And why Vermont at this season of the year should melt is one of the mysteries of the study of the phenomena of nature. [Laughter.] It even warmed up my distinguished friend the senior Senator from Vermont [Mr. PROCTOR] into a glowing sympathy and tenderness for free trade as a panacea for a stricken people which I have seldom heard, even from the most emotional of my friends. Why is it?

The history of remedial legislation presents no example of baseless excitement like that which prevails over this measure in certain parts of the United States. The localization of the storm is unprecedented. It has great volume and force in one State, with little evidence of it in the adjoining Commonwealth. A Northwestern State may have the fever, while the Middle States and New England are normal. In every instance in the contests of parties where a principle was at issue, the sentiment of the party in one State has been equally pronounced in every State. This phenomenal localization of interest compels the conclusion that a mere matter of providing means for carrying on government and relieving distress has been exaggerated into an acute struggle over a fundamental principle of right, or morals, or both.

This bill is the people's law. It restricts, as far as can be done, the power of trusts or combinations or concentration of industries. It puts upon the free list these products going from the United States into Puerto Rico—the food products from the American farmer—so that the American farmer has this market free as against the agriculture of other countries, whose imports must pay Dingley tariff rates. It gives to the Puerto Ricans the fullest opportunity for cheap food. Agricultural implements, which are so necessary for the resurrection of island cultivation, and the adoption of modern machinery to aid in lower cost and larger crops, are free. Rough lumber for mills, coopers' materials for sugar, molasses, and tobacco, and bags for coffee, are free.

Carriages to cheapen transportation and trees and plants to give variety in crops by raising large and small fruits, for which the island is peculiarly adapted, are free, as are all drugs which are used in the malarial diseases of tropical countries. In a word, every product of the farm or factory in the United States which will help Puerto Rico, enable her to rise triumphant from her ruins and give remunerative use for capital and employment and wages to her people, are on the free list. The luxuries consumed by the prosperous are, as they ought to be, taxed for the support of the government.

But this is not all. The whole question of taxation is remitted by this bill to the people and government of Puerto Rico. Here is the charter of Puerto Rican self-government. It is the spear which punctures the huge and swaying balloon of tyranny, oppression and violations of the Constitution and Declaration of Independence so laboriously blown out and expanded in the past few weeks. While standing on the collapsed canvas, and viewing its tragic mottoes, listen to the plain and passionless words of this bill:

SECTION 4. And whenever the legislative assembly of Puerto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Puerto Rico by this act established, and shall by resolution duly passed so notify the President, he shall make proclamation thereof, and thereupon all tariff duties on merchandise and articles going into Puerto Rico from the United States or coming into the United States from Puerto Rico shall cease, and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty; and in no event shall any such duties be collected after the 1st day of March, 1902.

In a word, what is all this contention about? What is the apple of discord which is lashing some friends to fury? The President proposed free trade, and this bill gives free trade in all the necessaries of life, in all implements and manufactures required for the resuscitation, development, and working of industries, and a tariff amounting, on the average, to 6 per cent upon their market value, on other products.

This tariff comes off by operation of law in two years, and as much sooner as the people of the island, through their own legislature, decide to abolish it, because they can raise the revenues

necessary for the support of their government, their roads, and their schools and for their general welfare by direct taxation.

The opposition to this bill is the result of the usual tactical operations for advantageous positions in a Presidential year. The Calhoun theory of the Constitution and the century-old fight of free trade to destroy protection have made a united and desperate charge upon the policy and provisions of this measure. The Democratic position in regard to our island territories is clearly defined. They will claim that the moment any territory becomes the property of the United States by conquest, purchase, cession, or discovery it is under our Constitution and laws; that its people and products have the same rights and are entitled to the same freedom of movement all over the United States as the people and products of any State in the Union; that statehood must speedily come and can not be denied; that this would break down every protective barrier against pauper labor and admit free into our ports the things produced by people working in our tropical possessions for a few cents a day and would degrade our citizenship, and, therefore, if they get in power they will at once abandon these islands.

The Republican party stands upon the action of Jefferson, Monroe, Jackson, Polk, Pierce, and Seward, that Congress has the power to govern these acquisitions subject only to the prohibitions of the Constitution.

I was very much pleased in listening to my friend the distinguished Senator from Tennessee [Mr. BATE] to find him advocating what Jefferson did and what Monroe did and Pierce did and what Polk did, because they were all Southerners and all Democrats. At the same time he vigorously opposed precisely the same legislation for our new possessions which they had enacted for territories acquired by them. We stand where Jefferson did and legislate as he legislated; where Monroe did, and legislate as he legislated; where Pierce and Polk did, and legislate as they legislated. But my friend and his associates have wandered far from these old leaders of their party.

I recall for the consideration and admonition of my Democratic friends that story of General Jackson's governorship of Florida, to which he was appointed by President Monroe, under the act of Congress of March 3, 1821, providing "that all military, civil, and judicial powers shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct." He claimed and exercised the executive, legislative, and judicial functions of government under this commission, and was sustained in them all. As legislature he enacted laws which brought him, as governor, in conflict with the ex-governor under Spain. As governor he promptly arrested and imprisoned that ex-official, and as judge proceeded to punish for contempt the Federal district judge, who had issued a writ of habeas corpus for the Spaniard's release. It was after all this that he became and has since continued to be claimed as leader, counselor, and inspiration for the Democratic party.

Under this power we can and will provide both for the development of our new possessions and the protection of industries and employment within the United States. As time and experience demonstrate the necessity for new laws and changes of existing laws, they will be enacted, but always with intent to maintain the high standard of American citizenship and the scale of American wages. Preferential tariffs will promote trade between the United States and all these islands.

Puerto Rico, Hawaii, Guam, Tutuila, and the Philippines are to be held and governed by the United States with an imperative duty on our part to their inhabitants for their civilization, the encouragement of enterprises which will utilize their resources, and for their constantly increasing participation in their local and general governments, and also for their and our commercial progress and growth. I do not believe that we will incorporate the alien races, and civilized, semicivilized, barbarous, and savage peoples of these islands into our body politic as States of our Union.

Order, law, justice, and liberty will stimulate and develop our new possessions. Their inhabitants will grow with responsibilities of governing themselves, constantly increasing with their intelligence into conditions of prosperity and happiness beyond their wildest dreams of the results of that self-government they now so vaguely understand, while the United States, in the increasing demand for the surplus of our farms and factories in Puerto Rico, Hawaii, and the Philippines, and in the tremendous advantages of position from Manila for reaching the limitless markets of the Orient, can view without apprehension and with hopeful pride the inevitable expansion of our population and productions.

With that belief I hail with faith, I hail with hope, I hail with joy that expansion of our own country in its products, agricultural and manufacturing, and in its population, which it is evident will go on during the twentieth century. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. KEAN in the chair). Manifestations of approval or disapproval by the occupants of the galleries are not permitted by the rules of the Senate.

Mr. SPOONER. Mr. President, though it is doubtless a work of supererogation, I am impelled to ask the indulgence of the Senate for a little time, while with unstudied phrases, but I trust in a plain and I know in a sincere way, I discuss some of the questions involved in this legislation.

I do not underestimate the importance of sentiment. It is natural that the American people should be sentimental. They are a generous, liberty-loving people, and all who are generous and liberty loving are sentimental. I agree that almost every good thing grows out of sentiment. Love of home is a sentiment; patriotism is a sentiment. But, Mr. President, we can not, in discharging under our oaths a duty as trustees of the American people, be entirely governed by sentiment.

I feel, for one, that never since the close of the war for the preservation of the Union, when there confronted our people and the Congress questions of the gravest complication and novelty, has either the President or the Congress been called upon to solve problems equal in difficulty to those which confront us. It has been hitherto for a great many years a matter of comparatively trifling importance what constitutional relation the Territories sustain to the United States, because our Territories have been peopled by those of our own blood and kindred. Their habits and aspirations have been the same as ours, and it is true, as has been stated by the Supreme Court of the United States more than once, that all the Territories between the oceans have been regarded as in a state of pupilage or probation, looking ultimately to admission into the Union.

But the result of the Spanish war, Mr. President, has placed under our control—I use the phrase advisedly—territory containing eleven or more millions of people, a sixth of the population of this country, strangers to us, strangers to our language, strangers to our institutions, strangers to our aspirations and to our race. And that control, Mr. President, brings with it responsibility of the gravest sort.

The Senator from Tennessee [Mr. BATE], with almost dogmatic earnestness, contended, as do his colleagues on his side of the Chamber with hardly an exception, that by the acquisition of territory the Constitution of the United States, by its own force, extends over them, and by its own force makes citizens of the United States of its inhabitants. That is not, in the light of existing conditions, an academic question. It is one of the gravest possible problems which could confront a people. One circumstance only would tend, if I were suspicious, which I am not, to impeach a little bit the sincerity of that utterance, and that is the fact that the Senator only a day or so ago voted for an amendment offered from his side of the Chamber *to extend the Constitution to Puerto Rico.*

Testing his utterance by his vote, placing them side by side, they are like Kilkenny cats; they eat each other up; and if the Constitution is sincerely claimed here by its own force immediately upon the acquisition of territory to extend over it, to carry to its inhabitants all of the guaranties which that instrument gives to citizens of the United States, to bring them into our citizenship, it is strange that Senators should vote by *statute to extend it.*

Mr. President, this question and other kindred questions which will not down, which are far above party politics, which are of infinitely more consequence to our people than the success of this party or that, are to be solved only by the utmost care and thought and patience. Partisanship should find no abiding place in this discussion. These problems are not to be solved by catch phrases or by rhetorical rhapsodies. It is said—and that is a catch phrase—and I have received letters from valued constituents of mine, in almost every line of which I found the phrase "the Constitution follows the flag." An epigram is dangerous sometimes in meeting grave questions.

Does the Constitution follow the flag? I doubt not the Senators who think so are sincere in their belief, but does it? The proposition is too broad. The Constitution does not follow the flag, as it is stated here, Mr. President. Our Army took the flag to Cuba; and, after a magnificent exhibition of courage and soldier-like bearing, planted it in Santiago. Is the Constitution of the United States in Santiago, Mr. President? Is Cuba a part of the United States? But the flag of the United States is there. Can the Constitution go beyond the limits of the United States? Can we legislate for Cuba? No; but our flag is there.

The Supreme Court of the United States decided in Fleming *vs.* Page (9 How., 614) that the military occupation by American troops of foreign soil does not operate to extend the boundaries of this Government. The flag is there, Mr. President; our soldiers are there; but the Constitution is not there. The law, and the only law which is there, and which follows the flag beyond our borders, is the law of war. That is all. So when Senators—and we read it in every newspaper—say that the Constitution follows the flag, it never has been true, and it never can be true. The flag follows the Constitution. Wherever the Constitution extends, the flag goes, for it is the symbol of the Government, whose charter the

Constitution is and whose powers are derived from the Constitution. That is all of that.

It is said, Mr. President, that the Constitution goes of its own force into the Territories. Is that true? It has been often stated in the press and suggested in the Congress that our contention that the Constitution does not go of its own force into the Territories is a novelty either devised in an hour of party exigency or as an expedient to aid the accomplishment of "imperialism." Mr. President, neither statement is correct. "There is nothing new under the sun" in constitutional propositions. This is an ancient one. Its history has been pathetic in some of its phases, as we look back upon it, now disappearing as settled and again resuscitated at the command of slavery. It was raised in 1803 and it was settled by Congress in 1803, that the Constitution does not of its own force go into the Territories of the United States. I quote what McMaster says in his History of the People of the United States. Of course the debates are quite scant of the Congress of that day, though he explored, as he has in all of his works, every source of original information. He says:

Thus were settled two constitutional principles of great importance. The first established the right of the President and the Senate to buy foreign soil; to this both Federalists and Republicans agreed. The second established the fact that foreign soil could, by the treaty power, be incorporated into the Union. These questions disposed of, a third—How shall the country thus acquired be governed?—at once arose. The Senate was first to attempt an answer in the bill to authorize the President to take possession of the Territory.

By it, till such time as Congress should provide a temporary government for Louisiana, all the military, all the civil and judicial powers were to be vested in such persons and exercised in such manner as the President should direct. To the Federalists the purpose and the meaning of this bill were as plain as they were outrageous. Between the day when the United States should take possession and the day when Congress should provide a temporary government some time must necessarily elapse. During this time the old form of government, based on the worst form of Spanish depotism, was to be continued. Jefferson was to take the place of King Charles—

How like to-day this language sounds.

Jefferson was to take the place of King Charles, and, without even consulting the Senate, fill every place from governor, intendant, alcalde, down to keeper of the public stores, with creatures of his own; it was, in short, to legalize on the soil of the United States a government under which the people possessed no civil rights; nay, could be punished for even wishing to enjoy them. The bill was therefore declared by the Federalists to be unconstitutional. It was combining in the hands of the President legislative, executive, and judicial power; for he was not only to appoint public officers but to determine in what manner they should act.

This, said the Republicans, is very far from being the case. The President is not to exercise one of the powers; he is to choose the men who are to exercise certain powers, and nothing more. But even if the bill did combine in his hands powers legislative, executive, and judicial, it would still be a proper bill.

I read this to show how old this doctrine is.

Whatever limitations the Constitution may fix to the power of Congress over the States, it fixes none to the power of Congress over the Territories. The Constitution is made for the States and not for the Territories. It does not extend to the Territories. What else is the meaning of the words "Congress shall have power to make all needful rules and regulations respecting the territory and other property belonging to the United States?" Is not this grant unlimited? Has it not always been so construed? Who makes laws in the Territories of Indiana and Mississippi? The people? No. The Congress? No; the governor and the judges appointed by the President with the consent of the Senate. Could we pass such a law for the government of a State? We certainly could not. Does not this show that the Constitution is inoperative in the Territories?

And thereupon, Mr. President, upon a conference, it was settled in both Houses of Congress, early in the history of the United States under the Constitution, that so far as the Territories are concerned Congress may establish such government as it chooses and that they are beyond and outside of, in a sense, the constitutional limitations. That, thus settled, rested for many a year; but, Mr. President, it was not in the nature of things that it could be permitted to rest forever. A conflict was being waged in this country, sometimes seen and sometimes unseen, but never ceasing—the conflict between liberty and slavery, two antagonistic forces which can not anywhere live side by side in peace.

When the *Mayflower* landed the Pilgrims at Plymouth Rock, they brought religious liberty and they brought the love of freedom; when the Dutch ship landed a cargo of negro slaves on the James, then was planted on this continent the seeds of slavery, and and projected into the future an irrepressible conflict between those two forces, perpetuated in the Constitution.

When the framers of that instrument provided for the termination of the slave trade, but at the same time in a compromise gave political power to the ownership of men, women, and children, they added intensity to the natural antagonism of these forces to each other, which had to go on until in God's own time it should end in the survival of the fittest; and it went on, developing as a struggle partly for political power. When the Mexican war terminated with the acquisition of territory, Mr. Calhoun found it necessary in the interest of slavery to give renewed life to the dogma, buried in 1803, that the Constitution by its own force carried slavery into the Territories. If this could have been maintained, slavery in the Territories would obviously have been beyond reach of Congressional control.

It has seemed to me a little odd, I confess, to find old Republican leaders speaking of this negation of Mr. Calhoun's doctrine as a discovery. Why, Mr. President, the Republican party sprang into life to stay the advance of human slavery under this doctrine that the Constitution recognized that institution, as it did, and by its own force carried it beyond the reach of Congressional intervention into the Territories of the United States.

The first political speech to which I ever listened was made by an eloquent son of Massachusetts, Anson Burlingame. I remember it to-day as well as at the time—it was in 1856—in which he announced the Republican doctrine to be that the Constitution had no force in the Territories of the United States, and therefore could not be held to carry slavery into the Territories, and underlying the contest between Douglas and Lincoln was that proposition; and in the first platform of the Republican party, adopted in Philadelphia in 1856, it was declared:

Resolved, That the Constitution confers on Congress sovereign powers over the Territories of the United States for their government.

In the convention of 1860, which placed Abraham Lincoln in nomination, the Republican party declared:

That the new dogma that the Constitution of its own force carries slavery into any or all of the Territories of the United States is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent. It is revolutionary in its tendency, and subversive of the peace and harmony of the country.

Mr. TILLMAN. Mr. President, will the Senator allow me to ask him a question?

Mr. SPOONER. Yes, sir; I will, but I should prefer to go on.

Mr. TILLMAN. I should like to ask the Senator, as he is a very able lawyer——

Mr. SPOONER. Thank you.

Mr. TILLMAN. I know he is entirely sincere and honest in his convictions on this subject, and so I should like to ask him whether or not the contention which he has just made in regard to the Constitution not carrying slavery into the Territories prevented liberty or freedom from going there? In other words, does it go there of its own force and accord, and is there no obligation on the part of Congress to recognize that the Declaration of Independence and the principles underlying it are universal and that they go to the Territories of the United States with the flag?

Mr. SPOONER. Oh, Mr. President, that is only another way of putting the question to me whether the Constitution of its own force extends into the Territories—that is all. No one who has contended that the Constitution does not of its own force go into the Territories has insisted that Congress in its legislation is not bound by the principles of the social compact.

Mr. TILLMAN. Well, then, if the Senator will permit me another question, I should like to ask him just to give his opinion—because it is a matter only of opinion with anybody at this day—whether or not the original contention of the Republican party in regard to this issue that the Constitution did not extend to the Territories or did not extend slavery there, did not rest on that only; that it would never have been advanced as preventing liberty from going there?

Mr. SPOONER. Mr. President, the contention arose first in 1803, and it arose largely in the South; but the Constitution recognized slavery. The claim was that the Constitution was in force in the Territories, and that a man's property in man, in woman, in child, was as sacred under that instrument in the Territories as was his property in a mule or in a horse, but the liberty-loving people of the North, with Abraham Lincoln at their head, in 1860, said no; the Republican convention said no——

Mr. TILLMAN. Mr. President——

Mr. SPOONER. And we say no. I hope my friend will not interrupt me at this point.

Mr. TILLMAN. I have no desire unduly to interrupt the Senator.

The PRESIDENT pro tempore. The Senator from Wisconsin declines to yield.

Mr. SPOONER. I do not like to decline to yield, but there are a number of Senators who desire to speak, and I speak embarrassed by the consciousness of that fact.

Mr. TILLMAN. I will not interrupt the Senator if he objects.

Mr. SPOONER. I speak under the embarrassment of knowing that I am excluding some other Senator from the floor. I am always glad to answer the Senator's questions.

Mr. TILLMAN. I was desirous of having the Senator explain why, if the question was settled in 1803, it was necessary to settle it again in 1860?

Mr. SPOONER. The settlement of 1803 was a legislative settlement, a practical Congressional exposition of the Constitution; but the contest between liberty and slavery was beyond reach of settlement or compromise. It went on, and the exigencies of the latter led Mr. Calhoun to reinvoke and urge with great ability that dogma which Mr. Benton referred to as the "transmigratory character of the Constitution." It was opposed by Mr. Webster, in the interest of liberty and of sound constitutional interpretation. We know now that the struggle between liberty and slavery could only be settled in one place—the battlefield. It was settled on a

hundred fields of battle, and I supposed that this doctrine was shot to death on the battlefields of the war of the rebellion.

Mr. TILLMAN. Now will the Senator permit me?

Mr. SPOONER. I supposed, Mr. President, after slavery had been laid away, when in the heat of battle the shackles of slavery had melted away forever, and the air of the United States, like the air of England, had become too pure for a slave to breathe in, that this doctrine invented for slavery had also ceased.

But, Mr. President, after Abraham Lincoln had passed away, after slavery had been abolished by the emancipation proclamation, the Congress submitted to the legislatures of the States an amendment to that great instrument which ought to put an end, I think, to this contention. It is as follows:

> Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or *any place subject to their jurisdiction.*

This wrote the emancipation proclamation, with its pledges, into the Constitution. How significant is the language employed, Mr. President. What does it mean? Why add the words "or any place subject to their jurisdiction," if the Constitution follows the flag, and if all places and territory acquired by the United States are a part of the United States and subject to the Constitution of its own force? Mindful of the old contention, determined to leave no possibility of further doubt upon it, the language employed was a deliberate recognition of the fact that outside of the "United States," using the phrase as it is used in that instrument, there might be places, territory, not an integral part of the United States, but belonging to it; not of it, but subject to its jurisdiction.

If the contention of the other side were right that the moment we acquire territory, large or small, that moment the Constitution, of its own force, extends over it, and that moment its inhabitants become citizens of the United States and it becomes a part of the United States, it would be difficult to find a theory upon which the framers of the constitutional amendment could use the language which they did.

Is the Senator waiting to ask me a question?

Mr. TILLMAN. I wish to put in a word, if the Senator will permit me, and if it will not interrupt him. May I have the Senator's consent?

Mr. SPOONER. Certainly.

Mr. TILLMAN. I would call his attention in a very kind way to the change of position, so to speak, which has taken place in regard to this question of the Constitution, and point out, if he will permit me, that those of us who still contend for that must have some other purpose than the extension of slavery.

Mr. SPOONER. Of course.

Mr. TILLMAN. That we must have an innate, an inherent, an inherited, or a conscientious belief that the Constitution and flag go together, and that, therefore, the doctrine, if it was ever invented, as is claimed, for the purpose of extending slavery, can not be applied to those of us who still contend for it.

Mr. SPOONER. I think it is inherited. [Laughter.]

Mr. TILLMAN. Very well; you say it is inherited. Then I will direct the Senator's attention to the fact that the slaveholders, or the descendants of the slaveholders, or the ex-slaveholders, so to speak, of this day and time have changed places with the Republicans of 1860, and we are now contending for liberty as represented by the flag and the Constitution, and the Senator and his friends contend for the power of Congress to limit the citizen's rights, to limit his property rights, and in any way to legislate arbitrarily to take all of those rights away. We deny that Congress has that right.

Mr. SPOONER. Mr. President, from the foundation of this Government Congress has exercised absolute power in legislating for the Territories; and I am not aware of any instance in which liberty has been found "bleeding in the streets." Is the Senator?

Mr. TILLMAN. No; but I do not see the application of it, if the Senator wants to ask me that question.

Mr. SPOONER. I am not to blame for that. [Laughter.] If my friend will take five minutes, he will see it.

Mr. TILLMAN. Possibly I might see it if I would take five minutes; but I do not see what liberty bleeding in the streets has to do with the constitutional question we are discussing.

Mr. SPOONER. The Senator said, a few moments ago, if I understood him correctly, that he was contending still, slavery being dead, that the Constitution of its own force goes into the Territories in the interest of liberty.

Mr. TILLMAN. I am.

Mr. SPOONER. Well, we contend, Mr. President, that the Constitution of its own force does not go into the Territories, and that nevertheless all of the Territories and the people of the Territories have been in the enjoyment of liberty and the rights of man.

Mr. TILLMAN. Now, if the Senator will permit me, I will call his attention to the fact that for the first time in our history in connection with the Territories——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield?

Mr. SPOONER. Yes, sir; I yield.

Mr. TILLMAN. I was calling attention to the fact that for the first time in our history we are legislating differently in regard to Territories from anything we have ever done before. We have never denied the inhabitants of the Territories free access to our markets and equality before the law; and with a few limitations on Territorial governments, the Constitution has been applied wherever it was applicable, and nobody has ever disputed it.

Mr. SPOONER. Well, Mr. President, I have never been able to see how the Constitution of its own force could go in patches into the Territories of the United States.

Mr. TILLMAN. That is exactly what has bothered me in this matter.

Mr. SPOONER. I say this about that, that wherever the Constitution is extended by statute, as has been done over and over again, when Congress thought it wise to do it, it has gone there as a statute, not as a Constitution. It has gone there, adopted by Congress as a statutory rule in the Territory, precisely the same—Daniel Webster so claimed it, Mr. Edmunds so contends for it, and for one I agree to it—precisely the same as if the text of the Constitution were enacted in the body of the statute. But the notion that the Constitution can be expanded or contracted by an act of Congress I have never been able to approve.

Mr. TILLMAN. And yet the Senator's friends on the other side have introduced resolutions here extending certain provisions of the Constitution to Puerto Rico.

Mr. SPOONER. Certainly they have.

Mr. TILLMAN. That shows that there is a difference of opinion in this Chamber.

Mr. SPOONER. No.

Mr. TILLMAN. Nobody on this side has claimed that wisdom will die with us; but you certainly on that side are divided enough to prove that you are not happy over the situation.

Mr. SPOONER. No; but that shows the Senator from South Carolina recognizes the fact, but does not understand it.

Mr. TILLMAN. I must confess that my mind is a little dull on some points.

Mr. SPOONER. What I mean by that is this: Section 1891 of the Revised Statutes, enacted in 1862, is as follows:

> The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized, as elsewhere within the United States.

Statutes of a similar character had often been enacted. On some occasions Congress had refused to enact them. The whole theory of their enactment seems to have been that the Constitution of its own force did not extend into the Territories, and that the laws of the United States of their own force did not extend into the Territories. That is simply a legislative adoption of certain constitutional provisions, and my contention is that except as incorporated in this statute it does not go into the Territories. There comes a time when by legislative action the Constitution automatically, so to speak, expands or extends. That time comes when Congress in the exercise of its legislative power admits an organized Territory into the Union.

Mr. TILLMAN. Will the Senator from Wisconsin allow me right here?

Mr. SPOONER. Yes.

Mr. TILLMAN. I dislike very much to interrupt the Senator, but I am honestly trying to get some light. I do not want to disturb the Senator. I will ask the Senator as a lawyer to tell me how it is that some of our Congressional statutes have already gone to Puerto Rico before the Constitution got there? In other words, where did they get the "vigore" to go there?

Mr. SPOONER. They did not get any "vigore" to go there. That is the trouble with that.

Mr. TILLMAN. Well, they are there all the same.

Mr. SPOONER. Who put them there?

Mr. TILLMAN. The President.

Mr. PLATT of Connecticut. Not at all.

Mr. SPOONER. I will give the Senator some light.

Mr. TILLMAN. I want light.

Mr. SPOONER. The President is there as Commander in Chief of the Army of the United States.

Mr. TILLMAN. Under the Constitution.

Mr. SPOONER. Yes; under the Constitution; to this extent, that the Constitution makes him Commander in Chief of the Army and Navy of the United States.

Mr. TILLMAN. And limits his power.

Mr. SPOONER. And limits his power? Not at all. As Commander in Chief of the Army and Navy of the United States in time of war? Not at all. *Inter arma leges silent.*

Mr. TILLMAN. Mr. President——

Mr. SPOONER. Wait a moment. In time of war the only limitation upon the power of the President of the United States as Commander in Chief of the Army and Navy is the limitation placed upon every commander in chief by the laws of civilized warfare, and nothing else.

Mr. TILLMAN. Does not he take the oath of office to support the Constitution, and when he goes is he not bound by that in every official act?

Mr. SPOONER. Certainly; he takes the constitutional oath of office.

Mr. TILLMAN. He takes the oath and is bound by that oath of office.

Mr. SPOONER. I do not suppose that because he takes the oath of office as President and thereby, being President, becomes, under the Constitution, Commander in Chief, he has to take a copy of the Constitution in his pocket wherever the Army goes under the sky. If the Senator will permit me, the fact is, and the Senator ought to remember it, that the President of the United States is in Puerto Rico just as he is in the Philippines.

He is there just as he was in California after the treaty of cession. He is there under the war power, as the Supreme Court decided, and he will remain there in the exercise of the war power as Commander in Chief until Congress legislates for Puerto Rico. It is in the exercise of the war power that he has changed some of the laws of Puerto Rico. It is in the exercise of the war power that he has modified the tariff of Puerto Rico. It is in the exercise of the war power that he has extended the time of payment of certain mortgages in Puerto Rico. He is there as Commander in Chief, with all the powers which a commander in chief possesses under the laws of war.

Mr. TILLMAN. Mr. President——

Mr. SPOONER. I will be obliged if my friend will permit me to proceed.

Mr. TILLMAN. One more interruption, and I will cease bothering the Senator. I wish to ask him this question. The treaty of peace with Spain is now something over a year old, and Puerto Rico has never been in rebellion; it never has fought us; it never has given us any concern except to try to relieve the distress, and we are beginning to legislate for Puerto Rico. Can the Senator give any reasonable explanation as to how and why it is that this peaceful island shall be treated differently in the legislation and the constitutional and statutory action which we propose to take from the territories which we acquired from Mexico?

Mr. SPOONER. I will show before I finish that never since the Constitution was adopted has a Territory and its people been treated with the generosity with which we are treating the people of Puerto Rico.

Mr. TILLMAN. It is not——

Mr. SPOONER. I thought the Senator entered into an agreement not to interrupt me.

Mr. TILLMAN. But the Senator immediately turns around and presents me with a question which leaves me in a hole, so to speak.

Mr. SPOONER. I will help the Senator out.

Mr. TILLMAN. I merely wish to call the attention of the Senator to the fact that these claims in regard to generosity have two sides to them. We have given back to these people revenues we have collected at our customs-houses, in the way of the $2,000,000 which we voted them the other day, and now we propose to levy a small tribute, you may say, of 15 per cent of the Dingley rates. Then you turn around and give it back to them. Why it is necessary to take away the taxes and turn around and immediately restore them to the people is what I have never been able to understand.

Mr. SPOONER. I am sorry for that. It is very plain.

Mr. TILLMAN. Is there any sense in taking money with one hand and turning around and handing it back to the man from whom you took it?

Mr. SPOONER. If you take it out of one pocket and turn around and put it into the other pocket, the fellow still has it.

Mr. TILLMAN. Why take it away from him at all?

Mr. SPOONER. I will explain that.

Mr. TILLMAN. The Senator speaks of the liberality with which we are treating Puerto Rico. The question I wish to ask him is this; and I will not bother him any more: If I understand the situation in Puerto Rico, we claim the right to exclude those people from the benefits of the flag and the Constitution, and put them outside, make aliens of them, prevent them from having the benefits of free trade with the Union. We thereby set up a condition which means this: This Congress you say is very liberal, and declares that the Puerto Ricans shall pay only 15 per cent. The next Congress might declare for 150 per cent. If the right exists——

Mr. SPOONER. Will the Senator kindly notify me when his question is ended? [Laughter.]

Mr. TILLMAN. I am sure the Senator will not leave me in the middle of the ditch in that way. Let me get out.

Mr. SPOONER. Go ahead.

Mr. TILLMAN. What I want to call the attention of the Senator to is this, and I will ask him to discuss that feature of it: The benefit which Puerto Ricans are to receive from annexation to the United States, or from being a dependency or colony, will depend upon the liberality of Congress, if Congress has omnipotent power.

This Congress may be very liberal, but who knows what will be the action of future Congresses if that right exists? If we can levy 15 per cent, if it is constitutional, if the Constitution does not step in to bar Congress from such action, how can the property in that island ever get into that status in the markets where it will be a basis for getting money and loans, which farmers usually have to have? In other words, does not the very existence of this discrimination destroy all benefits and leave the Puerto Ricans in a hopeless condition, subject to the whims and the greed of a future Congress?

Mr. SPOONER. No.

Mr. TILLMAN. Now, I will not bother the Senator any more.

Mr. SPOONER. No, nothing of the kind.

But, Mr. President, if some of our friends would read the Constitution more carefully, I think they would come to the conclusion that their contention that the Constitution of its own force immediately goes to the territories acquired by the United States can find in that instrument no support whatever. There is not a single line in the Constitution, save in one place, where mention is made of territory.

Every clause of the Constitution almost speaks of States. The Constitution was made by States. The Government was made by States. "We, the people of the United States," meant the people of the States. It was the delegates of the people of the States who made the Constitution. It is only the States which can change the Constitution. It is the States which elect Representatives to the other branch of Congress. It is the States which elect Senators. It is to the States to which the judicial power of the United States extends, not to the Territories. It is in the States that the judges of the Federal courts have a life tenure under the Constitution, not in the Territories.

Mr. MASON. Would I bother the Senator from Wisconsin if I asked him a question?

Mr. SPOONER. What does the Senator wish to ask me?

Mr. MASON. I merely wish to call the Senator's attention to the decision by Marshall.

Mr. SPOONER. I am quite familiar with that decision.

Mr. MASON. But what I want to know is, if the Senator will not direct his attention to it.

Mr. SPOONER. I will later.

Mr. MASON. All right.

Mr. SPOONER. The Senator asked me a question the other day which I must confess I can not quite——

Mr. MASON. I am talking about this particular question. I wanted the Senator to say if Marshall did not decide there that for purposes of taxation, which is the bill now before the Senate, the Territories were as much a part of the United States as Maryland or Pennsylvania.

Mr. SPOONER. I will show before I have finished what Marshall decided and what Marshall did not decide.

But I was saying, Mr. President, that the Constitution furnishes a multiplicity of evidence that the chief concern of those who framed it was to create a national government with adequate powers, safeguarding by proper limitation and reservation the sovereignty and interests of the States.

I am running hastily over this subject, partly because of the time taken by interruptions, but I beg leave to refer in a cursory way to some of the provisions of the Constitution which show how much in the thought of the framers of that instrument were the States and how little in their thought was the Territory and the people living upon the same.

Congress was given power to establish an uniform rule of naturalization and uniform laws on the subject of bankruptcy "throughout the United States." The first bankruptcy law which was enacted in the exercise of this power did not extend to Territories at all. Would the Supreme Court hold invalid a bankruptcy law limited in its operation to the States?

The words "throughout the United States" are used three times in the Constitution—once in connection with the bankruptcy provision which I have just read, again in section 8, Article I, and again in Article II, which declares:

> The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Of course no one would contend that the words "throughout the United States" here used included Territories, for under the Constitution Territories have no power to choose electors; only the States choose electors.

Section 8 gives Congress the power "to regulate commerce with foreign nations and among the several States and with the Indian tribes." There was no thought of Territories.

The framers of the Constitution did not rely at all upon a militia in Territories or have such a thing in contemplation. What proof is there of this? In the authority given to Congress to provide for organizing, arming, and disciplining the militia, and for

governing such part of them as may be employed in the service of the United States, there is reserved "to the States respectively" the appointment of officers.

It is provided that no tax or duty shall be laid on articles exported from any State. No thought was given to Territory.

It is declared that no preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another, etc. The ports of Territories were not thought of.

It is declared that full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. No thought here of Territories.

It is provided with care "that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." Why not in Territories?

It is provided that the United States shall guarantee to every State in the Union a republican form of government. No requirement that Congress shall give to Territories and to the people thereof a republican form of government. This is quite significant, all bearing upon my proposition that the Constitution was for the States and to create a national government, with proper grants and limitations.

The President is required from time to time to give to the Congress information of the state of the "Union," which, of course, no one will contend includes Territories.

Consider Article III, relating to judicial powers:

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crime shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

This is full of significance. One of the grievances in the Declaration of Independence justifying revolution was "for transporting us beyond seas to be tried for pretended offenses." Those men valued a trial by a jury of the vicinage, and sought to guard against the trial of one accused of crime, remote from home and friends and neighbors, among strangers. Yet they confined this safeguard to States, and explicitly left it to Congress as to the subject in the Territories to do its own will.

Mr. ALLEN. Will the Senator from Wisconsin permit me? I see the Senator is a little annoyed by interruptions, and I shall not interrupt him to any extent. Are not the inhabitants of a Territory entitled to a trial by jury in the Territory?

Mr. SPOONER. In every case in which that question has been decided the Constitution has been adopted, so far as that was concerned, by statute, and the Supreme Court of the United States has left it an open question—and I will not stop to read the authorities—whether or not it is a right guaranteed by the Constitution or one derived from legislative power.

Mr. ALLEN. The Supreme Court has held that all the personal privileges and immunities of a citizen of the United States go to the inhabitants of a Territory.

Mr. SPOONER. In a way, although Judge Bradley, one of the ablest judges who ever sat upon any bench, says that those rights are rather inferred from the Constitution and from our social compact than from any language of the Constitution itself.

Mr. ALLEN. Mr. Justice Field so held.

Mr. SPOONER. I know what the courts have held. The courts never so held in any case where the Constitution has not been "extended" by statute to the Territory.

Mr. ALLEN. Then the real true line of demarcation, as I understand—I ask the Senator for his opinion—is that the inhabitants of the Territories do not enjoy political rights, but do enjoy those ordinary privileges of liberty and protection from confiscation, trial by jury, and the like.

Mr. SPOONER. They enjoy nothing except what Congress gives them, in my judgment, and it does not answer the proposition that the Constitution does not extend of its own force over a Territory to say that when we do legislate as to a Territory we are not bound by some of the restrictions upon our legislative powers generally in the Constitution.

Mr. ALLEN. I regret to see the Senator disagree with the unanimous opinion of the court.

Mr. SPOONER. I have seen the Senator disagree so many times with the unanimous opinions of the Supreme Court that that ought not to worry him.

I simply read this for a moment to show how utterly out of mind in framing this instrument were the Territories and the inhabitants of the Territories, and I call attention to Article VI:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation.

The Supreme Court has decided that that guaranty applies only to the States, and that so far as a Territory is concerned Congress may provide at its will where a person shall be tried. Congress may take him from his home and his neighborhood and may deprive him of a jury of the vicinage, may take him amongst strangers; but Congress can not do that in a State, nor can the State do it.

Mr. ALLEN. Nor can they do it in the Territories.

Mr. SPOONER. That is where the Senator differs from the unanimous opinion of the Supreme Court. [Laughter.]

Mr. ALLEN. The Supreme Court has never so decided.

Mr. SPOONER. That is either a question of judgment or a question of veracity.

Mr. ALLEN. It is not a question of veracity.

Mr. SPOONER. Whichever the Senator wants to make it.

Mr. ALLEN. It is not a question of veracity, because the Senator from Wisconsin is celebrated for his truthfulness, and I recognize that fact. The Supreme Court did decide in the Ross case, I think it was, that a man might be tried in Japan by a consular court——

Mr. SPOONER. I am familiar with the Ross case.

Mr. ALLEN. But they have never held the doctrine for which the Senator contends.

Mr. SPOONER. I am familiar with the Ross case. Let us see whether they have or not. In the case of the United States against Dawson, reported in 15 Howard, 468, the court say:

> The language of the amendment is too particular and specific to leave any doubt about it: "The accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall be committed, which district shall have been previously ascertained by law."
>
> * * * * * * *
>
> A crime, therefore, committed against the laws of the United States out of the limits of a State is not local, but may be tried at such place as Congress shall designate by law.

Mr. ALLEN. That is the case where there is no judicial district, no judicial tribunal; but where there is a judicial tribunal, where there is a judicial district in a Territory, there is not an instance where the Supreme Court has decided that a man who has committed a crime or who is charged with a crime in that district or Territory can be taken to another place and tried.

Mr. SPOONER. If the Senator's accuracy were equal to his earnestness he would be a very dangerous antagonist on this particular question.

Mr. ALLEN. This is not a question to be laughed at.

Mr. SPOONER. But the very case of the United States against Dawson was where a district had been established by Congress and had been changed by Congress after the offense was committed, so that the question was whether a man was entitled to be tried in the old district, outside of the State of Arkansas and in the Territory, before a jury of his neighbors, or could be tried in the new district, away from his neighborhood, before a jury not of the vicinage; and the Supreme Court say that he can.

Mr. ALLEN. Sometimes in the division of districts it may so happen that the locality of an indictment may be in what is called a new district, where the party could be tried, of course, because it is the successor of the previous district; but I should like to put this question to the Senator. I will not interrupt the Senator if he protests.

Mr. SPOONER. No.

Mr. ALLEN. For instance, in New Mexico and Arizona there are well-established tribunals, with well-defined jurisdictions. Can a man be taken from the district of Arizona into the State of Maine for a crime alleged to have been committed in Arizona and there tried before a judicial tribunal?

Mr. SPOONER. My answer to that is that the Constitution of the United States—the Senator is familiar with it——

Mr. ALLEN. I have read it.

Mr. SPOONER. I will read a part of it which the Senator has evidently forgotten:

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Article 6 requires Senators and Representatives and "the members of the several *State* legislatures and all executive and judicial officers, both of the United States and of the several *States*, to take oath to support the Constitution." Nothing as to Territorial officials. And I might call attention to numerous other provisions of the Constitution upon the subject. Taken altogether, they establish to an unprejudiced mind that the Territories and the people of the Territories were not considered, but were provided for by a single section in the instrument, which I will refer to later.

Mr. President, there was good reason why the framers of the Constitution so completely ignored territory in that instrument. There is nothing strange about it. They never dreamed, of course, that we would acquire Louisiana. Those men, as farsighted as they were, never in their wildest dreams anticipated that before a few decades the domain of the United States—this Government which they were creating—would extend from ocean to ocean. We owned, when the Constitution was adopted, some territory. The Ordinance of 1787 had been enacted applicable to the Territory of the Northwest.

It was sparsely settled. It was settled by their own people, and they provided in that ordinance for the ultimate admission, when they reached 60,000 inhabitants, of those people into the Union as

States. I think they indicated the number of States—not less than three nor more than five. They knew what territory was in dispute and would come by cession from other States. It never entered the minds of the framers of the Constitution that all the territory then in contemplation would not soon become States of the Union, whereupon they would be embraced by the Constitution.

Mr. BACON. Will I intrude upon the Senator from Wisconsin if I ask him a question?

Mr. SPOONER. No, except I feel that I am crowding other men, and if the Senator will permit me to proceed I shall be obliged.

Mr. BACON. Will the Senator pardon me for a moment? I will not occupy much of his time, but as the Senator has submitted a very grave proposition and prefaces it by a decision of the Supreme Court, I should like to know if I understand him correctly.

Mr. SPOONER. My remarks will be reported.

Mr. BACON. I am not given to undue interruptions of Senators.

Mr. SPOONER. I know it.

Mr. BACON. I will promise not to trespass unduly on the Senator's time. The Senator from Wisconsin, in the case of Dawson, which, I think, is the one he has just quoted, cited the construction of the Supreme Court upon additional Article VI of the Constitution, in which the court passed upon the question whether or not the limitation as to the place where a man could be tried applied to a crime committed in a Territory.

The Supreme Court decided that in that case Congress had control of the question as to the particular place where a crime committed in a Territory should be tried. The point to which I desire to call the attention of the learned and distinguished Senator is this: Article VI contains a number of guarantees, which I shall proceed to read:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial—

That is one—

> by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law—

Two—

> and to be informed of the nature and cause of the accusation—

Three—

> to be confronted with the witnesses against him—

Four—

> to have compulsory process for obtaining witnesses in his favor—

Five—

> and to have the assistance of counsel for his defense—

Six.

Now, one of these six guaranties in favor of one accused of crime is as to the particular place where it shall be tried. The Supreme Court decided that in the case of a Territory that did not apply to the extent that it would be limited to a particular district, but that the Government could prescribe where the trial should be had.

What I desire to know of the distinguished Senator is whether he understands from that decision of the Supreme Court as to that particular one of these six, that the Supreme Court meant to imply by that decision that no one of the six guaranties expressed in the sixth additional article to the Constitution was a guaranty of which an inhabitant of a Territory had the right to take advantage and to be protected by, or whether——

Mr. SPOONER. I understand the question.

Mr. BACON. Or whether he understands the Supreme Court limited it simply to the question of the particular place in the Territory, for reasons which shall be obvious, and that every other one of the six guaranties in the additional sixth article of the Constitution was as much the property and the right of the citizen of a Territory as it is of the citizen of a State, and without any statutory enactment by Congress.

Mr. SPOONER. Oh, Mr. President, the Supreme Court decided the question before the court, and they held that the first portion of that article was limited in its operation to the States. Whether they would hold that the other portions of the article were not limited to the States I do not undertake to say.

Mr. BACON. What is the Senator's opinion?

Mr. SPOONER. My opinion is, Mr. President, that if there were nothing in the Constitution upon the subject, there is a power higher than the Constitution. There are principles binding upon the Congress, which bind State legislatures, growing out of the social compact, a violation of which is so shocking to every man's sense of justice that it could not be sustained by any judicial tribunal for a moment, and not only that, but an intelligent constituency would not permit any Congress or any legislative body to indulge in an enactment that would violate them.

These are basic principles. They lie at the foundation of our civilization. They are principles the disregard of which drove our ancestors from England. They are the principles which Judge Chase had in mind when he said in Calder et al. *vs.* Bull et al. (3 Dallas, 385) that—

> The people of the United States erected their constitutions or forms of government to establish justice, to promote the general welfare, to secure the blessings of liberty, and to protect their persons and property from violence. The purposes for which men enter into society will determine the nature and terms of the social compact; and as they are the foundation of the legislative power, they will decide what are the proper objects of it. The nature and ends of legislative power will limit the exercise of it.
>
> This fundamental principle flows from the very nature of our free republican governments, that no man should be compelled to do what the laws do not require, nor to refrain from acts which the laws permit. There are acts which the Federal or State legislature can not do without exceeding their authority. There are certain vital principles in our free republican governments which will determine and overrule an apparent and flagrant abuse of legislative power, as to authorize manifest injustice by positive law, or to take away that security for personal liberty, or private property, for the protection whereof the Government was established.
>
> An act of the legislature (for I can not call it a law) contrary to the great first principles of the social compact can not be considered a rightful exercise of legislative authority. * * * A few instances will suffice to explain what I mean: A law that punished a citizen for an innocent action, or, in other words, for an act which, when done, was in violation of no existing law; a law that destroys or impairs the lawful private contracts of citizens; a law that makes a man a judge in his own cause; or a law that takes property from A and gives it to B. It is against all reason and justice for a people to intrust a legislature with such powers, and therefore it can not be presumed that they have done it. * * *
>
> The legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in future cases; they may command what is right and prohibit what is wrong; but they can not change innocence into guilt, or punish innocence as a crime, or violate the right of an antecedent lawful private contract, or the right of private property. To maintain that our Federal or State legislature possesses such powers, if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in our free republican governments.

It was this, I think, which Justice Bradley had in mind when he said:

> Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions.

Now, Mr. President, why was it that Congress provided that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States? Why was that provision of equality between citizens confined only to States? It is because they were making a constitution for States; they were creating a government for States, erecting a national government with such sovereignty as belongs to governments and with only the limitations which they expressed and fairly imply upon its power by the Constitution.

There is but one place in the Constitution in which the word "Territory" occurs. There is but one clause which deals with the subject, outside of the power to admit new States, and it is the power conferred by the States upon the government which they created, the language of which is of plain, well-settled, popular, and legal signification, and is so clear as to leave the art of construction no office to perform. It is as follows:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Does the Senator from Georgia contend that the Constitution of its own force is in Puerto Rico?

Mr. BACON. As the Senator asks me a question (I would not interrupt him otherwise), I will state my opinion upon that subject. Of course so long as the war power is being exercised, I recognize the peculiar status such as the Senator has himself described, but whenever we legislate or organize a civil government, as the Senator has done me the honor to ask my opinion, whether it is in Puerto Rico or elsewhere, in my opinion we must do so under the powers and limitations of the Constitution.

Mr. SPOONER. I think it has been decided over and over again, Mr. President—it is international law, declared by the Supreme Court of the United States—that when territory is acquired by cession the laws in force there remain in force until they are superseded by the conquering nation. I suppose that if we withdrew our troops from Puerto Rico, if we provided such a government for Puerto Rico as was provided by Congress for Louisiana and as we provide for Alaska, without any local legislature at all, until we enacted legislation the laws of the ceding government would be in force, would they not?

Mr. BACON. After we had organized a civil government?

Mr. SPOONER. If we simply organized a government such as there is now in Alaska, with a governor and executive officers, with no legislative powers at all?

Mr. BACON. Most undoubtedly, Mr. President, such laws as were consistent with our Constitution would remain in force, but those which were inconsistent with it, I say, most undoubtedly would not be in force.

Mr. SPOONER. That begs the question.

Mr. BACON. No; it does not. That exactly answers the question.

Mr. SPOONER. Now—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Will the Senate permit me to dwell upon and analyze that phrase briefly?

Let me ask the attention of the Senate closely for a moment to this Territorial clause of the Constitution. It is the only source of express power in the Congress over the Territories, to dispose of them or to legislate respecting them or their inhabitants. If this provision were not in the Constitution, we would be remitted to the general proposition that the power to acquire territory—in other words, the war power and the treaty-making power—carries with it, of necessity, the right to govern the Territory.

I ask the Senate to note, first, that this power of disposition and government as to the Territory is given to the *Congress Expressio unis est exclusio alterius*. The word "dispose," in connection with the word "property," is a word of well-settled signification and was at the time the Constitution was adopted. As used in this clause it is generic and embraces any form of disposition. I do not stop to debate it. It is too plain. But, preceding the words which follow, the words "dispose of" are significant. Dispose of what? "Territory or OTHER PROPERTY."

The collocation of words demonstrates that the men who framed this provision intended that the word "territory" should have the meaning of property. That would have been sufficiently clear by the use of the words "dispose of." It was made as clear as the daylight by the use of the other words: First, "territory or other property," and, second, by the use of the word "belonging," which, in the connection in which it is used, in itself signifies ownership. Nor is that all. The clause indicates an owner—"belonging *to* the United States."

This means, of course, not the United States from the territorial or geographical standpoint, because land can not own land, but to the government or political entity which the States by the Constitution created, and to which that instrument obviously intended to give the power of ownership of territory and the disposition of territory as property, and the government of territory.

"Territory belonging to the United States" is one thing; territory, an integral part of the United States, is a different thing. This language is broad and prospective in its operation. The notion promulgated in the Dred Scott case, that the language applied only to territory acquired from Great Britain at the end of the Revolution, was long ago exploded by practical exposition of the instrument through the treaty-making power by Congress and by the courts.

Now, I ask the Senate to note, for it is important, that, aside from treating the territory of the United States then owned and thereafter to be acquired as property belonging to the United States, the power is conferred in very general, but adequate, language for the disposal and administration of territory, either by sale of land, the cession of territory, or the government of the inhabitants of territory. It would be quite impossible to confer a power in more elastic language. Let me recur to it:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territories * * * belonging to the United States.

As contradistinguished from the words "being a part of the United States," these words are, for reasons which I have before given, more vital to our people than ever before.

It must not be forgotten that this clause as it is written not only gives the power to hold and to administer, but it gives the power to quit holding. This Government can dispose of property belonging to it. It is not so easy to find a power to dispose of an integral part of the United States, which "*is it*," but does not belong to *it*.

"Needful rules and regulations respecting." That leaves, and was intended to leave, to Congress the determination of what in a given case is or is not "needful." The language is elastic. It is a power of discretion, and it implies that what might be needful in one case might not be needful in another for Congress to determine.

I say, that from the beginning Congress has made such rules for government and administration as, in its judgment, were deemed needful and adapted to the conditions. We may determine one form of government and set of laws needful in Arizona and another in Alaska. The Louisiana government fell naturally within the power, as has the most liberal government fallen fairly within the power, which we have ever instituted.

I insert here, with leave of the Senate, some extracts from authorities on the subject, which I presented in the observations which I had the honor to submit upon the ratification of the treaty of Paris. I might add others:

That the power to acquire by treaty or by war necessarily implies the power to govern was asserted by Chief Justice Marshall in Sere and Laralde *vs.* Pitot and others (6 Cranch., 337). He says:

The power of governing and of legislating for a Territory is the inevitable consequence of the right to acquire and to hold territory. Could this position be contested, the Constitution of the United States declares that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." Accordingly, we find Congress possessing and exercising the *absolute* and *undisputed* power of governing and legislating for the Territory of Orleans. Congress has given them a legislative, an executive, and a judiciary, with such powers as it has been their will to assign to those departments respectively.

The suggestion that we can acquire territory which we can not govern would be rejected by anyone. Chancellor Kent says (1 Commentaries, page 385):

It would seem, from these various Congressional regulations of the Territories belonging to the United States, that Congress have supreme power in the government of them, depending on the exercise of their sound discretion. That discretion has hitherto been exercised in wisdom and good faith, and with anxious regard for the security of the rights and privileges of the inhabitants, as defined and declared in the ordnance of July, 1787, and in the Constitution of the United States. "All admit," said Chief Justice Marshall (4 Wheaton, 422), "the constitutionality of a Territorial government."

The Supreme Court of the United States has said, Mr. Justice Bradley speaking for the court, in the case of the Late Corporation of Latter-Day Saints *vs.* United States (136 U. S., 1):

The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself, and from the power given by the Constitution to make all needful rules and regulations respecting the territory or other property belonging to the United States. It would be absurd to hold that the United States has power to acquire territory and no power to govern it when acquired. The power to acquire territory other than the territory northwest of the Ohio River (which belonged to the United States at the adoption of the Constitution) is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty and belong to all independent governments. The power to make acquisitions of territory by conquest, by treaty, and by cession is an incident of national sovereignty.

The Territory of Louisiana, when acquired from France, and the Territories west of the Rocky Mountains, when acquired from Mexico, became the absolute property and domain of the United States, subject to such conditions as the Government, in its diplomatic negotiations, had seen fit to accept relating to the rights of the people then inhabiting those Territories. Having rightfully acquired said Territories, the United States Government was the only one which could impose laws upon them, and its sovereignty over them was complete. No State of the Union had any such right of sovereignty over them; no other country or government had any such right. These propositions are so elementary and so necessarily follow from the condition of things arising upon the acquisition of new territory that they need no argument to support them. They are self-evident.

Chief Justice Marshall, in the case of the American and Ohio Insurance Companies *vs.* 356 Bales of Cotton (26 U. S., 1 Pet., 511, 542), well said: "Perhaps the power of governing a Territory belonging to the United States, which has not, by becoming a State, acquired the means of self-government, may result necessarily from the facts that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned."

And Mr. Justice Nelson, delivering the opinion of the court in Benner *vs.* Porter (50 U. S., 9 How., 235, 242), speaking of the Territorial governments established by Congress, says: "They are legislative governments, and their courts legislative courts, Congress, in the exercise of its powers in the organization and government of the Territories, combining the powers of both the Federal and State authorities."

Chief Justice Waite, in the case of First National Bank *vs.* Yankton County (101 U. S., 129, 133), said: "In the organic act of Dakota there was not an express reservation of power in Congress to amend the acts of the Territorial legislature, nor was it necessary. Such a power is an incident of sovereignty, and continues until granted away. Congress may not only abrogate laws of the Territorial legislatures, but it may itself legislate directly for the local government. It may make a void act of the Territorial legislature valid, and a valid act void. In other words, it has full and complete legislative authority over the people of the Territories and all the departments of the Territorial governments. It may do for the Territories what the people, under the Constitution of the United States, may do for the States."

In a still more recent case, and one relating to the legislation of Congress over the Territory of Utah itself, Murphy *vs.* Ramsey (114 U. S., 15, 44), Mr. Justice Matthews said: "The counsel for the appellants in argument seemed to question the constitutional power of Congress to pass the act of March 22, 1882, so far as it abridges the rights of electors in the Territory under previous laws. But that question is, we think, no longer open to discussion. It has passed beyond the stage of controversy into final judgment. The people of the United States, as sovereign owners of the National Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms."

The Supreme Court say, in Murphy *vs.* Ramsey (114 U. S.):

The people of the United States, as sovereign owners of the National Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms or in the purposes and objects of the power itself; for it may well be admitted in respect to this, as to every power of society over its members, that it is not absolute and unlimited. But in ordaining government for the Territories and the people who inhabit them, all the discretion which belongs to legislative power is vested in Congress; and that extends, beyond all controversy, to determining by law from time to time the form of the local government in a particular Territory and the qualifications of those who shall administer it.

It rests with Congress to say whether, in a given case, any of the people, resident in the Territory, shall participate in the election of its officers or the making of its laws; and it may, therefore, take from them any right of suffrage it may previously have conferred, or at any time modify or abridge it, as it may deem expedient. The right of local self-government, as known to our system as a constitutional franchise, belongs, under the Constitution, to the States, and to the people thereof, by whom that Constitution was ordained, and to whom by its terms all power not conferred by it upon the Government of the United States was expressly reserved. The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty which restrain all

the agencies of government, State and national; their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States.

Now, Mr. President, can territory belonging to the United States, the property of the United States, subject to such regulation and government as may be deemed needful, be an integral part of the United States, with the Constitution of its own force extending over it and making of its inhabitants citizens because a part of the United States? I beg leave to suggest to our friends on the other side that they are skating on thin ice when they insist, in our present environment, that by the acquisition of territories under the treaty of Paris they became parts of the United States, their inhabitants became citizens of the United States, and the Constitution *ex proprio vigore* is over the Philippines and Puerto Rico.

Territory which never "belonged" to the United States could not well ever become a part of the United States. If territory belonging to the United States ceases to be the property of the United States and becomes a part of the United States with the Constitution over it by its own force, where is to be found the power to dispose of it, and where will Senators find the power to carry out, if Congress should adopt it, the policy of establishing a stable government in the Philippines and ceding the sovereignty to that people?

If it becomes an integral part of the United States, and if, as such, the Constitution *ex proprio vigore* embraces it, what power is to be found for withdrawing the Constitution from it and from its inhabitants? The Constitution is above statute, and where it goes of its own force it is quite difficult for me to see how any statute can withdraw it in any event.

If it is property belonging to the United States and provisions of the Constitution are extended over it by statute, the power which put it there by statute as a statute can take it from there. But if the Constitution goes there automatically, once there it is always there; the flag follows it, and in the sense in which the Senator speaks of it, it follows the flag. But it is not easy to discover after territory has become a part of the United States, has ceased to be the *property* of the United States, to belong to the United States, the Constitution has irrevocably gone over it of its own force, making citizens of its inhabitants, where Congress obtains the power to dispose of it—to cede it to Great Britain or to Russia.

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Certainly.

Mr. PETTUS. I desire to ask the Senator whether Congress has power now to dispose of the Gadsden purchase—I mean, to cede it back to Mexico?

Mr. SPOONER. It is a part of Arizona. I think so.

Mr. PETTUS. Would it have power to cede Arizona?

Mr. SPOONER. I should say it might.

Mr. PETTUS. Is not the Constitution there?

Mr. SPOONER. It can not cede Alabama.

Mr. PETTUS. Certainly not. It can not cede Alabama. Even the wildest Republican theorist has never suggested such an idea as that.

Mr. SPOONER. No; we could not part with Alabama. We would not cede it if we could.

Mr. PETTUS. My question is, Does Congress not have the power to cede New Mexico back to the State of Mexico?

Mr. SPOONER. I think so.

Mr. PETTUS. The Constitution is there?

Mr. SPOONER. The Constitution is there by statute. The Constitution is there, Mr. President, only because Congress passed an act adopting *as an act* certain portions of the Constitution in New Mexico. But if the Constitution went there of its own force, if New Mexico had ceased to *belong* to the United States, if it had become *a part of the United States itself*, and its people were all citizens by virtue of the Constitution itself, I know of nothing in the Constitution which would empower Congress to cede it. There is something more than what is merely academic in the distinction between territory belonging to the United States and territory a part of the United States itself.

Now, Mr. President, I leave this, imperfectly presented, with regret, for to me it is a great principle, essential to the interests of our people, and I am not willing to abate or consent to a diminution of the power of government or disposition conferred by the Territorial clause of the Constitution upon the Congress of the United States.

Mr. TILLMAN. It is very hard not to interrupt the Senator.

Mr. SPOONER. It is evidently hard for the Senator not to interrupt anyone. [Laughter.] Now, I take up the case of *Loughborough* vs. *Blake* (5 Wheaton), and I shall have finished, although imperfectly in every way, the discussion which I have been making, or attempting to make.

This case, Mr. President, is one largely relied upon by the Senators on the other side as establishing the proposition that territory acquired by the United States becomes by force of the Constitution *a part of it*, and that the Constitution, ex proprio vigore, extends over it.

I will not quibble about words. Territory belonging to the United States, as I think Puerto Rico and the Philippine Archipelago do, become a part of the United States in the *international sense*, while not being at all a part of the United States in the *constitutional sense*.

The Senator from Washington [Mr. TURNER] challenged Senators here the other day to give some reason why a portion of this decision is obiter.

The Chief Justice gives two conclusive answers to the question, thus:

> First. This case presents to the consideration of the court a single question. It is this: Has Congress a right to impose a direct tax on the District of Columbia?
>
> Second. *If* the general language of the Constitution should be confined to the States, still the sixteenth paragraph of the eighth section gives to Congress the power of exercising "exclusive legislation in all cases whatsoever within this District."

The last quotation shows that all the reasoning which preceded the last sentence was absolutely *unnecessary to the decision of the case*. If any case in itself ever afforded stronger evidence of *obiter dicta* I have not discovered it.

That was the question and the only question involved in the case; but it is a curious decision in some respects. Under that clause, section 8, Article I, that "the Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but such duties, imposts and excises shall be uniform throughout the United States," the court decide, or *arguendo* say, that the power to levy the taxes mentioned there is without limitation——

Mr. MASON. As to place.

Mr. SPOONER. As to place; that wherever the Federal jurisdiction goes the power exists to levy any tax authorized by that provision of the Constitution. The court say, in addition, that when the power is exercised it must be exercised in harmony, if it is duties, imposts, and excises, with the rule of uniformity. If it is a direct tax, it must be apportioned upon the basis of the census provided for by the Constitution.

I have no doubt, Mr. President, that the power given to Congress by section 8 of Article I, "to levy and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States," is coextensive with the sovereignty of the United States.

Although I appreciate the audacity which is involved in a challenge by anyone of the correctness of the reasoning of the great Chief Justice Marshall, I have not been able to persuade myself that the argument by which he sustained, under section 8, the power to levy a direct tax upon the District of Columbia is a sound one. The court held that Congress might levy a direct tax upon the States, which, of course, is true, and that to levy a direct tax upon the States, they must apportion it according to the census, in order to its validity, which, of course, is true.

No one would dispute that Congress could not omit one State from the apportionment of a direct tax without destroying its validity. The Chief Justice held also that Congress had the power to levy a direct tax upon the Territories, although it was not essential to the validity of a direct tax upon the States that one should be levied upon the Territories. This is not quite easy for me to understand if, under section 8, the Territories are *a part of the United States* in the constitutional sense. Subdivision 4 of section 9 provides:

> No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

This is very clear. Nothing, however, is clearer in the Constitution than that the "census or enumeration hereinbefore directed to be taken" is confined absolutely to States and does not extend at all to Territories.

Subdivision 3 of section 2 of Article I provides that—

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers. * * * The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

It will hardly be contended that this compulsory enumeration or census is not limited to the States. The object of it is twofold.

First. To furnish a basis for apportionment of Representatives in Congress. They come only from the States; the Territories have none; under the Constitution they can have none. Therefore, so far as the principle of compulsory census refers to obtaining a basis for apportioning Representatives, it can only refer to an enumeration in the States.

Second. To afford a basis for apportionment of direct taxes. This is the *same census*, and a direct tax under the Constitution "shall be apportioned among the several States." It is hardly to

be supposed that the framers of the Constitution intended, when they provided that an enumeration should be made within three years after the first Congress and within every subsequent term of ten years thereafter, upon which should be based the apportionment of Representatives and direct taxes, that the enumeration for apportioning Representatives should be one thing and that for the apportionment of the direct tax should be another.

It is very clear that the Constitution requires an enumeration every ten years in the States. It is equally clear to me that it requires no enumeration at all in the Territories. Congress has the power, of course, to include the Territories, rather in the sense of taking an account of stock voluntarily, but not at all in obedience to a constitutional mandate.

I venture the suggestion that, all things considered, it was the purpose of the framers of the Constitution that direct taxes, as such, should be levied and apportioned only where the Constitution *required* the periodical census or enumeration to be taken, and that the power to tax the District of Columbia, as the great Chief Justice suggested, was adequate under the clause that gave Congress exclusive legislative power over that District. And I think he might have added that, as to other Territories, the power to tax is conferred by the Territorial clause, subdivision 5 of Article IV.

In this connection I may be permitted to say that the acts levying direct taxes in the early history of the country certainly indicates that the understanding upon the part of Congress was that the "United States" was constituted of the States and did not include the Territories.

The first section of the act approved August 2, 1813, enacts—

> That a direct tax of $3,000,000 shall be, and is hereby, laid upon the *United States* and apportioned to the States, respectively, in the manner following.

This apportionment included no Territory. The act approved March 5, 1816, section 2, enacts—

> That a direct tax of $3,000,000 be, and the same is hereby, laid upon the United States, etc.

By a separate section a direct tax was levied upon the District of Columbia, and it ought not to escape attention, and it could hardly be justified except under the clause giving Congress exclusive legislative jurisdiction over the District of Columbia, that, while all the States were included in this levy and apportionment for a direct tax, none of the Territories were except the District of Columbia.

Of course it is clear that you can not levy a direct tax upon one State and not upon another; and if Territories are a part of the United States, as States are, it would be quite difficult to understand how you could levy a direct tax upon the States and one Territory and not upon the other Territories equally a part of the United States. But so it was.

It is proper that I should call the attention of my colleagues to the decision of the Supreme Court of the United States in the case of Cherokee Tobacco *vs.* The United States (11 Wallace, 616). It is admitted, I think, that an excise tax or duty can not be levied in one State and not in all States upon the same article and at the same rate.

If the Territories are, under Loughborough *vs.* Blake, for taxation purposes a part of the United States, it would seem to follow that Congress can not levy an excise tax in one Territory and not in all Territories just as in the States. Yet in the Cherokee Tobacco case, involving the validity of the internal-revenue act of 1868, section 107 of which exempted the Indian Territory from the internal-revenue taxes imposed by that act (except those which were imposed upon distilled spirits, fermented liquors, tobacco, snuff, and cigars), the Supreme Court sustained the tax.

It can hardly be doubted that Congress might, under the decision, have exempted the Indian Territory altogether, and of course if it could exempt the Indian Territory it could exempt other Territories. Yet it seems to be true that Congress can levy upon one Territory a tax for national purposes and leave the rest of the Territories untaxed for national purposes.

That could hardly be true if the Territories are, under section 8, a part of the United States, so as to require duties, imposts, and excises to be uniform. It would hardly seem to be a mere matter of rate. I have not thought that whisky could be taxed in Pennsylvania and New York and not taxed in Kentucky, or be taxed at $1.10 per gallon in Maryland and Kentucky and not taxed at all in Pennsylvania and New York.

Mr. PLATT of Connecticut. It exempted all the Territories.

Mr. SPOONER. It exempted all the Territories except from the whisky tax and the tobacco tax. The Supreme Court of the United States, in the case of the Cherokee tobacco case, sustained the validity of the act. So in the exercise of this taxation, in so far as the Territories are concerned, Congress may do what it chooses, and they are not a part of the United States in the sense that Congress must tax all alike by a uniform rule.

But, Mr. President, Congress may levy a direct tax on one Territory and not on others. It may levy a tax for national purposes in one Territory and not in others. It may levy one sort of a tax in one Territory and a different tax in another. Congress may levy an income tax in a Territory for certain purposes.

Mr. BACON. For the purposes of that Territory.

Mr. SPOONER. Yes, Mr. President, the imposition provided by this bill is to my mind a valid one, even if we take Loughborough against Blake not only as correctly decided *but as correctly reasoned.* Why? Loughborough against Blake is a decision under Article VIII, known as the taxing clause of the Constitution:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises.

What for? *For national purposes*—to pay the debts of the United States, to provide for the common defense, the building of fortifications, the construction of ships, the maintenance and organization of armies, and the general welfare of the United States. But such duties, imposts, and excises levied for that national purpose must be uniform "throughout the United States."

That is not this case, Mr. President. The tax imposed by this bill, measured by 15 per cent of the rates imposed by the Dingley law, so called, is not levied, in my judgment, under section 8 of the Constitution at all, because it is not levied *for national purposes. It is levied for a local purpose, and a local purpose only.*

Mr. BACON. Will the Senator permit me?

Mr. SPOONER. In a moment. It is levied for a local purpose only. We have abundant power, under the clause of the Constitution to make needful rules and regulations respecting the territory and other property belonging to the United States, to levy this tax, and we levy it for the benefit of Puerto Rico. In levying it we are acting, as the Supreme Court of the United States have often said, *as a local legislature for Puerto Rico.* We are levying it as we could give to the local legislature of Puerto Rico the power to levy it. Not one dollar of it is to go into the Treasury of the United States to be used by the United States, to pay the debts of the United States, to provide for the common defense of the United States, or to promote, in a large sense, the national welfare of the United States.

Mr. BACON. Will the Senator permit me now?

Mr. SPOONER. Yes, sir.

Mr. BACON. I understand the proposition of the Senator to be that this 15 per cent of the Dingley rate (we will call it 15 per cent for short) upon all goods coming from Puerto Rico to the United States, is a legitimate tariff law, because it is not levied for national purposes; that as the law provides that this money when collected shall be devoted to the uses of Puerto Rico, it is not for a national purpose, and therefore it does not fall within the prohibition of section 8, Article I, of the Constitution.

Now, the question I wish to submit to the learned Senator is this: According to the statement of the Senator, made to-day, the Constitution of the United States exists in Arizona and New Mexico by reason of the statutory provision of the United States Congress. If it is a statutory provision, of course it is one liable to repeal, and therefore any tariff duty which we might levy could not be pronounced to be unconstitutional, because it would simply be to that extent the repeal of a statutory law.

That being the case, the question I desire to propound to the Senator is this: Does the Senator hold that if we pass a law that all goods exported from the Territory of New Mexico into any part of the United States should be subject to a tariff duty of 12 per cent of the Dingley law, it would be a constitutional law which could be enforced by the courts, if we went further and said that all the moneys thus collected should be paid into the treasury of the Territory and devoted to uses for the benefit of the Territory?

Mr. SPOONER. In view of the decisions of the Supreme Court of the United States, I will answer the Senator's question, yes.

Mr. BACON. To do that?

Mr. SPOONER. I say yes, in my opinion.

Mr. BACON. I think the Senator is obliged to say "yes."

Mr. SPOONER. I do not say so because I am obliged to do so.

Mr. BACON. I beg the Senator's pardon. I mean the Senator is logically obliged to say so.

Mr. SPOONER. I say yes, the Supreme Court of the United States has decided that the word "exports," as used in the Constitution, applies only to articles exported from the United States to a foreign country.

Mr. BACON. I am not speaking of exports.

Mr. SPOONER. What are you speaking of?

Mr. BACON. I am speaking of a tariff duty on articles imported into the United States, if you please, from New Mexico, upon which we would levy a tax of 15 per cent of the Dingley law, upon all the copper, for instance, brought from New Mexico—if there were any such tariff, for I am just using this as an illustration—into the United States. Could we levy a tariff duty upon any product of New Mexico brought into the United States, if at the same time we stated that all the money raised from such tariff duty should be paid into the treasury of the Territory?

Mr. SPOONER. My proposition is that, acting as the legislature for a Territory, we may tax any product of that Territory for the Territory; for its support; for the support of its government.

Mr. BACON. If the Senator will pardon me, I am not speaking of a direct tax. I am asking the question whether or not the imposition of a tariff duty upon the products of New Mexico brought into the United States would be a violation of section 8, Article I, of the Constitution, and if that could be justified by the further provision that all the money collected under such tariff duty should go into the treasury of New Mexico? If it is not true in the case of New Mexico, it is not true in the case of Puerto Rico.

Mr. SPOONER. I care not what you call it. You may call it "a tariff," or you may call it "a tax." A tax is what it is. The Supreme Court has decided that it is a tax upon the article, and not upon the right to bring it in or the right to take it out. I contend that as Congress, under the power given to make all needful rules and regulations for Territories, legislating solely for a Territorial and not for a national purpose, we are unrestricted by constitutional limitations as to the object of the tax or the amount of the tax.

I think a clear distinction is to be drawn between the exercise by Congress of the power under section 8 to levy taxes, duties, imposts, and excises for national purposes, and the power of Congress under the Territorial clause of the Constitution to levy taxes by whatever name you call them purely for the local purposes of the Territory.

Mr. MASON. If the Senator will pardon me, I want to get his position, if I can.

Mr. SPOONER. If the Senator has not yet gotten it, I do not know how I can give it to him, and I have certainly been unfortunate in expressing myself.

Mr. MASON. It may be a misfortune on the part of the Senator, or possibly on mine. Will the Senator tell me where there is in the Constitution power to raise any money from impost duties, save for national purposes, except in the section the Senator has just quoted—that is, section 8 of Article I of the Constitution, which provides that impost duties may be laid "to pay the debts and provide for the common defense and general welfare of the United States?"

The other section the Senator quoted provides that a State may levy an impost duty, but that, the Supreme Court of the United States has decided, means an import from some foreign country; and that same section provides that, after the State has retained the expense of its inspection laws, every dollar of the net produce—those are the words used—is turned into the Treasury of the United States. In other words, I ask the Senator to show some place in the Constitution where the power is given to levy an impost duty except for governmental purposes.

Mr. SPOONER. Why, Mr. President, what is an impost duty as such? It is defined by the Supreme Court of the United States. If you levy it for national purposes, you are subject to the rule of uniformity. The purpose for which it is laid under section 8 is clearly indicated in the section itself; it is "to pay the debts and provide for the common defense and general welfare of the United States."

We can not levy any duty—and I am not disputing now that the decision in Loughborough *vs.* Blake in all it says is correct—you can not levy a tax; you can not levy a duty, an impost, an excise, the proceeds of which are to go into the Treasury of the United States, to be used in paying the debts of the United States, in maintaining the armies of the United States, in promoting the general welfare of the United States, except by following the rule of apportionment or the rule of uniformity; but Congress finds its power to levy taxes in the Territories for the support of the Territories not from that clause of the Constitution, because if that were the only clause conferring the power to tax for the Territories you could not tax for the Territories at all; you would have to tax and take the proceeds of the tax into the Treasury of the United States for general purposes, and we could not tax in a Territory with reference to its needs unless we taxed in the same way in all the Territories in disregard of their "needs."

We did not levy the tax in Alaska—referred to in the very able speech of the Senator from Indiana [Mr. FAIRBANKS] on Saturday—under this clause of the Constitution. We levied it under that great and general clause of the Constitution which gives us the power, without limit, to make all needful rules and regulations respecting the territory or other property of the United States. We can levy a tax, but we are not obliged to levy the same tax.

Mr. MASON. Do you mean to say you can make a law that is in violation of the limitations of the Constitution?

Mr. SPOONER. Oh, Mr. President, I never have contended yet that Congress could constitutionally pass an unconstitutional act. [Laughter.]

Mr. MASON. You know the Constitution says all impost duties must be equal.

Mr. SPOONER. This is not an impost duty for two reasons; nor an export duty for two reasons; nor is it exacted for a national purpose under Article VIII of the Constitution. The Supreme Court of the United States has decided more than once, and it is the settled law, that exports and imports within the meaning of the Constitution are articles brought from a foreign country into the United States or taken from the United States to a foreign country. (Woodruff *vs.* Parham, 8 Wallace, 123; Coe *vs.* Errol, 116 U. S., 517.)

Mr. President, when this bill shall have passed, if it is passed, the ports of Puerto Rico will cease to be foreign ports under the decision of the Supreme Court in Fleming *vs.* Page. Why? Because we shall have established there taxation—taxation and collection for national purposes—we will throw the Dingley law around Puerto Rico, and collect duties just as they are collected at the port of New York for national purposes.

We will grant clearance papers to vessels clearing from the ports of Puerto Rico and coming to the United States, signed by officers of the United States acting under the authority of Congress. We will nationalize their ships and admit them to the coasting trade of the United States; and under the authorities they will cease, therefore, to be "foreign ports;" from the standpoint of our revenue laws (Fleming *vs.* Page, supra), they will be domestic ports of an island belonging to the United States; and articles going from the United States to Puerto Rico and coming from Puerto Rico to the United States will not be exports or imports within that language of the Constitution, because they neither come from nor go to a foreign country or a foreign port within the meaning of our revenue laws.

Mr. BACON. The Senator will pardon me for again interrupting him; but I am anxious to know if I correctly understood him as to the matter we had under discussion a moment ago.

Mr. SPOONER. I am very unfortunate if I did not make myself understood, and if the Senator will permit me, I would rather go on.

Mr. BACON. I call the attention of the Senator to the fact that I have never refused to yield to him under any circumstances.

Mr. SPOONER. That is true. Nor have I to him. I withdraw my remark, and beg his pardon.

Mr. BACON. I have always submitted to interruption by the Senator, knowing that he was as well capable, if not more capable, to embarrass me by a question than any other Senator in the Chamber. I simply desire to know, without the question being mixed up with any argument relative to the power of taxation, whether I understand the Senator correctly to say that, under his view of the law and as a logical conclusion of the propositions which he has submitted here to-day, it is within the power of the United States Congress to pass a law levying a duty to be collected from all articles coming from a Territory into the United States if the same law provides that the money thus collected shall go into the treasury of the Territory?

Mr. SPOONER. If I have not made my position clear to the Senator, I am unable to do so.

Mr. BACON. If the Senator will pardon me, while he spoke of the power of taxation——

Mr. SPOONER. This is the power of taxation.

Mr. BACON. Do I understand the Senator to say "yes" to my question?

Mr. SPOONER. Will the Senator kindly state the proposition again, as my attention was diverted for a moment?

Mr. BACON. The question is this: Whether I correctly understand the Senator to say that the Congress of the United States can pass a law imposing duties to be collected upon articles coming from New Mexico, for instance, into the United States, provided the duties are not levied for a national purpose, and provided further that the purpose is expressly stated to be for the benefit of the Territory and to go into the treasury of the Territory?

Mr. SPOONER. I think so; yes, sir.

Mr. BACON. Very well.

Mr. SPOONER. The only reason why you can not tax an article going from State to State is because of the prohibition of the interstate-commerce clause of the Constitution; but Congress is not, so far as the Territories are concerned, restricted much, if at all, in that respect.

The commerce clause of the Constitution gives Congress power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," as decided by Judge Morrow, whom I know to be an able lawyer, in Endleman *vs.* United States (86 Fed. R., 456). The power of Congress as to interstate-commerce regulations in a Territory is altogether different in many ways, so far as limitations are concerned, from the power of Congress in regulating commerce among the States. In the case of Gibbons *vs.* District of Columbia (116 U. S., 404), to illustrate what I mean, referring to the case of Loughborough *vs.* Blake (5 Wheat., 317), the court says:

> The point there decided was that an act of Congress laying a direct tax throughout the United States in proportion to the census directed to be taken by the Constitution might comprehend the District of Columbia; and the power of Congress, *legislating as a local legislature for the District, to levy taxes for District purposes only in like manner as the legislature of a State*

may tax the people of a State for State purposes was expressly admitted and has never since been doubted. (Welch *vs.* Cook, 97 U. S., 541; Mattingly *vs.* District of Columbia, 97 U. S., 687.)

So I say, Mr. President, that we levy this tax for *Puerto Rico, not* for *the United States.*

Now, what is the tax? It is a tax on an article. An article going from the United States into Puerto Rico may be taxed, may it not, for the benefit of Puerto Rico? You may call it an import tax over there, if you choose. The court has stated that it was a tax upon the article, not upon the right to enter; a tax upon an article coming from Puerto Rico to the United States.

You may call it an export tax if you choose, although it is not one within the meaning of the Constitution, for it is not a foreign port. It is a tax upon the article; *we collect it for Puerto Rico,* and the proceeds of the tax each way are not to go into the Treasury of the United States for national purposes, but are to go to all intents and purposes into the treasury of Puerto Rico for local purposes. It is to be expended solely for that local government. But, Mr. President, I must leave this branch of the subject.

Now, Mr. President, as to this bill—and I can not proceed to even a brief discussion of it without paying my tribute of respectful admiration to the consummate ability, patience, tact, and legislative skill with which the distinguished Senator from Ohio [Mr. FORAKER] has conducted it upon its long and sometimes, it seemed, perilous journey.

He has been unremitting in his labor, taking no thought of his own comfort, listening to suggestions from every one, and adopting them when they commended themselves to his judgment, in making this bill what he wished it to be, what I wish it to be, and what we all wish it to be—not only a just but a generous bill to the people of Puerto Rico.

I would have been glad personally if we might have deferred for the time being the civil-government bill; I would have been glad if we could have sent a committee there to investigate conditions thoroughly, when it would have been possible to legislate with fuller information as to the interests of nine hundred and sixty thousand or a million people, strangers to us, of whose customs and conditions we know comparatively little. But the consensus of opinion in the Senate has been that at the earliest day there should be a civil-government bill of some sort enacted for Puerto Rico, and to that I yield.

The features of the civil-government provisions in the main meet my approval. I have not been in favor of a clause admitting that people at this time to the citizenship of the United States, preferring to leave the status as it was left by the treaty, and as, I think, the treaty-making power was perfectly competent to leave it. I am not ready, until we have looked further—for there is no haste about it—to admit into our citizenship forever 960,000 people, over 800,000 of whom have not the intelligence which would fit them for citizenship. Nothing shall hurry me upon a proposition of this nature where reasonable delay harms no one. In all such matters there is more danger of undue haste than otherwise.

They know nothing of us; they know nothing of our ways; they know nothing of our system, nothing of our institutions. They have never known anything of good government; they have lived under a tyranny; they have been spoliated and oppressed; and we should, it seems to me, keeping in mind the permanent interest of our own country, make haste slowly in changing the status in that respect of that people.

I have not been willing, either, Mr. President, to vote to give them a Delegate in Congress. I shall only take a moment to say why. These are great propositions before us. I would not vote to give Hawaii a Delegate in Congress. There is no difference between a Delegate in Congress and a member except in the matter of a vote. It has always been considered a pledge of statehood. No Congress gives a Delegate to a people except upon the theory that the time is to come when they shall be admitted to statehood and entitled to participate as one of the States of the Union.

I know not how time may change my own view upon that subject, but I am frank to say, with a heart full of kindness for that people, I am not yet ready, nor are we called upon now, to give that *quasi* pledge of statehood, or to imply that they will ever reach a condition where it shall be either for their interests, or certainly for ours, to let them become one of the members of this Union.

I may be too conservative, Mr. President, but be that as it may, I desire, above all things, as I now see it, that the Union shall be limited to States composed of our own people, native and naturalized, a part of us in heart and thought, in loyalty to our institutions, in appreciation of the blessings of this Government and love of our flag, *lying between the oceans on this continent.* Possibly some day conditions may be changed, and it may be the judgment and sentiment of our people that my vision in this day is too narrow.

It will be time enough to contemplate this radical change in our situation when the people on their sober second thought shall so instruct their representatives. I am not so instructed; and, following my own best judgment, I will not vote to give Puerto Rico at this time a Delegate in Congress. I willingly vote for the proposition in this bill to give them, at the expense of the United States, a commissioner, whose status shall enable him to represent their necessities and their wants to the Congress.

This is a temporary proposition as to Puerto Rico. Puerto Rico is in a transition state, having "just pushed off from one shore and not yet landed on the other." There is something pathetic about the island; there is something pathetic about the people. Under all the tyranny of Spain, I believe, they never rebelled; they earned the name of the "Ever Faithful Isle."

They are suffering not only from the paralysis which followed the withdrawal of the Spanish, and the imposition of the tariff of Spain and Cuba upon Puerto Rican products, but they are suffering from a hurricane and the devastation which it wrought. Is there a man in either House of Congress who is willing to treat that people otherwise than with generosity? We are not content simply giving them justice; we wish to be and we will be generous, and we are, by this bill, surely generous.

The President in his message to Congress recommended that we give to that island free trade, and he included that with many other recommendations. A bill was introduced into the House giving to that island free trade. The Senator from Ohio introduced a bill giving to that island free trade; and that bill has been offered by my friend from Georgia, I believe, as a substitute for the pending bill. Mr. President, in my judgment, nothing more brutal to Puerto Rico could be devised by the Congress of the United States than that so-called "free-trade" bill.

I see in the newspapers every day the command, "Treat Puerto Rico as we treat our own Territories." We are treating Puerto Rico better than we ever treated our own Territories, Mr. President. In our own Territories for many years past we have put in force our internal-revenue laws; we have put in force our war tax. What sort of kindness would it be to an impoverished and distressed people to put in force in Puerto Rico the internal-revenue laws in force in New York.

As the Senator from Ohio has said, as the gentleman who introduced the bill into the House has said, as the Senator from New York and the Senator from Indiana on the committee have so eloquently and well said, when they came to investigate the whole subject they found beyond question that the people of Puerto Rico were so impoverished that they could not submit to a system of direct or local taxation which would be of any value in raising money with which to support their government. Think about it! An internal-revenue tax in Puerto Rico of $1.10 a gallon on rum.

They raise about 1,500,000 gallons of rum a year. It is the Puerto Rican drink. Many people think that no one should use alcohol. Perhaps that is true, or it may not be, but it is the Puerto Rican beverage, just as beer is the beverage of the German. It is sold over there for 30 cents, or thereabout, a gallon. The people use it all over the island; they have always used it.

Now, for us to step in there with our internal-revenue law, which the Senator's substitute provides for and which the free-trade bill in both Houses provided for, and levy a tax of $1.10 a gallon upon it would be to accomplish two purposes: First, it would be to fail utterly in raising revenue under it, and, second, it would be to alienate that people at the beginning from us. There is no better or surer way to alienate a people than to step between them—especially if you are a new ruler, a stranger—and the established habits and customs of themselves and their ancestors. You might as well attempt to conciliate and make friends of the Italian peasants by depriving them of their *chianti* or of the German by depriving him of his national beverage.

"Habits, soft and pliant at first, are like some coral stones, which are easily cut when first quarried, but soon become hard as adamant."

Take the matter of tobacco. The Spaniards are smokers. Many people think tobacco is poison, and I think so myself; but those of us who have used it know how strong a hold it has upon those who learn to love it. "Thy clouds all other clouds dispel, and lap me in delight!" The prisoner must have it oftentimes to avert insanity. The soldier must have it in the loneliness of the picket line or while waiting for the bugle to sound the onset. The Puerto Rican must have it. You levy a tax of $3 a thousand upon cigars in Puerto Rico, and levy almost a prohibitive tax upon cigarettes, partly imposed for revenue and partly imposed for a better reason than for revenue, and what is the effect upon the people of Puerto Rico—not upon the well-to-do of Puerto Rico, but upon the *people* of Puerto Rico?

In 3,000 little shops General Davis testifies, they sell a little rum, a little tobacco, and they sell cigarettes which they roll themselves. You put a dealers' license tax upon them and you drive every one of them not only out of business but out of home to starve, unless we appropriate the money to feed them. That is treating Puerto Rico as we treat our own people in our own Territories. It is not only not generosity, Mr. President, but it is not justice. I have the evidence of General Davis and others

that they can not submit to internal revenue, but I can not stop to present it. The evidence is overwhelming and incontrovertible. Even this morning there comes from him the following:

SAN JUAN, PUERTO RICO, *March 31, 1900*

In an interview to-day with the Associated Press correspondent, Governor-General Davis said:

"I have not felt it proper for me to discuss Congressional matters, filling, as I do, an executive position. I have expressed my views fully, however, on Puerto Rico's needs, and I might say, if Congress should adopt free trade, the receipts of the custom-houses would naturally cease. One million five hundred thousand dollars has been collected during the fiscal year, and with free trade this will fall off. What, then, will run the island?

"Although I have received no official advices regarding an appropriation, I understand through the newspapers that an appropriation was decided upon, and I infer that this appropriation will be spent on insular government expenses. If free trade is adopted, I can not see how the necessary funds for conducting the affairs of the island are to be raised by myself or those who succeed me.

"Two million dollars are the present expenses, and this amount will be needed annually. There is only a small revenue incoming from stamps, liquors, tobacco, and mercantile licenses, and it is impossible to collect taxes because of the conditions."

Mr. BACON. Will the Senator permit me right there?

Mr. SPOONER. I hope the Senator will pardon me.

Mr. BACON. Just to read what some of the Puerto Ricans themselves say on that subject?

Mr. SPOONER. I know what some of the Puerto Ricans say about it.

Mr. BACON. I mean representative Puerto Ricans.

Mr. SPOONER. But they are not *the Puerto Ricans who would suffer from it.*

Mr. BACON. Will the Senator permit me to read it?

Mr. SPOONER. Oh, yes; but I should like to finish, for I have been delayed. I beg the Senator's pardon for not yielding to him at this point.

Mr. BACON. I shall not trespass upon the Senator.

Mr. SPOONER. Mr. President, you may take the other taxes, the tax on medicines, and all that, and that is not all there is to it either. That bill provides that this tax upon the people of Puerto Rico shall be paid into the Treasury of the United States just as our internal-revenue taxes collected from our Territories and our States are paid into the Treasury of the United States.

Mr. BACON. The Senator is mistaken.

Mr. SPOONER. Am I? The House bill so provided.

Mr. BACON. I do not know about the House bill. The Senator is mistaken about the bill framed by the Senator from Ohio [Mr. FORAKER], which I have offered as a substitute. The bill is a very much better bill than the one now pending.

Mr. SPOONER. That does not help the question so far as internal revenue is concerned, because you simply would not get any revenue from it.

General Davis testified that the trifling tax of 11 cents a gallon on rum and a small tax on some other articles he names, which I have forgotten, he found the utmost difficulty in collecting. He said 100,000 families in Puerto Rico do not have $5 per family—and yet you propose to levy an internal-revenue tax like ours upon that impoverished and distressed people.

Mr. President, we could not very well, as a matter of public policy, undertake to appropriate from our own Treasury, indefinitely, the money with which to support that government and that people. It is not a wise way either for us or for them to start them upon the experiment of American local government. We have appropriated $2,000,000, collected from duties upon imports from Puerto Rico and paid into our Treasury. We did not appropriate that, Mr. President, because we had wrongfully collected it; we appropriated the money of our own people out of the generosity of our people, to relieve those who have so suddenly come under our control and under our protection.

That is, under the amended bill, to be used not simply for the construction of roads, not simply to promote education, not simply to help in the construction of waterworks and to supply modern sanitary methods to Puerto Rico to promote the health of that people, but it is to be used in relieving cases of individual distress, and it is be used in the purchase of seeds for the farmers; it is to be used in enabling them to rehabilitate themselves and their agriculture, and to help them to recover as quickly as may be from the terrible devastation and loss caused by the hurricane.

What is this duty? It was considered that the best way to raise money for Puerto Rico would be to levy this tax for them. It is indirect—the Senator from Vermont [Mr. PROCTOR] called it tribute. Tribute levied upon whom? Tribute paid to whom? Tribute collected for whom? It is a tribute, Mr. President, as stated by the Senator from New York [Mr. DEPEW], collected from a few, collected from the rich, to be paid for the benefit of the many in the establishment and support of local government. Is not that right?

The sugar men pay 30 cents a day to the poor creatures who work for them all the day long under that semitropical sun in the cane fields. Should not they pay something in this transition period; should they not pay something out of their profits upon that product in order to support that people in the government which we are proposing by this bill to give them? And it is a tax, *every dollar of which goes to them and not one penny of which comes to us.* Call that tribute!

Mr. BACON. Whom does it come out of?

Mr. SPOONER. It comes out of the sugar trust and their brokers, who are suing the Government to-day, as stated by the Senator from Indiana [Mr. FAIRBANKS], for about $2,000,000, was it not?

Mr. FAIRBANKS. Eighteen hundred thousand dollars.

Mr. BACON. Does the Senator take the position that the tax will not fall upon every laborer on that island engaged in the production of sugar?

Mr. SPOONER. Of course it will not.

Mr. BACON. I can not answer the Senator in an interruption, but when I have the opportunity I will demonstrate to the contrary.

Mr. SPOONER. That is the old doctrine. That is what every man who wants free trade, not simply with Puerto Rico but with the whole world, says.

Mr. BACON. On the contrary, as a general proposition, it is the position taken by protectionists that the producer is the man who pays the tariff, not the consumer. I showed the other day, and I can show it more plainly and elaborately, that in this case it necessarily comes out of the producer.

Mr. SPOONER. Suppose the producer does pay it. Who is the producer?

Mr. BACON. Every man engaged in the production of sugar.

Mr. SPOONER. There are not many engaged in the production of it.

Mr. BACON. What?

Mr. SPOONER. The owners of the plantations.

Mr. BACON. Every man engaged in producing sugar is engaged in it.

Mr. SPOONER. I will venture to say that the Senator from New York is right, that if you further enrich the men who bought up the sugar and tobacco by bringing it into this country free, you will not add a penny to the price of labor among the men who work in the cane fields in its production.

People may talk about a lobby. There has been a lobby here—there has been a lobby here from the beginning. It has not been a lobby representing the poor men and women and children of Puerto Rico. It has been a lobby of men controlling this product of sugar, who have made money and who have been here representing their own pockets, and nothing else.

Mr. BACON. Oxnard.

Mr. SPOONER. Oxnard? Not at all.

Mr. BACON. He appeared before the committee.

Mr. SPOONER. Suppose he did appear before the committee. Did the committee pay any attention to him?

Mr. BACON. They have done exactly what he demanded should be done.

Mr. SPOONER. I do not know what the Senator may think, but I want to say this: I impute to the Senator the loftiest purpose, but the suggestion that the Congress of the United States, a majority of the other House and of this, could be influenced to do injustice to Puerto Rico or in legislation of this character by Oxnard, by some protected interest, is a libel upon our institutions which ought not to be uttered here, and ought not to gain lodgment anywhere.

If a majority of both Houses of Congress—and this talk is bandied around when you are in the majority and when we are, as to great matters of legislation even involving humanity—are influenced in an ulterior and subtle way, although not in a corrupt way—if that be true, this Government is a failure. The men who are in favor of this bill, the men who reported this bill, were not influenced by Mr. Oxnard. The men who are advocating the passage of this bill are not advocating it on account of Mr. Oxnard. This is not a protective duty. Only 57,000 tons of sugar or 60,000 tons come from Puerto Rico into the United States. It is a bagatelle compared with our annual consumption of sugar.

Mr. BACON. If the Senator will pardon me, of course I do not desire to get into any controversy on the subject, but as he has very caustically denounced the suggestion——

Mr. SPOONER. I do not denounce the Senator from Georgia.

Mr. BACON. I understand that. The Senator very generously exempted me before he uttered the denunciation, but I call his attention to the fact that the suggestion of that thought certainly came from the Senator from Wisconsin. The Senator was proceeding to show that if there were any lobby here it was a lobby opposed to the particular contention which he favored, and therefore in favor of the contention which we supported, and I simply replied that that did not seem to be universal; that there was one very prominent man who had certainly come before the committee, and the first thing we had heard of a tariff on Puerto Rican products was from him.

Mr. SPOONER. It is one thing for a man to go before a committee and in an open way present his views——

Mr. FORAKER. Will the Senator from Wisconsin allow me for a moment?

Mr. SPOONER. Certainly.

Mr. FORAKER. Oxnard was before our committee. He came there as any other citizen of the United States would have come, if he had so desired. We heard his testimony and he went his way. I never saw him about before, except only on the day he testified. If he has been here since, certainly if he has been here as a lobbyist, he has not been in the company of the committee or anybody connected with it, and except only as we would pay attention to what he might say in a proper way he was not heard by anybody connected with us and had no influence except as any other citizen of the United States would have.

Mr. BACON. I do not intend so to state. On the contrary, I am merely replying to the statement of the Senator from Wisconsin, when he practically arraigned those of us who were in favor of free trade with the statement that that was now what was being contended for and urged by a lobby representing protected interests. I simply said there was a lobby on the other side.

Mr. SPOONER. I had no thought of arraigning the Senator.

Mr. BACON. Not me in particular.

Mr. SPOONER. Nor your side. I think you are opposed to this bill sincerely.

Mr. BACON. I think you have every reason to believe so.

Mr. SPOONER. Yes; I think so; and I know of no difference between the sides here in that respect. It has never occurred to me that Senators were opposed to it on this side of the Chamber or on the other for any other reason than a frank one, openly stated, and I have never thought or intimated anything to the contrary. But I say what I know, that there has been a lobby here, a large one, an industrious one, endeavoring to secure the passage of a free-trade bill, even though it did carry the internal-revenue taxes to Puerto Rico, and for purely selfish purposes.

Mr. BACON. I do not think any member of that lobby has ever thought it to his interest or profit to speak to any man on this side of the Chamber on the subject. I have never heard of one.

Mr. SPOONER. They have represented a selfish interest only, and not the interests of the people of Puerto Rico.

Mr. TURLEY. I should like to ask the Senator from Wisconsin one question, if I do not interrupt him.

Mr. SPOONER. Certainly.

Mr. TURLEY. Do I understand the Senator to maintain that this tax comes out of the sugar trust and will be paid by the sugar trust?

Mr. SPOONER. The sugar trust is suing to collect what it did pay.

Mr. TURLEY. I understood you in your statement just a moment ago to say that the tax would fall on the sugar trust.

Mr. SPOONER. I say that the tax will be collected from the rich producers of sugar over there or from the importers, one or the other, and that in either event it comes from the *right spot and goes to the right spot*. It comes from those who obtain a product which is produced by poorly paid and impoverished people, and through our instrumentality it goes to the masses to aid in government, in education, and in their support.

Mr. TURLEY. I will ask the Senator this question: What does he think is the effect of this tax? Does it fall on the sugar trust? Is the sugar trust benefited by the tax or hurt by the tax?

Mr. SPOONER. I can not tell absolutely. I do not know what secret arrangement there may be between the sugar company and the producers.

Mr. TURLEY. I understood him to state that the tax would fall upon the sugar trust. The reason why I ask the question is this: If it does fall on the sugar trust, in his opinion, and if, in his opinion, it is a constitutional or lawful tax, one which we ought to levy, then I do not see any reason for stopping it in two years.

Mr. SPOONER. I understand that. It is a much larger matter than that our people think.

I will speak a moment about the free list. I have been anxious from the beginning that the free list should be enlarged. It is not enlarged for the purposes of exploiting or benefiting our people. It is enlarged, as I understand it, for the purpose of benefiting the people of Puerto Rico.

It is enlarged, as the President enlarged it in the exercise of his war power, so that the people of Puerto Rico shall not be obliged to pay any taxes upon the necessaries of life. The people who buy luxuries, silks, satins, and velvets are well-to-do, and they can afford to pay something for the mass of people who are poverty stricken.

The Senator from Vermont [Mr. PROCTOR], for whom I have the profoundest respect, thought he could see a parallel between this tax and the tax imposed by the British Parliament which led to the Revolution by our forefathers. The only point of similarity seemed to be that the act of the British Parliament provided for the use of the money as a separate fund for the protection of the colonies. What sort of "protection" of the colonies was it? It was a tyranny. That Parliament had passed laws suppressing the industries of the colonists, laws absolutely brutal.

If I had the time to read them I could show that. It had passed laws to stifle their growing prosperity, to prevent any possibility of competition between them and the workers at home, to prevent the upbuilding of any industries and to impair their ability to become independent industrially and self-supporting. That money was to be used not for the benefit of the colonies. It was used, and that was one of the complaints of the Declaration of Independence, to pay salaries to pampered favorites and to maintain an army in this country, not for the protection of the colonists, but for the oppression of the colonists.

Is there any parallel between the action of the British Parliament and George the Third in their treatment of the colonies and the action of the Congress of the United States and President McKinley in our treatment of Puerto Rico? We appropriated the $2,000,000 for the benefit of the people of Puerto Rico from our Treasury. The Senator will have no doubt that the President will use every dollar of it wisely in relieving distress over there and in accomplishing the broad and generous purpose which he had in recommending it and which we had in enacting it? Where is the parallel? We raise this money by indirect taxation. For whom? For the people of Puerto Rico. It is not to be disbursed by the Congress either, or by George the Third, or any other tyrant. It is to be disbursed, until otherwise provided, by the President of the United States, William McKinley, as kindly, gracious, and sympathetic a gentleman as ever lived.

Mr. PROCTOR. Will the Senator from Wisconsin yield to me for a moment?

Mr. SPOONER. Yes.

Mr. PROCTOR. The Senator gives me altogether too much credit. The suggestion of this parallel did not come from me, but it came, as I stated, from Senator Edmunds, who held a seat here, and who was a colleague with the Senator from Wisconsin for many years. It is in three lines. He stated——

Mr. SPOONER. I know what he stated.

Mr. PROCTOR. He stated:

> It will imitate and parallel the acts of the British Parliament.

I merely very mildly carried out his suggestion.

Mr. SPOONER. I did not speak about who suggested it. I do not care who suggested it. I know Senator Edmunds. I have the profoundest respect for his ability and his integrity, but I have no approval whatever for that suggestion, whether it came from Senator Edmunds or from the Senator from Vermont or from anybody else. There is no resemblance whatever between the two propositions.

Mr. President, what does this bill provide? It is a temporary measure. The Senator thought it was a violation of "plain duty," and not only a violation of plain duty but a violation of common honesty. That is his opinion doubtless sincerely entertained. It violates no pledge made by General Miles. The Congress of the United States will carry out every pledge that General Miles made which a commanding general has any right to make. The Senator does not doubt that the Congress will deal justly with the people of Puerto Rico. The Senator introduced an amendment making these duties good until July 1. I suppose he will vote for it. That is a compromise with iniquity. That is a compromise with violation of "plain duty and common honesty;" but that is, I suppose, only a "little fraud" and cruelty on the people of Puerto Rico, from the Senator's standpoint.

There is only one thing in this bill by way of permanent policy on the part of the United States toward Puerto Rico, aside from a few Government features. What is it? *It is free trade.* It provides, and wisely provides, and the suggestion did not come from the Senate, that so soon as the local legislature provided for by this bill shall have passed an act to meet the necessity for local revenue and a resolution that they have so enacted a law, it shall be the duty of the President of the United States to issue a proclamation declaring that fact, and *thereupon by operation of this bill all duties between Puerto Rico and the United States shall cease.*

That leaves it in the hands of the President, who is supposed to wish free trade between Puerto Rico and the United States as soon as it is practicable, having regard to the interests of that people, to bring it about. Has the Senator from Vermont any doubt that as soon as the President, working with the local government there and aiding in its establishment, finds that a system has been adopted for the local support of that local government, he will promptly proclaim the fact and make trade between the United States and Puerto Rico free?

Mr. MASON. Does the Senator from Wisconsin understand that under this bill the President can do that before the expiration of the time fixed by the bill?

Mr. SPOONER. Of course he can. The provision is to continue two years, unless before the expiration of that time the local

legislature shall have adopted a system of local taxation, in which event, the President shall proclaim the fact and thereupon, by the terms of this bill, *there shall be free trade between the United States and Puerto Rico.*

I prophesy Puerto Rico will when the time comes urge a continuance of the imperceptible indirect tax, as against any local system.

Mr. BURROWS. It can be done within ninety days.

Mr. SPOONER. It can be done in ninety days or four months or five months. The President has wisely sent a skilled man there to investigate the fiscal possibilities of that island and to aid in devising a system which shall enable support of the local government without unjustly taxing individuals. It takes time to devise and formulate a system for such a people.

Mr. President, I have as usual allowed myself to be interrupted to such an extent that I have occupied much time. I have omitted much I would have been glad to say. I only want to say this, in conclusion: I am as sensitive as any man to public opinion. I know of no man here who is not sensitive to public opinion. I do not quite understand, I am sure, some phases of the denunciation of this measure. I value the confidence of the people. I try to deserve it, as we all do. I know of no reward in public life except popular approval. I care more (as we all do) for the approval of constituents than anything else connected with Senatorial life; but I am here under a "plain duty," and it is a sworn duty, too, and I propose to discharge it.

After looking this matter over, giving to it all the thought and study which I could give it, I have become convinced that the wise, the generous, the right, and the just thing, and the only thing we can do under the circumstances is to pass this bill, raising this money as a local tax for local purposes, and leaving it to the President to promote at the earliest possible date the adoption of a system of local taxation and upon proclamation by him—for it requires no further action of Congress—*free trade under this bill with Puerto Rico.* [Applause in the galleries.]

The PRESIDENT pro tempore. The applause must not be repeated. If it is, the Sergeant-at-Arms will be instructed to clear the galleries. It is a violation of the rules of the Senate.

Mr. PERKINS. Mr. President, as a member of the committee which had this bill under consideration for some three weeks, and which heard the witnesses, the representative citizens of Porto Rico who came in to present their case, I venture at this late hour to trespass for a few minutes upon the Senate, to give briefly the reasons why I believe the passage of the bill will be for the best interests of the people of Porto Rico and at the same time will be doing justice to our own people and our own country.

The committee, with the exception of myself, is composed of able lawyers or gentlemen who have had many years' experience in legislative affairs and are students of governmental policy and political economy. The able chairman, in presenting to the committee the bill to which he had given much thought and study, frankly stated that we were confronted with a new question, a new problem to solve in our political history—the forming of a civil government for a part of our newly acquired possessions; that he had no pride of opinion which he would not cheerfully yield if a better plan or system were presented. The committee, collectively and individually, had no object in view but to frame a law that would result in contributing to the prosperity and happiness of the people of Porto Rico and at the same time guard well the institutions and rights of the people of the United States.

LIMITATIONS OF CONGRESS.

The question, therefore, which we first considered was, What are the limitations of Congress under the Constitution? What right or privilege does one of the present Territories of the United States enjoy that may not be enlarged or denied or withheld from Porto Rico? If we have the power to enlarge, deny, or withhold any privilege, is it right, is it policy, for us to do so?

That we may intelligently understand the whole question at issue justice and right demand that we should first consider the conditions that exist in Porto Rico. We find that the island of Porto Rico has an area of about 3,600 square miles; that it has a population of about 1,000,000 persons, approximating the density of the population of China—certainly more than double that of the same area of any agricultural region of the United States. Porto Rico has 280 persons to the square mile, while the State of California has only 8 persons to the square mile, and India and its dependencies have but 229, or 51 persons less per square mile than has Porto Rico.

More than one-third of the entire population is of the negro or mixed race; the balance are mostly of Spanish origin—emigrants from Spain during the past three centuries, and their descendants. There is, of course, a small percentage of other nationalities, but they are principally of Spanish descent, negroes, mulattoes, and what we call in the United States colored people.

It was in evidence before the committee that the aristocracy and rich Porto Ricans are well educated and accomplished; that their lawyers and physicians and professional men had received liberal educations in the universities of Europe and the United States. But these were only a few favored ones as compared with the whole population of the island.

WAGES AND VALUE OF EXPORTS.

The last Spanish census, taken in 1897, showed that only 13.3 per cent of the population could read and write. Contrast this with the United States, where our last census shows that 87 per cent of all the people 10 years old and over, including the colored people and civilized Indians, could read and write. We also learned from sources which we deemed reliable that the wealth of the island, real estate and personal property, is divided among a very small percentage of the population, estimated at 10 per cent of the people, while the ownership of all the land of the island is vested in about 43,000 people; that the great mass are very poor, and earned barely sufficient to buy subsistence and meager clothing. The wages of the laborer on the sugar, tobacco, and coffee plantations ranges from 20 to 30 cents per day, but the supply far exceeds the demand, and tens of thousands of people are unable to find any employment at any rate of wages.

Brig. Gen. George W. Davis, commanding general of the department of Porto Rico, states that the poor people of the island comprise from one-third to one-half of the total population, and their food consists of rice, beans, yams, sweet potatoes, corn, bananas, and sugar cane. Of this food bananas constitute 75 per cent of the total consumption. These are the laborers on the plantations. Their habitations consist of poles covered with palm leaves, and their bed is a hide on the ground, or the bare ground itself, with rarely a sort of bench for a resting place. The next class comprises the small coffee proprietors, owners of little cattle ranches, men engaged in transportation, in small trades, or manufactures, clerks, and servants. The third and highest class embraces the proprietors of estates, larger merchants, and professional men.

Nine-tenths of the exports from Porto Rico have been composed of coffee, sugar, and tobacco, the average value of these articles exported, from 1893 to 1897, being $9,000,000, out of a total of about $10,000,000. Of these three articles of export, the value of coffee was a little over $6,000,000; of sugar and molasses, about $2,400,000, and of tobacco, $450,000. Outside of these staples the island has had few resources, the aggregate of all exports other than those named being only a few hundred thousand dollars.

WHOM FREE TRADE WILL BENEFIT.

With these existing conditions it is not difficult to understand why free trade will benefit the few who own and control the lands which are adapted to the cultivation of sugar, tobacco, and citrus fruits. They are willing that others should pay for the support of the government that protects them in their property, and gives them all the advantages accruing from a strong and stable form of government. Their lack of American patriotism; their undue love of self-interest, is emphasized by the fact that one of the principal sugar producers in the island that appeared before the committee said he was an English subject, and had no intention of becoming an American citizen. Yet he was here, a representative from the great commercial organization of Porto Rico, urging the committee and urging Congress to give them free trade, that he might bring into this country free the products of the labor of the peons and the contract laborers of the island.

Mr. MASON. The Senator will not be annoyed, I think, by an interruption.

Mr. PERKINS. Not at all. We are in search of light. I shall be pleased to give any answer that I can, and if I can not answer his question now I will do as many of our judges, take it under advisement and answer later.

Mr. MASON. My only suggestion to the Senator was, that while that class of men ask for free trade the committee respond by giving them 85 per cent of what the Englishmen ask for.

Mr. PERKINS. There was no evidence whatever that that class of people were asking for free trade. They are asking for something to eat, something to keep soul and body together.

Mr. MASON. I was talking about the English whom the Senator said wanted free trade.

LABOR IN THE ISLANDS.

Mr. PERKINS. I beg pardon; I stand corrected.

Mr. MASON. You gave them 85 per cent of what they asked.

Mr. TILLMAN. Will the Senator allow me a slight interruption?

Mr. PERKINS. Certainly; I am always pleased to yield to the Senator.

Mr. TILLMAN. Do I understand the Senator to say that there are peon contract laborers in the island of Porto Rico?

Mr. PERKINS. They work for those who control them without any regard to their physical, mental, or moral condition. Their employers pay them that which is only sufficient, as it appeared in evidence, for them to live from day to day by boiling half-ripe bananas, eating sugar cane, and the yams that they dig from the soil.

Mr. TILLMAN. I hope the Senator will not get away from the point, however. Is there any evidence anywhere showing that

there are imported peons there or persons under contract like there are in Hawaii?

Mr. PERKINS. No, there is no person——

Mr. TILLMAN. They are simply forced to accept these low wages because of the competition among the laborers for the job; in other words, owing to the density of population on the island.

Mr. PERKINS. It is 280 persons to the square mile, and that makes it impossible for all to find employment. Right here I want to speak of the competition with the beet-sugar industry of this country. The beet-sugar industry of this country makes every farmhouse, every association of farmers, an anti-trust combination. In my own State there were eight to ten beet-sugar factories, and every one of those beet-sugar factories buys the beet, the product of the soil, from the farmers. They bring it to their factory, and when it leaves it it is refined coffee sugar ready for the table. No sugar trust or any other combination of capital can control the beet-sugar product of our soil. It is one of the great industries of this country.

THE BEET-SUGAR INTEREST.

The beet-sugar interest of the United States is only ten years old, yet it has become thoroughly established. Fully 100,000 acres of land were last year devoted to the cultivation of the sugar beet, producing 1,000,000 tons, for which farmers were paid over $5,000,000. These beets were manufactured into sugar at thirty beet-sugar factories, which produced 100,000 tons of sugar.

Among these beet-sugar factories are those at Bay City, Mich.; Binghamton, and Rome, N. Y.; Pekin, Ill.; Lagrande, Oreg.; Norfolk, Grand Island, and Ames, Nebr.; Grand Junction and Rockyford, Colo.; Ogden, Lehi, and Springville, Utah; Carlsbad, N. Mex.; Sioux Falls, S. Dak.; Park, Minn.; Fairfield, Wash.; Crockett, Alvarado, Watsonville, Salinas, Oxnard, Chino, Beetaravia, and Los Alamitos, Cal. In addition to these, nearly fifty new factories are projected to care for the crops of next year, covering the States of New York, Pennsylvania, Virginia, Georgia, Florida, Ohio, Indiana, Illinois, Arkansas, Iowa, Minnesota, Kansas, Colorado, Utah, Idaho, Washington, Oregon, and California.

The above will show that the beet-sugar interest is confined to no one section of the country, but that practically every State can become a sugar producer, opening to its farmers another avenue to prosperity so long as their labor is not compelled to compete with that which is satisfied with 20 or 30 cents a day. In addition to opening another market to farmers, the beet-sugar factory adds to the population and prosperity of the States wherein it is situated by building up around it a town, as do manufactories of other kinds in the manufacturing States.

In California the sugar factories that have been established have become the centers of towns, where formerly there were only bare fields. The number of laborers employed, where from 2,000 to 4,000 tons of beets a day are turned into sugar, is very large, and a town necessarily grows around the factory, which gradually and surely increases by the establishment of other industries necessary to the factory, to the people, or to the neighboring farmers. The capital invested in these plants is very large; one, the Spreckles factory near Salinas, Cal., costing $2,500,000. The daily output of sugar from this factory alone is 1,000,000 pounds, which requires 25 cars of 20 tons capacity each to take it away.

IN THE INTEREST OF THE FARMERS.

If, as is said, Mr. Oxnard came here in that interest, he came here in the interest of the farmers of this country, because every twenty farmers in any county in California, in Nebraska, in Colorado, in Utah, in Kansas, aye, in Michigan, can form an association and there grow the beet that yields from 12 to 16 or 17 per cent of saccharine, and produce sugar in the factory. There can be no sugar trust or other combination in producing sugar beets in this country; and I for one am in favor of keeping the hundred million dollars in this country to distribute among our farmers and our own people rather than send it to China or any other foreign country to purchase the cane sugar produced by them.

It was also in evidence before the Committee that a very large percentage of the landowners of Porto Rico are Spaniards, who have thus far given no indication of becoming Porto Ricans, which they must decide to do under the treaty during the present month of April. The general impression is that they will nearly all retain their Spanish nationality, as they are not in sympathy with the United States or its institutions.

It therefore seems to me to be the part of wise statesmanship for the United States to make haste slowly. That we have the right as a nation to make such laws for the government of Porto Rico and our other acquired territory or dependencies as we believe will redound to the interest of the people I think has been uncontroverted by the learned junior Senator from Vermont [Mr. Ross] and by other constitutional lawyers who have discussed this phase of the Constitution.

The Constitution implies that we may acquire territory by discovery, treaty, or conquest; and no one denies that proposition. The right to thus acquire is derived from the fact that the United States is a sovereign nation, and has the same inherent right as such nation to acquire property that a person has to acquire and hold it, the means of acquisition being perfectly legitimate.

NEW TERRITORY.

Mr. ALLEN. Will the Senator from California allow me?

Mr. PERKINS. Certainly, with pleasure.

Mr. ALLEN. The Senator certainly does not mean to assert that the Constitution anywhere says that we may acquire territory by conquest, cession, or discovery?

Mr. PERKINS. It says by implication, and the courts, I think, have so held. I will quote you in a few minutes later what one of the great expounders of the Constitution, Mr. Webster, says.

Mr. ALLEN. There is no language of that kind in the Constitution, although by war and by discovery, I suppose, we have the implied power to obtain territory.

Mr. PERKINS. We have acquired it as the result of war, by purchase, by treaty, and by conquest. I do not know in what manner we have acquired Porto Rico unless it is the result of the war which my friend voted for in the interest of humanity.

Mr. ALLEN. It came as an incident of war.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nebraska?

Mr. PERKINS. Certainly.

Mr. ALLEN. It came under our power to make war.

Mr. PERKINS. We have it now at all events, and the question is, What is best to be done with the island?

Mr. ALLEN. Will the Senator permit me right there?

Mr. PERKINS. Certainly.

Mr. ALLEN. I do not want to interrupt him unnecessarily, but in determining the status of Porto Rico should we look primarily at the welfare of the people of the United States proper or the welfare of the Porto Ricans and their wishes in the matter?

OUR FIRST DUTY.

Mr. PERKINS. I believe our first duty is to our own. A man who is not true to his own home, to his own family, to his own community, will not make a good public citizen anywhere.

Mr. ALLEN. Would the Senator take into consideration the commercial interests of the United States as superior to the welfare and happiness of the Porto Ricans?

Mr. PERKINS. Mr. President, while we can be generous and true and loyal to our own, we can at the same time be liberal to those who are less favored.

Mr. ALLEN. Suppose the Porto Ricans want political autonomy and want a republic of their own, and to give them that we come in conflict with the commercialism of the United States, to which sentiment would the Senator yield?

Mr. PERKINS. Mr. President, there is a wise saying of a very wise statesman, "It is time enough to cross the river when we reach it." When the Porto Ricans have attained that intellectual standard, have made that advance in morals and religion and American patriotism which the distinguished Senator from Nebraska so much reveres, then we will take up this question and see what it is proper for us to do for them at that time.

Mr. ALLEN. I understand the Senator to decline to answer the question?

Mr. PERKINS. Territory may be acquired by discovery. We have discovered several islands down in the Pacific Ocean, and they belong to us by right of discovery. We have others by treaty. When territory is acquired, whether by discovery, treaty of purchase, or by conquest, it becomes property to be disposed of as the nation may see fit. The Constitution provides that this disposition of "territory and other property" is to be made by Congress, which has not only the power to "dispose of," i. e., to sell or give away, but it "may make all needful rules and regulations respecting it." Whenever this right to dispose of and make rules and regulations concerning property in territory has been disputed, whether in the courts or elsewhere, the right has always been upheld.

ACTS OF GRACE.

The erection of such acquired territory into a political entity or government, whether State or Territorial, the bestowal of citizenship upon its people, the granting of any special privileges, and relief from any burden are all mere acts of grace upon the part of the Government. With the bestowal of these rights or the reliefs from any burdens neither the President nor the judiciary have aught to do (except as the President may exercise his veto power), for the Constitution gives to "the Congress the power."

In the case of Porto Rico and other territory acquired as the result of our war with Spain, the territory came to us as the lawful prize of war, to indemnify the United States for injuries suffered and reimburse this victorious nation for the expenses of the war. The "catchy" phrase "the Constitution follows the flag" is euphonious, but it is merely claptrap and untrue. Protection to life, guardianship of property, the maintenance of order follow the flag of the United States, but all the rights, privileges, and immunities of the Constitution do not follow the flag, and if they

did it would in many cases be ruinous to the nation that, as the result of war, acquires territory.

HOW CALIFORNIA WAS GOVERNED.

The history of California is a case in point. The territory of which this State was a part became territory belonging to the United States through the treaty with Mexico. Upon taking possession of it, as soon as war with Mexico was begun, a military government was established, which continued until a constitution was framed, a State government organized, and the country admitted to the Union as a State. There were during this interval of about four years as many military governors, and during all that time there was no contention that the laws of the United States applied to the Territory by virtue of the Constitution. On the contrary, it was acknowledged that they did not so apply, and that they must be extended over that Territory by act of Congress. Soon after the treaty was signed the President brought this matter to the notice of Congress in messages, but no action was taken. In his message of December 4, 1848, President Polk said:

It will be important to extend our revenue laws over these Territories, and especially over California, at an early period. There is already a considerable commerce with California, and until ports of entry shall be established and collectors appointed no revenues can be received.

A collection district was soon after formed, a collector appointed, and the revenue laws made to apply to the Territory. But this was nearly the extent to which the laws of the United States applied to the new Territory up to 1850.

At the time California was admitted as a State the military governor reported that the only government in the Territory was that established by the Mexicans, with the exception of a few military orders issued by him or his predecessors. The new Territory was left practically to itself for four years, during which time the Constitution had not of its own power extended over it the laws. Indeed, it was expressly acknowledged that Congress could alone extend these laws over California. The Constitution clearly did not follow the flag in this or other instances of the kind. Congress had power then, as it has now, to place a new Territory under such laws as it thought fit.

A TIME FOR EDUCATION NECESSARY.

Porto Rico and the Philippines are ours to have and to hold and to dispose of as Congress in its wisdom may see fit. If we retain them, a period of pupilage—a time for education—must be theirs, so that they may be fitted to understand and have the capacity to enjoy the rights of American citizenship.

Were it true that the Constitution follows the flag, we would have to be careful about going to war, and still more careful of the acquisition of territory that might come to us as victors. The doctrine is practically destructive of the war power of the Constitution.

Suppose that, as the result of the Spanish war, Spain herself had fallen to us as a territory, indemnifying us for the expenses and losses of the war—a territory filled with a people possessed with animosity toward us, their conquerors, hatred of our institutions, and incapable because of training and education to assimilate with us for centuries to come—would anyone claim, would my friend from Nebraska [Mr. ALLEN], or my friend from South Carolina [Mr. TILLMAN] claim, that we should give those hostile Spaniards all rights which we possess under the Constitution? Should citizenship with its blessings be theirs?

Mr. TILLMAN. Mr. President——

Mr. PERKINS. Should they be admitted to freedom of trade and equality of commerce with us?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Carolina?

Mr. PERKINS. Certainly.

THE QUESTION OF EQUALITY.

Mr. TILLMAN. I understood the Senator a few minutes ago to speak about the ownership of land in Porto Rico, and he seemed to reprobate or to oppose equality under the flag because some Englishmen and a large number of Spaniards own the real estate there. Therefore he limits the benefits of liberty to the nationality, does he?

Mr. PERKINS. Not at all, Mr. President; but the Porto Ricans are electing, many of them, to become citizens under the treaty. The Spaniards say they have no sympathy with our institutions or with our form of government. The Englishmen say, in effect, the same. They say: "We will maintain our allegiance to our mother country; we want all of these privileges and all of these benefits, but we will remain your landlords."

Mr. TILLMAN. What will we do, then, if all the land there belongs to aliens—Spaniards and Englishmen? Are you just going to leave that island dangling between Scylla and Charybdis, or between the devil and the deep sea, so to speak? Are you going to hold on to it, and yet not let it have any of the benefits of citizenship?

Mr. PERKINS. My friend is off his course, using a nautical phrase. I used that as one of the arguments to show that it was not the plain people, that it was not the working people, the middle class, who were asking for free trade, but it was the foreign landholders, the foreign capitalists, and I said it was one of those conditions which existed there that your committee had taken into consideration when this bill was before them.

NOT A PARALLEL CASE.

Mr. TILLMAN. Well, I should like to have the Senator's interpretation or explanation of the purpose which he has, ulterior or present, in regard to this alien landlordism. Are we as a nation here going to legislate for the common people of Porto Rico or for the landlords? I understood him to say that we were going to legislate for the common people. How are you going to relieve those common people unless you turn that government over to them and let them legislate those people out of their homes by taxation?

Mr. PERKINS. If the land were open, as it has been in our Western States, and we could send our farmers from South Carolina and from New England there to build homesteads, to preempt the land by homesteading upon it, then I could see that we might give them American citizenship, and that we might take them into our political family. But I am relating now the conditions that exist there.

Mr. TILLMAN. What do you want with those people at all, then?

Mr. PERKINS. You have got them.

Mr. TILLMAN. If we have the Porto Rican case on hand in such a way that we can not elevate the common masses and give them a chance to get homes, and can not legislate against the landlords who live in Spain or in England, what do we want with the island at all?

Mr. PERKINS. My friend voted for the treaty which gave us the island.

Mr. TILLMAN. I beg pardon; I did not. I did my level best to defeat it, and I wish to God it never had been passed.

Mr. PERKINS. The treaty was ratified with the influence on his side. His friends aided it just the same.

Mr. TILLMAN. There were only three or four over here who voted for it.

Mr. PERKINS. Mr. President, following the thread of my narrative as to the acquisition of territory, I want to suppose a case that is not unlikely to occur. An Asiatic war, we will suppose, takes place, into which this Republic might be drawn, and we are victors in the struggle, as we always are. With my friend from South Carolina on our side there is no such word as fail. Suppose the Chinese Empire should fall to us as a war indemnity. We would have acquired a territory with 400,000,000 population, of a class that we have spurned from our shores as we would a pestilence. Should those unassimilative people be permitted to overrun us and affect the body politic and our institutions with a leprosy worse than death itself, because of the recognition of the absurd catch phrase that has been bandied from one to another and brought hither and thither, that "the Constitution follows the flag?"

THE MEANING OF THE FLAG.

Mr. TILLMAN. Mr. President, does the Senator recall that one of the catch phrases that is very popular was promulgated by President McKinley at Ocean Grove, that the flag would not mean one thing in the Philippines and another in Porto Rico and another in the United States, but that it would mean the same thing everywhere?

Mr. PERKINS. Mr. President, President McKinley was right when he said it. The flag means protection; it means law and order; it means that everyone who will obey the law shall have the protection of the flag, of Old Glory. President McKinley has said many patriotic and noble things. He never said a truer word than that where the flag goes, where Old Glory waves, there is the bond for law and order. When a sailor boy in a foreign country I have seen Old Glory flying over the American consul's house, and as I approached it I almost felt as Moses felt when he drew near the burning bush and the voice came to him, "Thou standeth on holy ground."

Mr. TILLMAN. Now, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from California yield?

Mr. PERKINS. Certainly.

Mr. TILLMAN. If the President said only what was true and right then, what about this other catch phrase of his, that it is our plain duty to give Porto Rico free trade? He seems to have been mistaken once in his infallible utterances, anyway.

THE PRESIDENT AND THE FLAG.

Mr. PERKINS. Mr. President, none of us are infallible. It is said that wise men sometimes change their minds. Others who are not so wise persist in saying that the horse is 16 hands high, and they adhere to an opinion previously formed.

It has been clearly elucidated to-day that it was impracticable to collect any other tax for the support of that government except in the manner which your committee have provided for. I have

heard my friend again and again say here that the way to dispense charity is to help people help themselves; and so the President, so the people of the United States, want to reach out their helping hand to the Porto Ricans and say, "We will help you to help yourselves." That is right.

That is true charity, Mr. President. A man who dispenses alms and gives it for grace alone does not benefit the receiver if he is well, but he does him a great injury. My friend has added another tribute in his very words of criticism, one which redounds to the praise and credit of President McKinley, who is patriotic and loyal and who wants to do that which is for the best interests of the people of our whole country and those who as a result of the war have fallen to us.

But, as I said, shall these unassimilative people be permitted to overrun us and affect the body politic and our institutions with a leprosy worse than death itself because of recognition of the absurd catch phrase, I repeat it, that "the Constitution follows the flag?" Better defeat to our arms and the payment by us of a war indemnity than that; aye, a hundred times better. When defeat is more advantageous to a nation than victory, it will cease to wage war, and the duty imposed upon Congress by the Constitution "to raise and support armies" and "to provide and maintain a navy" need no longer be performed.

DANIEL WEBSTER ON THE CONSTITUTION.

In the discussion of the question of extending the Constitution and laws of the United States to Upper California and New Mexico, the great "expounder of the Constitution," Daniel Webster, said:

Let me say that in this general sense there is no such thing as extending the Constitution. The Constitution is extended over the United States, and over nothing else. It can not be extended over anything except over the old States and the new States that shall come in hereafter, when they do come in. There is a want of accuracy of ideas in this respect that is quite remarkable among eminent gentlemen, and especially professional and judicial gentlemen.

It seems to be taken for granted that the right of trial by jury, the habeas corpus, and every principle designed to protect personal liberty, is extended by force of the Constitution itself over every new Territory. That proposition can not be maintained at all. How do you arrive at it by any reasoning or deduction? It can only be arrived at by the loosest of all possible constructions. It is said that this must be so, else the right of the habeas corpus would be lost. Undoubtedly these rights must be conferred by law before they can be enjoyed in a Territory.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Georgia?

Mr. PERKINS. Certainly.

Mr. BACON. If the Senator will pardon me, I do not like to interrupt him. The extract from Daniel Webster's speech was a speech made in a law case, was it not?

Mr. PERKINS. It was made in the Senate. He was the great expounder of the Constitution, second in the opinion, I am sure, of my friend from Georgia only to John C. Calhoun.

Mr. BACON. Oh, I do not hold him second. Does the Senator say that that was in a debate in the Senate?

Mr. PERKINS. In the Senate.

Mr. BACON. Will the Senator kindly state what debate it was?

Mr. PERKINS. I took it from Benton's Thirty Years in the Senate.

Mr. BACON. I think the Senator will find, if he will notice, that it was uttered elsewhere. I may be mistaken, but I know he did express a similar opinion in a law case.

WHAT WE SHOULD CONSIDER.

Mr. PERKINS. He said it in a discussion of the question of extending the Constitution and laws of the United States to Lower California and to New Mexico. I copied this extract from his speech in Benton's Thirty Years in the Senate. I will read what was said again by Webster, that grand old man. I like to read that which he said as I do the Proverbs of Solomon, and I know that it will leave lasting impression upon those of us who ponder well upon his words. He was a beacon light of patriotism in the history of our country, and we can all afford to be devotees at the shrine of patriotism. Mr. Webster said again:

The Constitution was made for the States, not Territories; that no part of it went to a Territory unless specifically extended to it by act of Congress; that the Territories from first to last were governed as Congress chose to govern them, independently of the Constitution and often contrary to it, as in denying them representatives in Congress, a vote for President and Vice-President, the protection of the Supreme Court; that Congress was constantly doing things in the Territories without constitutional objection (as making mere local roads and bridges) which could not be attempted in a State.

I speak of this from a layman's standpoint, and as one who can go out on the sands and gather up pebbles and when he sees one of great value it comes home to him intuitively that it is not an ordinary gem. So it seems to me, after reading this discussion, that there can be no question but what the right is given Congress under the Constitution to enact such legislation as it deem wise and expedient for the government of our Territories and dependencies.

In framing laws for our new possessions, it is, in my opinion necessary for us to consider the needs of the constitutional States as well as to consider those of the islands; and it is possible for us all to concur, I think, that the needs of the islands may not be exactly those of the States, and that consequently laws necessary in the latter might not be the best for the former. I fear there is a disposition on the part of many, a great disposition of the great sympathetic people of our country, to permit their sympathy to outweigh judgment in this matter.

If there is we should be on our guard against it, lest it lead us into paths on which there is no turning back and which lead no one can now say where, but, perchance, to disaster. In dealing with this question, therefore, it behooves us to exercise calm, judicial judgment, uninfluenced by those feelings which, while among the most noble of humanity and which come straight from our hearts, we should be careful not to be unduly influenced by, feelings which may lead us astray.

PORTO RICO CAME LIKE A METEOR.

The little island of Porto Rico comes to us under peculiar circumstances. We did not seek it. Like a meteor from the sky that falls to the earth, we did not invite it to come, but it is here, and can not be disposed of by declaring that there is no authority under the Constitution to remove this meteor from the earth. Porto Rico was thrust upon us by war. Its people had never asked, perhaps had never desired, to become a part of the United States. Their civilization was impressed upon them by a nation in which the principles of freedom and self-government have hardly even yet taken root.

They are wholly ignorant of those principles, and their beliefs and customs are not those of the Anglo-Saxon, whose thousand years or more of struggles for self-government have had a cumulative effect which is seen in the institutions of our own country. They are not yet Americans, though they now deserve to be such, and Americans they can not be without going through some of the stages of development through which our ancestors have passed.

The peoples of a country can not, like Aaron's rod, blossom and bear fruit in twenty-four hours. The transition of a government of despotism to democracy is a slow process; the masses are not prepared for the change; generation after generation must first be educated in the school of civil and religious liberty before they can fully appreciate the benefits they may enjoy under a republican form of government.

"Heaven is not reached at a single bound:
But we build the ladder by which we rise
From the lowly earth to the vaulted skies,
And we mount to its summit round by round."

It is to my mind clearly evident that in the case of this island we have to deal with questions which differ materially from those presented by the acquisition of continental territory, in which the characteristics of American life were at the time, or very shortly thereafter, predominant. In none of these cases was it necessary to deal with problems furnished by a foreign population, for that population was at once overwhelmed by Americans and practically ceased to exist. We are not, therefore, legislating for the Louisiana purchase, for Texas, or for California, but we are legislating for a people foreign to our institutions and our civilization, and in thus legislating these facts should be constantly borne in mind. Though attached to us by indissoluble bonds, Porto Rico is not yet an integral part of the United States. That union can come only when the island, through education and experience, becomes American.

A SCHEME OF CIVIL GOVERNMENT.

The bill before us deals with Porto Rico upon this basis. It provides a scheme for civil government, through which the people may be educated along those lines which the Anglo-Saxon has followed so long, and which in time will make them in truth as in fact citizens of the United States. It is due them that they should have this privilege, and it is granted to them in this bill. But with this privilege go responsibilities, one of which is self-support. The affairs of the island can not be administered without cost, and it is no part of the character of freemen to permit themselves to be supported by others. Self-government and self-support are inseparable. Can it, therefore, be separated in the case of Porto Rico at the bidding of sympathy without doing wrong to the people of the island and violating our own principles?

It has been a question as to the best manner in which this self-support can be secured. There are two ways in which the United States gets the means of self-support—through customs duties and internal taxes. We of the United States pay both kinds of tribute, and find it no great burden as compared with the benefits we derive. Even the internal tax for war purposes is lightly borne and not felt by the masses. But how would a land, poll, or consumption tax be considered by a people of whom the Chief of the Bureau of Statistics thus spoke in 1898:

While the 200,000 (of its 1,000,000) of its population who live in cities and villages enjoy some of the conveniences to which our people are accustomed, the large proportion of the rural population is of extremely simple habits in the matter of food, clothing, and habitation, and with small earning capacity and a small per capita of a depreciated currency can not be expected to soon become large consumers of our products.

A little rice, a little flour a few beans, and plenty of bananas, plantains,

breadfruits, and vegetables satisfy their physical necessities; a few yards of cotton cloth for the adults and nothing for the children meet their principal requirements for clothing, while a few rough boards and a plentiful supply of plantain and palm leaves supply the material for the humble dwellings throughout the interior and in many of the villages. With but about one-fifth of its population able to read and write, the knowledge of the outside world is extremely limited and with only 150 miles of railroad and less than 250 miles of good wagon road on the island the means of intercommunication are not such as to enable a prompt stimulation of its production or consumption.

PORTO RICO'S ADVANTAGE 85 PER CENT.

It is hardly possible that a land, poll, or consumption tax on a people such as are here described could with justice to them be imposed. The domestic business pursuits should be untrammeled, and in consequence it has been deemed wise, as well as expedient, to impose no tax of this kind on the island, but to raise what money is needed by an indirect tax from duty on its exports to this country and internal-revenue taxes on manufactured articles only that are exported into the United States.

The money thus collected, being derived in this way, and also from duties on foreign imports into Porto Rico, comes from the most productive kinds of business in the island. So this indirect tax is less severely felt than if of a more general character, and every dollar thus collected is turned into the insular treasury of Porto Rico for the sole benefit of the people of that island; while in the District of Columbia and every other Territory of the United States the money collected from internal revenue is paid into the National Treasury at Washington.

But in order to reduce the revenue collected from the island to a minimum, this duty has been fixed at only 15 per cent of the existing tariff rates, thus giving to Porto Rico an advantage of 85 per cent over its competitors. In order further to favor the people of the island no duty is levied on flour, rice, produce, cereals, beans, fish, pork, bacon, fresh beef, mutton, and many other articles of food; also, books and pamphlets printed in the Spanish and the English languages, lumber, oxen, machinery, etc., for making sugar, rum, and brandy, and we have reduced the duty upon building material and other articles to less than one-half of the regular tariff on imports from the United States.

UNPRECEDENTED GENEROSITY.

No Territory of the United States has ever been treated in so liberal a manner as this Government now proposes to treat Porto Rico. In the district of Alaska Congress has imposed a special license tax upon business industries, which paid into the National Treasury last year nearly a quarter of a million dollars, and this, too, in our own Territory of Alaska, snowbound and away up in the polar regions. We have imposed that upon our own people, and yet our sympathetic friends say that this bill is an outrageous oppression upon the Porto Ricans.

Mr. President, I would be just to all; but I never did when a boy have any patience with those good, kind-hearted, dear old women who met on Friday afternoons at a sewing society and there made pantalettes and clothing for the Hottentot children of South Africa, while their own neighbors' children were going about barelegged and barefooted. I believe in charity commencing at home.

So I say in this case we have made an exception, perhaps, to the general rule, because Providence in His wisdom sent a great tornado, a great hurricane, over that island, causing devastation and ruin to the people. Tornadoes come in Nebraska; epidemics and pestilences stalk broadcast over our land; and yet we do not ask charity or this beneficent kindness from our Government; but we press forward and commence again to combat what may be called a special dispensation of Providence, to bring us to a realizing sense that we are only mortal, and that we, perhaps, are progressing too rapidly in our material affairs.

The only tax that is to be paid in Porto Rico is that upon the most profitable kinds of productive enterprise, and all the money thus collected is to be returned to the island for public purposes. This and such other expenditures as the General Government will make from the general revenue of the United States for the support of our Army and Navy, improvement of fortifications, geological and coast and geodetic surveys, light-houses, quarantine stations, government roads, parks, etc., should and will tend to promote the well being and prosperity of the island.

OUR TREATMENT OF THE ISLAND.

The new public works undertaken will be of lasting benefit to the inhabitants; money will be expended in wages, which will give relief to many of the needy, and all will feel the beneficent effect of an era of progress. A few days since Congress passed an act appropriating $2,095,455.98 to be expended in Porto Rico for the benefit of that island, and our people and the Government have poured in tens of thousands of dollars' worth of provisions and supplies to relieve the sufferers from the tornado that swept over a part of the island.

Contrast this liberal treatment with that of Spain toward Porto Rico. Dr. Carroll, special Treasury agent, sent to the island to report upon its condition, states in his report, at page 57, that an export duty and cargo taxes were levied by Spain in Puerto Rico on coffee, tobacco, and other articles, and that this tax alone in 1896 amounted to $351,624. This, with taxes upon real estate, consumption tax, and other taxes, amounts to ten or twenty times the small duty we propose to levy upon her sugar and tobacco.

The Statesman's Yearbook, an English publication, recognized as reliable authority, states that Spain levied taxes upon Porto Rico in 1896 amounting to $1,091,000 and expended only $781,000 in the island, the remainder being Spanish profit from this colony. To this we may add the enormous salaries paid from the resources of Porto Rico to the Spanish court officials that were sent over from Spain to administer the military and civil government of the island.

THE HIDDEN SECRET.

A letter written from Porto Rico to the Hon. G. W. STEELE, of the House of Representatives and read there a few days ago, not only shows conclusively that a tariff of 15 per cent will be entirely acceptable, but indicates that the only class who would benefit from absolute free trade are the very ones who, it is now alleged, desire this tariff. The pertinent portions of this letter are as follows:

SAN JUAN, PORTO RICO, *March 17, 1900.*

MY DEAR MAJOR: We are watching with interest here the hurricane that the proposed 15 per cent tariff has raised, and are wondering what it is all about. A 15 per cent tariff is not obnoxious to the people here; at any rate not to the planters and to the great body of the people, the only clamorers for out-and-out free trade being the men who have bought up most of the sugar and a good part of the tobacco.

I am credibly informed that the American Tobacco Company has absorbed the greater part of the tobacco interests of the island, and absolute free trade would mean that they stand to make a pocketful of money. This talk of the placing of the tariff at the behest of the trusts which control tobacco and sugar strikes us here as the most arrant rot, since those very interests are the ones that would profit most from absolute free trade. The people here take it that the United States is not going to appropriate money from the National Treasury for the purpose of running this island. Hence the money, about two and a half millions a year, must be raised either by a tariff or by direct taxation.

Under the present system there is not a cent of taxes collected on land or improved real estate. The insular revenues have come from tariff, and the municipal fund has come from taxes on the necessaries of life. Even under this system the planters have had to appeal for a suspension of process to save their lands from foreclosure, and the levy and collection at this time of a direct tax would practically mean the sale of the island under the hammer. Perhaps the holders of the mortgages have a voice in the clamor, for the purpose of forcing the plantations into the hands of the sheriff.

The experience here has been that the removal of the tariff has not cheapened anything to the consumer. Acting under the demand for cheaper necessaries, the War Department removed the tariff from rice, bacon, beef, beans, and a number of other articles, but despite this removal of the tariff, not one of these articles sells any part of a cent cheaper in the stores to-day than they did with the tariff imposed, and whatever benefit has been derived from the abolition of those tariff dues has been divided between the wholesaler and the retailer.

THE TRUE SITUATION.

I believe, Mr. President, that this letter sets forth the true situation in Porto Rico as far as this proposed tariff is concerned. I do not see that the abolition of this 15 per cent tax would benefit any others than those indicated, or that it could tend to increase export trade appreciably more than the 85 per cent reduction proposed will do. Indeed, according to this letter, the abolition of the tariff on goods imported into the island is of no practical benefit to the consumers. The pork packers and millers of the West and other provision dealers of the East would simply divide the duty saved with the sellers of the articles. Yet this duty has been omitted from the bill in the hope that competition will eventually reduce the selling prices of the articles, so that the purchasers may after a while derive some benefit from the omission.

Besides all this, the bill, if enacted into law, will remain in force only two years, during which time its defects will be fully ascertained. If any are made apparent, it will be possible to correct them before any appreciable damage has been wrought. I do not see, Mr. President, how any plan could be fairer to the people of Porto Rico than the one proposed.

In talking with one of the advocates of free trade about the ungenerous manner in which he said we had treated the Porto Ricans. I asked him, after citing him the principal features of this bill, what we had done to oppress those people that was so much more severe than had been the treatment of Spain? "Why," said he, "Spain permitted them to vote; they voted under the despotic Spanish Government; and now our free republican Government has stepped in and denies them the right to the ballot."

Mr. President, it is in evidence before your committee that while those people had the right to vote under the Spanish régime, they had but a very small minority of the returning board, and the result of the elections was always in accordance with the edict which had been promulgated by the captain-general of the island, who said the Crown—the home government—desired the result of the ballot to be in favor of such and such persons. The returning board always complied with their instructions to the letter, and it has been said that in the whole history and experience of the elective franchise in Porto Rico this great boon that was given them and that we have denied to those oppressed people there had

never been an instance where the result of the election was not in accordance with the desire of those who were in authority and who wanted such and such persons elected.

THE PRINCIPLE OF PROTECTION.

But, Mr. President, in addition to the wise and beneficent features I have alluded to, while we have been, as I have said, more generous and more liberal to Porto Rico than we have ever been to any Territory of the United States, the bill has in view one other prominent point, to my mind, which I think your committee are entitled to credit for embodying in it.

The bill maintains the principle of protection to American labor and American civilization against foreign competition and influence; and in justice to ourselves this protection must be always maintained. Sympathy for other races less fortunate than we should not induce us to open our doors to influences that would tend to sink us to their level. There is and can be no stationary period in our career as a nation.

We must either go forward or backward. Our course up to this time has been always forward, and we should see to it that it shall be always so as far as we can determine it. In our efforts to determine what the future shall be, I do not think we can do better than to maintain at all points the principle of protection until we can see a little farther into the future. We shall have to deal with problems concerning other races and other civilizations, which differ more from our own than do those found in Porto Rico; and it will be long before we can see clearly all the conditions surrounding them, and be in a position to act intelligently for the best interests of these people as well as for ourselves.

The interests of our own country and people must always be first in our minds, and we must act with that idea predominant. We should be recreant in our duty to our own should we permit any opening to occur through which danger might come to them. Their greatest safety will be, in the future as in the past, that protection against the influences of alien customs, habits, and ways of life which has been provided by our laws and hallowed by the benediction of our forefathers. We should in no case make exemptions from that policy which may be used hereafter as grounds for urging its wholesale abrogation.

The honor and dignity of labor should ever be maintained and protected against competition from servile and cheap contract labor, no matter from what source it may come, whether it be from our own territory or dependencies in the islands of the sea, or whether it comes masquerading under the guise of reciprocity.

For these reasons I believe it wise to maintain this principle as against Porto Rico until the future is more clear than it is now, and until we can learn what a breach in the existing laws will admit, whether influences for good or for evil.

GOVERNMENT THROUGH THE PRESIDENT.

I would call to mind, Mr. President, the manner in which Porto Rico has been governed up to this time by the President, acting through military governors. I do not think it can be denied that there have been much better conditions than under Spanish rule. It is true that the elements have brought great distress to the people, but even for political purposes such misfortune can not be laid at the door of the Administration. The fact is that, aside from the destruction worked by a hurricane, the island of Porto Rico is better off than it has ever been since Spain possessed it.

It was overwhelmed with taxes which bore hard on all classes of people. Even what they consumed was taxed; and their incomes, above expenses, had to yield a portion to be sent to Spain. Export as well as import duties were levied, and a tonnage tax and other schemes for raising money were tried. But, as soon as the island came into possession of the United States, an effort was at once made to relieve the people of some of these burdens.

Beef and mutton, oxen, machinery, food stuffs, building material, etc., were admitted free of duty. The price of bread was brought down from 8 to 4 cents. There was a tax on consumption levied on all articles to eat, drink, or burn. Sugar, sold for 3 cents, was made thus to cost the consumer 6 cents. Every little town imposed this consumption tax on rum, rice, beer, pease, meat, charcoal, milk, etc. All these taxes have been abolished. Everywhere there was an income tax, the Spanish Government determining what that income was by making its own estimate. This has been abolished also. Every bit of land was taxed for all it could bear, and the money made to swell the amount collected by Spain, and in all these collections the Spanish citizen was always enabled, by characteristic means, to secure material rebates, thus thrusting the burden on the very poorest classes.

All this iniquitous system has been abolished by the President, and the military government established has been a blessing to the people. These taxes which have ground the poor to the dust should not be revived by any system of direct taxation. The most profitable business enterprises of the island should be made to pay their fair share of the expenses, which they have so long escaped. This is provided for in the present bill. But even without such a law as is here proposed the people of Porto Rico would be far better off than they ever were under the rule of Spain.

Mr. FORAKER. On page 14, section 19, line 7, there is one word that ought to be stricken out. It is the word "general," which occurs after the word "attorney." It reads "attorney-general," and it ought to read simply "attorney." I move that it be stricken out.

The amendment was agreed to.

Mr. SIMON. Mr. President, I shall vote against this bill. I shall not do so, however, without some hesitation and embarrassment, for I deeply regret the necessity for differing with so many of my party associates on this floor; but I do not consider this a political question, and I am so firmly convinced "our plain duty is to abolish all customs tariff between the United States and Puerto Rico and give her products free access to our markets" that I can not see my way clear to do otherwise than to express my dissent to the tariff features of this bill by voting against it. While my own view on this subject is a matter of no great concern, it is some satisfaction to me to know that the overwhelming sentiment of the people of my State is in accord with the view I entertain and they indorse the vote I propose to cast.

The State of Oregon, which I have the honor in part to represent, is intensely in earnest in its demand for free commercial intercourse between this country and Puerto Rico, and the people of my State are especially insistent in their demand for fair dealing with the people of the island of Puerto Rico. They can not understand why we should refuse to do that which was promised and which every consideration of good faith requires should be done.

I am not prepared to say that the legislation which the Republican majority in this Congress seem determined to enact, in violation of the pledges made to the people of Puerto Rico, will cause a loss of the State of Oregon to the Republican party in November next, but I do say, and I say it with much confidence, that if there is any one act of this Congress that will render doubtful the vote of that State it is the passage of this bill in its present form, by which it is proposed to repudiate the pledges heretofore made to the people of Puerto Rico.

Mr. FORAKER. Will the Senator from Oregon allow me to interrupt him?

Mr. SIMON. Certainly.

Mr. FORAKER. The Senator says that if we pass this bill we will violate pledges made to Puerto Rico. What pledge? Will the Senator kindly specify a single one made to Puerto Rico that this bill will be a violation of?

Mr. SIMON. The pledges that were made by General Miles when he entered the island of Puerto Rico and gave assurances to those people which are wholly inconsistent with this proposed legislation.

Mr. FORAKER. I do not so understand it. I do not know of any language which General Miles employed except that in his proclamation in which he stated we had come to promote prosperity and bestow upon those people the immunities and blessings of the liberal institutions of our Government. Now, what single thing that General Miles promised is denied to the people of Puerto Rico by this bill? I have heard that statement over and over again here in the Senate and elsewhere, but I have never heard any man point out a pledge given by General Miles or anybody else that this bill violates in the slightest degree.

Mr. SIMON. The language referred to by the Senator from Ohio and the assurances given by General Miles, which were supplemented by the honorable Secretary of War and subsequently by the President of the United States, are what I have reference to.

Mr. FORAKER. I will state to the Senator, if he will allow me a moment—I do not want to interrupt him especially at this late hour—that the Secretary of War made no pledge to anybody.

Mr. PETTUS. I rise to a point of order. The Senator from Ohio has not had the permission of the gentleman occupying the floor or the recognition of the Presiding Officer.

Mr. SIMON. I consent.

The PRESIDING OFFICER. It was understood that the Senator from Oregon yielded to the Senator from Ohio.

Mr. FORAKER. I understood the Senator from Oregon to yield, and the Senator from Oregon says he did yield, and I understood the Chair to recognize me. I submit that the Senator from Alabama was out of order.

In the language employed by the Secretary of War there is no pledge given; and if there had been, it could not have been in the nature of a pledge. It was nothing but a recommendation.

Mr. SPOONER. Will the Senator from Ohio allow me?

Mr. FORAKER. I do.

Mr. SPOONER. How could the Secretary of War or the general in Puerto Rico complicate at all or commit the United States any more than they could in the Philippines to a permanent Congressional policy?

Mr. FORAKER. The suggestion of the Senator from Wisconsin is well taken.

Mr. SPOONER. We have had in the Philippines the talks of consuls and the talks of this man and that man and the letters of this man and that man.

Mr. FORAKER. It was the business of General Miles to carry the flag into Puerto Rico, but not his business to lay down any policy by which the Congress should be bound.

Mr. SPOONER. General Sherman undertook to do that. He was a very great soldier, but he did not succeed.

Mr. CHANDLER. Will the Senator from Oregon allow me for a moment?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. SIMON. I do.

Mr. CHANDLER. I wish to say to the Senator from Ohio that the point of the Senator from Oregon is not whether General Miles had a right to make promises, or the Secretary of War had a right to make promises, or the President had a right to make promises, but that General Miles had made promises, and the Senator from Ohio and the distinguished Senator from Wisconsin immediately proceed to reply that they had no right to do it. I did not myself believe that any promise had been made which had in fact been violated. But the point of the Senator from Oregon is clear and distinct that they had made promises, to which the answer of the other two Senators is that they had no right to do it. Which is the fact?

Mr. SPOONER. There are two things about that. First, they had no right to do it, and, second, they did not do it.

Mr. FORAKER. They did not do it. The Senator from Wisconsin is correct in his answer.

Mr. CHANDLER. That is intelligible, but the prior answer of the Senator was not intelligible.

Mr. SPOONER. I am very much obliged to the Senator from New Hampshire for making the whole business intelligible.

Mr. CHANDLER. I always endeavor to do it whenever the Senator from Ohio and the Senator from Wisconsin need correction or instruction; but I certainly thought the Senator from Oregon was entitled to make his point, and demonstrate it if he could, that promises of this sort had been made. I did not think they had been.

Mr. PERKINS. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. PERKINS. I wish to say one word and to ask for information.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from California?

Mr. SIMON. I yield to all Senators, and to each one of them.

Mr. PERKINS. I wish to ask my friend the Senator from Oregon to state, if he will kindly, what General Miles promised to the people of Puerto Rico greater than is enjoyed by the people of the District of Columbia, the capital of the nation. If he made any such promise I hope our friend will inform us.

Mr. PETTUS. I rise to a point of order; not exactly a point of order, but I desire some information from the Senator from Oregon, if he will allow me.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Alabama?

Mr. SIMON. Certainly.

Mr. PETTUS. I wish to ask this question: Do you not think it would be best, considering the hour, for Senators to allow you the few minutes you have in which to make this discussion for yourself, without all these wonderfully wise interruptions?

Mr. SPOONER. Will the Senator from Oregon allow me?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. SIMON. Yes, sir.

Mr. SPOONER. I hope the Presiding Officer will sustain the point of order made by the Senator from Alabama.

Mr. SIMON. I prefer to go on, if it is agreeable to Senators. None of us differ about the assurances given by General Miles to the people of Puerto Rico. We may construe them differently. I construe them one way, and the distinguished Senator from Ohio construes them differently. I may be wrong. Perhaps the Senator from Ohio is wrong. I do not know who is right. We must each construe those utterances and construe the proclamation made by General Miles as we think it is entitled to be construed.

Mr. President, I am not so pessimistic as to believe that the enactment of this legislation will result in the defeat of the Republican candidate for President in November, although I have no doubt that a very large element of the Republican party will be greatly disappointed with the enactment of this tariff legislation, and that it will lose to that party many votes that it otherwise would receive; but I have an abiding confidence that very many of the people offended by this proposed legislation, especially the business element and the conservative people of this country, upon sober second thought will never consent to turn the administration of governmental affairs over to Mr. Bryan and his associates upon a platform akin to that adopted at Chicago in 1896, and that notwithstanding what I conceive to be a serious party blunder, President McKinley will be triumphantly reelected in November next.

Mr. President, in my opposition to this measure, I of course address myself entirely to the tariff features of this bill. I have no fault to find with those features of the bill which provide for a civil government for Puerto Rico. These provisions have my hearty approval, and I regret that they are so connected with the tariff legislation that I am compelled to vote against the civil government features of the bill in order to make my opposition to the tariff provisions effective.

I shall not discuss the constitutional phase of this question. It is a matter of indifference to me, so far as my action upon this bill is concerned, whether Congress has or has not the constitutional power to legislate in this manner. I oppose the tariff features in this bill because it is unfair, unjust to the people of Puerto Rico, and in violation of the promises made to them.

In the acquisition of Puerto Rico we assumed obligations which can not be evaded. In my judgment it is unworthy of this great country to do otherwise than faithfully comply with every assurance given to the people of Puerto Rico when General Miles and his army landed upon that island. In his proclamation to the people of Puerto Rico, General Miles said, referring to the military forces that came to occupy the island:

> They bring you the fostering arm of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold. * * * We have not come to make war upon the people of a country that for centuries has been oppressed, but, on the contrary, to bring you protection, not only to yourselves, but to your property, to promote your prosperity and bestow upon you the immunities and blessings of the liberal institutions of our Government.

What does this language mean if not that the people of Puerto Rico should enjoy the same rights, the same privileges, the same immunities, and the same benefits, and be subject only to the same conditions and limitations that the people of the United States enjoy and are subject to? Whether General Miles had authority to bind this Government need not now be considered. As against a small and helpless country we are in no position to assert, even if we cared to do so, that we are not bound by the assurances given or the promises made by General Miles.

I have, however, yet to hear of any department of this Government, or any of the executive officers of this Government, repudiating the assurances given or the promises made by General Miles, and until this legislation was proposed I had never heard of any contention made that by the annexation of Puerto Rico trade relations between that island and this country were to be conducted otherwise than upon a free commercial basis or that the island would receive different treatment from that accorded to other territory of this nation. What right have we now to repudiate these assurances given to the people of Puerto Rico by General Miles and subsequently indorsed not only by the Secretary of War, but by the President?

Mr. President, who is it that opposes the performance of "our plain duty" to the people of Puerto Rico? The clamor about the Capitol from the "protected interests" must not be taken for the voice of the American people.

Almost the entire press of this country, which strongly reflects the sentiment of the people throughout the nation, demands the abolition of all customs tariff between the United States and Puerto Rico. A very insignificant number of the leading newspapers oppose this demand.

No question in recent years has arisen that has been so thoroughly discussed by the press, nor upon which it has been so thoroughly united, as that concerning our proper treatment of Puerto Rico, nearly every one of the leading newspapers insisting upon admission to this country free of duty of all the products of the island of Puerto Rico. Is there any stronger evidence of the sentiment of the people of this country upon this all-absorbing topic than is to be found in the daily utterances of the press of the country? Can it be possible that the majority of the press, as well as the majority of the people of this country, are wrong upon this great and all-absorbing question?

If we can not afford to permit Puerto Rico to have free commercial intercourse with the rest of this country, it is high time for us to declare that we are incapable of either governing or protecting that island, and we should haul down our flag and abandon our efforts to do either. We have no right to hold Puerto Rico unless we are willing to permit free commercial relations, as the people of that island believed they were to have. This country never has held in the past and never can hold territory as a political dependency and subject to unequal taxation.

The people of Puerto Rico are now under our flag and subject to our jurisdiction and entitled to considerate and humane protection and fair and generous treatment, and therefore sentiment and public policy alike forbid that we should hold them for colonial exploitation and profit.

Mr. President, the proposition to discriminate against the people of Puerto Rico by the imposition of this 15 per cent of the

Dingley tariff upon a limited number of articles is, in my judgment, wrong in principle. It is not protection, because it does not protect a single industry that requires protection or that would thereby obtain protection. It is not free trade, because it imposes what I conceive to be an iniquitous charge and burden upon the island.

It is neither free trade nor protection. It simply deprives the people of Puerto Rico of the right that they had every reason to believe they would have in common with our people, to trade with every portion of our country without any tariff restriction, and asserts the power on the part of this Government to impose such discrimination against the products of that island as we may hereafter see fit to impose. This claim or assertion of right as against the people of Puerto Rico is, in my judgment, contrary to the spirit of the compact under which we assumed jurisdiction over and control of Puerto Rico and in violation of the express promise made to her people.

By the express limitation of the tariff feature of this act to a period of two years, it is clear that in the judgment of the majority of this Senate free-trade relations should exist between this country and Puerto Rico.

Can we afford to discriminate in our tariff laws against the products of any territory belonging to the United States or against any people that owe allegiance to our flag? Every principle of justice, good faith, and common honesty would seem to require that we should not disappoint the people of Puerto Rico in their expectations of fair treatment at the hands of our people.

If conditions have so changed since the 5th of December last that it is apparent now that discrimination should be made between the people of the United States and the people of Puerto Rico, and it is no longer "our plain duty to abolish all customs tariff between the United States and Puerto Rico and give her products free access to our markets," ought not the people of this country to be apprised of these changed conditions, the causes producing them, and the apparent necessity for violating the pledges heretofore made?

I have not been convinced, nor have the people been convinced, that conditions have changed or that there is justification for the action proposed.

I can not by my vote sanction this proposed violation of pledges made to a weak and dependent people.

Mr. PROCTOR. I wish to take a new departure from my course in the last nine years in this body. I move that the Senate adjourn.

Mr. WELLINGTON. I ask the Senator from Vermont to yield to me for one moment.

Mr. PROCTOR. Certainly.

Mr. WELLINGTON. I wish to submit some remarks to the Senate upon this bill. I did not oppose the arrangement for a vote. I should like to know, and have it understood, whether, if we adjourn now, I can to-morrow have time, either at the beginning of this discussion or some other time, to be heard upon this subject. Can I hold the floor in the morning?

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. The Senator from Maryland was not recognized. The Senator from Vermont made a motion, and yielded to the Senator from Maryland for a question, not for discussion. The motion is not debatable.

Mr. CHANDLER. I ask the Senator to yield to me.

Mr. WELLINGTON. If the Senator yields to me I will put the question, Can I hold the floor in the morning?

Mr. CHANDLER. The Senator can not hold the floor as a matter of right, because that is never allowed in the Senate. There is not any doubt at all, I suppose (the Senator from Ohio will perhaps confirm what I say), that the Chair will recognize the Senator from Maryland in the morning, so that he can go on with his remarks.

The PRESIDING OFFICER. The Chair recognized the Senator from Vermont, who moved to adjourn, and yielded to the Senator from Maryland, and the Senator from New Hampshire interrupted.

Mr. CHANDLER. I ask the Senator from Ohio if there is any doubt that the Senator from Maryland can go on to-morrow?

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio as being in charge of the bill.

Mr. FORAKER. The junior Senator from Illinois [Mr. MASON] and the junior Senator from Texas [Mr. CULBERSON] have both given notice that they will speak to-morrow at the close of the routine business. Then, commencing at 2 o'clock, until which hour they claim they will occupy all the time, the rule of the Senate is that we will have only fifteen-minute speeches until 4 o'clock. I do not know what claims there will be for the floor. I should be very glad to have the Senator from Maryland given an opportunity to speak. How much time will the Senator probably want to occupy?

Mr. WELLINGTON. I should like about thirty minutes, I should say.

Mr. FORAKER. It is possible you can get in to-morrow morning, immediately after the junior Senator from Texas, who follows the junior Senator from Illinois.

Mr. WELLINGTON. Could I do this: Give notice, if it please the Senate, that after the Senator from Texas has concluded his remarks I shall address the Senate upon this bill?

Mr. FORAKER. I have no objection to that, except only that when we come to 2 o'clock we will pass under the fifteen-minute rule. That has been agreed to by unanimous consent.

Mr. WELLINGTON. I suppose I shall have to take my chances upon that, and then appeal to the charity of the Senate to give me a little more time.

Mr. CHANDLER. I think the Senator will have time. I ask the Senator from Vermont to yield to me, that we may have an executive session for a moment.

Mr. PROCTOR. I yield to the Senator from New Hampshire.

Mr. FORAKER. I will do all I can to accommodate the Senator from Maryland.

EXECUTIVE SESSION.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

Mr. FORAKER. I said to the Senator from Arkansas [Mr. BERRY], who wanted to leave the Chamber, that in my opinion there would be no executive session, and that if such a motion were made I would make objection to it; but the Senator from New Hampshire tells me that he has only one particular matter of business, to move a reconsideration which it is necessary to make now, and I yield for that alone.

Mr. CHANDLER. I can assure the Senator from Ohio that the Senator from Arkansas would not object.

Mr. FORAKER. Very well.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 3, 1900, at 11 o'clock a. m.

NOMINATION.

Executive nomination received by the Senate April 2, 1900.

CONSUL.

Charles E. Barnes, of Illinois, to be consul of the United States at Cologne, Germany, vice John A. Barnes, deceased.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 2, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

SURPLUS FROM WAR-REVENUE LAW.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he hereby is, requested to inform the House of Representatives whether in his opinion, based upon such knowledge as he has, the present laws for the raising of revenue are creating and will continue to create a surplus in the Treasury over and above the wants of the Government, and if so, to what extent at the end of the current fiscal year, and a like report as to the fiscal year ending June 30, 1901.

That he also report to the House of Representatives his estimates of the probable receipts of the Treasury from all sources of revenue for those years, to wit, customs, internal revenue, and miscellaneous sources.

Resolved, That he also report to the House of Representatives the amount of internal-revenue taxes received under an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, upon articles not theretofore taxed; that said statement be itemized as far as possible for the year ending June 30, 1899, and for the nine months ending March 31, 1900.

The SPEAKER. Is there objection?

Mr. RICHARDSON. I would like to ask the gentleman about that resolution before consent is given. I have not been able to examine it and only heard it during the time it was read. I would like to ask the gentleman if it is not substantially the resolution introduced by myself some weeks ago, calling on the Secretary of the Treasury to furnish information in respect to the internal-revenue receipts?

Mr. PAYNE. I did not know that the gentleman had introduced any resolution.

Mr. RICHARDSON. There is a resolution pending before the Ways and Means Committee calling on the Secretary of the Treasury for that information. Does this resolution go beyond the internal-revenue provisions of the war-revenue law?

Mr. PAYNE. It relates to the war-revenue law. That is all.

Mr. RICHARDSON. I did not hear the gentleman. The question I asked was, Did it include anything but the internal revenue?

Mr. PAYNE. It does ask for information as to the possible revenue. It does not refer to any revenues except the war-revenue law, although it does ask general information on the subject of revenues for the period.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the resolution was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

CUSTOMS DUTIES ON GOODS, ETC., FROM PUERTO RICO.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he hereby is, requested to report to the House of Representatives the names of persons, firms, and corporations who from time to time have paid customs duties on goods and articles of every description which have entered into the United States from Puerto Rico since the treaty with Spain, with the articles and the amounts paid by each and the dates of each payment.

The SPEAKER. Is there objection? The Chair hears none.

Mr. McRAE. Mr. Speaker——

The SPEAKER. The question is on agreeing to the resolution.

Mr. McRAE. I desire to move an amendment on that. I suggest that the Secretary of the Treasury also inform us from whom these importers purchased the goods upon which import taxes were collected.

Mr. GROSVENOR. He can not tell that. It is beyond his power. There is no means of ascertaining.

Mr. McRAE. He can find out; but make it "if practicable."

Mr. GROSVENOR. The gentleman knows that the Treasury has no reports of that character.

Mr. McRAE. I will make it "if possible."

Mr. GROSVENOR. No; I do not think that ought to go on.

Mr. McRAE. I move the amendment.

Mr. GROSVENOR. I ask the previous question on the resolution and the amendment.

The SPEAKER. The gentleman asks the previous question on the resolution——

Mr. McRAE. The Chair had stated the question; the gentleman did not have the floor, and the Chair recognized me.

The SPEAKER. The Chair listened to what the gentleman had to say.

Mr. GROSVENOR. I am not objecting to a vote on your amendment.

Mr. McRAE. It is hardly fair for the Chair to say that he listened to what the gentleman had to say. The gentleman from Ohio was in his seat. The Chair can do that if he chooses.

The SPEAKER. Does the gentleman from Ohio yield for an amendment?

Mr. GROSVENOR. I have no objection to the amendment being offered, after the suggestion that I have made, that it is a matter the Secretary of the Treasury has no knowledge of or can have any of. I agree to the amendment being offered, and move the previous question on the resolution and amendment.

The previous question was ordered.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of the resolution "and also, if possible, from whom the importers purchased such goods upon which import taxes were collected."

The question was taken on the adoption of the amendment; and the Speaker announced that the ayes appeared to have it.

Mr. GROSVENOR. Division.

The House divided; and there were—ayes 52; noes 62.

Mr. McRAE. Tellers, Mr. Speaker.

Mr. WILLIAMS of Mississippi. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 82, nays 89, answered "present" 20, not voting 159; as follows:

YEAS—82.

Allen, Ky.	Einley,	McClellan,	Shafroth,
Atwater,	Fitzgerald, Mass.	McDowell,	Sheppard,
Ball,	Gayle,	McRae,	Sims,
Bell,	Gilbert,	Maddox,	Smith, Ky.
Bellamy.	Glynn,	May,	Snodgrass,
Berry,	Griggs,	Miers, Ind.	Spight,
Breazeale,	Hay,	Moon,	Stark,
Brewer,	Henry, Miss.	Neville,	Stephens, Tex.
Brundidge,	Henry, Tex.	Norton, S. C.	Sutherland,
Burleson,	Howard,	Pierce, Tenn.	Swanson,
Chanler,	Johnston,	Rhea, Ky.	Talbert,
Clayton, N. Y.	Jones, Va.	Rhea, Va.	Terry,
Cox,	Kitchin,	Richardson,	Thomas, N. C.
Cusack,	Kleberg,	Ridgely,	Turner.
Daly, N. J.	Lanham,	Riordan,	Underwood,
Davey,	Latimer,	Robb,	Vandiver,
De Armond,	Lewis,	Robinson, Ind.	Williams, J. R.
De Graffenreid,	Little,	Robinson, Nebr.	Williams, Miss.
De Vries.	Livingston,	Ruppert,	Wilson, Idaho.
Dougherty,	Lloyd,	Ryan, N. Y.	
Elliott,	McAleer,	Salmon,	

NAYS—89.

Aldrich,	Dalzell,	Kahn,	Powers,
Alexander,	Dolliver,	Kerr,	Ray,
Allen, Me.	Eddy,	Knox,	Reeder,
Babcock,	Esch,	Lacey,	Russell,
Bailey, Kans.	Fletcher,	Lane,	Shattuc,
Barham,	Fordney,	Lawrence,	Sheldon:
Bartholdt,	Gardner, Mich.	Linney,	Showalter,
Bishop,	Gillet, N. Y.	Littlefield,	Sibley,
Boreing,	Graff,	Long,	Spalding,
Boutell, Ill.	Greene, Mass.	Loud,	Sperry,
Bowersock,	Grosvenor,	Lovering,	Sprague,
Brick,	Grout,	McPherson,	Steele,
Brownlow,	Hamilton,	Marsh,	Stevens, Minn.
Burke, S. Dak.	Heatwole,	Mondell,	Stewart, N. J.
Burkett,	Hedge,	Moody, Mass.	Stewart, Wis.
Cannon,	Hemenway,	Mudd,	Sulloway,
Capron,	Henry, Conn.	Needham,	Tongue,
Clarke, N. H.	Hepburn,	Overstreet,	Warner,
Cooper, Wis.	Hoffecker,	Parker, N. J.	Watson,
Corliss,	Howell,	Payne,	Weaver.
Cousins,	Hull,	Pearce, Mo.	
Crumpacker,	Jenkins,	Pearre,	
Curtis,	Jones, Wash.	Phillips,	

ANSWERED "PRESENT"—20.

Adamson,	Gibson,	McCulloch,	Pugh,
Barney,	Hall,	Mercer,	Small,
Bartlett,	Jett,	Meyer, La.	Southard,
Burnett,	Joy,	Otey,	Wheeler, Ky.
Davis,	Lamb,	Polk,	Zenor.

NOT VOTING—159.

Acheson,	Cushman,	Kluttz,	Ryan, Pa.
Adams,	Dahle, Wis.	Landis,	Scudder,
Allen, Miss.	Davenport, S. A.	Lentz,	Shackleford,
Bailey, Tex.	Davenport, S. W.	Lester,	Sherman,
Baker,	Davidson,	Levy,	Slayden,
Bankhead,	Dayton,	Littauer,	Smith, Ill.
Barber,	Denny,	Lorimer,	Smith, H. C.
Benton,	Dick,	Loudenslager,	Smith, S. W.
Bingham,	Dinsmore,	Lybrand,	Smith, Wm. Alden
Boutelle, Me.	Dovener,	McCall,	Sparkman,
Bradley,	Driggs,	McCleary,	Stallings,
Brantley,	Driscoll,	McLain,	Stewart, N. Y.
Brenner,	Emerson,	Mahon,	Stokes,
Bromwell,	Faris,	Mann,	Sulzer,
Brosius,	Fitzgerald, N. Y.	Meekison,	Tate,
Broussard,	Fitzpatrick,	Mesick,	Tawney,
Brown,	Fleming,	Metcalf,	Tayler, Ohio
Bull,	Foss,	Miller,	Taylor, Ala.
Burke, Tex.	Foster,	Minor,	Thayer,
Burleigh,	Fowler,	Moody, Oreg.	Thomas, Iowa
Burton,	Fox,	Morgan,	Thropp,
Butler,	Freer,	Morris,	Tompkins,
Calderhead,	Gaines,	Muller,	Underhill,
Caldwell,	Gamble,	Naphen,	Van Voorhis,
Campbell,	Gardner, N. J.	Newlands,	Vreeland,
Carmack,	Gaston,	Noonan,	Wachter,
Catchings,	Gill,	Norton, Ohio	Wadsworth,
Clark, Mo.	Gillett, Mass.	O'Grady,	Wanger,
Clayton, Ala.	Gordon,	Olmsted,	Waters,
Cochran, Mo.	Graham,	Otjen,	Weeks,
Cochrane, N. Y.	Green, Pa.	Packer, Pa.	Weymouth,
Connell,	Griffith,	Prince,	White,
Cooney,	Grow,	Quarles,	Williams, W. E.
Cooper, Tex.	Haugen,	Ransdell,	Wilson, N. Y.
Cowherd,	Hawley,	Reeves,	Wilson, S. C.
Crawford,	Hill,	Rixey,	Wise,
Cromer,	Hitt,	Roberts,	Wright.
Crowley,	Hopkins,	Robertson, La.	Young.
Crump,	Jack,	Rodenberg,	Ziegler.
Cummings,	Ketcham,	Rucker,	

So the amendment was disagreed to.

Mr. ADAMSON. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. WANGER, and I desire to withdraw my vote of "aye" and answer "present."

By direction of the Speaker, the gentleman's name was again called, and he answered "present."

Mr. JETT. Mr. Speaker, I voted "aye." I am paired with my colleague, Mr. MANN, and I wish to withdraw my vote.

By direction of the Speaker, Mr. JETT'S name was again called, and he answered "present."

Mr. OTEY. Mr. Speaker, I desire to know if the gentleman from Pennsylvania, Mr. MAHON, has voted.

The SPEAKER. He has not.

Mr. OTEY. I am paired with him, and I desire to withdraw my vote of "aye" and be marked "present."

By direction of the Speaker, Mr. OTEY'S name was again called, and he answered "present."

Mr. HALL. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. WRIGHT. I desire to withdraw my vote and be marked "present."

By direction of the Speaker, Mr. HALL'S name was again called, and he answered "present."

Mr. POLK. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. PACKER. I desire to withdraw my vote and be marked "present."

By direction of the Speaker, Mr. POLK'S name was again called, and he answered "present."

Mr. McDOWELL. Mr. Speaker, has the gentleman from Pennsylvania, Mr. BROMWELL, voted?

The SPEAKER. He has not.

Mr. MCDOWELL. I voted "aye." I desire to withdraw my vote and answer "present."

By direction of the Speaker, Mr. MCDOWELL's name was again called, and he answered "present."

Mr. JOY. Mr. Speaker, has the gentleman from Missouri, Mr. SHACKLEFORD, voted?

The SPEAKER. He has not.

Mr. JOY. I am paired with him. I desire to withdraw my vote of "no" and be recorded as "present."

By direction of the Speaker, Mr. JOY's name was again called, and he answered "present."

Mr. BARTLETT. Mr. Speaker, I desire to know if the gentleman from New Jersey, Mr. FOWLER, has voted?

The SPEAKER. He has not.

Mr. BARTLETT. I am paired with him, and I desire to withdraw my vote of "aye" and be marked "present."

By direction of the Speaker, Mr. BARTLETT'S name was again called, and he answered "present."

Mr. JENKINS. Mr. Speaker, I desire to announce that my colleague, Mr. DAHLE of Wisconsin, was called away by sickness. If present, he would vote "no."

The SPEAKER. That is not in order.

Mr. WHEELER of Kentucky. Mr. Speaker, I am paired with the gentleman from California, Mr. METCALF. I voted "aye," and I desire to withdraw that vote and be recorded as "present."

By direction of the Speaker, Mr. WHEELER'S name was again called, and he answered "present."

Mr. LAMB. Mr. Speaker, I desire to withdraw my vote of "aye" and be marked "present." I am paired with the gentleman from Virginia, Mr. WISE.

By direction of the Speaker, Mr. LAMB'S name was again called, and he answered "present."

Mr. BARNEY. Mr. Speaker, I am paired with the gentleman from Mississippi, Mr. ALLEN. He has not voted, and I desire to withdraw my vote of "no" and be recorded as "present."

By direction of the Speaker, Mr. BARNEY'S name was again called, and he answered "present."

The following pairs were announced:

For this session:

Mr. WANGER with Mr. ADAMSON (except election cases).
Mr. METCALF with Mr. WHEELER of Kentucky.
Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.
Mr. PACKER of Pennsylvania with Mr. POLK.
Mr. REEVES with Mr. SPARKMAN.
Mr. WRIGHT with Mr. HALL.

Until further notice:

Mr. BAKER with Mr. RYAN of Pennsylvania.
Mr. LYBRAND with Mr. GASTON.
Mr. BARNEY with Mr. ALLEN of Mississippi.
Mr. LITTAUER with Mr. LESTER.
Mr. HOPKINS with Mr. BANKHEAD.
Mr. MINOR with Mr. RIXEY.
Mr. S. A. DAVENPORT with Mr. COONEY.
Mr. BROMWELL with Mr. MCDOWELL.
Mr. MANN with Mr. JETT.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. SHERMAN with Mr. DRIGGS.
Mr. STEWART of New York with Mr. MULLER.
Mr. THROPP with Mr. BURNETT.
Mr. DOVENER with Mr. CATCHINGS.
Mr. THOMAS of Iowa with Mr. BENTON.
Mr. DAHLE of Wisconsin with Mr. COCHRAN of Missouri.
Mr. MESICK with Mr. BURKE of Texas.
Mr. BROWNLOW with Mr. CARMACK.
Mr. GRAHAM with Mr. MEEKISON.
Mr. COCHRANE of New York with Mr. SALMON.
Mr. CRUMP with Mr. ROBERTSON of Louisiana.
Mr. FOWLER with Mr. BARTLETT.
Mr. GILL with Mr. BRANTLEY.
Mr. ACHESON with Mr. MCLAIN.
Mr. GAMBLE with Mr. NOONAN.
Mr. VAN VOORHIS with Mr. GORDON.
Mr. HAWLEY with Mr. COOPER of Texas.
Mr. TAWNEY with Mr. COWHERD.
Mr. PUGH with Mr. TAYLOR of Alabama.
Mr. HENRY C. SMITH with Mr. RANSDELL.
Mr. WEYMOUTH with Mr. BROUSSARD.
Mr. SMITH of Illinois with Mr. FOSTER.
Mr. SOUTHARD with Mr. NORTON of Ohio.
Mr. MCCALL with Mr. GAINES.
Mr. PRINCE with Mr. GRIFFITH.
Mr. GIBSON with Mr. TATE.
Mr. TAYLER of Ohio with Mr. FOX.
Mr. LANDIS with Mr. SCUDDER.
Mr. RODENBERG with Mr. CLAYTON of Alabama.
Mr. JOY with Mr. SHACKLEFORD.
Mr. MILLER with Mr. FITZPATRICK.
Mr. LOUDENSLAGER with Mr. STALLINGS.
Mr. HILL with Mr. UNDERHILL, until Tuesday next, April 3.
Mr. OTJEN with Mr. BRENNER, until April 20.
Mr. BROSIUS with Mr. ZIEGLER, until April 5.
Mr. JACK with Mr. GREEN of Pennsylvania, until April 6.
Mr. ROBERTS with Mr. NAPHEN, until April 7.
Mr. WEEKS with Mr. KLUTTZ, until April 2.
Mr. WISE with Mr. LAMB, until April 5.
Mr. DAVIDSON with Mr. SMITH of Kentucky, until April 4.
Mr. BURTON with Mr. DAVIS, until April 3.
Mr. FARIS with Mr. ZENOR, for one week.
Mr. ADAMS with Mr. FITZGERALD of Massachusetts, until Tuesday.
Mr. CONNELL with Mr. STANLEY W. DAVENPORT, until next Friday.
Mr. WACHTER with Mr. SMALL, until Monday night.
Mr. KETCHAM with Mr. CROWLEY, until Tuesday.
Mr. BROWN with Mr. BARBER, until Saturday week.
Mr. SAMUEL W. SMITH with Mr. RUCKER, until April 5 (except naval appropriation bill).
Mr. MAHON with Mr. OTEY, until April 5.

For this day:

Mr. OLMSTED with Mr. WILLIAM E. WILLIAMS.
Mr. MOODY of Oregon with Mr. BRADLEY.
Mr. MCCLEARY with Mr. LENTZ.
Mr. GROW with Mr. SULZER.
Mr. WATERS with Mr. STOKES.
Mr. YOUNG with Mr. SLAYDEN.
Mr. MERCER with Mr. BAILEY of Texas.
Mr. CUSHMAN with Mr. CRAWFORD.
Mr. BUTLER with Mr. CALDWELL.
Mr. EMERSON with Mr. DINSMORE.
Mr. DRISCOLL with Mr. DENNY.
Mr. FREER with Mr. FLEMING.
Mr. DICK with Mr. CLARK of Missouri.
Mr. FOSS with Mr. CUMMINGS.
Mr. BURLEIGH with Mr. FITZGERALD of New York.
Mr. VREELAND with Mr. QUARLES.

Mr. CLARKE of New Hampshire. Mr. Speaker, I was announced as paired with the gentleman from Missouri, Mr. CLARK. That is an error. I arranged a pair with that gentleman to continue for three days last week, including Saturday, but not to continue this week.

Mr. JAMES R. WILLIAMS. I wish to state that my colleague, Mr. CROWLEY, is absent on account of sickness.

Mr. ZENOR. Mr. Speaker, on this roll call I voted in the affirmative. I find, however, that I am paired with my colleague, Mr. FARIS. When I voted I was under the impression that the pair had been transferred. I desire to withdraw my name and be marked "present."

By direction of the Speaker, Mr. ZENOR'S name was again called, and he responded "present."

Mr. GIBSON. I voted on this question, overlooking the fact that I was paired with the gentleman from Georgia, Mr. TATE. I wish to withdraw my vote and be marked "present."

By direction of the Speaker, Mr. GIBSON'S name was again called, and he responded "present."

Mr. WEEKS. Mr. Speaker, I was paired with the gentleman from North Carolina, Mr. KLUTTZ, until the 2d of April. I prefer to let the pair stand to-day, and therefore withdraw my vote.

The SPEAKER. The Chair is informed that the gentleman from Michigan, Mr. WEEKS, did not vote.

The result of the vote was announced as above stated.

The question being then taken on the resolution, it was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURKE of Texas, indefinitely, on account of important business.

To Mr. DAHLE of Wisconsin, for one week, on account of death in his family.

To Mr. YOUNG, for three days, on account of important business.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901; which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. PAYNE. I reserve all points of order on this bill.

INSURANCE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 2283) to regulate insurance in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, established in the District of Columbia a department of insurance, and the assessor of said District shall

be ex officio superintendent of insurance. That for the purpose of carrying out the provisions of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to appoint in the office of said assessor one insurance clerk, at an annual salary of $2,000; said insurance clerk shall devote his services exclusively to the business of said department. Said superintendent shall have supervision of all matters pertaining to insurance, insurance companies, and beneficial orders and associations.

SEC. 2. That it shall be the duty of said superintendent to see that all laws of the United States relating to insurance and insurance companies of every description, benefit orders, and associations doing business in the District of Columbia are faithfully executed; to keep on file in his office copies of the charters, declarations of organization, or articles of incorporation of every insurance company, benefit association, or order, including life, fire, accident, plate glass, steam boiler, burglary, cyclone, casualty, surety, indemnity, live stock, credit, and maturity companies or associations doing business in the District of Columbia; and before any such insurance company, association, or order shall be licensed to do business in said District it shall file with said superintendent a copy of its charter, declaration of organization, or articles of incorporation, duly certified in accordance with law by the insurance commissioner or the proper officer of the State, Territory, or nation where such company or association was organized; also a certificate setting forth that it is entitled to transact business and assume risks and issue policies of insurance or contracts of indemnity therein; and if its principal office is located outside of the District of Columbia it shall appoint said superintendent as its attorney, upon whom legal process may be served; and the fees for filing with the superintendent such papers as are required by this section shall be $10, and for filing each annual statement, $15, to be paid to the collector of taxes of said District; and no other license fees shall be required of such insurance companies or associations except as provided by sections 9 and 10 of this act.

SEC. 3. That the said superintendent shall furnish, in December of each year, to every such company or association hereinbefore mentioned or its agent in the District of Columbia, the necessary blank forms for the annual statements of such company or association, which shall be duly returned to the superintendent on or before the 1st day of March in each year, signed and and sworn to by the president and secretary; or, if a foreign company, by its manager or proper representative within the United States, showing its true financial condition as of the last preceding 31st day of December, which shall include a detailed statement of its assets and liabilities on that day, the amount and character of business transacted, losses sustained, and money received and expended during the year, and such other information as the said superintendent may deem necessary. Any such company or association failing to comply with the provisions of this section shall have its license to do business in the District of Columbia revoked.

SEC. 4. That no fire insurance company, except a mutual fire insurance company, shall be permitted to do business in the District of Columbia unless it has a paid-up capital of not less than $100,000; and no mutual fire insurance company shall be permitted to do business without having a surplus of not less than $10,000, or to write fire insurance on property located in the District of Columbia, except in strict compliance with the provisions of the policy known as the "New York Standard Policy," now required by the said State of New York, in words and figures as follows, to wit:

"This company shall not be liable beyond the actual cash value of the property at the time any loss or damage occurs, and the loss or damage shall be ascertained or estimated according to such actual cash value, with proper deduction for depreciation, however caused, and shall in no event exceed what it would then cost the insured to repair or replace the same with material of like kind and quality; said ascertainment or estimate shall be made by the insured and this company, or, if they differ, then by appraisers, as hereinafter provided; and, the amount of loss or damage having been thus determined, the sum for which this company is liable pursuant to this policy shall be payable sixty days after due notice, ascertainment, estimate, and satisfactory proof of the loss have been received by this company in accordance with the terms of this policy. It shall be optional, however, with this company to take all, or any part, of the articles at such ascertained or appraised value, and also to repair, rebuild or replace the property lost or damaged with other of like kind and quality within a reasonable time on giving notice, within thirty days after the receipt of the proof herein required, of its intention so to do; but there can be no abandonment to this company of the property described.

"This entire policy shall be void if the insured has concealed or misrepresented, in writing or otherwise, any material fact or circumstance concerning this insurance or the subject thereof; or if the interest of the insured in the property be not truly stated herein; or in case of any fraud or false swearing by the insured touching any matter relating to this insurance or the subject thereof, whether before or after a loss.

"This entire policy, unless otherwise provided by agreement indorsed hereon or added hereto, shall be void if the insured now has or shall hereafter make or procure any other contract of insurance, whether valid or not, on property covered in whole or in part by this policy; or if the subject of insurance be a manufacturing establishment and it be operated in whole or in part at night later that 10 o'clock, or if it cease to be operated for more than ten consecutive days; or if the hazard be increased by any means within the control or knowledge of the insured; or if mechanics be employed in building, altering, or repairing the within-described premises for more than fifteen days at any one time; or if the interest of the insured be other than unconditional and sole ownership; or if the subject of insurance be a building on ground not owned by the insured in fees imple; or if the subject of insurance be personal property and be or become incumbered by a chattel mortgage; or if, with the knowledge of the insured, foreclosure proceedings be commenced or notice given of sale of any property covered by this policy by virtue of any mortgage or trust deed; or if any change, other than by the death of an insured, take place in the interest, title, or possession of the subject of insurance (except change of occupants without increase of hazard), whether by legal process or judgment or by voluntary act of the insured, or otherwise; or if this policy be assigned before a loss; or if illuminating gas or vapor be generated in the described building (or adjacent thereto) for use therein; or if (any usage or custom of trade or manufacture to the contrary notwithstanding) there be kept, used, or allowed on the above-described premises, benzine, benzole, dynamite, ether, fireworks, gasoline, greek fire, gunpowder exceeding 25 pounds in quantity, naphtha, nitroglycerine or other explosives, phosphorus, or petroleum or any of its products of greater inflammability than kerosene oil of the United States standard (which last may be used for lights and kept for sale according to law, but in quantities not exceeding 5 barrels, provided it be drawn and lamps filled by daylight or at a distance not less than 10 feet from artificial light); or if a building herein described, whether intended for occupancy by owner or tenant, be or become vacant or unoccupied and so remain for ten days.

"This company shall not be liable for loss caused directly or indirectly by invasion, insurrection, riot, civil war or commotion, or military or usurped power, or by order of any civil authority; or by theft; or by neglect of the insured to use all reasonable means to save and preserve the property at and after a fire or when the property is endangered by fire in neighboring premises; or (unless fire ensues, and, in that event, for the damage by fire only) by explosion of any kind, or lightning; but liability for direct damage by lightning may be assumed by specific agreement hereon.

"If a building or any part thereof fall, except as the result of fire, all insurance by this policy on such building or its contents shall immediately cease.

"This company shall not be liable for loss to accounts, bills, currency, deeds, evidences of debt, money, notes, or securities; nor, unless liability is specifically assumed hereon, for loss to awnings, bullion, casts, curiosities, drawings, dies, implements, jewels, manuscripts, medals, models, patterns, pictures, scientific apparatus, signs, store or office furniture or fixtures, sculpture, tools, or property held on storage or for repairs; nor, beyond the actual value destroyed by fire, for loss occasioned by ordinance or law regulating construction or repair of buildings, or by interruption of business, manufacturing processes, or otherwise; nor for any greater proportion of the value of plate glass, frescoes, and decorations than that which this policy shall bear to the whole insurance on the building described.

"If an application, survey, plan, or description of property be referred to in this policy, it shall be a part of this contract and a warranty by the insured.

"In any matter relating to this insurance no person, unless duly authorized in writing, shall be deemed the agent of this company.

"This policy may by a renewal be continued under the original stipulations, in consideration of premium for the renewed term, provided that any increase of hazard must be made known to this company at the time of renewal, or this policy shall be void.

"This policy shall be canceled at any time at the request of the insured, or by the company by giving five days' notice of such cancellation. If this policy shall be canceled as hereinbefore provided, or become void or cease, the premium having been actually paid, the unearned portion shall be returned on surrender of this policy or last renewal, this company retaining the customary short rate, except that when this policy is canceled by this company by giving notice it shall retain only the pro rata premium.

"If, with the consent of this company, an interest under this policy shall exist in favor of a mortgagee or of any person or corporation having an interest in the subject of insurance other than the interest of the insured as described herein, the conditions hereinbefore contained shall apply in the manner expressed in such provisions and conditions of insurance relating to such interest as shall be written upon, attached, or appended hereto.

"If property covered by this policy is so endangered by fire as to require removal to a place of safety, and is so removed, that part of this policy in excess of its proportion of any loss and of the value of property remaining in the original location, shall, for the ensuing five days only, cover the property so removed in the new location; if removed to more than one location, such excess of this policy shall cover therein for such five days in the proportion that the value in any one such new location bears to the value in all such new locations; but this company shall not, in any case of removal, whether to one or more locations, be liable beyond the proportion that the amount hereby insured shall bear to the total insurance on the whole property at the time of fire, whether the same cover in new location or not.

"If fire occur the insured shall give immediate notice of any loss thereby in writing to this company, protect the property from further damage, forthwith separate the damaged and undamaged personal property, put it in the best possible order, make a complete inventory of the same, stating the quantity and cost of each article and the amount claimed thereon; and, within sixty days after the fire, unless such time is extended in writing by this company, shall render a statement to this company, signed and sworn to by said insured, stating the knowledge and belief of the insured as to the time and origin of the fire; the interest of the insured and of all others in the property; the cash value of each item thereof and the amount of loss thereon; all incumbrances thereon; all other insurance, whether valid or not, covering any of said property; and a copy of all the descriptions and schedules in all policies; any changes in the title, use, occupation, location, possession, or exposures of said property since the issuing of this policy; by whom and for what purpose any building herein described and the several parts thereof were occupied at the time of fire; and shall furnish, if required, verified plans and specifications of any building, fixtures, or machinery destroyed or damaged; and shall also, if required, furnish a certificate of the magistrate or notary public (not interested in the claim as a creditor or otherwise, nor related to the insured) living nearest the place of fire, stating that he has examined the circumstances and believes the insured has honestly sustained loss to the amount that such magistrate or notary public shall certify.

"The insured, as often as required, shall exhibit to any person designated by this company all that remains of any property herein described, and submit to examinations under oath by any person named by this company, and subscribe the same; and, as often as required, shall produce for examination all books of account, bills, invoices, and other vouchers, or certified copies thereof if originals be lost, at such reasonable place as may be designated by this company or its representative, and shall permit extracts and copies thereof to be made.

"In the event of disagreement as to the amount of loss, the same shall, as above provided, be ascertained by two competent and disinterested appraisers, the insured and this company each selecting one, and the two so chosen shall first select a competent and disinterested umpire; the appraisers together shall then estimate and appraise the loss, stating separately sound value and damage, and, failing to agree, shall submit their differences to the umpire; and the award in writing of any two shall determine the amount of such loss; the parties thereto shall pay the appraiser respectively selected by them and shall bear equally the expenses of the appraisal and umpire.

"This company shall not be held to have waived any provision or condition of this policy or any forfeiture thereof by any requirement, act, or proceeding on its part relating to the appraisal or to any examination herein provided for; and the loss shall not become payable until sixty days after the notice, ascertainment, estimate, and satisfactory proof of the loss herein required have been received by this company, including an award by appraisers when appraisal has been required.

"This company shall not be liable under this policy for a greater proportion of any loss on the described property, or for loss by and expense of removal from premises endangered by fire, than the amount hereby insured shall bear to the whole insurance, whether valid or not, or by solvent or insolvent insurers, covering such property, and the extent of the application of the insurance under this policy or of the contribution to be made by this company in case of loss, may be provided for by agreement or condition written hereon or attached or appended hereto. Liability for reinsurance shall be as specifically agreed hereon.

"If this company shall claim that the fire was caused by the act or neglect of any person or corporation, private or municipal, this company shall, on payment of the loss, be subrogated to the extent of such payment to all right of recovery by the insured for the loss resulting therefrom, and such right shall be assigned to this company by the insured on receiving such payment.

"No suit or action on this policy for the recovery of any claim shall be sustainable in any court of law or equity until after full compliance by the insured with all the foregoing requirements, nor unless commenced within twelve months next after the fire.

"Wherever in this policy the word 'insured' occurs it shall be held to include the legal representative of the insured, and wherever the word 'loss' occurs it shall be deemed the equivalent of 'loss or damage.'

"If this policy be made by a mutual or other company having special regulations lawfully applicable to its organization, membership, policies, or contracts of insurance, such regulations shall apply to and form a part of this policy, as the same may be written or printed upon, attached, or appended hereto.

"This policy is made and accepted subject to the foregoing stipulations and conditions, together with such other provisions, agreements, or conditions as may be indorsed hereon or added hereto, and no officer, agent, or other representative of this company shall have power to waive any provision or condition of this policy except such as by the terms of this policy may be the subject of agreement indorsed hereon or added hereto, and as to such provisions and conditions no officer, agent, or representative shall have such power or be deemed or held to have waived such provisions or conditions unless such waiver, if any, shall be written upon or attached hereto, nor shall any privilege or permission affecting the insurance under this policy exist or be claimed by the insured unless so written or attached.

"In witness whereof, this company has executed and attested these presents this —— day of ——, 19—."

This policy shall not be valid until countersigned by the duly authorized agent of the company at Washington, D. C.

And all insurance companies or associations of every description licensed to do business in said District shall be required to maintain a reinsurance reserve fund equal to 50 per cent of all premiums on unexpired fire risks having one year or less to run, pro rata in proportion for all premiums on unexpired fire risks having more than one year to run, and the entire premium on unexpired marine risks, and whenever any such company or association not excepted from the operations of this act shall become insolvent or impaired to the extent of 25 per cent of its capital stock it shall be the duty of the superintendent to suspend its license, and unless such impairment or insolvency shall be made good within sixty days thereafter it shall be the duty of the superintendent of insurance to revoke its license to do business in said District; and it shall be unlawful for any insurance company or association of any description to do business in the District of Columbia without a license, or to continue business after the revocation of its license; or, if organized outside of the District of Columbia, to write fire insurance, except through its licensed agent in said District, and any such company or association violating this provision shall be liable to a penalty of $20 for each day it transacts business without such license, the sum to be recovered by the Commissioners of said District by suit in the name of the District of Columbia in any court of competent jurisdiction; and any person who shall aid in carrying on the business of any such company, or act as agent or solicitor for such company, not licensed to do business in the District of Columbia, or whose license is revoked, shall be guilty of a misdemeanor, and upon conviction thereof in the police court of said District shall be punished by a fine not exceeding $100, and in default of payment thereof by imprisonment in the jail of said District for not less than ten or more than sixty days; and the superintendent of insurance shall issue such license to any such insurance company or association whenever it shall have complied with the provisions of sections 2, 9, and 10 of this act: *Provided*, That the superintendent of insurance shall have power to make an official examination into the affairs of any insurance company or association organized under the laws of the District of Columbia, or having its principal office therein, at his discretion, for the purpose of ascertaining whether such company or association is impaired or insolvent as aforesaid.

SEC. 5. That no insurance company or association organized outside the territorial limits of the United States shall be licensed to do business in the District of Columbia until it shall have complied with the laws of some one of said States requiring a deposit of not less than $100,000, or shall have deposited in the registry of the supreme court of the District of Columbia bonds of the United States or municipal bonds the par and market value of which shall be not less than $100,000, to be approved by the superintendent of insurance and the Commissioners of said District, to be held and maintained unimpaired in the registry of said court as a reserve fund for the liquidation of any judgment or judgments which may be obtained against such insurance company or association in said court or any inferior court of competent jurisdiction in said District of Columbia; and the financial statements of insurance companies or associations required by this act to be filed annually with the superintendent of insurance shall set forth specifically the assets, liabilities, and conduct of the affairs of such companies or associations within the United States, and such statements shall be verified under oath by the manager or assistant manager or other proper officer of such companies or associations within said United States.

SEC. 6. That every insurance company or association doing business in the District of Columbia shall, through its local agents or representatives, furnish to the superintendent during the month of January of each year a statement of its business in said District, setting forth specifically the amount of its premium receipts, the amount of losses paid, the amount of expenses incurred respecting the business done in said District during the calendar year last preceding; and said superintendent shall preserve a separate record of the same in his office for convenient reference, showing the ratio of such losses and expenses, respectively, to said premium receipts; and all insurance companies of every description, except mutual companies, shall pay to the collector of taxes, before March 1 of each year, a sum equal to 1½ per cent of the said premium receipts of the last preceding calendar year, in lieu of all other taxes, except taxes upon real estate and any license fees provided for by this act, and upon the failure of any company to pay said taxes before March 1, as aforesaid, the license of said company shall be revoked and a penalty of 5 per cent per month shall be charged against said company, which, together with said taxes, shall be collected before said company shall be allowed to resume business.

The superintendent of insurance shall report annually to the Commissioners of the District of Columbia, on or before the 31st day of March, the financial condition of each insurance company and association doing business in said District, as of the 31st day of December last preceding.

SEC. 7. That it shall be the duty of the said superintendent of insurance to ascertain whether the capital required by law or the charter of each insurance company or association organized under the laws of the District of Columbia has been actually paid up in cash and is held by its board of directors subject to their control, according to the provisions of its charter, or has been invested in securities valued in the market at not less than the full amount of the capital stock required by its charter; or, if a mutual company, that it has received and is in actual possession of securities, as the case may be, to the full extent of the value required by its charter; and the president and secretary of such company or association shall make a declaration under oath to said superintendent, who is hereby empowered to administer oaths, when required, by this act, that the tangible assets exhibited to him represent bona fide the property of the company or association, which sworn declaration shall be filed and preserved in the office of said superintendent; and any such officer swearing falsely in regard thereto or to any of the provisions of this act shall be deemed guilty of perjury, and upon conviction thereof shall be subject to the penalties for that offense now provided by section 5392 of the Revised Statutes of the United States.

SEC. 8. That insurance companies or associations transacting the business of life insurance on the assessment plan, organized under the laws of the District of Columbia or of any State of the United States and doing business in the District of Columbia, shall not be required to comply with the provisions of the last preceding section of this act in regard to its assets; but such assessment companies or associations shall be required, as condition of license to do business in the District of Columbia, to file annually in the month of January with said superintendent a sworn statement setting forth that they are paying, and for twelve months last preceding have paid, the maximum amount named in their policies or certificates of membership, when and as the same became due and payable, and that one assessment upon their members is sufficient to pay the maximum amount for such certificate or policy issued, and such other information as he may require. Such assessment companies or associations shall also furnish said superintendent evidence that they hold an emergency or surplus fund as a guaranty for the payment of future death claims, amounting to not less than $10,000 in cash or approved securities; and any such company or association licensed to do an insurance business refusing or neglecting to furnish such certificate shall have its license to do business in the District of Columbia revoked; but the provision of this section shall apply only to associations transacting life insurance upon the assessment plan.

SEC. 9. That no person, firm, corporation, or association shall act as agent for procuring insurance for any insurance company or association, or act as insurance broker or agent for procuring or placing insurance for commissions, compensation, gain, or profit, without first having obtained a license as an insurance agent or broker from the superintendent of insurance of the District of Columbia. Every such license shall have printed conspicuously upon its face the words "General insurance license," and for such license the sum of $10 shall be paid annually, in the month of March, to the collector of taxes of said District. All licenses for insurance companies, their agents or solicitors, who may hereafter apply for permission to do business in the District of Columbia shall date from the 1st of the month in which application is made and expire on the 30th day of April following, and payment therefor shall be made in proportion. No person, firm, corporation, or association shall allow or pay any commission, rebate, or compensation whatever, directly or indirectly, to, for, or in behalf of any person, firm, or corporation doing business in the District of Columbia not licensed as herein provided. Any violation of this section shall be a misdemeanor, and on conviction in the police court of said District be subject to the penalties provided in section 4 of this act: *Provided*, That licenses to firms, corporations, or associations shall be held to extend only to the bona fide copartners, and to the secretary and one assistant secretary of each corporation or association so licensed, any one or more of whom may be held and dealt with on behalf of such firm, corporation, or association for any violation of this act according to its provisions: *Provided*, That all moneys paid as fines under the provisions of this act shall be turned over to the proper custodian of the relief or pension fund of the fire department of the District of Columbia, to be used and accounted for agreeably to the then existing rules for the use of such relief or pension funds.

SEC. 10. That nothing in this act shall be held to interfere with or abridge the rights of any fraternal beneficiary societies, orders, or associations from operating under the act of Congress entitled "An act regulating fraternal beneficiary societies, orders, or associations in the District of Columbia," approved March 3, 1897, except that each organization defined in said act shall pay $5 annually to the collector of taxes of said District: *Provided*, That any insurance company or agent licensed to do business in the District of Columbia may employ solicitors, and the license fee to be paid for each solicitor so employed shall be $1 per year, payable in the month of March, and such license shall have printed on its face the words "Insurance solicitor's license," and shall contain the name of the company or agent for whom such solicitor is employed and no other: *Provided*, That nothing in this act shall be held to prevent any life insurance company from carrying on the business commonly known as industrial insurance; and the license fee to be paid for solicitors for such industrial insurance shall be 50 cents for every such solicitor, to be paid in the month of March in each year. Such license certificate shall have conspicuously printed on its face "Industrial insurance license," and also express upon its face the name of the company for which such solicitor is employed; and any certificate of license granted under this section or the last preceding section of this act may be assigned, upon application to the superintendent of insurance, by canceling the old certificate and issuing a new one of like tenor to the assignee for the unexpired term, for which assignment a fee of 25 cents shall be paid to the collector of taxes; and any person who shall act as solicitor for any such insurance company or agent without first having procured such license therefor, or shall solicit for any company or agent other than the one named in such license, or make any rebate or allowance thereon, shall be deemed guilty of a misdemeanor, and, on conviction thereof in the police court of said District, shall be punished by a fine of not less than $10 nor more than $50, and in default of payment of such fine by imprisonment in the jail of said District for a term of not less than ten days nor more than thirty days, at the discretion of the court: *Provided*, That nothing in this act shall be held to prevent any life insurance company, organized in the District of Columbia under special act of Congress, but which has discontinued writing new insurance, from collecting premiums or dues upon any undetermined policies under which such company has liabilities, provided such company has sufficient assets and reserves to safely meet such liabilities.

SEC. 11. That in order to enable the Commissioners to carry out the provisions of this act a sum of money sufficient to pay the salary hereinbefore mentioned, together with the sum of $600 for the purchase of books, stationery, and for contingent expenses up to and including the year ending June 30, 1901, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, one-half to be charged against the revenues of the District of Columbia, the same to be immediately available; and the Commissioners of said District shall hereafter, in their annual estimates, include all necessary items to carry out the purposes of this act.

SEC. 12. That all laws or parts of laws inconsistent herewith be, and the same are hereby, repealed.

SEC. 13. That this act shall take effect and be in force from and after the last day of the next succeeding month after its passage, pending which it shall be published once a week for two weeks in one of the daily newspapers published in the District of Columbia.

The following amendments, recommended by the Committee on the District of Columbia, were read:

Page 3, lines 3 and 4, strike out the following: "except as provided by sections 9 and 10 of this act."

Page 4, lines 3 and 4, strike out after the word "dollars" the words "or to" and insert in lieu thereof the following: "nor shall any company or association."

Page 14, line 7, strike out the word "agent" and insert in lieu thereof the word "representative."

Page 14, line 8, insert after the words "District of Columbia" the following: "and any company or association writing fire insurance except in accordance with the aforesaid New York Standard Policy, shall have its license to do business in the District of Columbia revoked."

Page 15, line 10, strike out the following: "sections 2, 9, and 10 of."

Page 17, line 10, insert after word "mutual" at the end of said line the following words: "fire insurance."

Page 20, line 24, strike out the word "herein" and insert in lieu thereof the following words: "in this act."

Page 21, line 4, insert after the word "copartners" the following words: "not exceeding two in one firm."

Page 21, line 29, strike out after the word "company" the following words: "or agent."

Page 22, line 4, strike out the words "or agent;" line 6, after the word "insurance," insert the word "company;" line 21, strike out the words "or agent;" line 23, strike out "or agent;" line 24, insert after the word "license" the following: "or make any rebate or allowance thereon."

The SPEAKER. The question is on agreeing to the amendments.

Mr. HEPBURN. Mr. Speaker, I should like to ask the gentleman in charge of this bill——

The SPEAKER. Does the gentleman from Wisconsin [Mr. BABCOCK] yield?

Mr. BABCOCK. Mr. Speaker, in the first place, I desire to yield to my colleague [Mr. JENKINS].

Mr. HEPBURN. I should like to make the suggestion, Mr. Speaker, that probably this bill——

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, yields to his colleague [Mr. JENKINS] to control the bill, as the Chair understands. Does the gentleman from Wisconsin [Mr. JENKINS] yield to the gentleman from Iowa?

Mr. JENKINS. I will yield to the gentleman for a question.

Mr. HEPBURN. I want to suggest that there is an appropriation in this bill, and probably it ought to be considered in Committee of the Whole.

The SPEAKER. Which section contains the appropriation?

Mr. JENKINS. Section 11. Mr. Speaker, in case it is found that the bill should be considered in Committee of the Whole, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. HEPBURN. I am not tenacious about this at all, only I wanted——

The SPEAKER. The point of the gentleman from Iowa is well taken. The gentleman from Wisconsin [Mr. JENKINS] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. JENKINS. Now, Mr. Speaker, I yield to the gentleman from Iowa, if he desires to ask a question for information.

Mr. HEPBURN. I wanted to ask, referring to section 6 of the bill, what change is made by this bill in the taxation of local companies?

Mr. JENKINS. I will answer the gentleman by saying that all insurance companies doing business in the District of Columbia will be placed upon the same footing. They will all be taxed alike.

Mr. HEPBURN. Is the gentleman correct in that? Is it not true that the foreign insurance company, by the local laws of the State of its organization, or where its property is located, is taxed just as the local insurance company in the city of Washington is taxed to-day, while this bill proposes a tax of 1½ per cent in lieu of all other taxes?

M. JENKINS. I will simply answer the gentleman's question by stating that the same conditions apply to the local companies here. They pay taxes on their property.

Mr. HEPBURN. Not under the terms of this bill. Under the terms of this bill they only pay upon real estate, and they do not pay upon their capital, because 1½ per cent on gross receipts of the company is received in lieu of all taxes.

Mr. JENKINS. We do not know at present anything about the laws of the several States, but the object is to place them all on the same footing, and not to give a foreign company an advantage over the local companies here. Now, I will say, Mr. Speaker——

Mr. HENRY of Connecticut. Mr. Speaker——

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Connecticut?

Mr. JENKINS. I will make a statement with reference to this matter, and if I do not answer in my statement all the questions that gentleman desires to ask, I shall be very glad to yield for the purpose of asking any question that may be asked with reference to it.

Mr. HENRY of Connecticut. I simply wanted to inquire if the committee heard the insurance companies of the country generally?

Mr. JENKINS. I will say to my friend that all the companies which he has the honor to represent were heard by this committee on every question which is involved in this bill.

Mr. HENRY of Connecticut. Did they appear by counsel? Were they represented by counsel?

Mr. JENKINS. Yes; they were represented by able lawyers, as well as by their local agents.

Mr. HENRY of Connecticut. Did they consent to the rate of taxation provided in section 6?

Mr. JENKINS. Well, they never have dissented, except so far as our attention has been called to it this morning. Now I will make the statement that I intended to make.

Mr. Speaker, some time ago the board of underwriters of the city of Washington came before the Committee on the District of Columbia and asked that a department of insurance be created in the District of Columbia for the purpose of governing all the companies doing an insurance business in this District.

We were then advised, and I now assert, that every single insurance company doing business in the District of Columbia was represented at that meeting, and again this morning we were informed by the gentleman who has charge of the insurance business in the District of Columbia that every single company was represented at the hearing, and that not a company or a gentleman representing a company dissented from any of the provisions of this bill.

Mr. HENRY of Connecticut. Did they not dissent from the rate of taxation?

Mr. JENKINS. No, sir.

Mr. HENRY of Connecticut. Were there no protests made?

Mr. JENKINS. No, sir; not one; not until their agents or employees came here this morning and made some comments upon it; and I said to the gentleman then, as I say now, that no one need have any fears about these great corporations, and especially the insurance corporations, of this country. They always have friends everywhere except in heaven. Somebody is always to be found standing ready to defend their interests, whether they ask for it or not.

Mr. HENRY of Connecticut. In the opinion of the gentleman, do they not have any friends in heaven?

Mr. JENKINS. I do not think they ought to, if they do have. Now, as long as the gentleman has seen fit to interrupt me, I will ask him what insurance companies he represents?

Mr. HENRY of Connecticut. Well, later on, if the gentleman will give me three or five minutes, I will answer that question.

Mr. JENKINS. What I want to get at is to satisfy the gentleman that there is no harm done to these great corporations. That seems to be the fear expressed by the gentlemen who have been interrupting me and by gentlemen who have sought information this morning with reference to this bill.

Now, Mr. Speaker, after the District Committee had given two full days to the hearings with reference to this matter, there appeared to be a substantial difference between the committee and some of the companies with reference to two of the provisions in the bill. One was with reference to what tax the companies should pay, and the other was with reference to who should have charge of this business.

Heretofore all the insurance business in the District of Columbia has been done under the direction of the assessor of the District; and the committee thought they might just as well save the District as much money as possible, and they amended the bill by wiping out the provision for a commissioner of insurance and compelling the assessor of the District to supervise it with the assistance of one clerk.

In the original bill it was provided that the clerk should have an annual salary of $1,500. The committee were of the opinion that if they eliminated from the bill the provision for a commissioner that it would be only just and proper to give the clerk who should have charge of this important work a salary of $2,000, so that they could obtain the services of a competent person to look after the work. Now, in order that substantial justice should be done these great corporations outside of the District of Columbia, the committee unanimously requested the Commissioners of the District to take the bill in charge again and to give public hearings, and information in that regard was given to the people of the District through all of the papers in the District; and the bill was placed in charge of Mr. Darneille, the assessor of the District, who now looks after insurance in the District, and that gentleman sat patiently for over two weeks listening to everybody who desired to be heard with reference to the bill.

In addition thereto every member received written communications or had personal interviews with gentlemen with reference to it, and all of the same were referred to the assessor of the District, and that gentleman assured the committee that everyone who desired to be heard upon the bill was given a patient hearing, even to the extent, as he said, of giving them an audience on Sunday. The bill as amended, in the meantime, came back to the committee again, and then public announcement was made of the fact that the committee would again hear any gentlemen who desired to be heard, and a very patient hearing was given to everybody who appeared. Some ladies of the District appeared, because they were interested in some beneficiary company, and after the hearings were closed this bill was reported back to this House.

Now, I want to assert that up until last Saturday morning not a single objection came to the committee or to those members who had the immediate charge of the bill, and as far as I am able to

learn from every member of the committee, up until Saturday morning not an objection was made.

The assessor of the District said this morning, in the presence of the clerk of this committee, who now sits by my side, that every single insurance company doing business in the District of Columbia had, through its agent, given approval to this bill and was satisfied with its provisions.

Now, the bill as presented created a department of insurance under the direction of the assessor, who is made ex officio superintendent of insurance, and, as I said, by the terms of the bill is allowed one insurance clerk, who shall be an expert on insurance and who shall devote all of his time and energy to the insurance business.

Heretofore there has been no law governing the insurance business in the District, no supervision whatever except that said companies are required to make 1 per cent returns on their gross receipts; and to the public mind the insurance business has been in a chaotic condition; whereas the bill presented requires said companies to make sworn returns of the business transacted in the District, to file copies of their charters or articles of incorporation with the superintendent of insurance, who shall have supervision of all matters pertaining to insurance, insurance companies, and beneficial orders and associations. The superintendent shall see that all laws of the United States relating to all classes of insurance companies are faithfully executed.

The superintendent of insurance shall act as attorney for companies whose principal office is located outside of said District, for the purpose of having some one designated, who is accessible, upon whom legal process can be served.

The bill, although not intended as a revenue bill, does increase the District revenues somewhat. It provides rules and regulations for the protection of good, reliable companies, and shuts out irresponsible or what are known as "wild-cat" companies, whose existence is on paper only, and thereby is a great source of protection to all classes, more especially the ignorant, who are more susceptible to being defrauded.

The adoption in this bill of the "New York Standard Policy" in itself is of manifold benefit to the insured, as well as to the reliable insurance companies, by protecting poor, ignorant people who have been known to pay out money for insurance which they believed to be good, but which would contain conditions that would invalidate the contract on a mere technicality, and this bill will remove such companies from the community and enable the reliable companies to do the business and thus be a benefit all around.

The office of the assessor of the District is flooded with inquiries about certain companies doing business in the community and from the lack of supervision can not intelligently answer.

This bill also provides that the superintendent of insurance shall revoke the license of any company failing to comply with the terms or requirements of this act; also provides for a small license fee for solicitors and brokers, so as to have them registered and under the supervision of the superintendent, thus insuring the public from being imposed upon by unscrupulous persons, as every solicitor must show his license before he can receive his fee or commission, which license states plainly across its face the name of the solicitor and the name of the company he represents.

This bill has been scrutinized by the officers of some of the largest States in the Union and approved. It meets with the approval of all parties interested in the business of insurance, and is also recommended by the Commissioners of the District of Columbia and the assessor, who is ex officio superintendent of insurance by the provisions of this bill.

Now, Mr. Speaker, the insurance companies during the last year paid into the treasury of the District of Columbia the sum of $22,587.72. It is estimated that the present bill will increase the payment some $15,000.

As stated heretofore, the foreign companies have been paying 1 per cent on their gross receipts. At present, under the general law, the local or domestic companies, or those companies organized in the District of Columbia, have been paying 1½ per cent and an additional one-half per cent tax on the capital stock, besides paying on real estate, while the foreign companies, or the companies whose home office is outside of the District, have been paying 1 per cent on gross receipts. Now, I made that statement a short time ago to one gentleman who appears to be opposed to this bill, and he denied the accuracy of that statement. I hastily telephoned to a gentleman in the office of the District of Columbia and I have received this reply, which I desire the Clerk to read in my time.

The Clerk read as follows:

OFFICE OF THE ASSESSOR, DISTRICT OF COLUMBIA,
Washington, April 2, 1900.

DEAR JUDGE: In reply to your inquiry, I would state that the rate charged for fire insurance by some of the insurance companies in the District of Columbia is in excess of the amount charged by the same companies in other cities. The companies claim that the conditions in each city govern the rate, and that very few cities have the same rate, and I am of the opinion that we can not at this time suggest any regulation tending to govern these conditions. Life insurance companies, as far as I am able to learn, have the same rate for insurance in every State. The law at present requires home companies or companies organized in the District of Columbia to pay 1½ per cent personal tax and an additional one-half per cent license tax on their capital stock, besides paying on their real estate, while foreign companies or companies with their home offices situated outside of the District of Columbia only pay 1 per cent on their premium receipts.

Very respectfully, yours,
H. H. DARNEILLE,
Assessor District of Columbia.

Hon. JOHN J. JENKINS,
Committee on the District of Columbia,
House of Representatives United States.

Mr. JENKINS. Now, Mr. Speaker, the amendment here increasing the amount that shall be paid by foreign companies has not been introduced here by the committee for the purpose of discriminating against foreign companies and in favor of local companies. That question was not presented to the committee by the local companies; but for years the attention of the District Committee has been called to the gross inequality in the amount paid by those companies, and this is the first opportunity that the committee has had to take the matter up and present it to the House. Now, then, bear in mind that up to this time the foreign companies have never paid but 1 per cent upon their gross receipts, and that the local companies up to this time have steadily paid 1½ per cent as against 1 per cent paid by the foreign companies, and in addition thereto the local companies have paid, as stated in the letter just read, one-half of 1 per cent license on capital stock, besides paying a tax on all their real estate.

Now, I find by an examination this morning that four States in the Union assess foreign companies [illegible] amount upon the premiums paid, and that all the remaining [illegible] to the penalties by three, charge 1½ per cent. I can not see why any foreign company should be permitted to come in here and do business upon less terms than the local companies. I have no fears and no sympathy for those companies, and I do not propose to stand here and advocate a doctrine that they should be permitted to come here and do business upon less terms than local companies.

In addition thereto we are credibly informed by a gentleman who understands the business throughout the country, one of the best insurance experts in the country, who said this morning, in the presence of the clerk sitting by my side, that all foreign companies that are seeking to come in here by paying 1 per cent are charging less for insurance in their respective States than they charge the people of the District of Columbia.

Now, I do not propose to make any attack upon these companies, and a single word would not have been said if it had not been for the fact that so many gentlemen, apparently interested in these great corporations, have been asking if it is not an outrage to charge these great companies the small increase of one-half per cent that have got so much money now that they do notk now what to do with it. In addition thereto, let me say to the gentlemen who seem so solicitous about them that you need not fear for them; they are not paying two-thirds as much tax outside of the District of Columbia as they ought to pay. I guarantee that none of them is paying 33 per cent, against the laboring man and the poor man who has only a little house and perhaps a horse, who pays fully 100 per cent.

I do not want to shed any tears over these great companies who ask to come in here and do business in competition with local companies by paying less. They ought to be all used alike. One gentleman went so far as to say just now that if this House or this Congress insisted upon making this a law and compelling these great companies to pay 1½ per cent upon their premiums they would not come here. I simply said to him, as everybody has had to say upon occasions of this kind, Let them stay out; we shall not shed any tears if they do not want to stay here and do business. If these great institutions can not come here and compete with little struggling companies, they had better stay out. And I assured him that there was not the slightest danger that they would be driven from this field.

Now I yield to the gentleman from Connecticut.

Mr. MCCLELLAN. If the gentleman will allow me, how many local insurance companies are there doing business in the District of Columbia?

Mr. JENKINS. I do not know the number.

Mr. MCCLELLAN. Can not the gentleman state roughly?

Mr. JENKINS. I would not like to say. I will now yield to the gentleman from Connecticut.

Mr. HENRY of Connecticut. My colleague [Mr. RUSSELL] has an amendment to offer, I believe.

Mr. JENKINS. That would not be in order now.

Mr. RUSSELL. I would like to inquire of the gentleman from Wisconsin if he proposes to allow any time for those who have criticisms on the bill?

Mr. JENKINS. I will allow the gentleman in charge of the bill to answer that question, because time has only been yielded to me. As far as I am personally concerned, if any gentleman desires to defend these great corporations, I should say give them all the time they wanted.

Mr. RUSSELL. Well, Mr. Speaker, I am inclined to think

that there are corporations in the city of Washington as well as in Connecticut or New York.

Mr. JENKINS. I yielded to the gentleman for a question; and if he does not desire to ask the question, I will yield back my time.

Mr. HENRY of Connecticut. Will the gentleman yield to me?

Mr. JENKINS. Certainly.

Mr. HENRY of Connecticut. The gentleman from Wisconsin has seen fit in his speech to attack the great insurance institutions of the country. He has been pleased to say that there is no place in heaven for insurance managers. [Laughter.] If we have any great beneficent, humane interests in this country, they are the life and fire insurance companies.

Mr. JENKINS. Will the gentleman allow me an interruption?

Mr. HENRY of Connecticut. Yes.

Mr. JENKINS. If the gentleman had heard what I said, he would know that I made no reference to insurance companies; I spoke of the great corporations in general.

Mr. HENRY of Connecticut. The only corporations we have under discussion here are the insurance corporations. They are the great corporations, and are second only in importance as beneficent and humane institutions to the great educational interests of the country.

Now, the gentleman asked me what companies I represent. I represent companies located in the city of Hartford—the Connecticut Mutual Life, the Ætna Life, the Phœnix Life, and the Hartford Life insurance companies; the Ætna, the Hartford, the Phœnix, the National, and the Orient fire insurance companies; the Hartford Steam Boiler Insurance Company; the Ætna Indemnity Company. These companies have an aggregate capital and assets of more than $200,000,000.

Mr. JENKINS. I do not remember the names of all these companies. I simply asked my question for the purpose of discovering, if possible, whether all the companies appeared.

Mr. HENRY of Connecticut. I wish it understood that I am not the agent or stockholder in these companies. Hartford insurance companies not only have a national reputation, but they are known and do business in Spanish America and in Europe. As has been suggested by the gentleman from Wisconsin, they are abundantly able to take care of themselves. The gentleman intimates that in doing business in the District of Columbia they have an advantage over the local companies. I venture to say that if the insurance companies of Hartford should be shut out of the District of Columbia, there would be a petition coming up to this committee asking for their readmission. They get the cream of this business all over the country. Speaking of our fire insurance companies, the question is how little business they shall do rather than how much. They might easily double the amount of their business in the large cities of the country—in New York, Chicago, Milwaukee, St. Louis, and others.

Regarding the question of taxation, these companies all pay heavy local taxes. The insurance companies of Connecticut pay nearly one-fourth of our State taxes. They are taxed by the State to the amount of over one-half a million dollars annually. In addition to this, they pay local taxes upon their real estate and upon the market value of their stock. The taxes paid in the State of Connecticut by our State insurance companies amount to millions of dollars in the aggregate. In the District of Columbia the companies pay, under the somewhat burlesque system of taxation which prevails here, taxing only real estate and that but a nominal tax, less than in any State of the Union.

Mr. JENKINS. I would like to correct the gentleman, if he will permit me.

Mr. SPERRY. Will not my colleague [Mr. HENRY of Connecticut] inform the House what the rates of taxation in Connecticut are upon foreign companies doing business in that State?

Mr. JENKINS. I was going to say that perhaps the gentleman from Connecticut [Mr. HENRY] overlooks the statement which has been made here, that the local companies have heretofore been paying 1½ per cent and the foreign companies 1 per cent. And in addition to the 1½ per cent paid by the domestic companies they pay one-half per cent license tax on their capital stock. And there is no possible way in which they can avoid it. Admitting that some people here in the District have escaped taxation upon their personal property (which is entirely wrong), these local companies have not been escaping their taxation, but have paid in full, because the amount of their stock was very easily ascertained. So that the gentleman's criticism, so far as that is concerned, is not well founded.

Mr. HENRY of Connecticut. Connecticut is one of the three States which the gentleman excepted.

Mr. SPERRY. Has not my colleague a statement of the rates charged in our State?

Mr. HENRY of Connecticut. Our rate is very much less.

Mr. SPERRY. About one-fourth of 1 per cent.

Mr. HENRY of Connecticut. About one-fourth of 1 per cent. This bill is all right in most respects. I can readily understand that it is a bill satisfactory to the insurance companies. It provides for an insurance department in the District of Columbia similar to the departments established in most of our States. It provides for a standard policy, and the only criticism that I have to make with respect to it is as to the rate of taxation. It is burdensome. It will simply compel the policy holders in the District of Columbia to pay higher rates of insurance than they now do. This tax does not come out of the insurance company except indirectly. This increased taxation means higher rates of insurance for the property owners of the District of Columbia.

Mr. BABCOCK. The gentleman will pardon me a moment. I very seldom disagree with the Committee on the District of Columbia in regard to any proposition that has been brought in after mature deliberation by a subcommittee. But on this proposition I did not agree with the subcommittee or the committee. I voted against this proposition for taxation at the rate of 1½ per cent because I thought it was too low. I thought the rate ought to be 4 per cent, as upon other corporations in the District of Columbia. My colleagues thought that the rate now fixed in the bill was wise; yet I have not heard any argument satisfactory to me in favor of imposing a taxation of only 1½ per cent.

Mr. HENRY of Connecticut. With all due respect to the gentleman from Wisconsin [Mr. BABCOCK], chairman of the committee, I think in making that statement he acknowledges his ignorance (if he will permit me to use that word in a mild sense) of the insurance business. Such a rate would simply increase insurance rates or would certainly drive the best class of fire insurance companies out of the District of Columbia. That would be all it would amount to, and it would be only the cheaper and weaker companies that would do business here. Now, Mr. Speaker, I do not care to take up further time, but I certainly hope the committee will consent to the amendment that my colleague [Mr. RUSSELL] intends to present, as I understand, and I hope and trust the House will approve of a change of rate to 1 per cent.

Mr. SPERRY. Does the gentleman from Wisconsin propose to press this to a vote now?

Mr. JENKINS. No, sir; we will give you all the time you want.

Mr. HEPBURN. I wish the gentleman would recognize me for a few minutes.

Mr. JENKINS. Certainly; but I want to say to the gentleman from Connecticut [Mr. HENRY] before I yield to the gentleman from Iowa, that I think he is laboring under the impression that the local companies brought some influence to bear to make this taxation equal, and therefore increase the burden of the foreign companies. I want to say to him again, as I said to the House generally, that the local companies never exerted a particle of influence or said a word in reference to this subject, but that when it was brought up and disposed of, it was acquiesced in by everybody, and it was asked at the hearing if all the companies doing business in the city of Washington were represented there, and it was said over and over again that every company doing business was represented there.

And again I want to say that, as the assessor of the District said this morning, the bill had the absolute and unqualified approval of every man in the District representing a foreign company, and it is only recently that this question arose.

Now, this question had to be settled. If taxation is burdensome, it is just as burdensome here. It is no great hardship, because if these companies do not want to do business here by paying 1½ per cent, they need not do so; but in my State of Wisconsin they are paying 2 per cent.

Mr. HENRY of Connecticut. Then your policy holders are paying extra premiums.

Mr. JENKINS. No; they are not paying extra premiums; not at all; but if so, it certainly does not hurt the companies.

Mr. HENRY of Connecticut. The point I make is this——

Mr. JENKINS. Why did not the policy holders, or the parties who are seeking insurance, come here and make complaints?

Mr. HENRY of Connecticut. I beg to call the gentleman's attention to the fact that while the outside companies, the Hartford companies, are paying large State and local taxes, the companies in Washington are exempt from that taxation.

Mr. JENKINS. No; they pay a tax on their real estate here.

Mr. HENRY of Connecticut. Such as they have.

Mr. JENKINS. They can not pay on anything more than they have.

Mr. HENRY of Connecticut. Their stock is not taxed.

Mr. JENKINS. It will not be under this bill. It is now.

Mr. HENRY of Connecticut. Then, this is a bill for the relief, as I understand it, of the local companies.

Mr. JENKINS. Oh, no.

Mr. HENRY of Connecticut. Every Connecticut company pays a tax to the State and every stockholder pays a local tax upon the assessed value of his stock. Here the stockholder is exempt from any taxation. I can invest every dollar I have in fire-insurance stock in the District of Columbia, and pay no tax whatever, except indirectly, unless the company happens to own some real estate.

Mr. JENKINS. How much time does the gentleman from Iowa want?

Mr. HEPBURN. I think ten minutes.

Mr. JENKINS. I yield ten minutes to the gentleman from Iowa.

Mr. HEPBURN. I want to suggest to the gentleman that in his fiery zeal concerning every measure that comes before his committee——

Mr. BABCOCK. Will the gentleman suspend for a moment? I should like to know how much time has been consumed?

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] has twenty-one minutes remaining.

Mr. BABCOCK. Mr. Speaker, I would suggest, if the gentleman desires to take the floor against the bill, that he be recognized in his own time. I think there are some other gentlemen who would like to speak.

Mr. HEPBURN. Does the gentleman from Wisconsin reserve his time?

Mr. BABCOCK. Yes.

Mr. HEPBURN. Then, Mr. Speaker, if I may be recognized in my own right——

The SPEAKER. If there is no one on the committee opposing the bill, the gentleman from Iowa will be recognized.

Mr. HEPBURN. Mr. Speaker, the gentleman has entirely mistaken my purpose. I have no complaint to make with regard to the rate of taxation on the outside companies. I do not believe it is enough. I think that the companies doing business in this city could afford to pay 50 per cent on all of their premiums; and I say that advisedly, because I have reason to know that the rate charged here is 100 per cent greater than the rates charged by these same companies in other cities.

If you go to get insurance written here, you have to pay 80 cents on the hundred dollars for a three-year policy. You go to the city of Philadelphia and on the same kind of policy you will have that insurance written for 35 cents, or at the most 40 cents; and I was informed by a gentleman that one of the local companies here that charges 80 cents on the hundred dollars recently had written a policy in Philadelphia for 35 cents.

Mr. RAY of New York. In view of the statement that the gentleman has just made——

The SPEAKER. Does the gentleman yield.

Mr. HEPBURN. Certainly.

Mr. RAY of New York. I should like to ask the gentleman if he knows that the situation and character of the property was the same in the cases he has cited to show inequality of rates?

Mr. HEPBURN. No; I do not know that.

Mr. RAY of New York. In the two instances.

Mr. HEPBURN. I do not know anything about that. I am speaking of the usual rates.

Mr. RAY of New York. Rates charged in different places vary largely because of the character and the location of the property.

Mr. HEPBURN. But I take it, Mr. Speaker, that in the city of Washington, with its wide streets, with the character of its buildings, with its almost perfect fire department, insurance rates ought to be as low here as anywhere in the world.

I am not the advocate of any insurance company, I want my friend from Wisconsin [Mr. JENKINS] to understand. On the contrary, I have been a complainant all my life against what I believe to be the frauds and wrongs that insurance companies perpetrate against the people. In almost every insurance policy you will find following the contract of insurance exemptions in favor of the companies printed in small type, a great mass that will require a man an hour to read.

Mr. BABCOCK. This bill seeks to correct that very thing.

Mr. HEPBURN. Conditions that an unlearned man can not understand or know anything about, and I find in this bill 10 pages of exemptions from liability to the contract that the insurance company has made. There are in this bill 28 pages, and 10 of them are in the interest of the company, exempting them from the liabilities they have undertaken in the contract of insurance.

I do not wonder that, as the gentleman from Wisconsin [Mr. JENKINS] says, all of the companies were content with this bill; that all of them wanted this bill. Here you propose to write into the law all of these objectionable features that the public have been complaining against for years and years. It now is to become a matter of law that if a man inadvertently, without thought of his policy, puts an additional gas light into his house, a single jet, increasing to that extent the liability of loss, his policy under this law that you here intend to pass and which you say the companies entirely approve, becomes void. I do not want any such injustice as that to be written into the laws of the United States. And there are scores of instances that are as ridiculous as that to be found here. And incumbrance, the foreclosure of a mortgage, any movement toward a sale under a deed of trust, avoids the policy. You propose to write that into the law. I do not believe that that is justice. What I complain about in this matter——

Mr. RAY of New York. Will the gentleman have time enough to submit to an interruption?

Mr. HEPBURN. Oh, yes; not a speech.

Mr. RAY of New York. Now, this is the first this bill has come to my attention. I am not an attorney for an insurance company, but as a lawyer I desire to ask the gentleman if he thinks it would be exactly just to have an insurance policy stand valid without the consent of the company with a suit going on over the property, considering the dangers to the property that might grow out of the litigation by reason of anger, etc.? Should it not be the law that the company shall be informed of the pendency of a suit, when commenced after the policy is issued, and permitted to continue the risk or not, as deemed wise?

Mr. HEPBURN. Let us look at it. Here is a man who has a home. He thinks it is safe to him from all contingencies because he has an insurance policy upon it. Somebody commences an action against him whereby a lien is sought to be established—an attachment, if you please. Now, is he to be at the mercy of an insurance company because some one, in malice, perhaps, has brought this action against him?

Mr. RAY of New York. Oh, no; not for that alone.

Mr. HEPBURN. And yet under the terms of this bill that may be the case, and the insurance company evades its liability.

Mr. RAY of New York. May I make another suggestion?

Mr. HEPBURN. Oh, yes.

Mr. RAY of New York. I do not want to interrupt the gentleman.

Mr. HEPBURN. I see you do not.

Mr. RAY of New York. Not against your will.

Mr. HEPBURN. You know how utterly impossible it is to decline when the gentleman is so persistent.

Mr. RAY of New York. Now, you know this frequently occurs—that a man with a mortgage on his property can get insurance because the company is perfectly willing to carry the insurance so long as the interest is kept paid on the mortgage, and so long as no litigation is commenced the company feels perfectly safe; but the moment that a foreclosure suit is started, if the amount of the mortgage equals the value of the property, the owner of the property may lose all interest in the mortgaged property in protecting it from fire. He may abandon it; he may be as willing to have it burned up as to be preserved; and it seems to me the gentleman is a little bit unfair when he criticises this clause of the proposed policy of insurance.

Mr. HEPBURN. I would say that negligence or anything that would tend to produce the loss ought to be a defensive matter in a suit against the insurance company. But I do not believe that when a calamity comes upon a man, they should have the right to increase his calamities by destroying his rights under his policy that he has paid for. I do not believe it to be right. I want to say here that with reference to the machinery for keeping out improper companies and all this machinery, I approve of it; I believe that it is all right; but my attention was first called to the bill because of the provision of the sixth section. It was said to me by the gentleman who informed me that it was in the interest of the local companies. Section 6 is the one.

Now, I insist that under that section the local company avoids taxation upon every species of property except real estate. The foreign company has no real estate here. The proposition now is to tax all companies alike, 1½ per cent; and that is to be in lieu of all taxation. You could not get a proposition of that kind through the legislature of any of the States. In the States every company is required to be taxed as natural persons are and, in addition, required to pay, in very many instances with which I am familiar, some such tax as provided in this bill; and that applies to the local and foreign company alike.

Now, here you see 1½ per cent is paid by the local company and the same amount paid by the foreign company that has paid its taxation at its home, and that it shall be in lieu of all taxes. In that way you discriminate largely in favor of the local companies. The gentleman talks of them as infant companies—these poor little companies here! Why, I am told there are some of them with $300,000 of paid-up capital. They are rich. You look at their list of stockholders. They are the rich and influential gentlemen about this city who are thus trying to escape from their share of just taxation. Now, I want to again disabuse the mind of my caloric friend from Wisconsin and assure him that I have no opposition to any provision of his bill that is just.

I am only trying to point out to him that in his zeal to do something he has overlooked the fact that he is legislating here in favor of a class of men that need, I will suggest to him, none of his voluntary care; that they can take care of themselves; and I do not want him to pass this peculiar and significant legislation in their interest by holloing at me or somebody, "Oh, you are in favor of corporations!" I think that a man with the experience of my friend ought to be ashamed of an effort to defend a bill by that kind of—I had almost said demagogical—appeal. I am not here as the advocate of any insurance corporation. There is not one from my State doing business here. I am simply trying to point out the fact that there is a probable injustice being done in the ten pages of exemptions I am calling attention to, and in this

sixth section, that makes such unjust discrimination between rivals doing business in this city.

I reserve the balance of my time, and yield ten minutes to the gentleman from Connecticut.

Mr. RUSSELL. Mr. Speaker, I do not understand that there is a general opposition to this bill as a whole. Until the rather savage attack of the gentleman from Wisconsin upon anyone in the House who had seen fit to make any inquiry or pass any criticism upon any of the provisions of this bill, it was not my intention to make any remarks. I do think that the gentleman did us all injustice in representing that anybody who criticised the work and reputation of the corporations of the city of Washington was the particular representative of corporations.

Now, this bill, as I understand it, is particularly objectionable in section 6, as has been pointed out by the gentleman from Iowa [Mr. HEPBURN]. It seems to me, and the gentleman from Wisconsin has not removed that doubt, that section 6 is clearly in the interest of local companies. He proposes to make it further in their interest by an amendment which excepts mutual companies and mutual fire-insurance companies. I do not understand, unless it be that the insurance companies of the city of Washington are fire-insurance companies and are, in their influence and importance, largely mutual fire-insurance companies, why he proposes to put in that amendment. I do not understand, either, why there is equity or justice in charging a foreign insurance company, fire or life or casualty, or any other form that comes in here to do business under the provisions of this section, the same per cent on its gross receipts that you charge the local companies.

There is in every State in the Union, in some form or other, as far as my information goes, some discrimination in matters of insurance between the local company and the foreign company, in the contribution for revenue which these respective companies give to the State. I do not know why the same discrimination should not be made in the city of Washington, as it has been all along. I am not now making any reference to the amount of the per cent, whether it be 1, or 1½, or 4 per cent, as the chairman of the committee, the gentleman from Wisconsin, seems to favor. But there should be some discrimination between the revenue received from the gross business of the insurance companies in Washington, between the foreign and the local companies, for the plain and simple reason that the heaviest and chief burden of taxation upon any corporation, especially upon insurance corporations, rests in the home State, in the place where the company is incorporated and located and does its business.

The chief burden of the Washington insurance companies, as far as taxation is concerned, is here in the city of Washington, and when they go out and do business elsewhere, they are not supposed in equity and justice to bear the same burden of taxation that the local companies bear, into whose territory they come. This is a self-evident proposition which has been recognized by all State legislatures, and recognized by insurance men everywhere. I do not propose to criticise or question the statement of the gentleman from Wisconsin of the favor which has been given——

Mr. CLAYTON of New York. Will the gentleman allow me an interruption?

Mr. RUSSELL. I can not now; I only have a short time.

Mr. HEPBURN. I will yield the balance of my time, Mr. Speaker, to the gentleman from Connecticut.

Mr. RUSSELL. Very well, and I will now yield to the gentleman from New York.

Mr. CLAYTON of New York. Does the gentleman think it is right to discriminate in favor of a foreign corporation because it happens to be taxed at home?

Mr. RUSSELL. I certainly do as to the provisions of this section, as far as the gross tax on business is concerned.

Mr. CLAYTON of New York. Do you think the District Committee would be justified in advocating such a plan as that, to let the people of another State collect taxes that were due upon business done here? It seemed to us that that would be an injustice to the city of Washington. We did not want to discriminate against one company in favor of another, but whatever tax is to be paid, as we looked at it, on business that is done here should be paid here. Now, if we tax them all alike, it would seem that there could be no injustice in it.

Mr. RUSSELL. I do not know that I quite understand the gentleman. That is what I believe in. So far as you can make the taxation upon insurance companies doing business in any one locality equitable, I am in favor of. The point I make is this: That the chief taxation, the chief burden of taxation, on any insurance company rests in their home locality. They must pay a large per cent of their burdens to that home locality for its revenue. Now, your insurance companies in the District of Columbia are called upon to do it here. Insurance companies in the State of New York are called upon to do it in the State of New York.

Mr. CLAYTON of New York. I would like to make just one suggestion more. Suppose an English company is taxed in England 1½ per cent, the same as this bill provides; are we going to let them do business here at a less rate than our local companies?

Mr. RUSSELL. I am a protectionist, and I am looking out for the home company and not the companies of England. I want the home companies to have the same privilege whether their home is in New York or the District of Columbia.

Mr. CLAYTON of New York. Apply the same principle. If the business is done in the District of Columbia, do you not think the District of Columbia ought to be the one to collect the taxation?

Mr. RUSSELL. Certainly, to a certain extent; but I do not think a company whose chief burden of taxation is off in some other State should be called upon in the way of taxation to pay the same revenue for the District of Columbia that the District of Columbia company pays, whose whole burden is right here. That is my point.

Mr. SIMS. Will the gentleman allow me a question? If I understand, he wants us to frame a tax law for the District of Columbia based on gross receipts, regulated by the burdens of the respective companies in their localities, their States.

Mr. RUSSELL. Not at all. I want you to continue your taxation on foreign insurance companies in just the same way that it has always been carried on here, the discrimination being made in the same way in which it has generally been made all through the country.

Mr. SIMS. The gentleman speaks of the chief burden being at home. Now, suppose the percentage in New York is one thing, in Connecticut another, in New Jersey another, and in Pennsylvania another; could we possibly place a tax upon gross receipts here and make it uniform if we are to have regard to the different taxation of different States?

Mr. RUSSELL. Of course we are to make some discrimination. If we do not want to make a difference of 1 per cent, let it be a fourth of 1 per cent. If you want to increase the rate to 4 per cent, as has been suggested by the gentleman from Wisconsin [Mr. BABCOCK], then let the foreign companies pay 3 or 3½ per cent, or something of that sort.

Mr. JENKINS. I want to ask the gentleman whether, when we speak of a tax of 1½ per cent on the receipts of these companies, he understood it to include receipts of companies outside the District?

Mr. RUSSELL. Certainly not.

Mr. JENKINS. I ask the question because a gentleman sitting near me labored under the impression from the gentleman's remarks that we were seeking to impose a tax of 1½ per cent upon all earnings.

Mr. RUSSELL. Certainly not.

Mr. JENKINS. I wanted further to say to the gentleman that his criticisms on the mutual fire insurance companies are on their face fair; but the gentleman has made his remarks without knowledge of the facts that the committee had before them when disposing of this question. In the first place, there are only a few mutual fire insurance companies here, and they do a very small business. It was reported to us by one of these associations of this District that they do not take any risk exceeding $300. Their business is done mostly with the poorer classes of people. They have no property, and, as I say, they do but a small amount of business.

Therefore it was deemed wise and it seemed only a matter of simple justice to relieve them from the payment of any taxes such as are imposed on other companies. They pay $25, as other companies do, for filing their papers and obtaining the necessary license.

Mr. RUSSELL. If I understand the gentleman, the object of the amendment which he proposes is to exempt mutual fire-insurance companies; it is for the benefit and protection especially of the mutual fire-insurance companies of this District. I am inclined to think that such is the object of this whole section. I do not find fault with it, if that is the purpose of the District Committee.

Nor do I wish to criticise particularly or to question the statement of the gentleman from Wisconsin [Mr. JENKINS], and also of the chairman of the committee [Mr. BABCOCK], as I understood him, that the provisions of the bill now under consideration have the approval of representatives—I suppose they would have us infer authoritative representatives—of all the insurance companies—life, fire, and other forms—doing business in Washington. I have no doubt the gentlemen are sincere in making that statement; but my information is not the same.

Mr. JENKINS. Will you state the name of a single company that has notified you that they did not have an agent at the hearings?

Mr. RUSSELL. No; I can not state that. I have here a publication of the city of Washington which came into my hands last week. It was not sent me with any reference to the bill under consideration or with reference to any matters of insurance in the District of Columbia. It was sent to me with a marked article

relating to an entirely different subject pending before a committee of Congress. This publication is called Views. It is devoted to the interests of life, fire, and accident insurance. I am not particularly acquainted with the paper, but it has all the appearances of a respectable publication. It is in the twelfth year of its publication. It is devoted, as it states and as its articles indicate, entirely to insurance matters.

I do not undertake to vouch particularly for this publication or for the article which I am about to read, except so far as to say that the publication has all the appearances of respectability and credit. I want to read some extracts from a front-page article of this publication. The article is headed "Should be defeated." Understand, I am reading from a publication devoted to the general interests of insurance—life, fire, and accident. It says:

The House District Committee last month reported favorably on H. R. bill 9283, "to regulate insurance in the District of Columbia." In his report to the House, which embraced some fifteen important amendments, Hon. JOHN J. JENKINS, of Wisconsin, a member of the subcommittee, makes the statement that "this bill, although not intended as a revenue bill, does increase the District revenues somewhat."

Now, if it be the purpose of the Committee on the District of Columbia to increase the revenues of the District, and if it be their deliberate and unanimous decision that those increased revenues must be taken from the foreign insurance companies of the United States, well and good. I simply want to know their purpose. If it is decided that this is the proper way to increase the revenues of the District of Columbia instead of adopting some other form of taxation, I will consent to it. This article goes on and says:

The printed report also concludes with the remarkable statement that "this bill as amended has received the written approval of Mr. John B. Wight, Mr. John W. Ross, and Capt. L. H. Beach, Commissioners of the District of Columbia, and, after general publicity, not a single objection has come to the knowledge of your committee."

We refrain from any uncharitable criticism as to the first statement, which thus places the responsibility for the many sins of omission and commission in this bill at the door of the District Commissioners, or from again inviting attention to the many objectionable features therein, which, to our knowledge, were pointed out by several insurance men in attendance at a former hearing, and in previous issues of Views.

So it appears from that statement that the objections to this bill not only have been pointed out in hearings, but also have been published in prior issues of this insurance journal.

Neither do we repeat the argument, previously presented in its columns, that there exists no reason or necessity for the increased taxation proposed in this bill (an additional tax of one-half per cent on gross premium receipts having evidently been substituted for the $50 license fees for agencies specified in the former bill).

I do not know what is referred to by "the former bill," but I judge from the article that this bill is a substitute for an insurance bill which had been prepared and approved by the Commissioners of the District of Columbia.

Reference, however, should be made to a marked defect in bill 9283, namely, the clause which makes the assessor, under the direction of the District Commissioners, the ex officio superintendent of insurance, and designates the officer who of necessity will have to exercise the functions of that office "one insurance clerk to devote his time exclusively to the business of insurance."

Mr. JENKINS. Will the gentleman yield for a statement?

Mr. RUSSELL. Certainly.

Mr. JENKINS. I want to say to the gentleman, in the first place—and I speak for the committee in their hearing, and they can answer for themselves or contradict me if I state wrongfully—that the gentleman who wrote that article does not know what he is talking about, for there is not a single provision in this bill that was criticised by any gentleman at the hearings; and I interrupt the gentleman where I do for the purpose of calling his attention to the fact that this morning, in the presence of the clerk of the committee, who sits by me, the assessor of the District made to us this statement, that the writer of that article came down to his office and called attention to the fact that the original bill should be changed so as to place this under the direction of the assessor, and therefore make it unnecessary to have the extra office created. And yet he comes in here now and criticises this one recommendation.

Mr. RUSSELL. I hope the gentleman will not make too long a speech.

Mr. JENKINS. I only want to make the statement to the gentleman, so he can see how much dependence can be placed on an article of that kind.

Mr. RUSSELL. I have simply stated the facts as I found them, the representative journal of the insurance interests stating here that not only in this issue but in former issues it had called attention to the defects, omissions, and errors in the bill.

I put that forward, Mr. Speaker, not exactly in opposition, but for the prayerful attention of the gentleman who thinks perhaps now there is something more in this measure than the mere whim of people who happen to live in a State where there are corporations. I was not aware that there were not any corporations in the State of Wisconsin.

Mr. JENKINS. Will the gentleman yield?

Mr. RUSSELL. Yes.

Mr. JENKINS. Will the gentleman kindly point out to this House one single criticism that the writer of that article refers to in this bill, except this one, that it is placed under the assessor of the District of Columbia, where it has always been? What other criticism does the gentleman make?

Mr. RUSSELL. Why, it seems to me that it is the criticism that he made at the beginning that this bill was for the purpose of providing revenue for the District of Columbia. He plainly states that there is no necessity for this increased taxation except it be for revenue. He, by inference, at least, maintains the position which we who oppose the provisions of section 6 claim, that there should be some discrimination in the rate of taxation upon gross receipts between the foreign and the home companies. It is usual.

Now, not to carry that subject further, the gentleman no doubt is correct in saying that everybody who was present at his hearing approved the bill or, at least, made no criticism of it. I do not know who was there. I do not know how much they represented the home offices, but I do know that I am in receipt of telegrams of the home offices of Connecticut insurance companies who generally approve of this bill, but who make some criticisms of it, exactly in the line of this article in this publication, Views, and their criticisms were made before this publication. Now, it seems to me——

Mr. JENKINS. That is, they criticise the amount of the tax.

Mr. RUSSELL. They criticise the amount of the tax.

Mr. JENKINS. Were any other criticisms made?

Mr. RUSSELL. There is a general criticism upon the executive features of this bill, but that is not serious.

They approve, generally, as I understand it, the provisions of the bill establishing a standard policy. I rather think that is in the interest of insured and insurance companies alike. It is becoming general in all our States. But they do make serious opposition, and, as I believe, on good ground, to this increase of tax which puts them, as you claim, on an equality with the local insurance companies, but which, in fact, puts them to great disadvantage.

Mr. Speaker, I reserve the balance of my time.

Mr. BABCOCK. Mr. Speaker, I ask if the opposition to the bill desire any more time?

Mr. RIDGELY. I should like a little time, if nobody else does.

Mr. BABCOCK. I would suggest to the gentleman from Connecticut that he has practically all the time remaining and we have only a few minutes, and if there is anything further to be said, that that side should go on.

Mr. RUSSELL. Mr. Speaker, how much time have I?

The SPEAKER. There are thirty-three minutes remaining in the hour on that side.

Mr. RUSSELL. The time which I occupied was yielded to me by the gentleman from Iowa [Mr. HEPBURN].

The SPEAKER. That is the time that is being computed.

Mr. MCRAE. I should like to use some time, if I can get it.

Mr. RUSSELL. I will yield some time to the gentleman from Arkansas [Mr. MCRAE], in opposition to the bill.

The SPEAKER. How much time does the gentleman yield?

Mr. RUSSELL. How much time does the gentleman from Arkansas want?

Mr. MCRAE. Not a great deal; not over five minutes, I think.

Mr. RUSSELL. I yield five minutes to the gentleman from Arkansas.

Mr. MCRAE. Mr. Speaker, I agree to the objections made by the gentleman from Iowa to this bill, but I do not think the most important objection to it has yet been adverted to. If insurance companies are to be permitted to organize and do business in the District of Columbia under this, or even under existing laws, we ought to protect the people from the exorbitant rates charged by those companies, as stated by the gentleman from Iowa [Mr. HEPBURN], and as known to every man who has made inquiry about it.

As soon as an opportunity presents itself, I shall move this amendment, which I will ask the Clerk to read. It is a prohibition against any agreement on the part of insurance companies that do business within the District of Columbia to maintain what is commonly known as "board rates"—in other words, to abolish the insurance trust in the District of Columbia.

I offer the following, which the Clerk will please read.

The Clerk read as follows:

That any insurance company organized under the laws of Congress in the District of Columbia or under the laws of any State or country and transacting or conducting any kind of business in the District of Columbia, or any partnership or individual or other associations or persons whatsoever who shall create, enter into, become a member of or a party to any agreement, combination, confederation, or understanding with any other corporation, partnership, individual, or any other person or association of persons to regulate or fix the price or premium to be paid for insuring property against loss or damage by fire, lightning, tornado, or storm in the District of Columbia, or to maintain said price in the District of Columbia when so regulated or fixed, or shall enter into, become a member of or a party to any trust, pool, agreement, contract, combination, association, or confederation to fix the price or premium to be paid for insuring property against loss or damage by fire lightning, storm, cyclone, tornado, or any other kind of policy issued by

any corporation, partnership, individual, or association of persons aforesaid, shall be deemed and adjudged guilty of a conspiracy to defraud, and on conviction shall be fined not less than one nor more than five thousand dollars and imprisonment not more than three years.

Mr. McRAE. The purpose of that amendment is to prevent combinations on the part of the insurance companies to maintain exorbitant rates. It has been adopted in a great many States, and in all the States where it has been adopted it has proved a benefit to the people who seek insurance and who have to have it. There is another amendment I desire to offer.

Mr. BABCOCK. I would like to ask the gentleman if that is a copy of some State law?

Mr. McRAE. It is a substantial copy of the law existing in several States, initiated, I believe, by the State of Missouri, adopted later by Arkansas, Texas, and perhaps others.

Mr. BABCOCK. I desire to reserve the point of order upon it.

The SPEAKER. The Chair is of the opinion that it is too late.

Mr. McRAE. It is too late, and, besides, the amendment is germane. There is one other amendment to which I desire to call the attention of the chairman of the committee.

The SPEAKER. Let the Chair understand. Has the gentleman offered this for the information of the House?

Mr. McRAE. I have offered this to be voted upon.

The SPEAKER. The gentleman has offered it, then, on yielded time. The bill is not being read yet for amendments.

Mr. McRAE. I offered it for the purpose of having it voted upon or considered as pending. The gentleman yielded to me without conditions.

The SPEAKER. If it is offered as an amendment, it is subject to a point of order.

Mr. McRAE. I submit that it is offered as an amendment now. I have the floor for that purpose, if I understood the gentleman who yielded me the time.

The SPEAKER. The Chair is of opinion that amendments can not be offered until the bill is read for amendments.

Mr. McRAE. The Chair has already put the question on half a dozen amendments offered by the committee.

Mr. BABCOCK. Oh, no; the committee amendments have not been voted upon.

The SPEAKER. We are in general debate in the House as in Committee of the Whole.

Mr. McRAE. If I am mistaken as to the committee amendments, then, of course, I am mistaken as to this being the proper time to offer mine. As a matter of information, then, I want to call the attention of the House to another amendment, and that is this: I do not find anywhere in this bill any requirement that insurance companies doing business here shall give information as to their place of business, the exact place for the transaction of their business.

Now, there is doing business in the district which I have the honor to represent here a company that claims as its domicile the District of Columbia, and for two months, on reference of a letter by one of my constituents to the Commissioners of the District of Columbia, I have been unable to locate that company, and yet it states that its headquarters is in the city of Washington, D. C. Now, there ought not to be any such fraud.

Mr. BABCOCK. I will state to the gentleman that it is the intention of this bill to correct all abuses of that kind.

Mr. McRAE. If that is your purpose, you did not mention it in this bill.

Mr. BABCOCK. The very provisions of the bill will prevent it.

Mr. McRAE. I have a provision which I will ask the Clerk to read, and I will offer it when we come to the last part of the bill, which will correct that part of it.

The SPEAKER. The Clerk will read for the information of the House.

The Clerk read as follows:

That each and every insurance company, beneficial order, or association, whether joint stock company, mutual, industrial, fraternal, or any other kind of company or association, shall, in addition to the other requirements of this act, furnish the assessor of the District of Columbia a reference to its place of business by giving the street and number thereof; and it shall furnish the said assessor this information whenever and as often as there is a change in its place of business.

Mr. McRAE. Whatever remains of the time yielded to me I yield back to the gentleman from Connecticut.

Mr. RUSSELL. I yield five minutes to the gentleman from Kansas, in opposition to the bill.

Mr. RIDGELY. Mr. Speaker, I am thankful even for five minutes in opposition to this bill. I wish to call attention of the members of this House to the fact that it is probably more specifically our duty to be careful of the interests of the patrons of the insurance companies than of the interests of the companies themselves, or at least as much so, and therefore I would emphasize, if possible, especially the objections offered against this bill by the gentleman from Iowa [Mr. HEPBURN]. By the terms of this bill we are to enact into law a long code of conditions which we too often find is a part of our insurance policies, enjoining all kinds of obligations upon the insured; and it will be impossible for anyone to go into court if you pass this bill and plead that any of these conditions are unjust or unfair. The companies will simply set up that it is the law and we are compelled to abide by it.

Mr. BABCOCK. Will the gentleman permit me to interrupt him?

Mr. RIDGELY. Yes, sir.

Mr. BABCOCK. Does not the gentleman understand that the provisions there and the ten pages referred to are simply the New York standard policy that has been adopted by almost every State in the Union? There is the policy that must be filled up by the party, and when it is written the companies must comply with these conditions. It has met with the approval of every legislature and every insurance department in the Union.

Mr. RIDGELY. I have no doubt the gentleman is correct in stating it has met the approval of the insurance companies.

Mr. BABCOCK. I did not say the insurance companies, but the insurance departments—the State departments of insurance.

Mr. RIDGELY. And these departments are largely influenced in their actions by the companies that are to be the beneficiaries of such technical conditions as are by this bill forced into these policies. In my judgment, we will do wrong, as the legislature for the District of Columbia, to force all these conditions into insurance policies. These conditions are all against the people and in favor of the companies, and I insist that it is the duty of the members here to see to it that every one of these conditions shall be stricken out of this bill.

And, further, while I have a little time left, I will call attention to another proposition in the interest of the people who must insure their property in order to protect themselves. I believe the time is coming soon, and public sentiment is already awake to the necessity of providing public insurance. I think we had better by far be legislating here to provide ways and means by which public insurance can be afforded to property owners in the District of Columbia by which the property owner may elect whether he shall pay an additional tax that will entitle him to insurance under carefully devised statute that will make the public safe as well as the insured. Wherever this has been introduced the cost of insurance has been reduced more than one-half, while the safety has been increased and the expenses of litigation abolished. I think we had better refuse to enact this law and take up the matter of providing public insurance for the property owners in the District of Columbia.

Mr. LLOYD. Does not the gentleman think this bill improves the condition of affairs in the city of Washington?

Mr. RIDGELY. If it does, the Lord pity the conditions of the District of Columbia, and pity the committee that can not devise a better bill in the interest of the people. It may be all right in the interest of the insurance companies, and it may be all right in the interest of local companies against outside companies.

Mr. LLOYD. I am asking for information. Is it not a fact that this bill does, in a measure, protect and benefit the people and the interests of the people of the District of Columbia?

Mr. RIDGELY. In a very slight degree.

Mr. LLOYD. Is it not true that at present the people have no protection whatever against insurance companies?

Mr. RIDGELY. Well, if that be true, let us give them a better bill than the committee has brought in. This bill makes no restrictions on the charges for insurance and makes no provision against trusts.

Mr. LLOYD. Can not this be remedied by amending this bill?

Mr. RIDGELY. That is what I am talking to. I say let us vote down this bill, or let us amend it in behalf of the people.

Mr. LLOYD. For the interests of the people of the District would it not be better to amend the bill so as to protect them than to leave them wholly unprotected?

Mr. RIDGELY. I think it is better to vote to recommit it to the committee with instructions to bring in a bill providing public insurance at actual cost.

Mr. RUSSELL. Mr. Speaker, I now yield five minutes to the gentleman from Maryland [Mr. DENNY].

Mr. DENNY. Mr. Speaker, while I think there is great necessity for a general law covering insurance in the District of Columbia, there are so many objections to the form in which it is presented here in this bill that I think it very desirable that what is called the "New York standard policy" should be omitted or amended. If this is the New York standard policy, I am opposed to the New York standard. You will find on page 5, section 6, this entire policy shall be void if the insured has concealed or misrepresented, without reference to the statement of whether it is an intentional misrepresentation. This declaration says if there has been a misstatement, fraudulently or otherwise, then the rights of the insurer are so absolutely protected they could defeat any claim on the part of the insured.

Mr. CLAYTON of New York. I think not. I think it has been decided that unless that statement of misrepresentation or concealment is something that was intentional and material to the risk, that it is no defense.

Mr. DENNY. I want to say that that is the law, but there is no room here to take advantage of that, for you say this policy is framed in accordance with the law, and the facts correspond with the policy. In the courts of a State these things are discussed and considered, and there is room for questions of fact to be submitted to the jury.

Let me call your attention to one more point, Mr. Speaker, in this bill, where it is provided that if the insured property stands on leased ground, the policy shall be void unless inserted in the body of the policy. There is a great deal of property in the city of Washington to-day that stands on leased ground where there is a nominal rent of 1 cent, according to the old system of the adjoining State of Maryland.

I tried a case in the court of appeals in which the company proposed to take advantage of that fact, because in the policy it had not been stated that the building stood on leased ground. The court of appeals said it was not a material issue; that while there was much property situated on leased ground, the company could not take advantage of that fact. But if we enact this into a law, put in a provision that unless the fact that it is situated on leased ground is put into the policy, the policy shall be void, then the courts have no jurisdiction in the matter, because it has been enacted into statute law, and you take from the courts the large amount of discretion which they have.

Again, on page 12, it is provided that the loss shall not become payable until sixty days after the notice, ascertainment, estimate, and satisfactory proof of the loss. The company can demand that all these specific acts shall be completed before the insured has a right to demand his insurance. Why should such a provision as that be inserted? Let the company make their own contracts to suit themselves, and then let the courts construe the contracts with a view to the laws that govern contracts between the insured and the insurer. In the form in which this bill is presented I can not support this measure.

Mr. JENKINS. Permit me to inform the gentleman that this provision was put in here at the instance and request of people of Washington, who employed a lawyer to present the question to the committee for them. One of the gentlemen stated by way of explanation that he had a while ago eleven different policies; that it took a Philadelphia lawyer to determine what one of those policies meant, and, when he got through, that interpretation did not aid him in learning what was the proper construction of the remaining ten policies. This provision, I repeat, was put in here in the interest of people of this District, and if the gentleman from Maryland had observed what the gentleman from Connecticut said, he would have learned that one of the criticisms which the insurance companies are making is that the standard policy is forced upon them.

Mr. DENNY. Then I hope the standard policy will not be forced upon them.

Mr. RUSSELL. Did I understand the gentleman from Wisconsin [Mr. JENKINS] to say that I had stated that one of the criticisms——

Mr. JENKINS. Oh, no, sir; what I meant to say was that in the document read by the gentleman that fact appears.

Mr. DENNY. Take another instance of this standard policy, which gentlemen say is desired by people of this District. If gentlemen will refer to page 13, line 1, of this bill——

The SPEAKER. The time of the gentleman from Maryland [Mr. DENNY] has expired.

Mr. RUSSELL. Mr. Speaker, I desire at the proper time to offer an amendment, which I desire to have read now in my time.

The SPEAKER. The gentleman sends to the desk an amendment which, for the information of the House, will be read by the Clerk.

The Clerk read as follows:

After the word "one," in line 12, page 17, strike out the words "and one-half."

Mr. RUSSELL. This amendment proposes to leave the tax on the amount of premiums of foreign insurance companies in this District the same as it now is. I desire to have that amendment considered as pending.

Mr. BABCOCK. I yield five minutes to the gentleman from New York [Mr. RAY].

Mr. RAY of New York. Mr. Speaker, I do not desire to prolong this discussion, but I do wish to say a few words in regard to this standard policy proposed for all parties insured in the District of Columbia. Every person must understand the wisdom and the necessity of having some uniformity in contracts of insurance. Uniformity protects both the individual and the insurance company. If each insurance company doing business has a particular form of policy, with a variety of conditions, an individual who has his property insured in three or four different companies will discover that there is no uniformity of liability on the part of these companies or of right of action on his own part in case of loss.

In the great State of New York this subject was considered for many years. We have many large cities in that State where insurance companies are located. The interests of the people, not of the insurance companies, were specially consulted by the insurance department of that State, and finally this form of insurance policy for the State and for all companies doing business in the State was adopted as one which would be wise and just. It is written in the statutes of the State and is so well understood that every person desiring insurance may know in advance just what his insurance contract is to be. And it has led to uniformity of decision, so that the law to-day is understood by everyone. This form of policy was framed and adopted in the interest of the people, of the insured, and not in the interest of the insurer.

Of course it is competent for any person, when he takes out a policy of insurance, if he has a special reason, or if he desires to provide for special conditions, to have a special clause attached to his policy, which then becomes binding upon all the parties. The adoption of this standard policy for all companies and all people at all times doing business in the District of Columbia will be a guaranty to the people that unless they seek and obtain some special conditions (which they may do), their contract will be in the standard form and well understood by themselves, by their attorneys, and the courts. If this form of insurance policy be written in the statutes of the District of Columbia, every person residing in the District and desiring insurance will know exactly what his contract is.

Mr. RIDGELY. Do I understand the gentleman to say that by special agreement a provision or contract can be entered into different from that prescribed in this bill?

Mr. RAY of New York. Certainly.

Mr. RIDGELY. And in violation of all these provisions?

Mr. RAY of New York. Certainly. That can be arranged when the policy is taken out. I do that in all my insurance business at home. We have there this same form of policy, but we can make and insert special conditions.

Mr. RIDGELY. Then how are the people of the District to escape all this multiplicity of contract which has been spoken of?

Mr. RAY of New York. I will tell you how. No man need have any special provision in his policy of insurance unless he seeks it. If I want to insure my property (if I had any) here in the District of Columbia and want some policy at variance with this form—want some special conditions inserted—that is a matter of my own seeking, is it not?

Mr. RIDGELY. Or if the companies themselves should require it?

Mr. RAY of New York. Yes; if they require it. But in that case it is optional with the owner of the property whether he will accept that condition or not; in other words, whether he will enter into a special contract.

Mr. RIDGELY. If these companies make a combination to the effect that they will not insure unless the insured will consent to a change in the ordinary policy, then the insured is powerless, and you have nothing in this bill to prevent such a combination.

Mr. RAY of New York. Oh, I think any combination of that kind can be reached by the courts, because——

Mr. RIDGELY. Does your bill reach it?

Mr. RAY of New York. Why, my friend, you need not repeat in a bill of this kind what is already written upon the statute books. I do not think you can compel a company to write a policy, but they can not violate the law against conspiracies when they do write one.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. RAY of New York. I should like about a minute more.

Mr. BABCOCK. I yield to the gentleman one minute.

Mr. RAY of New York. I want to call attention to page 13:

This policy is made and accepted subject to the foregoing stipulations and conditions, together with such other provisions, agreements, or conditions as may be indorsed hereon or added hereto.

And it has been held that it is competent for the parties by agreement to vary the other conditions. It is wise, economical, and highly proper to have one kind of policy in use by all companies. I repeat what the gentleman from Wisconsin has said, that it has met the approval of the insurance departments of all the States where the question has been up, and has met the approval of the insured everywhere, and the approval of the courts as well.

Mr. BABCOCK. Now, Mr. Speaker, I want to say just a word in reference to the criticism made by the gentleman from Iowa [Mr. HEPBURN]. We all have a very high opinion of anything he says, but I was sorry to see that immediately after that remarkable speech of his he left the House and has just returned. Now, he called the attention of the House to ten pages of exceptions that were going to oppress the people, ten pages where the insurance companies were going to be allowed to rob the insured.

Mr. HEPBURN. Will the gentleman allow me?

Mr. BABCOCK. Certainly.

Mr. HEPBURN. Is not every one of those exceptions in the interest of the insurance companies and not one of them in the interest of the insured?

Mr. BABCOCK. Will the gentleman just contain himself in peace for a moment. The gentleman fairly alarmed me when I heard his statements. I said to myself, "I thought I understood this bill, but I guess I do not." So I went off quietly in a seat all alone, not willing to admit the truth of that horrible statement, and I found that he had been criticising the New York standard policy and nothing else.

Mr. HEPBURN. That is it.

Mr. BABCOCK. This is the standard policy that has been adopted by almost every State in the Union—the policy that I had the honor to introduce in the Wisconsin legislature, and which became the Wisconsin law more than ten years ago; a policy that every insurance department in almost every State in the Union has indorsed, and which is the very foundation of legitimate insurance to-day; and, as the gentleman from New York [Mr. RAY] said, is in the interest and for the protection of the insured.

Now, when this standard policy is adopted in the District of Columbia, if a man has half a dozen policies on his property they must all be written in this exact form, without the change of an "i" or the crossing of a "t" except by his written consent. I wanted to explain to the House fully what these dreadful ten pages were.

Now, Mr. Speaker, I believe that this matter is pretty thoroughly understood. I will ask for the previous question on the pending amendments and the bill to its final passage, and, Mr. Speaker, I ask that the amendments that have been read for the information of the House may be considered as offered and pending.

The SPEAKER. The gentleman from Wisconsin asks for the previous question on the bill and amendments, the term "amendments" to include all offered by the gentleman from Arkansas [Mr. MCRAE] and the gentleman from Connecticut [Mr. RUSSELL].

Mr. JENKINS. A parliamentary inquiry, Mr. Speaker. There are a few verbal corrections that should be made. Can they be offered later, or should they be offered and considered as pending?

The SPEAKER. The previous question will shut off any new amendments, except by unanimous consent.

Mr. JENKINS. Then I will ask that these amendments, which have been prepared to make a few verbal corrections, be considered as pending.

The SPEAKER. Does the gentleman from Wisconsin withhold his demand for the previous question?

Mr. BABCOCK. I have no objection.

Mr. JENKINS. I may say that these amendments have been submitted to the Democratic members of our committee, who have no objection to them.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Strike out, in line 8, page 19, after the words "of the," the word "last" and insert in lieu thereof the word "two."

Insert, in line 8, page 19, after the word "section," the letter "s;" so that it will read "sections."

Strike out, in line 9, page 19, after the word "to," the word "its" and insert in lieu thereof the words "taxes and."

Insert, in line 11, page 19, after the words "District of Columbia," the following: "to pay $100 annually to the collector of taxes and."

On page 20, strike out the last word in line 22 and the first word in line 23 "(doing business)."

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] asks for the previous question on the bill and amendments, the term "amendments" to include all that have been read from the Clerk's desk and also the committee amendments.

Mr. MCRAE. The two sections which I propose might be inserted between sections 11 and 12, instead of where I suggested before. It would require less changing of numbers.

The SPEAKER. The suggestion has been noted.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any of these amendments?

Mr. BABCOCK. Yes; I ask for a separate vote on one of them.

The SPEAKER. The committee amendments will first be passed upon. The Chair understands that the committee amendments include those sent up by the gentleman from Wisconsin [Mr. JENKINS]?

Mr. BABCOCK. Yes.

The SPEAKER. They come by authority of the committee?

Mr. BABCOCK. Yes.

The committee amendments were agreed to.

The SPEAKER. The question now is on the amendments offered by the gentleman from Arkansas [Mr. MCRAE]. Is a separate vote demanded on these two amendments?

Mr. HEPBURN. I would like to have them reported.

The SPEAKER. The Clerk will report the amendments offered by the gentleman from Arkansas.

The Clerk read as follows:

Insert on page 23, to be numbered as a new section, the following:

"SEC. 13. That any insurance company organized under the laws of Congress in the District of Columbia, or under the laws of any State or county and transacting or conducting any kind of business in the District of Columbia, or any partnership or individual or other associations or persons whatsoever, who shall create, enter into, become a member of or a party to any agreement, combination, confederation, or understanding with any other corporation, partnership, individual, or any other person or association of persons to regulate or fix the price or premium to be paid for insuring property against loss or damage by fire, lightning, tornado, or storm in the District of Columbia, or to maintain said price in the District of Columbia when so regulated or fixed, or shall enter into, become a member of or a party to any pool, agreement, contract, combination, association, or confederation to fix the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind of policy issued by any corporation, partnership, individual, or association of persons aforesaid, shall be deemed and adjudged guilty of a conspiracy to defraud, and on conviction shall be fined not less than one nor more than five thousand dollars, and imprisonment not more than three years."

The SPEAKER. Does the gentleman from Iowa desire to hear the other amendment reported?

Mr. BABCOCK. Yes.

The Clerk read as follows:

Add as a new section the following:

"SEC. 13. That each and every insurance company, beneficial order, or association, whether joint-stock company, mutual, industrial, fraternal, or any other kind of company or association, shall, in addition to the other requirements of this act, furnish the assessor of the District of Columbia a reference to its place of business by giving the street and number thereof; and it shall furnish the said assessor this information whenever and as often as there is a change in its place of business."

The SPEAKER. Is a separate vote demanded on these two amendments? If not, the question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the amendment offered by the gentleman from Connecticut, which the Clerk will report.

The Clerk read as follows:

Strike out, in line 12, page 17, after the word "one," the words "and one-half."

Mr. BABCOCK. That is not very clear, but I understand that it reduces the taxation from 1½ per cent to 1 per cent. I hope the amendment will be voted down.

Mr. RUSSELL. It leaves it simply as it is now.

Mr. BABCOCK. I beg your pardon; it is 1½ on the local companies now.

The question was taken on the amendment of Mr. RUSSELL; and on a division (demanded by Mr. RUSSELL) there were—ayes 6, noes 26.

Accordingly the amendment was rejected.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BABCOCK. I yield to the gentleman from California.

POST-OFFICE APPROPRIATION BILL—VIEWS OF THE MINORITY.

Mr. LOUD. Mr. Speaker, I desire to ask unanimous consent of the House that the minority of the Committee on Post-Office and Post-Roads may have five days in which to file their views on some portions of the appropriation bill. I neglected to make this request this morning after having stated that I would do so.

The SPEAKER. The gentleman from California asks unanimous consent that the minority of the Committee on Post-Office and Post-Roads be granted five days within which to file the views of the minority on the Post-Office appropriation bill. Is there objection? [After a pause.] The Chair hears none.

JOHN A. NARJES.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill H. R. 7479, on the Private Calendar.

The Clerk read as follows:

A bill (H. R. 7479) for the relief of John A. Narjes, of Washington, D. C.

Whereas the petitioner is about 38 years of age; he purchased property in the city of Washington, D. C., before he was a naturalized citizen; he has been a resident of the United States for the past seventeen years, and is now a naturalized and reputable citizen of the District of Columbia, and prays for Congressional relief: Therefore,

Be it enacted, etc., That all real estate lying in the District of Columbia heretofore purchased and conveyed to John A. Narjes, of said District, prior to the passage of this act be relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887, and all forfeitures incurred by force of said act are in respect of such real estate hereby remitted.

Mr. UNDERWOOD. Mr. Speaker, I ask that the bill may be reported again. I have not been able to hear a word.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill be again reported, as it was impossible to hear while it was being read. The House must come to order before business is proceeded with. Gentlemen will please cease conversation.

The bill was again reported.

Mr. BABCOCK. Now, Mr. Speaker, I ask that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill just read be considered in the House as

in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. BABCOCK. I now yield to the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, this bill was introduced in the House by the gentleman from New York [Mr. CUMMINGS] to relieve the beneficiary, Narjes, of a loss that befell him on account of the particular facts in this case. The beneficiary was born outside the limits of the United States and came to the city of Washington some fifteen years ago. The proof shows that he was an honest and industrious man, and by the saving of his earnings he bought the property in question. At that time he was an alien, and the property became forfeited to the United States. He is now a citizen of the United States, has paid all the taxes on the property, and asks to be relieved; and this bill restores to him his property. If there be no objection, I will ask for a vote, Mr. Speaker.

Mr. BARTLETT. I understand the gentleman to say that this gentleman is no longer an alien, but a citizen of the United States.

Mr. JENKINS. The understanding of the gentleman from Georgia is correct; he is a citizen of the United States.

Mr. BARTLETT. Did we not pass a bill the other day to reach cases of that character?

Mr. JENKINS. Not to reach a case of this kind, I will say to the gentleman from Georgia.

Mr. BABCOCK. It was for those who had not become citizens.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

TITLE TO LOT 1, SQUARE 1113, WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill H. R. 5140.

The Clerk read as follows:

A bill (H. R. 5140) to confirm title to lot 1, square 1113, in Washington, D. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to release and quitclaim to Johanna C. Block, her heirs, and assigns forever all the right, title, and interest, whether legal or equitable, of the United States of America in and to all that lot or parcel of ground situated in the city of Washington, D. C., and known on the ground plan of said city as lot No. 1, in square 1113, upon the payment by the said Johanna C. Block of such a sum as the said Secretary of the Interior shall deem just and equitable: *Provided*, That the said Johanna C. Block pay to the proper officer of the District of Columbia all taxes heretofore assessed against said property, both general and special, now unpaid and standing against said property.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that this bill (H. R. 5140) may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill just read may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. BABCOCK. I yield to my colleague [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, this bill is similar to one that passed this House about two or three weeks ago, and disposes of the remaining part of the lot that was then disposed of. It seems that in the disposition of the property a great many years ago it was impossible to tell where the legal title to this one lot was, and since 1836 the beneficiary and her grantors have been paying taxes on this piece of land to the United States.

Upon looking up the title, within the past two years, the United States asserted title to this lot, and the beneficiary comes to Congress and asks relief. The Committee on the District of Columbia, in the other case, referring to the other part of the lot, made a report that the Secretary of the Interior be directed to quitclaim all interests of the United States to the beneficiary, and that bill provided that the beneficiary would pay all outstanding taxes and at the same time pay such sum as the Secretary of the Interior considered just. We find the same difficulty in this case as in the other one to ascertain the actual value of the property; and we thought the safest way would be to recommend that the Secretary of the Interior quitclaim to this party upon payment of all outstanding taxes and any sum that the Secretary of the Interior thought on the ascertainment of the facts should be paid.

In the examination of the other bill we found it almost impossible to tell accurately just where the legal title is, but we think the legal title is in the United States. It would be a great hardship now to take this property away from this woman, inasmuch as she and her grantors have paid the taxes since 1836, and inasmuch as this property has been sold for taxes and tax deeded. If there is no objection, I will ask for a vote.

Mr. STEPHENS of Texas. I would like to ask the gentleman whether or not there are any adverse claimants; whether it has been sold for taxes and there are now any adverse claimants to the lot?

Mr. JENKINS. No; there is no adverse claimant.

Mr. RIDGELY. Will the gentleman inform us how much the property is worth?

Mr. JENKINS. That was left by the bill to the Secretary of the Interior. It was impossible to ascertain its value, and the Secretary of the Interior is directed to ascertain the value.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

NORTHERN DISTRICT OF NEW YORK.

Mr. RAY of New York. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, and to divide the same into two districts and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes.

Mr. RAY of New York. Mr. Speaker, unless some one requests it, I ask unanimous consent that the full reading of the bill be dispensed with. It was read the other day, and the objections have been withdrawn.

Mr. RICHARDSON. The bill ought to be read.

The SPEAKER. The Clerk will proceed with the reading.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 541 of the Revised Statutes be amended so as to read as follows:

"The State of New York is divided into four districts, which shall be called the western, northern, eastern, and southern districts of New York. The western district includes the counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates, with the waters thereof. The northern district includes the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Warren, and Washington, with the waters thereof. The eastern district includes the counties of Richmond, Kings, Queens, Nassau, and Suffolk, with the waters thereof. The southern district includes the residue of said State, with the waters thereof."

SEC. 2. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the western district of New York, who shall keep his chambers in the city of Buffalo and who shall succeed to and possess the same powers and perform the same duties within the said western district as are now possessed and performed by the district judge for the northern district of New York.

SEC. 3. That that part of section 572 of the Revised Statutes declaring the times, places, and provisions for holding terms of the district court in the northern district of New York be, and is hereby, repealed, and that said section be, and is hereby, amended by inserting in place of the part so repealed the following two paragraphs:

"In the northern district of New York, at Albany, on the third Tuesday of September; at Utica, on the third Tuesday of January; at Binghamton, on the second Tuesday of June; at Auburn, on the second Tuesday of November; at Syracuse, on the last Tuesday of April, and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Saratoga, Onondaga, St. Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by notice of at least twenty days published in a newspaper published at the place where said court is to be held.

"In the western district of New York, at the city of Elmira, on the second Tuesday of January; at the city of Buffalo, on the second Tuesdays of March and November; at the city of Rochester, on the second Tuesday of May; at the city of Jamestown, on the second Tuesday of July; at the city of Lockport, on the second Tuesday of October."

SEC. 4. That that part of section 658 of the Revised Statutes declaring the times, places, and provisions for holding terms of the circuit court in the northern district of New York be, and is hereby, repealed, and that said section be, and is hereby, amended by inserting in place of the part so repealed the following two paragraphs:

"In the northern district of New York, at Utica, on the third Tuesday of January; at Syracuse, on the last Tuesday of April; at Albany, on the third Tuesday of September.

"In the western district of New York, at Rochester, on the second Tuesday of May; at Canandaigua, on the second Tuesday in September; at Buffalo, on the second Tuesday of November."

SEC. 5. That regular sessions of the district court for the western district of New York, for the hearing of motions and for proceedings in bankruptcy and the trial of causes in admiralty, shall be held at the city of Buffalo in each month of the year except August. The times for holding the same, and such other special sessions as the court shall deem necessary, shall be fixed by rules of the court. All process in admiralty causes and proceedings in the western district of New York shall be made returnable at Buffalo.

SEC. 6. That the district judge of the northern district of New York in office at the time this act takes effect shall continue to be the district judge for the northern district of New York as constituted by this act. That the clerk of the circuit court for the northern district of New York in office at the time this act takes effect shall continue to be clerk of the circuit court of the northern district as constituted by this act until his successor shall be appointed and qualified, and said clerk or his successor shall likewise be clerk of the district court of that district.

SEC. 7. That the present clerk of the district court for the northern district of New York shall be clerk of the circuit and district courts of the western district of New York until a clerk of said circuit court shall be appointed and qualified, and such clerk shall also be and perform the duties of clerk of the said district court.

SEC. 8. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed.

SEC. 9. That all other officers who have been heretofore appointed for the northern district of New York who shall be in office at the time of the taking effect of this act shall continue in office as officers of the district of their residence until the expiration of their respective terms, or until their successors are appointed and qualified, and shall perform the same duties and receive the same salary and compensation as officers of the western district of New York as hereby constituted that they now perform and receive as officers of the northern district of New York as now constituted, but shall not exercise any functions outside of the district of their residence after this act takes

effect. Any vacancies thus created and not filled by officers remaining in office or continued in office as herein provided shall be filled in the manner now provided by law.

SEC. 10. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the northern district of New York as now constituted, whereof the courts of the western district of New York, as hereby constituted, would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to, and same shall be proceeded with in, the western district of New York, and jurisdiction thereof is hereby transferred to and vested in the courts of said western district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That nothing herein contained shall be construed to impair or affect the jurisdiction of the district court of the northern district of New York, as herein constituted, in any case, civil or criminal, pending therein as heretofore constituted at the time of the passage of this act or returnable thereto and not transferred to said western district, but the same shall be proceeded in to final disposition as if this act had not been passed: *And provided further*, That all motions and causes submitted, and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy, now pending in said northern district of New York as now constituted, in which the evidence has been taken in whole or in part, or which have been so far proceeded with as to be ready for argument and submission, shall be retained, proceeded with, and disposed of in said northern district of New York as constituted by this act.

Mr. RICHARDSON. I demand a second.

Mr. RAY of New York. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. RAY of New York. Does the gentleman desire any discussion, or does he simply want an explanation?

Mr. RICHARDSON. I would like some explanation of the bill and of the amendments. It has been impossible to follow the amendments, and I would like to know the effect of them.

Mr. RAY of New York. The State of New York has 6,000,000 inhabitants. It is divided into three districts; the eastern district embraces the city of Brooklyn, Long Island, and Staten Island. The City of New York and three or four adjoining counties constitute the southern district. All the rest of the State, forty counties or more, and 3,000,000 people, constitute the northern district of New York. The northern district, as now constituted, takes in the entire northern border of the State on the St. Lawrence River, Lake Ontario, and Lake Erie, the city of Buffalo, and a half a dozen other large cities. Most of the amendments relate to the times and places of holding courts; some to retention of jurisdiction in certain cases.

It is proposed to divide this northern district into two districts, which will give a million and a half people to each district. It is absolutely necessary because of the large increase of business in the western part of the State, in the neighborhood of Buffalo and adjoining territory. I will say that petitions signed by judges, lawyers, and many of the people interested in litigation have come to us from Cleveland, from Detroit, and all those cities in Ohio and Michigan who do business on those lakes and the connecting waters.

This bill passed the Senate unanimously. It came here some time ago. It meets with the approval of the New York delegation. It is approved everywhere. It is reported unanimously from the Committee on the Judiciary of the House. It is not a bill that I am personally interested in; it creates a new district outside and a new judge who will reside outside my Congressional district, or the judicial district in which my home is. It will give a new judge, but it will give no other new offices, except some minor court officers, because we provide in the bill, by amendment, that the present clerk of the northern district shall continue to act as clerk, and the deputy clerk, who lives in the western district, is to be clerk there. We also provide in the bill that in both districts the clerk of the district court shall also be clerk of the circuit court.

As it is now constituted, this district extends for some 400 miles east and west and over 200 miles north and south. There are some Indian reservations in the western part of the State, and being remote—a long distance from where court is held—defendants and witnesses are often taken clear across the State to Albany, and the result is that thousands of dollars are paid unnecessarily every year in witness fees. It is stated in the report, and is a fact, that the United States will save money by making this division.

Mr. MCCLELLAN. This bill does not interfere with the present southern district of New York?

Mr. RAY of New York. Not at all; it is intended to afford additional help to the gentleman's district, which is very much needed.

Mr. DALY of New Jersey. Does the gentleman know who is to be appointed judge?

Mr. RAY of New York. No; no man in the New York delegation is a candidate.

Mr. DALY of New Jersey. You might take a man from New Jersey. [Laughter.]

Mr. RAY of New York. Well, the Representatives from that State are all learned and intelligent gentlemen. If we have no candidates in New York, we will come to New Jersey. [Laughter.]

Mr. UNDERWOOD. Will the gentleman from New York yield to me for five minutes?

Mr. RAY of New York. Certainly.

Mr. UNDERWOOD. Mr. Speaker, I was on the subcommittee that reported this bill to the full Committee of the Judiciary, and I simply wish to state the reasons why I came to the conclusion that the bill ought to be favorably reported. In the investigation of the question before the subcommittee we found business greatly congested in that district. The admiralty business which should have been conducted at Buffalo was being carried to Albany at great cost and to the inconvenience of litigants, and to such an extent as to interfere with commerce. The bill meets the approval of both members from Buffalo, one being on this side and the other on that side of the Chamber. It meets with the unanimous approval of the bar, and is petitioned for by almost the entire commercial interests of that section. I think there is a great congestion in the business of these courts, and relief ought to be granted, and this is the only way in which I see that relief can be had; and for that reason I support the bill.

The SPEAKER. The question is on suspending the rules and passing the bill with amendments reported.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

AGREEMENT WITH INDIANS OF FORT HALL RESERVATION.

Mr. CURTIS. Mr. Speaker, I move to suspend the rules and to pass the bill (S. 255) which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kansas moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

An act to ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect.

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, acting for the United States, did, on the 5th day of February, A. D. 1898, make and conclude the following agreement with the Shoshone and Bannock Indians of the Fort Hall Reservation, in Idaho; and

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, being duly appointed and acting commissioners on behalf of the United States for such purposes, have concluded an agreement with the headmen and a majority of the male adults of the Bannock and Shoshone tribes of Indians upon the Fort Hall Indian Reservation, in the State of Idaho, which said agreement is as follows:

Whereas the aforesaid commissioners were appointed by the Secretary of the Interior, under and by virtue of an act of Congress, approved June 10, 1896 (29 U. S. Stat. L., page 341), entitled "An act making appropriations for current and contingent expenses of the Indian Bureau of the Interior Department, and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes," and by said act were authorized to negotiate with the Bannock and Shoshone Indians, in the State of Idaho, for the cession of part of their surplus lands; and

Whereas the Indians of the Fort Hall Reservation are willing to dispose of part of their surplus lands in the State of Idaho, reserved as a home for them by a treaty concluded at Fort Bridger July 3, 1868, and ratified by the United States Senate on the 16th day of February, 1869, and also by Executive order:

Now, therefore, this agreement, made and entered into by and between the aforesaid commissioners on behalf of the United States of America, and by the headmen and a majority of the male adults of the Bannock and Shoshone tribes of Indians, located on the Fort Hall Indian Reservation, in the State of Idaho. Witnesseth:

ARTICLE I.

That the said Indians of the Fort Hall Reservation do hereby cede, grant, and relinquish to the United States all right, title, and interest which they have to the following-described land, the same being a part of the land obtained through the treaty of Fort Bridger on the 3d day of July, 1868, and ratified by the United States Senate on the 16th day of February, 1869:

All that portion of the said reservation embraced within and lying east and south of the following-described lines: Commencing at a point in the south boundary of the Fort Hall Indian Reservation, being the southwest corner of township 9 south, range 34 east of the Boise meridian, thence running due north on the range line between townships 33 and 34 east to a point 2 miles north of the township line between townships 5 and 6 south, thence due east to the range line between ranges 35 and 36 east, thence south on said range line 4 miles, thence due east to the east boundary line of the reservation; from this point the east and south boundaries of the said reservation as it now exists to the point of beginning, namely, the southwest corner of township 9 south, range 34 east, being the remainder of the description and metes and bounds of the said tract of land herein proposed to be ceded.

ARTICLE II.

That in consideration of the lands ceded, granted, and relinquished, as aforesaid, the United States stipulates and agrees to pay to and expend for the Indians of the said reservation, $600,000 in the following manner, to wit:

Seventy-five thousand dollars, or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in the erection of a modern school plant for the Indians of the Fort Hall Reservation at a point near the present agency, said point or site to be selected by the Secretary of the Interior, and the surplus remaining, if any, of the above $75,000 may be expended by the Secretary of the Interior for the educational needs of said Indians.

One hundred thousand dollars shall be paid in cash pro rata, share and share alike, to each man, woman, and child belonging to and actually residing on said reservation, within three months after the ratification of this treaty by the Congress of the United States. The remainder of said sum total shall be paid pro rata in like manner, as follows:

Fifty thousand dollars one year after the first payment.
Fifty thousand dollars two years after the first payment.
Fifty thousand dollars three years after the first payment.
Fifty thousand dollars four years after the first payment.
Fifty thousand dollars five years after the first payment.
Fifty thousand dollars six years after the first payment.
Fifty thousand dollars seven years after the first payment.
Fifty thousand dollars eight years after the first payment.
Twenty-five thousand dollars nine years after the first payment.

The deferred payments shall bear interest at the rate of 4 per cent per annum, said interest to be placed annually to the credit of said Indians, and shall be expended for their benefit by the Secretary of the Interior at such times and in such manner as he may direct.

Provided, That none of the money due to said Indians under this agreement shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement.

ARTICLE III.

Where any Indians have taken lands and made homes on the reservation and are now occupying and cultivating the same, under the sixth section of the Fort Bridger treaty hereinbefore referred to, they shall not be removed therefrom without their consent, and they may receive allotments on the land they now occupy; but in case they prefer to remove they may select land elsewhere on that portion of said reservation not hereby ceded, granted, and relinquished and not occupied by any other Indians; and should they decide not to move their improvements, then the same shall be appraised under direction of the Secretary of the Interior and sold for their benefit, at a sum not less than such appraisal, and the cash proceeds of such sale shall be paid to the Indian or Indians whose improvements shall be so sold.

ARTICLE IV.

So long as any of the lands ceded, granted, and relinquished under this treaty remain part of the public domain, Indians belonging to the above-mentioned tribes, and living on the reduced reservation, shall have the right, without any charge therefor, to cut timber for their own use, but not for sale, and to pasture their live stock on said public lands, and to hunt thereon and to fish in the streams thereof.

ARTICLE V.

That for the purpose of segregating the ceded lands from the diminished reservation, the new boundary lines described in Article I of this agreement shall be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments, the cost of said survey to be paid by the United States.

ARTICLE VI.

The existing provisions of all former treaties with the Indians of the Fort Hall Reservation, not inconsistent with the provisions of this agreement, are hereby continued in force and effect; and all provisions thereof inconsistent herewith are hereby repealed.

ARTICLE VII.

The existing main traveled roads leading from McCammon to Blackfoot and from McCammon to American Falls are declared public highways, and the proper use of such is hereby granted to the general public.

ARTICLE VIII.

The water from streams on that portion of the reservation now sold which is necessary for irrigating on land actually cultivated and in use shall be reserved for the Indians now using the same, so long as said Indians remain where they now live.

ARTICLE IX.

This agreement shall take effect and be in force when signed by the commissioners and by a majority of the male Indians of the Fort Hall Reservation over 18 years of age, and ratified by the Congress of the United States.

Signed on the part of the United States Government by the commissioners aforesaid, and by the following Indians of the Bannock and Shoshone tribes, residing and having rights on the Fort Hall Indian Reservation.

BENJAMIN F. BARGE,
Commissioner.
JAMES H. McNEELY,
Commissioner.
CHARLES G. HOYT,
Commissioner.

FORT HALL INDIAN AGENCY,
Ross Fork, Idaho, February 5, 1898.

(1) Jim Ballard (x); witness, Mary W. Fisher. (2) Pocatello Tom (x); witness, Chas. M. Robinson. (3) Kunecke Johnson (x); witness, Mary W. Fisher. (And 247 others.)

* * * * * * *

We certify that we interpreted the foregoing agreement with the Bannock and Shoshone Indians and that they thoroughly understood the entire matter; that we truly interpreted for the commissioners and the Indians at all the councils held to discuss the subject, and to individual Indians.

J. J. LEWIS,
KENNEKE (his x mark) JOHNSON,
Interpreters.

Witness:
CHAS. M. ROBINSON.
J. H. BEAN.
ALBERT W. FISHER.

ROSS FORK, IDAHO, *February 5, 1898.*

FORT HALL AGENCY, IDAHO, *February 5, 1898.*

I hereby certify that 227 Indians constitute a majority of male adult Indians on or belonging on the Fort Hall Indian Reservation, Idaho.

F. G. IRWIN, Jr.,
First Lieutenant, Second Cavalry, Acting Indian Agent.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

SEC. 2. That for the purpose of making the first cash payment stipulated for in Article II of the foregoing agreement, and for the purpose of a new school plant, as provided in the same article, the sum of $175,000 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 3. That for the purpose of surveying, establishing, and properly marking the western and northern boundaries of the tract ceded by the foregoing agreement, as required by Article V thereof, and for field examination and necessary office work in connection therewith, the sum of $1,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 4. That before any of the lands by this agreement ceded are opened to settlement or entry the Commissioner of Indian Affairs shall cause allotments to be made of such of said lands as are occupied and cultivated by any Indians, as set forth in Article III of said agreement, who may desire to have the same alloted to them; and in cases where such Indian occupants prefer to remove to lands within the limits of the reduced reservation he shall cause to be prepared a schedule of the lands to be abandoned, with a description of the improvements thereon and the name of the Indian occupant, a duplicate of which shall be filed with the Commissioner of the General Land Office.

Before entry shall be allowed, as hereinafter provided, of any tract of land occupied and cultivated as above and included in the schedule aforesaid, the Secretary of the Interior shall cause the improvements on said tract to be appraised and sold to the highest bidder. No sale of such improvements shall be for less than the appraised value. The purchaser of such improvements shall have thirty days after such purchase for preference right of entry, under the provisions of this act, of the lands upon which the improvements purchased by him are situated, not to exceed 160 acres: *Provided*, That the proceeds of the sale of such improvements shall be paid to the Indians owning the same.

Any Indian electing to abandon the land occupied by him as aforesaid shall have reasonable time, in the discretion of the Secretary of the Interior, within which to remove the improvements situated upon the land occupied by him.

SEC. 5. That on the completion of the allotments and the preparation of the schedule provided for in the preceding section, and the classification of the lands as provided for herein, the residue of said ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, town-site, stone and timber, and mining laws of the United States only, excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho: *Provided*, That all claimants for lands lying under the canal of the Idaho Canal Company, and which are susceptible of irrigation from the water from said canal, shall pay for the same at the rate of $10 per acre; all agricultural lands not under said canal shall be paid for at the rate of $2.50 per acre, and grazing lands at the rate of $1.25 per acre, one-fifth of the respective sums to be paid at time of original entry, and four-fifths thereof at the time of making final proof; but the rights of honorably discharged Union soldiers and sailors as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States shall not be abridged, except as to the sum to be paid as aforesaid.

The classification as to agricultural and grazing lands shall be made by an employee of the General Land Office under the direction of the Secretary of the Interior.

No lands in sections 16 and 36 now occupied, as set forth in Article III of the agreement herein ratified, shall be reserved for school purposes, but the State of Idaho shall be entitled to indemnity for any lands so occupied: *Provided*, That none of said lands shall be disposed of under the town-site laws for less than $10 per acre: *And provided further*, That all of said lands within 5 miles of the town of Pocatello shall be sold at public auction, under the direction of the Secretary of the Interior, for not less than $10 per acre.

SEC. 6. Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the 6th day of October, 1892, conclude an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory, which said agreement is in the words and figures as follows:

"Articles of agreement made and entered into at Fort Sill, in the Indian Territory, on the 21st day of October, 1892, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory.

"ARTICLE I.

"Subject to the allotment of land, in severalty to the individual members of the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory, as hereinafter provided for, and subject to the conditions hereinafter imposed, and for the considerations hereinafter mentioned, the said Comanche, Kiowa, and Apache Indians hereby cede, convey, transfer, relinquish, and surrender, forever and absolutely, without any reservation whatever, express or implied, all their claim, title, and interest of any kind and character, in and to the lands embraced in the following-described tract of country in the Indian Territory, to wit: Commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point 30 miles, by river, west of Fort Cobb, as now established; thence due west to the north fork of Red River, provided said line strikes said river east of the one-hundredth meridian of west longitude; if not, then only to said meridian line, and thence due south, on said meridian line, to the said north fork of Red River; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said Red River, in the middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning.

"ARTICLE II.

"Out of the lands ceded, conveyed, transferred, relinquished, and surrendered by Article I hereof, and in part consideration for the cession thereof, it is agreed by the United States that each member of said Comanche, Kiowa, and Apache tribes of Indians over the age of 18 years shall have the right to select for himself or herself 160 acres of land to be held and owned in severalty, to conform to the legal surveys in boundary; and that the father, or, if he be dead, the mother, if members of either of said tribe of Indians, shall have the right to select a like amount of land for each of his or her children under the age of 18 years; and that the Commissioner of Indian Affairs, or some one by him appointed for the purpose, shall select a like amount of land for each orphan child belonging to either of said tribes under the age of 18 years.

"ARTICLE III.

"It is further agreed that the land in said reservation shall be classed as grain-growing and grazing land; and in making selection of lands to be allotted in severalty as aforesaid each and every Indian herein provided for shall be required to take at least one-half in area of his or her allotments of grazing land. It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said reservation that is now used or occupied for military, agency, school, school-farm, religious, or other public uses, or in sections 16 and 36 in each Congressional township, except in cases where any Comanche, Kiowa, or Apache Indian has heretofore made improvements upon and now uses and occupies a part of said sections 16 and 36, such Indian may make his or her selection within the boundaries so prescribed so as to include his or her improvements. It is further agreed that wherever in said reservation any Indian, entitled to take lands in severalty hereunder, has made improvements, and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection within the area above provided for allotments so as to include his or her said improvements.

"It is further agreed that said sections 16 and 36 in each Congressional township in said reservation shall not become subject to homestead entry, but shall be held by the United States and finally sold for public school purposes. It is hereby further agreed that wherever in said reservation any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians, the land so occupied may be allotted and confirmed to such society or organization, not, however, to exceed 160 acres of land to any one society or organization so

long as the same shall be so occupied and used; and such land shall not be subject to homestead entry.

"ARTICLE IV.

"All allotments hereunder shall be selected within twelve months from the ratification of this agreement by the Congress of the United States: *Provided*, The Secretary of the Interior, in his discretion, may extend the time for making such selection; and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in that time, then the allotting agent in charge of the work of making such allotments shall within the next thirty days after said time make allotments to such Indians, which shall have the same force and effect as if the selection were made by the Indian.

"ARTICLE V.

"When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the allottees, respectively, for the period of twenty-five years, in the time and manner and to the extent provided for in the act of Congress entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes,' approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891.

"And at the expiration of the said period of twenty-five years the title thereto shall be conveyed in fee simple to the allottees or their heirs, free from all incumbrances.

"ARTICLE VI.

"As a further and only additional consideration for the cession of territory and relinquishment of title, claim, and interest in and to lands as aforesaid, the United States agrees to pay to the Comanche, Kiowa, and Apache tribes of Indians, in the Indian Territory, the sum of $2,000,000.

"To be paid as follows: As fast as the lands opened for settlement under this act are sold, the money received from such sales shall be covered into the Treasury and placed to the credit of the said Comanche, Kiowa, and Apache tribes of Indians: *Provided*, That no part of said money shall be paid to said Indians until the question of title to the said lands is fully settled between said tribes and the Choctaw and Chickasaw tribes by a suit in the Court of Claims, as hereinafter provided; and said court shall by its decree direct the payment of said $2,000,000 to the tribes entitled to the same.

"Nothing herein contained shall be held to affect in any way any annuities due said Indians under existing laws, agreements, or treaties.

"ARTICLE VIII.

"It is further agreed that wherever in said reservation any member of any of the tribes of said Indians has, in pursuance of any laws or under any rules or regulations of the Interior Department, taken an allotment, such allotment, at the option of the allottee, shall be confirmed and governed by all the conditions attached to allotments taken under this agreement.

"ARTICLE IX.

"It is further agreed that any and all leases made in pursuance of the laws of the United States of any part of said reservation which may be in force at the time of the ratification by Congress of this agreement shall remain in force the same as if this agreement had not been made.

"ARTICLE X.

"It is further agreed that the following-named persons, not members by blood of either of said tribes, but who have married into one of the tribes, to wit, Mabel R. Given, Thomas F. Woodward, William Wyatt, Kiowa Dutch, John Nestill, James N. Jones, Christian Ke oh tah, Edward L. Clark, George Conover, William Deitrick, Ben Roach, Lewis Bants, Abilene, James Gardloupe, John Sanchez, the wife of Boone Chandler, whose given name is unknown, Emmit Cox, and Horace P. Jones, shall each be entitled to all the benefits of land and money conferred by this agreement, the same as if members by blood of one of said tribes.

"ARTICLE XI.

"This agreement shall be effective only when ratified by the Congress of the United States."

Said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended.

That the Secretary of the Interior is hereby authorized and directed to cause the allotments of said lands, provided for in said treaty among said Indians, to be made by any Indian inspector or special agent.

That all allotments of said land shall be made under the direction of the Secretary of the Interior to said Indians within one year from the passage of this act, subject to the exceptions contained in Article IV of said treaty.

That the lands acquired by this agreement shall be opened to settlement by proclamation of the President within six months after allotments are made, and be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay $1.25 per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of $1.25 per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections 2304 and 2305 of the Revised Statutes shall not be abridged: *And provided further*, That any person who, having attempted to but for any cause failed to secure a title in fee to a homestead under existing laws, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than 160 acres in all, shall have the right to enter so much of the lands by this agreement ceded lying contiguous to his said entry as shall, with the land already entered, make in the aggregate 160 acres, said land to be taken upon the same conditions as are required of other entrymen: *And provided further*, That the settlers who located on that part of said lands called and known as the "neutral strip" shall have preference right for thirty days on the lands upon which they have located and improved.

That sections 16 and 36, 13 and 33, of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved, sections 16 and 36 for the use of the common schools, and sections 13 and 33 for university, agricultural colleges, normal schools, and public buildings of the Territory and future State of Oklahoma; and in case either of said sections, or parts thereof, is lost to said Territory by reason of allotment under this act or otherwise, the governor thereof is hereby authorized to locate other lands not occupied in quantity equal to the loss.

That the payment for said lands shall be made to the Indian tribes entitled to receive the same under the provisions of this act as fast as the lands opened for settlement under this act are sold. The money received from such sale shall be covered into the Treasury and placed to the credit of the said Comanche, Kiowa, and Apache tribes of Indians: *Provided*, That no part of said money shall be be paid to said Indians until the question of title to said lands is fully settled between said tribes and the Choctaw and Chickasaw tribes by a suit in the Court of Claims as hereinafter provided for. And said court shall direct the payment thereof to the tribes that they may find entitled thereto.

That none of the money or interest thereon which is, by the terms of the said agreement, to be paid to said Indians shall be applied to the payment of any judgment that has been or may hereafter be rendered under the provisions of the act of Congress approved March 3, 1891, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations."

That should any of said lands allotted to said Indians, or opened to settlement under this act, contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this act, and the mineral laws of the United States are hereby extended over said lands.

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty as soon as the same are abandoned by said Comanche, Kiowa, and Apache tribes of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and determine the said claim of the Chickasaws and the Choctaws, and to render a judgment thereon, it being the intention of this act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw nations, and the Comanche, Kiowa, and Apache tribes of Indians in the premises shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States; and either of the parties to said action shall have the right of appeal to the Supreme Court of the United States: *Provided*, That such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

That said action shall be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said lands; and said petition may be verified by the authorized delegates, agents, or attorneys of said Indians upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this act, or should they dismiss said suit, and the same shall not be reinstated, their claims shall be forever barred.

Mr. RICHARDSON. I demand a second.

Mr. CURTIS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? The Chair hears none.

Mr. CURTIS. Mr. Speaker, on the 5th of February, 1898, the treaty with the Fort Hall Indians was entered into, by which they ceded to the United States 418,560 acres of land. The price agreed to be paid for the land was $523,000, and $75,000 additional as a reparation for the right of these Indians to hunt in Wyoming. The right to hunt was given them by the Fort Bridger treaty of 1889, and was taken away from them in 1896.

The first payment to be made under this treaty is $100,000 within three months after the ratification of this treaty and the further sum of $75,000 to be expended in the erection of a modern school plant for the Indians. The remainder of the money is to be paid in amounts of $50,000 a year. After the allotments are made the lands are to be classified and then to be opened for settlement by the proclamation of the President. The land lying near the canal and susceptible of irrigation is to be sold at $10 an acre, and will bring about $450,000. The other agricultural land is to be sold at $2.50 an acre and the grazing land at $1.25 an acre. The town sites are to be sold at $10 an acre.

In the center of this reservation is the town of Pocatello; and the bill provides that the land within 5 miles of that town shall be sold at not less than $10 an acre. The mineral lands are to be disposed of under the mineral laws. The House committee attached to this bill as an amendment the Comanche, Kiowa, and Apache agreement, which opens up 2,500,000 acres in the Territory of Oklahoma.

The bill to ratify the Kiowa treaty has passed this body upon two different occasions. It has never passed the Senate. The Fort Hall bill has passed the Senate twice, but has never passed the House. The Committee on Indian Affairs reported this bill unanimously. This, I believe, is all there is to say about this bill. I reserve the balance of my time.

Mr. STEPHENS of Texas rose.

Mr. CURTIS. The gentleman speaks on the same side on which I have spoken. I yield to him so much of my time as he may desire.

Mr. STEPHENS of Texas. This bill has a unanimous report from the Committee on Indian Affairs. The only change made by the committee in the Senate bill is this: The bill as passed by the Senate provided a general price of $2.50 per acre for the Indian lands in the Fort Hall Reservation.

The House committee thought it best to make a discrimination as to the different kinds of land on that reservation. Some of it, which is under a ditch, we placed at $10 an acre. A good deal of it is above the ditch and is classed as grazing land. That we propose shall be placed on the market at $1.25 per acre. The land, if sold as we propose, will easily average $2.50 per acre. For land located within 5 miles of Pocatello we fix a different price from that placed upon lands on the reservation. These are the only changes that the committee has made.

The question being taken on the motion of Mr. CURTIS to suspend the rules and pass the bill with the amendment of the Committee on Indian Affairs, it was determined in the affirmative, two-thirds voting in favor thereof.

MILITARY POST IN WYOMING.

Mr. MONDELL. I move to suspend the rules and pass Senate bill No. 1475, which is identical with House bill No. 2965.

The SPEAKER. Are there amendments by the House committee to the Senate bill?

Mr. MONDELL. There are none.

The bill was read, as follows:

A bill (S. 1475) to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, and making appropriation therefor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, at the site heretofore selected by the Major-General Commanding the Army and approved by the Secretary of War. The said post shall contain not less than 1,280 acres, and the selection shall be from lands heretofore withdrawn from settlement for this purpose belonging to the United States and a part of the public domain.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000, to be expended under the direction of the Secretary of War in continuing the work of constructing the necessary buildings, quarters, barracks, and stables for the post established under the provisions of this bill.

Mr. MONDELL. Mr. Speaker, this bill proposes to complete the establishment of Fort MacKenzie, near Sheridan, Wyo.

Mr. RICHARDSON. Mr. Speaker, a second has not been ordered.

The SPEAKER. It is not the business of the Chair to ask whether a second is demanded. It is the privilege of each member to call for a second. That point is passed; but if the gentleman from Tennessee asks for a second the question will be submitted.

Mr. RICHARDSON. It has been the practice for the Chair to ask whether a second is demanded.

The SPEAKER. But that is not required by the rule. If no second is demanded, the business goes right on. Does the gentleman demand a second?

Mr. RICHARDSON. I do.

Mr. MONDELL. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? The Chair hears none.

Mr. MONDELL. This is a bill to complete the establishment and erection of Fort Mackenzie, at Sheridan, in northeast Wyoming, on the line of the Burlington Railway. The history of the location of this fort is as follows: Formerly there were two posts in this region, Fort McKinney, 40 miles southwest, and Fort Custer, 70 miles northeast. Several years ago Fort McKinney was abandoned, owing to the fact that most of the buildings were old and it was 35 miles from a railroad, and in 1897 the buildings at Fort Custer being in a condition of dilapidation which required a complete new building of the post, it was decided by the War Department that on account of the unsanitary condition of the surroundings it would not be advisable to maintain a permanent post there, and its abandonment was ordered.

This action was not taken with the idea that troops could be permanently withdrawn from the region, for the War Department immediately took steps to select a suitable point to locate troops, and after careful investigation by the commanding general of the Department of the Colorado the site of Fort Mackenzie was determined upon and the location indorsed by the Secretary of War and the general commanding the Army, and by order of the President a tract of over 5,500 acres was reserved as a military reservation.

Subsequently the State of Wyoming deeded to the United States the title to and jurisdiction over a tract of nearly 500 acres, making a reservation of nearly 6,000 acres. On this tract was erected, by order of the Secretary of War, temporary barracks and quarters for two troops of cavalry, and permanent water supply provided, at a total cost of nearly $34,000. The bill provides for making permanent improvements at the post. That this be done is the recommendation of the Secretary of War, the Commanding General of the Army, the general commanding the Department of the Colorado, and the Military Committee of the House.

Fort MacKenzie is located in the midst of Indian reservations and is 300 miles by rail from the nearest military post. Twenty miles north is the great Crow Reservation, containing 2,100 Indians; 45 miles distant are over 1,300 Cheyennes, the most warlike and untamed of American Indians, while southwest are the Shoshones and Arapahoes, numbering 1,600, and southeast, east, and northeast are the Pine Ridge, Rosebud, and Cheyenne River Sioux, making in all over 20,000 Indians within striking distance. It is in the center of the favorite battle ground of these tribes. In this region were fought the only two battles with Indians in all our history from which no survivor came to tell the story of defeat.

The battle of the Piney, 20 miles southwest, in which Colonel Fetterman and every man in his command went down, and 60 miles northwest the historic battle of the Little Horn, where Custer and his gallant band were overwhelmed by the same Sioux who now inhabit these reservations. Almost on this very ground Crook met and defeated the Sioux, and only 6 miles away the gallant Connor fought the fight on Tongue River which drove the Indians back from the mountain passes.

The location of Fort Mackenzie can not be surpassed. At the foot of the Big Horn Range, at an elevation of nearly 4,000 feet, with an abundance of pure mountain water; in a splendid grass country, where supplies of all kinds can be obtained cheaply; where coal can be had at the mine for $1 per ton, and where the Government has a most magnificent tract for the evolution of cavalry, the location is ideal and the region one which should be closely guarded for many years to come.

Mr. RIDGELY. Will the gentleman permit a question?

Mr. MONDELL. Certainly.

Mr. RIDGELY. Do you think it is necessary to have this fort established?

Mr. MONDELL. The War Department seem to consider it necessary. The general commanding the Army favors it, and the Military Committee have recommended it unanimously.

Mr RIDGELY. Can you tell us how near this military post will be to the famous military bull pen at Cœur d'Alene, Idaho?

Mr. MONDELL. Well, a good many hundred miles and across two ranges of mountains. We believe with the War Department that we should have protection against possible Indian outbreaks in that country. Not that we are alarmists, not that we expect an Indian uprising in the near future, but less than two years ago the unprovoked murder of two white men by the Cheyennes caused over a hundred settlers to leave their farms and ranches and flee to Sheridan, the point where this post was established. We hope there will be no repetition of former troubles in that region, but we believe the only way to prevent it is by keeping an adequate force at that point. The War Department consider it absolutely necessary that troops be held there and that a permanent garrison be maintained.

Mr. RIDGELY. Does the gentleman refer to troubles between the mine operators and the miners, or troubles between the Indians and the settlers?

Mr. MONDELL. I refer to troubles between the Indians and the settlers. There have been no troubles among our citizens, and none are feared or expected.

Mr. Speaker, I reserve my time.

Mr. RICHARDSON. If the gentleman will permit me to interrupt him, I should like to ask what expense this will involve?

Mr. MONDELL. The bill carries an appropriation of $100,000.

Mr. RICHARDSON. Will it be necessary to make additional appropriations for this post?

Mr. MONDELL. Well, I do not know as to that. I do not imagine that the War Department propose to make this a regimental post or that that was their idea. There has never been a regimental post in the vicinity. The present appropriation will meet present needs, and I do not imagine that there will be any other appropriations unless absolutely needed.

Mr. RICHARDSON. This involves an immediate appropriation of $100,000.

Mr. MONDELL. Yes.

Mr. MERCER. If the gentleman from Wyoming will permit me, I believe the Government has already expended $35,000 there.

Mr. MONDELL. The Government has already expended $35,000 there, largely on a permanent water supply, and partly on temporary buildings.

Mr. STEPHENS of Texas. Is there a railroad at this point?

Mr. MONDELL. Yes; this is on the transcontinental line of the Chicago, Burlington and Quincy Railway.

Mr. CANNON. Will the gentleman yield to me?

Mr. RICHARDSON. I yield to the gentleman from Illinois.

Mr. CANNON. Mr. Speaker, I have given this bill some attention. It seems to me that it is exceptional so far as the establishment of a post is concerned in that region of country.

The gentleman has correctly stated that on the abandonment of Fort Custis, on alleged sanitary grounds, which I have no reason to suppose were not the true grounds, the War Department, on its own motion, owing to the proximity of the Indians referred to by the gentleman from Wyoming, utilized the general appropriation for posts and expended $35,000 for a temporary post at Sheridan, which post is now being occupied. The Crows are near by. I do not think anybody apprehends much danger from the Crows. The Cheyennes, the Arapahoes, and the Sioux are Indians with whom we have had trouble heretofore, and probably will have trouble with in the future, if we have trouble with any of the Indians. If I recollect right, it is about 300 miles from this to the nearest Army post.

Mr. MONDELL. That is correct.

Mr. CANNON. The nearest Army post that is available, which

is at Helena, a very expensive post and a very complete one, either about completed or approaching completion. There is railway connection with Helena. I believe the Chicago, Burlington and Quincy road runs through this section, having been completed within the last two or three years. I believe it also runs through Sheridan.

Mr. MONDELL. Yes.

Mr. CANNON. In the event of an Indian war it is quite practicable to send troops from Helena, so far as they have them, and to send them from elsewhere in the United States. We are in much better condition in this part of the country, and, in fact, all over the so-called West, than we were before the days of railroads.

I am inclined to believe, from the best investigation I have been able to give it, that $100,000 would be well expended, and that that sum is fairly within the limit of a legitimate service for a post at Sheridan.

If I had been drawing this bill originally I should have put a limitation upon it. It is a Senate bill; but I express the hope that after the bill shall pass the Department will not expend to exceed a hundred thousand dollars upon the post. I believe that that is sufficient to answer every purpose.

I hope that in the future, in five years or ten years, or a little longer or a little shorter time, this post, together with other posts that were necessary and that are now necessary on account of the proximity of the Indians, can be entirely discontinued.

I did not and do not feel at liberty to vote against the motion of the gentleman to suspend the rules and pass the bill. If I supposed that this $100,000 would be used as a beginning for a post that might cost a million dollars, I would vote against it, but I can not conceive that now or at any time in the future a post of large dimensions will be required at Sheridan.

Believing that I know something of the wants in that section, from the best inquiry I can make, and from the fact that this bill only carries a hundred thousand dollars, and from the fact that the War Department, in establishing this post temporarily, only spent $35,000 on it, I indulge the hope that there will be no further expenditure than the $100,000. It will be occupied, of course, such time as it may be necessary.

Mr. McRAE. I would suggest to my friend from Illinois that we might by unanimous consent withdraw the motion to suspend the rules, and then ask unanimous consent to amend the bill, fixing the limit at $100,000. I do not think there will be any objection over here.

Mr. MONDELL. I did not catch the gentleman's statement.

Mr. McRAE. I say, by unanimous consent the motion to suspend the rules might be withdrawn, and then by unanimous consent the bill could be considered and amended, fixing the limit at $100,000.

Mr. MONDELL. Well, Mr. Speaker, I do not think there is any danger that the War Department will build a larger post than they need. They consider a permanent post at this point necessary, not for five or ten years, but for a much longer period of time. The reservations surrounding this post are all permanent reservations, and in my opinion the War Department will only make such an expenditure as will be absolutely necessary to provide for the troops to police that region.

Mr. SHAFROTH. Will the gentleman yield to me for a moment?

The SPEAKER. Does the gentleman yield?

Mr. MONDELL. I yield with pleasure to the gentleman from Colorado.

Mr. SHAFROTH. I wish to say, Mr. Speaker, that I am familiar with the situation. I have been in the town of Sheridan and know its location. I do not know about the question of the number of dollars that have been spent there, but that it is a post that is in close touch with the Indian tribes there can be no doubt about, and that it is desirable to have a post there I have no doubt about.

Mr. WILLIAMS of Mississippi. It is a part of the United States?

Mr. SHAFROTH. It is within the United States clearly, according to the Constitution. [Laughter.] Whether the bill is guarded as to the amount I do not know, but it seems to me a wise and proper expenditure of money to allow an expenditure of $100,000 for a post there.

Mr. MONDELL. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on discharging the Committee on Military Affairs from the further consideration of this bill, and passing the Senate bill under suspension of the rules.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the Committee on Military Affairs was discharged from the further consideration of the bill, and the bill was passed.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On March 28, 1900:

H. R. 2000. An act for the relief of Thomas Paul; and

H. R. 4008. An act to establish light and fog stations to mark the main southern entrance of the new breakwater at Buffalo.

On March 29, 1900:

H. R. 5390. An act granting a pension to Maria E. Mailley;

On March 30, 1900:

H. R. 9279. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

On March 31, 1900:

H. R. 5067. An act concerning the boarding of vessels; and

H. R. 9497. An act to amend an act providing for the construction of a light-ship to be located near Cape Elizabeth, Me.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 3421. An act to grant lands to the State of Alabama for the purposes of education of colored students at Montgomery, Ala.;

S. 3554. An act for the relief of W. T. Scott and others;

S. 257. An act for the relief of Gilman Sawtelle;

S. 2723. An act to enable John Collinson, a subject of Her Majesty the Queen of Great Britain, to dispose of his right, title, and interest to and in certain lands situate in the Territory of New Mexico;

S. 3797. An act granting an increase of pension to John H. Streeter;

S. 2946. An act for the relief of William H. Wanamaker;

S. 631. An act for the relief of James and William Crooks, of Canada; and

S. 72. An act for the relief of the heirs of Lawrence D. Bailey.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8128. An act to establish light and fog signal at Browns Point, in Puget Sound; and

H. R. 65. An act to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottesville, Va.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3421. An act to grant lands to the State of Alabama for the purposes of education of colored students at Montgomery, Ala.—to the Committee on the Public Lands.

S. 3554. An act for the relief of W. T. Scott and others—to the Committee on Claims.

S. 257. An act for the relief of Gilman Sawtelle—to the Committee on Claims.

S. 2723. An act to enable John Collinson, a subject of Her Majesty the Queen of Great Britain, to dispose of his right, title, and interest to and in certain lands situate in the Territory of New Mexico—to the Committee on the Territories.

S. 3797. An act granting an increase of pension to John H. Streeter—to the Committee on Invalid Pensions.

S. 2946. An act for the relief of William H. Wanamaker—to the Committee on Claims.

S. 631. An act for the relief of James and William Crooks, of Canada—to the Committee on War Claims.

S. 72. An act for the relief of the heirs of Lawrence D. Bailey—to the Committee on the Public Lands.

PRESERVATION, DISTRIBUTION, INTRODUCTION, AND RESTORATION OF GAME BIRDS AND OTHER WILD BIRDS.

Mr. LACEY. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk.

The SPEAKER. The gentleman from Iowa moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6634) to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes.

Be it enacted, etc., That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as Congress may appropriate therefor.

SEC. 2. That it shall be unlawful for any person or persons to import into the United States any foreign wild animal or bird except under special permit from the United States Department of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or the importation of certain cage birds, such as domesticated canaries, parrots, or such other species as the Secretary of Agriculture may designate.

The importation of the mongoose, the so-called "flying-foxes" or fruit bats, the English sparrow, the starling, or such other birds or animals as the Secretary of Agriculture may from time to time declare injurious to the interest of agriculture or horticulture is hereby prohibited, and such species upon arrival at any of the ports of the United States shall be destroyed or returned at the expense of the owner. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

SEC. 3. That it shall be unlawful for any person or persons to deliver to any common carrier, or for any common carrier to transport from one State or Territory to another State or Territory, or from the District of Columbia or Alaska to any State or Territory, or from any State or Territory to the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed in violation of the laws of the State, Territory, or District in which the same were killed: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are killed.

SEC. 4. That all packages containing such dead animals, birds, or parts thereof, when shipped by interstate commerce, as provided in section 1 of this act, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on inspection of the outside of such packages. For each evasion or violation of this act the shipper shall, upon conviction, pay a fine of not exceeding $200; and the consignee knowingly receiving such articles so shipped and transported in violation of this act shall, upon conviction, pay a fine of not exceeding $200; and the carrier knowingly carrying or transporting the same shall, upon conviction, pay a fine of not exceeding $200.

SEC. 5. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl.

Mr. CANNON and Mr. RICHARDSON. I demand a second.

The SPEAKER. The gentleman from Illinois demands a second. The Chair believes the gentleman from Tennessee also demands a second.

Mr. LACEY. I ask unanimous consent that a second be considered as ordered.

Mr. CANNON. No; I believe we had better have a second. I want to say to the gentleman from Iowa, if I can be indulged in one remark, that I have read the bill the first time just now, and I am not prepared to say that I will vote against it, but it is too important a bill to be settled without a quorum, and in my judgment to be passed by the House without consideration in Committee of the Whole.

Mr. LACEY. Well, the bill was presented on Saturday, Mr. Speaker, and nearly read through, and the same suggestion was made then as to the importance of the bill. My friend did not happen to be here at that time.

Mr. CANNON. No.

Mr. LACEY. The question of whether there are enough here to pass the bill or not of course will be decided further on. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Objection is made.

Mr. LACEY. Very well.

The SPEAKER. The gentleman from Iowa and the gentleman from Illinois will take their places as tellers.

The House divided; and tellers reported—ayes 24, noes 11.

Mr. CANNON. Evidently not a quorum present.

The SPEAKER. The gentleman makes the point of no quorum.

Mr. RICHARDSON. Who makes that point?

Mr. CANNON. I do, sir. [Laughter on the Democratic side.]

The SPEAKER. The Chair will count. [After counting.] Sixty-seven gentlemen present; not a quorum.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Pending that motion, the Chair submits the following personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FITZPATRICK, for ten days, on account of important business.

To Mr. COCHRAN of Missouri, for ten days, on account of important business.

The motion to adjourn was then agreed to; and accordingly (at 4 o'clock and 44 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Smithsonian Institution submitting an estimate of appropriation for the National Zoological Park—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of investigation of the feasibility and propriety of filtering the water supply of the city of Washington, together with detailed estimate of the cost of the work required—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901, reported the same accompanied by a report (No. 893); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLYNN, from the Committee on the Territories, to which was referred the bill of the House (H. R. 9708) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and so forth, reported the same with amendment, accompanied by a report (No. 894); which said bill and report were referred to the House Calendar.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7835) to change the characteristic of Cape Cod light, Massachusetts, reported the same without amendment, accompanied by a report (No. 895); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LOUD, from the Committee on the Post-Office and Post-Roads: A bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901—to the Union Calendar.

By Mr. HEPBURN: A bill (H. R. 10302) to amend an act to promote the safety of employees, and so forth, by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and so forth, approved March 2, 1893—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: A bill (H. R. 10303) to provide for increasing the military establishment of the United States in time of war, to provide for the equipment of the National Guard in time of peace for purposes of national defense, and for other purposes—to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 10304) to provide for the construction of the Port Morris (N. Y.) Tide-water Canal—to the Committee on Railways and Canals.

By Mr. BROWNLOW: A bill (H. R. 10305) to provide a home for aged and infirm colored people—to the Committee on Military Affairs.

By Mr. CUSHMAN: A bill (H. R. 10306) to authorize the issuance of patents to settlers upon and occupants of certain lands in the State of Washington—to the Committee on the Public Lands.

By Mr. JENKINS: A bill (H. R. 10307) providing for the purchase of the Daniel process for the use of the United States—to the Committee on Printing.

By Mr. GRIGGS: A bill (H. R. 10308) to give certain publications the privileges of second-class matter as to admission to the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. BELLAMY: A bill (H. R. 10309) to improve the navigation of Hoods Creek, in the State of North Carolina—to the Committee on Rivers and Harbors.

By Mr. McLAIN: A bill (H. R. 10310) to authorize the construction of a bridge across the Back Bay, at Biloxi, Miss.—to the Committee on Interstate and Foreign Commerce.

By Mr. BREAZEALE: A bill (H. R. 10311) to authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River at or near the town of Alexandria, in the parish of Rapides, State of Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. SNODGRASS: A bill (H. R. 10370) to provide for the purchase of a site and the erection of a public building thereon at Gallatin, Tenn., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

By Mr. BELL: A bill (H. R. 10371) to limit the effect of regulations between the several States and with foreign countries in certain cases—to the Committee on the Judiciary.

By Mr. LAMB: A bill (H. R. 10372) to amend the war-revenue laws of 1898—to the Committee on Ways and Means.

By Mr. SPERRY: A bill (H. R. 10373) to further extend the uses of the mail service by authorizing the Postmaster-General to furnish to private persons, firms, and corporations, through postmasters of the first, second, and third classes, reply envelopes and reply cards—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: A bill (H. R. 10374) to amend the laws relating to the second class of mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 208) requesting the Secretary of the Treasury to report to the House of Representatives the names of all banks or other institutions used by the Government for the deposit of public funds in Hawaii, Cuba, Puerto Rico, and the Philippine Islands, and the names of all officers connected with these institutions—to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELLAMY: A bill (H. R. 10312) to compensate the Presbyterian Church at Lumber Bridge, N. C., for the church edifice destroyed by the Army in 1865—to the Committee on War Claims.

By Mr. BINGHAM: A bill (H. R. 10313) granting an increase of pension to John Smith—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 10314) for the relief of J. C. Ponceler, of Ottawa, Kans.—to the Committee on Military Affairs.

By Mr. CUMMINGS: A bill (H. R. 10315) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation—to the Committee on Claims.

By Mr. FREER: A bill (H. R. 10316) for the relief of John W. Forbush—to the Committee on Military Affairs.

Also, a bill (H. R. 10317) to pension Mrs. Margaret Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10318) for the relief of John W. Trader—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10319) for the relief of Crispen N. Stone—to the Committee on Military Affairs.

Also, a bill (H. R. 10320) for the relief of Mrs. Dora A. Brown—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 10321) for the relief of the heirs of C. L. Carter—to the Committee on War Claims.

Also, a bill (H. R. 10322) for the relief of E. B. Caldwell, jr.—to the Committee on War Claims.

Also, a bill (H. R. 10323) for the relief of Simeon H. King's executrix—to the Committee on War Claims.

Also, a bill (H. R. 10324) for the benefit of James Woods, administrator—to the Committee on Claims.

Also, a bill (H. R. 10325) for the benefit of James M. Crawford—to the Committee on War Claims.

Also, a bill (H. R. 10326) for the benefit of the heirs of Caleb Marratta, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10327) granting a pension to Charles C. Sacrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10328) for the relief of W. G. Dunn, administrator of Cooper Dunn—to the Committee on War Claims.

Also, a bill (H. R. 10329) for the relief of John Taylor—to the Committee on Claims.

By Mr. GREENE of Massachusetts: A bill (H. R. 10330) granting a pension to Osborne Eddy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10331) granting an increase of pension to Sylvanus A. Gifford—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 10332) granting an increase of pension to David P. Sloan, of Limestone, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10333) granting a pension to Sophie Barrett, of Clearfield, Pa.—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 10334) granting an increase of pension to Nellie Powell Koehler—to the Committee on Pensions.

Also, a bill (H. R. 10335) to authorize Robert Stockwell Hatcher, of the division of customs and insular affairs, War Department, to accept decorations from the Governments of Venezuela and Liberia—to the Committee on Foreign Affairs.

By Mr. McLAIN: A bill (H. R. 10336) for the relief of U. Lunenburger, of Natchez, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10337) for the relief of Thomas M. Sigrest, of Perry County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10338) for the relief of the estate of Lemuel R. Hanks, deceased, late of Amite County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10339) for the relief of the estate of Landon L. Lea, of Amite County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10340) for the relief of Patrick Foley, of Adams County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10341) for the relief of Patrick J. Finley, of Adams County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10342) for the relief of Milton S. Shirk—to the Committee on War Claims.

Also, a bill (H. R. 10343) for relief of estate of John T. Rawlings, late of Adams County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10344) for the relief of Hampton Wade, of Amite County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10345) for the relief of John A. Brent, of Pike County, Miss.—to the Committee on War Claims.

By Mr. McDOWELL: A bill (H. R. 10346) granting an increase of pension to John C. Campbell—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 10347) granting a pension to John W. Williams, of Burchard, Sullivan County, Ind.—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 10348) for relief of William G. Blackwell—to the Committee on Military Affairs.

By Mr. NEVILLE: A bill (H. R. 10349) for the relief of Catherine Grace—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 10350) for the relief of the estate of Christina Turner, late of the District of Columbia—to the Committee on War Claims.

Also, a bill (H. R. 10351) for the relief of Johnson Benson—to the Committee on War Claims.

Also, a bill (H. R. 10352) for the relief of John T. Benson—to the Committee on War Claims.

By Mr. PIERCE of Tennessee: A bill (H. R. 10353) for the relief of William B. Booker, of Haywood County, Tenn.—to the Committee on War Claims.

By Mr. PUGH: A bill (H. R. 10354) granting an increase of pension to John W. Campbell—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 10355) for the relief of Everett B. Curtis, administrator of John J. Curtis, deceased—to the Committee on War Claims.

By Mr. TERRY: A bill (H. R. 10356) granting a pension to Catherine Adams, of Perry County, Ark.—to the Committee on Invalid Pensions.

By Mr. TOMPKINS: A bill (H. R. 10357) to correct the military record of Demon S. Decker—to the Committee on Military Affairs.

Also, a bill (H. R. 10358) granting a pension to Elizabeth J. Jones—to the Committee on Invalid Pensions.

By Mr. TURNER: A bill (H. R. 10359) for the relief of Frank Voclair—to the Committee on Military Affairs.

Also, a bill (H. R. 10360) for the relief of James McLaughlin—to the Committee on Military Affairs.

Also, a bill (H. R. 10361) for the relief of Zac Hart—to the Committee on War Claims.

Also, a bill (H. R. 10362) granting an increase of pension to Daniel F. Tracy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10363) granting an increase of pension to Isaac Daily—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10364) granting an increase of pension to John H. Landwehr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10365) granting an increase of pension to Michael McCarty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10366) granting an increase of pension to Thomas H. Taylor—to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 10367) to pension Michael McAndrew—to the Committee on Pensions.

By Mr. VREELAND: A bill (H. R. 10368) granting an increase of pension to Isaiah V. Filkins, late commissary-sergeant of Company E, Fifth New York Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10369) granting a pension to John G. Du Bell,

late a member of Company F, Eighty-third Regiment New York Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 10375) for relief of Robert Delaney—to the Committee on War Claims.

By Mr. CATCHINGS: A bill (H. R. 10376) for the relief of the estate of Augustus Strong, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10377) for the relief of estate of Mary M. Steed, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. CAPRON: A bill (H. R. 10378) to place the name of Jabez L. Allen, of Wakefield, R. I., on the rolls of Company A, Third Rhode Island Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 10379) for the relief of the widow of Walter E. Spicer—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Modern Woodmen's Society of Iowa, in favor of an amendment to the Loud bill so as to admit fraternal papers at second-class rates—to the Committee on the Post-Office and Post-Roads.

By Mr. ADAMS: Petition of the Pennsylvania Mycological Society, Academy of Natural Sciences, Philadelphia, Pa., in favor of a national park being made of the Calaveras grove of Sequoias, in the State of California—to the Committee on the Public Lands.

Also, petition of Association of American Advertisers, New York, in favor of postal checks—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: Petitions of George Parsons Post, No. 195, of Merrimack, and W. T. Sherman Post, No. 66, of Plattville, Grand Army of the Republic, Department of Wisconsin, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of druggists at Richland Center, Wis., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of citizens of Sugar Grove, Wis., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, papers to accompany House bill No. 9914, granting a pension to Almira A. Scott—to the Committee on Pensions.

By Mr. BARNEY: Petition of Jairus Richardson Post, No. 12, of Sheboygan Falls, Wis., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of A. Jacobson and other farmers in the State of Wisconsin, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BOWERSOCK: Petition of Franklin Post, of Olathe, and R. Gilpatrick Post, of Garnett, Kans., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Association of American Advertisers of New York City, asking for postal check notes—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Resolutions of executive board of Wisconsin State Board of Federation, protesting against the passage of the butterine bill—to the Committee on Agriculture.

By Mr. FITZGERALD of Massachusetts: Petition of the Association of American Advertisers of New York, in support of House bill No. 9632, providing a safer and easier method of sending money by mail, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. FREER: Papers to accompany House bill for the relief of John M. Trader—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Mrs. Dora A. Brown—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to correct the military record of John H. Forbush—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of druggists of Niles, Mich., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. HAY: Resolution of the annual conference at Harrisonburg, Va., protesting against the sale of liquor in our new possessions—to the Committee on Insular Affairs.

By Mr. HITT: Resolutions of Post No. 789, of Chadwick, Ill., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, memorial of Harlbut Post, No. 164, of Belvidere, Ill., Grand Army of the Republic, favoring the passage of bill No. 1477, relating to pensions—to the Committee on Invalid Pensions.

Also, petition of William Kennedy and others, of Hanover, Ill., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL: Petition of Harry L. Jaques, of Jamesburg, N. J., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. LACEY: Resolution of R. F. Lowe Post, No. 167, Department of Iowa, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of Modern Woodmen societies of Batavia and Richland, Iowa, asking amendment of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of H. L. Scott, adjutant-general, Habana, Cuba, favoring Government distribution of blackleg vaccine—to the Committee on Agriculture.

Also, petition of citizens' meeting of Haddonfield, N. J., for the suppression of liquor selling in our new islands and in our Army—to the Committee on Military Affairs.

Also, petitions of citizens of Vineland and Collingswood, N. J., and vicinity, urging the enactment of House bill 5475, known as the anti-canteen bill—to the Committee on Military Affairs.

Also, petitions of the New Jersey Methodist Publishing Company and W. K. Bateman and others, of Camden, N. J., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McALEER: Resolution of the American Society for the Preventionof Cruelty to Animals, protesting against the passage of bill extending the limit of time for holding live stock in transit from twenty-four to forty hours—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Trades League of Philadelphia, for the restoration of the appropriation for the improvement of League Island to the original amount—to the Committee on Naval Affairs.

Also, memorial of the Marine Society of the City of New York, requesting the passage of the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of James B. Murray, of New York City, urging the passage of House bill No. 5475, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

Also, petition of Richard Torpin, of Philadelphia, Pa., favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

Also, petitions of the National Association of Postmasters; A. G. Smith, chairman of publishers' committee, New York; Sunday Dispatch, of Philadelphia, and Street & Smith, of New York, in relation to the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the United National Association of Post-Office Clerks, Branch No. 33, Toledo, Ohio, favoring the passage of House bill No. 4351, providing for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Mercantile Club, Kansas City, Kans., against any legislation increasing the tax on oleomargarine—to the Committee on Ways and Means.

Also, petitions of the H. K. Mulford Company and Hance Bros. & White, of Philadelphia, Pa., as to the tax on the use of alcohol in the arts or in any medicinal or other like compound—to the Committee on Ways and Means.

Also, petitions of Walter G. Wilson & Co. and Vicente Portuondo, of Philadelphia, Pa., urging the passage of bill for the payment of duties on imported tobacco on its weights at the date of withdrawal from bonded warehouses—to the Committee on Ways and Means.

Also, petition of the State board of health, of Philadelphia, and American Ornithologists' Union, Philadelphia, Pa., favoring the passage of House bill 6634, for the preservation and protection of wild game—to the Committee on Interstate and Foreign Commerce.

Also, pamphlets of Hon. George R. Blanchard, in relation to the passage of Senate bill No. 1439, known as the Cullom bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Building Trades Council of America, St. Louis, Mo., in opposition to the passage of a bill prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Jeremiah P. Robinson, suggesting amendment to H. R. 64, to encourage direct trade with the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. B. Kinsey, of Philadelphia, Pa., favoring the

establishment of a national bureau of health—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Michigan State Millers' Association, relating to an act to regulate commerce, and suggesting amendments to the same—to the Committee on Interstate and Foreign Commerce.

Also, petition of John Lucas & Co. and Eugene K. Plumly, of Philadelphia, Pa., for the improvement of Trinity River to the city of Dallas, Tex.—to the Committee on Rivers and Harbors.

Also, pamphlet of the Illinois River Valley Association, urging suitable action for the development of an adequate waterway between Lake Michigan at Chicago and the Mississippi River at or near St. Louis, Mo.—to the Committee on Rivers and Harbors.

Also, petition of Retail Merchants' Association of Illinois; also petition of John Jamison, of Philadelphia, Pa., in relation to the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of H. K. Mulford Company, of Philadelphia, and A. C. Hopkins, of Lockhaven, Pa., relating to the manufacture and distribution of blackleg vaccine by the Government—to the Committee on Agriculture.

By Mr. McPHERSON: Petitions of John Doehla and citizens of Minden; H. P. Petersen and others, of Exira; Nellie Reedy and others, of Calhoun; E. Furst and others, of Massena; A. Trabert and others, of Stanton, and J. W. Corley and others, of Corley, Iowa, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. MERCER: Petition of International Brotherhood of Electrical Workers, in opposition to the passage of Senate bill No. 3009 and House bill No. 8924—to the Committee on the District of Columbia.

By Mr. POWERS: Petition of the Christian Endeavor Union of Bennington, Vt., favoring House bill No. 5457, to abolish the Army canteen—to the Committee on Military Affairs.

By Mr. PRINCE: Petition of the Woman's Christian Temperance Union of Rock Falls, Ill., for the suppression of the liquor traffic, and urging other reforms in our new possessions—to the Committee on Insular Affairs.

Also, petitions of posts at Fulton, Williamsfield, Albany, and Morrison, Grand Army of the Republic, Department of Illinois, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. PUGH: Papers to accompany House bill No. 6919, granting an increase of pension to John Blanchard—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: Petition of citizens of Tilden, Nebr., in favor of House bill No. 3717, to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are imported—to the Committee on Agriculture.

By Mr. STARK: Papers to accompany House bill No. 7812, granting a pension to Lydia Strang, of Osceola, Nebr.—to the Committee on Pensions.

By Mr. SULLOWAY: Petition of D. C. Bragdon and 18 citizens of Temple, N. H., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Ways and Means.

Also, resolutions of Westley B. Knight Post, of Derry; Sampson Post, Rochester, and Captain Joseph Freschel Post, Department of New Hampshire, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the New Hampshire Board of Trade, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New Hampshire Board of Trade, indorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. TERRY: Papers in support of House bill for the relief of Catharine Adams—to the Committee on Invalid Pensions.

By Mr. VREELAND: Resolutions of Cottage Grange, of Cottage, N. Y., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the First Presbyterian Church, First Methodist Episcopal Church, Baptist Church, and Woman's Christian Temperance Union, all of Dunkirk, N. Y., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, petition of Chautauqua Pomona Grange, of Jamestown, N. Y., against the sale of intoxicating liquors in the Philippines—to the Committee on Insular Affairs.

SENATE.

TUESDAY, *April 3, 1900.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. WELLINGTON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1475) to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming.

The message also announced that the House had passed with amendments the following bills:

A bill (S. 255) to ratify an agreement with the Indians of the Fort Hall Indian Reservation, in Idaho, and making appropriations to carry the same into effect; and

A bill (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein, and the officers thereof, and the disposition of pending causes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5140) to confirm title to lot 1, square 1113, in Washington, D. C.;

A bill (H. R. 7479) for the relief of John A. Narjes, of Washington, D. C.; and

A bill (H. R. 9283) to regulate insurance in the District of Columbia, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 739) for the relief of the estate of George W. Lawrence;

A bill (H. R. 8126) to establish light and fog signals at Browns Point, in Puget Sound; and

A bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Trades Assembly of Utica, N. Y., and a petition of Local Union No. 125, Cigar Makers' International Union, of Norwich, N. Y., praying for the enactment of legislation to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented a petition of the New York Board of Trade and Transportation, praying for the enactment of legislation to admit the products of Puerto Rico free of duty, etc.; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Manhattan, N. Y., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New York County Medical Association, praying for the employment of women nurses in the hospitals of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of the Baptist Church of Dunkirk, N. Y., and a petition of the Chautauqua Pomona Grange, Patrons of Husbandry, of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

He also presented a petition of Bethlehem Grange, No. 187, Patrons of Husbandry, of Bethlehem, N. Y., praying for the enactment of legislation relative to the transportation of live stock from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Power City Lodge, No. 316, International Association of Machinists, of Niagara Falls, N. Y., praying for an increase in the salary of machinists employed at the Government Printing Office; which was referred to the Committee on Printing.

Mr. PRITCHARD presented a petition of the Southern Manufacturing Club, of Charlotte, N. C., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

Mr. NELSON presented a memorial of sundry business men of Austin, Minn., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a memorial of sundry business men of Austin, Minn., remonstrating against the enactment of legislation looking to the consolidation of second and third class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CARTER presented a petition of sundry citizens of Montana, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. THURSTON presented a petition of sundry citizens of Nebraska, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the League of Fourth-Class Postmasters of Sherman County, Nebr., praying for the enactment of legislation to increase the salaries of fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Pasadena, Cal.; of the Woman's Christian Temperance Union of California; the congregation of the Westminster Presbyterian Church, of San Francisco, Cal.; of H. F. Dexter and sundry other ministers of Alameda, Cal.; of David Starr Jordan and sundry other members of the Leland Stanford University, of California; of Thomas F. Day and sundry other members of the Presbyterian Theological Seminary of Northern California; of Warren F. Day and sundry other Congregational ministers of Los Angeles, Cal.; of Frank I. Wheat and sundry other members of the Presbyterian Ministerial Union of San Francisco, Cal.; of Benjamin Ide Wheeler and sundry other members of the State University of California; of sundry citizens of Oakland, Cal., and of sundry citizens of New York, praying for the enactment of legislation for the more rapid civilization of the Indians; which were referred to the Committee on Indian Affairs.

Mr. FRYE presented a memorial of the Woman's Christian Temperance Union of Lebanon, Me., remonstrating against the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

He also presented a petition of Company C, Second Regiment Infantry, National State Guard of Maine, and a petition of Company B, Second Regiment Infantry, National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which were referred to the Committee on Military Affairs.

He also presented the memorial of Frederick C. Hicke and 37 other citizens of Columbia, Mo., remonstrating against the imposition of a customs tariff between the United States and Puerto Rico; which was ordered to lie on the table.

AGRICULTURAL STATISTICS.

Mr. KYLE. I ask to have printed as a document for the use of the Senate some facts and figures relating to the production of cereals in the Southern States, and also a statement from the Secretary of Agriculture in regard to the production, consumption, and exportation of raw cotton and manufactured cotton goods in the United States and in foreign countries. It is a matter of interest to the Industrial Commission and to the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the printing of a document sent to the table, containing certain agricultural statistics compiled by the Secretary of Agriculture. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 36) granting an increase of pension to Emma G. Sargent, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1283) for the relief of the estates of Daniel Woodson and of Ely Moore, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment proposing to appropriate $8,000 to provide a suitable place for the reception and detention of children under 16 years of age and (in the discretion of the Commissioners) of girls and women over 16 years of age, arrested on charge of violating any law in force in the District of Columbia, or otherwise held pending investigation or examination, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

BILLS INTRODUCED.

Mr. LINDSAY introduced a bill (S. 3953) for the relief of W. G. Dunn, administrator of Cooper Dunn, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3954) granting an increase of pension to Caroline D. Repetti; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 3955) granting a pension to Elizabeth J. Jones; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3956) to correct the military record of Demon S. Decker; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PRITCHARD introduced a bill (S. 3957) to establish a court of probate and divorce for the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3958) for the relief of John G. Young;

A bill (by request) (S. 3959) for the relief of Elizabeth T. Flowers and Sarah E. Bridges; and

A bill (by request) (S. 3960) for the relief of Nancy Smith.

Mr. PRITCHARD introduced a bill (S. 3961) to correct the military record of Montraville Ray; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. WELLINGTON introduced a bill (S. 3962) to provide for the purchase of a site and for the erection of a public building at the city of Westminster, Carroll County, State of Maryland; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER introduced a bill (S. 3963) to remove the charge of desertion from the military record of William F. Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Millitary Affairs.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3964) for the relief of Robert Lay, administrator of Nancy Lay, deceased (with accompanying papers);

A bill (S. 3965) for the relief of W. L. Lyle, administrator of John E. Pearson, deceased (with accompanying papers);

A bill (S. 3966) for the relief of Smith Summers, administrator of John Waters, deceased (with accompanying papers);

A bill (S. 3967) for the relief of the estate of Mary M. Steed, deceased;

A bill (S. 3968) for the relief of the estate of Augustus Strong, deceased;

A bill (S. 3969) for the relief of the estate of Mrs. Nancy Eddins, deceased;

A bill (S. 3970) for the relief of the estate of John R. Powers, deceased;

A bill (S. 3971) for the relief of Samuel S. Coon;

A bill (S. 3972) for the relief of the estate of William Clement, deceased;

A bill (S. 3973) for the relief of the estate of Mary Oliver, deceased;

A bill (S. 3974) for the relief of the estate of Charles Denia, deceased;

A bill (S. 3975) for the relief of the estate of John Crawford, deceased;

A bill (S. 3976) for the relief of the estate of William F. Strather, deceased;

A bill (S. 3977) for the relief of the estate of William Redden, deceased;

A bill (S. 3978) for the relief of the estate of Alex. Russell, deceased; and

A bill (S. 3979) for the relief of Ann E. Saddler.

Mr. WARREN introduced a bill (S. 3980) granting an increase of pension to John A. Lynch; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 3981) granting a pension to Josephine T. Horner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 3982) to apply a portion of the proceeds of the sale of the public lands to the endowment, support, and maintenance of schools or departments of mining and metallurgy in the several States and Territories in connection with the colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of an act of Congress approved July 2, 1862; which was read twice by its title, and referred to the Committee on Mines and Mining.

FLOATING LOOSE TIMBER, RAFTS, ETC., ON CERTAIN RIVERS.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams; which was referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $40,000 for the collection and disposal of ashes in the city of Washington, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO PUERTO RICAN BILL.

Mr. LINDSAY. Some days since I offered an amendment to House bill 8245. Since that time the framework of the bill has been so changed that I desire to change the character of the amendment, and I will now offer it, to lie upon the table.

The PRESIDENT pro tempore. The amendment will lie on the table without being printed.

Mr. LINDSAY I ask that it be read.

The amendment was read, as follows:

Strike out all of section 3. Also strike out all of section 2 down to the words "foreign countries," in line 15, and insert:

"SEC. 2. That on and after the date when this act shall take effect there shall be levied, collected, and paid upon all articles imported from foreign countries into Porto Rico, which is hereby constituted a customs collection district, the rates of duty mentioned and prescribed in the schedules and paragraphs of an act entitled 'An act to provide revenue for the Government and to encourage the industries of the United States,' approved July 24, 1897."

Also strike out all of section 2 after the word "notwithstanding," in line 18, and insert:

"And on and after the passage of this act trade between the customs collection district hereby established for the island of Porto Rico and the customs collection districts of the United States now in existence, or which may hereafter be established, shall be free from all import or tariff duties, and all laws or parts of laws now or heretofore requiring or authorizing the collection of import or tariff duties on articles of commerce between any of the customs collection districts herein named are to that extent hereby repealed."

Mr. BACON. I present an amendment to be proposed at the proper time to House bill 8245. I ask that it be read for information, as there will be no opportunity to have it printed.

The amendment was read, and ordered to lie on the table, as follows:

Amendment to be proposed by Mr. BACON to H. R. 8245.

SEC. —. Each of the officers, legislative, executive, and judicial, authorized by this act shall, before entering upon the discharge of his duties, take an oath to support the Constitution of the United States.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 5140) to confirm title to lot 1, square 1113, in Washington, D. C.;

A bill (H. R. 7179) for the relief of John A. Narjes, of Washington, D. C.; and

A bill (H. R. 9283) to regulate insurance in the District of Columbia, and for other purposes.

GOVERNMENT FOR PORTO RICO.

Mr. FORAKER. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT pro tempore. The Senator from Ohio moves that the Senate proceed to the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. MASON. Mr. President, I will say at the outset that I have no objection to any interruption any Senator desires to make. I only hope that I may be able to finish within time, so that others who desire to speak this afternoon may have that opportunity. It is justice to myself to say that I did not give notice of the time for speaking until after all those who had asked for time, as I understood it, had been satisfied.

Mr. President, "with malice toward none, with charity for all," and asking only for myself the same liberty of thought and speech which I yield to you, I shall speak to-day in favor of the resolution offered by the senior Senator of Maryland [Mr. WELLINGTON], which offers ultimate independence to the Philippine Islands, and against the resolution offered by the junior Senator from Indiana and the senior Senator from Wisconsin, both of which resolutions are opposed to independence in the Philippine Islands, and as a legitimate part of that discussion I shall speak in opposition to the bill proposing a tariff between Porto Rico and the rest of the United States.

For more than a year I have waited, withholding remarks on the Philippine question and hoping against hope that something might happen that would relieve us from our terrible situation in the Philippine Islands. For more than a year I have been denounced by the ignorant as a traitor to my party and my country, simply because I have had convictions and have not hesitated to state them.

I can not hope for much better treatment to-morrow than I had a year and two months ago. I do not expect in the same quarter to be even credited with acting from a sense of duty. I do not expect to escape that class of men who would assassinate character to make more sure official salary and make more easy the pickings from the pot of patronage.

I do, however, indulge in the hope that in view of the present situation some of my friends and constituents who have failed to see before will see now why I am opposed to the annexation and permanent government of the Philippine Islands. I am opposed to it, first, because under the law of nations we have not title and never can have complete title except by conquest of the inhabitants. I am opposed, and will show by the decisions of the Supreme Court of the United States that we have no power to make a war of conquest, and that by the law of nations we can not perfect our title of sovereignty without the consent of the people—the inhabitants of the island.

When Lincoln and Douglas were in their great debate, Douglas, in the heat and excitement of debate, asked Lincoln if he wanted a black woman for a wife. Lincoln arose and, without addressing the chairman, flashed back the famous answer, "I do not wish her for my wife, neither do I wish her for my slave." So, as I said before to you a year ago, I do not wish the 9,000,000 Filipinos for citizens; I do not wish them for slaves. If we govern them, they must either be citizen or serf. Whether they labor as our citizens and equals before the law or whether they labor as our political slaves, their labor competes with the labor of our country, and I am opposed to that.

I am for expansion. I do not even contend that in taking territory we are bound by latitude and longitude. I voted for the annexation of Hawaii, but would never have sent 65,000 men there to compel them to accept our flag. In other words, I am against taking any territory by conquest against a friendly people, and against taking any territory that brings a cheap class of labor in free and open competition with the class of men and women who do the labor in this country.

It needs no discussion nor legal quibbles to state what the Supreme Court has decided if we become sovereign in the Philippine Islands. You can not protect the labor of this country against the inhabitants there, any more than you can put a tariff between there and Washington or between California and New York, unless you get the Supreme Court to change its former ruling or amend the Constitution of the United States.

Many people are of this opinion now who were not of this opinion a year ago. Many of the papers, laboring men, and statesmen who six months ago were shouting so loud for expansion, with a string to it, are willing now to let go of the string and say a kind word to the men they called traitors a few months since, and even from the grand old Commonwealth of Connecticut, that drank so deep from the inspiring spring of expansion, her Senators, who spoke so eloquently "of government by consent of some of the governed," now speak of expansion in a more mellow tone and notify us that they are still willing to do God's service and carry out our high destiny if it does not interfere with the Connecticut wrapper.

One word to the Senators who have told us in this Chamber what the Republican policy is. The convention has not yet convened. Our party is to meet in the city where it was born. It was born out of the inspiration of freedom and the equality before the law. Who dare here and now speak for the delegates? Who dare here and now say we will declare in favor of conquest? Who dare here and now say that we are in favor of annexing the Philippine Islands and making 9,000,000 citizens or serfs out of the inhabitants?

Who dare here and now say that the Republican party in Philadelphia will declare in favor of violating the constitutional provision "that all duties and imposts must be uniform?" Who dare write down in advance, here and now, that the party of Lincoln will declare in its convention that some men *are* good enough to govern others without their consent? And right here let me ask the two Senators who have spoken on this subject and who have talked about the flag and patriotism—let me ask them who gave them a monopoly on patriotism?

How dare you discredit the patriotism of a man who disagrees with you about the best way to proceed for this country? Have you formed a trust on patriotism, and have the junior Senators from Massachusetts and Indiana been elected to the board of that trust? If we had taken the advice of the senior Senators of Massachusetts and Maine we would not be in the terrible situation we are in to-day.

When I spoke here from my place for independence for Cuba and answered the charges of the press from Germany that we were seeking territory, I said that the American people did not want to make a market for their goods at the point of a bayonet, and that

we never wanted to put our beautiful flag above the people of Cuba or the weakest island of the sea without the consent of the people. The people and the press approve that sentiment, but cursed it when it was applied to the Philippine Islands.

I do not question the patriotism or the motives of the gentlemen who disagree with me, but I protest against anyone charging me with the lack of patriotism. I honor every soldier who fights under the flag, as much in Manila as in Santiago; there is no aid or comfort that I have refused them with my voice or vote. They are obeying orders. I honor them for it. But I never was in favor of the order that sent our Army out to destroy the lives and homes of the men who had been our friends. I allow no man to question my love for the flag.

My ancestors fought to set it in the sky, and my elder brothers fought to keep it there. The public schools that are protected by the flag gave to me and are giving to my children the opportunities of life. There is no sacrifice I would not make for it, and I resent as cowardly and dishonest any reflection as to my love for that flag simply because I want it to be right and never put by force over an unhappy and an unwilling people. If to repeat the language of Lincoln when he says that "No man is good enough to govern any other without his consent" is treason, then I am guilty.

If opposing a war of conquest, a war of conquest made without the sanction of Congress, which is the constitutional power, is treason, then I am guilty. If the desire to stop the enormous burden of taxation to carry on this war is treason, then I am guilty. If to wish for other struggling people the blessings of self-government that our fathers fought for is treason, then I am guilty. If it is treason to seek to protect the laboring men and women of this country from competition of the degraded labor in the Philippine Islands, then I am guilty. If to make an honorable settlement with the people in the Philippine Islands is treason, then I am guilty. The ships are coming back loaded with our boys—sick, insane, hundreds of them dead. If it is treason to want to stop that, then I am guilty.

For one hundred years as a republic we have outstripped the world under the republican form of government. We have stood by the Declaration of Independence. We have kept close to the people by a representative form of government. If a wish to avoid the mistakes of England, France, and Spain is treason, then I am guilty. I may be guilty of treason to the empire, but if I know my own heart I am loyal to the Republic.

Mr. President, I have not time now to answer the argument of the learned junior Senator from Massachusetts [Mr. LODGE] to the effect that the retention of the Philippine Islands is the same as the expansion we have before indulged in when we took Louisiana, California, Florida, and Alaska, but only say in passing that we never before the Philippine war attempted conquest, and never before Porto Rico have we attempted to put a tariff between different parts of the United States.

Mr. President, I desire now, as briefly as I can consistently with my duty, to explain why I am opposed to the permanent annexation of the Philippines from the point of view of sound political action. I am a Republican of that school of Republicanism that believes in a protective tariff. I believe, and think I can satisfy you, that when the Congress begins to legislate for the Philippine Islands it is limited in its power by the Constitution of the United States.

There is no doubt about the power of Congress to legislate for the territory, organized or unorganized, but the instrument that gives us the power to legislate limits our power of legislation. We are, as legislators, creatures of the Constitution. We have no power that is not given us by the Constitution. To say that we may violate the letter and spirit of the Constitution in matters of legislation is to say that the creature is greater than the creator.

I do not say that in matters of legislation we may not pass rules, regulations, or laws which are not specifically mentioned in the Constitution, but I do say that under the decisions of the Supreme Court of the United States we have no power to pass a law here in violation of the restrictions laid down in our Constitution. Applying this law to Porto Rico, I say, first, that when the treaty between Spain and the United States was ratified and the people accepted us as sovereign, Porto Rico became a part of the United States of America in the manner which I shall designate or read from the Supreme Court decisions.

Second. That until it is organized, as we propose to do with Hawaii, we have the power in Congress to make laws and to govern the people there; that that power to govern did not need any treaty agreement with Spain. That is, Spain could neither add to nor detract from the powers of this Congress to legislate for the Territories.

Third. We can not make an unconstitutional law there. If the law goes there, who makes it? We do. Whether the Constitution is in Porto Rico or not, under our oaths of office the Constitution is here.

Fourth. The Constitution of the United States provides that "all duties, imposts and excises must be uniform throughout the United States." It will be observed that this limitation of power is a part of the very sentence which provides that Congress may levy duties, imposts, etc.

This limitation is not even separated by a period from the grant of power to us. The limitation does not apply to taxes, but the word "taxes" is omitted in the limitation, and it is provided that Representatives and direct taxes shall be apportioned among the several States; so while it might be possible to have a different plan of taxation in Porto Rico and Alaska, yet when the Government goes into the realm of collecting impost duties, those duties must be uniform throughout the United States.

If Porto Rico is not a part of the United States, we ought to cover her with the protecting arm of the Monroe doctrine and let her people fix their own schedule and we protect ourselves with the regular tariff or treaties of reciprocity. If Porto Rico is a part of the United States, as I believe the Supreme Court of the United States has decided it is, then we have no more right to put an impost duty between Porto Rico and the United States than we have to put a duty between Washington and New York.

I desire one moment now as to whether we can make unconstitutional laws for the Territories—a startling proposition that we have heard in this Chamber within the past twenty-four hours—that is, a law which fixes a duty which is not uniform throughout the United States. It is not necessary for the purposes of this proposition to say that the Constitution extends itself by its own vigor into annexed territory; but I do say that when we attempt to govern by laws made here, the laws must be constitutional statutes. It may be—and, as I said before, it is not necessary to discuss that here—that the annexation of territory does not bind the United States to protect every inhabitant from having his life or property taken without due process of law; but when we attempt to legislate how life and property may be taken, we are bound by the directions and limitations of the Constitution.

It may be possible that in legislating for that Territory we can fix the qualifications of electors, but we can not pass a law on that subject that will stand the test of the Supreme Court if we should apply the test of color or previous condition of servitude. It may be that we could provide a plan to levy taxes upon the people there; but when we attempt to levy import duties—that is, a tax upon imported goods, and that is the duty I, as a Republican, am interested in; that is the duty that protects the labor of this country—and when you attempt to levy an impost duty, the Constitution says all impost duties must be uniform. We are bound by the Constitution, which says that they shall be uniform, and when we take any government anywhere it is a legislative government that is beyond the Union of the States, but it must be a constitutional legislative government.

You may draw your finespun theories as to whether the Constitution follows the flag, or whether the Constitution expands by its own force and vigor and extends into all newly acquired territory, but this fact remains undisputed, that when you attempt to govern, the Constitution goes with the government, and when you attempt to pass a specific law, that statute carries with it the life and power given by the Constitution, and also the limitation fixed by that same great instrument.

I call your attention, briefly, to the case of Loughborough *vs.* Blake (5 Wheaton), and I will be just as brief as I can on that. The distinguished Senator from Wisconsin [Mr. SPOONER] admitted the force of the argument; he said it was the law. Of course he questioned it somewhat, and he said that some of it was obiter; that it was outside of the pending issues.

The opinion is written by Chief Justice Marshall. This ought to be authority enough. It may be claimed by some that some parts of that great opinion are obiter dictum—that some of that opinion was not called for by issues joined. But the fact remains that Congress had passed a law levying a direct tax, and under the Constitution apportioned it between the States, Territories, and District of Columbia. It was claimed by those who opposed the tax that the Constitution provided that the tax should be apportioned between the States that were in the Union and that the District of Columbia and the Territories were not subject to the taxation.

The case, though briefly stated, you will observe involved the whole power of taxation, and the further important question, so far as this discussion is concerned, it involved the territorial limits within which Congress could levy the tax, and I think after a careful reading of the case you will not find ten words by Chief Justice Marshall which were not wholly applicable to a full discussion to the then pending case. I quote from Chief Justice Marshall. He cites the eighth section of the first article, which gives us, the Congress, the power to collect duties, to pay debts, and provide for the common defense, etc., and then uses this language:

> This grant is general—
>
> What grant? The grant to levy import duties or taxes—
>
> without limitation as to place; it consequently extends to all places over which the Government extends.

Remember that I am not contending that the Constitution follows the flag in the same way some gentlemen contend for, but I say that while we can legislate for the Territories, we must legislate as if for a State, at least to this extent, that there shall be no direct violation of the limitations of the Constitution. Chief Justice Marshall says this power to tax extends to what? To every place where the Government extends. Is not our Government extending to Porto Rico? Is this not a bill to give the people of that island a civil government?

It will be observed that the grant extends not only to States, Territories, and districts, but it extends, according to Chief Justice Marshall, to "all places over which the Government extends." I read further:

If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are: "But all duties, imposts and excises shall be uniform throughout the United States."

It will be observed that Chief Justice Marshall used the words to "modify the grant of power," and within four lines of that he again speaks of these words "modifying" the grant.

Some writers speak of it as a limitation upon the grant. It means the same thing. The modifying or limitation of the grant is a part of the grant itself. We get our right and power to legislate from this grant; and when we write a law for the people of the United States, whether in State, district, or Territory, we carry with that statute the law of the United States. If we find a man in Porto Rico whose life or property is about to be taken from him without due process of law, our first legislation on that subject must tender to him his constitutional rights. I am not, for the purposes of destroying this bill, arguing that the Constitution by its own vigor extends into the district, but I am insisting that you can not carry a statute enacted by the Congress of the United States, in the language of Chief Justice Marshall, any place under God's sun without carrying with it the limitations of this great charter—the Constitution. If he is debarred from citizenship by reason of race, color, or condition of servitude, we must tender back to him his citizenship.

If he is a slave, we must unbind him hand and foot: and if we would tax him by way of impost duties, they must be uniform. The senior Senator from Colorado [Mr. TELLER] the other day, in the course of a running debate here when he was asked whether a man could be hanged without due process of law, answered that they did do it once in a while; but of course the Senator knows that does not answer the question, and it is hardly a fair begging of the question. It is not a question whether you can hang a man without due process of law, but it is a question whether you can pass a bill by the United States Congress that will stand the test of the Supreme Court revision that it carries with it the inherent force and right to take a man's life without due process of law.

Mr. TELLER. Will the Senator yield to me for a moment?

Mr. MASON. Yes, sir.

Mr. TELLER. The Senator must have misunderstood my statement, Mr. President.

Mr. MASON. Then I withdraw it.

Mr. TELLER. I made no statement of the kind the Senator has suggested. I said, independent of any constitution, in a free government no man could be convicted and executed without a trial. That is all I said on that point. I said whatever the Constitution said or did not say did not determine that question, which is an underlying principle of a free people and a free government.

Mr. MASON. And I say, in answer to that, that this Congress has no power that is not delegated by the States, and that the reports of the Supreme Court from the days of Marshall to the days of Fuller are full of opinions to that effect written, and not contradicted, either in majority or minority opinions. Even in the Dred Scott case, where there was a difference of opinion about the extension of slavery into the Territories, both the majority and the minority opinions said no law could be passed by Congress which exceeded the power granted by the Constitution or which went beyond the limitations of the Constitution.

We took the oath at this desk to support this Constitution. As I had occasion to remark the other day, there seems to be a rule against mentioning that document more than once after you are elected a United States Senator. You swear to support it; but if you ever dare mention it again, you are called either a crank or a traitor. It is the very sun of our political existence. It gives life and power to this legislative body. State legislatures, while reserving power for its own government, surrendered their power to make any law conflicting with its provisions. The executive life depends upon it, and the great judiciary system, by its consent, holds the life, property, and destiny of the people in its hands. It gives power to the Government, yet protects the governed. It empowers majorities and protects minorities. The weakest citizen who seeks life and the pursuit of happiness is safe.

And among other provisions that it has within its sacred lines, which we swear to support and protect, it says when you levy an impost duty, that duty which the fathers were afraid of, that duty which they went to war about, that duty which invited the Boston tea party—it says when you levy that sort of a duty you must make it uniform throughout the United States. You ask me here to-day to vote for one rate of duty between here and Cuba and another rate of duty between here and Porto Rico, but I have sworn to support this instrument, and therefore I can not cast such a vote.

Here is the language of Chief Justice Marshall. He is defining what "the United States" means when it is mentioned. That was at the time not very far from the hour of its birth, when they had a fair conception of what "the United States" meant. The Chief Justice says:

It is the name of our great Republic, which is composed of States and Territories. The District of Columbia and the Territories west of the Missouri—

This was written in 1820, as I remember it.

And the Territories west of the Missouri—

An unoccupied empire, almost unexplored, unknown; yet Chief Justice Marshall said:

The Territories west of the Missouri are not less within the United States than Pennsylvania or Maryland; and it is not less necessary—

Notwithstanding the opinion of the learned senior Senator from Wisconsin, Chief Justice Marshall says:

It is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts and duties should be observed in the one than in the other.

The Senator says that that is the law, and yet he votes for a 15 per cent duty between Porto Rico and the United States and a 100 per cent duty between the United States and the rest of the world.

Mr. President, I had intended to discuss briefly the question of a treaty, the ability and the power of a treaty of the United States; but there seems to be a general consensus of opinion here that a treaty can rank no higher than an act of Congress; that we can get no power from a treaty that will violate the Constitution of the United States. Let me read you what Cooley says upon that subject:

The Constitution never yields to treaty or enactment. It neither changes with time, nor does it, in theory, bend to the force of circumstances. It may be amended according to its own permission; but while it stands it is "a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances." Its principles can not therefore be set aside in order to meet the supposed necessities of great crises. "No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government."

"A treaty can not bind the United States to do what their Constitution forbids them to do," Tucker says.

Again a line from Cooley. Speaking of treaties, he says:

It is subject to the implied restriction that nothing can be done under it which changes the Constitution.

Justice Story says, "It," a treaty, "must be considered in subordination of" the Constitution. It is claimed that we have the double power to legislate as a Congress of the nation and in the Territories to legislate as if we were the legislature of the State. True; but can the State legislature pass an unconstitutional act? Can a State levy an impost duty? Certainly not. Congress may make rules and laws to govern Territories, but when it levies an impost duty it does it as the Congress. That power was delegated to us as the Congress. If we levy the duty as State or Territorial lawmakers, under our Supreme Court decision it would be void. If we levy it as the Congress, it must be uniform.

I know there is a class of cases decided by the Supreme Court that permits the legislature of one State to regulate a certain class of business from other States. In the Paul and Virginia case, cited from 8 Wallace, the State of Virginia compelled by statute a deposit by insurance companies before licensing the companies to do business. It was contended that it was a violation of the Constitution, which gives to the citizen of each State equal privileges, etc., and that it conflicted with another clause in the Constitution, which declares that the Constitution shall regulate commerce with foreign nations and among the States. The Supreme Court held that the statute required the deposit and did not conflict with either clause of the Constitution for the reason that the issuing of an insurance policy was not commerce.

In the case of the Ferry Company *vs.* Pennsylvania (114 U. S.), which has been cited, was where the Ferry Company corporation of New Jersey ran a ferry from Gloucester to Philadelphia. Its business was pure interstate commerce. The State of Pennsylvania attempted by statute to place a tax upon its capital stock. The supreme court of Pennsylvania sustained it. The Supreme Court of the United States reversed it and set aside the tax on the ground that it was void, using this language as to the State:

However great her power to legislate on her part, she can not impose a tax on that portion of interstate commerce which is involved in transportation of persons and freight, whatever be the instrumentality by which it is carried.

I fail to see the reason for citing this case, for if it settles anything at all it settles this: That as a matter of law the Congress is just as impotent when legislating for a Territory to interfere with

interstate commerce as it is to levy impost duties without uniformity while legislating as the Congress. If the present proposition—15 per cent duties between Porto Rico and the rest of the United States—is to be considered as a regulation of interstate commerce as contemplated by the Constitution, then it must fail under the case cited. And if it is an impost duty, it fails for want of uniformity.

I have been waiting to hear from some of the distinguished lawyers on this floor to cite one case which even hints at a possibility of the Congress making an impost-duty law and not be bound by the limitation which says it must be uniform or that in any way suggests the possibility that we may exercise the grant of power as to impost taxation in violation of the limitation of that power simply because we have power to legislate for the territory. I beg to be pardoned if I repeat my proposition. I am not at this time insisting that the Constitution goes with the flag. It is sufficient for the purposes of this case to say that when we enter the realm of Territorial legislation and proceed to the enactment of a law levying impost duties we are limited by the power delegated by the Constitution, and I am confident no such statute can stand which is in violation of the affirmative prohibition of the Constitution, which says, "but all such duties must be uniform," etc.

Mr. President, I ask, in the name of common sense, if the practice of a century of this Government is not a fair interpretation of law. I challenge anyone to show where, in all these territorial expansions, from the Louisiana purchase to Alaska, there has ever been an attempt of the lawmakers of the United States to levy an impost duty between the United States and the newly acquired territory. It is true that when we acquired California, while we were in military possession, we levied, through the military arm of the Government, different rates from the statutory rates then in force, but they were levied against aliens and strangers. There was no duty between California and the United States when we were in military possession or after the signing of the treaty. It was the settled practice of the Government to follow in its departments the plain ruling of the Constitution. Let me read you the order of Mr. Buchanan when he was Secretary of State under Mr. Polk. I am not insisting that precedent makes law or that practice makes law. If it did, God help the future laws that are to be passed in this country and if this is to establish a precedent to pass laws which lack uniformity, because we are making laws for territory under our flag. Mr. Buchanan said when he instructed, I think it was, Colonel Mason, the military commander in California:

> This de facto government will, of course, exercise no power inconsistent with the provisions of the Constitution of the United States, which is the supreme law of the land. For this reason no import duties can be levied in California on articles the growth, produce, or manufacture of the United States, as no such duties can be imposed in any other part of our Union on the productions of California, nor can new duties be charged in California upon such foreign productions as have already paid duties in any of our ports of entry, for the obvious reason that California is within the territory of the United States.

I propose to show you that the Supreme Court, as a matter of law, sustained that ruling of the Secretary of State; and if the present Administration desires to give free trade or protection while he is yet Executive under the military arm of the Government, the power is there, the principle is established; the habit of the Government was made under Polk when he was President, and the Supreme Court of the United States said it was the proper construction of the constitutional power.

We read the message for free trade. We shook hands on it around here and said, "That is right; that is right; Porto Rico surrendered without a struggle; her people are our people, and her God is our God." We said, "Twice three is six" louder and louder, until there came a whisper from some other place, "Wait a moment; perhaps twice three is seven; let us hold a caucus." [Laughter.] I am not wedded to mathematics. I might not hesitate to join my party in saying "Twice three is seven" if it involved no abandonment of my oath of office; but what assurance would I have in shouting "Twice three is seven" to-day if tomorrow some other kind of snuff would be taken, and the sneezers along the line might say, "We have have got back to the doctrine that twice three is six?" [Laughter.]

"Plain duty." We congratulated ourselves. All of us said, "Oh, yes; plain duty." How happy we were to rush into print to the effect that we were with the Administration—"plain duty." Yet the whispering came along the line that we did not want to make it too plain; that there might be 15 per cent trimming on the plain duty—scallops and embroidery, 15 per cent.

I have called attention to the California case, where the Supreme Court said we had a right to levy a duty against all comers under the military arm of the Government. The Supreme Court sustained the ruling. The moment the treaty of peace was signed the Supreme Court said the laws of the United States, so far as impost duties are concerned, must be uniform and extend to the newly acquired territory.

Mr. President, I called attention to the opinion of Chief Justice Marshall to the effect that the Constitution extends to every place where the Government extends; and in support of this proposition I present the case of the Capital Traction Company *vs.* Hoff. This opinion was written by Chief Justice Gray.

I will say to my colleagues that I have selected with some care, out of sixty cases, these leading cases, where the majority opinion was written by leading constitutional lawyers upon the bench, as I will show you before I finish.

This case is known as the Capital Traction Company case, where that company attempted to avoid a case being tried by a jury. The Supreme Court held that the Congress of the United States would have power from the Constitution to exercise exclusive legislation in all cases whatsoever, but that power is limited by the constitutional limitation. That is the language.

In the case of McAllister *vs.* The United States, McAllister was appointed by President Arthur, by and with the advice and consent of the Senate. His commission empowered him for four years. The Supreme Court in the case cited held that it was a court created "in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States." But the court held that although the judge of that court was appointed by the President, by and with the advice and consent of the Senate, yet the court was not such a court "in which the judicial power conferred by the Constitution on the Federal Government could be deposited."

They were incapable of receiving it, as the tenure of the incumbent was but for four years. Neither were they organized by Congress under the Constitution, as they were invested with powers and jurisdiction which that body were incapable of conferring upon a court within the limits of a State.

Justice Harlan, in making this decision, quotes from The Mormon Church *vs.* United States (136 U. S., page 1):

> Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments.

I have quoted many cases in which Mr. Justice Harlan concurred. I quote that as one of the cases in which he wrote the opinion himself.

Before I call attention to the next case, I repeat again that no justice of the Supreme Court in writing the majority or minority opinion has ever even hinted at the possibility of the Congress making a law, under the grant of the Constitution, in violation of the grant itself.

In the case of Romney *vs.* United States (136 U. S., page 1) it was held that Congress had full power to direct the winding up the affairs of the Church of Jesus Christ of Latter-Day Saints as a defunct corporation.

A careful reading of the opinion of a majority, and also the opinion of the minority, which included Chief Justice Fuller and Mr. Justice Field and Mr. Justice Lamar, shows that in the opinion of the court Congress is limited by the limitations of the Constitution. "The legislative power of Congress is delegate and not inherent, and is therefore limited." The minority opinion does not disagree with the majority opinion. Chief Justice Fuller and Justice Field and Justice Lamar agree in their dissenting opinion, so far as my present contention is concerned; and both assenting and dissenting opinions agree with the proposition I make, that Congress in making laws is bound by the limitations of the Constitution.

This new doctrine, that we as the Congress have the same inherent power—that is, the power of any government or any monarchy—is a false doctrine, as I shall show by every opinion of the Supreme Court that I shall present to you. We have inherent powers, but they are limited by the constitutional limitations which gave us the original grant of power. The doctrine that we can do what any other government can do is absurd. England can create titles of nobility; we can not. Russia can take life without due process of law; we can not. As the Supreme Court says again and again, the power of legislation is a delegated power and not an inherent power.

Mind you, Mr. President, I say that even in every written opinion where there is a minority they emphasize the doctrine that when any legislation is made here, whether it was for Utah before it was a State or Illinois after it was a State, we have no power to make a law that conflicts with the terms of the Constitution.

I call attention again to the statement of Justice Matthews to the effect that Congress is subject to the restrictions expressed in the Constitution, the unanimous opinion of the court at a time when Waite was Chief Justice and when Miller, Field, Bradley, Harlan, Woods, Gray, and Blatchford were his associates. And again I challenge any lawyer here to deny my proposition. I do not insist that the Constitution is in Porto Rico. I believe it is. It is not necessary for this argument to insist upon it.

I do insist, under the decisions I have cited, that whether the Constitution is there or not, I know it is here and that we can make no law beyond its limitations.

I have repeated it three or four times, and am likely to again.

I am anxious that my colleagues shall understand my position. I should like to be fairly represented once, at least among my own associates and by my constituents.

I call attention to Chief Justice Taney's opinion in the Dred Scott case. It is so familiar that it is hardly worth while to read it. Many of you remember its almost every word at the time it was written, but I call your attention to this fact, that no opinion of the Supreme Court before or since the Dred Scott decision has ever suggested the possibility of Congress making a law for a Territory, organized or unorganized, where it is not bound and restricted by the limitations of the Constitution.

Gentlemen have called attention to the fact that in our first great Republican platform we denied the doctrine that the Constitution extended to the Territories. The slave owners contended that it did; that they might take their slaves with them to the Territories. The wish was father to the thought. The abolitionists, the school in which I was brought up, contended it did not. The wish was father to the thought. I can remember the time very well. My father disputed with the pulpit and quarreled with his church. He was an abolitionist. He would have parted with his bread before he would have parted with his idea of liberty; and if one of the Ten Commandments had said, "There shall be slaves," he would have torn out that commandment and struggled along with nine. That is not the question under discussion here. The gentlemen who seek for new theories and doctrine of the Constitution should not attempt to excite the passion and the prejudice of partisanship by talking about slavery.

You must amend the Constitution to levy this tariff and pass this bill, or you must get the Supreme Court of the United States to stultify itself and reverse its decisions. You must take the opinion of Chief Justice Marshall and all the writers upon the bench and off the bench who have followed it since 1820 and strike out the word "not" wherever it occurs, and say that the Constitution shall not regulate, abridge, or restrain the powers of Congress, simply because that power is to be extended over a Territory and not over States.

Do you think that the fever of imperial expansion has so overtaken the people that we will abandon the doctrine of American protection that we may put the flag over an unwilling and an unhappy people; or do you dream that the Supreme Court is so tainted with partisanship that it will descend from its upper atmosphere of a pure jurisprudence to carry out the dictates of a party caucus?

Oh, Mr. President, if you look in either direction for such relief, I fear you will reckon without your host. If I know the courts and if I know the people, the doctrine of protection is forever fixed in the hearts of the people. And the judicial determination is irrevocable and the legislative power of Congress is given and limited by the Constitution of the United States.

I can understand why gentlemen upon the other side of the Chamber are for free trade with Porto Rico. They are for free trade everywhere. They have not the least idea of the almost divine doctrine of protection that has made this country great; but I am a partisan and a protectionist. We have said, from one ocean to the other ocean, that no American and no man under the flag should shove a jack plane or drive a nail or make a boot or shoe in equal competition with the cheap, underpaid labor of any country in the world; and so I want to protect the people against 9,000,000 underpaid laborers in the Philippine Islands. I stand here to-day to say, if the people in Porto Rico are not our people, give us what my cigar makers in Chicago want—100 per cent of the Dingley rate—and I will vote for it; but if they are our people, turn back to the sheet anchor, which says when you go into the field of impost duties that the fathers fought against they must be uniform and fall equally and justly upon all citizens alike.

I do not say that you can not change the decisions of the court by changing the Constitution. We changed the Constitution in order to meet the opinion in the Dred Scott case. You know how much it cost. A nation never makes a mistake and then receives vicarious atonement. I do not care what your religious faith is, the mistakes of a nation receive no vicarious forgiveness. We said this was "the land of the free and the home of the brave" for a hundred years, and sold women and children to the highest bidder for cash. It was not the fault of one part of the country. It was our fault. We settled. We tore down the slave pen and the whipping post, but we did not have materials enough to make headboards for our graves. But they went first to the arbitrament of war and then to the people of the States, and we amended the Constitution, which says that you shall have no slave in any place. That is what Chief Justice Marshall says—you shall levy no duties in any place that are not uniform as provided by the Constitution.

The people of this country and of my State are not willing to put the cigar makers and the laborers of the country in competition with 9,000,000 of Filipinos, that we may flaunt ourselves like a bully before the world and say we have reduced the producers and laborers of our country to an equality with the Japanese, Tagalos, and Chinese in Asia: that we may boast that our flag floats over more land this year than it did last.

Let no Senator say to me that I speak and vote this simply because I differed with you in this war of conquest in the Philippine Islands.

More than fourteen months ago I gave you notice on this floor. I tried to be as considerate then as I hope I am considerate now. I begged you for liberty and humanity's sake, and then I begged you for the sake of a protective tariff that has lifted the labor of this country above the labor of any country of the world. While I plead for liberty in the Philippines, I told you that I cared more for the dignity of labor here. It can be put in few words.

You must abandon the permanent ownership and annexation and the permanent government of the Philippine Islands, or you must abandon the doctrine of protection unless you can amend your Constitution or reverse the decisions of the Supreme Court.

I have shown you that this pioneer case says that any Territory is as much the United States as Maryland or Pennsylvania. It also says that the constitutional power and constitutional limitation "extends to all places over which this Government extends." Following it I have shown you unanimous opinions written by Taney, Waite, Fuller, Curtis, Miller, Bradley, Harlan, Matthews, and Gray. I challenge anyone within or without this body to show a change by any decision of the Supreme Court. These great jurists construe the Constitution exactly as it reads—"but all imposts, duties, etc., shall be uniform."

I question neither the judgment nor honesty of any of my colleagues, and, with the plain reading of the Constitution interpreted by our great court, in opinions written by eight or ten of the leading jurists from the days of Marshall to the days of Fuller, I shall permit no one to question my sincerity when I say that under my oath as a United States Senator I can not vote for an impost duty that is not uniform. I can not say to Europe, that is wholly foreign and alien, "You may deliver the product of your labor here upon the payment of 100 per cent of the present duty," and then say to the Porto Rican, "You are 85 per cent American and 15 per cent alien, and you must pay your pro rata share of an impost duty."

This is the land of the free and the home of the brave—85 per cent free and 15 per cent brave. There is no such thing as an 85 per cent annexation. The people of Porto Rico are either our people 100 per cent or they are 100 per cent not our people. Her God is our God 100 per cent or nothing. If she is not our people, let her pay the Dingley rates; and if she is our people, she must pay nothing to trade with us.

Mr. President, I intended at this time to discuss the fair, ethical question whether even if we had the power we ought to break our agreement. The distinguished Senator from Vermont [Mr. PROCTOR] has covered that matter fully, and I will skip at least a large share that I intended to present upon that branch of the case.

I merely call attention to the fact—and I ask Senators here before they vote to remember—where we were when we made this promise to the Porto Ricans. Read again the promise of General Miles. His promise was our promise. Even if he did not have the power to make it, we ratified it in the pulpit, in the press, and on the rostrum, and 70,000,000 said the word of Miles shall be kept.

I insert here the message of the President of the United States in regard to your plain duty:

"PLAIN DUTY" TO PORTO RICO.

[From President McKinley's message to Congress.]

Since the cession, Porto Rico has been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports.

She has, therefore, lost her free intercourse with Spain and Cuba, without any compensating benefits in this market. Her coffee was little known and not in use by our people, and therefore there was no demand here for this one of her chief products. The markets of the United States should be opened up to her products. Our plain duty is to abolish all customs tariffs between the United States and Porto Rico and give her products free access to our markets.

"UNDER ONE FLAG."

Our flag does not mean one thing here and another thing in Cuba or Porto Rico.—*President McKinley to 20,000 Methodists at Ocean Grove on August 17, 1899.*

How dare you, Republican Senators, violate the instructions of the leader of your party when he calls upon you to do your plain duty? The leader of the Republican party, which does not especially interest the distinguished Senator from Colorado [Mr. TELLER] at this moment——

Mr. TELLER. I wish the Senator from Illinois would name the leader.

Mr. MASON. The President of the United States. I am surprised that you gentlemen, professing to be Republicans, should vote for a duty against Porto Rico with his directions staring you in the face that it is your plain duty to vote for free trade. How dare you break away and become insurgents?

Mr. GALLINGER. The Senator from Illinois invited interruption, and I am going to interrupt him just to this extent, to ask whether or not he knows what the attitude of the President is in reference to the passage of this bill; and, furthermore, to inquire if it is worse for other Republican Senators to differ with the President on this question than it is for him to differ with the President in reference to the matter of the Philippine Islands?

Mr. MASON. I thought I was indulging in a beautiful spurt of sarcasm. It seems the distinguished Senator from New Hampshire has taken it for real. [Laughter.] Oh, no; the Senator knows me too well.

Mr. TILLMAN. The Senator from Illinois will have to label his wit.

Mr. MASON. My joke went by freight. I expect that every Senator, when he swears to support the Constitution, has a right to use some of the gray matter that God Almighty put into the upper end of his anatomy for thinking purposes. I only hope if you are insurgents to-day that you may not be denounced as traitors, from ocean to ocean, because you dared to stand up and vote on the question with the best light that God has given you. I hope you will be protected from that assault, if you indulge in a little independence, free speech, and Americanism.

Mr. GALLINGER. If the Senator will permit me, I would not in any way detract from the humorous quality of his speech or ask any question that might indicate that I did not appreciate his jokes. We all appreciate the jokes of the Senator from Illinois. The Senator has arraigned the Republican party for abandoning the policy of protection in this legislation. I want to call the attention of the Senator to the fact that there is one Senator who did not abandon that policy, and if he will kindly at some time read the dissenting views that I submitted on this bill, he will find that I have always stood by the policy of protection.

Mr. MASON. Yes, I know that. I remember the history of the distinguished Senator very well when we were colleagues in the House of Representatives. If I ever had the doctrine of protection ground into me, body and soul, it was when the distinguished gentleman made an argument in the House of Representatives that cleared the atmosphere and made me so much an American that I have never since worn a piece of imported cloth, and I do not smoke imported cigars unless some Democrat buys them for me. He made me the best protectionist in the world, and I practice what I preach. If a hundred per cent protects the people of Illinois against the cigar makers of Cuba, 15 per cent will not protect them against the cigar makers of Porto Rico. I am for the tariff, 100 per cent, American Dingley tariff as against aliens and strangers, and an open hand and plain duty to the people under our flag.

I also insert here, with the consent of my colleagues, quotations from the Secretary of War, ex-Speaker Reed, Senator DAVIS, General Miles, the opinion of ex-President Harrison, and ex-Senator Edmunds:

THE SECRETARY OF WAR'S VIEWS.

The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Porto Rico so gladly transferred their allegiance to the United States. We should treat the interests of this people as our own. I wish most strongly to urge that the customs duties between Porto Rico and the United States be removed.—*Secretary of War Root in his annual report.*

SENATOR HOAR.

A duty on exports is forbidden by the Constitution, and the proposed duty of 15 per cent on goods from the United States and Porto Rico would be a violation of that prohibition.—*Senator George Frisbie Hoar.*

EX-SPEAKER REED.

The attempt to make three-quarter citizens out of the Porto Ricans is certainly original.—*Ex-Speaker Reed.*

SENATOR DAVIS.

What is the reason that this tariff rate, anomalous, unheard of, unprecedented, and temporary, should be applied to Porto Rico, while the other day a bill was passed in the other House appropriating $2,000,000 for Porto Rico from the Treasury?—*Senator Cushman K. Davis.*

GENERAL MILES'S PROMISE TO PORTO RICO.

Porto Rico under the American flag will enjoy the same privileges and the same immunities as the citizens of the United States and Territories of the Union.—*From General Miles's proclamation on invading the island.*

OPINION OF EX-PRESIDENT HARRISON.

I regard the bill (the Porto Rican tariff) as a most serious departure from the right principles.

EX-SENATOR EDMUNDS SPEAKS.

I believe that the Porto Rican tariff bill is clearly unconstitutional and violates all our agreements with and pledges to the Porto Ricans. If I were in the Senate I should certainly vote against it.—*Ex-Senator Edmunds.*

Of course no one contends that the bill is uniform. Therefore it is not necessary to show its lack of uniformity. If I, as an American citizen, want a box of cigars from Cuba, say I pay $2; from Porto Rico, 30 cents. It is not uniform as applied to us. No one claims that it is.

Section 3 provides that all merchandise coming into the United States from Porto Rico and going into Porto Rico from the United States shall pay 15 per cent of the present rate. I had intended to reply to a little of the sophistry of the distinguished senior Senator from Kentucky [Mr. LINDSAY], in which he said that because Porto Rico is territory on this continent you can not make a discriminating duty. When it comes to the Philippine Islands you can make another kind of duty. There is some spot in the Atlantic or Pacific Ocean somewhere where ethics and morals change and constitutional construction moves backward and forward, as you move the hands of a clock.

There is but one way in my judgment, and it is the best judgment I have, to keep safely in power the party which represents these two great principles—equal and fair money, one kind of money, and the party that brings good wages and prosperity to this country. I have a right to my opinion, and I have a right to express it. Whether wisely or unwisely, we have completed our title to Porto Rico the same as to Hawaii. We got title from the sovereign; we got the consent of the people, and if it were necessary we could say we went by conquest. There is no blot or stain upon the title. It is not so in the Philippine Islands. You have not even got possession of your property. You bought it from Spain and paid $20,000,000 in gold, and promised to pay more than that much more to pay the Spanish debt to American citizens. You never even sent your money C. O. D. She took the money and you have not got your real estate.

It is an elementary principle of international law that you can not complete the title without the consent of the people. It must be done by conquest. I am not discussing that question. But the title is not yet complete.

Disguise it as we may, those that are not in open arms against us are in sympathy with those who are in open arms against us. Lincoln was not above consulting and hearing the plans and propositions of peace commissioners when our own brothers were in rebellion against their own sovereign. We must not be above listening to and considering the proposition of the weakest people in the world, and our general is the only man in history, at least in our history, who has refused to receive communications and report them through his superiors to the war-making power of the United States.

This body is a part of the war-making power of the United States. This body has no information as to what they are willing to do. We can end the war in forty-eight hours by not insisting upon our demand for absolute and perpetual sovereignty and promising to give them, ultimately, independence as soon as they are ready to satisfy this Government that life and property are safe.

Under such arrangement commercial treaties could be made that would not destroy the doctrine of protection; agreements for naval and coaling stations could be had; the doctrine of protection could be pledged anew to those who toil upon this continent, and the fact that the pledges of prosperity have been kept would retain in power the party that stands for uniform currency and good wages.

What can we say to the laboring men if this revenue tariff goes through, even though the Supreme Court should sustain it? They are not for this bill.

The petitions that I have presented in this forum from the laboring men of Illinois have asked for a hundred per cent Dingley rate. I have presented resolutions from all sorts of clubs, social and political, asking for absolute free trade. No one organization from my State has appealed for this compromise with protection, this 15 per cent duty. Tell me it is to be a precedent, about which I can talk to the workingmen of my State! Oh, no. I do not want any tariff-for-revenue precedent for the people in Illinois. I want the old straight up and down orthodox 100 per cent protection if they are aliens. My people want it if they are aliens. If they are not aliens and not strangers, the people there are fair enough to ask for unrestrained commerce between us all.

Gentlemen upon the other side who speak for them will point to the revenue tariff against Porto Rico and the fixed and unchangeable rule of the Supreme Court of the United States, which prohibits us from putting up a tariff between us and other people of whom we are sovereign. Porto Rico is small, her people are few, she is near our shore, and in less than six months it will probably be developed that she helps us as a customer more than she hurts us a competitor. Not so with the Philippine Islands. She has millions of people. I am told—I do not vouch for the figures—that there are 80,000 cigar makers in the archipelago.

If we complete our title of sovereignty by a successful war of conquest, whether they are voters or not, whether they have representation or not, we will tax them and govern them, and there is no way under our form of government to govern them and tax them and at the same time keep either them or their goods out of this country. No one denies this, and there are mighty few men belonging to the organized labor of this country but who understand it just as well as we do.

I call your attention to the fact that two years ago the labor men of this country, in their national convention, almost without a dissenting voice, representing the great organizations from ocean to ocean and from the Lakes to the Gulf, in their national

convention in Kansas City, gave notice to the men who seek power that they must not annex the Philippine Islands and put their labor in competition with ours.

We have to go and frankly and honestly abandon the doctrine of assimilation. Assimilation means equalization. If you put two pieces of iron together, one hot and one cold, they do not both get hot and they do not both get cold, but they assimilate. The hot one gets a little colder and the cold one gets a little hotter; and when you put the cigar makers of Illinois in competition with 80,000 in the Philippine Islands, the doctrine of assimilation means equalization. Our wages, under our doctrine, will not stay up and theirs will not stay down, but ours will go down halfway to meet them as they ascend the scale.

Then we are told, though, that if we should by any honorable treaty even talk with the men who are in arms against us, as Lincoln did, we would abandon our American manhood; that we would lose prestige for our Army and Navy by listening to the voice of the little brown people in the archipelago and consult with them about what kind of gunpowder or bullets they prefer to be killed with. "What," they say, "humiliate my country of 70,000,000 brave people by consulting and seeking to do justice by a few million struggling people, almost without clothes and certainly without the need of many clothes!" God pity the man whose heart is so shaped that he would feel a national humiliation in doing justice to the weak and poor little brown man. God help the man who indulges in what Gladstone calls "false shame." What is the object of government, Mr. President? Is it the happiness of the governed that we seek, or is it that we may strut from continent to continent with the gewgaws and jingling bells of royalty and say: "See how much land we cover and how many people are unhappy and unwilling subjects to this flag?"

We have an open door to China. Claim what you like for it, the war on the Filipinos did not open the door, and before we ever put foot in the Orient, twelve months before, we had more orders for American goods and the products of American farms than we had ships to carry them in.

You want to find a market for the surplus of your shops, your farms. Give us some legislation that will build the merchant marine of the country. We do not care anything about the glory and the glitter of governing 9,000,000 people without their consent.

I quote from the junior Senator from Indiana [Mr. BEVERIDGE]:

> The issue joined in this debate—

The Senator is not in the Chamber. I think no one appreciates more than I his intense interest in this matter, his patriotism, and his ardor and his earnestness.

Mr. GALLINGER. He is absent from the city.

Mr. MASON. I say this of a man for whom I have great respect as a lawyer and a Senator. He says:

> The issue joined in this debate involves the power of Congress over the islands and the peoples which Providence has placed in our keeping, and, therefore, the expediency of retaining them. It involves the power and progress of the Republic throughout all its future. For if Congress has not a free hand to deal with these islands as their different conditions and changing needs demand, it is not only inexpedient but it may be impossible to hold them. To treat Porto Rico as we treat Hawaii, and to deal with the latter as we deal with the Philippines, and to apply to all without delay the same fixed formula of laws which custom and the intention of statehood has prescribed for our Territories, from which our States are formed, is a proposition as mad as it is novel.

I agree with the junior Senator from Indiana. It is decidedly inexpedient to hold them as subjects and we as sovereigns, because we can not have what he is pleased to call a "free hand" in the government of those people. "Free hand" to deal with these islands? Oh, no, sir; Congress has no free hand. There are scores of laws you can not pass. If dealing with civil or religious liberty, the "free hand" strikes the immovable wall of the Constitution, which protects the weakest in religious liberty, at least to the extent of prohibiting Congress from making laws "prohibiting the free exercise of religion."

But we can make any law we like in the colonies, say some to you, regardless of the Constitution, and we can fine a man for going to the Methodist Church in Porto Rico and pay a bounty for going to the Baptist Church and make it a penitentiary offense to go to any other church.

Free hand? Oh, no; the State may enter the field of law of contracts, but when in that field you can not stray beyond its old fence; on every stake and rider is written the prohibition against "impairing the obligation of contracts." You may seek to borrow money for the United States—you have the power, but it must not infringe the constitutional limitation. We have power to regulate commerce with foreign nations, among the States, and the Indian tribes, but every statute that has attempted to exercise this power has been stricken from the statute books unless it was kept within the constitutional limitations.

I appeal to every lawyer who has read Gibbon *vs.* Ogden (9 Wheaton) to Wilson *vs.* McNamee (102 U. S. Reports), nearly one hundred years' construction of the Constitution, and over 140 decisions of the United States Supreme Court.

We can establish uniform rules of bankruptcy and naturalization, yet from the early reports of Wheaton to the later reports of Howard, covering more than half a century, our laws have failed when the court found Congress doing things beyond constitutional limitations.

No, sir, I say, not only to the distinguished junior Senator from Indiana, The Congress has no "free hand." The people have a free hand. They can amend the Constitution; Congress can not. We can not even submit the proposition unless we have two-thirds of the Congress, and the people themselves can not amend without three-fourths of the States.

No free hand, Mr. President. We may coin money; we can provide for the punishment of counterfeiting, but that punishment must be a constitutional punishment. No free hand, Mr. President. We may declare war; there are no constitutional restrictions. We may appropriate money for our armies, but we can not make an appropriation for that purpose for a longer term than two years.

In other words, even in sustaining our Army in times of war the Constitution limits the time for which we may appropriate money. We may exercise exclusive legislation over the District of Columbia, but Congress has no free hand to make an unconstitutional law in this District. We may legislate as to habeas corpus, but we can not suspend it but in cases of rebellion, invasion, or for public safety. We may levy a direct tax, but it must be in proportion to the census. We may indulge in general legislation, either as the Congress for all the United States or as rules and regulations for territory, but we can not pass a bill of attainder nor an ex post facto law.

We may levy, as the Congress, an impost duty, if uniform, but we have not the power to levy an export duty. We may make laws to regulate commerce, but that free hand of regulating commerce is paralyzed if it should attempt to give preference to one State over that of another. If we legislate here for any part of our territory, if we attempt to make an impost duty for a State, whatever is raised must go to the Treasury of the United States, and it must be for the use of the Treasury of the United States, whereas this bill provides that not one dollar of this revenue goes to the Treasury of the United States, but goes to the President for the benefit of the Territory.

It has occurred to me in reading this section that the fathers had in mind the hypocrisy of England, which was so vividly set out by the distinguished senior Senator from Vermont [Mr. PROCTOR] in his deadly parallel, which, with his consent, I set out here:

> The bill "imposing duties on certain kinds of merchandise, when imported into the colonies, required the payment of such duties to be made in gold and silver, and ordered them to be paid into the exchequer, where, with the produce of all former parliamentary duties, they were to be set apart as a separate fund, to be applied under the disposition of Parliament for defraying the future charges of protecting, defending, and securing the colonies."
>
> Under our measures Porto Rico is to be taxed, and the island pays both ways on merchandise which they ship to or receive from this country, and we have provided that the amount heretofore or hereafter so received "shall be placed at the disposal of the President to be used for the government now existing or which may hereafter be established in Porto Rico, for the aid and relief of the people thereof, and for public education, public works, and other governmental and public purposes therein," until otherwise provided by law.

I set out with the consent of the distinguished Senator from Vermont the parallel, and I was surprised when the senior Senator from Wisconsin indulged in the serious talk here yesterday toward the distinguished Senator from Vermont. He says we are not King George; that King George when he taxed us without our consent was a monarch; but we are nice people; we are gentle people; we are Christians; we are college professors. The distinguished junior Senator from Indiana picked out the kind of men who are to go abroad and govern those people. Put it down on the platform there. He wears a Prince Albert coat and has an overtop education, with all the honesty that goes with Americanism; and after you have got his picture drawn let me tell you what Lincoln said about him. He said:

> You have an elegant man, but no man is good enough to govern another man without his consent.

So I say to the distinguished Senator from Wisconsin, when he talks about the Senator from Vermont for protesting against this duty that our fathers fought against, the distinguished Senator from Vermont undoubtedly had in his mind the doctrine of Lincoln, that no man, not even a man from the United States, is good enough to govern any man without his consent.

King George, as will be seen, proposed to make a special fund for the benefit of Porti America, but he was to decide in what way it was to be spent for our benefit, and in the adoption of our Constitution in 1787 our fathers did not fail to provide against the United States Congress indulging in the same hypocrisy that King George indulged in, for the only two places in the Constitution mentioning these duties prevents any such indulgence.

Section 8 of the first article provides that we can—

> Collect taxes, duties, imposts and excises—

For what purpose?

to pay the debts and provide for the common defense and welfare of the United States.

Not to be put in the hands of the President for the benefit of some people of the Territory. And section 10 of the same article, paragraph 2, which is the only other suggestion in the Constitution as to the raising of imports and exports—

Shall be for the use of the Treasury of the United States.

It may be that some of the fathers dreamed of government without the consent of the governed.

It may be that some of them dreamed that at the close of this century we would attempt taxation without representation and indulge in colonies or "insular possessions," which rolls more glibly under the tongue and does not have the twinge of royalty, and we can use it better among those from whom we seek suffrage in November. "Insular possessions" with governors to govern them without the consent of the people!

We are not bound by the Constitution when we do it. The Constitution says you can not make a title of nobility, but that only applies to the States, you understand. The distinguished junior Senator from New York [Mr. DEPEW] can be the Duke of Ponce and not violate the Constitution: the distinguished junior Senator from Indiana [Mr. BEVERIDGE] the Prince of Porto Rico, and the distinguished lawyer who has sought to defend this bill upon unconstitutional ground can at least demand the title of the Lord High Duke somewhere in the Philippines, who may sit in judgment upon the laws and upon the people. Does the Constitution say that you can not make a title of nobility? Yes. Does it go into the Territory? No. Then you can make titles of nobility there. God help the men in November who preach that doctrine.

I wish to print some remarks here in reply to the argument of the distinguished junior Senator from Indiana [Mr. BEVERIDGE], and I will say simply in conclusion of that branch of this argument that I will read from his own speech, in which he says Congress can not transgress these limitations or provisions any more than it can pass laws in any other manner except the one marked out in the Constitution.

It may be that some of the fathers dreamed that at the close of this century we would attempt taxation without representation and indulge in colonies or "insular possessions," as some of us like to call them, but they made up their mind to one thing when they framed this Constitution, that if we ever so far forgot the genius of Americanism as to tax colonies as King George taxed us, that we should be shorn, at least of the hypocrisy of the King, for they limited our power to levy impost taxes to uniformity throughout the United States and provided that every dollar of profit so made should go to the Treasury of the United States, and I challenge any man upon this floor, or elsewhere, to show any power in our hands to levy impost duties except in the manner I have stated.

The junior Senator from Indiana is a good lawyer; he knows as well as the rest of us that "power never limits itself," but that every man who exercises power is limited in the use of that power, and that under the genius of this Government there is no such thing as a free hand.

The citizen is supreme within his grant of powers of citizenship; the justice of the peace is supreme within the scope of his authority; the city council, the board of education, the county board, and the State legislatures are supreme while acting within the limits of their power; yet none of the legislative bodies mentioned could make a rule, regulation, or law conflicting with the constitution, of the State within which they are appointed or elected, nor in violation of the laws of the nation or the Constitution of the United States. Congress is supreme when acting within its limitations, but it has its limitations, as the city council or the justice's court has its limitations; and if there is one limitation that has been settled by one hundred years of constitutional construction it is that you can levy no impost duty that is not uniform, nor can you take one dollar of profit from an impost duty of any kind but it must go to the Treasury of the United States and for the use of the United States.

But the distinguished junior Senator from Indiana admits that even when the Congress of the United States is making "needful rules and regulations" it is bound by constitutional limitations.

I quote from him again what purports to be an exact extract from his speech, published in the Chicago Tribune:

This, the Senator contended, gave Congress practically a free hand in the matter in dispute, stating the limitations on its power to be as follows:

"Of course, Congress must exercise this power in the manner prescribed in the Constitution. The Constitution determines the method of Congressional action in exercising all its powers, and the Constitution fixes certain fundamental general limitations to and absolute general prohibitions on the power of Congress; and when Congress makes 'needful rules and regulations respecting territory and other property belonging to the United States,' it can not transgress these limitations or prohibitions any more than it can pass laws in any other manner except the one marked out in the Constitution."

Surely no other answer need be given to the Senator than his own admission which I have just quoted. But the distinguished Senator, after making this admission, appeals to our "institutional law," and says that—

It is our institutional law which, flowing like the vital blood through the weaker constitution, gives that weaker instrument vitality and power of development.

To what branch of the institutional law does he appeal when he asks for assistance to pass this bill which puts a tariff duty between people of the United States? Is there any better expression of "institutional" law than the Declaration of Independence? Is there a more stern and vigorous protest anywhere in the world against taxation without representation than in that Declaration of Independence?

He can not have forgotten the charges of bad government laid at the door of the King by our fathers. Hear this: "The history of our present King of Great Britain is the history of repeated injury and usurpation. He is guilty of 'cutting off our trade in all parts of the world.' He has 'imposed taxes on us without our consent.'"

Does he dare appeal to institutional law that is written in the Declaration of Independence and in the hearts of the people to induce us to support this bill, which cuts off and regulates the trade of Porto Rico between Porto Rico and the rest of the world and in the same bill taxes the people of Porto Rico "without their consent?"

Is it possible that a man learned in the law, as he is, can appeal to our protest against Great Britain as justification for pursuing the same course against Porto Rico as Great Britain pursued against us?

My colleague [Mr. CULLOM] yesterday said that the Constitution was not a strait-jacket. It is only a strait-jacket applied to those who suffer from the overdeveloped mania of unnatural expansion. It has to be applied sometimes to people and even to Congresses. The other wing of the eagle may flop in perfect harmony with this wing under the directions of a caucus, but there is supposed to be a lodgment where the brain of the eagle sits, about halfway between the two wings; and no law remains written upon the statute books of this country or ever received the sanction of the brain and the heart of the eagle that violated the fundamental doctrines, one of which is that when you levy an impost duty it must be uniform.

The junior Senator from Indiana appeals to the institutional law. It is not written in any special book. He does not give you any reference to any volume and page, but I know what he means. It is the genius of all the conduct of the past. It includes the Magna Charta, the Declaration of Independence. How dare he appeal to the Declaration of Independence when he asks me to violate the fundamental doctrine of uniform equality? What is the impost duty? You admit yourself it is a revenue tax, and you ask me to violate the Constitution and pass it regardless of its lack of uniformity, and then appeal to what? The institutional law, the Declaration of Independence. What does that document say? What is the protest of the fathers against King George? "You have quartered soldiers upon us against our will. You have stopped our trade with the rest of the world." You have "imposed taxes on us against our consent." That is the institutional law that we fought for. That is the institutional law you ask me to violate, and I am asked to vote for a law of impost duty that is not uniform!

No, Mr. President, the more you appeal to the institutional law of the land, that eternal law of right and justice which, like the Monroe doctrine, is not written in books, but printed in the hearts and in the brain of the people—I say, sir, the more you appeal to that higher law the more repugnant, impudent, and outrageous the present legislation appears. With our strong giant Republic—strong in arms and strong upon the sea—we may not fear the Boston tea party in the harbor of San Juan, but if this bill becomes a law we deserve to have it. Not an intelligent man in the island of Porto Rico but what demands and expects free commercial intercourse, unless it be some who have been browbeaten and made to understand that they must choose the alternative between 15 per cent and 100 per cent.

I stand here as a Republican, devoted to the cause of protection, to say I will fight a revenue tariff as long as I live, and I am for giving the labor of this country 100 per cent of protection against the people of any foreign country; but if they are our people, I can never vote to levy a restraint or tax upon the commerce between our own people.

The case of Fleming *vs.* Page has been cited here as justifying this bill. I respectfully submit that it is wholly inapplicable. During the Mexican war we took possession, as an act of war, of the port of Tampico, in the Mexican State of Tamaulipas. We held it as a war measure, to embarrass our enemy. We never claimed title to it by conquest or by treaty.

It never was, and is not now, a part of our territory. In the language of the syllabus of the case, it did not thereby become a part of the Union. The boundaries of the United States were not

extended by the conquest. It was therefore very properly held that it was a foreign port, within the meaning of the act of Congress of the 30th of July, 1846, and the duties were properly levied upon goods imported into the United States from Tampico.

Justice Taney held (I quote from page 615):

The country from which these goods were imported was invaded and subdued and occupied as the territory of a foreign hostile nation, as a portion of Mexico, and was held in possession in order to distress and harass the enemy. While it was occupied by our troops, they were in an enemy's country and not in their own. The inhabitants were still foes and enemies, and owed to the United States nothing more than temporary allegiance.

Is that the case in Porto Rico? Are they our foes? Do we occupy it as a foreign, hostile nation, as a portion of the country of some enemy? Are we not holding it now in possession by treaty? Are we holding it for the purpose of "distressing and harassing an enemy?" Have we not a complete title to sovereignty? And does not this very bill, which proposes to levy a tax upon the people there, attempt to fix for them a civil government?

Had Congress assumed any power at the port in question? It had not at that time, and never has; and Chief Justice Taney, on the same page which I have read from, says that—

The power of the President under which Tampico and the State of Tamaulipas were conquered and held in subjection was simply that of a military commander prosecuting a war waged against a public enemy.

When we pass this bill, a part of which is for revenue tariff levied with a lack of uniformity, and that bill goes to Porto Rico, is it still under military control, and do we hold it as the enemies of Porto Rico and they as ours? Oh, what construction! What devious paths are we driven to when we start on the wrong trail!

Are the Porto Ricans public enemies? Is this bill which we seek to pass here to be an act of Congress or an arbitrary military power of the Executive? Why, Mr. President, in that case, and I read from the opinion of the Chief Justice—

There was no act of Congress establishing a custom-house at Tampico; there was no collector. The person who acted in the character of collector acted as such under the authority of a military commander; and the duties he exacted and the regulations he adopted were not those prescribed by law, but by the President in his character as Commander in Chief.

Do we intend to establish such a custom-house in Porto Rico?

Again, Chief Justice Taney says:

The custom-house was established in an enemy's country as one of the weapons of war.

Is that the object of this bill? He says it was established—

as a measure of hostility and as a part of the military operations in Mexico.

Is this bill an act of hostility and so intended?

The Chief Justice says again:

It was a mode of exacting contributions from the enemy to support our Army, and intended also to cripple the resources of Mexico and make it feel the evils and burdens of the war.

Is that the object of the pending legislation?

Is that the object of this bill, to levy tribute upon enemies? If so, the case of Fleming *vs.* Page can apply, and if not it has no application here.

Again, the Chief Justice says:

The duties required to be paid were regulated with this view and were nothing more than contributions levied upon the enemy.

Are we in this bill seeking to levy contributions upon the enemy?

The Chief Justice says (page 618):

After it was subdued it was uniformly treated as an enemy's country and restored to the possession of the Mexican authorities when peace was concluded—

Whereas in the case of Porto Rico from the day that Miles landed we held it with the consent of the people; and, in the treaty of Paris, Spain, the previous sovereign, ceded its sovereignty to us.

It is a waste of words and a waste of time to reiterate again and again the language of Chief Justice Marshall, that that Territory is as much a part of the United States as Maryland or Pennsylvania and that the same reason exists for uniformity in impost duties there as exists anywhere in the United States.

The case of Brown *vs.* Houston (114 U. S., page 602) has also been cited. The opinion is by Justice Bradley. The suit was originally brought by plaintiff in error to enjoin Houston, a collector, from selling a lot of coal belonging to the plaintiff, situated in New Orleans. It was to be sold for local taxes. The court held that it did not involve the question of imports or exports at all.

It was coal carried from Pennsylvania to New Orleans, and the court reaffirmed the former opinion, that the imports and exports referred to in section 10 of Article I of the Constitution, which prohibits the States from levying duties, etc., has reference to goods brought from or carried to foreign countries alone, and not to goods transported from one State to another. Surely this will not be cited as an authority for levying impost duties when that question was not involved.

The same is practically true of the case of Woodruff *vs.* Parham (8 Wallace, page 123). This case was decided in 1870, ten or fifteen years before the case I have just cited, of Brown *vs.* Houston. Justice Miller delivered the opinion and held to be valid a uniform tax imposed by a State on all sales made in it; and also held that such tax was in no sense an import duty, and was not included in the constitutional limitation which prevented States from levying imposts, etc.

If this case decides anything further, it decides that, "the framers of the Constitution claiming for the General Government, as they did, all the duties on foreign goods imported into the country." Here is a clear statement from Justice Miller which proves true the contention I have been making—that whether these impost duties are to be levied by the United States for the general welfare or to be levied by a State, with the consent of Congress, it must all be levied uniformly and for the direct benefit of the United States; and then there is no power in any clause of the Constitution to levy an impost duty for the benefit of any State or Territory, whether it is an integral part of the United States or not.

The case of Brown *vs.* Maryland (12 Wheaton, 419), which has been cited by some one, as I understand it, favoring the levying of an impost duty against people in our own territory that is not uniform, was decided in 1827. Marshall was Chief Justice and delivered the opinion of the court. It is the first case decided by the Supreme Court that allows a general discussion of the powers of levying duties.

Brown, an importer, was indicted for failing to take out a license, which license was required by an act of the legislature of Maryland requiring all importers of foreign goods, etc., to pay the sum of $50. The court held that license fee was repugnant to section 10 of Article I of the Constitution, that no State shall, without the consent of Congress, lay any impost or duty, etc. He also held that it was repugnant to that part of the Constitution which declares that Congress shall have power to regulate commerce with foreign nations, between the States, and with the Indian tribes.

I will not detain the Senate by reading a part of this opinion, which is most interesting and instructive, but must say, in passing, that the reasons of the framers of the Constitution for putting all of the power of levying impost duties in Congress is most thoroughly explained, and the contention that I have been pleading for has been most thoroughly emphasized—that even this power which is delegated to Congress has all of the limitations prescribed by the Constitution.

I defy any man, I challenge any lawyer or any Senator, to find me one case, as I said before, from the days of Marshall to the present hour, where any majority or minority of a court have held that you could make an impost duty between the United States and any Territory owned by the United States and not be bound to make it uniform.

Mr. President, one word in reply to the legal argument of the senior Senator from Wisconsin [Mr. SPOONER]. No one who knows him doubts either his great ability or his sincerity; we honor him for both, and particularly do I honor him for his tolerant and respectful consideration of the opinions of others. His proposition in substance is, while he admits Loughborough *vs.* Blake, by Chief Justice Marshall, to be the law, yet, inasmuch as this bill does not levy an impost duty under Article I, section 8, of the Constitution, for the common defense and general welfare of the United States, that therefore it need not be uniform. This is indeed a startling proposition, that we may avoid the limitation of the organic grant of power by violating, in terms, the purposes for which the power is given, or by the violation of the purpose of the law be able to violate the manner in which the law shall operate.

We may levy imposts for "common defense and general welfare," and it must be uniform; but he says if you levy imposts to (as this bill says) "provide revenue for Porto Rico," then the impost need not be uniform. Thus are we to have an unconstitutional object in order to defeat the limitation of the Constitution.

I again desire to emphasize my former statement that this bill is unconstitutional in both its object and the manner of obtaining its object.

First. Congress had no power to levy impost duties until it received that power from the States.

Second. The State has no power to levy impost duties except by consent of Congress; and therefore,

Third. The only power in Congress to levy imposts, or in States, by consent of Congress, to levy imposts, is contained in section 8, Article I, and paragraph 2 of section 10, same article.

Fourth. The States having transferred that power to levy imposts for certain purposes and in a certain manner, there can be no implied grant giving to Congress the power to change either the purposes or manner of levy.

Fifth. The State reserves to itself all powers not granted by the Constitution.

Sixth. The States having yielded a part and reserved a part, both the States and the nation are bound by the limitations.

Seventh. In construing Article I we must construe each section of that article in connection with all other sections.

Reading the two sections of the same article together we find no inconsistency, no limiting or abridgment, of either one by the other. I read them together: Congress may levy imposts for common defense and general welfare of the United States. The States may levy imposts (Supreme Court says that means goods imported from a foreign state) providing Congress consents, for "what is absolutely necessary to carry out its inspection laws, but all impost laws must be uniform, and if levied by States with consent of Congress the net proceeds shall be for the use of the Treasury of the United States."

I will endeavor to finish in eight or ten minutes, and I want to call attention again to the startling proposition, the unheard-of proposition, that because you are levying an impost duty for a purpose not mentioned in the Constitution, then that constitutional limitation as to uniformity does not apply. I want to show you how the same doctrine would apply to some other branches of the Constitution. I say that you must read both those articles together.

Compare this bill with the Constitution. The Constitution says:

Congress shall have power to levy imposts to pay debts, etc., of the United States.

This bill proposes to levy imposts to raise revenue for Porto Rico. The Constitution says all imposts shall be uniform. This bill proposes to levy imposts that are not uniform. The Constitution says: The net produce of all imposts shall be to pay the debts of, provide for the common defense and general welfare of the United States, and shall be for the use of the Treasury of the United States.

This bill proposes to levy imposts, not one cent of which shall go to pay the debts of the United States or provide for the common defense or general welfare of the United States, and instead of saying, in the language of the Constitution, that it "shall be for the use of the Treasury of the United States," it provides—I quote its exact words:

SEC. 4. All duties collected hereunder "shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President, to be used"—

For what? To pay debts of the United States? No. To go for the common defense or general welfare of the United States? No. To be held "for the use of the Treasury of the United States?" No. But to be used—

for the government and benefit of Porto Rico.

Mr. President, I mean no disrespect to any of my colleagues, but if a commission should be appointed to provide some way to raise money unconstitutionally for an unconstitutional purpose, in some thoroughly unconstitutional method, the bill now before the Senate would be a great labor saver for such a commission.

Mr. President, I call the attention of the people who are voting for this bill to the fact that it is not a constitutional appropriation. I say there is no precedent for it, and it is at least unconstitutional in the manner of the appropriation. We appropriated the other day two million and some odd thousand dollars, but we appropriated the exact amount. When the President was left in charge of the Louisiana purchase, Congress appropriated first a million and a half dollars and then passed another appropriation setting aside so much as might be necessary for the purposes of the President. This bill here has no limit. There is no amount fixed in this bill. It is not an appropriation in contemplation of the Constitution, which says that no money shall be drawn from the Treasury but "by appropriations made by law."

No money shall be appropriated or drawn from the Treasury but in consequence of an appropriation made by law. Never before have you established a fund and appropriated it in advance. Never before have you delegated your legislative powers to a President to say how much shall go for one thing and how much for another, unless you had given him a lump sum. The distinguished chairman of the Committee on Appropriations will correct me if I am wrong. If I am wrong I want to be corrected. You can go on with the bill. I simply want to call attention to the fact that under the appropriation bill where we gave $50,000,000 for the war the amount was fixed.

The President disposed of it for the Army and the Navy. I do not raise a question as to the propriety of having the President use it. I simply say that never before has there been a new law of impost duties established and farmed out without fixing the amount of appropriation. This may amount to $200 or it may amount to $2,000,000 or $5,000,000. The President may appropriate every dollar for policemen or every dollar for a schoolhouse. The power of appropriating and fixing the amount for each item is left with the President, and the amount is left for the future and for fate to determine. No such delegation of legislative power has ever been indulged in by the Congress as to say that we will establish a new law.

Why, Mr. President, if you could do that you could pass a bill here to-morrow saying that all internal revenues collected hereafter shall not be deposited in the general fund of the Treasury, but in a special fund, to be used by the President of the United States for New England, New Jersey, or any other particular part of the country. You can say that the revenues collected under the impost duties should be deposited in a special fund to be used for some part of the United States or for the transportation of Bibles to the Timbuctoos. There is no such way for taking money from the Treasury. But gentlemen say it does not go to the Treasury. I say it does. It does not go to the general fund of the Treasury, but it goes into the pockets of Uncle Sam, and you can not take it out until you pass an appropriation by law. That is what this Constitution says. The Constitution also says that a law must be made by Congress. How much are you going to put into his hands. You do not know how much he will use for the Army or for the Navy or how much he will use for schoolhouses; how much for roads, or how much for books. You do not know. Remember, the Constitution says, "No money shall be drawn from the Treasury but in consequence of appropriations made by law;" and law means an appropriation by Congress. This is a diversion of a fund. It is just as much in the Treasury whether it is put in a special fund or whether it is put in a general fund.

I noticed, Mr. President, the uniformity with which the different members of the committee paid their respects to and caused the distinguished chairman of the committee, the Senator from Ohio [Mr. FORAKER], to blush every time. The members of his committee told him with what patriotism and bravery he had gone through this storm of making a new law; of the perfection of this bill, the child of his brain. Why, Mr. President, when this child was born it was twins. The distinguished Senator from Ohio brought forth a civil-government bill and a free-trade bill. They were Siamese twins. We had just christened one of them "Plain Duty," when it up and died. [Laughter.] We knew who killed him; but there is no official accountability for it. The author of "the heavenly twins" never knew his offspring from that hour. He had to be introduced to it (if you can call twins "it") every day; its hair, eyes, and complexion changed color daily, almost hourly. [Laughter.]

Seven wise men, doctors of harmony, cut the tissue that held the poor dead Duty—just Plain Duty—to the other one, the maternal heart was broken, and the blow "almost killed father." [Laughter.] He has rarely smiled since the House baby was grafted on in the place of Duty—just Plain Duty. In defense of the Senator from Ohio, I hope they will not lay it all to him. It is said that Charles Dickens cried when he wrote the last line of David Copperfield, he so hated to part with the child of his brain and fancy, and that he mourned for weeks over the death of his own Little Nell, but I imagine the junior Senator from Ohio could part with this little doublet without a heart throb or one drop of moisture in his eye. [Laughter.]

Mr. President, since "plain duty" has been severed from the Siamese twins, I can not vote for the bill. "The plain people," that Mr. Lincoln used to talk about—and we are called demagogues now when we talk about them, because all live men are politicians, and never become statesmen until they are dead [laughter]—the plain people will not stand this at all under any circumstances. We are scolded and browbeaten every time we talk about the Constitution, which we have sworn to support. Why, if the contention claimed for is true, let me show you what we could do as a Congress. I have not time to show you half we could do if we started out to do it. First, of course, imposts and duties do not have to be uniform in the Territories. It follows, therefore, that excise duties do not have to be uniform in the Territories. We could put a dollar tax on a gallon of whisky in Iowa, $2 in Porto Rico, and 30 cents in the Philippine Islands; and thus the law of equality or uniformity that the fathers pleaded for is gone like a tale that is told.

When the Virginia legislature first wrote a resolution pleading that we come together, what was their prayer? What was the object of the Constitution? To see how far the trade of the United States should be extended, to consider how far a uniform system in our commercial relations should be necessary to their common interest and their permanent harmony. The first gathering together in the evolution of nations when we had reached a point where we could stand against the world, the first thought of protection was that we should have uniformity; that by our first organic law we would protest against the infamy of kings; that hereafter the tax on tea, if necessary, should be levied under a law applying equally to all.

If this contention is true, then we can establish a uniform rule of naturalization that does not apply to the Territories. We can let a man vote there or not, or we can stop him on account of color or previous condition of servitude. We can coin money, regulate weights and measures, and we can make one weight and measure for Alaska and another for Porto Rico; we can provide for the punishment of counterfeiting, and yet take a man's life without trial by jury if he happens to counterfeit in Porto Rico. You may issue patents—one kind of patents in Illinois and another in

the Territories. It says here that you can levy no export duty; and yet we are doing it in this bill. The plain language of the Constitution—which no one has thought to defend who presses this bill upon us as a party measure—the plain imposition of the Constitution that no export duty shall be charged, charges me 15 per cent on what I send from Chicago to Porto Rico and no per cent on what I send anywhere else, because there is no export duty under the Dingley law. We obeyed the Constitution when we made the Dingley law. What is to prevent us from doing it now?

"No preference shall be given in the regulation of commerce or revenue." That does not apply to these poor devils that we are talking about. It says also—and this is what pleases me and makes me feel happy—that "no title of nobility shall be granted by the United States."

I have been looking forward to the time when some imperial titles of nobility would be given to my colleagues. For days and weeks and months they have studied everything from the Spanish language to the pronunciation of "insular possessions." [Laughter.] The fathers said you can give no title of nobility; but this bill says, and the defenders of it—they do not all say it, because there is a difference of opinion even upon that; but the most of them who talk about it say that we have a free hand in legislation in the colonies—oh, I beg your pardon—"in our insular possessions" [laughter]—and we can grant titles of nobility there, though we can not in Iowa or Illinois. Oh, no, Mr. President; that will not do.

I have taken too much time. As I said before, the plain people will not stand it. God help the man who takes to the people in November, and asks for an indorsement or a return to a seat here or at the other end of the Capitol, the proposition that we can make anything but uniform laws; that the Constitution is locked up within the Union of the States, and that we can go to Porto Rico, as we do in this bill, and govern the people there and make them swear to support the Constitution, and then not give them the blessings of the thing they support—that is, they are to have the responsibilities and duties without its glorious advantages. That will not do.

We have gone on until the Filipino pot has turned so black that we dare not even mention the kettle in South Africa, and when we speak of the Constitution or the Declaration of Independence our colleagues and the press announce that there is treason abroad.

Mr. President, I will go back to my constituents with this instrument. It is old-fashioned. Whatever may have been my shortcomings, I have been independent enough to demand liberty for myself, and just enough to hope for it for others. I remember that I took an oath to support this Constitution. I will go back to my constituents and say: "Popular or unpopular, imperial or otherwise, believing in equality before the law, I have never voted for a tax upon the people that is not uniform, and have, with the best light that God has given me, kept the faith, and have not abandoned the precepts of the fathers." [Applause in the galleries.]

Mr. CULBERSON. Mr. President, speaking in general terms, the bill under consideration provides, among other things, that tariff duties at 15 per cent of those fixed by the Dingley Act shall be levied upon all articles imported into the United States from Porto Rico and upon all articles imported into Porto Rico from the United States. In my judgment these duties are indefensible upon moral, economic, and constitutional grounds; and while my views are well defined and fixed, they will be presented with that respect and deference which the circumstances and the occasion naturally suggest.

The distinguished Senator from Ohio [Mr. FORAKER] who has charge of this measure has stated several times during this debate, which he has conducted with marked courtesy and ability, that the doctrine that the Constitution extends over the Territories was invented by Mr. Calhoun in 1849-50 in the interest of human slavery. That statement, Mr. President, has been reiterated by the Senator from New York [Mr. DEPEW], the Senator from Indiana [Mr. BEVERIDGE], and the Senator from Wisconsin [Mr. SPOONER] with something of an appeal to the prejudices and passions of the unhappy days of negro servitude.

It is to be regretted that this vexed question should have been drawn into this controversy, as the tendency will be to prevent dispassionate consideration; but it is such a grave historical misstatement that it must not go unchallenged and unrefuted. The Constitution itself, properly understood and interpreted, is the true origin of the doctrine, and among public men it was first announced in 1805 by Mr. Jefferson, not in the interest of human slavery, to which he was opposed, but in furtherance of religious freedom.

In 1809 it was declared in its true breadth and fullness by Mr. Madison, the author of the Constitution; and in 1820 by the Supreme Court of the United States, speaking through Chief Justice Marshall, in the celebrated case of Loughborough *vs.* Blake, 5 Wheaton. Later on, if I have an opportunity, this opinion of the Chief Justice will be adverted to more fully; but it occurs to me to be appropriate at this time to read what Mr. Jefferson and Mr. Madison said upon the subject.

In the second inaugural address of President Jefferson he used this language, speaking of the inhabitants of the Territory of Louisiana:

> In matters of religion I have considered that its free exercise is placed by the Constitution independent of the powers of the General Government. I have, therefore, undertaken on no occasion to prescribe the religious exercise suited to it, but have left them as the Constitution found them—under the direction and discipline of the church or state authorities acknowledged by the several religious societies.

In 1809, as I have stated, President Madison addressed a letter to the representatives of the Mississippi Territory, in which this language was used:

> The Constitution of the United States is well entitled to the high character you assign to it. It is among the proofs of its merit that it is capable of inspiring with admiration and attachment the most distant members of the comprehensive family *over whom its guardianship extends*. And it is equally honorable to their enlarged patriotism to cherish those sentiments, whilst the immaturity of their situation suspends a part of the advantages common to their fellow-citizens of the older communities.

In 1847 President Polk, speaking of the Territory of Oregon, which came to us by right of discovery, declared that the Constitution extended over it in this language:

> The attention of Congress was invited at their last and the preceding session to the importance of establishing a Territorial government over our possessions in Oregon, and it is to be regretted that there was no legislation on the subject. Our citizens who inhabit that distant region of country are still left without the protection of our laws, or any regularly organized government.
>
> Before the question of limits and boundaries of the Territory of Oregon was definitely settled, from the necessity of their condition the inhabitants had established a temporary government of their own. Besides the want of legal authority for continuing such a government, it is wholly inadequate to protect them in their rights of person and property or to secure to them the enjoyment of the privileges of other citizens, *to which they are entitled under the Constitution of the United States*. They should have the right of suffrage, be represented in a Territorial legislature and by a Delegate in Congress, and possess all the rights and privileges which citizens of other portions of the Territories of the United States have heretofore enjoyed or may now enjoy.

In 1848, in his fourth annual message to Congress, President Polk declared that the Constitution of the United States extended over the Territory of California, saying:

> Upon the exchange of ratifications of the treaty of peace with Mexico, on the 30th of May last, the temporary governments which had been established over New Mexico and California by our military and naval commanders by virtue of the rights of war ceased to derive any obligatory force from that source of authority, and having been ceded to the United States, all government and control over them under the authority of Mexico had ceased to exist.
>
> Impressed with the necessity of establishing Territorial governments over them, I recommended the subject to the favorable consideration of Congress in my message communicating the ratified treaty of peace, on the 6th of July last, and invoked their action at that session. Congress adjourned without making any provision for their government. The inhabitants by the transfer of their country had become *entitled to the benefit of our laws and Constitution*, and yet were left without any regularly organized government. Since that time the very limited power possessed by the Executive has been exercised to preserve and protect them from inevitable consequences of a state of anarchy.

Mr. President, this is not all. This doctrine was not only announced, as I have indicated, by eminent men of the Democratic persuasion, long before the time to which the Senator from Ohio referred, but, sir, every political party established in the United States which advocated the abolition of slavery declared by their platforms that appropriate provisions of the Constitution of the United States extended over the Territories. It was not until this question arose here quite recently that the Republican party assumed a different position upon it.

I beg to call the attention of the Senate to proof of the assertion which I make, that all political parties established in the United States which advocated the abolition of slavery, including the Republican party, announced the doctrine that appropriate provisions of the Constitution extended to the Territories.

In 1844 the Liberty Convention declared—

> That the fundamental truths of the Declaration of Independence, that all men are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness, was made the fundamental law of our National Government by that amendment of the Constitution which declares that no person shall be deprived of life, liberty, or property without due process of law.
>
> * * * * * * *
>
> That the General Government has, under the Constitution, no power to establish or continue slavery anywhere, and therefore that all treaties and acts of Congress establishing, continuing, or favoring slavery in the District of Columbia, in the Territory of Florida, or on the high seas are unconstitutional, and all attempts to hold men as property within the limits of exclusive national jurisdiction ought to be prohibited by law.

In 1848 the Free Soil convention declared:

> That our fathers ordained the Constitution of the United States in order, among other great national objects, to establish justice, promote the general welfare, and secure the blessings of liberty; but expressly deny to the Federal Government, which they created, a constitutional power to deprive any person of life, liberty, or property without due legal process.
>
> That in the judgment of this convention Congress has no more power to make a slave than to make a king; no more power to institute or establish slavery than to institute or establish a monarchy; no such power can be

found among those specifically conferred by the Constitution or derived by just implication from them.

That it is the duty of the Federal Government to relieve itself from all responsibility for the existence or continuance of slavery wherever the Government possesses constitutional power to legislate on that subject, and it is thus responsible for its existence.

That the true and, in the judgment of this convention, the only safe means of preventing the extension of slavery into territory now free is to prohibit its extension in all such territory by an act of Congress.

In 1852 the Free Soil convention, which nominated Hale and Julian, declared:

That governments deriving their just powers from the consent of the governed are instituted among men to secure to all those inalienable rights of life, liberty, and the pursuit of happiness with which they are endowed by their Creator, and of which none can be deprived by valid legislation, except for crime.

* * * * * * *

That the Constitution of the United States, ordained to form a more perfect Union, to establish justice, and secure the blessings of liberty, expressly denies to the General Government all power to deprive any person of life, liberty, or property without due process of law; and therefore the Government having no more power to make a slave than to make a king, and no more power to establish slavery than to establish a monarchy, should at once proceed to relieve itself from all responsibility for the existence of slavery wherever it possesses constitutional power to legislate for its existence.

That to the persevering and importunate demands of the slave power for more slave States, new slave Territories, and the nationalization of slavery, our distinct and final answer is: No more slave States, no slave Territory, no nationalized slavery, and no national legislation for the extradition of slaves.

On yesterday the senior Senator from Illinois [Mr. CULLOM] read, in support of the proposition that the Constitution does not apply to the Territories, one of the planks of the Republican platform adopted in 1856, but, like the argument which has been made on the other side of the Chamber from some of the decisions of the Supreme Court, he fails to read all that was said upon the subject. Another plank of that platform, which he did not read, I beg to call to the attention of the Senate:

Resolved, That, with our republican fathers, we hold it to be a self-evident truth that all men are endowed with the inalienable rights to life, liberty, and the pursuit of happiness, and that the primary object and ulterior design of our Federal Government were to secure these rights to all persons within its exclusive jurisdiction; that, as our Republican fathers, when they had abolished slavery in all our national territory, ordained that no person should be deprived of life, liberty, or property without due process of law, it becomes our duty to maintain this provision of the Constitution against all attempts to violate it for the purpose of establishing slavery in the United States by positive legislation prohibiting its existence or extension therein; that we deny the authority of Congress, of a Territorial legislature, of any individual or association of individuals, to *give legal existence to slavery in any Territory of the United States while the present Constitution shall be maintained*.

Mr. President, I now come to the Republican platform of 1860, which Mr. Lincoln expressly approved in his letter of acceptance, and I call the attention of the Senate to the explicit declaration that the fifth amendment to the Constitution of the United States applies to the Territories, and, consequently, that Congress could not establish slavery there.

That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution, "That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed" is essential to the preservation of our republican institutions; and that the Federal Constitution, the rights of the States, and the Union of the States must and shall be preserved.

* * * * * * *

That the new dogma, that the Constitution of its own force carries slavery into any or all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency and subversive of the peace and harmony of the country.

Bear in mind, now, Mr. President, the eighth declaration of the convention that nominated Mr. Lincoln for President:

That the normal condition of all the territory of the United States is that of freedom; that as our republican fathers, when they had abolished slavery in all our national territory, ordained that "no person should be deprived of life, liberty, or property without due process of law," it becomes our duty by legislation, whenever such legislation is necessary, to maintain *this provision of the Constitution against all attempts to violate it;* and we deny the authority of Congress, of a Territorial legislature, or of any individuals to give legal existence to slavery in any Territory of the United States.

So it seems, as I insisted upon at the outset, that every political party which was organized in the United States in favor of the abolition of slavery declared that the fifth amendment of the Constitution extended of its own force to the Territories and was operative there, and that Congress could not establish slavery in the Territories because of the Constitution. No act of Congress pretended to extend the Constitution to any Territory until 1850.

I do not know whether it is wise in these days to quote from Mr. Lincoln, but I beg to call the attention of the Senate, nevertheless, to his declarations that the Constitution of the United States extended not only to the Territories but to the District of Columbia as well. I read from the first volume of the Speeches, Letters, and State Papers of Abraham Lincoln, compiled by Nicolay and Hay, page 416:

Now, I propose to show, in the teeth of Judge Douglas's ridicule, that such a decision does logically and necessarily follow the Dred Scott decision. In that case the court holds that Congress can legislate for the Territories in some respects, and in others it can not; that it can not prohibit slavery in the Territories, because to do so would infringe the "right of property" guaranteed to the citizens by the fifth amendment to the Constitution, which provides that "no person shall be deprived of life, liberty, or property without due process of law." Unquestionably there is such a guaranty in the Constitution, whether or not the court rightfully apply it in this case.

I propose to show, beyond the power of quibble, that that guaranty applies with all the force, if not more, to States that it does to Territories. The answers to two questions fix the whole thing. To whom is this guaranty given, and against whom does it protect those to whom it is given? The guaranty makes no distinction between persons in the States and those in the Territories. It is given to persons in the States certainly as much as, if not more than, to those in the Territories. "No person," under the shadow of the Constitution, "shall be deprived of life, liberty, or property without due process of law. Against whom does this guaranty protect the rights of property? Not against Congress alone, but against the world; against State constitutions and laws, as well as against acts of Congress."

Mr. President [after a pause and noting loud talking in rear of the seats on the Republican side of the Chamber], it is well that the new leader of the Republican party declines to listen to the words of Abraham Lincoln.

On February 27 and 28, 1861, after Mr. Lincoln reached Washington, preparatory to his inauguration as President, he delivered two short addresses, one in reply to the mayor and board of aldermen, and the other in response to a serenade. In the first he declared:

I have not now any purpose to withhold from you any of the benefits of the Constitution, under any circumstances, that I would not feel myself constrained to withhold from my own neighbors.

In the second he said:

I hope that if things shall go along as prosperously as I believe we all desire they may, I may have it in my power to remove something of this misunderstanding; that I may be enabled to convince you and the people of your section of the country that we regard you as in all things our equals, and in all things entitled to the same respect and the same treatment that we claim for ourselves; that we are in no wise disposed, if it were in our power, to oppress you, or deprive you of any of your rights under the Constitution of the United States, or even narrowly to split hairs with you in regard to these rights, but are determined to give you, as far as lies in our hands, all your rights under the Constitution—not grudgingly, but fully and fairly. I hope that, by thus dealing with you, we will become better acquainted, and be better friends.

It was not until 1871 that an act of Congress purported to extend the Constitution over the District of Columbia, and it thus appears that ten years prior to this the illustrious leader of the Republican party maintained that it was as effective there as in Illinois.

Attention has been called in this debate to internal taxes levied in Alaska by Congress. When the same question shall be presented respecting Porto Rico, it will be squarely met, and it is sufficient now to say that under the Constitution both direct and indirect taxes may be levied in Alaska without being uniform throughout the United States. The question here is whether import duties shall be uniform; and the record of the Republican party was completed in 1868 in favor of the extension of the Constitution of its own force to the Territories when the Administration declared in the following orders that Alaska was entitled to free trade after the ratification of the treaty with Russia by which it was annexed to the United States:

FURS FROM ALASKA VIA HAWAIIAN ISLANDS IN AMERICAN VESSELS FREE.

Furs brought from the Hawaiian Islands in American vessels, certified by a resident United States consul as products of Alaska, procured by American whaling vessels in Alaska, the landing of which was a mere incident in the transportation to the United States, are admitted to entry free of duty.—*Circular to Collectors*, March 5, 1868.

SITKA, MERCHANDISE FROM, SHIPPED AFTER RATIFICATION OF THE TREATY ENTITLED TO FREE ENTRY.

Merchandise (oil) shipped from Alaska after the ratification of the treaty with the United States, June 20, 1867, is entitled to entry free of duty.—*Letter to Collector at New York*, April 6, 1868.

Ah, Mr. President, what a change, what a marvelous, what an ominous change! The Republican party in its youth, dedicated to manhood liberties, and under the leadership of Lincoln, would extend the power of Congress to the Territories accompanied by the Constitution, in order to liberate a race. The Republican party of to-day, dedicated to commercial greed, and under the leadership of the junior Senator from Ohio [Mr. HANNA], would carry the power of Congress to the Territories unaccompanied by the Constitution, in order to accomplish the industrial enslavement of a people struggling to be free.

Coming to the bill itself, it would be particularly unfortunate if, at the outset of our relation to this island, in imposing tariff duties, we should, in the judgment of the Secretary of War, the President, and millions of their countrymen, discredit the public faith and violate our plain duty as a people. We engaged in war with Spain upon high grounds of human sympathy and national obligation, and our conduct should not be tarnished by so credible and so grave an accusation. Now that we are to deal directly with a people for whose kindred near by we went to battle, our course should be above suspicion, for it is especially incumbent upon a great nation, in dealing with a weak and dependent country, to place its action upon such generous and magnanimous lines as to disarm criticism and leave no possible stain upon its character or its honor. To impose duties upon the trade between Porto Rico

and the United States would also, in my judgment, in an economic sense, be detrimental to the best interests of both countries.

The objection to the imposition of such duties which I desire to urge particularly, however, is that Congress is without authority under the Constitution to impose them. It is not my purpose to discuss the broad question of the power of the United States to acquire territory or the limitations upon that power. Nor do I intend to debate now the full extent of the application of the Constitution to acquired territory previous to statehood.

It has been asserted by some that the Constitution does not of its own force extend over the Territories, and by others that it does extend over them. Very probably, Mr. President, these general assertions in many instances were not intended to express fully the opinions of the speakers; but, however that may be, both propositions are in my opinion inaccurate and unsound. Manifestly there are provisions of the Constitution which do not extend to the Territories—such, for instance, as those relating to the election of members of this body, for the Territories are not entitled to representation here; and there are provisions which do apply—such, for instance, as those which authorize the acquisition, disposition, and government of the Territories, for these involve their very origin and existence.

Some provisions applying and others not, the true inquiry in each case of proposed legislation is whether there are appropriate provisions which are operative. As Porto Rico has been annexed as territory of the United States, whatever may be said of many of the provisions of the Constitution, those unquestionably apply to this bill which relate to taxes, duties, imposts, and excises.

There are three provisions of the Constitution which it is proper to consider in determining this question. First, no tax or duty shall be laid on articles exported from any State; second, Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and, third, Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States, but all duties, imposts, and excises shall be uniform throughout the United States.

A majority of the committee which reported this measure take the position that in legislating for the Territories Congress is not governed or restricted by any of the guaranties or prohibitions in the Constitution. Those of us who disagree with that contention believe that when Congress legislates respecting the Territories it is bound to observe the guaranties of personal rights as well as other limitations upon Congressional power contained in the organic law.

Mr. President, I do not believe that the provision of this bill which authorizes the collection of import duties in this country on goods from Porto Rico is drawn under or is germane to the Territorial clause of the Constitution. It is in that guise, but it is, nevertheless, in evasion of the Constitution. The tax is levied by the United States; it is levied for the United States; it is levied and collected in the United States; it is levied upon citizens and importers of the United States, and it is finally paid in whole or in part by consumers in the United States.

The United States are as clearly responsible for the expenses of government in Porto Rico as for the expenses of the Federal Government in any State of the Union, and when a tax is levied upon imports coming from Porto Rico into the United States Congress is proceeding, not under the Territorial clause of the Constitution, but under the taxing clause, to levy taxes to raise revenue to support the Government of the United States. That the duties are to be applied exclusively to the payment of expenditures in Porto Rico is only a remote incident, the primary consideration being that they are for the use of the United States, levied and collected as stated. But admitting, for the sake of argument, that this provision of the pending bill is under the Territorial clause of the Constitution, it is in violation of that instrument, because under such circumstances Congress is limited by the taxing clause, and it is admitted that the duties are not uniform, either geographically or in the sense of equality.

When we turn to an intrinsic consideration of the proposition that the power of Congress over the Territories is unlimited, the first thought is that it is fraught with danger and is contrary to the form and genius of our Government. The Territorial limits, always considerable if not great, now embrace thousands of square miles, countless property values, and probably 15,000,000 of people, far in excess of those of the original thirteen States when the Constitution was formed. To commit these vast interests, pregnant with life and liberty and property to a partisan majority in Congress, unrestrained by constitutional limitations, bound only by convenient and serviceable political platitudes, would in the light of history invite profligacy, corruption, and oppression.

The world, sir, has known many forms of government. There have been despotisms; there have been aristocracies; there have been monarchies, absolute and limited; there have been pure and representative democracies. The marvel of government which we have presented to mankind is not only a representative democracy, but one whose distinguishing characteristic is a written Constitution, with delegated powers, clearly defined and limited. Beyond all other forms of government it has restrained excesses and preserved liberty. This bill is an insidious attack upon it, not only its outward form but its genius and its soul, and if passed will be a dangerous stride toward arbitrary and despotic power.

This, sir, is not the creation of partisan enthusiasm or the specter of an alarmist. It is the logical result of the principles and policies underlying this measure, the certain effect of unbridled legislative power. Already the skirmish line of the imperial forces has been thrown forward. The junior Senator from Massachusetts [Mr. LODGE] has qualified the Declaration of Independence with what Lincoln called the argument of kings.

The junior Senator from Indiana [Mr. BEVERIDGE] only a few days ago declared in effect that our Constitution, consecrated by time, by sacrifice, and by blood, was unsuited to the new policies and the new career upon which we are entering, and that the unwritten constitution of the aristocracy of England was preferable to the written constitution of the democracy of France. For myself, leaning upon the sure foundations of freedom, I pray God the time may never come when Congress or any governmental agency will have unlimited power over the life or liberty or property of the humblest man who lives beneath the flag.

A limited government with unlimited powers is a constitutional absurdity. Argument upon a proposition so manifest should not be necessary, but in an another view of the Constitution the contention of unrestricted authority in Congress over the Territories is inherently and radically unsound. The Constitution was intended by the framers, in its conception and by its terms, as an orderly, proportioned, and symmetrical system of Federal government.

The plan contemplated that all of its parts should stand in any given case, and to avoid detail and repetition each of the divisions of government was made harmonious and consonant with all others. The inhibitive provisions leveled at Federal authority extend to its action whatever the occasion or whatever the agency through which it should attempt to exert itself. All of the provisions of the great instrument are interdependent and interwoven as component parts of the same comprehensive and splendid scheme.

The cardinal rule of constitutional interpretation is that, if possible, every clause shall be given effect. But what will be the result if we adopt the logic and the reasoning of the committee? Only the particular clause invoked in any given case will be effective, notwithstanding the manner of its exercise may contravene others, which logically pursued would practically destroy all restraints upon Congressional action and change the Government from one of limited to one of unlimited powers.

It is true there is no limitation upon the authority of Congress to legislate respecting the Territories in that particular section of the Constitution, but the limitation is elsewhere in that instrument, either in methods prescribed for legislating upon subjects which may be included in that in reference to Territories, such as taxation, or in express prohibition upon Federal action in any case, such as the establishment of religion. While Congress is empowered to legislate for the Territories, yet, if in so doing it becomes necessary to enter upon specific subjects of legislation which are regulated or controlled by the Constitution, its provisions must be respected and observed, not only upon grounds already stated, but also because particular provisions control and limit those of a general character.

The power over the Territories is not broader than that over many other subjects. Congress has power to regulate commerce, borrow money, establish post-offices and post-roads, declare and wage war, raise and support armies, provide and maintain a navy, and there is no limitation immediately associated with either of these grants of power. Will it be insisted that in exercising any of these powers the limitations in reference to taxation may be violated?

It can not be contended that the power of Congress "to exercise exclusive legislation in all cases whatsoever" over the District of Columbia is less circumscribed than that over the Territories, and yet eighty years ago it was settled by the Supreme Court of the United States (Loughborough *vs.* Blake, 5 Wheaton, 317) that the limitations of the taxing power applied to legislation for the District of Columbia, and it is equally well settled by the same authority (Callan *vs.* Wilson, 127 U. S., 550) that the constitutional guaranties in criminal proceedings are secured to the people of that District.

Both as an original proposition and upon judicial decision the phrase "throughout the United States" in the taxing clause of the Constitution embraces the Territories, and consequently import duties imposed within or respecting them must be uniform with

those imposed within or respecting the States. "Throughout the United States" is obviously used in the sense of extent or dominion as contradistinguished from the idea of political entity, and was intended to embrace the area over which the jurisdiction and sovereignty of the United States extends.

At the time the Constitution was framed the United States possessed the greater part of the vast territory north of the Ohio River. It was inhabited by an intelligent and sturdy population, jealous of their rights and privileges. In the celebrated ordinance which provided a government for this territory it was declared that—

> The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts contracted or to be contracted and a proportional part of the expenses of government, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other States, and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the districts or new States as in the original States—

And that—

> the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free as well to the inhabitants of the said territory as to the citizens of the United States and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

This ordinance was adopted July 13, 1787, and the Constitution was signed September 17, 1787.

It is a well-known historical fact that the ordinance was brought to the attention of members of the Constitutional Convention during its deliberations, and it is not to be presumed, in view of the great difficulty involved in the adjustment of the ownership and future government of this Territory, that the convention intended to subject it and the inhabitants to a rule of taxation different from the States and at variance with this ordinance. This conclusion is greatly strengthened by the act of Congress approved August 7, 1789, which, making no changes in the ordinance as to taxation, declared that the act was passed so as to adapt the ordinance "to the present Constitution of the United States."

In harmony with this view, Chief Justice Marshall said, in Loughborough *vs.* Blake (5 Wheaton, 319):

> The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

In another well-known case decided subsequently to the preceding, and which has never been reversed or modified, the Supreme Court of the United States held that import duties must be uniform over the States and Territories. On May 30, 1848, ratifications of the treaty of peace between the United States and Mexico were exchanged, by which California was annexed. On October 7, 1848, James Buchanan, Secretary of State, in written instructions to an agent of the United States in California, said:

> The President congratulates the citizens of California on the annexation of their fine province to the United States. On the 30th May, 1848, the day on which the ratifications of our late treaty with Mexico were exchanged, California finally became an integral part of this great and glorious Republic.
>
> * * * * * * *
>
> But, above all, the Constitution of the United States, the safeguard of all our civil rights, was extended over California on the 30th May, 1848, the day on which our late treaty with Mexico was finally consummated. From that day its inhabitants became entitled to all the blessings and benefits resulting from the best form of civil government ever established among men.

On the same day Robert J. Walker, Secretary of the Treasury, issued the following instructions to customs officers:

> TREASURY DEPARTMENT, *October 7, 1848.*
>
> On the 30th of May last, upon the exchange of ratifications of our treaty with Mexico, California became a part of the American Union, in consequence of which various questions have been presented by merchants and collectors for the decision of this Department.
>
> By the Constitution of the United States it is declared that "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." By the treaty with Mexico, California is annexed to this Republic, and the Constitution of the United States is extended over that territory and is in full force throughout its limits. Congress also, by several enactments subsequent to the ratification of the treaty, have distinctly recognized California as a part of the Union, and have extended over it, in several important particulars, the laws of the United States.
>
> Under these circumstances, the following instructions are issued by this Department:
>
> First. All articles of the growth, produce, or manufacture of California, shipped therefrom at any time since the 30th May last, are entitled to admission free of duty into all ports of the United States.
>
> Second. All articles of the growth, produce, or manufacture of the United States are entitled to admission free of duty into California, as are also all foreign goods which are exempt from duty by the laws of Congress, or on which goods the duties prescribed by those laws have been paid to any collector of the United States previous to their introduction into California.
>
> Third. Although the Constitution of the United States extends to California, and Congress have recognized it by law as a part of the Union, and legislated for it as such, yet it is not brought by law within the limits of any collection district, nor has Congress authorized the appointment of any officers to collect the revenue accruing on the import of foreign dutiable goods into that Territory. Under these circumstances, although this Department may be unable to collect the duties accruing on importations from foreign countries into California, yet, if foreign dutiable goods should be introduced there, and shipped thence to any port or place of the United States, they will be subject to duty, as also to all the penalties prescribed by law when such importation is attempted without the payment of duties.

The PRESIDENT pro tempore. The Senator from Texas will suspend one moment. Under the unanimous-consent agreement the speeches from 2 o'clock until 4 will be limited to fifteen minutes each. The Chair recognizes the Senator from Texas.

Mr. BERRY. I ask unanimous consent that the Senator from Texas be permitted to conclude his remarks.

Mr. CULLOM. He can conclude in fifteen minutes, can he not?

Mr. BERRY. He may not be able to conclude in fifteen minutes.

Mr. CULBERSON. I think so.

The PRESIDENT pro tempore. The Senator from Arkansas asks that the Senator from Texas be permitted to conclude.

Mr. FORAKER. Let us wait and, when a quarter after 2 is reached, see what the situation is.

The PRESIDENT pro tempore. The Senator from Texas will proceed.

Mr. CULBERSON. During the progress of the Mexican war President Polk, in 1847, imposed a war tariff in California. On February 3, 1848, the treaty of peace was concluded; May 30, 1848, ratifications were exchanged; August 9, 1848, as soon as he was notified of the exchange of ratifications, the military governor of California substituted the tariff of 1846 for the war tariff; September 3, 1848, Harrison, a civilian, was appointed collector of San Francisco by the governor; March 3, 1849, San Francisco was included in a collection district, and on November 13, 1849, Collier was appointed collector by President Polk. Tariff duties were paid by Cross and others between February 3, 1848, and November 13, 1849, at war rates, until the fall of 1848, and afterwards under the act of 1846. Upon these facts suit was instituted by Cross and others to recover the duties paid by them, and, in finally determining the case, the Supreme Court held:

1. Until the date of the exchange of ratifications of the treaty, the duties were lawfully collected under the war or belligerent power.

2. The imposition of the duties provided by the tariff of 1846, after the exchange of ratifications was lawful and constitutional.

3. By the exchange of ratifications California became a part of the United States and was instantly bound by the tariff laws of the United States.

4. By the exchange of ratifications of the treaty the Constitution was extended over California without Congressional action and the provision of the Constitution as to the uniformity of import duties applied to California.

This case (Cross *vs.* Harrison, 16 Howard, 164) conclusively settles the question, and consequently efforts have been made to qualify it by insisting in effect that the tariff of 1846 was put in operation by the President under the war power. That President Polk did not so understand it appears from his message, from which I heretofore quoted, in which he said that the temporary governments established by the military commander "by virtue of the rights of war, ceased to derive any obligatory force from that source of authority" after the exchange of ratifications of the treaty, and that his subsequent action was under "the very limited power possessed by the Executive," evidently referring to his authority to see that the civil laws were executed under the embarrassing conditions.

It is too significant to be misunderstood or disregarded that after final ratification of the treaty the civil tariff was put in operation and a civil officer was made collector. This action of the President was declared by the court to be—

> a rightful and correct recognition under all the circumstances; and when we say rightful we mean that it was constitutional, although Congress had not passed an act to extend the collection of tonnage and import duties to the ports of California.

That by the exchange of ratifications of the treaty California became a part of the United States, over which the Constitution and laws became instantly operative, without an express act of Congress, is thus pointedly and emphatically decided by the court:

> By the ratifications of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, *it became instantly bound and privileged by the laws which Congress had passed to raise a revenue from duties on imports and tonnage.* It was bound by the eighteenth section of the act of 2d of March, 1799. The fair interpretation of the second member of the first sentence of that section is that ships coming from foreign ports into the United States were not to be permitted to land any part of their cargoes in any other than in a port of delivery, confined then to the ports mentioned in the act; afterwards applicable to all other places which might be made ports of entry and delivery, and excluding all right to unlade in any part of the United States which had not been made a collection district, with ports of entry or delivery. The ninety-second section of that act had four objects in view:
>
> First, to exclude foreign goods subject to the payment of duties from being brought into the United States, except in the localities stated, otherwise than by sea; next, that they were not to be brought by sea in vessels of less than 30 tons burden; and third, to subject to forfeiture any foreign goods which might be landed at any other port or place in the United States than such as were designated by law; fourth, to exclude the allowances of drawback of any duties on foreign goods exported from any district in the United States otherwise than by sea, and in vessels less than 30 tons burden. The

sixty-third section also of that act, directing when tonnage duties were to be paid, became as operative in California after its cession to the United States as it was in any collection district.

The acts of the 20th of July, 1790 (1 Stat. L., 130, chapter 30), and that of 2d of March, 1799 (1 Stat. L., 627, chapter 22), were also of force in California without other special legislation declaring them to be so. It can not very well be contended that the words "entered the United States" give an exemption from them on account of the word entered, because a ship has been brought into a port in the United States where an entry can not be made, as it may be done in a collection district. The goods must be entered before a permit for delivery can be given. Shall one, then, be permitted to land goods in any part of the United States not in a collection district because he has voluntarily gone there with his vessel, where an entry of his goods can not be made; or to say, I know that my goods can not be entered where I am, and therefore claim the right to land them for sale and consumption free of duty?

It has been sufficiently shown that the plaintiffs had no right to land their foreign goods in California at the time when their ships arrived with them, except by a compliance with the regulations which the civil government were authorized to enforce, first, under a war tariff, and afterwards under the existing tariff act of the United States. By the last foreign goods, as they are enumerated, are made dutiable; they are not so because they are brought into a collection district, but because they are imported into the United States.

The tariff act of 1846 prescribes what that duty shall be. Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last became a part of the consumption of the country, as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kinds of goods; thus entering, by the retail sale of them, into competition with such goods, and with our own manufactures and the products of our own farmers and planters. The right claimed to land foreign goods in the United States at any place out of a collection district, if allowed, *would be a violation of that provision in the Constitution which enjoins that all duties, imposts and excises shall be uniform throughout the United States.*

Indeed, it must be very clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States. As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it can only be necessary to say, if he did not do so, it would be a neglect of his constitutional obligation "to take care that the laws be faithfully executed."

Strong as is the case against the constitutionality of duties on imports from Porto Rico, the case against the imposition of duties on articles imported into Porto Rico from the United States is far stronger. The Constitution declares that "no tax or duty shall be laid on articles exported from any State." On yesterday the Senator from Wisconsin [Mr. SPOONER] asserted, I understand, that under the Constitution there is no limit upon the authority of the President to levy taxes, duties, and imposts as an incident of the war power. To this proposition I can not assent.

This prohibition against laying any tax or duty on articles exported from any State is aimed at the exercise of that power by Congress, the President, and every other Federal agency, and is operative at all times, whether in peace or in war; and if it has been exercised by the President with reference to articles entering Porto Rico from the United States, it is an undoubted violation of the Constitution. This provision of the Constitution is one of the most important in that instrument.

The debates of the Convention show that it was intended to prevent a combination by which a majority of the States could lay an unjust and disproportionate burden upon the products of a minority of the States, and so intense was the conviction upon the subject that it was frequently asserted that the Constitution could not be adopted without it.

It is a limitation upon the power of Congress or other Federal authority in any case or for any purpose, and the duty levied by the bill is certainly a tax on articles exported from the States within its clear meaning, because it is laid upon the articles after and because of exportation and before they mingle in the mass of property in Porto Rico. Before the articles are started in course of exportation and after they leave the custom-house and become part of the general property in Porto Rico they may be taxed, but in the interim the prohibition applies, and they can not be taxed. In the case of Turpin *vs.* Burgess (117 U. S., 506) the Supreme Court thus announced the true doctrine upon the question:

> Now, the constitutional prohibition against taxing exports is substantially the same when directed to the United States as when directed to a State. In the one case the words are "No tax or duty shall be laid on articles exported from any State." In the other they are, "No State shall, without the consent of Congress, lay any imposts or duties on imports or exports." The prohibition in both cases has reference to the imposition of duties on goods by reason or because of their exportation or intended exportation or whilst they are being exported. That would be laying a tax or duty on exports or on articles exported, within the meaning of the Constitution.

As a final argument for this measure they tell us the duty is light and inconsiderable. How untrue that is has been shown by the Senator from Kentucky [Mr. LINDSAY], but its oppressive character may be further seen from the fact that upon the people of Porto Rico, poor and impoverished as they are, this bill levies a greater tax by at least $3 per capita than is levied for all State purposes upon the people of Texas, who are prosperous and happy.

But, Mr. President, if it be true that the tax is light it neither palliates nor justifies the offense. Not many years ago Benjamin Harrison, gifted beyond all the Presidents with felicity of speech, in discussing a proposed tariff from his standpoint, declared that it was not so much the length as the direction of the step which was alarming. So is it here. It is something to put behind us our olemn duty; it is humiliating and cowardly to wrong a defenseless and prostrate people at the dictation of avarice and greed; it wounds the public conscience to disregard our plighted faith as a nation; but to do these things in violation of the organic law is an assault upon our institutions and a crime against free government.

Mr. CLAY. Mr. President, it is extremely difficult to understand and fully comprehend all of the pending legislation providing for a future government for the people of Porto Rico. The House passed a bill providing for tariff duties of 15 per cent on the Dingley tariff on all goods going into Porto Rico from the United States and a similar duty on all goods coming from Porto Rico into the United States. This bill was referred to the Committee on the Pacific Islands and Porto Rico in the Senate and was reported back and embedded in a bill providing for a civil government for the people of Porto Rico, and in this shape is now pending in the Senate. The senior Senator from Ohio introduced a bill providing for a civil government for the people of Porto Rico, and the bill provided a liberal Territorial government for that island, corresponding in every particular with the Territorial governments that have heretofore been organized since the foundation of our Government, and in its leading features is antagonistic to the present bill reported by the committee of which the honorable Senator is chairman.

The bill first introduced by the Senator made the people of Porto Rico citizens of the United States, extended the provisions of the Constitution to the island, and provided for absolute free trade between the people of that island and the United States. The bill now advocated by the Senator deprives the people of that island of the privileges of American citizenship, does not extend the Constitution to the island, fixes tariff duties between the United States and those people, and is an entirely new departure from all Territorial governments heretofore organized since we became a nation. The first bill I shall show later in my argument, if my time will permit, was in keeping with the original message of the President addressed to Congress on this subject.

The principal part of my remarks will be devoted to that feature of the bill now pending before the Senate which provides for tariff duties between the United States and Porto Rico, which practically treats Porto Rico as a foreign country in our relations with the people of that island, for such tariff duties destroy the free and uninterrupted trade relations which ought to exist between us and that island. I shall not attempt to discuss the legal question as to whether the Constitution by virtue of its own force extends to the island. The question I wish to consider is, What policy does justice and right demand that we should pursue in dealing with the people of Porto Rico?

In order to solve this question and to provide a suitable civil government for this people it becomes absolutely essential that we should know something of their habits, desires, and aspirations, and especially their capacity for self-government. The idea has been advanced that they are an ignorant, poverty-stricken people, incapable of taking care of themselves. This island—80 miles in length and 40 in width, containing a population of a million of people, 830,000 of them belonging to the Caucasian race—has a history interesting, instructive, and one of which the people of that island should be proud.

They are a peaceable, law-abiding people, and were even faithful to the parent country—Spain. While at this time they are in financial distress, which is attributable to the unprecedented hurricane which destroyed the products of the island in August, 1898, previous to that time the government of Porto Rico and the people of that island were more than able to take care of themselves. What were their relations with Spain before we acquired sovereignty there? It is a fact that can not be disputed that the people of Porto Rico had been demanding from Spain for more than a quarter of a century autonomous, local self-government and that Spain had acceded to their demands.

Spain had given to the people of Porto Rico the absolute right to govern themselves in their local affairs. Spain gave to them the same representation in the Spanish Cortes that any other citizens of Spain had. The people of Porto Rico had four members in the upper branch of the Spanish Cortes and sixteen in the lower branch. The people of Porto Rico had been contending with Spain for free trade between Spain and that island for many years, in order that the Porto Ricans might have a market for the coffee, sugar, tobacco, and other products. Spain had acceded to this demand. There was practically free trade between Spain and Porto Rico for many years before we acquired the island, the tariff duties being only 10 per cent, and this tariff was to cease on July 1, 1898; so on that day absolute free trade existed between the people of Porto Rico and Spain.

The people of Porto Rico found a ready market for their surplus products both in Cuba and Spain, but now this is not the case, as the tariff duties between Cuba, Spain, and Porto Rico

are really prohibitory, and the people of Porto Rico are compelled to find a market for their goods in the United States, and if we fail to give them free trade they become isolated and are cut off from the markets of the world. The people of Porto Rico during the last quarter of a century took care of themselves financially, and during this period their government never owed a dollar. There were 40,000 slaves on the island and during this same period every one of them was freed, and this was done by the people of Porto Rico, and this same people paid to the owners of the slaves more than $12,000,000.

They have made a remarkable record. They loaned to Spain time and again from their treasury money to pay the expenses of her numerous wars, and the government of Porto Rico had in its treasury a million and a half of dollars at the time the United States came in possession of this island. This is the remarkable people who gladly accepted American sovereignty and hailed with joy and delight the American flag, and for whom we are now about to legislate. Their past struggles and achievements entitle them to our most favorable consideration, and the American people will demand at the hands of their representatives that no discrimination shall be made against these people, but that they shall be treated as American citizens and clothed with all the rights and privileges due to American citizens.

I am opposed to tariff duties between Porto Rico and the United States, because when Spain ceded this island to us, within a few hundred miles of our coast, a part of the Western Hemisphere, populated by the Caucasian race, who were fully in sympathy with our form of government, we knew this people would expect to become an integral part of our Republic and ask to be treated as any other Territory belonging to the United States, and at every step of our intercourse with them we led them to believe this right would be accorded to them.

The proposition that we will take an island near our doors, populated by our own blood and kindred; own, control, and govern it, a part of our own continent, intended to be under our system of government; require the people of that island to obey the laws and Constitution of the United States, and deprive them of the privilege of free trade and intercourse with the United States, is unjust, conscienceless, and defenseless. To state the proposition to the American people is all that is required to ask its condemnation. I place Porto Rico and Cuba on higher grounds than the Philippine Islands. The location of these islands, their proximity to us, their Caucasian population, especially the population of Porto Rico, lead me to expect that the people of Porto Rico will become valuable and useful citizens of the United States and will at no distant day in the future ask and receive the privileges of statehood.

The proposition that we are to establish a colony or a dependency on the Western Hemisphere, almost within sight of our own country, that shall not enjoy and partake of our free institutions, should stagger the American people. We should remember that these people had struggled with Spain for more than a quarter of a century for free trade and free interchange of products between Spain and the island, which resulted in their demands being granted. Now we take them and begin with them as Spain held them a quarter of a century ago. They will have lost every inch of ground they had gained over Spain in their historic struggle. Should we be surprised that these people now clamor against us and declare that we are cruel, unjust, and that the comparison they now make between us and Spain is to our great disadvantage?

Where will this people find a market for their sugar, coffee, tobacco, and other products, as they are now cut off from the markets of Spain and Cuba, if we build a tariff wall between us and them and deny them the right to sell their goods in our markets free of duties? The proposition that 75,000,000 people with eighty billions of wealth can not afford to come in competition with the handful of people in this little island is cowardly and deserves the contempt of the American people. It is conceded that under the Constitution that no tax or export duty can be laid upon articles exported from any State, but those who favor this tariff claim that the duties under this bill will be collected after the ship arrives in Porto Rico.

Let us illustrate: A vessel leaves Savannah loaded with lumber. She sails for Porto Rico; the tariff duties under this bill say would equal $500. It is admitted that we could not collect this tariff tax in the port of Savannah, but our friends on the other side claim that after the ship arrives in Porto Rico this rule does not apply; but how any lawyer can see the distinction between collecting the duty when the vessel leaves Savannah or in collecting it after the vessel arrives at Porto Rico I am unable to see. In both cases the same Government collects and uses the money. It is conceded that a vessel sailing from Savannah to New York or to any part of the United States could not be made to pay this tax for the reason that absolute free trade and interchange of products exists between every part of the United States.

Porto Rico, by virtue of a treaty, has been made a part of the United States; still we say the rule applicable to the United States shall not apply to this island. Again, Mr. President, I am opposed to these discriminating duties, because such a course violates the promises and good faith of our Government to these people. Those who have administered our Government in the past have maintained most scrupulously the sacred honor of the nation. This course has given us a standing and character among the family of nations that challenges the admiration of the civilized world. This people had been taught to believe that our flag carried with it liberty, freedom, and equal opportunity. They had been taught to believe that this great Republic made no distinction between its citizens.

They expected when the American flag was planted on that island and American sovereignty was asserted there that they would become American citizens and enjoy American liberty. They received American government and accepted American supremacy with gladness and joy because they expected American citizenship. When General Miles landed upon their soil he was received with honor as the representative of our Government. He entered the island on July 28, 1898, and issued his proclamation to the people of Porto Rico. What did he say? He said that our soldiers come bearing the banner of freedom to the people of Porto Rico, inspired by noble purpose, to seek the enemies of our country and yours, and to destroy or capture all who are in armed resistance. We bring you the fostering arm of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold. We have not come to make war upon the people of the country that for centuries has been oppressed, but, on the contrary, to bring you protection, and not only to yourselves, but to your property, to your prosperity, and to bestow upon you the immunities and blessings of the liberal institutions of our Government. This promise was made to them when we first entered the island and planted our flag there. The provisions of this bill, levying these discriminating duties, refusing them free trade, is a notorious violation of our promise and repudiates our most solemn pledge made at the very beginning of our occupancy of the island.

This promise of justice and to bestow upon them the immunities and blessings of our Government was received by them with enthusiasm and cherished as a blessing which would make them participants in the free institutions of this great Republic. Trace every step of our intercourse with this people from the time we took possession of the island until Congress convened in December last, and they were led to believe that our Government would fulfill these promises. When General Brooke had charge of the island he assured those people that these promises would be kept. He was succeeded by General Henry, and what did he say to the citizens of Porto Rico when he arrived on that island representing the United States?

He said to them: "To-day the flag of the United States floats as an emblem of undisputed authority over the island of Porto Rico, giving promise of protection to life, of liberty, prosperity, and the right to worship God in accordance with the dictates of conscience. The forty-five States represented by the stars, emblazoned on the blue field of that flag, unite in vouchsafing to you prosperity and protection as citizens of the American Union." Mark you, Mr. President, he guaranteed to them that the promises which General Miles had made would be kept and that we would guarantee to them that prosperity and protection due to American citizens.

Now, what reply did the people of Porto Rico make to this promise? They said: "Porto Rico has not accepted American domination on account of force. She has suffered for many years the evil of error, neglect, and persecution, but she had men who studied the question of government and who saw in America her redemption and a guaranty of life, liberty, and justice. There we came willingly and freely, hoping, hand in hand with the greatest of all republics, to advance in civilization and progress and to become part of the Republic, to which we pledge our faith forever." Mark you, they asked a guaranty of life, liberty, and justice and to become a part of this Republic, and we pledged our faith that this promise would be fulfilled.

When General Henry died, he was succeeded by Brigadier-General Davis, who now occupies the position of military governor of that island. He came in daily contact with this people, knew their habits, their wants and desires, and his entire official administration on this island led these people to believe that every promise both General Miles and General Henry had made them would be sacredly kept by the Government of the United States; and so confident was General Davis that these pledges would be fulfilled, when he came to make his report to the President he recommended the removal of all duties on trade between the United States and Porto Rico. These tariff duties now proposed to be levied have a peculiar history.

Never before in the history of our country have so many public men, in so short a time, changed their views as to a certain line of public policy. It is known that the distinguished chairman of the Ways and Means Committee of the House, as an original proposition, was opposed to these duties between the United

States and Porto Rico. It has never been disputed that the distinguished Secretary of War said that the highest consideration of justice and good faith—mark you, Mr. President, good faith—demands that we should not disappoint the confident expectations of sharing in our prosperity with which the people of Porto Rico so gladly transferred their allegiance to the United States and that we should treat the interests of these people as our own, and I wish most strongly to urge that the customs duties between Porto Rico and the United States be removed.

The great Secretary of War knew that the good faith of the United States demanded that the people of Porto Rico should be treated as American citizens.

Congress had been in session for weeks before the unwise and unjust legislation now pending had ever been contemplated. The President of the United States knew of the promises which General Miles had made; he was familiar with the pledges of General Henry to the people of Porto Rico; he had read and considered most carefully in an official way the reports of General Davis, the present military governor of Porto Rico, who recommended absolute free trade between the United States and Porto Rico, and he determined that the good faith of the United States should be kept, and in a solemn message sent to Congress he asked and recommended unconditional free trade between our country and those people.

Not only did the President declare in his message in favor of free trade, but in the same message, embracing 53 pages, he practically recommends the same Territorial form of government for this people, including trial by jury, which we have given to our Territories in our previous history. I know of no other way provided by law for the executive branch of the Government to communicate in an official way with Congress except by official message.

The Constitution of the United States makes it his duty to do so. In the message which he sent to Congress in December last, prepared with great care before Congress convened, when he was fully informed by the report of General Davis of the conditions existing in that island, knowing then full well that we had promised the people of that island all the rights of American citizenship and to make them a part of our country—in pursuance of these sacred promises, after deliberation and with ample time for mature judgment, sent in a solemn message, read in this Chamber, that it was our plain duty to grant free trade to these people with the United States. Now, has the President changed his views?

The newspapers and some of the advocates of this bill inform us that he has. I submit that he has never communicated this fact to us in any official way. I know of no way for the Executive branch to communicate with Congress except by Executive message. I admit he had a right to change his views; he may have good reasons for changing them. But if he has done so it was his official duty to submit to the Senate a message setting forth this fact, giving fully his reasons for this change of faith. We are entitled to have those reasons; they might give valuable information to the Senate. These reasons might shed light on this important question and might aid us in a correct solution of this problem.

The distinguished Speaker of the House of Representatives tells us, in a letter addressed to the public, that the President has changed his views and worked with all his power to pass the bill in the House, and is now doing everything he possibly can to influence Senators to vote for the passage of this measure. It may be true that he has communicated privately with some of the Senators, giving them a reason for his change of views, but there are many of us he has never communicated with on this subject, and until he tells us in an official way that he has changed, setting forth in his message his reasons for the change, we are authorized to presume that he stands by the only official message he has ever sent us on this subject.

The President now stands in favor of absolute free trade between the United States and Porto Rico; and if any Senator has any private information from the President that he repudiates his former position, let us have that information on the floor of the Senate. It is sometimes said, Mr. President, that our first impressions are our best, and generally found to be correct. When Mr. PAYNE, chairman of the Ways and Means Committee of the House, who now favors this unjust measure, first announced his views on Porto Rican affairs, he was for unqualified free trade. So was General Davis, until he learned that the Administration had changed its views; then he coincides with those who are responsible for the measure we have before us.

The distinguished Senator from Ohio spent days and nights in preparing a bill for free trade and citizenship for the people of Porto Rico, giving them all the rights of American citizens, granting to them a most liberal form of Territorial government, thoroughly in harmony with the brilliant and statesmanlike course he has heretofore maintained on the floor of the Senate. The position which he takes, that he has discovered that these people are incapable of self-government and of putting in operation such a Territorial form of government, is not sustained by the facts relating to their past history and their present condition. When we acquire territory populated by a race of people and force them to submit to American government, and deny them the rights and privileges of American citizens, it necessarily follows that these people will view our action with jealousy and dissatisfaction, resulting in disloyalty to our Government.

It is a fact that can not be disputed that all of our newly acquired possessions except the Hawaiian Islands are hostile to our Government and ready to fly to arms against us. The people of Porto Rico openly declare that we are robbers, and the people of the Philippine Islands cherish a more intense hatred toward us than they ever did toward Spain. The reckless course we have pursued toward our newly acquired possessions has planted in the bosom of those who first hailed the American flag as the emblem of liberty and freedom distrust, antagonism, jealousy, and unrelenting hatred. The only reason the people of the Hawaiian Islands respect and honor our flag is because our course toward them has been a just and liberal one, in keeping with the principles of our free institutions. Why should we not be equally as just with the people of Porto Rico, almost in sight of our doors? Give to the people of Porto Rico American liberty, American freedom, and American opportunity, and then we will preserve American honor, American liberty, and American institutions.

The PRESIDENT pro tempore rapped with the gavel.

Mr. CLAY. My time is out.

Mr. ROSS. Mr. President——

Mr. NELSON. If the Senator from Vermont will yield one moment, I desire to offer an amendment for the purpose of having it pending for a vote at the proper time.

The PRESIDENT pro tempore. The amendment will be received and lie on the table.

Mr. ROSS. Mr. President, I do not rise to discuss the pending measure. I wish briefly to state my position in regard to it, that my vote may not be misunderstood.

By this measure Congress enters upon legislation for the islands recently ceded to this nation by Spain. The terms of the treaty and the condition of the inhabitants render it a step of the greatest importance, which should be taken with care and in the exercise of good judgment and discretion. No mistake should be made. It is easier to avoid than to correct a misstep of such importance. Either the Constitution ex proprio vigore entered the island immediately upon the ratification of the treaty, or it did not. Those who hold it did can not consistently demand that the bill should recognize or place it there. If, as I think, it did not, with the knowledge which Congress now has of the condition and aptitude of the inhabitants of the island, it would be unwise at present to extend the Constitution there by an act of Congress. In the present condition it is wise to move slowly, and with steps firmly placed where there will be no occasion for retreating.

The provisions for civil government in the island are liberal and generous. They grant vastly more privileges and rights than the inhabitants have ever enjoyed, and impose no unjust burdens. Such a government is a prime necessity to give stability and restore confidence and prosperity. It must not be expected to work a miracle. It will take time to put it into operation. The conditions in the island are exceptional. The evidence before the committee shows that the inhabitants are divided into two classes. The first includes merchants, planters, and professional men; the second, laborers. There is strictly no middle class. The first class, as a rule, are educated, own property, and are producers. Many of them are not natives of the island. They constitute but a small fraction of the population. The second class are numerous, have little education, are poor, and live on their daily earnings.

No portion of the population has ever exercised the legislative function, and rarely, if at all, the elective franchise. Laws for the island have been enacted at Madrid, and executed by appointees from there. Should the military arm of this nation be withdrawn, a general paralysis in every function of civil government would exist. There would be no executive officers and no revenues. It is evident that the civil government provided for can not be established and put into working order so as to produce revenues in less than two years.

The civil government part of the measure, I think, is wisely planned, carefully guarded, and confers all the rights and privileges which the inhabitants are capable of using. It commands my approval. But the operation of the existing government in the intervening time requires revenues. Without them it will be paralyzed. This nation should not furnish them. The evidence before the committee fully establishes that to provide necessary revenue by enforcing existing laws or by extending the internal-revenue laws of the United States would inflict innumerable hardships and be likely to prove fruitless of the desired result. The revenue provisions of the measure are to exist only until a civil government can be organized and provide them. Then free trade is to exist. I think free trade should be established as soon as it can be in justice to all interests involved. The question which

confronted the committee was what shall be done in the meantime. They recommended this measure.

The foremost industry in the island—the coffee industry—for the time being has been rendered unproductive, if not destroyed, by the hurricane of last August. No revenue can be derived from that source for the next two years. The only industries that will be prosperous in these years are the sugar and tobacco industries. It is just that these should provide most of the required revenues. These industries are worked by labor now commanding from 30 to 50 cents per day. During these years producers of sugar and tobacco can pay the prescribed import tax and yet sell their products in our markets at as great or greater profit than can our home producers. They have no right to be given an advantage over our home producers. So the imposition of the import duties here is equitable and just between the industries of the island, and, if in some slight measure proportional to the amount imported, protective of these industries and the labor element here, not objectionable to me.

I regard, under existing conditions, the establishment of the beet-sugar industry in the States of great importance. If firmly established, it will furnish employment to many laborers, an enlarged home market for our surplus products, and keep at home millions of money which now go abroad to pay for sugar products in foreign lands.

The duties thus raised are all appropriated for the benefit of the island. The products of the island are not required to contribute a dollar to the expenses of maintaining this Government. In this respect the inhabitants of the island are more generously treated than are the citizens of the States. This part of the revenue measure is just and equitable to the inhabitants of the island, and in the line of protection to our beet-sugar and tobacco industries and to our well-paid laborers against the cheap labor of the island. This part of the revenue measure has my approval.

The raising of revenue on products produced in the United States in the manner provided in the bill does not meet with my approval. I do not like to have this nation take a step in the direction of George III, even for the short time while there is no civil government to raise revenue for the island. It has become an established fact of history that religious liberty and representation in taxation are the main seed germs from which government by the people springs. I am aware that the colonies had organized legislative powers when the repulsive tax of King George was imposed; also the purposes of this tax are quite different, yet I would prefer to avoid imposing it; but if while civil government is being organized revenue of this class is to be raised, I would prefer to tax all products going from the States into the island. I would not discriminate between different classes of these products. I would not tax some and allow others to enter free from taxation. I think such discrimination is unwise, if not illegal. Under the circumstances such discrimination seems necessary unless all such products are allowed to enter free. It would be inconsistent to place a tax on the necessaries of life imported into the island from the States when its inhabitants are so poor and so necessitous that Congress has just donated over two millions of money for their relief. I should prefer that all our products should enter the island free. For these reasons this part of the measure does not command my approval.

But as long as a consensus of a majority of this body is necessary for the passage of any measure it is evident that no Senator has the right to insist that important measures shall conform in all respects with his judgment before he will vote for them. Such a rule would defeat the purposes of government. If such measures are in the main fitted to accomplish the end demanded, he should yield his judgment in regard to less important features and give them his support. For these reasons, briefly expressed, I shall vote for the pending measure.

Mr. TELLER. Mr. President, I do not intend to enter into a general discussion of this question which has been before the Senate so long. Having been absent from the Chamber for nearly three weeks in executing an order of the Senate, I have not had an opportunity to express my views, and so I take this occasion to briefly state why I shall vote against the pending bill.

I shall not vote against it, Mr. President, because it contains a provision for an import duty on Porto Rican goods coming into the United States. I am not objecting to that. Unless the people of Porto Rico are citizens of the United States and Porto Rico is a part of the United States we have an undoubted right to impose such a duty. I think this bill will make Porto Rico an integral part of the United States, and that we shall be under obligations to treat that people as we treat the people in our Territories. Should we conclude later that we do not care to take upon ourselves the burden of caring for those people, we should be somewhat embarrassed in trying to get rid of them.

I know very well that as to that island and other island possessions which have come to us through the war with Spain, we are not to release entirely our control over them. I believe it would be wiser for us to take the people of Porto Rico and to consult them as to the character of government they wish to establish; a government for them, to be composed of their own people, and to set them to work to try the experiment of self-government, saying to all the world, "These people are under our protection and under our care, and we will not allow you to interfere with them in the slightest degree." In other words, I would do for Porto Rico what we propose to do, and what I believe we shall do, for the island of Cuba.

I do not myself desire that the people of Porto Rico shall be incorporated into the United States as a portion of the United States. I do not think it would be an injustice to them, if they decline to accept a government of their own, if we hold a relation to them different from what we hold with reference to those portions of the country of which we expect ultimately to make States. I believe we have ample power to maintain a colony if we see fit. I believe we have ample power to legislate for those people without making them a part of the United States, and that we are not bound by the Constitution in the sense that we are when we deal with Territories that are ultimately to become States.

When I say we have unlimited power to legislate, I do not mean that Congress can go to the extent which has been suggested. I understand that there are certain great natural principles, inherent principles of justice, that must bind and restrict every legislative body, which are not derived from any constitution, but, as I said before, from the natural principles of justice. There are many things which we must refrain from doing that we are not prohibited from doing by the Constitution, in my judgment. The principles that bind this body as to legislation were in existence before the Constitution was adopted. They came down to us with the English law; they were as much a part and parcel of the law of the land as they were after they had been inserted in the Constitution, and they would have been if they never had been put in the Constitution. As suggested by the Senator from Minnesota [Mr. DAVIS], they were but declaratory of existing law, of existing fundamental principles, that must be considered and recognized by the legislature of a free government.

Mr. President, I do not consider it inconsistent with that position, or with any position that this Republic has ever adopted, that we should have a condition with reference to Porto Rico, which never existed as to any other section of this country. That we have a right to establish a colony and to govern it precisely as may appear to us just and right I have not any doubt. I would not have a colony governed according to the old English idea of governing colonies one hundred years ago. I would give to the people of an American colony the right of self-government, and I would recognize that great fundamental principle that existed long before the Declaration of Independence, that all just powers of government are derived from the consent of the governed. Out of that grew republics, and if we keep that history in view, I think we may maintain republics, and we can not maintain republics unless we do.

There has been a great deal said about what we owe to Porto Rico. Mr. President, we owe absolutely nothing to Porto Rico except justice. We have entered into no arrangement with them, and made no promises to them, either through the Commanding General of the Army or the President or anybody else. This whole matter is with this body and with the other—with the Congress of the United States—by the very words of the treaty. The treaty might have made citizens of the Porto Ricans; the treaty might have put us under obligations to them; but the treaty did not. Ex industria the Peace Commission said the political status of those people shall be determined by Congress. That leaves us absolute control over them.

When a Senator stands here and says that those people are entitled to the same treatment to which the people of Oklahoma are entitled, he goes upon the theory, I suppose, that they are already citizens of the United States and that Porto Rico is a part of the United States. That is the controversy between us. That I deny. From my standpoint that is not correct. If that were so, I should join with Senators who have been declaring that we should treat those people as we treat the people of our Territories.

I do not mean to say that we have not the power to exact from them, even if they are a part of the United States, until they become States, a duty on their imports into the United States; but I say it would be a very anomalous condition, and one that I should not like to see, and certainly one that I should never favor. If it were admitted that we had the power to tax the citizens of Oklahoma, of Arizona, and of Alaska, I for one should not be willing to do it under any circumstances, and because I do not want to be in that position I do not intend to vote for this bill, which I think makes the relation between the people of Porto Rico and us of the same character as that which exists between us and the people of Oklahoma.

I want to say distinctly, Mr. President, that I am not opposed to the tariff provision. If we had a colony, we might impose such a duty upon it as we saw fit, or we might give it free trade if we saw fit. I should think very likely, if we had a colony, it might be

to our interest and to theirs that they should have free trade. That, however, would be a matter for future consideration.

I think it is unfortunate that we have attempted at this time to legislate upon this subject. I do not mean to say it offensively, but it is apparent to everybody that this bill has been a plaything of politics here. On one side the Republicans have been trying to make capital out of it, and, as a matter of course, the other side have tried to make capital against it. I believe if we had waited until after the coming Presidential election, we could have sat down here deliberately, with less temptation to draw it into politics than we have had; and we might have secured legislation better than we are likely to secure under present conditions.

I think by that time we could have determined whether we wanted to create in Porto Rico an independent government, or whether we wished to annex the island. If we annex that island, we must make it ultimately a State. There is a population there of a million, enough for a large State; and if they are proper subjects of annexation, to be brought into the body politic and made citizens of the United States, I do not know how you are going to deny them statehood. We have denied statehood to the people of New Mexico for fifty years, and there has been a feeling on their part that we have done great injustice to them. There are many people who live outside of New Mexico who feel in the same way. The New Mexicans are not as well qualified for the maintenance of a State government upon as high a plane as the people of some of the States in existence or of some of the other Territories, perhaps; yet they had a right to suppose, because the treaty required us ultimately at some time or other to make them a State, that we would do so.

I believe that you will find if you do not take Porto Rico into the Union as a State, there will be ultimately a great deal of dissatisfaction and discontent, and to avoid that we shall ultimately have to take them into the Union when they are unfit to participate with us in the administration of national affairs. When I say that, I do not mean to say that they are unfit for self-government. I want to repeat what I have said previously. There are very few people in the world who are not fit for self-government, and the people of Porto Rico are fit for self-government to-day, with such assistance as we can give them, to establish a Territorial government, if we think that is best, or to establish an independent government, if we should conclude that is best, under our protectorate and protecting care. The question is prematurely here, in my opinion.

I am going to vote against this bill because there are features in it that I dislike, that I think are unwise from any standpoint, and because I believe when we shall have concluded this session of Congress and we come here again, with the great political campaign disposed of, no matter who shall be elected, we shall be in better condition to legislate righteously and justly than we now are.

Mr. BACON. Mr. President, I desire to call the attention of the Senate only to one or two points in the closing hour of this debate. I think it is a matter of considerable importance to mark the evolution of this bill in the steps by which it has arrived at its present stage.

The original bill, so far as the Senate is concerned, was a bill establishing a free Territorial government for Porto Rico, as we understand that term; in other words, it had substantially all the provisions which are usual in the acts organizing Territories in the United States. Those people were declared to be citizens. Provisions were contained in that bill by which the supremacy of the Constitution, in all of its protecting features, as well as in its other features, was recognized.

The people of the island were required to support the Constitution of the United States; they were prohibited from passing any law which was in conflict with the Constitution; they were allowed a Delegate in Congress, and to them was extended all the tariff and internal-revenue laws of the United States. That was the original bill. That was a bill, which, so far as I know, commanded the universal approval of all Senators on both sides of the Chamber. The passage of that bill was recognized as the proper thing to do. If there was a word of objection to it I failed to hear it. I certainly had none myself; and I have demonstrated the fact of my approval by having offered it as a substitute for the pending bill.

It was not until some time after that bill had been before the Senate—a bill in entire accord with the recommendation of the President of the United States as to what should be the revenue and tariff relations between Porto Rico and the United States—it was not, I say, until some time after that that the suggestion was made that there should be a tariff between Porto Rico and the United States, and the original bill was brought back to the Senate with certain amendments. It is to those successive amendments that I desire to call the attention of the Senate, for the purpose of marking, as I say, the evolution by which from the original bill the pending bill has been put into its present shape.

When the suggestion was made that there should be a tariff, it was recognized that there must be some changes in the bill, because it was not thought that as between citizens of the United States we could erect a tariff wall. The original bill expressly declared that the Porto Ricans should be citizens; the original bill, as I said, provided for entire free trade. The bill went back to the committee, and when it came back from the committee, with the provision in reference to free trade stricken out and making provision for a tariff, it still contained the provision that the people of Porto Rico should be citizens of the United States, and it still contained the provision that they should have a Delegate in Congress. When that matter came up for discussion and amendments were offered by the Senator from Ohio, it was pointed out that it would be utterly inconsistent with the establishment of a tariff between Porto Rico and the United States for the inhabitants of Porto Rico still to be citizens of the United States and still to have a Delegate in Congress. So that for the third time the bill went back to the committee, and it now returns from the committee in those particulars changed; and the bill is presented with a provision that the Porto Ricans shall not be citizens of the United States, and that, instead of a Delegate in Congress, there shall be a commissioner sent here, who shall have access to the various departments of the Government.

The purpose I have, Mr. President, in calling attention to this is this: That all of the changes in this bill by which it has been converted from a bill which would have organized an entirely free Territory, in all of the various features that free Territories have, into a bill from which all of these free features have been stricken, have been necessitated by the fact that it was necessary to do so in order that a tariff should be established between Porto Rico and the United States. Every feature of a free Territorial government has been sacrificed in order that a tariff may be enforced against Porto Rico.

The Senator from Wisconsin [Mr. SPOONER] on yesterday said that the original bill, offered by the Senator from Ohio, was "a brutal bill;" that was the expression of the Senator from Wisconsin, that it was "a brutal bill," and the evidence of the fact that it was a brutal bill was stated by him to be the effect it would have upon the cost of cigars and cigarrettes in Porto Rico, if I understood him correctly. According to the calculation made by the Senator, the brutality of that bill would have consisted in the fact that a cigar would cost about one-third of a cent more than it would in the absence of it, and a cigarette possibly one-twentieth of a cent more than it would if the internal-revenue laws of the United States were not in force in Porto Rico. I asked the Senator to permit me to read yesterday what the Porto Ricans themselves said on that subject in an address to Congress made by planters, merchants, and manufacturers of Porto Rico at San Juan, March 12, 1900. They used this language:

It is a fact—

Speaking now of the proposition of levying a 12 per cent tariff duty—

It is a fact that no class of goods produced here from leaf tobacco will be taxed less than 25 per cent ad valorem, while one of the most important of this class will be taxed 160 per cent ad valorem under the bill adopted by the House of Representatives.

So, Mr. President, it appears from the calculations that the Porto Ricans themselves have made that the proposition to tax 12 per cent of the Dingley law is a much more brutal one than the proposition to have applied to them the internal-revenue laws of the United States. They themselves go on and make the calculation that, under the internal-revenue laws of the United States, sufficient revenue would be raised for the purpose of defraying the expenses of the island.

The Senator from Wisconsin said that the situation was pathetic. That is true, Mr. President; and the main purpose I had in rising was to call attention to the fact that the disappointment of that people, their disappointment in not realizing their expectations, their disappointment in that which they now see is to be meted out to them, is indeed pathetic.

Mr. President, I hold in my hand a handbill which was brought to this country by an official of the United States. It is in Spanish, and was said by him to be one of thousands of handbills which were distributed in San Juan on the 7th of February, 1899, calling for a meeting of Porto Ricans to rejoice over the fact that, as they then thought, they had become citizens of the United States. I desire to ask that this original paper be printed in the RECORD.

Al Pueblo Puertorriqueño:

El senado de Washington ha ratificado el Tratado de la paz. De modo que Puerto-Rico se incorpora definitivamente á los Estados Unidos de América. Somos pues, con legitimo orgullo, ciudadanos de esa gran Nacion, la mas libre, democrática y próspera del mundo civilizado.

Para festejar tan grandioso acontecimiento, se invita á todo el mundo para que se reuna esta tarde á las cinco en la Plaza de Colón, á formar una manifestación que irá por la calle de la Fortaleza hasta el Palacio del General Henry, á saludarlo como dignisimo representante del Gobierno federal, y volver á la Plaza Principal en donde se disolverá la reunión.

Puertorriqueños:

"Viva los Estados Unidos de América!"

"Viva Puerto-Rico americano!"

San Juan, 7 Febrero, 1899.

LA COMISION.

Imprenta El Pais.

I will read what is a translation of that handbill:

To the Porto Rican people—

This is dated San Juan, February 7, 1899; and, as I say, was a handbill, which was scattered all over that town for the purpose of calling a public meeting to rejoice at their new changed relations with the United States.

To the Porto Rican people:

The Senate of Washington has ratified the treaty of peace. So that Porto Rico—

Mr. SPOONER. Mr. President, if the Senator will allow me, may I ask who signed the handbill?

Mr. BACON. It is simply a handbill signed by a committee. Does the Senator understand that I am reading this as any pledge given to the Porto Rican people by anybody?

Mr. SPOONER. I did not understand why the Senator was reading it.

Mr. BACON. The reason the Senator did not understand it was that when I made my explanation he was talking to somebody else instead of listening to me.

Mr. SPOONER. What was the explanation the Senator was making?

Mr. BACON. The explanation I made was that the Senator from Wisconsin had spoken of the brutality of the original bill——

Mr. SPOONER. Well, I take nothing back about that.

Mr. BACON. I understand that; but the Senator asked me a question, and I am endeavoring to answer it, if he will permit me. I had further quoted the Senator as saying that the situation was pathetic. The Senator will probably recollect having used that word.

Mr. SPOONER. I do not withdraw it.

Mr. BACON. Of course not. And I was agreeing with the Senator that it was very pathetic.

Mr. SPOONER. Yes.

Mr. BACON. And I was instancing the fact that one of the most pathetic features was the disappointment of these people, who had rejoiced in the fact that they were about to be incorporated as citizens of the United States, and now they are to be disappointed by it being held that they are not citizens of the United States.

Mr. SPOONER. By what is their disappointment evidenced?

Mr. BACON. I am sorry the Senator requires me to repeat it. I suppose I will have it to do.

Mr. SPOONER. Is it evidenced by this handbill?

Mr. BACON. I stated, if the Senator will now let me have his attention——

Mr. SPOONER. I will.

Mr. BACON. I stated that this handbill was in Spanish; that it was an original handbill which had been brought from Porto Rico by a gentleman who was an official of the United States, and who vouches for the fact that hundreds of them were, on the 7th of February, 1899, scattered over the town of San Juan, in the island of Porto Rico, calling for a public meeting to rejoice over the fact that by the ratification of the treaty they had become citizens of the United States.

Mr. SPOONER. Will the Senator allow me? I never before understood that the scattering of a handbill through a country was evidence of anything except the scattering of the handbill.

Mr. BACON. I do not understand it now, except that it is evidence of what the people themselves thought. I am speaking of the disappointment of the people.

Mr. SPOONER. No; it is evidence of what the men who drew the handbill and scattered it thought.

Mr. BACON. Certainly; and the community at large in responding to that handbill necessarily indorsed its sentiment. The Senator, I presume, wants to make it appear that I am producing a handbill here as an authority. I certainly am not. I am simply calling attention to the fact that these people, who are now not to be citizens, rejoiced when they thought they were to be citizens, and they called a public meeting for the purpose of giving expression to their joy at the prospect. That is the sole purpose of it. I shall ask, when it comes to be printed in the RECORD, while of course its reading has been interrupted, that it may be printed as a continuous document. I suppose the Senator will have no objection to that.

Mr. SPOONER. No.

Mr. BACON. I am afraid before I get through reading it, while I never object to an interruption from the learned Senator, that the fifteen minutes will have expired, and I will not have the opportunity to read it.

Mr. SPOONER. I beg pardon.

Mr. BACON. Mr. President, it is very short, and I will read it as the conclusion of my remarks:

To the Porto Rican people:

The Senate of Washington has ratified the treaty of peace, so that Porto Rico is definitely incorporated with the United States of America. We are, then, with legitimate pride, citizens of that great nation—the freest, most democratic and prosperous of the civilized world.

To celebrate such a magnificent occurrence, everybody is invited to assemble this evening at 5 in Columbus square to form a parade, which will go by way of Fortress street to the palace of General Henry to saluto him as the most dignified representative of the Federal Government, and to return to the Central square, where the assembly will be dissolved.

Porto Ricans:

Long live the United States of America! Long live America and Porto Rico!

San Juan, February 7, 1899.

THE COMMISSION.

Mr. President, if my time has not expired, I will say just one word more. The situation is not simply pathetic. There is a very tragic feature to it. Do we realize that to-day when this bill passes we will have enacted the first law, so far as the Senate is concerned, ever enacted in the United States by which those under the authority and jurisdiction of the United States are solemnly declared not to be citizens of the United States? Mr. President, it is a historic occasion when this bill will have passed, as I doubt not it will. It will not simply be the specter of imperialism which we have been recognizing as in our midst for eighteen months past, but it will be here in the substance and in the reality. I am glad that not only with Democrats, but with Senators of all parties in this Chamber it will be my good fortune to day to be able to cast my vote against such a bill.

Mr. WELLINGTON. Mr. President, our Republic has grown from the thirteen colonies comprising its original domain to magnificent proportions. Forty-five Commonwealths are united in one nation, and incorporated with them are several Territories.

The enlargement of our country was rapid; the march of civilization to the westward swift and splendid. First the several States ceded to the National Government certain of their lands, and the Northwestern and Southwestern Territories were formed. They were divided, State governments erected, Commonwealths created and admitted into the Union, until these Territories were entirely absorbed.

Other States were taken into the Federal Union after being carved from the territory acquired by purchase from France and Spain; others still by discovery and settlement. Texas, a part of the Mexican Republic, by revolution broke the bonds that bound it, established a separate government, and asked admission into the United States. The Mexican war ensued, and as a result Texas became American territory. Thus in various ways there was a development of the wilderness into States and the building of capitals in waste places with marvelous celerity. Previous to the acquisition of Alaska, acquired by purchase from Russia, the territory added was in every instance adjacent and contiguous to the main body of land of the United States.

The Spanish-American war caused a change of policy by the necessities arising therefrom, and, as a war measure, Hawaii was added to the American dominion. As a result of the Spanish war the island of Porto Rico became American soil. The inhabitants submitted to American arms without resistance, and many of them hailed our coming as the beginning of a new era, in which freedom and prosperity were to be their portion after many years of misgovernment and tyranny under Spanish rule. By the treaty of Paris the island was ceded to our Government. It was Spanish territory before the cession; it became American territory by the submission of the people and the cession of the Spanish monarchy. But until Congress would establish a civil government, the military power prevails, as has been the case in other territories added to our jurisdiction.

At the close of the Spanish war it became evident that problems of great importance must be solved by our Government through the executive and legislative authorities, inasmuch as the acquisition of the new territories, our island possessions, both in the Caribbean Sea and Asiatic waters, placed the American flag far beyond our mainland, multiplied and diversified American interests, charged the nation with new duties, and enlarged the field of American commerce and trade. Responsibilities having thus thrust themselves upon us, it became the task of the lawmaking power of the Government to meet the obligations which, under these conditions, were due to ourselves and the various other elements which had entered into the situation.

Congress, when it convened in December of the past year, recognized this obligation and prepared to meet the demands of the present time by the organization of new committees in both Houses whose duty it would be to prepare such legislation for the several islands as would conduce to the general welfare of the new citizenship and to the advantage, prosperity, and progress of the whole country. One of the most important committees created was that over which the distinguished Senator from Ohio presides. In compliance with the duty he had assumed, the honorable Senator prepared a bill for the purpose of providing civil government for Porto Rico, establishing American authority, and extending the revenue and tariff laws to the island. I hold in my hand a copy of the bill introduced into the Senate on January 3 of this year by the Senator from Ohio, the title of which is "A bill to provide a government for the island of Porto Rico, and for other purposes." This bill was the outcome of much thought

and labor, and to my mind sought the creation of an equitable, just, and constitutional form of government for the island. It gives evidence of careful preparation by an intelligent and statesmanlike mind. It bears the traces of deep study, vast information, and thorough knowledge of constitutional law, but above and beyond this is apparent patriotic spirit, noble sentiment, and fair intention.

This bill recognized the inhabitants of Porto Rico as citizens of the United States. It carried the laws of the American Republic relating to commerce, navigation, and merchant marine to the island and its environing waters. It extended the tariff laws and revenue enactments of our land to the new territory and declared the Constitution and laws of the United States locally applicable to be in force in Porto Rico. It established judicial tribunals, sought to erect local self-government by an island legislature, and provided for the election of a Territorial Delegate to the Congress of the United States. To this bill I give my unqualified commendation and would find pleasure in supporting it by voice and vote, for it contemplates a scheme of government under the Constitution, wise, beneficent, and just. It seeks to place Porto Rico into the bosom of a fraternity of States upon the same plane as the Territory of Arizona or Oklahoma. For such a measure I would vote to-day with joyous alacrity. For such a law I would follow the lead of the Senator from Ohio and give him my humble effort to aid in its passage.

At this point an inquiry becomes pertinent. Why was this bill prepared? I am not in the confidence of the Senator from Ohio, but I am justified by the face of the bill itself, and by surrounding circumstances, in saying that it was prepared and submitted because the situation demanded action, and the Administration had signified in unmistakable, emphatic, and unequivocal language that it was the "plain duty" of our Government to pass such an act. But, sir, this bill has been discarded; it has been relegated to the wastebasket and is to meet the same fate that comes to thousands of other bills hurriedly prepared, ill-digested, and never intended for passage or enactment, over which the waves of legislative oblivion roll and "they are heard of no more forever." "A change came o'er the spirit of our dream."

The influences which produced this change of purpose I may not now discuss. Some subtle power, however, did cause a transformation, and the authority which had, in accordance with the Constitution, duly proclaimed "the plain duty of Congress" to recognize Porto Rico as a Territory and apply our tariff laws was persuaded to turn about face, renounce its avowal, cast aside its purpose, and pursue a new policy, which stood in direct contravention of its own previous emphatic declaration. It was indeed a curious spectacle and the country stood astonished at the consummation of a political somersault the like of which had not been witnessed in a generation. They failed to grasp or understand the reason for its perpetration and began to utter sounds of disapproval. The people all over the country have done so. Turn to the West and you will find it as the legislature of Iowa has already given voice. Turn to the East and you will find it according to the great meeting held in Rhode Island the other day. Sir, I ask that an account of the meeting held in Rhode Island be inserted as a part of my remarks.

[New York Sun, Sunday, April 1, 1900.]

SPEAK FOR PORTO RICO—RHODE ISLAND REPUBLICANS DISCUSS THE ISLAND'S NEEDS—GOVERNOR DYER SAYS THAT RAISING A TARIFF BARRIER IS AN "OUTRAGEOUS TRANSACTION"—ADDS THAT RHODE ISLAND MIGHT AS JUSTLY PLACE A DUTY ON BLOCK ISLAND FISH.

PROVIDENCE, R. I., *March 31, 1900.*

At the anteelection dinner of the representatives of the Republican party held here to-day the speeches of Governor Elisha Dyer and Congressman ADIN B. CAPRON pertaining to the Porto Rican question were received enthusiastically by the large gathering present, which represented every city and town in the State. Governor Dyer said:

"I believe it is the duty of every Republican to stand up, and with no uncertain sound condemn any course of procedure by Congress which brings into question the honor of the American nation toward those new peoples who have come under its protection. In the very beginning of the war with Spain, when it was uncertain what the result would be so far as added territory was concerned, the United States went to Porto Rico; it made no excuse that the island had been misgoverned by Spanish rule; it made no apologies; it said the island of Porto Rico is the gateway to the Antilles. To treat these people now as if they were aliens, as if they had no rights at all, to have gone over and taken possession of their island, to set up our own Government, and then to impose duties upon them just as we would upon the people of Haiti or Santo Domingo, is one of the most outrageous transactions that could be thought of.

"It is most encouraging that so many of the men who mold public opinion have taken the stand they have. It is not a question of constitutional right; it is a question of simple justice. Nations have moral obligations resting upon them as well as individuals. God forbid that any peoples should have to say that they preferred Spanish rule and that they trusted more in Spanish honor than they did in the honor of the United States.

"The Republican party has always been loyal to the principles it has enunciated. I believe there is to-day sufficient manhood in the party to stand up and not only protest against but to refuse support to any men or any measures not absolutely committed to the principles of national justice and national honor.

"What a spectacle it will be to European nations, that this people, having been conquered by us and brought into our field, should be treated as strangers, and taxed without reason for bringing their products into our ports. We might just as well tax the people of Block Island for the fish and farm products they send to the mainland as to tax these people of Porto Rico for what they bring to us. This question is one in which every Republican should be interested. I believe that before the time comes for the meeting of the national convention in Philadelphia this question will be settled, and settled with justice and honor, not only to ourselves but to the people who by every moral right should be a part of our nation."

Congressman CAPRON said he did not believe that the people who sent him to Congress desired him to truckle to any authority, however autocratic, so long as he believed his course to be right, and he did not think they would do other than spurn him if he did that. He had been glad with his vote and voice to stand for honest money, and that has been enacted into law. He was also glad to stand for American honor and American courage along the lines suggested in regard to the new territorial possessions which have come as a result of war, and on the question of the "plain duty" to the people of Porto Rico. He added:

"Up to the time the President's message was promulgated, at the beginning of December last, there was no question that we would do what was right in regard to Puerto Rico. The people of the United States have a solemn duty to perform toward the people of Puerto Rico, and I do not think Congress had any desire to shirk it. During the autumn the terrible tornado swept over the island and destroyed crops and a large amount of property, and the people were left in a hopeless condition.

"The conditions came to the knowledge of the members of Congress little by little, and so the President in his message said, 'It is our plain duty to give the blessings of free trade to the island of Puerto Rico.' Then we began to find out that the people were in a deplorable condition, more so than we had imagined. The military commander of the island came to Washington and said that the island needed the advantages of free trade with the United States. Everybody agreed with him and everybody agrees with him now."

The people did not understand and the people would not follow. It has been said that in these matters and changes there has been a lobby here for free trade, as you call it. I am not one of the committee, but I can say that if there has been a lobby it has not been in favor of free trade. I ask the members of the committee whether or not I tell the truth. I challenge a contradiction of the statement.

In the House of Representatives—the popular branch of the National Legislature—a bill was introduced placing a 15 per cent duty upon commerce as between Porto Rico and other portions of the United States. It will be observed that this proposition was at variance with the recommendation of the President's message; it was in direct violation of it, yet in a mysterious manner it began to be whispered that this bill was satisfactory to the Administration, and that Republican members would do well to support it. It was in danger of defeat. It was so evidently unjust that rebellion was threatened in the party ranks.

The highest thought and clearest judgment within the party condemned it, but the lash was applied, the Administration called its every prerogative into service, and with few exceptions the Republican membership of the House of Representatives placed itself upon record in favor of the bill, which, in my humble judgment, transgresses every principle of national honor, of patriotism, good faith, and benevolence. And, sir, this bill, in due course, found its way to the Senate, and was received here with the appeal that it must pass in order to save the Administration from defeat. Forthwith assault was made upon the Senator from Ohio. He was informed that he must make his bill for civil government in Porto Rico conform to the House bill. He was told party policy demanded this concession, and that all else must subserve to the political fortunes and interests of the party. I am quite sure that his own opinion was averse; that his sense of honor caused him to hesitate; but he finally yielded to the intense pressure which came from the circles that scintillate about the center of Government, and, in accordance with the wish of the majority of his party in the Senate, consented to embody the House bill, which laid this duty, in his civil-government bill and to strike out of his own bill the provision he had originally drafted.

Having conceded this, it became necessary to make other changes. He was forced to strike out the section declaring Porto Ricans to be citizens of the United States and in lieu thereof insert "citizens of Porto Rico, and as such entitled to the protection of the United States." For, sir, if the inhabitants of Porto Rico were citizens of the United States, how would we dare place the impost duties of the House bill upon them?

Other transformations were had until the civil government bill of the Senator from Ohio became a new bill, with a purpose entirely different from and in antagonism with the original. But, sir, this was not all. When this bill, after its transformation, was submitted to Republican Senators insurrection was the consequence. It became evident that the House bill provisions could not pass as embodied in the civil government bill, and again amendment was made, and the legislative monstrosity now before us was brought forth with the evident purpose of obtaining a sufficient number of votes to pass it in the Senate. It was at this point that I was compelled to refuse to follow the dictation of the majority and array myself for conscience' sake with the minority of the Republican party, and I deem it but just to myself and fair to the constituency I represent to submit the reasons for my action and to declare the faith that is in me.

My ideas of the principles upon which our Government is founded; my desire to preserve from blot or stain the national escutcheon; my remembrance of the solemn and oft-repeated promise of the American authority to the inhabitants of Porto

Rico: my devotion to the Constitution as I understand it; my purpose to act justly, benevolently, and, if need be, charitably toward my new fellow-citizens, each and all rebel and rise up in outraged indignation at the attempted injustice of this bill. I can not support it. I refuse to give my adherence to it. No influence shall persuade, no authority shall control me or cause me to favor it. I oppose it with all the vehemence of a positive nature. I have been a Republican ever since I can remember. The years of my youth and manhood have been dedicated to the service of the Republican party. In company with a determined band of fraters of my political faith, I labored unceasingly until my beloved State was redeemed from Democratic domination. I gave the best years of my life to this endeavor, which was crowned with superb success. I have loved and served the Republican party because I believed in the warp and woof of its victory were bound up the advancement and progress of my country, the elevation of men, and the perpetuity of self-government. But, sir, I am not charmed by a name when the principle be lost.

A rose by any other name would smell as sweet.

The Republican party by its name can not lead me against my conviction to do that which I believe to be unrighteous and unjust. I will not follow upon the new adventure which would compel me to discard at the first step the noble sentiment which I have ever held to be the strongest reason for the existence of the Republican party.

Sir, I oppose this bill for the reason that it seeks to impose a tax upon citizens of the United States in Porto Rico in defiance of the principles upon which our Government is founded.

It is passing strange how history repeats itself. This contention takes us backward to the American Revolution, which was caused by the attempt of the British Parliament to impose an unwarranted tax upon the American colonies. Can we forget the undaunted courage of the Revolutionary fathers when they refused submission? Does not their cry ring down through a century and a quarter of years and declare to us now, as it did to England then, "No taxation without representation." "Millions for defense; not one penny for tribute?"

Do you remember the appeal of the British ministers to the colonies, that they forget not love to their mother country and urging that this tax was imposed for the benefit of the colonies, adverting to the amendment which pledged all duties collected to be returned and used for colonial purposes?

But the men of that day remained firm in their devotion to their conception of right; they defied the power of the English Parliament to impose revenue or import duties upon them without their consent. Is not this a parallel case? I stand by the doctrine advocated by Washington, Jefferson, Franklin, Madison, and that host of illustrious men who guided the infant nation from a prostrate condition to self-government. They created a nation upon this principle, not to stand for a day or a generation and to be of advantage only to themselves, but for the boundless and unnumbered years of the future, as a heritage to all mankind.

And, sir, if this be true, should we, their inheritors, attempt to tax without representation or consent the inhabitants of our Territory of Porto Rico? I for one will not aid in it. I register my protest against it and warn you of the retribution that must come to a Republic which would practice tyranny and oppression upon a people who came to it having confidence in our asseveration of friendship and our promise of liberty and self-government, and who are entitled to the same measure of freedom which our fathers established and defended. They are as much citizens of our land as were the Texans when they came into the Union. Texas was invaded by American forces, the people received them with open arms; they desired their protection. After the war Mexico ceded the territory to us. Did we not accept them? Was Texas not admitted as a State and its citizens, as citizens of the United States, permitted to enjoy the privileges of that condition? Did we not invade Porto Rico; did not the people hail our coming; did not Spain cede the island to us; did we not promise to bestow upon them "the immunities and blessings of the liberal institutions of our Government?" Are they less entitled than the inhabitants of Texas to the advantages we can give?

Compromise has been spoken of. There can be no compromise. It is not a matter of mathematics, of percentage, or schedules; it is a matter of principle, and principle should not be compromised. A duty of 1 per cent would be as objectionable to me as a duty of 15 per cent, and a duty of 15 per cent is no more objectionable to me than would be one of 50 or 100 per cent of the Dingley tariff rates. I contend that the people of Porto Rico are inhabitants of the United States and should as quickly as possible be placed in such a situation as will cause them to bear the same burdens that the citizens of the United States in Maryland or New York or Arizona bear, and no more.

It may be said that this would be taxing them without representation and without their consent. In answer I would say that the impost duties of the Dingley bill and the revenue laws of the United States were in force in this country when Porto Rico became a part of our territory. The people accepted the conditions then existing, and their acceptance of them was a consent to assume the burdens which were then imposed upon American citizenship.

Having thus briefly stated my first reason for opposition to this bill, I will proceed to the second. I believe the imposition of this tax, even if it were not in violation of the basic principle of our Government, would still be indefensible for the reason that it would be a stain upon the national honor. An individual who makes a promise, whether it be upon his word or in a written bond, should perform the stipulations both in their letter and spirit, and the same code of honor that applies to the individual should obtain also with the nation.

When the people of Porto Rico submitted to American arms, General Miles, commanding the invading army, by proclamation made certain promises, which were hailed by general acclamation upon the part of our people and were accepted in good faith by the inhabitants of Porto Rico.

I maintain it is beneath the dignity of a great nation, by its representatives, commanding its armies and empowered in a military capacity to perform certain acts, to make promises and pledges to a people weak and defenseless who submitted, trusting to the honor of their conquerors, to break the promises made or to fail in the fulfillment of the pledges given by the Commanding General of their Army. Especially so when the whole nation acquiesced and the President gave consent, not by silence, but by positive indorsements, and, as above mentioned, in his annual message to Congress recommended as "the plain duty" of the nation to carry into effect by its acts the promises given. Are we ready to stand among the nations of the earth, after having thus made solemn promises, branded for a breach of faith toward this island for a gain so inconsiderable that even the most unscrupulous of men or avaricious of nations should hesitate before entering upon such a transaction?

We would not dare break faith with a great and powerful nation. Surely we may be brave enough to keep our word to these islanders, whom by the the fortunes of war we have deprived of their former markets, of the part and portion they had in the Spanish Government, and in return for what they have lost give them not only justly but generously and demonstrate to the world that we love not freedom in selfish purpose or only for ourselves, but that our desire is that the leaven of liberty shall go forth even to the islands of the sea.

Even if there were disadvantage and positive loss, it would be, in my humble judgment, incumbent upon us to redeem the pledge given. But, sir, I believe, upon good evidence, that there will be no loss and that we shall be abundantly compensated in the years of the future by granting present fulfillment to the terms set down to Porto Rico.

I now advance to the third reason for antagonizing this measure. It is not only in contravention to the basic principle of our Government, not only false to the national honor, but it is, in my humble opinion, unconstitutional. I have reverence for that parchment which bound together the original States and became the organic law of the new nation which upon the Western Hemisphere had arisen like a young giant to pursue a career glorious beyond compare in the annals of nations. I believe it should be held as the sacred writings were to the men of old. It is the palladium of the nation so long as we preserve it; so long as we feel it binding upon us and the spirit of patriotism dwells in the land there need be no fear for the perpetuity of our institutions. I still have faith in the Constitution. The Revolutionary fathers intended that the benefits of the Government which they created should go out to the world. They were not to be narrow or circumscribed, for the men who were enthusiastic enough to give life and fortune for the establishment of a Government that seemed ideal in its character were imbued with a spirit brave enough to be generous to others, noble enough to see in the future the grand vision of the Republic they had founded growing stronger and more forceful in the affairs of men until by the influence of our example, by the force of our success, by the victory of our ideas, we would send forth Liberty to enlighten the world.

The Constitution, in my judgment, never contemplated that we should for ourselves enjoy liberty, freedom, and self-government and deprive others of these privileges, prerogatives, and rights. And, sir, for a century and a decade from the time of the beginning of constitutional government in the United States there has never been a day or an hour until now when the American citizen has not been willing—nay, has not been anxious—that the struggling peoples of the world should enjoy the selfsame heritage that had come to him through the lofty aspiration and courageous endeavor of his forefathers. I believe that the great principles of our Government, so far as they are applicable to any locality which rests under the American flag and the beneficent influence

of American Government, as enunciated in the Constitution and enacted into law under it, extend to every rood of territory which we may acquire.

Sir, if this island be not a Territory of the United States; if these men be not citizens of the American Republic, what gives the Congress of this country a right to legislate for them? Is the creature greater than the creator? Are the Senate and House of Representatives greater than the Constitution? I was under the impression that the Congress had been called into life and being by the Constitution. I am of the opinion that the powers which the Senate and House of Representatives have to legislate upon any subject are obtained from one source only—by and through the Constitution. If that be true, then the power to legislate must be accepted with the limitation placed upon it by the instrument that confers them. The eighth section of the first article of the Constitution of the United States reads in part as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises.

Here is the power; now mark the limitation:

> But all duties, imposts and excises shall be uniform throughout the United States.

The Congress has therefore the power to impose a tariff, to lay impost duties and excise taxes, high or low, many or few, but there is one limitation, and that is that whether the impost duties or excise taxes be high or low, many or few, they must be uniform everywhere throughout the United States. I believe that Porto Rico is a part of the United States. I have that conviction strong and firm, and therefore I am further convinced that Congress can not under the Constitution levy a 15 per cent duty upon the people of Porto Rico when that duty is different from the taxes imposed in other sections of the land.

You have a right, under the Constitution, to impose the Dingley tariff and the war revenue; but you have no right, in addition to this or outside of it, to place a 15 per cent impost duty upon commerce as between Porto Rico and other portions of the United States. We have no right, under the Constitution, to impose restrictions upon trade by reason of import and export duties as between Maryland and Arizona, as between New York and Oklahoma, as between California and Alaska. Where do you find the right, under the grant given by the Constitution, with its limitation, to place 15 per cent upon trade between Porto Rico and any State or Territory in the United States? I can not find it, and therefore will not vote to impose such a tax. And, sir, I do not believe that the Senator from Ohio found the power, for at least there is no evidence in the bill he presented, a copy of which I hold in my hand, that he found such a power or deemed it wise or just to attempt to exercise it.

And, now, a step further, and another reason of different character as against this bill and the imposition of this duty. We should be just.

Under Spanish domination, Porto Rico enjoyed privileges of trade with that nation and those other European countries which lay adjacent to Spain and have commercial and trade relations with her. We deprived Porto Rico of these advantages; we struck down these markets. Naturally she looked to us to establish other markets for her. The people of that island had a right to believe that, being a part of the great American system of States, there would be fraternal relations in trade, and instead of endeavoring to hamper, to bind, to imprison, and impound her products, we would receive them from her as from our sister States and thus give compensation for the injury done in severing old relations and striking down trade advantages which she had enjoyed for many years.

In justice this should be done, and the one way to accomplish it, the one way to achieve this end, is to have trade free and unrestricted between Porto Rico and other portions of our common country. But, sir, even if justice did not demand, we should upon another ground aid and assist the people of Porto Rico in their endeavor to find new markets for the coffee, sugar, tobacco, and other productions of the country. We are great enough—75,000,000 Americans, trading one with the other, without restriction of duties, from the head waters of the Mississippi to the Mexican Gulf, from the Rocky Mountains to the Rio Grande, from the northernmost point of Maine to the headlands of Florida, from the rock-bound coast of the Atlantic upon the east to the western slope where the Pacific waters leave the American shore—surely we are great enough and strong enough when we have added a million more Americans, dwelling in the little island far out in the waters, bereft of their ancient moorings, storm swept and stricken from every side; surely we are great enough and strong enough to be charitable and benevolent and to stretch out the hand of fraternal friendship to aid them in their hour of trial and destitution. It will be "bread cast upon the waters, which will return after many days."

Sir, the American Republic, when it began its course among the nations, was dedicated to "liberty, fraternity, and equality." It was the outcome of centuries of evolution, produced by Christian civilization. There was a time in the distant past when men lived in barbarism and savagery, in which the doctrine "live upon others" prevailed; there came a time in the dawn of civilized life when the maxim of "live and let live" obtained; the time now is when the new dispensation of "live for others" breathes joyous tidings to the world.

The Nazarene when he walked upon earth taught the Golden Rule, "Do unto others as you would have them do unto you." Luther proclaimed that as all men must stand upon a level before God, so in the God-given rights due to all prince and peasant must stand upon equality. Burns sang the song of man's prerogative when he wrote:

> The rank is but the guinea stamp—
> The man's the gowd for a' that.

Jefferson, in the immortal Declaration, penned a sentiment which will be precious to men so long as liberty is loved:

> All men are equal.

And Julia Ward Howe roused the sleeping conscience of the nation when she exclaimed:

> As Christ died to make men holy, let us die to make men free.

Having thus dedicated the national life, dare we do otherwise than be just and generous to the inhabitants of Porto Rico?

In view of these forceful objections to the proposed legislation, what excuse is offered to palliate the wrong inflicted or defend the unjust exaction? It is urged that there are present needs for governmental purposes and immediate requirement to relieve the distress, poverty, and starvation prevalent on the island. In answer I would say the passage of the bill appropriating over $2,000,000 for governmental purposes in Porto Rico in the present provides for the first need. It renders available that sum for immediate use in the government of the island and to a certain extent aids in the alleviation of the prevailing distress by the governmental scheme of building roads, establishing schools, and erecting schoolhouses, thus providing employment for idle labor and giving payment in American coin.

This is but temporary, but there need be no further delay in granting permanent relief; pass the original bill of the Senator from Ohio and you will see, as if by magic, the return of prosperity; uncertainty will disappear, confidence will be restored, new life, new blood, new aspirations will give nerve, ambition, and effort, and the inhabitant of Porto Rico, invested with American citizenship, will assume not only the privileges, but the burdens and duties incumbent upon him in his new condition. He will labor with vigor and energy, for he has assurance that the fruits of his labor are his own and a market better than the one he lost has been found for the coffee, sugar, and tobacco he produces among his new fellow-citizens.

For the future expenses of the General Government the extension of the Dingley tariff act and the impost duties therein laid, together with the internal revenue and the additional war revenue, should and will provide.

For local government, the Porto Rican, having become an American citizen, must adopt our methods of direct taxation for domestic administration. He will in the near future gladly have direct taxation, when he understands that the tax is not one imposed by foreign masters or for the enrichment of Spanish officials, but levied by himself, upon himself, for the establishment and maintenance of local self-government. Should there be an interval in which aid will be needed, the generosity of the American people will give freely the inconsiderable sum required.

But, say the advocates of this measure, unrestricted trade with the island will be detrimental to American labor, and the Republican party is pledged to protection. Yea, surely; but the tariff applies to all the States and Territories, and the new territory of Porto Rico and its citizens, now Americans, are as much entitled to the benefit of the protective tariff as any of their national brethren, whether they dwell in Maine or Maryland, New York or Ohio, Nevada or Arizona, South Carolina or Oklahoma. The Porto Rican is an American laborer; he now belongs to the American family. You say he labors for low wages; he is ill paid. Sir, recognize him as an American, lift him up from his low condition, and he will soon reach the level of others, having their wants and requirements, and gaining their fulfillment in the common market. We have absorbed millions of men who have been ill paid, oppressed, and were ignorant. Is there great danger in keeping faith with a million Porto Ricans, say 300,000 laboring men, chiefly engaged in agricultural pursuits? I do not believe it. I can not think that any intelligent man believes it. The peasantry of Porto Rico is as intelligent as that of Spain; the educated class as accomplished as that of any country in the world. I have seen some of them who came to plead for justice. Their appearance, manner, and conversation proclaimed that they had intelligence, refinement, and culture.

But why speak of protection? I am a protectionist; and if Porto Rico is not a part of the United States, and we owe the island no consideration, then I say, do not place 15 per cent, but the whole amount of the Dingley tariff duties upon the trade between us. This bill does not protect American labor; it enacts a 15 per cent duty, which is confessedly a revenue duty only. Is it not admitted that it does not protect? If 15 per cent of the Dingley rates protect against low-priced labor in Porto Rico, why impose seven times that amount to protect us against England and Germany?

The PRESIDENT pro tempore rapped with his gavel.

Mr. WELLINGTON. I ask unanimous consent, if you please, that I may be allowed five or ten minutes more to close.

Mr. FORAKER. There are several Senators desiring to speak, and since I have heard the Senator from Maryland, I desire myself to speak. Inasmuch as we must vote at 4 o'clock, I hope the Senator from Maryland will not insist upon his request.

Mr. WELLINGTON. Then I will close in a moment, if I may be allowed.

Sir, I assert, and defy successful contradiction, that protection has been relegated to the rear in this matter, and revenue only is sought after.

I go further. I believe more income will be realized by the extension of the American impost duties and internal revenue than by the imposition of this illegal and unjustifiable 15 per cent duty; if not in the present, at least in the near future. And it would be well for our people to understand that if we go out into the distant zones and gather territory in the far-off waters, as between us and these countries protection will of necessity disappear. If we adopt the British policy of territorial extension, the English doctrine of free trade will follow.

Thus I have reasoned from every point, and at every point have found that there should be unrestricted trade with this island. The basic principle of the Government demands it. The observation of national honor requires it. The Constitution provides for it. Justice and charity alike point the way to it.

Mr. FORAKER. Mr. President, I was not expecting to speak again to this bill. Inasmuch as I have been in charge while it has been under consideration in the Senate, it has been necessary for me repeatedly to take the floor in its behalf, and in this way I have made a number of short replies to the speeches of the opposition and in answer to questions in regard to the bill. To such extent have I spoken in this way that, as I now recall the record, I have probably covered every point in the bill that has been the subject of controversy. That is the reason why I did not have it in mind to undertake to say anything additional in the closing hours of this debate. But the speech of the Senator from Maryland [Mr. WELLINGTON] and other speeches of a similar character seem to me at least to make it appropriate that in the closing hour of this debate I should take the floor to say that with respect to the various bills which have been here under consideration and have been under consideration in the committee, there has been nothing whatever that is unusual as compared with legislation generally.

Let me say, particularly, that there has been no compulsion upon the part of anybody to change his mind in regard to any legislation whatsoever.

When it was said by the Senator from Georgia a few days ago that there had been a radical change between the legislation originally proposed and that now under consideration I took occasion to say that it was true some changes had been made, and I pointed out why they had been made, but I pointed out in that connection that it was wholly voluntary and from a sense of duty, due to the facts developed before the committee, of which we had no knowledge whatever when we prepared the original draft of the bill. It is true, Mr. President, that the first bill introduced here by me did provide for free trade between Porto Rico and the United States. It is true that the bill now under consideration does provide a duty upon commerce between these two countries; but time and again it has been explained here why that change was made, and never better or more forcibly than by the junior Senator from New York [Mr. DEPEW] when he spoke upon that point yesterday.

I knew, in a general way, when I prepared the bill that there were trouble and poverty and distress in Porto Rico, but not until we sat as a committee and witnesses were called and testified before the committee did I learn to what an extreme extent of distress and poverty and hopeless despair the people of that island had been reduced. It was then that we learned that to support a government in Porto Rico and for Porto Rico it was absolutely impossible to raise revenue by direct taxation upon property. Then it was that to save that people, who could not stand the burden thus to be imposed upon them by taxing their property, to save them from that distress and that burden, we sought to find another way and resorted to the system that is provided in this measure.

Mr. PROCTOR. Will the Senator from Ohio yield for a single brief question?

Mr. FORAKER. Certainly; although my time is limited. And I hope the Senator will state his question and not make an argument.

Mr. PROCTOR. It has troubled me and others. Why did it not appear to the President and Secretary of War and Governor Davis, in charge of the administration in Porto Rico for many months, for months since the tornado, that it was necessary to raise revenue until the hearing before the committee?

Mr. FORAKER. I can not tell the Senator why this situation did not occur to the gentlemen to whom he refers in the way in which it was presented to us, but the fact that it did not so occur to them does not alter the fact that it was so established before us; that when so established we proceeded, not under any compulsion, but from a sense of duty; a sense of duty that the President, who had given the recommendation so much talked about, has recognized; a sense of duty that was recognized by the Republican party in the House and by most of the Republican party in the Senate; a sense of duty that required us so to legislate for that people as to make it tolerable for them to have a government and to support it, without our practicing paternalism to the extent of feeding them from day to day out of our public Treasury.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. I yield to the Senator from South Carolina, although I have only a few minutes.

Mr. TILLMAN. Did that necessitate a change in the status of those people to not being citizens of the United States?

Mr. FORAKER. No; it did not at all necessarily follow that they should not be citizens of the United States, as I originally proposed in my bill, but every Democratic Senator almost, without exception, was saying that if we made them citizens of the United States we thereby made them a part of the United States, and if we made them a part of the United States that provision of the Constitution with respect to uniform taxation would apply, and we could not raise revenue in the way proposed in this bill. It was Democratic opposition, Mr. President, that brought us to realize that there ought to be a change from our original proposition, as it was clearly within the power of Congress to make it in the civil and political status of the people of Porto Rico. That is the complete explanation of the change which has been made. It was for that reason and no other.

But the Senator from Vermont [Mr. PROCTOR] has called attention to what General Miles and the Secretary of War and the President of the United States have said, and Senators have been saying here and pressing it in season and out of season, that pledges have been given to the people of Porto Rico by General Miles and the President and the Secretary of War of which this bill is a violation. I challenge any Senator to find any pledge given by either one of the men named to the people of Porto Rico—any pledge of any kind. What was it that General Miles said? He went into Porto Rico at the head of our victorious Army. It was appropriate that he should, in the performance of his duty as a soldier, announce his purpose in coming; and he stated in a proclamation to the people of Porto Rico that he had come not as an enemy, but as a friend; not to tear down, but to build up; not to destroy, but to save; and that it was the purpose of his Government to restore prosperity to the people of Porto Rico.

That was his first declaration—to restore a prosperity to which they had been strangers for three centuries under Spanish tyranny and misrule. Then he said further that it was another purpose to extend to them the immunities and the privileges of our liberal institutions of government. That is all General Miles said. For Senators to intimate that he went beyond that is no compliment to General Miles. It was not for him to declare the political policy of this Government with respect to Porto Rico, but simply to carry the flag there and plant it, as he gallantly and heroically did, in triumph. His duty was then done. It remained for Congress to determine what the policy should be. He did not say anything about free trade. He did not say anything about a military or a civil government. He spoke about giving them a restoration of prosperity and the privileges and the immunities to which I have alluded. This bill, Mr. President, instead of being in violation of what General Miles said, is a complete vindication and redemption of all that he said and all that he promised.

Now, as to the Secretary of War, all that he said was that justice and good faith require that we shall not disappoint the expectations of the people of Porto Rico to share in our prosperity. That was not a pledge. It was simply his recommendation made by him to the President in his annual report. I pass it by, therefore, without further comment, in view of the limited time at my command.

What was it, now, that the President said? Senators who know that they are not in harmony with the President with respect to this legislation are assuming and claiming that they represent

him here on this floor, and they are saying that this legislation is in violation of the recommendation made by the President of the United States in his annual message. What the President recommended was that we should abolish all customs duties between Porto Rico and the United States and give them free trade with us—free access to our markets, was, I believe, the language that he employed.

Mr. President, this bill does that very thing. Senators talk as though we were denying to the people of Porto Rico free trade with the United States. We are for a time, but because of the necessity to which I have referred, a necessity that was not in the mind of the President when he made that recommendation, a necessity that was not in my mind when I framed and introduced here the original bill, a necessity that nobody here was familiar with. We are not denying, but we are giving absolute free trade to the people of Porto Rico with the United States from and after the 1st day of March, 1902. In twenty-three months, hardly that long now, they will have absolute free trade.

For the time being, pursuant to the recommendation of the President, we have given to the people of Porto Rico absolute free trade from the very moment that this bill becomes a law as to all the necessaries of life, for all food products——

Mr. ALLEN. I should like to ask the Senator——

Mr. FORAKER. For implements of husbandry, farm machinery.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. FORAKER. I have only three minutes.

Mr. ALLEN. I hope the Senator will not misstate the fact, however, that this bill expires by its own limitation in three years.

Mr. FORAKER. This bill never expires unless the Congress of the United States shall see fit to make it expire by repealing it and substituting another.

Mr. ALLEN. By one provision it expires at the end of two years. Now, would not the duty of the Dingley Act attach when this bill expires?

Mr. FORAKER. The Senator from Nebraska has not read the bill, or he would not make that inquiry.

Mr. ALLEN. Yes; I have read it.

Mr. FORAKER. The provision on that subject is that from and after the 1st day of March, 1902, there shall be absolute free trade between Porto Rico and the United States upon every article and every kind of merchandise that may go the one way or the other, and, Mr. President, sooner than that if the people of Porto Rico, in whose behalf Senators presume to speak, shall see fit to request it and take the necessary action as a predicate for that request, for the bill provides not only that we shall have absolute free trade, as the President recommends, from and after the 1st day of March, 1902, but it provides also that on all the articles I have enumerated they shall have free trade now, and upon all other articles they shall have absolute free trade as soon as the legislature and the government are organized provided for by this bill, and they shall have instituted a system of taxation that will yield them the necessary revenues to support their government. Six months from this time, Mr. President, they may have free trade from the United States if they will only take advantage of the opportunity we give them under the bill.

Now, Mr. President, in view of all this, I say there is no truth in the claim that we are violating any pledges or that we are violating even the recommendation of the President. We are so closely approximating to his recommendation as to be almost exactly following it, for I call attention to the fact that the President of the United States in his message recommending free trade, did not say in that message that right away now, day before yesterday, we should have free trade, but that free trade was the natural and proper condition which we should bring about by appropriate legislation. He must have foreseen that it would require weeks and months of legislation before a government could be established, before that law could be enacted, and before it could be put into operation.

But, Mr. President, however that may be, he did not understand and appreciate then as he understands and appreciates now that there is a necessity for delaying for the time that this bill provides there shall be delay before free trade shall be granted, the time necessary to establish a government there and to enable it to provide a way of raising revenue of their own.

The PRESIDENT pro tempore rapped with his gavel.

Mr. GALLINGER. Mr. President, fully comprehending the terrible conditions that prevail in Porto Rico, and appreciating the necessity of speedy action in a legislative way, I have occupied very little time in this discussion, and I propose to occupy only a few moments in the closing hour of the debate. Indeed, Mr. President, if my silence would aid the passage of this bill by one single minute, I would not say a word.

A few days ago in speaking to this question I ventured to quote an opinion rendered by Mr. Justice Bradley, speaking for the Supreme Court of the United States, in which he promulgated the doctrine that the Constitution did not of its own force extend to the Territories of the United States. The genial, lovable, amiable, witty junior Senator from Alabama [Mr. PETTUS] subsequently called the attention of the Senate to the fact that I had not quoted the entire opinion as delivered by Mr. Justice Bradley. The Senator from Alabama also ventured to sneer at my lack of legal knowledge, something that I had not claimed to possess, indeed something that I had explicitly disclaimed, and then he proceeded to say that if I had turned over another leaf in the book I would have found that Justice Bradley said:

> Doubtless Congress, in legislating for the Territories, would be subject to those constitutional limitations in favor of personal rights which are formulated in the Constitution and in its amendments.

And the Senator ventured the proposition that if I had quoted that the opinion of Mr. Justice Bradley would not have carried the implication which I attached to it.

Why, Mr. President, I have not heard a single Senator who has advocated the passage of this bill contend that Congress can legislate in an illegal, unjust, or unconstitutional way toward the people of Porto Rico or toward the people of any Territory of the United States. What they have contended, and what I have endeavored to sustain, has been the proposition that while the Constitution does not of its own force go into the Territories, Congress must necessarily legislate for those Territories; but Congress of course must legislate in a legal, just, and a constitutional way. This observation disposes of the criticism of the Senator from Alabama.

Mr. President, I listened to-day with a great deal of interest to the speech of the junior Senator from Illinois [Mr. MASON]. I heard every word of the Senator's able and lengthy address. I noticed particularly that he dwelt upon the proposition which has been advanced in this Chamber and in this debate, and in a certain other debate, that we have no right to govern people without their consent, and the Senator from Illinois quoted Abraham Lincoln to the effect that no man was good enough to govern any other man without his consent.

Mr. President, I will not traverse the ground that has heretofore been covered refuting that doctrine. I will only call attention to the fact that within the sound of a cannon in yonder navy-yard there live 250,000 people who are governed without their consent. There is not a man in the District of Columbia who can cast a vote. There is not a man in the District of Columbia who can say anything about how he shall be taxed or how he shall be governed. Congress governs the District of Columbia through a Board of Commissioners appointed by the President of the United States. In view of that fact it seems to me idle for any man to stand in this intelligent presence and say that we can not govern any people in this country without their consent.

Now, Mr. President, one other point in that regard. The Senator from Illinois said that it was the imposition of unjust taxation that caused our fathers to rise in rebellion against Great Britain. Why, Mr. President, if the Senator will read history carefully he will find that the battle cry at Concord, at Lexington, at Bunker Hill, at Bennington, and on some of the other battlefields of the Republic was that "taxation without representation was tyranny."

That is one of the things that they fought for in the war of the Revolution, and yet here, more than one hundred years after that war has closed, in the capital of this nation, we have taxation without representation, and I have not heard the Senators who are declaiming about the injustice we are doing to the Porto Ricans rise and demand that the law governing the District of Columbia shall in that respect be changed.

Mr. President, if we should adopt the contention of the Senators who are opposing this bill, and who are denouncing this committee for bringing in a bill that has tariff taxation in it, what would we be compelled to do? We would be compelled to impose upon the Porto Ricans the war-revenue taxation that we have on our statute books to-day. We would be compelled, Mr. President, to impose upon them direct taxation. If the Senators who are denouncing this bill will go to the testimony that was given before our committee they will find that almost every witness before that committee said that the people of Porto Rico could not by any possibility endure direct taxation or the imposition of our revenue laws.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield?

Mr. GALLINGER. I yield to the Senator from Indiana.

Mr. FAIRBANKS. If the Senator will permit me to interrupt him, I desire to submit, as bearing upon the observation he has just made, a cable dispatch from General Davis to the Secretary of War under the date of March 29.

It is perhaps proper to say that the Secretary, at the request of General Davis, sent Professor Hollander, assistant professor of finance in Johns Hopkins University, to study the working of taxation in the island and to aid in devising a practical system there,

which, according to a letter from the Secretary to me under date of the 2d instant, is "to take the place of the old Spanish system which has gone all to pieces and yields very little revenue indeed." It is well to consider the conclusions reached by Professor Hollander. From the study he has been able to make of the subject he is of the opinion that we should not extend the internal-revenue laws of the United States, but should adopt a revenue system suited to the peculiar local conditions in the island. There is peril to the interests of the Porto Ricans in the proposition made by some to force upon the island a system of taxation which was devised for this country, but not for that. The dispatch from General Davis is as follows:

SAN JUAN DE PORTO RICO, *March 29, 1900.*

ROOT, *Washington:*

Letter by next mail from Professor Hollander strongly advising against legislative requirement of United States internal revenue laws, or fixed percentage thereof, for Porto Rico. He urges that tax system for this island should be made to suit local conditions and harmonize with home requirements. Hope of attaining such a system will be unrealizable if unsuited tax laws are forced on island and proper measures prevented.

DAVIS.

The advice of the Professor strongly confirms the wisdom of our present course in providing a portion of the revenues for the insular government from customs duties, as has been done heretofore. A system with which the people are familiar, and which there is good reason for believing they very much desire, should be continued until such time at least as they shall be able to construct a more scientific system of taxation.

Mr. GALLINGER. Now, Mr. President, I desire simply to add a word. This committee, which have been criticised so severely—and I will not venture to say in all respects unjustly—have been desirous of doing the best possible thing they could for the people of Porto Rico. That has been uppermost in the mind of every member of this committee. The committee believe that the bill which is now before the Senate will give the highest measure of relief to Porto Rico that can possibly be secured by any form of legislation which can be passed through the Congress of the United States.

And, Mr. President, bearing on the question of a tariff duty, I want to read an extract from a letter that came to me this morning, dated San Juan, Porto Rico, March 28, 1900. It is from a very distinguished lawyer in the island. He says:

Let me assure you that the people here are not to-day clamoring for free trade with the States. They are not. They simply ask now for some action. Whether it be 15 per cent, 25 per cent, or even 50 per cent, they want the matter settled. The distress is something terrible. If you will only end the controversy so that we may have something to base future business upon, and create such a form of stable, though limited, civil government, so as to assure protection to capital, the island will progress, starvation will cease, and we will be content.

The writer adds a postscript, as follows:

The only objection to the continuance of the military government is that capital will not come here until we have good courts and a guaranty of stability. General Davis is a most excellent man, strong, able, honest, and tactful—but the principle of military rule means that some one might take his place any day and, under his successor, arbitrary decrees might be rendered destructive of investments. The island needs American capital, and, in order to bring it here, we must have some form of civil government, including courts whose decisions are reviewable in Washington.

Mr. President, what the people of Porto Rico need, according to the information that has reached me from several correspondents, is not that they shall have free trade with the United States immediately, but that they shall have a stable form of government, a civil government, which will give them the benefit of the beneficent laws of the United States, and I predict that the passage of this bill will be the signal for the rehabilitation of that island, and for a degree of prosperity, contentment, and happiness such as those people never could have secured had they not come under the benign ægis of the Government of the United States. Let the bill be passed, and the result will amply justify those of us who have been its friends and advocates.

Mr. STEWART. Mr. President, I have contended from the beginning that hasty legislation with regard to the islands we have wrested from Spain is undesirable. I prefer to follow the example which was set in the case of the Louisiana purchase, the Florida purchase, and in the acquisition of New Mexico and California. President Jefferson was authorized by Congress to govern Louisiana, and through his executive military power he inaugurated civil government there, which was afterwards recognized by Congress.

Florida remained under military rule four years, during which time Monroe inaugurated civil government, which was recognized and adopted by Congress. California was under military rule for over four years without any interference on the part of Congress and very little on the part of the Executive. It was a purely military government until it had established a State government, and the work of the military authorities and the people was recognized and approved in the admission of California in 1850.

I thought and still think that it would have been better to have refrained from legislation and left all the islands wrested from Spain to be governed by the Executive until Congress was fully informed as to what legislation was necessary. The crude and unphilosophical bill which passed the House and the very defective bill now before us satisfy me that I was correct. The House bill provides for a permanent tariff between Porto Rico and the United States. The Senate bill in this respect is a great improvement. It provides for a temporary tariff, and in express terms declares for free trade at the end of twenty-three months.

In other respects the provisions of the Senate bill, so far as Porto Rico is concerned, are the most liberal of any financial bill ever passed for any Territory. The Government of the United States gives back to Porto Rico every dollar collected and, in addition thereto, supports the military establishment from the Treasury of the United States. There is no burden whatever imposed on the people of Porto Rico to support the Government of the United States. On the contrary, a large amount of money will be drawn annually from the Treasury of the United States to support the military establishment which governs Porto Rico.

Although the bill is crude and undigested and contains many defects, I regard it as a step toward the retention of these islands, which I believe was the greatest acquisition of the century. The United States needs these islands. The expenditure of three hundred millions per annum for tropical products which these islands would furnish shows the necessity of their retention. It shows that the United States has not all the resources necessary to make us an independent country financially. The drain of $300,000,000 to $100,000,000 annually to buy tropical fruits will always bear heavily upon the industries of the United States. These islands will not only furnish us all the tropical products which we require, but will enable us to keep our money at home and make the United States independent of all foreign countries.

I do not believe it injurious to acquire all the good and productive land necessary to supply all our wants. A deficiency in our natural resources of $300,000,000 per annum is no trifling matter and should be provided for by acquiring new territory which possesses the natural resources which we lack. Believing that these islands are of paramount importance; believing that this bill is a step in the right direction, notwithstanding it is very imperfect in many respects, and believing that it tends to fasten our hold upon these islands, I shall favor it. It gives the Porto Ricans a degree of local self-government; it gives them free trade in less than two years; it gives them United States courts; it gives them many things which a Territory has, and more than I anticipated would be given under the circumstances which surround this legislation.

I believe it has become a choice between evils. I believe it would be a greater evil to defeat this bill and repudiate any idea of conferring upon the people of Porto Rico the benefits of local self-government, which they so much desire, than it would be to pass it because it contains many provisions which recognize Porto Rico as a part of the United States, and will ultimately aid in extending the principles of the Constitution to a people who desire to come to us and bring us one of the most productive islands in the world. A permanent tariff between the United States and Porto Rico, as provided in the House bill, is out of the question; but a temporary tariff, to be collected and given back to Porto Rico, without internal-revenue taxes and without other charges, is a trifling evil in view of the good that may ultimately be accomplished by a partial extension of the free institutions which we enjoy to the people of Porto Rico.

Under all the circumstances, I have decided to vote for the bill without further amendment.

Mr. LINDSAY. Mr. President, the Senator from Ohio [Mr. FORAKER] accounts for the change in the phraseology of his bill in relation to the citizenship of the people of Porto Rico on the ground that all the Democrats insisted that unless the language was changed Congress would have no power to legislate in regard to these people in a manner different from the legislation required by the Constitution concerning any other citizens of the United States.

Now, I submit whether or not it is true that the language was changed, not because the Democrats so insisted, but because the framers of this bill and its managers conceded the propriety of the contention in relation to this subject.

As citizens of the United States these people could not be legislated about differently from other citizens; and it being the desire of those having charge of the bill to treat them not as citizens of the United States, but as quasi aliens, the language of the bill was changed to fit the purposes of the legislation.

The junior Senator from New York [Mr. DEPEW] yesterday argued to show that these people were without qualification to exercise the functions of citizens of the United States, but the Senator who has charge of the bill does not justify the change on the ground that the people are incapable of exercising the rights of citizens, but on the ground that the bill could not be constitutionally passed unless these people are denied the right of citizenship. The junior Senator from New York [Mr. DEPEW] on yesterday used the following language:

There is a duty at present of $1.60 per hundred pounds upon sugar and $1.85 per pound upon tobacco under the Dingley tariff act. There are millions of dollars worth of this sugar and tobacco, owned by the sugar and

tobacco trusts, which is held from the market and stored in warehouses in Porto Rico awaiting the action upon this bill. This sugar and tobacco was bought from the planters of Porto Rico at a price which included these Dingley tariff duties and still left a large profit for the purchaser. Every concession made from the Dingley tariff is that much more clear profit, not to the producer, or the laborer, or the citizen of Porto Rico, but to these purchasers of their products.

If this be true, I ask why is it that the Dingley duties are reduced 85 per cent in the interest of these trusts who have bought this sugar and tobacco on the faith of having to pay the Dingley tariff duties and still make a large profit? If these trusts are entitled to no Congressional consideration, why not leave the Dingley duties in force for another year and make the reduction to 15 per cent take place next year, when the people of Porto Rico instead of the trusts will get the profit?

These are not the controlling reasons that actuate those in charge of this bill. These are such reasons as are necessary to justify to the people of the United States the deliberate refusal of Congress to act upon the advice of the President of the United States, to conform to his recommendation, and to treat the citizens of an American island as though the time was not to come when they would be allowed to enjoy the privileges of citizens of the United States.

At the outset this bill was intended to be a beneficent measure. Time progressed, and the necessity arose for converting it into a partisan measure. This has controlled the action of Senators on the other side, and to-day, in the face of the recommendation of the Secretary of War, in the face of the advice of the general in command in Porto Rico, in defiance of the recommendation made by the President of the United States, the bill is to be put on its passage as a party measure, and the test of party loyalty is to be the votes that Senators shall cast on the final roll call.

Mr. President, it is useless to attempt to disguise the fact that this bill is not solely in the interest of the people of Porto Rico. In the interest of the doctrine of protection it was felt necessary that something in the nature of a tariff should be incorporated in the bill. The fact that the limitations of the Constitution were not intended to be applied to favor the people of Porto Rico was made evident when the majority not only asserted the right of Congress to legislate beyond the grants of constitutional authority, but that the legislature of Porto Rico, elected by its 800,000 ignorant people, of whom the Senator from New York spoke on yesterday, should not be limited to the enactment of statutes not in conflict with the Constitution of the United States.

Mr. SPOONER. Will the Senator allow me one second?

Mr. LINDSAY. Certainly.

Mr. SPOONER. I ask leave to offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be received.

Mr. LINDSAY. I believe I have nothing further to say any way.

The PRESIDENT pro tempore. The hour of 4 o'clock having arrived, under the unanimous-consent agreement the vote will be now had on the pending bill and amendments of which notice has previously been given.

Mr. FORAKER. Mr. President, I move to amend the bill by inserting, on page 7, line 2, after the word "citizens," the words "of Porto Rico, and as such entitled to the protection."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee, in section 6, page 7, line 2, after the word "citizens," by inserting the words "of Porto Rico, and as such entitled to the protection;" so as to read:

That all inhabitants continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico, and as such entitled to the protection of the United States.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Ohio to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. FORAKER. On page 7, section 6, line 9, after the word "such," I move to strike out the word "other;" so as to read: "together with such citizens of the United States as may reside in Porto Rico," etc.

The amendment to the amendment was agreed to.

Mr. FORAKER. I now ask that that section as it has been amended may be adopted.

The PRESIDENT pro tempore. The question is on the amendment of the committee inserting section 6 as amended.

The amendment as amended was agreed to.

Mr. FORAKER. I move, on page 7, section 7, line 19, before the word "laws," to insert "statutory;" so as to read: "statutory laws of the United States."

The amendment to the amendment was agreed to.

Mr. FORAKER. I now ask that the amendment as amended be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to section 7 as amended.

The amendment as amended was agreed to.

Mr. FORAKER. I now move to amend section 37, which commences on page 25, by adopting the amendment as indicated in the print, namely, by striking out, on page 26, all after the word "choose," in line 2, down to and including the words "Territorial Delegate," in line 7, and inserting the provision following, whereby is substituted a resident commissioner for a Delegate in Congress.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 37, page 26, line 2, after the word "choose," it is proposed to strike out:

One Delegate to the House of Representatives of the United States, who shall be entitled to a seat, but not to a vote, in that body, on the certificate of election of the governor of Porto Rico, who shall have the same rights provided by law for a Territorial Delegate, and the same compensation payable as now provided by law for a Territorial Delegate;

And in lieu thereof to insert:

A resident commissioner to the United States, who shall be entitled to official recognition as such by all Departments, upon presentation to the Department of State of a certificate of election of the governor of Porto Rico, and who shall be entitled to a salary, payable monthly by the United States, at the rate of $5,000 per annum.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the committee to the proposed new section 37 will be stated.

The next amendment to the amendment was, section 37, page 26, line 16, after the words "bona fide," to strike out "inhabitant" and insert "citizen;" in line 17, before the word "who," to strike out "and;" and in line 18, after the word "language," to strike out "and who is not possessed of taxable property in his own right situated in Porto Rico;" so as to read:

Provided, That no person shall be eligible to such election who is not a bona fide citizen of Porto Rico, who is not 30 years of age, and who does not read and write the English language.

The amendment to the amendment was agreed to.

Mr. FORAKER. I now send to the Secretary's desk an amendment which I offered and which was printed on the 30th of March, and ask that it may be inserted in the bill as section 12, instead of section 11, as indicated in the amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. It is proposed to insert the following as section 12:

SEC. 12. That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in said treaty of peace in any public bridges, road houses, water powers, highways, unnavigable streams, and the beds thereof, subterranean waters, mines, or minerals under the surface of private lands, and all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor-works boards of Porto Rico, and all the harbor shores, docks, slips, and reclaimed lands, but not including harbor areas or navigable waters, is hereby placed under the control of the government established by this act to be administered for the benefit of the people of Porto Rico; and the legislative assembly hereby created shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable.

The PRESIDENT pro tempore. There is a section 12 in the bill. Does the Senator desire that the amendment he has just offered shall take the place of that section?

Mr. FORAKER. I ask that the sections of the bill may be renumbered; and I want this to follow section 11 as it is now printed in the bill.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. FORAKER. Mr. President, I move, if it be necessary, that the sections of the bill be renumbered so as to correspond with the amendments which have been made.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that the clerks may renumber the sections of the bill to correspond with the amendments which have heretofore been made. Is there objection? The Chair hears none, and that order will be made.

Mr. FORAKER. That completes the bill so far as the committee is concerned.

Mr. STEWART. Has the matter with reference to the appointment of a commissioner been acted upon?

Mr. FORAKER. Yes, sir.

Mr. DAVIS. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to strike out all of sections 2,

3, and 4, and all of section 12 after the word "States," in line 6, and to insert in lieu thereof the following:

SEC. —. That Porto Rico is hereby made an internal-revenue district. That the laws of the United States providing for internal-revenue taxation and collection not locally inapplicable are hereby extended to and shall remain in force in Porto Rico while this act shall continue in force. The President, by and with the advice and consent of the Senate, shall appoint a collector of internal revenue for said district, who shall receive an annual salary of $4,000 and whose office shall be at San Juan.

SEC. —. That all the internal-revenue taxes imposed by the laws of the United States shall be collected in said district. The Secretary of the Treasury is hereby authorized and directed to make all needful regulations to carry this act into effect and to prescribe the compensation of all officers and agents necessary for that purpose.

SEC. —. That the amount of all taxes so collected, or so much thereof as may be necessary, less the expenses of collection, are hereby appropriated and placed at the disposal of the President, to be expended under his direction for the government of Porto Rico now existing or hereafter to be established, and for public education, public works, and other governmental and public purposes therein.

SEC. —. That no duties on imports or exports shall, after the passage of this act, be levied or collected on any articles imported from the United States into Porto Rico or from Porto Rico into the United States.

Mr. DAVIS. Mr. President, upon that amendment I request the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLEN (when his name was called). On this subject I am paired with the junior Senator from North Dakota [Mr. MCCUMBER]. The senior Senator from Maryland [Mr. WELLINGTON] is paired with the junior Senator from North Carolina [Mr. BUTLER]. I suggest to the Senator from Maryland that we transfer pairs, so that we may both vote, and the Senator from North Carolina and the Senator from North Dakota will stand paired.

Mr. WELLINGTON. That will be agreeable to me.

Mr. ALLEN. I therefore vote "yea."

Mr. FAIRBANKS (when Mr. BEVERIDGE'S name was called). I wish to announce now, and I shall not again repeat the announcement during future roll calls, that my colleague [Mr. BEVERIDGE] is unavoidably absent.

Mr. LODGE (when Mr. HOAR'S name was called). My colleague [Mr. HOAR] is unavoidably absent from the Chamber. He stands paired on this and all other questions connected with this bill with the Senator from Louisiana [Mr. MCENERY].

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were present, he would vote "nay" and I should vote "yea."

Mr. PROCTOR (when his name was called). I am paired with the senior Senator from Florida [Mr. MALLORY]; but I will transfer that pair to the Senator from Maine [Mr. HALE], thus exchanging pairs with the Senator from Arkansas, so that he and I may vote. I vote "yea."

Mr. WARREN (when his name was called). On this question I am paired with the senior Senator from Washington [Mr. TURNER]. If he were here, I assume he would vote "yea." I should vote "nay."

Mr. WELLINGTON (when his name was called). Under the arrangement suggested by the Senator from Nebraska [Mr. ALLEN], by which a transfer of pairs has taken place, I am at liberty to vote. I vote "yea."

Mr. BURROWS (when his name was called). I have a standing pair with the senior Senator from Louisiana [Mr. CAFFERY]. If I were at liberty to vote, I should vote "nay."

Mr. CULBERSON (when Mr. CHILTON'S name was called). My colleague [Mr. CHILTON] is paired with the senior Senator from West Virginia [Mr. ELKINS]. If my colleague were here, he would vote "yea."

Mr. CLARK of Montana (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. BEVERIDGE]. I understand that if he were present he would vote "yea;" and, therefore, I vote "yea."

Mr. ELKINS (when his name was called). I am paired with the senior Senator from Texas [Mr. CHILTON]. If he were present, he would vote "yea." and I should vote "nay."

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS]. If he were present, I should vote "nay."

Mr. WETMORE (when his name was called). My colleague, the senior Senator from Rhode Island [Mr. ALDRICH] is unavoidably absent. He is paired with the Senator from South Dakota [Mr. PETTIGREW] on this and all other amendments, as well as on the bill itself. If my colleague were present, he would vote "nay." I vote "nay."

The roll call was concluded.

Mr. JONES of Arkansas. My pair with the Senator from Maine [Mr. HALE] having been transferred to the Senator from Florida [Mr. MALLORY], I vote "yea." While I am on my feet, I announce a pair between the Senator from South Dakota [Mr. PETTIGREW] and the Senator from Rhode Island [Mr. ALDRICH].

Mr. PRITCHARD. My colleague [Mr. BUTLER] is unavoidably absent. He is paired with the Senator from North Dakota [Mr. MCCUMBER].

The result was announced—yeas 30, nays 40; as follows:

YEAS—30.

Allen,	Daniel,	Martin,	Sullivan,
Bacon,	Davis,	Mason,	Taliaferro,
Bate,	Harris,	Money,	Tillman,
Berry,	Heitfeld,	Morgan,	Turley,
Clark, Mont.	Jones, Ark.	Nelson,	Vest.
Clay,	Kenney,	Pettus,	Wellington.
Cockrell,	Lindsay,	Proctor,	
Culberson,	McLaurin,	Simon,	

NAYS—40.

Allison,	Foraker,	Lodge,	Ross,
Baker,	Foster,	McBride,	Scott,
Bard,	Frye,	McComas,	Sewell,
Carter,	Gallinger,	McMillan,	Shoup,
Chandler,	Gear,	Penrose,	Spooner,
Clark, Wyo.	Hansbrough,	Perkins,	Stewart,
Cullom,	Hawley,	Platt, Conn.	Teller,
Deboe,	Jones, Nev.	Platt, N. Y.	Thurston,
Depew,	Kean,	Pritchard,	Wetmore,
Fairbanks,	Kyle,	Quarles,	Wolcott.

NOT VOTING—17.

Aldrich,	Chilton,	McCumber,	Turner,
Beveridge,	Elkins,	McEnery,	Warren.
Burrows,	Hale,	Mallory,	
Butler,	Hanna,	Pettigrew,	
Caffery,	Hoar,	Rawlins,	

So the amendment of Mr. DAVIS was rejected.

Mr. DAVIS. I offer the amendment which I now send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to strike out all of sections 2, 3, and 4, and all of section 12 after the word "States," in line 6, and insert in lieu thereof the following:

That Porto Rico is hereby made an internal-revenue district. That the laws of the United States providing for internal-revenue taxation and collection, not locally inapplicable, are hereby extended to and shall remain in force in Porto Rico, excepting as herein otherwise provided, for the term stated in this act. The President, by and with the advice and consent of the Senate, shall appoint a collector of internal revenue for said district, who shall receive an annual salary of $4,000 and whose office shall be at San Juan.

SEC. —. That, excepting as herein otherwise provided, 15 per cent of all the internal-revenue taxes imposed by the laws of the United States shall be collected in said district. No stamp taxes imposed by said laws upon written or printed documents shall be collected in said district. The Secretary of the Treasury is hereby authorized and directed to make all needful regulations to carry this act into effect, and to prescribe the compensation of all officers and agents necessary for that purpose.

SEC. —. That the amount of all taxes so collected, less the necessary expenses of collection, are hereby appropriated and placed at the disposal of the President, to be expended under his direction for the government of Porto Rico now existing or hereafter to be established, and for public education, public works, and other governmental and public purposes therein.

SEC. —. That upon tobacco not grown in Porto Rico and upon all manufactures thereof, and upon rum or other distilled spirits produced from substances not grown in Porto Rico, the full tax provided by the internal-revenue laws of the United States shall be collected. Upon tobacco grown in Porto Rico, and the manufactures thereof, and upon rum and other spirits distilled or made from sugar cane or other agricultural product grown in Porto Rico, or from the product of such sugar cane or other agricultural product, the said tax of 15 per cent shall be imposed, the same as upon other subjects of internal taxation.

SEC. —. That the President, whenever he shall be satisfied that a local self-government has been established in Porto Rico adequate to raise and collect taxes by its own legislation, shall have the power from time to time, by proclamation, to decrease the said per cent of taxation, or to wholly abolish the same.

SEC. —. That no duties on imports or exports shall, after the passage of this act, be levied or collected on any articles imported from the United States into Porto Rico or from Porto Rico into the United States.

SEC. —. That this act shall be taken and held to be provisional in its purpose, and intended to meet a pressing present need for revenue for the island of Porto Rico, and shall not continue in force after the 1st day of March, 1902.

SEC. —. That tobacco, or any manufacture thereof, and rum, or other distilled spirits, imported into the United States from Porto Rico shall be subject at the port of entry in the United States to the payment of, and there shall be collected on the same the full amount, less said 15 per cent, in case the same shall have been paid, of the internal-revenue tax imposed by the internal revenue upon such articles produced in the States of the Union. The Secretary of the Treasury is empowered and directed to make all necessary rules and regulations for such collection.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Minnesota [Mr. DAVIS].

The amendment was rejected.

Mr. DAVIS. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Minnesota offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out all of sections 2, 3, and 4, and all of section 12 after the word "States," in line 6, and insert the following:

SEC. —. That for the purposes of this act the following provisions of the Constitution of the United States are hereby extended and made applicable to Porto Rico:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

"No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

"No tax or duty shall be laid on articles exported from any State.

"No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another."

And it is hereby enacted that all duties, imposts, and excises imposed or levied, laid, or collected by Congress upon Porto Rico, or any products or business thereof, or in relation to said Porto Rico, shall be uniform with all duties, imposts, and excises laid and collected throughout the United States;

That no capitation or other direct tax shall be laid by Congress in or upon Porto Rico unless in proportion to the census or enumeration directed to be taken by the Constitution;

That no tax or duty shall be laid on articles exported from Porto Rico;

That no preference shall be given by any regulation of commerce or revenue to the ports of Porto Rico over those of any State of the Union; nor shall vessels bound to or from Porto Rico be obliged to enter, clear, or pay duties in any State of the Union;

Nor shall any preference be given by any regulation of commerce or revenue to the ports of any State of the Union over those of Porto Rico; nor shall vessels bound to or from the ports of any State of the Union be obliged to enter, clear, or pay duties in any port of Porto Rico.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Minnesota.

The amendment was rejected.

The PRESIDENT pro tempore. Section 37 was amended in two or three particulars, and was not agreed to after the amendments had been adopted. The question now is, Will the Senate agree to the section as amended?

The section as amended was agreed to.

Mr. NELSON. I offer an amendment which is on the Secretary's desk, which I ask to have stated.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to amend section 3, pages 3 and 4 of the last print of the bill, by striking out all from and after the word "same," in line 1, and inserting in lieu thereof the following:

SEC. 3. That on and after the passage of this act all articles imported into the United States from Porto Rico, and all articles imported into Porto Rico from the United States, shall be exempt from duty: *Provided, however*, That articles of Porto Rican manufacture coming into the United States shall, before being withdrawn for consumption or sale, be subject to the payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said articles in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

Amend section 4, page 5, by striking out all from and after the word "same," in line 1, page 5, to the word "shall," in line 4, page 5.

Mr. NELSON. I do not want the last part of the amendment voted on until after the first part has been acted upon. I ask for the yeas and nays upon the first part of the amendment.

The PRESIDENT pro tempore. The Senator from Minnesota asks for the yeas and nays upon his first amendment.

Mr. BERRY. The last part of the amendment was withdrawn, as I understand?

The PRESIDENT pro tempore. The Senator from Minnesota stated that he desired the first amendment acted upon by itself.

Mr. BERRY. Very well.

The yeas and nays were ordered.

Mr. JONES of Arkansas. Let the amendment proposed by the Senator from Minnesota be stated.

Mr. BACON. I should like to have the part to be voted upon stated separately in order that we may understand it.

The PRESIDENT pro tempore. The first amendment proposed by the Senator from Minnesota will be again stated.

The SECRETARY. It is proposed to amend section 3, pages 3 and 4 of the last print of the bill, by striking out all from and after the word "same," in line 1, and inserting in lieu thereof the following:

SEC. 3. That on and after the passage of this act all articles imported into the United States from Porto Rico, and all articles imported into Porto Rico from the United States, shall be exempt from duty: *Provided, however*, That articles of Porto Rican manufacture coming into the United States shall, before being withdrawn for consumption or sale, be subject to the payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said articles in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Minnesota [Mr. NELSON], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. CHILTON's name was called). My colleague is paired with the senior Senator from West Virginia [Mr. ELKINS]. If he were present, he would vote "yea."

Mr. CLARK of Montana (when his name was called). The understanding with the junior Senator from Indiana [Mr. BEVERIDGE], with whom I am paired, is that if present, he would vote "yea."

Mr. ELKINS (when his name was called). On this amendment and on this bill I am paired with the senior Senator from Texas [Mr. CHILTON]. If he were present, I should vote "nay."

Mr. HANNA (when his name was called). I repeat the announcement of my pair with the Senator from Utah [Mr. RAWLINS].

Mr. LODGE (when Mr. HOAR's name was called). My colleague, as I have already announced, is paired with the Senator from Louisiana [Mr. MCENERY]. If present, my colleague would vote in favor of this amendment; and if the amendment should fail, he would vote against the bill. I will make no further announcement of his pair.

Mr. PROCTOR (when Mr. MALLORY's name was called). On all votes connected with this question the Senator from Florida [Mr. MALLORY] is paired with the Senator from Maine [Mr. HALE].

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Washington [Mr. TURNER].

The roll call was concluded.

Mr. WETMORE. I again announce the pair of the senior Senator from Rhode Island, my colleague [Mr. ALDRICH], with the senior Senator from South Dakota [Mr. PETTIGREW]. If present, my colleague would vote "nay."

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. If at liberty to vote, I should vote "nay."

The result was announced—yeas 28, nays 41; as follows:

YEAS—28.

Allen,	Culberson,	McLaurin,	Proctor,
Bacon,	Davis,	Martin,	Simon,
Bate,	Harris,	Mason,	Taliaferro,
Berry,	Heitfeld,	Money,	Tillman,
Clark, Mont.	Jones, Ark.	Morgan,	Turley,
Clay,	Kenney,	Nelson,	Vest,
Cockrell,	Lindsay,	Pettus,	Wellington.

NAYS—41.

Allison,	Foraker,	McBride,	Sewell,
Baker,	Foster,	McComas,	Shoup,
Bard,	Frye,	McMillan,	Spooner,
Carter,	Gallinger,	Penrose,	Stewart,
Chandler,	Gear,	Perkins,	Teller,
Clark, Wyo.	Hansbrough,	Platt, Conn.	Thurston,
Cullom,	Hawley,	Platt, N. Y.	Wetmore,
Daniel,	Jones, Nev.	Pritchard,	Wolcott.
Deboe,	Kean,	Quarles,	
Depew,	Kyle,	Ross,	
Fairbanks,	Lodge,	Scott,	

NOT VOTING—18.

Aldrich,	Chilton,	McCumber,	Sullivan,
Beveridge,	Elkins,	McEnery,	Turner,
Burrows,	Hale,	Mallory,	Warren.
Butler,	Hanna,	Pettigrew,	
Caffery,	Hoar,	Rawlins,	

So Mr. NELSON's amendment was rejected.

Mr. SPOONER. I offer the amendment which I send to the desk.

The SECRETARY. After the word "until," in line 7, page 5, section 4, it is proposed to strike out "otherwise provided by law" and insert in lieu thereof the following:

The government of Porto Rico herein provided for shall have been organized, when all moneys theretofore collected under the provisions hereof then unexpended shall be transferred to the local treasury of Porto Rico.

Mr. FORAKER. I accept the amendment.

The amendment was agreed to.

Mr. BACON. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to strike out sections 2 and 3 and insert in lieu thereof the following:

SEC. 2. That on and after the date when this act shall take effect there shall be levied, collected, and paid upon all articles imported from foreign countries into Porto Rico, which is hereby constituted a customs collection district, the rates of duty mentioned and prescribed in the schedules and paragraphs of an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897; and on and after the passage of this act trade between the customs collection district hereby established for the island of Porto Rico and the customs collection districts of the United States now in existence, or which may hereafter be established, shall be free from all import or tariff duties, and all laws or parts of laws now or heretofore requiring or authorizing the collection of import or tariff duties on articles of commerce between any of the customs collection districts herein named are to that extent hereby repealed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was rejected.

The PRESIDENT pro tempore. Are there further amendments as in Committee of the Whole?

Mr. BACON. I gave notice of a substitute for the bill; and if this is the proper time, I will offer it.

The PRESIDENT pro tempore. Does the Senator propose to offer the substitute in the Senate instead of as in Committee of the Whole? The Senator can offer it as in Committee of the Whole if he prefers.

Mr. BACON. I am indifferent. It makes no difference; either place; whichever is the more convenient.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert——

Mr. DAVIS. I ask unanimous consent that the reading of the amendment may be dispensed with.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the reading of the amendment be dispensed with.

Mr. PETTUS. It has been read several times.

The PRESIDENT pro tempore. It has been read. Is there objection? The Chair hears none.

Mr. TELLER. Will the Chair state what it is? Is it the original bill?

The PRESIDENT pro tempore. It is the original bill as reported by the committee.

The amendment offered by Mr. BACON is as follows:

GENERAL PROVISIONS.

That the provisions hereof shall apply to and include not only the island of Porto Rico, but also all the adjacent islands and the waters thereof east of the seventy-fourth meridian of longitude west of Greenwich that were ceded to the United States by the treaty of peace concluded between the United States and Spain on the 11th day of April, 1899.

SEC. 2. That the capital shall be at the city of San Juan and the seat of government for the island shall be maintained there.

SEC. 3. That all inhabitants of the island continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in Porto Rico, shall be deemed and held to be citizens of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April, 1900, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April, 1899; and they shall constitute a body politic with governmental powers as hereinafter conferred, and with power to sue and be sued in the courts of the United States in the name of the "Island of Porto Rico" in all cases in which such courts have jurisdiction where one of the parties is a State or Territory of the United States.

SEC. 4. That the laws and ordinances now in force in the island of Porto Rico shall continue in full force and effect, except as altered, amended, or modified hereinafter, or by military orders and decrees now in force, and so far as the same are not inconsistent or in conflict with the Constitution and laws of the United States locally applicable, or the provisions hereof, until altered, amended, or repealed by the legislative authority hereinafter provided for the island or by act of Congress of the United States.

SEC. 5. That the laws of the United States relating to commerce, navigation, and merchant seamen are hereby extended to and over the island of Porto Rico and all said adjacent islands and waters, and the Commissioner of Navigation may make such regulations as he may deem expedient for the nationalization of all vessels owned by the inhabitants of the island on the 11th day of April, 1899, and which continued to be so owned up to the date of such nationalization, and the coasting trade between the island and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

SEC. 6. That on and after the date of the passage of this act there shall be levied, collected, and paid upon all articles imported, except from the United States into the island of Porto Rico, the rates of duty mentioned and prescribed in the schedules and paragraphs of the act "To provide revenue for the Government, and to encourage industries of the United States," approved July 24, 1897, in the same manner and to the same extent as if said schedules and paragraphs were expressly reenacted in this act, and all the other provisions and paragraphs of such act comprised in the sections thereof from 2 to 34, inclusive, not locally inapplicable shall be and remain in force in said island of Porto Rico until otherwise provided by Congress: *Provided, however*, That all collections made hereunder shall be paid into the treasury of the island, to be expended as required by law for the government and benefit of the island instead of being paid into the Treasury of the United States.

SEC. 7. That on and after the passage of this act there shall be collected within the island of Porto Rico all the internal-revenue taxes imposed under the provisions of the Revised Statutes elsewhere in the United States in so far as the same are locally applicable, and all the provisions of the laws of the United States providing for internal-revenue taxation and the collection thereof not locally inapplicable shall be and remain in force within the island of Porto Rico until otherwise provided by Congress.

SEC. 8. That on and after the passage of this act all merchandise coming into the United States from the island of Porto Rico, and all merchandise going from the United States into the island of Porto Rico, shall be admitted into the respective ports of entry free of all tariffs, customs, and duties, all laws and parts of laws to the contrary notwithstanding.

SEC. 9. That all expenses that may be incurred on account of the government of Porto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including harbors, light-houses, buoys, and other works undertaken by the United States, shall be paid by the treasurer of the island out of the revenues in his hands, and not be a liability in any case of the United States.

SEC. 10. That the Constitution and all the laws of the United States locally applicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in the island of Porto Rico as elsewhere in the United States.

SEC. 11. That the legislative authority hereinafter provided shall have power by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this act, as it may from time to time see fit.

SEC. 12. That all vested property rights, and all obligations, contracts, rights of action, suits at law and in equity, prosecutions for crimes and misdemeanors, and all sentences and civil judgments and decrees now existing shall remain unaffected by this act and continue enforceable.

SEC. 13. That all judicial and legal process shall run in the name of "The United States of America, island of Porto Rico," and all criminal or penal prosecutions shall be conducted in the name and by the authority of "The United States of America, island of Porto Rico."

THE GOVERNOR.

SEC. 14. That the official title of the chief executive officer of the island shall be "the governor of Porto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for a term of four years and until his successor is chosen and qualified, unless sooner removed by the President; he shall reside in the island during his official incumbency, and shall maintain his office at the seat of government; he may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of the island, and respites for offenses against the laws of the United States, until the decision of the President can be ascertained; he shall commission all officers of the island that he may be authorized to appoint, and shall participate in and may veto any legislation enacted by the legislative authority of the island, as hereinafter provided; he shall be the commander in chief of the militia of the island and shall at all times faithfully execute the laws of the island, and he shall in that behalf have all the powers of governors of the Territories of the United States that are locally applicable; and he shall annually, and at such other times as he may be required, make official report of the proceedings and condition of government in the island, through the Secretary of State, to the President of the United States.

THE EXECUTIVE COUNCIL.

SEC. 15. That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a secretary, an attorney-general, a treasurer, an auditor, a commissioner of the interior, and a commissioner of education, each of whom shall reside in the island during his official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with the governor and five other persons of good repute, to be also appointed by the President, by and with the advice and consent of the Senate, from the native inhabitants of the island, shall constitute an executive council, and, in addition to the legislative duties hereinafter imposed upon them as a body, exercise such powers and perform such duties as are hereinafter provided for them, respectively.

SEC. 16. That the secretary shall record and preserve minutes of the proceedings of the executive council and the laws enacted by the legislative assembly of the island, and all acts and proceedings of the governor, and shall promulgate all proclamations and orders of the governor and all laws enacted by the legislative assembly. He shall, within sixty days after the end of each session of the legislative assembly, transmit to the President, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State of the United States one copy each of the laws and journals of such session.

SEC. 17. That in case of the death, removal, resignation, or disability of the governor, or his temporary absence from the island, the secretary shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

SEC. 18. That the attorney-general shall have all the powers and discharge all the duties provided by law for an attorney-general of a Territory of the United States in so far as the same are locally applicable, and he shall perform such other duties as may be prescribed by law, and make such reports, through the governor, to the Attorney-General of the United States as that officer may require.

SEC. 19. That the treasurer shall collect and be the custodian of the public funds, and shall disburse the same as required by law, and shall perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as that officer may require.

SEC. 20. That the auditor shall keep full and accurate accounts, showing all receipts and disbursements, and perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as that officer may require.

SEC. 21. That the commissioner of the interior shall superintend all works of a public nature, and shall have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law and make such reports through the governor to the Secretary of the Interior of the United States as that official may require.

SEC. 22. That the commissioner of education shall superintend public instruction throughout the island, and all disbursements on account thereof must be approved by him; and he shall perform such other duties as may be prescribed by law and make such reports through the governor as may be required by the Commissioner of Education of the United States.

SEC. 23. That the other five members of the executive council, to be appointed from natives of the island, as hereinbefore provided, shall attend all meetings of the executive council and participate in all business of every character that may be transacted by it; and they shall receive as compensation for their services such annual salaries as may be provided by the legislative assembly.

HOUSE OF DELEGATES.

SEC. 24. That the local legislative authority for the island shall consist of two houses; one the executive council, as hereinbefore constituted, and the other a house of delegates, to consist of 35 members elected biennally by the qualified voters of the island, as hereinafter provided; and the two houses thus constituted shall be designated "the legislative assembly of the island of Porto Rico, United States of America."

SEC. 25. That for the purpose of such elections, and for judicial and other governmental purposes, the island shall be divided by the executive council into five districts, composed of contiguous territory and as nearly equal as may be in population, and each district shall be entitled to seven members of the house of delegates.

ELECTION OF DELEGATES.

SEC. 26. That the first election for delegates shall be held on such date and under such regulations as to ballots and voting as the executive council may prescribe; and at such elections the voters of each legislative district shall choose seven delegates to represent them in the house of delegates from the date of their election and qualification until two years from and after the 1st day of January next ensuing; of all which thirty days' notice shall be given by publication in the Official Gazette, or by printed notices distributed and posted throughout the district, as the executive council may prescribe. At such elections all citizens of the island shall be allowed to vote who possess the qualifications of voters under the laws and military orders now in force in the island, subject to such regulations and restrictions as to registration and otherwise as may be now provided, or as may be prescribed by the executive council. The house of delegates so chosen shall convene at the capital and organize by the election of a speaker, a clerk, a sergeant-at-arms, and such other officers and assistants as it may require, at such time as may be designated by the executive council; but it shall not continue in session longer than sixty days in any one year, unless called by the governor to meet in extraordinary session. The enacting clause of the laws shall be, "Be it enacted by the legislative assembly of the island of Porto Rico, United States of America;" and each member of the house of delegates shall be paid for his services at the rate of $5 per day for each days attendance while the house is in session.

All future elections of delegates shall be governed by the provisions hereof, so far as they are applicable, until the legislative assembly shall otherwise provide.

SEC. 27. That the house of delegates shall be the sole judge of the qualifications of its members, and shall have and exercise all the powers with respect to the conduct of its proceedings that usually appertain to parliamentary legislative bodies. No person shall be eligible to membership in the

house of delegates who is not 25 years of age and able to read and write either the Spanish or the English language, or who is not possessed in his own right of property, real or personal, situated in the island, of the value of at least $2,000.

SEC. 28. That all laws enacted may originate in either body, but no bill shall become a law unless it be passed in each body by a majority vote of all the members belonging to such body and be approved by the governor within ten days thereafter. If, when a bill that has been passed is presented to the governor for signature, he approve the same, he shall sign it, or if not he shall return it, with his objections, to that house in which it originated, which house shall enter his objections at large on its journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly by adjournment prevent its return, in which case it shall not be a law.

SEC. 29. That the legislative authority herein provided shall apply to all matters of a legislative character locally applicable to the island, including power to create, consolidate, and reorganize, as may be necessary, the municipalities of the island, and to provide and repeal laws and ordinances therefor; and also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in the island or any municipality or district thereof, subject in all cases to the requirement that no legislation shall be inconsistent with the Constitution of the United States: *Provided, however*, That all grants of franchises, rights, and privileges or concessions of a public or quasi public nature shall be made by the executive council, with the approval of the governor, and all franchises granted in Porto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.

THE JUDICIARY.

SEC. 30. That the judicial power shall be vested in the courts and tribunals of the island as already established and now in operation, including municipal courts, under and by virtue of General Orders, No. 118, as promulgated by Brigadier-General Davis, United States Volunteers, August 16, 1899, and the laws and ordinances of the island and the municipalities thereof in force, so far as the same are not in conflict herewith or with the Constitution of the United States, all which courts and tribunals are hereby continued. The jurisdiction of said courts and the form of procedure in them, and the various officials and attachés thereof, respectively, shall be the same as defined and prescribed in and by said laws and ordinances, and said General Orders, No. 118, until otherwise provided by law: *Provided, however*, That the chief justice and associate justices of the supreme court and the marshal thereof shall be appointed by the President, by and with the advice and consent of the Senate, and the judges of the district courts shall be appointed by the governor of the island, and all other officials and attachés of all the other courts shall be chosen as may be directed by the legislative assembly of the island, which shall have authority to legislate from time to time as it may see fit with respect to said courts, and any others they may deem it advisable to establish, their organization, the number of judges and officials and attachés for each, their jurisdiction, their procedure, and all the matters affecting them.

SEC. 31. That the island of Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal for said district, each for a term of four years, unless sooner removed by the President. The district court for said district shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizant in the circuit courts of the United States, and shall proceed therein in the same manner as a circuit court. The laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the island. Regular terms of said court shall be held at San Juan, commencing on the second Monday in April and October of each year, and also at Ponce on the second Monday in January of each year, and special terms may be held at Mayaguez at such other times and places in the district as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language.

The United States district court hereby established shall be the successor to the United States provisional court established by General Orders, No. 88, promulgated by Brigadier-General Davis, and shall take possession of all records of that court, and take jurisdiction of all cases and proceedings pending therein, and said United States provisional court is hereby discontinued.

SEC. 32. That writs of error and appeals from the final decisions of the supreme court of the island shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the supreme courts of the Territories of the United States; and such writs of error and appeal shall be allowed in all cases where the Constitution of the United States, or a treaty thereof, or an act of Congress is brought in question and the right claimed thereunder is denied; and the supreme and district courts of the island and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia. All proceedings in the Supreme Court of the United States shall be conducted in the English language.

SEC. 33. That the salaries of all officials of the island not appointed by the President, including deputies, assistants, and other help, shall be such, and be so paid out of the revenues of the island, as the executive council shall from time to time determine: *Provided, however*, That the salary of no officer shall be either increased or diminished during his term of office. The salaries of all officers and all expenses of the offices of the various officials for the island, appointed as herein provided by the President, including deputies, assistants, and other help, shall also be paid out of the revenues of the island on the warrant of the auditor, who shall pay all salaries, and also all items of official expense approved by the executive council and duly audit the same.

The annual salaries of the officials appointed by the President, and so to be paid, shall be as follows:

The governor, $10,000.
The secretary, $4,000.
The attorney-general, $4,000.
The auditor, $4,000.
The commissioner of the interior, $4,000.
The commissioner of education, $4,000.
The chief justice of the supreme court, $5,000.
The associate justices of the supreme court (each), $4,500.
The marshal of the supreme court, $3,000.
The United States district judge, $5,000.
The United States district attorney, $4,000.
The United States district marshal, $3,500.

SEC. 34. That the provisions of the foregoing section shall not apply to the municipal officials. Their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues in such manner as the legislative assembly shall provide.

SEC. 35. That no export duties shall be levied or collected on exports from the island; but taxes and assessments on property, and license fees for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by act of the legislative assembly; and where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the island or any municipal government therein as may be provided by law to provide for expenditures authorized by law, and to protect the public credit: *Provided, however*, That no public indebtedness of the island or of any municipality thereof shall be authorized or allowed in excess of 10 per cent of the aggregate tax valuation of the property of the island or municipality, respectively.

SEC. 36. That the qualified voters of the island shall, on the first Tuesday after the first Monday of November, A. D. 1900, and every two years thereafter, choose one Delegate to the House of Representatives of the United States, who shall be entitled to a seat, but not to a vote, in that body, on the certificate of election of the governor of the island: *Provided*, That no person shall be eligible to such election who is not a bona fide inhabitant of the island, and who is not 30 years of age and possessed of property in his own right situated in the island of the value of at least $2,000.

SEC. 37. That a commission, to consist of five members, at least two of whom shall be native citizens of the island, shall be appointed by the President, by and with the advice and consent of the Senate, to compile and revise the laws of the island; also the various codes of procedure and systems of municipal government now in force, and to frame and report such legislation as may be necessary to make a simple, harmonious, and economical government, establish justice and secure its prompt and efficient administration, inaugurate a general system of education and public instruction, provide buildings and funds therefor, equalize and simplify taxation and all the methods of raising revenue, and make all other provisions that may be necessary to secure and extend the benefits of a republican form of government to all the inhabitants of the island; and all the expenses of such commissioners, including all necessary clerks and other assistants that they may employ, and a salary to each member of the commission at the rate of $5,000 per annum, shall be allowed and paid out of the insular treasury as a part of the expenses of the government of the island. And said commission shall make full and final report of all its proceedings and recommendations to the Congress on or before one year after the passage of this act.

SEC. 38. That this act shall take effect and be in force from and after the 1st day of March, 1900.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. BACON].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. PETTUS and Mr. TELLER asked for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. ALLEN (when his name was called). On this vote the junior Senator from North Dakota [Mr. MCCUMBER] stands paired with the junior Senator from North Carolina [Mr. BUTLER].

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. If at liberty to vote, I should vote "yea."

Mr. CULBERSON (when Mr. CHILTON'S name was called). My colleague is paired with the senior Senator from West Virginia [Mr. ELKINS]. If my colleague were here, he would vote "nay."

Mr. CLARK of Montana (when his name was called). The junior Senator from Indiana [Mr. BEVERIDGE], with whom I am paired, would, if present, vote "yea." I believe the pair has been transferred to the Senator from Utah [Mr. RAWLINS]. Hence I will vote. I vote "nay."

The roll call was concluded.

Mr. ELKINS. I am paired with the senior Senator from Texas [Mr. CHILTON]. Otherwise I should vote "yea."

Mr. WARREN. On the passage of the bill I am paired with the senior Senator from Washington [Mr. TURNER]. He would vote "nay" if present, and I should vote "yea."

Mr. WELLINGTON. Under the arrangement suggested by the Senator from Nebraska, a mutual transfer of pairs having taken place, I will vote. I vote "nay."

Mr. WETMORE. My colleague [Mr. ALDRICH] is paired with the senior Senator from South Dakota [Mr. PETTIGREW]. If present, my colleague would vote "yea."

The result was announced—yeas 40, nays 31; as follows:

YEAS—40.

Allison,	Foraker,	Kyle,	Quarles,
Baker,	Foster,	Lodge,	Ross,
Bard,	Frye,	McBride,	Scott,
Carter,	Gallinger,	McComas,	Sewell,
Chandler,	Gear,	McMillan,	Shoup,
Clark, Wyo.	Hanna,	Penrose,	Spooner,
Cullom,	Hansbrough,	Perkins,	Stewart,
Deboe,	Hawley,	Platt, Conn.	Thurston,
Depew,	Jones, Nev.	Platt, N. Y.	Wetmore,
Fairbanks,	Kean,	Pritchard,	Wolcott.

NAYS—31.

Allen,	Daniel,	Martin,	Sullivan,
Bacon,	Davis,	Mason,	Taliaferro,
Bate,	Harris,	Money,	Teller,
Berry,	Heitfeld,	Morgan,	Tillman,
Clark, Mont.	Jones, Ark.	Nelson,	Turley,
Clay,	Kenney,	Pettus,	Vest,
Cockrell,	Lindsay,	Proctor,	Wellington.
Culberson,	McLaurin,	Simon,	

NOT VOTING—16.

Aldrich,	Caffery,	Hoar,	Pettigrew,
Beveridge,	Chilton,	McCumber,	Rawlins,
Burrows,	Elkins,	McEnery,	Turner,
Butler,	Hale,	Mallory,	Warren.

So the bill was passed.

The PRESIDENT pro tempore. The preamble, without objection, will be stricken out.

The title was amended so as to read: "A bill temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

NORTHERN JUDICIAL DISTRICT OF NEW YORK.

Mr. PLATT of Connecticut. I ask that the Chair lay before the Senate the amendments of the House of Representatives to Senate bill 268.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, and to divide the same into two districts and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes.

Mr. PLATT of Connecticut. I move that the Senate disagree to the amendments of the House of Representatives, and ask for a committee of conference on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PLATT of Connecticut, Mr. SPOONER, and Mr. BACON were appointed.

ORDER OF BUSINESS.

Mr. LODGE. I ask that Senate bill 2355 may be laid before the Senate. I wish to have it made the unfinished business. Of course, I do not intend to ask the Senate to go on with it to-night.

Mr. PENROSE. I object.

Mr. LODGE. Then I make the motion. It was included in the unanimous-consent agreement.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. WOLCOTT. I move that the Senate adjourn.

Mr. PENROSE. I second the motion.

Mr. LODGE. On that I ask for the yeas and nays.

Mr. BERRY. What is the bill the Senator from Massachusetts is trying to get up?

The PRESIDENT pro tempore. The Senator from Colorado moves that the Senate adjourn.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PROCTOR (when Mr. MALLORY'S name was called). The Senator from Florida [Mr. MALLORY] is paired with the Senator from Maine [Mr. HALE].

Mr. PETTUS (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. WELLINGTON (when Mr. PRITCHARD'S name was called). The Senator from North Carolina [Mr. PRITCHARD] has been called away to attend a funeral. He is paired with the Senator from South Carolina [Mr. MCLAURIN].

Mr. WELLINGTON. Under the arrangement heretofore announced by the Senator from Nebraska I will vote. I vote "yea."

The roll call was concluded.

Mr. WARREN. I desire to announce my pair with the Senator from Washington [Mr. TURNER].

The result was announced—yeas 29, nays 29, as follows:

YEAS—29.

Allen,	Clay,	Kenney,	Thurston,
Baker,	Culberson,	Martin,	Turley,
Bard,	Daniel,	Money,	Vest,
Bate,	Foster,	Morgan,	Wellington,
Carter,	Gear,	Penrose,	Wolcott.
Chandler,	Hansbrough,	Perkins,	
Clark, Mont.	Harris,	Platt, N. Y.	
Clark, Wyo.	Heitfeld,	Taliaferro,	

NAYS—29.

Allison,	Frye,	McComas,	Spooner,
Bacon,	Gallinger,	McMillan,	Sullivan,
Burrows,	Hanna,	Nelson,	Teller,
Cullom,	Hawley,	Platt, Conn.	Tillman,
Davis,	Jones, Ark.	Proctor,	Wetmore.
Deboe,	Kean,	Quarles,	
Fairbanks,	Lodge,	Ross,	
Foraker,	McBride,	Simon,	

NOT VOTING—29.

Aldrich,	Elkins,	McLaurin,	Sewell,
Berry,	Hale,	Mallory,	Shoup,
Beveridge,	Hoar,	Mason,	Stewart,
Butler,	Jones, Nev.	Pettigrew,	Turner,
Caffery,	Kyle,	Pettus,	Warren.
Chilton,	Lindsay,	Pritchard,	
Cockrell,	McCumber,	Rawlins,	
Depew,	McEnery,	Scott,	

So the Senate refused to adjourn.

Mr. LODGE. I renew my motion—my request—to take up Senate bill 2355, and after that I shall move to adjourn. This is according to the unanimous agreement, as I understood it.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Senator from Massachusetts asks unanimous consent——

Mr. LODGE. No; I do not ask it. I ask that under the unanimous-consent agreement we may proceed to the consideration of Senate bill 2355.

Mr. ALLEN. What is the bill?

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of Senate bill 2355, Order of Business 536.

Mr. STEWART. I understand——

Mr. GALLINGER. Here is the agreement printed in the Calendar.

Mr. STEWART. I understand that this is to be the unfinished business, and will come up at 2 o'clock, and that it will not be in the way of calling up the Quay case immediately after the routine business.

Mr. LODGE. Certainly not.

Mr. STEWART. I hope that will be done every morning.

Mr. LODGE. It is simply to make this bill the unfinished business; that is all.

Mr. STEWART. If that is according to the agreement, I am going to keep the agreement.

Mr. ALLEN. Mr. President——

Mr. CHANDLER. I understand——

The PRESIDING OFFICER. The Senator from Nebraska was recognized before the Senator from New Hampshire rose.

Mr. ALLEN. I rose to ask the Chair what the agreement was. The Senator from Massachusetts speaks of an unanimous-consent agreement.

Mr. PETTUS. Mr. President, what is the bill that is proposed to be taken up? It has only been spoken of by number.

The PRESIDING OFFICER. The Secretary will read the title of the bill for the information of the Senate.

The SECRETARY. Order of Business 536, a bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of September, 1898.

Mr. CHANDLER. I understand it is claimed by the Senator from Massachusetts that under the unanimous-consent agreement, made when I was not in the Chamber, this bill is entitled to take the place of the Porto Rican bill as the unfinished business. If that is the object of the Senator from Massachusetts, I have no objection; but I understand that the special order in reference to the Pennsylvania case takes effect to-morrow after the routine morning business, and that the Pennsylvania case, both under that order and according to the rules of the Senate, is a privileged question, subject to be called up at any time and pressed upon the consideration of the Senate.

Mr. WOLCOTT. Do I understand that that statement of the Senator from New Hampshire has unanimous assent here?

Mr. SPOONER. No.

Mr. LODGE. The unanimous-consent agreement is printed here, if the Senator will look at it. The Senate made an agreement a part of which was that the Quay case should not interfere with this bill when taken up.

Mr. CHANDLER. I do not so understand the unanimous-consent agreement.

Mr. LODGE. The unanimous consent, I understand, was for to-day—to take up the Quay case to-day.

Mr. SPOONER. I ask that the unanimous-consent agreement be read.

Mr. LODGE. I do not desire to interfere with its coming up after the routine morning business. The exception was clearly made.

Mr. PETTUS. There was no unanimous consent asked here?

The PRESIDING OFFICER. The Chair so understands it. The reading being asked for, the Secretary will read the agreement entered into by the Senate by unanimous consent.

The Secretary read as follows:

That on Tuesday, April 3, after the routine morning business, the Senate will proceed to the consideration of S. R. 107, declaring "that the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania," and continue its consideration from day to day until the final disposition of the same, subject to the consideration of appropriation bills, conference reports, the present unfinished business, and S. 2355, "in relation to the suppression of insurrection in, and to the government of,

the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of September, 1898." (March 16, 1900.) Notice given by Mr. Chandler that he would not call up the foregoing resolution until Wednesday, April 4, at the same hour. (March 31, 1900.)

Mr. CHANDLER. Now, if that means that these subjects are to be taken up and considered when the Pennsylvania case is not under consideration there is no objection to it, but if it is to be contended that the agreement means that all those subjects shall have a preference over the Pennsylvania case, that is a construction of the unanimous-consent agreement which will not be assented to by me for a single moment.

Mr. GALLINGER. Mr. President, that is precisely the understanding that some of us had, that the Quay case would be subordinate to the consideration of the other measures that are named in the unanimous-consent agreement, except, of course, that the Quay case can be called up in the morning hour.

Mr. JONES of Arkansas. That is what it says and what everybody on this side understood it to mean.

Mr. CHANDLER. It is a most astonishing agreement if a question of the highest privilege is made subordinate in this body to almost everything else that anyone wants to bring up.

Mr. GALLINGER. If the Senator in charge of this question of privilege assented to it, of course he is responsible for it.

Mr. CHANDLER. Certainly the Senator from Massachusetts [Mr. HOAR] agreed to it, but he did not agree that consideration should mean preference.

The PRESIDING OFFICER. The Chair will state that the question now before the Senate is upon the motion of the Senator from Massachusetts [Mr. LODGE], that the bill the number and title of which have been read for the information of the Senate shall be now taken up.

Mr. CHANDLER. I understood the Senator to ask unanimous consent.

Mr. LODGE. I ask that it be taken up; and if no objection is made I suppose it will be taken up. If there is objection, I will move to take it up.

Mr. CHANDLER. I have no objection to its being taken up and made the unfinished business, but I will resist the inference that for a moment it is entitled to consideration as against the privileged question.

Mr. WOLCOTT. There are one or two matters that we have got to understand here, preliminarily, it seems to me. We have fallen late in the afternoon upon a possible subject of disagreement in construing the unanimous consent. The Senator from Massachusetts understands it one way and the Senator from New Hampshire understands it the other way. This has been a long session of the Senate. This is a most important question. We are all tired; some of us, perhaps, inclined to be a little more hasty in judgment than we might be in the cooler hours of the morning. I therefore renew my motion that the Senate adjourn.

Mr. LODGE. I make the point of order that the motion is not in order, no business having intervened.

The PRESIDING OFFICER. The Chair is of opinion that other business has intervened. Several Senators have made remarks and points of order and other questions have intervened, so that the motion to adjourn is in order.

Mr. LODGE. That is not parliamentary business, Mr. President. Then, on the motion to adjourn, I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PETTUS (when his name was called). Mr. President, I am paired.

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Washington [Mr. TURNER].

The roll call having been concluded, the result was announced—yeas 25, nays 31; as follows:

YEAS—25.

Baker,	Deboe,	Nelson,	Thurston,
Bate,	Gear,	Penrose,	Vest,
Carter,	Hansbrough,	Perkins,	Wellington,
Chandler,	Heitfeld,	Scott,	Wolcott.
Clay,	Mason,	Sewell,	
Culberson,	Money,	Stewart,	
Daniel,	Morgan,	Taliaferro,	

NAYS—31.

Allison,	Davis,	Jones, Ark.	Ross,
Bacon,	Fairbanks,	Kean,	Simon,
Bard,	Foraker,	Lodge,	Spooner,
Berry,	Foster,	McBride,	Teller,
Burrows,	Frye,	McMillan,	Tillman,
Clark, Mont.	Gallinger,	Platt, Conn.	Turley,
Cockrell,	Hanna,	Proctor,	Wetmore.
Cullom,	Hawley,	Quarles,	

NOT VOTING—31.

Aldrich,	Elkins,	McComas,	Platt, N. Y.
Allen,	Hale,	McCumber,	Pritchard,
Beveridge,	Harris,	McEnery,	Rawlins,
Butler,	Hoar,	McLaurin,	Shoup,
Caffery,	Jones, Nev.	Mallory,	Sullivan,
Chilton,	Kenney,	Martin,	Turner,
Clark, Wyo.	Kyle,	Pettigrew,	Warren.
Depew,	Lindsay,	Pettus,	

So the Senate refused to adjourn.

Mr. LODGE. I renew my motion to take up the bill.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of Senate bill 2355.

Mr. CARTER. Mr. President, that motion goes to the order of business in the Senate, and I presume it is debatable.

The PRESIDING OFFICER. The Chair is of the opinion that the motion to take up the bill is not debatable.

Mr. CARTER. Then I will ask the Senator at this time to state his construction of the unanimous-consent agreement. Is it his contention that the language of this unanimous agreement requires that the Senate shall make of Senate bill No. 2355 the unfinished business?

Mr. LODGE. I understood that my motion to take it up and make it the unfinished business did not interfere with the agreement to consider the Quay case; that it was relieved from that agreement as one of the exceptions made.

Mr. CARTER. Then I understand from the statement of the Senator from Massachusetts that he does not contend that the unanimous-consent agreement in and of itself requires that the bill in question shall be made the unfinished business, but that the Senate may take the question up and make it the unfinished business or decline to make it the unfinished business without any violence of the unanimous-consent agreement.

Mr. LODGE. The Senate can undoubtedly refuse to take up anything. It can refuse to take up the Quay case.

Mr. CARTER. But I understand the Senator in the first instance to contend that this particular bill comes under the unanimous-consent agreement of the Senate and has precedence to and priority over the case of the appointment of a Senator from Pennsylvania, and upon that basis he presents this motion.

Mr. GALLINGER. Mr. President, I rise to a question of order. I make the point of order that debate is not in order.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is well taken.

Mr. CARTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen.	Davis,	Lodge,	Shoup,
Allison.	Deboe,	McBride,	Spooner,
Bacon,	Fairbanks,	McComas,	Taliaferro,
Bard,	Foraker,	McMillan,	Teller,
Bate,	Foster,	Money,	Tillman,
Berry,	Frye,	Morgan,	Turley,
Burrows,	Gallinger,	Perkins,	Vest,
Chandler,	Gear,	Pettus,	Warren,
Clark, Mont.	Hanna,	Platt, Conn.	Wellington,
Clay,	Hawley,	Proctor,	Wetmore.
Cockrell,	Heitfeld,	Quarles,	
Culberson,	Jones, Ark.	Ross,	
Daniel,	Kean,	Sewell,	

The PRESIDING OFFICER. Forty-nine Senators having responded on the roll call, a quorum is present.

Mr. LODGE. I now renew my motion.

Mr. CHANDLER. Mr. President, I rise to a question of order in reference to the construction of the agreement. It was an agreement for to-day. The order was postponed at my suggestion from to-day until to-morrow, because of the pendency of the Porto Rican bill. If that order takes effect to-morrow and governs this bill in reference to the Philippines, it is not in accordance with the unanimous-consent agreement for the Senator from Massachusetts to move to take up the Philippine bill at this time.

Mr. LODGE. Mr. President——

Mr. CHANDLER. I make that point upon the unanimous-consent agreement. If the Pennsylvania case is not entitled to come up now, then the Philippine bill is not entitled to come up now.

Mr. LODGE. When the agreement was made on the Quay case there was no agreement to vote on the Porto Rican bill on the 3d day of April. That agreement was made subsequently. The Porto Rican bill and conference reports and the Philippine bill were all in the same class. It is just as much in order to consider the Philippine bill to-day and make it the unfinished business as ti was in order to conclude the consideration of the Porto Rican bill. The prolongation of the agreement until to-morrow does not affect any of the excepted subjects, and the agreement to vote to-day on the Porto Rican bill has no bearing whatever on the unanimous-consent agreement.

Mr. CHANDLER. It seems to me that if we are acting under the unanimous-consent agreement to which the Senators appeal, the first thing to be taken up is the Pennsylvania case, and if Senators are not ready to speak upon it, or are not ready to proceed with the continuous consideration of it, which the agreement provides for, it is then in order to take up some of those other subjects. But it is not in order under the unanimous-consent agreement to move to take up the Philippine bill unless the Pennsylvania case is first laid before the Senate. I make that point.

Mr. TILLMAN. Mr. President, I should like to have the debate which occurred the morning when unanimous consent was given read for the information of Senators.

Mr. WOLCOTT. I think that should be done. I should like to hear it.

Mr. TILLMAN. I am sure that a great many Senators here are in the dark as to what they are doing, and they are not voting according to the agreement made that morning.

Mr. WOLCOTT. I ask that the Secretary shall read the debate which took place at the time.

Mr. BURROWS. The unanimous-consent agreement has already been read.

Mr. WOLCOTT. Oh, no.

Mr. PENROSE. I call for the reading of the agreement.

Mr. BURROWS. I beg the Senator's pardon.

Mr. TILLMAN. I am speaking about the debate the morning the Senator from Massachusetts [Mr. HOAR] asked for unanimous consent.

Mr. LODGE. I call for the reading of the debate.

Mr. JONES of Arkansas. That should be read.

Mr. BURROWS. Let the debate be read.

The PRESIDING OFFICER. The reading of the debate has been called for. It will be read for the information of Senators.

Mr. WOLCOTT. I ask what is the date?

The PRESIDING OFFICER. March 16, page 2963 of the CONGRESSIONAL RECORD. It will be read by the Secretary.

The Secretary read as follows:

Mr. HOAR. Mr. President, I desire to renew the request which I made yesterday, which is that "a week from next Friday, after the conclusion of the routine morning business of the Senate, the Senate will take up the Quay case for consideration, and during the same period each day from day to day will continue the consideration of that case until it is disposed of, excepting the unfinished business"—the present unfinished business, I mean, of course—and also appropriation bills and conference reports.

The PRESIDENT pro tempore. Can the Senator forward that request to the Chair?

Mr. HOAR. It will be found at the bottom of page 3117 of yesterday's proceedings. I sent it to the Chair.

Mr. ALLISON. This being Friday, the date proposed is two weeks from to-day.

Mr. HOAR. One week from to-day.

The PRESIDENT pro tempore. The Secretary will read to the Senate the request of the Senator from Massachusetts.

The Secretary read as follows:

"I ask unanimous consent that a week from next Friday, immediately after the routine morning business, the Quay case may be taken up for consideration and continued until disposed of, reserving the right of appropriation bills and conference reports."

Mr. HOAR. My request, of course, is for a week from to-day. The phrase "next Friday" was used yesterday.

The PRESIDENT pro tempore. The Senator added one other phrase, "appropriation bills and the present unfinished business."

Mr. HOAR. The present unfinished business.

The PRESIDENT pro tempore. The Secretary will add to the request "the present unfinished business."

Mr. BURROWS. Mr. President, there is no disposition, so far as I know, to delay the consideration of this matter, but I will suggest to the Senator from Massachusetts, who has been very courteous in the affair, that his suggestion yesterday, in view of the fact that the Senator from New Hampshire [Mr. GALLINGER] suggested that he might be back next Thursday or Friday, was that he would fix the time a week from Monday. But it will be remembered by the Senator from Massachusetts that a week from next Monday or Tuesday the Committee on Privileges and Elections, with its entire membership, will be engaged in the consideration of a very important matter before that committee involving the right of a sitting member of this body; and it has already agreed that two days, Tuesday and Wednesday, of that week shall be taken up by counsel in the discussion of the question, after which I suppose the committee will proceed with closed doors to consider the matter.

I therefore would suggest to the Senator from Massachusetts to fix the time at two weeks from next Monday or Tuesday, so that the Senator will be here, and to that arrangement I shall not have the slightest objection.

Mr. HOAR. I will accept that modification.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that on two weeks from Monday next——

Mr. HOAR. From Tuesday next.

The PRESIDENT pro tempore. From Tuesday next the election case involving the appointment of Senator Quay shall be taken up for consideration and continued to completion, not, however, to interfere with appropriation bills or with the present unfinished business or with conference reports.

Mr. LODGE. Mr. President, I do not rise to object, but simply to make an inquiry. If the Porto Rican bill, which is the present unfinished business, should be disposed of before that time, do I understand that this agreement would debar me from making a motion to take up the bill reported from the Committee on the Philippines?

The PRESIDENT pro tempore. The Chair is of opinion that it would.

Mr. WOLCOTT. No, Mr. President.

Mr. LODGE. I can not consent to that.

Mr. HOAR. My colleague can get it up before that time.

Mr. WOLCOTT. I understand that the junior Senator from Massachusetts would not be in the least debarred from calling up the Philippine measure, but that in two weeks from Tuesday it would give way until the Quay case was disposed of.

The PRESIDENT pro tempore. The Chair means of course that it would have that effect after the lapse of two weeks from Tuesday.

Mr. GALLINGER. Mr. President, I certainly shall not object to this arrangement, and yet I wish to make a simple statement.

Mr. GALLINGER. I suggest, Mr. President, that that need not be read; it does not particularly relate to this matter.

Mr. PENROSE and Mr. WOLCOTT. Let us have it all.

Mr. GALLINGER. Very well.

The Secretary resumed and concluded the reading, as follows:

I was astounded yesterday to have it suggested that those of us who are opposed to seating Mr. Quay were by parliamentary devices preventing consideration of the resolution.

Mr. HOAR. I did not make any such suggestion.

Mr. GALLINGER. It will be recalled——

Mr. HOAR. I should like to ask the Senator if he understood me to make any such suggestion?

Mr. GALLINGER. I will say to the Senator from Massachusetts that I did not understand him to make any suggestion of the kind.

It will be recalled, Mr. President, that the last two or three weeks of the time of the Senate have been devoted to the consideration, first, of the Hawaiian bill, which was in charge of the Senator from Illinois [Mr. CULLOM], who I understand proposes to vote for Mr. Quay, and that next we have been considering the Puerto Rican bill, in charge of the Senator from Ohio [Mr. FORAKER], who I understand likewise proposes to vote to seat Mr. Quay. In the next place, we have given consent to the reading of a bill at hours other than those that are usually occupied in the transaction of the ordinary business of this body, and the reading of that bill would have consumed two days of the time of the Senate. In the next place, we have been considering an appropriation bill for Porto Rico in charge of the Senator from Iowa [Mr. ALLISON] who is likewise, I understand, committed to the view that Mr. Quay is entitled to a seat in this body. There has been no matter, so far as I can recall, during the past two or three weeks before the Senate that a Senator opposed to the seating of Mr. Quay has insisted should be considered.

I have placed no obstacle in the way of this resolution. I propose to place none. It is immaterial to me when it is taken up, and it is immaterial to me when it is concluded. I will say that the Senate need not postpone the consideration or the vote upon this measure one single minute on my account, because it is not of any consequence to me or to the Senate or the country whether I submit a single observation in opposition to the seating of Mr. Quay or not. If I am present I shall vote against, if I am absent I shall be paired in opposition to this proposition, it being one that I am totally opposed to.

Mr. LODGE. As I understand it, then, after April 3, which is the date when this unanimous-consent agreement is to take effect, I should have no right under this unanimous agreement to move to take up the bill reported from the committee on the Philippines.

The PRESIDENT pro tempore. The Senator would not.

Mr. LODGE. Mr. President, it is impossible to say how long the debate on the Quay case may continue, and I can not resign that right.

Mr. HOAR. I will except my colleague's bill.

Mr. LODGE. Very well.

Mr. HOAR. We shall undoubtedly be able to arrange about the date.

Mr. LODGE. I merely did not want to bind myself; that was all.

The PRESIDENT pro tempore. Then the Chair will repeat the request of the Senator from Massachusetts so that there may be no misunderstanding.

The Senator from Massachusetts asks unanimous consent that on two weeks from Tuesday next the Quay election case shall be taken up for consideration, and that the consideration shall be had to the conclusion of the case; interfering not, however, with appropriation bills, or the present unfinished business, or the measure touching the Philippine question reported by the Committee on the Philippines.

Mr. JONES of Arkansas. Or conference reports.

The PRESIDENT pro tempore. Or conference reports.

Mr. HALE. Does the Chair hold that under this agreement, if entered into, a motion to postpone or to table or to recommit would not be in order?

Mr. HOAR. I should not claim any such ruling myself. I suppose it will be subject to an ordinary motion that is a disposition of the case.

Mr. HALE. It is simply that the resolution, the privileged question, shall have the right of way, but it is subject to all of the obstacles and all of the resistance that ordinary parliamentary law gives in such a case.

Mr. HOAR. Undoubtedly.

The PRESIDENT pro tempore. That will be the opinion of the Chair.

Mr. HALE. I wanted that to be understood, because I remember, and some other Senators will remember, that without any jugglery on the part of anyone we got caught once and found that only the main question could be put. I want to have that understood by the Senate.

The PRESIDENT pro tempore. As at present advised, the Chair would hold that any subsidiary motion touching the case would be in order.

Mr. HALE. I so believe.

The PRESIDENT pro tempore. Immediately after the routine morning business is finished. Is that the Senator's request?

Mr. HOAR. Yes, sir.

The PRESIDENT pro tempore. Immediately after the conclusion of the routine morning business in two weeks from Tuesday next. Is there objection?

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator rise to this question?

Mr. RAWLINS. No, sir.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

Mr. CHANDLER. Mr. President, now, I should like to ask the Senator from Massachusetts and other Senators who perhaps differ from me on this question, whether they understand that that unanimous-consent agreement was a contract that gave preference over the Pennsylvania case—a question about the filling of a vacant seat in this Senate—to all the appropriation bills, to conference reports, and to the bill in reference to the Philippines, and that it is not in order to ask, under that unanimous-consent agreement, to proceed to the consideration of the Quay case so long as any one of those matters is before the Senate?

Mr. LODGE. I understand that under that unanimous-consent agreement I was to have the right to move to take up the Philippine bill on the conclusion of the Porto Rican bill. It was so understood by everyone. I stated that I could not consent to this Quay agreement unless I retained that right. I have exercised that right this afternoon, and the friends of Mr. Quay have prevented me from having the right I claim.

Mr. CHANDLER. Is the Senator willing to answer my question or not?

Mr. LODGE. I am not engaged in interpreting unanimous-consent agreements. I am acting within my right in making the motion I have made.

Mr. CHANDLER. The Senator has very discourteously refused to answer my question. I say that it can not be possible that the absent Senator from Massachusetts [Mr. HOAR] ever intended to make a contract in this Senate that a privileged question like an election case should be forever subjected to appropriation bills and conference reports and the Philippine bill.

Mr. BURROWS. Mr. President, I desire to say just a word, as

I remember very distinctly what occurred between the senior Senator from Massachusetts [Mr. HOAR] and myself in relation to this matter. The Senator from Massachusetts was very anxious to bring the Quay case to a hearing, and I was willing that some day should be fixed for its consideration. The Senator from Massachusetts came to me and asked, and he also made the request in the open Senate, that a day might be fixed for the consideration of the Quay case. At that time I was not prepared to accede to his request, and suggested that the matter should be postponed until the morning, when I would confer with him in relation to it.

I did so. We agreed that the case might be set down for a hearing on the 3d day of April, subject to certain things; and my understanding of the agreement was—and I can not for the life of me see how there can be any misunderstanding about it—that the Quay case should be taken up on the 3d day of April, immediately after the routine business, and proceeded with until its conclusion, subject, however, first, to appropriation bills. I do not know what the practice in the Senate is, but in the House of Representatives that means that if an appropriation bill is brought in and its consideration demanded, it would take precedence of the special order, for the reason that appropriation bills must be disposed of before Congress can adjourn.

So the matter was made subject to appropriation bills, also subject to any conference reports that might be brought in, because a conference report is a question of very high privilege, and there was also excepted the then unfinished business, which was the Porto Rican bill. Finally, it was agreed also that the Quay case should be subject to the bill which the Senator from Massachusetts [Mr. LODGE] has called up. So my understanding of the order was that immediately after the regular morning business the consideration of the Quay case, under this agreement, is in order——

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. BURROWS. Certainly.

Mr. CHANDLER. I wish to ask the Senator whether he understood that that gave by contract a positive preference to all those subjects over the Pennsylvania case?

Mr. BURROWS. I understood by that contract just this: That the Quay case would be in order immediately after the close of the morning business; and if there was no appropriation bill, no conference report, and none of these special matters demanding a hearing, the Quay case would be proceeded with; but if the chairman of the Committee on Appropriations should rise at the close of the routine business and call up an appropriation bill, my understanding was that that appropriation bill would then be considered, and the Quay case would have to give way until that was concluded.

Mr. CHANDLER. Will the Senator allow me to ask him another question?

Mr. BURROWS. Certainly.

Mr. CHANDLER. Does the Senator from Michigan contend that the Senator from Massachusetts [Mr. HOAR], who is in favor of filling the vacant seat with the governor's appointee and who made the report from the committee of which we are members, made a deliberate contract which made it out of order to try to proceed to the consideration of the Quay case so long as there was a conference report or an appropriation bill or the bill in reference to the Philippines before the Senate? Does the Senator from Michigan think that the Senator from Massachusetts made that contract when he was trying to get an agreement for the continuous consideration of a question of the highest privilege in the Senate?

Mr. BURROWS. I have not the slightest doubt about it, because I had a conversation with the Senator from Massachusetts, and that was also the understanding publicly in the Senate.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Pennsylvania?

Mr. BURROWS. I believe under this agreement in good faith the Quay case can be called up at the close of the morning business and will be proceeded with; but if the chairman of the Committee on Appropriations should rise with a conference report when the Quay case was called up, it would have to give way until the conference report was disposed of. That would also be the case if an appropriation bill was called up. I know it is so in the House of Representatives where, when a special order is being considered and an appropriation bill had been specially excepted from the operation of that special order, the special order would have to be suspended until the appropriation bill had been disposed of.

Mr. CHANDLER. In an election case?

Mr. BURROWS. Yes; in any case.

Mr. CHANDLER. In an election case, never.

Mr. BURROWS. In any case where such an agreement had been made.

Mr. TILLMAN. Will the Senator from New Hampshire allow me to make a suggestion?

Mr. CHANDLER. I have not the floor.

Mr. TILLMAN. I should like to suggest to the Senator that he telegraph to the Senator from Massachusetts [Mr. HOAR] to-night and get his opinion, and leave the status quo where it is.

Mr. WOLCOTT. Mr. President, the few words of rather personal controversy which have already been uttered here indicate more quickly than I feared might be the happening that we are sitting rather late to-night. We have had a tiresome and long and busy day. It is evident that the white dove of peace no longer hovers over the Senate Chamber as it does in the mornings; and, however Senators may be inclined to vote on this question, some of us feel who, in one way in accord on this question as to Mr. Quay differ as to adjournment, differ as to the Philippine question; and, upon the other side of the Chamber, where there is usually a most remarkable unanimity [laughter], there seems to be some difference also. I therefore appeal to Senators in the interest of good order and the wise conduct of public affairs at this late hour of the night, when most of us would be usually sitting down to our frugal dinners [laughter], that the Senate proceed to the consideration of executive business, and I make that motion.

Mr. LODGE. I ask the Senator to withdraw that motion for one moment. I merely desire to say a word.

The PRESIDING OFFICER. Does the Senator from Colorado withdraw his motion?

Mr. WOLCOTT. Certainly.

Mr. LODGE. I desire to say that it is perfectly obvious that by attempting to hold the Senate here I shall attain no good result. I have no desire to do that. The purpose of the friends of Mr. Quay is plain, which is all that I desire to disclose. I have no objection now to either adjourning or going into executive session, but I desire to say that I consider the unanimous-consent agreement to be at an end so far as I am concerned.

Mr. WOLCOTT. I did not suppose that I was giving way for the purpose of an offensive remark. I do not know where the Senator from Massachusetts counts himself, whether as an enemy of Mr. Quay or as a friend of Mr. Quay. It is hard to tell who are Mr. Quay's friends and who are his enemies. But, Mr. President, when there is any suggestion or intimation made that there was any unworthy or unrighteous purpose in pressing the consideration of this case—a case of the highest privilege—anybody who makes the suggestion goes far out of his way to state that which is unqualifiedly false.

I change my motion to a motion that the Senate now adjourn.

Mr. LODGE. Mr. President, I think after what has been said that I am entitled to say a word.

The PRESIDING OFFICER. Does the Senator from Colorado withdraw his motion?

Mr. WOLCOTT. I do.

Mr. LODGE. I made no charge of any kind. I said that I had been deprived of a right which I thought I clearly had under the unanimous-consent agreement. I am not going to press it; I am not going to hold the Senate; but if the unanimous consent is broken, of course that is the end of it. It can not bind one and not bind another.

Mr. CHANDLER. One word more, Mr. President. The unanimous-consent agreement had better come to an end if it means what Senators declare it to be—that there has been a contract made that this high question of privilege shall not be considered until after all the appropriation bills, conference reports, and the Philippine bill have been disposed of.

Mr. WOLCOTT. I now renew my motion, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 4, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 3, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

I transmit herewith a copy of a letter from Mr. Ferdinand W. Peck, commissioner-general of the United States to the Paris Exposition of 1900, dated November 17, 1899, submitting a detailed statement of the expenditures incurred under authority of law.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, April 2, 1900.

PUBLIC MONEYS IN THE PHILIPPINE ISLANDS, CUBA, AND PUERTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the immediate consideration of House bill 9386, to provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Puerto Rico, reported unanimously by the Committee on Insular Affairs.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to designate one or more banks or bankers in the Philippine Islands, and in the islands of Cuba and Puerto Rico, as depositaries of public moneys, in the same manner as he now designates national banks as depositaries of public moneys under the provisions of section 5153, Revised Statutes of the United States; such banks or bankers thus designated to give satisfactory security by the deposit of United States bonds, or otherwise, for the safe-keeping and prompt payment of the public moneys deposited with them and for the faithful performance of their duties.

With the following amendments, recommended by the committee:

In line 11 strike out the word "or" and insert "and;" add at the end of the bill the following: "*Provided*, That this act shall apply to Cuba only while occupied by the United States."

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I want to call my friend's attention to a point I have in mind. This bill authorizes the President to name certain banks in the islands for the purpose of depositing public funds in these banks as a matter of safety. The point I make is this, that I did not catch from the reading of the bill——

Mr. BREWER. I object to the present consideration of the bill, Mr. Speaker.

Mr. COOPER of Wisconsin. The consideration of this bill was postponed the other day to enable the gentleman from Alabama [Mr. BREWER] to offer an amendment.

Mr. BREWER. I have an amendment to offer at the proper time, but I object to the present consideration of the bill until I can have some understanding about the debate that may occur on that amendment.

Mr. COOPER of Wisconsin. Can not the gentleman from Alabama present his amendment now?

Mr. BREWER. We are not ready to discuss it now without a conference as to the debate that may be had upon the amendment.

The SPEAKER. Objection is made.

EXTENDING HOMESTEAD LAWS TO SOLDIERS OF SPANISH WAR AND PHILIPPINE INSURRECTION.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9140) providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws and for other purposes.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That any person having served in the Army, Navy, or Marine Corps of the United States during the late war with Spain, or in the Philippine Islands during the Philippine insurrection, and having been honorably discharged, who may enter a tract of land under the homestead laws shall be entitled to have the following term of service deducted from the time required to perfect title under said homestead laws, to wit: When the term of such service shall not exceed six months, then a credit of six months shall be allowed; when the term of such service shall exceed six months, but not exceed twelve months, then a credit of twelve months shall be allowed, and when such term of service shall exceed twelve months, then a credit equal to the time actually served shall be allowed; but no patent shall issue to any such homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements: *Provided*, That if any such person shall have been discharged on account of wounds received or disability incurred in the line of duty, then the full term of his enlistment shall be deducted from the time heretofore required to perfect title without reference to length of time he may have served.

SEC. 2. That in case of the death of any person who would be entitled to the benefits of section 1 of this act, his widow, if unmarried, shall be entitled to such benefits, or in case of her death or remarriage, then his minor orphan children, by a guardian duly appointed, may enter a tract of land under the homestead laws and receive the benefits of section 1 of this act; and if the soldier, sailor, or marine died during the term of his enlistment the entire term of enlistment shall be deducted from the time heretofore required to perfect title: *Provided*, That in no case shall the amount of such deduction be less than one year.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask a question. Is this the unanimous report of the committee?

Mr. JONES of Washington. It is the unanimous report of the Committee on Public Lands.

Mr. UNDERWOOD. I would like to ask the gentleman the necessity of calling up this bill at this time by unanimous consent?

Mr. JONES of Washington. The reason is that the bill is substantially in the language of the present law, and there are a great many persons interested in the matter. I did not anticipate there would be any objection. It is giving the members or the participants in the Spanish war the same privileges as those who served in the civil war. It is the unanimous report of the Committee on Public Lands, and several members have expressed a desire to have it brought up.

Mr. UNDERWOOD. Can not it be brought up under the call of the committees?

Mr. JONES of Washington. No; it is on the Union Calendar.

Mr. SHAFROTH. If I may be permitted, Mr. Speaker, I will say that the bill as introduced did not exactly conform to the statute relating to homesteads taken up by soldiers who enlisted in the civil war, but the amendments that were made made it conform to the act as now upon the statute book relating to soldiers who served in the civil war. It seems to me there ought to be no objection to it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

Mr. JONES of Washington. Mr. Speaker, I move that House bills 2946, 5482, 4237, and 9085 be laid on the table.

The SPEAKER. Without objection, that will be done.

There was no objection.

GOVERNMENT FOR THE TERRITORY OF HAWAII.

Mr. KNOX. Mr. Speaker, I call up the special order of the House for to-day, and move that the House resolve itself into Committee of the Whole on the state of the Union to consider the bill (S. 222) to provide a government for the Territory of Hawaii. Pending that motion, I desire to state that, while the report is unanimous, inasmuch as gentlemen on both sides desire to speak, it has been considered fair to divide the time equally between the other side of the House and this side, and it has also been agreed, subject to the approval of the House, that the gentleman from Pennsylvania [Mr. MCALEER] shall control the time on that side and that I shall control it upon this side. It is also desired that gentlemen who speak may have leave to extend their remarks in the RECORD, and I ask unanimous consent that that request may be granted.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider Senate bill 222, and, pending that motion, asks unanimous consent that the time be divided equally between the two sides, the gentleman from Massachusetts to control one-half of the time, and the gentleman from Pennsylvania [Mr. MCALEER] to control the other half; also that all gentlemen making remarks upon this bill be permitted to extend their remarks in the RECORD. Is there objection?

Mr. RICHARDSON. Mr. Speaker, pending this request, I have not the order before me, but I believe there was an agreement as to the length of time the debate was to last.

Mr. KNOX. For to-day and to-morrow, closing each session at 5 o'clock, the debate on Thursday to be under the five-minute rule until 4 o'clock, when the bill is to be reported to the House.

The SPEAKER. With the consent of the House, the Chair will have the order read for the information of the House.

The Clerk read as follows:

On motion of Mr. KNOX, by unanimous consent, it was ordered that on Tuesday, April 3, it be in order, after the reading of the Journal, to consider S. 222, "An act to provide a government for the Territory of Hawaii;" that it be considered in the Committee of the Whole House on the state of the Union, general debate to be limited to Tuesday, April 3, and Wednesday, April 4; to close each day at 5 o'clock; that on Thursday, April 5, the bill shall be read for amendments and debate under the five-minute rule, to continue until 4 o'clock, when the bill shall be reported to the House; the previous question shall be considered as ordered on the bill and amendments to its passage. (Order made March 10.)

Mr. RICHARDSON. Now, Mr. Speaker, I realize the fact that it would be too late to change the order just read unless unanimous consent could be obtained to do so; but the objectionable feature of that order is that two days are given for general debate and then only a portion of the third day for the reading of this bill under the five-minute rule. The effect of carrying out that order as adopted will be to bring us to a vote at 4 o'clock on Thursday, when possibly not one-third of the bill will have been read under the five-minute rule, and such reading is the only opportunity that will be allowed for the offering of amendments. It seems to me that the rule as just read should not have been agreed to.

But I repeat, I realize that we can not change it now except by

unanimous consent. This bill, however, before the final vote, should be read entirely through under the five-minute rule, in order that each section may be open to debate and amendment. It occurs to me that it would be better now to modify the order, appropriating one day for general debate and the two remaining days for amendment and debate under the five-minute rule. It seems to me desirable that we should reach some agreement by which we may be relieved from so much of the order as brings us to a vote at 4 o'clock on Thursday. In other words, the bill should be read through. I regret that the order as read has been made.

I was going to suggest that if it can be done we modify the order so that the general debate may be concluded in one day; or if that can not be done, that we rescind the order for a vote at 4 o'clock on Thursday and let the bill be read through for debate and amendment. If that can be concluded by 4 o'clock on Thursday, all right; if not, then let us devote another day to this business. We have plenty of time, and it seems to me we ought not to bring ourselves to a vote on this bill without reading each section for amendment.

Mr. KNOX. Mr. Speaker, I suggest to the distinguished gentleman from Tennessee [Mr. RICHARDSON] whether it would not be well to go on for at least one day of general discussion under the rule as adopted. Perhaps at the expiration of that time the desire for general debate may not be so pressing as it has been. There has been a very great demand on both sides of the House for time to speak generally on this bill—a demand so pressing that it could not be fully yielded to.

Another answer to the gentleman's objection is this: This bill is for the establishment of a Territorial government; it contains 102 sections. A very large part of the bill comprises, of course, provisions for the governor, the legislature, etc., such provisions as we are all familiar with. I think the amendments will be confined probably to a very few sections, involving differences of view among members as to what the government ought to be. I am not myself apprehensive (I may be mistaken) of a lack of time to give the bill due consideration.

Mr. RICHARDSON. There are over 100 sections in this bill; and if the reading under the five-minute rule should commence at half past 12 o'clock on Thursday, it would take two hours—possibly it would take till 4 o'clock—without allowing any time for offering and discussing amendments. For that reason it would be better if we could get rid of the part of the order to which I have referred. If the offering of amendments and the discussion thereon can be concluded by 4 o'clock Thursday, all right; but I insist, if we do not get through that stage of the bill by 4 o'clock on Thursday, we ought not to bind ourselves to take a vote at that time.

The SPEAKER. Is there objection to the request which has been made by the gentleman from Massachusetts [Mr. KNOX]?

Mr. BELL. I object.

Mr. WILLIAMS of Mississippi. Pending that, and before I object——

The SPEAKER. Objection has been made——

Mr. WILLIAMS of Mississippi. I have made no objection.

The SPEAKER. The gentleman from Colorado [Mr. BELL] objected. The question is now on the motion that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of Senate bill No. 222, to provide a government for the Territory of Hawaii.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. MOODY in the chair), and proceeded to the consideration of Senate bill No. 222.

Mr. KNOX. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. KNOX. Mr. Chairman, in presenting to the House this bill creating a government for the Territory of Hawaii, I do not think it would be profitable or pertinent to discuss the general question of the desirability and wisdom of the annexation of the Hawaiian Islands. No subject of public policy has received the consideration of the American people more extensively than this. It has been debated for the larger part of the century now closing, both in Congress and the popular forum. It has been the subject of numerous Executive messages, and two treaties of annexation have failed. But however great has been the difference of opinion in the United States upon the annexation of the Hawaiian Islands, there has been, and is to-day, no difference of opinion as to the danger and menace should they fall into the possession of any foreign nation.

And it has been the uniform position of the Government that acquisition of these islands by a foreign nation would be regarded by the United States as an unfriendly act.

The discussion which had been continuous for so great a part of our national existence came to a sudden and unexpected termination. Its end was in the events of the Spanish war, events which form an epoch in the history of this country and of the world.

That war made generally apparent to the people of the United States the strategic necessity of those islands, in view of war and a hostile fleet in the Pacific Ocean. They furnish the only base of naval operations in the Northern Pacific. In all that vast expanse of water, as is said in the report of the distinguished gentleman from Illinois [Mr. HITT], from the Equator to Alaska, from the shores of Asia to the shores of the United States, there is but one spot where a ton of coal, or a pound of bread, or a gallon of water can be obtained, and that place is in Hawaii.

Hawaii also contains Pearl Harbor, one of the best and easiest defended in the world, an inland lagoon practically surrounded by land, with a narrow arm extending into the sea, and before that entrance a coral reef with a passageway of but five hundred to a thousand feet in width, where by guns in fortification the navies of the world may be stopped.

But there was something else besides the naval and strategic importance of these islands that was demonstrated by the war. We obtained a great island empire upon the shores of the Orient, drawing sharply the attention of the American people to the great market for American produce existing in the East, especially in China.

The acquisition of that territory came at a time when China, both territorially and politically, was being divided and changed; when a civilization, the oldest in the world, extending back thousands of years, older than Rome, older than Greece; a civilization that extended far back into the dim half light of tradition, beyond Egypt and Thebes and the Sphinx; a civilization that was old in the days of the Persian and the Babylonian Empire, was breaking up, emerging into the light and life of the present day. The possibilities of that market for American produce—and America now produces more than she can consume, and the disparity will increase as the years go on—can not be overestimated.

The possibilities of that great market have been secured to the people of the United States by a triumph of diplomacy achieved by a Republican President and a Republican Secretary of State, a triumph that challenges the admiration of the world. So that both in a military and naval sense and commercially the importance of the acquisition of the Hawaiian Islands can not be exaggerated, and we may say to-day in fact what was said in argument for years in the past, that Hawaii is the Gibraltar of the Pacific in war, the key of the Pacific in peace, the paradise of the Pacific ever.

But whether the annexation of the Hawaiian Islands may be considered as the consummation of a long-settled policy upon the part of the United States or as the commencement of a new era of territorial expansion and commercial development, the step that has been taken can not be retraced. Hawaii is American territory by the solemn and the mutual agreement of two sovereign Republics. It is American territory absolutely and, humanly speaking, forever.

But while it is American territory, it does not possess American government. A part of the United States, it has no government of the United States. The annexation resolution, by which Hawaii became part of the United States, provided only for the continuance of a government in such manner and to be exercised by such persons as the President should appoint.

Its provisions were substantially the acceptance of the cession, a provision that the land laws of the United States should not extend to Hawaii, for a government by the President, for the continuance of the customs laws of Hawaii, for the exclusion of the Chinese, and for the assumption of the debt of Hawaii to the extent of $4,000,000.

Such a government could be in its nature but temporary, a government depending simply upon the will of the President in the appointment of agents and in the decision as to the manner in which it should be exercised. It is a government that is un-American, a government constituted against every principle and tradition of our country. If it were to remain, it would be a most offensive monarchy. Its only justification is that it was temporary.

There was no provision for expression of the popular will; no provision for a legislature; no provision for the future needs of the people. No courts of United States jurisdiction were established. It was intended to be, and was in itself, and by its nature must have been, a mere makeshift, to remain in force only until Congress should act and give to the people of Hawaii a government suitable to their needs and suitable to their fitness.

And that was the way the government was put in practical operation, by the proclamation of the President on May 13, simply continuing in power those then in office, except those who had relation to the foreign affairs of the islands, and continuing in force the municipal law of Hawaii that was not in violation of our own Constitution.

That government has utterly failed to meet the needs of the

Hawaiian people. It has proved cumbersome, expensive, inadequate.

Many doubtful questions of admiralty jurisdiction have arisen. Under Article IV of the Constitution the judicial power of the United States extends to all questions of maritime and admiralty jurisdiction.

Here is the harbor of Honolulu, congested with shipping, with such questions arising almost daily, with no tribunal to pass upon them. Other questions have arisen in the administration of criminal law, as there is no provision in Hawaii for a grand jury, and a provision exists for a majority verdict of juries. There has been no power to make appropriations for public improvements, for roads, or to extend the wharves or harbor facilities.

The suspension of the conveyance of the public lands was ordered by the President in September, 1898. Persons who have had inchoate rights, homestead rights, and others have been unable to perfect their title. The Attorney-General rendered an opinion that although the municipal laws of Hawaii remained, yet the conveyances of the public lands were not authorized.

In addition, under this government large numbers of Japanese contract laborers have been imported into the island. By the last report which I have here, which has just been received, of the collector-general of customs of Hawaii, it appears that the immigration for 1899 was as follows: That there arrived in Hawaii 975 Chinese, 26,103 Japanese, and 5,647 of all others, and that there departed during the same time 1,514 Chinese, 2,780 Japanese, and 4,769 others.

Twenty-five thousand contract Japanese laborers have been imported into Hawaii since it was United States territory, subject to the United States laws, waiting for the United States Congress to give them a government.

It is time that this reproach upon the United States be removed, and the importation of contract labor into Hawaii be forever ended by the action of Congress.

Now, the duty is laid upon Congress to provide a government for these islands. In providing that government no question of general policy as to the people of other islands should have any weight. The government that we provide is to be decided, and decided alone, upon the needs of the Hawaiian people and upon their fitness for a representative and free government. In this way alone can we do justice to the people of Hawaii. They are entitled to a government for the Hawaiian people, not for the Puerto Rican, not for the Filipinos.

As to the character of the government that we provide, we should not be deterred by the fear of establishing any troublesome precedent for the future. If the conditions in Hawaii are not like those in Puerto Rico, in Cuba, or in the Philippines, then the establishment of the government that is made in Hawaii can form no precedent for such government, if any, as Congress may establish in other islands. Upon the merits of the case alone as applied to the Hawaiian people we ask you to provide a government for them.

Neither should we be deterred as to the character of the government we provide by any fear of a claim of statehood hereafter on the part of the people of Hawaii. They may never ask it. It may never be considered proper to grant it. But upon that question we can not bind the future.

We can not bind a single Congress that shall succeed this one. We can not bind the next session of this Congress. If claim is ever made for statehood upon the part of Hawaii, it must be decided by the Congress then representing the American people, and we can not make one hair black nor white in reference to that decision.

But there is nothing to fear, I believe, in this matter. I believe the Hawaiian people are content to go on under the free, representative government of a United States Territory, that shall give them the protection of the flag of the country and an opportunity to develop their wonderful resources, their marvelous, their beautiful country.

The American people can be trusted. For more than fifty years the Territory of New Mexico has been an organized Territory of the United States, often seeking statehood at the hands of Congress and uniformly refused.

For more than a generation the vast Territory of Alaska, the richest of land, one of the most valuable possessions of the United States, peopled with the boldest, the truest, and most enterprising American citizens, has existed, and yet has not an organization as a Territory. There is no fear of haste upon the part of the people of the United States or of Congress in granting the right of statehood.

I think I represent the opinion of every member here in saying that if it is possible for us to grant Territorial government to these islands like that of the other Territories of the United States—governments of which we have had experience, which have been perfected in the long years that Congress has dealt with them, governments which have had their particular laws generalized under statutes, and laws made applicable to all Territories—it is desirable to do so.

We are not met at the threshold of action by the question of the extension of the Constitution to Hawaii, for the annexation resolution provided that the municipal law of Hawaii that was not in contravention of the Constitution should remain until action by Congress. And this bill, in so many words, extends the Constitution to Hawaii; so that there has not been practically a moment of time since the Hawaiian Islands were annexed to the United States that the Constitution has not been the standard by which all the laws of that country must be measured. Before the annexation resolution and before our Constitution was extended there its spirit had gone.

For sixty years the spirit of the American Constitution, the foundation of our traditions and our history, has existed in Hawaii, permeating the body politic, enlightening the legislation of the islands. Together with the Constitution has gone the spirit of the Declaration of Independence, and the great guaranty of personal freedom that we extend to Hawaii is extended by the consent of the governed.

Can we, then, extend a free representative Territorial government to the people of Hawaii? There has been no time since the Northwest Territory that there has not been several organized Territories under the jurisdiction of Congress. Twenty-eight Territories in all have been organized. It has been the standard of government which we have adopted for all Territories of the United States where there was not a State organization.

Now, the question I ask the members of the House to consider, and one that seems to me to be a fundamental one, are the people of Hawaii fitted for it; will it meet their needs; are they fitted to receive suffrage; will they appreciate the great responsibilities of government that is put upon them? A word, then, as to the people of Hawaii. We have there about 110,000 people, the majority of them Asiatic—more than half Japanese and Chinese. But under our laws, under the bill as well as in the past, these Asiatics are and were not citizens of Hawaii in the sense of being entitled to suffrage or taking part in the government; and the moment that this bill is passed, the moment Hawaii is given Territorial government of the United States, the Asiatics, Japanese, and Chinese can never be citizens of Hawaii and can never exercise suffrage.

Now, what as to the remainder of the populace of the Hawaiian Islands? There are native Hawaiians, some 40,000 in number. The Hawaiians are a slowly dying race, fading out, soon to be wiped out from among the peoples of the earth. The first census of Hawaii was taken in 1836, and from that time up to 1874, when the reciprocity treaty with the United States started business and enterprise in Hawaii, every census has shown a large and rapid decrease in the Hawaiian people. No one can tell exactly the reason for it. The chief reason, perhaps, is that they more quickly take to the vices of civilization than to the virtues. They imitate its excesses; they do not possess its restraints.

Like the American Indian, wherever they come in touch with civilization they fade and die away. The position of the Hawaiian Islands also as a place for the calling of vessels of all nations has at all times offered inviting ground for epidemics, which have swept off the people in vast numbers. Whatever the cause may be, they are a rapidly dying, fading nation. Those that remain who will take any part under this government are fairly intelligent, simple, generally orderly; they are educated either in the English or in the Hawaiian language. All the younger portion of the Hawaiians speak the English language; the older ones speak the Hawaiian language, and the newspapers are published in both the Hawaiian and English languages.

In the early days of the missionaries—in 1820—the Bible was translated into the Hawaiian language. There are about 15,000 Portuguese. Of these more than half were born in the islands of Hawaii. More than half have been educated in the public schools of Hawaii, where the English language has been taught. They are orderly, peaceful, law abiding. We in America do not debar them from citizenship, and I think it will be admitted that in the large cities where there are many Portuguese they are among the best, most industrious, orderly, and tractable people.

The chief consideration as to the wisdom of extending the Territorial government to Hawaii and as to the fitness of the people to receive it is that there is in Hawaii a controlling class, American, English, and German, not oppressive, but that has guided the people, shaped legislation, and been faithful to the best interest of Hawaii through all the vicissitudes of its later history. Among those who have favored the reactionary tendencies, who have opposed the present government, this has been called the missionary class.

The missionaries went to Hawaii first in 1820—went there to plant the seeds of a Christian civilization. They went from New England. The king at that time, recognizing their great work and what they could do in the future for Hawaii, gave them and their families in the islands valuable lands. These missionaries were followed by other missionaries and their families. They acquired other lands, and they lived there, intermarried, and were soon after joined by other pioneers, business men, those who looked to

their own profit in going to Hawaii. They laid the foundation, industrial and commercial, of Hawaii upon broad grounds; they shaped its legislation in accord with the high model of American tradition. They will be in the future, as in the past, the great vital, ennobling force that shall make Hawaii the fairest and best of the islands that have become part of the nation.

For the citizenship that is created, those who will have the ballot, this bill provides for an educational qualification. We give to Hawaii the intelligent ballot by providing in Hawaii the voter must be able to read, to write, and to speak either the English or the Hawaiian language. If there is any danger in this country to-day, it is the ignorant ballot. If there is any safety for the people of Hawaii in the future, it is the intelligent ballot. Thus we propose to create and to give to these people a government of a free, representative, United States Territory, founded on justice and equality, and depending for its preservation and advancement upon the intelligent ballot of the United States citizen. [Applause.]

Now, Mr. Chairman, in this bill, Senate 222, the House reports the bill, striking out all after the enacting clause of the Senate bill and inserting that of the House. The report that goes with the latter is not the report that was made with the House bill, and is very short. The full report, which I would be glad for all members to have and to see, was made upon the House bill when it was reported, and is numbered 305; and I have endeavored to see that there should be a sufficient number by a reprint, so that each member of the House might have one in his possession.

I do not propose to go over in detail the provisions of this bill. Members of the committee are ready and will be glad to answer all questions and give all information upon the bill that may be desired.

The first two sections simply define what is meant in the bill by the laws of Hawaii. They are the laws which have been enacted by past legislatures of Hawaii and the constitution that was adopted by the republic.

Mr. RIDGELY. Will the gentleman allow me a question?

Mr. KNOX. Certainly.

Mr. RIDGELY. If I understand you, we are extending the same laws as to immigration and the importation of contract labor to Hawaii that we have in the United States, and the bill provides for a restricted franchise.

Mr. KNOX. Provides an educational qualification.

Mr. RIDGELY. Can the gentleman tell us as to about what per cent of population will be entitled to franchise under the provisions of this bill?

Mr. KNOX. About 80 per cent of the people are able to read and write.

Mr. RIDGELY. Of the entire population?

Mr. KNOX. Yes.

Mr. RIDGELY. Including the Japanese and Chinese?

Mr. KNOX. No.

Mr. COX. Mr. Chairman, I rise to a point of order. This conversation might as well take place in Hawaii for all we can hear.

The CHAIRMAN. Members of the House complain that they are unable to hear.

Mr. CANNON. I would suggest that the strong-lunged gentleman from Kansas go over to his side of the Chamber, and then the gentleman from Massachusetts, standing where he does now, will probably make himself heard.

Mr. RIDGELY. I availed myself of the liberty to come over to this side of the Chamber to hear the discussion, but I will get back on the other side. Now, if the gentleman will permit me, I will repeat my question.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kansas?

Mr. KNOX. I do.

Mr. RIDGELY. I understand from the gentleman that the bill restricts the right of franchise to an educational qualification. My question is, What part of the entire population will be able to vote under this bill?

Mr. KNOX. About 80 per cent of all there is, except the Asiatics, who can not become citizens.

Mr. RIDGELY. What per cent are Asiatics?

Mr. KNOX. A little more than one-half—nearly 60 per cent.

Mr. RIDGELY. What part of the actual population of the island is affected by this bill?

Mr. KNOX. Less than half, perhaps 47 per cent, as to the right of citizenship and voting.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman what provision, if any, is made in this bill to prevent Asiatics born in the island of Hawaii from becoming voters?

Mr. KNOX. None whatever in this bill. They would stand under the existing United States laws, under which a Chinaman can not be naturalized either in a Federal court or a State court. So, too, Japanese can not be naturalized.

Mr. WILLIAMS of Mississippi. But Chinamen born in the United States become American citizens.

Mr. KNOX. Under the decision of the Supreme Court.

Mr. WILLIAMS of Mississippi. Yes; and so it would be if they were born in Hawaii. Is there no provision in the bill that would curtail their right of suffrage there in any way except the educational qualification?

Mr. KNOX. No.

Mr. WILLIAMS of Mississippi. I understand. I merely asked the question because I was afraid the gentleman's answer to a previous question, put him by the gentleman from Kansas, would leave a wrong impression.

Mr. KNOX. I am very much obliged to the gentleman. I do not wish to have any misunderstanding.

Mr. BARTLETT. I wish to ask whether section 102, the last section of the bill, will not be somewhat in conflict with the decision of the Supreme Court to which the gentleman has referred?

Mr. KNOX. In what regard?

Mr. BARTLETT. It provides that Chinese who may be in the Hawaiian Islands when this act takes effect may within one year obtain certificates of residence under the act of May 5, 1892—the very act which the Supreme Court of the United States decided did not apply to Chinese children born in this country. If Hawaii became, in July, 1898, a part of this country, then children born there since July, 1898, of Chinese parents would be citizens of the United States.

Mr. KNOX. I should not agree that July 8——

Mr. BARTLETT. I did not say July 8; I said July, 1898.

Mr. KNOX. I should not agree that on July 8 the Constitution and laws of the United States went into operation in Hawaii, except as they went there under the annexation resolution.

Mr. BARTLETT. The gentleman must admit that there might be a conflict of opinion on this point, and the Supreme Court of the United States might apply the principle of the decision contained on page 168 United States Reports.

Mr. KNOX. I do not see how we could provide for that in the bill.

Mr. BARTLETT. It struck me that the provision of the bill was in conflict with the decision of the Supreme Court of the United States in that case.

Mr. KNOX. This section does not refer to children born in Hawaii since the annexation. It simply provides a means by which Chinese who are there may obtain within a year certificates of residence which would entitle them to remain there. That is all it undertakes to deal with; it applies only to Chinese who are actually there.

Now, the provisions of section 6 continue in force the municipal legislation of Hawaii—its municipal laws as they have existed in the past, provided they are not inconsistent with the Constitution and laws of the United States. The Constitution and laws of Hawaii, which are in violation of the Constitution and laws of the United States, are repealed or abrogated.

Mr. SMITH of Kentucky. In reference to section 6 I would like to ask a question. That section provides—

> That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Now, this bill, when passed, will be a "law of the United States;" and when we have said that "the laws of Hawaii not inconsistent with the Constitution or laws of the United States shall continue in force, subject to repeal or amendment," we have said, it seems to me, as much as ought to be said.

Mr. KNOX. If there are any provisions of this bill which are inconsistent with the laws of Hawaii, then the laws of Hawaii must give way in the same manner as they would give way to our existing Constitution and laws. The language to which the gentleman refers may not be absolutely necessary, but certainly it can do no harm.

Mr. SMITH of Kentucky. No; I do not see that any harm will be done; but it is always preferable to have the expressions in a statute as plain and concise as possible.

Mr. RIDGELY. I would like to ask another question. Does this bill permit the immigration of Asiatic people after its passage?

Mr. KNOX. The bill makes Hawaii United States territory, extending to it the laws of the United States. Immediately upon this bill becoming a law, all our laws restricting immigration and prohibiting the importation of contract laborers take effect at once in Hawaii, and that is the reason of our desire that the bill may be promptly passed. As I before stated, since July 8, the date of the annexation resolution, there have been some 26,000 Japanese contract laborers imported into Hawaii.

Mr. RIDGELY. That was my understanding of the bill, but the question and answer a while ago did not bring out that fact clearly.

Mr. KNOX. There is no question that the existing laws of the United States regulating immigration and the importation of contract labor will apply.

Now, in section 7——

Mr. WILLIAMS of Mississippi. Before the gentleman goes to that section will he allow me a remark? I notice on page 53 of the bill a provision that section 1890 of the Revised Statutes of the United States shall not apply to the Territory of Hawaii. That is the statute, as I understand, which prohibits any religious corporation from owning more than $50,000 worth of real estate in a Territory of the United States.

What was the idea in the minds of the committee when they prohibited the application of that statute to Hawaii? It seems to me it would be a good idea to provide against the dangers of mortmain, and there ought to be some limitation, whether $50,000 or some other sum, as to the amount of real estate that may be acquired by any such institution.

Mr. KNOX. The reason for that provision in the bill was that there are now existing in Hawaii quite a number of charities very largely endowed, which are performing a very meritorious charitable work in the islands; and if this provision were extended it would militate against these institutions, which all the people there and all the Americans who have ever been there consider to be of the highest and most meritorious and beneficial character to the people of the islands.

Mr. WILLIAMS of Mississippi. But, if the gentleman from Massachusetts will excuse me, it being once admitted—and I think he himself will admit that the policy underlying the statutes of mortmain and the policy underlying all of our prohibitions against the ownership of property beyond prescribed amounts by religious corporations and charitable corporations, is a good policy—it being once admitted that that is a wise policy, then it seems to me that the fact that there are a good many charitable institutions in Hawaii which are doing a great deal of good does not militate against the wisdom of the statute.

If any of these corporations now own over $50,000 worth of real estate, it might militate against the idea of fixing that particular amount, because that particular limit might act as taking their property without due process of law, and might interfere with their vested rights; but why not fix some limit in the statute?

Mr. KNOX. There is great force, of course, in the gentleman's suggestion, but to answer frankly, I do not think that the House would probably limit it to any sum that would cover these large charitable institutions in Hawaii. For instance, they run up to very large amounts—$500,000. They hold that property now, and a greater amount probably.

Mr. WILLIAMS of Mississippi. I understand that we can not interfere with those who already own it, but why not say that charitable and religious corporations shall not hereafter acquire an amount exceeding $50,000, leaving those that have their vested right the land which they now possess.

Mr. KNOX. Of course, considering the small number of people in Hawaii who constitute the thrifty class, the intelligent and controlling class there, and the great demand made on account of those who may become or are subjects of charity, and the great work these institutions do, it seems that the reason for the limitation upon the amount does not exist. There is another thing to which I call the attention of the gentleman——

Mr. WILLIAMS of Mississippi. In that connection——

Mr. KNOX. Just a moment. There is another thing that I call the attention of the gentleman to, and that is that while in America we have a vast country, consisting of many States, Hawaii is a small community, with probably less than half the number of people in the gentleman's district, and while the benefits are great in so small a community the evils can be but small.

Mr. WILLIAMS of Mississippi. Well, they may be coextensive with the territory and with the population. Now, is there not an actual danger that the majority of the real estate of Hawaii will go into dead hands—that is, into the hands of charitable and religious institutions?

Mr. KNOX. There would be nothing for anybody if the majority of the property of Hawaii went into the hands of such organizations.

Mr. WILLIAMS of Mississippi. That is a very bad condition for any country to be in, no matter how small.

Mr. KNOX. Well, it is very small, and I think the evil does not call for legislation.

Mr. COOPER of Wisconsin. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. KNOX. Yes.

Mr. COOPER of Wisconsin. Will the gentleman please state what these charitable organizations are, how they are organized, and for what purposes?

Mr. KNOX. I have a statement here of the charitable institutions in Hawaii. Aside from religious and charitable institutions, of which there are a number, Protestant and Roman Catholic, there are several institutions of a charitable and educational nature——

Mr. RIDGELY. Mr. Chairman, a point of order. It is absolutely impossible for us to hear a word, and many of us are interested in this presentation of facts.

The CHAIRMAN. The committee will be in order.

Mr. KNOX. I would state to the distinguished gentleman from Wisconsin, as this is quite a long list and we have a perfect list here, would it answer or satisfy him if this should be inserted in the RECORD?

Mr. HAMILTON. I simply suggest to the gentleman that I will incorporate that statement into some remarks which I shall have occasion to make during the consideration of the bill. It covers all of these charitable institutions and the conditions surrounding each of them.

Mr. COOPER of Wisconsin. I notice that the opening paragraph of that statement is in language like this:

Aside from the religious and charitable organizations there are certain others.

Mr. KNOX. Aside from the religious and charitable institutions in Hawaii there are some——

Mr. COOPER of Wisconsin. That is just what I want to know. What are the religious and charitable institutions? You say there are certain other institutions aside from those. How much property on the islands do the charitable and religious institutions own?

Mr. KNOX. I am unable to answer that. I have received no figures.

Mr. COOPER of Wisconsin. Is not that the vital question that is raised by the gentleman from Mississippi [Mr. WILLIAMS]?

Mr. KNOX. I can say to the gentleman that education in Hawaii is not connected with any church or any denomination, but is absolutely unsectarian. Under the laws of Hawaii the schools are entirely separated from sectarian control.

Mr. COOPER of Wisconsin. Is there any limitation in the bill on the amount of property that a religious charitable institution or organization can own or acquire?

Mr. KNOX. There is none.

Now, in section 7 we undertake to give a list of the laws of Hawaii that are repealed, that are no longer in force on account of this provision that all laws must come up to the standard of the Constitution and laws of the United States. I think the very names of these laws will suggest a reason for their repeal. That is, by looking at the names of them you will see that they apply to an independent republic other than the United States, and would not be applicable to a country over which the laws of the United States were extended. But in the report, to which I invite attention, there is a statement of the laws which are repealed, with a brief description of them, so that any gentleman may find out for himself on examination the laws that have been repealed by this bill.

The offices which are abolished by this bill are no longer applicable to the United States territory. They are the president of the Republic, the minister of foreign affairs, of the interior, of finance, etc. The amendment to official titles requires no explanation.

Mr. COOPER of Wisconsin. Will the gentleman permit another interruption right there?

Mr. KNOX. Certainly.

Mr. COOPER of Wisconsin. Section 7 of this bill says that chapter 32, relating to ramie, and chapter 33, relating to taro flour, are repealed. Why are they repealed? What is the nature of them?

Mr. KNOX. They have no relevancy to anything existing now under United States laws. The report explains every one of these. By another section we simply undertake to keep all obligations, contracts, and rights of action which now exist, to secure and preserve vested rights, to provide for the continuance of litigation that has been begun in the courts of Hawaii, that it may go on to final judgment in courts of the United States and Hawaii, and that execution and judgment shall be properly enforced by proper officers of the United States or the Territory. The same provision applies both to civil and criminal proceedings, pending and unfinished, in the courts of Hawaii at the time that this bill shall take effect.

Chapter 2 provides for the legislative power. I would say that this whole provision in regard to a legislature for Hawaii does not differ from the general legislative provision as to Territories of the United States, nor does it differ from the provisions of our general Territorial laws as to legislatures.

The number of the house is made 30 and the number of the senate 15. I believe under the republic of Hawaii both houses were made up of 15 members. We have simply doubled the number in the popular branch, making it 30 instead of 15, and keeping the old number of 15 in the senate, preserving the names of house of representatives and senate, although our general Territorial law provides that the upper house shall be called the council and the lower the house of representatives.

The sessions of the legislature are biennial; the election is in the fall, and they meet in February. The provision is generally the provision of our law, that each House shall be the judge of the election and qualification of its members, and disqualifies all those who are employed by the government in other positions, and providing for the oath.

Mr. SMITH of Kentucky. I would like to make a suggestion to the gentleman as to section 18, which reads:

That no person shall be entitled to register or vote at any election in the Territory of Hawaii unless he shall take an oath to support the Constitution of the United States.

Does not the gentleman think that the verbiage of that section might be improved somewhat? There seems to be some question of whether a man every time he went to register should take a constitutional oath, and I would suggest that there be inserted "unless he shall theretofore have taken the oath."

Mr. KNOX. I suppose the gentleman would agree that the oath is a proper one, that he should support the Constitution of United States?

Mr. SMITH of Kentucky. Oh, yes; I do not disagree with that. I am not criticising requiring a man to take the oath. This language might impart the idea that at each and every registration had and every election held each voter should take the oath, notwithstanding he may have taken it a half a dozen times before. It seems to me that if you would make it read "unless he shall have theretofore taken the oath to support the Constitution of the United States" it would be much better.

Mr. KNOX. I hardly think the section is susceptible to the objection which the gentleman makes:

That no person shall be entitled to register or vote at any election in the Territory of Hawaii unless he shall take an oath to support the Constitution of the United States.

After he has once taken the oath and once registered, he is a voter.

Mr. SMITH of Kentucky. Yes; but does that say that?

Mr. KNOX. Would not that be a fair construction?

Mr. SMITH of Kentucky. Yes; but I want you to make it sure that it is that way.

Mr. KNOX. I think that would be the fair construction. If the gentleman thinks it doubtful, it could be changed, and there would be no objection to that.

Mr. SMITH of Kentucky. I would like to have it made plain and direct.

Mr. KNOX. The provision for the yeas and nays, the rules, the punishment of persons not members, are so like those of the United States' provisions that I do not think it necessary to refer to them. The compensation of members of the legislature is $100 for a session that is limited to sixty days, and $200 for an extra session, limited to 30 days, and mileage at 10 cents a mile each way. I believe under our general Territorial laws the Territorial council receives compensation at $6 per day and mileage.

Mr. WILSON of Idaho. Will the gentleman answer a question?

Mr. KNOX. Certainly.

Mr. WILSON of Idaho. Referring to section 4, it is provided—

That all persons who are citizens of the republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

Who were citizens then? Does that include any Chinese or Japanese?

Mr. KNOX. Under that provision the republic of Hawaii made citizens of the republic all persons born or naturalized in the republic of Hawaii. When the republic of Hawaii was formed, there were a few Chinese who had been granted citizenship, and the republic did substantially what this bill does; and with the exception of about 700 Chinese who had previously been naturalized in the days of the monarchy, there are no Chinese citizens, and that was the extent of the Asiatic naturalization; and of that 700 a very large number have departed.

Mr. WILSON of Idaho. Now, can you tell me how many come in under this act?

Mr. KNOX. None come in not already naturalized.

Mr. WILSON of Idaho. How many are there of them?

Mr. KNOX There were not over 700 previous to the formation of the Hawaiian republic.

Mr. WILSON of Idaho. Of course, all Chinese born in Hawaii would be?

Mr. KNOX. They all are under our laws by this bill.

Mr. WILSON of Idaho. About 700 would include all Chinese citizens?

Mr. KNOX. And according to the best estimate, half of these have gone from Hawaii.

Mr. SMITH of Kentucky. Will the gentleman tell me why the 12th of August was fixed?

Mr. KNOX. The 7th day of July was the date of the passage of the annexation resolution. The President in his proclamation provided for the transfer of sovereignty—the actual ceremonies of the transfer of sovereignty from the Hawaiian republic to the United States, which was to take place on the arrival of the *Philadelphia* with Admiral Walker. That vessel arrived, and the ceremonies took place on August 12. That was the day that the Hawaiian flag was run down and the American flag went up.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I ask unanimous consent that the gentleman be allowed to conclude his remarks.

Mr. HITT. The gentleman is in control of the time. How could his time have expired?

The CHAIRMAN. Even if he were in control of the time, he must speak in subjection to the rules, which limits him to sixty minutes.

Mr. HITT. I thought an agreement had been made.

Mr. RICHARDSON. No; it was not made. I ask unanimous consent that the gentleman may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Massachusetts may be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. KNOX. Mr. Chairman, I have already stated the number of members of the senate, and that general and special elections may be had to fill vacancies which may be occasioned in either house.

Now, the provisions as to the division of senatorial districts are contained on pages 63 and 64 of the bill. I will not read these. The universal testimony was that these districts were divided as fairly and with as much consideration for the convenience of the people and the voters as it was possible under all the circumstances, and no objection came from any quarter; and I would say the same in regard to the representative districts contained on pages 65 and 66.

The qualifications of a representative are simply the attainment of the age of 25 years, citizenship of the United States, and residence in the Hawaiian Islands for a space of three years.

Mr. MORRIS. I see that those are the qualifications of a senator; where are the qualifications for a representative?

Mr. KNOX. That comes later on, and differs in no way.

The first session of the legislature will take place in 1901. It is provided that the English language shall control in the title to laws and the enacting clause. The reading of the bill is in accordance with our own provisions, and the certification of bills from one house to another and the signing of the bills by the governor are in conformity to our own rules. The governor has the usual veto provided by the Territorial law.

Mr. SMITH of Kentucky. Have you provided in the bill that the final passage of bills in the assembly shall be by a yea-and-nay vote?

Mr. KNOX. Yes, and the governor is obliged to return a bill vetoed, with the reasons for the same.

Mr. SMITH of Kentucky. Have you made it mandatory?

Mr. KNOX. We have.

Mr. WILLIAMS of Mississippi. I notice on page 93, section 91, in connection with imports from Hawaii into the United States, this language:

That imports from any of the Hawaiian Islands into any State or any other Territory of the United States, of any dutiable articles not the growth, production, or manufacture of said islands, and imported into them from any foreign country after July 7, 1898, and before this act takes effect, shall pay the same duties that are imposed on the same articles when imported into the United States from any foreign country.

What was the date of our establishment of custom-houses out there?

Mr. KNOX. The customs laws of the United States have not been extended to Hawaii.

Mr. WILLIAMS of Mississippi. I thought we passed an act extending them some time ago.

Mr. KNOX. I think we passed it in the House at the last Congress, but it failed in the Senate.

Mr. WILLIAMS of Mississippi. I knew we passed it in the House at some time.

Mr. KNOX. Now, the appropriations on page 69, which the legislature may make, are to be made biennially. They are made upon estimates submitted by the governor substantially in accordance with our own provisions. The provisions of section 54 are perhaps a little different in providing that the governor, in case of failure to appropriate, may extend the appropriations that have been made before.

The legislative power, page 70, is but a repetition of our own law as to the subjects upon which Territorial legislation may be had.

Mr. GILBERT. I have not studied the bill carefully, but I would like to know whether, under the provisions of this act, the Chinese and Japanese and other Asiatics are entitled to give evidence, to serve on juries, and to perform all the other functions of citizenship except to vote?

Mr. KNOX. As I understand the laws of Hawaii, the juries

are drawn from citizens. Neither Japanese nor Chinese are citizens; they never have been and will not be.

Mr. HITT. They are denied naturalization by law.

Mr. GILBERT. Are they permitted to serve on juries?

Mr. KNOX. No.

Mr. GILBERT. Are they permitted to make contracts?

Mr. KNOX. Yes.

Mr. GILBERT. To sue and be sued; to give evidence in court?

Mr. HITT. They are aliens.

Mr. GILBERT. If you give them to that extent the right of citizenship, how are you going to deny them the equal protection of the law?

Mr. KNOX. In what way?

Mr. GILBERT. For example, the Supreme Court has held, as the gentleman knows, that the colored race have not secured a fair trial and have not secured the equal protection of the laws in these States where, by statutory enactment, they were not permitted to serve on the jury. Now, if you by this statute preclude the Asiatics from serving on the jury, has the Asiatic, when he is indicted and tried and convicted, been tried according to the law of the land?

Mr. KNOX. But the African in this country is a citizen and is entitled to vote.

Mr. GILBERT. The gentleman does not catch my point. Where the local State or Territory by legal statute precludes any particular class on account of race or color from serving on the jury or from being deprived of any of the rights of the white citizen, he has not been secured the equal protection of the law. Now, if this act deprives an Asiatic of the right to serve on a jury, can you convict him, under the Constitution of the United States, by a jury made up of another race, which other race has the exclusive right to sit on the jury?

Mr. KNOX. The colored man, or the African, is a citizen under our laws. He votes. The right that is withheld from the Japanese or the Asiatic is not taken away by this bill nor by the Hawaiian law. But under the existing laws of the United States Japanese and Chinese can not become citizens of this country. That is the effect of existing laws of the United States, which are simply extended over Hawaii by this bill. Those people are not a part of the body of citizenship under the general United States law, and they can not go on the jury list.

Mr. GILBERT. I was asking simply for information. Now, there is another question. Before the war we had a great deal of learned discussion down South as to what constituted a colored man or a negro. Now, it is conceded that the Japanese and the Chinese are not citizens of the United States. I do not know to what extent miscegenation is carried on out there, but suppose an Asiatic intermarries with an American citizen; is the offspring of such a marriage a citizen? Are half-breeds citizens under this bill?

Mr. KNOX. I have answered that before. Under an express provision of the law of 1882 we do not naturalize Chinese.

Mr. GILBERT. I am aware of that.

Mr. KNOX. That law provides that no Chinese shall be naturalized either in a Federal court or a State court. We do not naturalize Japanese, not by virtue of any express provision of law, but by a judicial decision. It is true this matter rests only upon a decision of a circuit court—a circuit court, I think, in Boston. But Japanese are held not to be free white persons under the provisions of our laws. The constitutional amendment is held to be for the benefit of persons of the African race.

Mr. GILBERT. Exclusively.

Mr. KNOX. Yes; exclusively; and a Japanese is not considered a free white person. I have a little brief in regard to the citizenship of Japanese; but I understand the whole matter rests upon the decision of a circuit court that they are not free white persons.

Mr. WILLIAMS of Mississippi. This bill has been sprung on us rather suddenly, and hence I desire to ask another question. I notice the suffrage provision——

Mr. COOPER of Wisconsin. I wish to ask this question: The Supreme Court has decided, has it not, that the child of a Chinaman who can not himself be naturalized is a citizen of the United States if born in the State of California?

Mr. KNOX. That is a recent decision.

Mr. COOPER of Wisconsin. Now, would not a child of Chinese parents born in Hawaii become a citizen?

Mr. KNOX. Undoubtedly, when our laws are extended there.

Mr. COOPER of Wisconsin. If of mixed blood, would not that child be a citizen?

Mr. KNOX. It would. If children of Chinese parents, who can not themselves be naturalized, are citizens, a fortiori children of the half-blood, born in the United States, would be citizens.

Mr. WILLIAMS of Mississippi. I desire to call the attention of the gentleman from Massachusetts to the suffrage provisions on page 73 and 74 of this bill. And, by the way, I have no quarrel with them. I think they are admirable in their character—almost a transcript of the Mississippi constitution and tending strongly toward the preservation of white supremacy and civilization in Hawaii.

Mr. KNOX. We are very much complimented. [Laughter.]

Mr. WILLIAMS of Mississippi. I notice on page 74 a provision in these words:

> Prior to registration the person undertaking to vote must have paid a poll tax of $1 for the current year.

Now, if the poll tax could be paid upon the day of the election, or but a very short time in advance, politicians could, of course, come in and virtually buy votes by paying the poll tax for those desiring to vote; whereas if the poll tax is required to have been paid a considerable time in advance of the election—nine months in Mississippi—the class of people who sell their votes would hardly be trusted by politicians during that length of time. Hence, I should like to know about how long a time is to pass between the last day on which the poll tax can be paid and the day of the election.

Mr. KNOX. Under one provision which it was proposed to insert in this bill the voter must have paid all his taxes; and he is taxed for many things, the individual tax alone amounting to $5. In order to extend suffrage as far as possible this provision was modified so as to require the payment simply of a head tax; and according to that provision, as I recollect it, the time of registration extends close up to the time of election; but the tax must be paid before registration.

Mr. WILLIAMS of Mississippi. I understand that. What I desire to know is how long before the election the registration closes. This is a very important matter, in order to consummate what you desire to consummate.

Mr. KNOX. That is all in the report that is before you. I will have to turn to it in order to give you the length of time that registration must precede the election.

Mr. WILLIAMS of Mississippi. The object of my inquiry was to know how to vote when we came to it, because a poll-tax provision, the payment of which can entitle a man to vote if the payment be made immediately prior to an election, is no safeguard of any sort; whereas if a considerable time passes, it is a very estimable safeguard.

Mr. KNOX. The provision of the bill is simply that he shall pay his poll tax prior to registration, and in the report which you have before you, and which I will look at in a moment, the exact time when registration closes is provided. The exact time when he may register is provided there.

Mr. WILLIAMS of Mississippi. And he must pay the poll tax "prior to registration."

Mr. KNOX. Yes; he must pay it prior to registration. I agree with the gentleman that allowing the poll tax to be paid up to the time of voting used to be quite a common practice and might be liable to abuse.

Mr. WILLIAMS of Mississippi. Yes.

Mr. KNOX. That was done away with in our State by abolishing the poll tax as a requisite for voting.

Mr. WILLIAMS of Mississippi. We did away with the evil by providing that all poll taxes due up to the February of the year preceding the election should have been paid on or before February 1, and in that way the politician had no temptation to buy voters by paying the poll tax.

Mr. KNOX. The provision here is that it must be paid previous to registration, and I will give you the exact time for registration in a moment.

Mr. RIDGELY. Will the gentleman permit a question?

Mr. KNOX. Certainly.

Mr. RIDGELY. Does this bill treat all the inhabitants of Hawaii as citizens when it goes into effect?

Mr. KNOX. All except the Asiatics.

Mr. RIDGELY. The Asiatics are not admitted to citizenship in the island?

Mr. KNOX. They can not be under our United States laws. The laws of the United States are extended to Hawaii, and the Chinese and Japanese, as I have tried to explain, can not be citizens of the United States.

Mr. RIDGELY. Now, one other question. Do you hold that the Constitution now applies to Hawaii?

Mr. KNOX. We extend it by this act, when it goes into effect.

Mr. RIDGELY. And you hold that it never has applied until extended by legislation?

Mr. KNOX. I do not believe, as the gentleman does, that the Constitution of itself goes to the islands after we have acquired them; but fortunately that question does not arise in reference to Hawaii, because the resolution which annexed the islands to the United States provided that all the municipal law of Hawaii that was not in contravention of the Constitution of the United States should be extended to it, so that the annexation resolution negatively extended the Constitution. This bill affirmatively extends it, and there never has been a time when there has been a hiatus, or when the Constitution of the United States was not the controlling

power in Hawaii, since the annexation by special legislative enactment, which nobody denies the power of Congress to make.

Mr. RIDGELY. And if I understand the gentleman, the Asiatics now in the islands can not come into this country because of their being there at the time this law goes into effect?

Mr. KNOX. That is another question which will arise under the last section. There are some gentlemen in the House who apprehend that under the provisions of the last section of the bill the Chinese may, within a year, obtain their certificates of residence in Hawaii, and that they may then come into California or Oregon and take the benefit of the wages and employment they can get there. I do not think, and the committee do not think, that can be done, but there is some doubt about it, and an amendment is to be prepared covering that, and I will say to the gentleman that we entirely agree that that should not be allowed, and provision will be made to prevent it.

Mr. RIDGELY. Another question, and I am done.

Mr. KNOX. Oh, certainly; anything you desire to ask.

Mr. RIDGELY. All who may be born on the islands of Asiatic parents will, by reason of their birth, be entitled to come into this country as citizens?

Mr. KNOX. They will be citizens. That is a decision of the Supreme Court.

Mr. WILSON of Idaho. They would be citizens if born here.

Mr. KNOX. They become citizens if born under this jurisdiction.

Mr. WILSON of Idaho. They would be citizens if born in Washington.

Mr. KNOX. We can not change that.

Mr. RIDGELY. And over 60 per cent of the population of the islands are Asiatics.

Mr. KNOX. More than half.

Mr. RIDGELY. Then we have a pretty wide door open for the admission of the Asiatics as citizens of this country.

Mr. KNOX. Let me say to the gentleman that of all the Asiatics who come over, very few are females. The Chinese come to Hawaii with the intention of remaining a few years and acquiring what is to them, in their own country, a competency and then returning So do the Japanese.

Their whole purpose, and the whole dream and object of their life, is to return, and they do return. I am not giving exact figures, but they are approximate. Out of 50,000 Asiatics in Hawaii there are not 5,000 females.

Mr. WILSON of Idaho. Will not our Chinese-restriction laws apply to Hawaii as soon as this bill passes?

Mr. KNOX. Precisely. The laws of the United States cover that subject; and I will say to the gentleman from Kansas that the Asiatic births in Hawaii are exceedingly small in number and scarcely worth counting.

Mr. WILSON of Idaho. And if the gentleman will allow me to refer to subdivision 6, under the restriction of qualifications of voters for representatives, page 74, I notice a provision that they shall be able to speak, read and write the language of the United States or the Hawaiian language. I think that is a very admirable provision, which ought to be a statute of every State in the Union. It is an educational qualification, but I believe it is a new departure in Congressional legislation.

I do not know of Congress ever having made an educational qualification before. I think that will ultimately restrict, perhaps, the voting of native-born Chinese. I would like to have the gentleman's opinion as to why that provision was inserted in the bill, it being a departure in Congressional legislation.

Mr. KNOX. Well, it was the unanimous opinion of the committee that it was wise, and it was the unanimous desire of the persons from Hawaii who were here, who had had experience and had observed the people there, that the provision should be in the bill. They thought it was a safeguard and the best that could be adopted.

Mr. GILBERT. May I ask the gentleman a question?

Mr. KNOX. Oh, certainly.

Mr. GILBERT. I want to refer to section 1977 of the Revised Statutes of the United States:

All persons within the jurisdiction of the United States shall have the same rights in every State and Territory to make and enforce contracts, to sue—

And so forth—

and to the full and equal benefit of all laws—

And so forth.

Now, that section, of course, remains in force under the provisions of this act. I do not understand, and I would like to have you explain, how that statute can remain operative and at the same time by this act make a discrimination between the two races.

Mr. KNOX. We extend the laws of the United States.

Mr. GILBERT. But do you extend this statute there, too?

Mr. KNOX. Precisely. Now, where does the bill make any discrimination which you think is a distinction?

Mr. GILBERT. Why, by this statute all race distinctions are obliterated. Every man is secured the equal protection of this law. By your bill you preserve race distinctions and discrimination.

Mr. KNOX. In what regard?

Mr. GILBERT. As to their political rights. They are in conflict if you discriminate at all. If they have existed, they are in conflict with this statute which I have just read.

Mr. KNOX. By this very bill we extend the provisions of section 1977 to the people of the Hawaiian Islands. It does not apply to their political rights, but civil rights. We take away none of them, and the purpose is to take away none of them.

Mr. SMITH of Kentucky. I would like to ask the gentleman from Kentucky a question, which I think will answer his.

Mr. GILBERT. Well?

Mr. SMITH of Kentucky. Does the gentleman know where any Chinaman in any Territory of the United States can serve on a jury?

Mr. GILBERT. I do not know whether he can or not; but that does not meet the difficulty. The Supreme Court has repeatedly held that where a statutory enactment deprives a colored citizen, or a colored person, of his right to serve on a jury, that is to that extent a restriction of his political rights, and he is thereby deprived of equal protection of the laws. I want to know if we can have Hawaiian laws with race distinctions, notwithstanding the court has said that that is a discrimination and that it would deprive them of the equal protection of the law?

Mr. KNOX. The decisions of the Supreme Court of the United States will be equally operative in Hawaii as in any portion of the United States as to any constitutional right which he possesses. It does not apply to his right to vote.

Mr. GILBERT. I said in the outset that I was asking questions for information.

Mr. KNOX. I fear I can not give the gentleman all the information that he desires, but what I can I freely give.

Mr. GILBERT. This bill does not disclose who were citizens in the particular time designated in the bill. Will you please, for my benefit, tell me who were citizens?

Mr. KNOX. All persons who at the time this bill goes into effect were citizens of the republic of Hawaii and made citizens of the United States and the Territory of Hawaii.

Now, when the republic of Hawaii was formed, four years before the passage of the resolution, of course those there who were citizens under the monarchy were citizens under the republic. And these are made citizens by the bill.

Mr. GILBERT. Were there any marriages there between Asiatics and others?

Mr. KNOX. I do not know. I think that matter was not called to the attention of the committee at all. On pages 8 and 9 of the report the whole matter that the gentleman inquires about is put in figures. In the provisions of the bill, on page 74, is given the method of voting for senators. In that provision we did away with the accumulative voting which had prevailed in Hawaii.

Of course the provision as to registering in Hawaii had to be taken and entirely changed, or changed in a great degree, because there was a property qualification under the old law. The names of the officers of the republic had to be changed; and in the report the gentleman will find the registration laws that are repealed by the bill and all that are continued in force. The governor has the same power substantially as under our own Territorial laws. The secretary of the Territory corresponds to ours; the attorney-general and the treasurer are substantially the same as our own.

In regard to the public lands of Hawaii, the laws applicable to them and the reasons for the provisions are stated fully in the report. So as to the commissioner or superintendent of public works, the superintendent of public instruction of Hawaii, the surveyor, the sheriff, and also the appointment, removal, and tenure of office.

The judiciary is to consist of a supreme court and such inferior courts as the legislature may from time to time establish. There is also to be a Federal court, with jurisdiction entirely distinct from the Territorial. It was the unanimous opinion of all before the committee that with the increased commerce at Honolulu and the various new questions arising there would be ample business for a Federal court in the islands. The provision as to a Delegate in Congress is substantially that of the general Territorial law which has existed for many years.

Mr. WILSON of Arizona. Will the gentleman be kind enough to tell me on what page the judiciary is provided for?

Mr. KNOX. On page 86 of the bill, and the Federal court is provided for on page 90 of the bill. Hawaii is made a customs district and an internal-revenue district.

Now, Mr. Chairman, with these remarks, unless there is something more to be said or inquiries to be made by other gentlemen, I will yield to my friend the gentleman from Pennsylvania [Mr. McALEER] such time as he desires or such time as he wishes to yield.

Mr. MCALEER. Mr. Chairman, I do not wish at this time to speak on this bill, but perhaps later on I may say something on the subject. I find there are a large number of gentlemen on this side anxious to be heard, and I will yield to the gentleman from Indiana [Mr. ROBINSON].

Mr. WILLIAMS of Mississippi. Before the gentleman from Indiana begins, I would like to suggest that an attempt be made to make another agreement as to the time.

Mr. KNOX. I thought that would have to be done in the House. I will say that if there is no objection we will act as if the agreement was made, and when we come into the House again I will ask unanimous consent.

Mr. ROBINSON of Indiana. I will ask the gentleman from Massachusetts to make the request that he made this morning. The gentleman from Colorado was under a misapprehension.

Mr. KNOX. I will do so, and in the meantime we will act as if the request had already been made and granted.

Mr. ROBINSON of Indiana. If the gentleman does not make the request I will do it. The gentleman from Tennessee was going to do it.

Mr. KNOX. Very well, we will follow it as if it had already been granted.

Mr. FINLEY. Mr. Chairman, I would ask if the committee can not now rise and let that agreement be made in the House.

The CHAIRMAN. The Chair is of the opinion that the committee has the power to control the time.

Mr. KNOX. Then, Mr. Chairman, I will ask unanimous consent that the remainder of the time be controlled by the gentleman from Pennsylvania [Mr. MCALEER] upon that side of the House, and by myself upon this side, and that the time be equally divided.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the remainder of the time be divided equally between the two sides of the Chamber, one-half to be controlled by the gentleman from Massachusetts [Mr. KNOX] and the other by the gentleman from Pennsylvania [Mr. MCALEER].

Mr. KNOX. And that gentlemen who make remarks have permission to extend their remarks in the RECORD.

The CHAIRMAN. The Chair is of opinion that the committee has not the power to do that. But the House having made no order as to the time, it is in order for the committee, by unanimous consent, to agree to the proposition of the gentleman from Massachusetts. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MCALEER. Now I yield one hour to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Chairman, in these troublous times of acquiring and governing outlying island possessions and efforts at once to sustain the Constitution the interest of labor seems neglected.

I yield to no man a superior regard, but am willing to concede to each an equal regard, for labor as that which I have myself.

Here and now we have our opportunity, not by promises, but by performance, not by words, but acts, to show our fidelity to that great cause not only in the Hawaiian Islands but here at home.

I approach this subject of labor in those islands with feelings of sadness as well as of responsibility.

The American Federation of Labor on December 19, 1899, in convention assembled at Detroit, Mich., resolved as follows:

> We affirm our previous position on this question, namely, that there must be no slavery or serfdom by ownership or contract tolerated under the American flag, and that we will make anyone whose action shall in any way militate against this principle of human freedom responsible for such action in every legitimate manner open to us.

On the 7th day of July, 1898, a joint resolution of the House of Representatives and the Senate was approved by the President. Among other things, it provided "that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof;" and "the municipal legislation of the Hawaiian Islands not enacted for the fulfillment of the treaties so extinguished and not inconsistent with this joint resolution, nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine;" and further, that "the President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the Hawaiian Islands as they shall deem necessary or proper."

Under this resolution the President appointed Senators CULLOM, of Illinois, and MORGAN, of Alabama, and Mr. HITT, of Illinois, of this country, and ex-President Sanford B. Dole and Judge W. F. Frear, of the Hawaiian Islands. A hundred thousand dollars was appropriated to carry out the purpose of the resolution. The resolution also provided that "there shall be no further immigration of Chinese into the Hawaiian Islands."

That commission, after an excursion to the islands, filed their report in December, 1898, and with it presented a bill with their recommendation, which is the same as the bill presented by one of the commissioners in the Senate and one of the commissioners in the House of Representatives. Never before has a commission presented a measure to either body with provisions so un-American, so hostile to the genius of our institutions, as the bill recommended by this commission.

The bill now before the House is that bill torn to pieces and dismantled by the committee, and, save on the subject of contract labor, it might be identified as American.

This Hawaiian bill nowhere and in no wise protects or encourages American labor, here or there, and this policy is in keeping with the actions of this and last Congress dating back from this hour to the hour of the admission of the Hawaiian Islands. It is time to call a halt and to make an inquiry.

You of the majority have done nothing, absolutely nothing, to prohibit the importation of contract labor into the Hawaiian Islands, because influences there and here believe they can exploit them for commercial ends—the only motive that moves them—better by contract labor, and I will prove it.

You call caucuses to pass party measures. Why not go to some extremes to protect labor and destroy this infamous contract-labor system?

On the contrary, you provide by section 10 of this bill "that all obligations, contracts, and rights of action shall continue to be effectual," and that "penal proceedings shall be carried on," etc., without destroying the slave contracts already existing. Are they so inviolate that you dare not put your finger upon them?

This means that 40,000 laborers' contracts shall be continued in force and that the penal proceedings to enforce them shall continue; that slave men and women shall be imprisoned for failure to keep a civil contract. It means that involuntary servitude shall exist in the mills and on the plantations; that involuntary imprisonment with a felon's stripes shall be the remedy for enforcing civil rights between the favored masters of Hawaii and the cringing contract-labor slaves. It means that you would crucify labor on the cross of landlordism and money in Hawaii. True, the Senate amendment, which I hope will prevail here, strikes these contracts down.

Yielding to the distinguished chairman of the Foreign Affairs Committee, than whom none is more popular here or in his State, the gentleman from Illinois [Mr. HITT]—yielding to him the highest character for probity and good intentions, ability and skill as a lawmaker, and as to his colleagues on the commission in the Senate I say the same, yet—I measure my words—these three American lawgivers, as commissioners, were seduced and buncoed by their Hawaiian conferees and by the influences on the islands.

Passing over the wining and dining of the commission over on those delightful islands by the notables and the government officers, I pass to the result of the inspiration produced, as reflected in their report. First, on page 17, they say:

> The question whether white labor can be profitably utilized in the sugar plantations is yet a problem, but the planters are preparing to give such labor a trial, and some of them believe it will prove superior to the labor of either Chinese or Japanese.
>
> S. M. CULLOM, *Chairman.*

Most remarkable language for an American commission. Again they say in this report, on page 2:

> The commission visited several of the most important islands of the Hawaiian group in company with persons representing important agricultural and commercial interests and others representing the government.

Under this influence they found, in the absence of any representatives of labor, that white labor "is yet a problem," not yet solved, but that some think that white labor will prove superior to "Chinese and Japanese labor."

Disagreeable as it is, the proof is clear to me that those in power here and interested in profit and dollars in Hawaii seek to have this Government sanction the contract-labor system, and will claim, as the proof shows they do claim now, that only by contract labor can Hawaii be worked. It is probably more profitable to work the islands thus, but it remains to be seen whether this Congress will put money above manhood, contract slave labor above free labor. If so, better for labor that those islands had never rose from the bottom of the sea, or that some volcanic convulsion had sunk them, than that they should have been a part of our territory and be a constant menace to our labor.

The bills introduced in Congress by the representatives of that commission and set out and recommended in this report are outlandish and un-American, and amount to a rape and destruction of American labor.

Those who are ready to pass a bill to exclude the best class of immigrants from this country had better scan well the policy that has invited undesirable oriental contract labor to our islands and the system of slave contracts by which they are held.

We were told in both Houses as a reason for annexation that the climate was temperate and salubrious, the soil fertile, and that

by annexing Hawaii we opened up a vast field for the profitable and remunerative employment of American labor.

How changed the picture! Now the commission says, "Some think that white labor may be superior to Chinese and Japanese labor."

Analyze the contract-labor system; see the contract laborers stored in steerage like sardines in a box, huddled together, men, women, and children; see them on the plantations, the whole family working under contract, the men for from $15 to $18 a month to pay their passage and board and clothe themselves; see them huddled together in prison for failure to keep their contract, and then tell me whether American white labor can compete in a country prompted by such sentiments and under such conditions. When it does, it will be when the sun shines at midnight and the moon at midday, when nature stops to take a rest, and when men forget to be selfish.

The population of the islands in December, 1898, as affirmed by the report, was: "Hawaiians and mixed blood, 39,000; Japanese, 25,000; Chinese, 21,500; Portuguese, 15,000; Americans, 4,000; British, 2,250; Germans and other Europeans, 2,000; Polynesians and miscellaneous, 1,250; total, 110,000."

The Japanese and Orientals predominate in numbers. Hawaii had a treaty with Japan that gave the citizens of the latter free ingress, being a "favored nation clause." By the resolution of annexation we struck this down and established our own treaty relations with Japan. This was only the enforcement of a well-established principle of international law. Our treaty with Japan provides that the United States may at any time control or prohibit the immigration of Japanese laborers to the United States. The party in power has never invoked this right to protect the interest of labor.

Note the number of Chinese and Japanese we have added to our population. Since annexation, July 7, 1898, thousands of foreign contract labor have been flowing into the Hawaiian Islands, so that to-day 40,000 contract laborers, or more than one-third of the population, are on the islands because Congress did not prohibit this infamous dealing in human chattels in the resolution of annexation.

It could have been done. The Chinese were excluded by a section of the resolution; but it was not the policy of the annexationists; it was not the policy of the administration of Hawaii, nor of those in charge here, to do it, because it is thought that the islands can be more cheaply and profitably worked by foreign contract labor. Those voices which were raised for annexation proclaimed that Hawaii was near to us—she is far enough away, but near enough to infect our laboring men with the pestilence of her labor system.

Hear this proof:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER-GENERAL OF IMMIGRATION,
Washington, February 9, 1900.

SIR: I have the honor to acknowledge the receipt of your letter of 8th instant, and to state in reply thereto that this Bureau has no means by which to secure statistics of Japanese immigration to Hawaii, for the reason that its jurisdiction has not as yet been extended over that Territory.

However, it is ascertained that under date of January 6, 1900, Mr. Joshua K. Brown, Chinese inspector at Honolulu, forwarded the following information to the supervising special agent, this Department:

From August 12, 1898, to December 31, 1898:	
Japanese arriving under contract	4,652
Japanese arriving "free"	669
Total for fractional part of 1898	5,321
From January 1, 1899, to December 31, 1899:	
Japanese arriving under contract	20,561
Japanese arriving "free"	5,377
Total for year 1899	25,938
Total from August 12, 1898, to December 31, 1899	31,259
Japanese under contract to arrive within the first three months of 1900	2,750
Total admitted and under contract to arrive	34,009
Number who have departed from the islands during the same period.	242

This is all the data in possession of this office concerning the subject referred to, and it is trusted that it will answer your purpose.

Respectfully, yours,

T. V. POWDERLY,
Commissioner-General.

Hon. JAMES M. ROBINSON,
House of Representatives, Washington, D. C.

This shows the importations from Japan only. Other nations are contributing contract laborers to this Hawaiian system. It will be seen that of 34,009 Japanese arriving, only 242 have departed in the same period, thus showing that the statement made that they leave is misleading.

The Pittsburg Dispatch (Independent) of September 26, 1899, referring to the dispatch from Yokohama that the sugar interests of Hawaii had collected 10,000 Japanese contract laborers for shipment to the islands, "and that Japan was alarmed at the exodus present and future contemplated," remarked significantly "that it was a cause of more just alarm to the United States."

Is it any wonder that the labor interests and organized labor is crying out against this infamous system that is trending toward their own enslavement? Can they not well doubt a government and their security for the future when that government tolerates such a scourge?

Cardinal Gibbons, in his able paper to the Knights of Labor, said:

The time has come in the world's history when the church should seek an alliance with the masses and should abandon special efforts to conciliate the mighty in war, the powerful in trade, the great ones of the earth, because in the future the control of the destinies of the world rests with the people.

Sir, some Hawaiians are in this country, representing the people and the labor interests, which class, they say, were not represented before the Hawaiian commission.

One is Mr. Robert W. Wilcox, a native of the islands, who, as a young man, was sent for six years to a military school in Italy by King Kalakau, and the other, Mr. Edgar Caypless, a lawyer, of Honolulu, formerly of New York, and a graduate of the South Carolina University. The latter says "that over 25,000 Japanese have been imported there during the past year and a half under contract to labor for a term between three and five years."

These contract laborers were brought to Hawaii for the money that is in them. Let us be honest. This editorial of the Washington Post of Sunday, January 21, 1900, which has favored the Administration's policy of island acquisition, is candid and honest with the laboring masses. It reads:

LET US BE HONEST.

Why can not we be honest in our utterances touching the territories we have recently acquired? Really it would save time and trouble, to say nothing of life and treasure, to come out frankly with the announcement that we have annexed these possessions in cold blood and that we intend to utilize them to our profit and advantage. All this talk about benevolent assimilation; all this hypocritical pretense of anxiety for the moral, social, and intellectual exaltation of the natives; all this transparent parade of responsibility and deep-seated purpose; all this deceives nobody, avails nothing, helps us not an inch in the direction of profit, dignity, and honor. We all know down in our hearts that these islands, groups, etc., are important to us only in the ratio of their practical possibilities. We value them by the standard of their commercial usefulness, and by no other. All this gabble about civilizing and uplifting the benighted barbarians of Cuba and Luzon is mere sound and fury, signifying nothing. Foolishly or wisely, we want these newly acquired territories, not for any missionary or altruistic purposes, but for the trade, the commerce, the power, and the money there are in them. Why beat about the bush and promise and protest all sorts of things? Why not be honest? It will pay.

As a matter of fact, we are not concerned in the ethical or religious uplifting of the Filipinos. After all, the difference between a breechclout and a starched shirt front is a mere matter of climate and personal opinion. Dishonesty, untruth, crime, and general wickedness are here in our midst—present with us as part of our daily life and growing with our growth. We need not go to the West Indies or the Philippines in search of material for moral rescue. Our own slums abound with opportunities for missionary zeal. Why not tell the truth and say—what is the fact—that we want Cuba, Porto Rico, Hawaii, and Luzon, together with any other islands in either ocean that may hereafter commend themselves to our appetite, because we believe they will add to our national strength, and because we hope they will some day become purchasers at our bargain counters? We might as well throw off the pious mask and indulge ourselves in a little honest candor. It will cost us nothing, and it may profit much. At any rate, we shall have the comfort and satisfaction of being honest with ourselves and the privilege of looking into the mirror without blushing.

Now, after this plain avowal from a competent and reliable source, with the evidence all one way to prove it, it is clear that the ruling money power interested there under the Dole régime desires to hold the Hawaiian Islands for a like purpose and from like motives. With 40,000 laborers imported under the eye and by the aid of the United States Hawaiian government officials since annexation, where is the protection to American labor?

The chairman of the Committee on the Territories, the gentleman from Massachusetts [Mr. KNOX], in January, 1899, by his objection, and on another occasion by a point of order raised, denied consideration to and prevented the passage of a bill which would have destroyed this nefarious system of contract labor.

The proceedings thereon are as follows:

Mr. GARDNER of New Jersey, chairman of the Labor Committee, asked unanimous consent for the immediate consideration of a bill to extend the labor laws of the United States to Hawaii.

Mr. KNOX (Massachusetts) said: "Mr. Speaker, I object, as that matter is provided for in a general bill relating to Hawaii;" as shown on page 932, volume 32, part 7, third session of the Fifty-fifth Congress.

The bill sought to be enacted then reads as follows:

Be it enacted, etc., That the act approved February 26, 1885, to prohibit the importation and migration of foreigners, aliens, under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, and the acts amendatory thereof and supplemental thereto, be, and the same are hereby, extended to the Hawaiian Islands.

The gentleman from Massachusetts [Mr. KNOX] a long time after, in explanation of his obstruction to this salutary legislation at that early and opportune time, by voice and vote then confessing, said his only ground of objection was that he was "opposed to piecemeal legislation," and that his own committee had a bill including other provisions. His committee was then nursing and trying to have considered the bill with the outrageous provisions to which I have referred. But time was of the essence of this action in the House, and by his opposition in the House he delayed

and defeated labor, and prevented the passage through the Senate of a bill of like import which he voted for later, but which reached the Senate too late for passage, though favorably reported by committee.

The Republican party in power then in the House is responsible for his action, and he is responsible for the failure to pass a law that would have kept out contract labor from the Hawaiian Islands, for in his hands lay the power and in his party was the power, as it was charged with the duty of legislating against this crying evil.

Let me read the words that came from the chairman of the Committee on Labor [Mr. GARDNER of New Jersey] as to the anticipated and evil consequences of that objection:

Mr. GARDNER of New Jersey. Mr. Speaker, the facts as officially ascertained, which makes it undesirable to delay longer such legislation as this, are that 3,000 contract laborers are already known to have reached the Hawaiian Islands since the annexation, and that the very day following the passage of the resolution of annexation contracts for the importation of only a few less than 6,000 laborers were approved by the government, and that some 3,900 of those laborers are to be brought in during the first quarter of 1899.

The gentleman from Massachusetts [Mr. KNOX] is unfair when he says that these contracts were made before the bill was introduced. The making of the contracts was the cause for the introduction of the bill. There is nobody in the United States, so far as I know, that wants the door left open for the introduction of these Japanese coolies save only the gentleman from Massachusetts, and he wants them for a special purpose, to wit, to assist the House of Representatives in passing a bill for the Committee on Territories.

Mr. KNOX. The reason of the objection to the bill that the gentleman has referred to was that there was a general bill before our committee, of which that bill, if it contained desirable legislation, should have been a part.

Mr. ROBINSON of Indiana. The bill you had then in your committee?

Mr. KNOX. Yes; the bill which was being considered in our committee.

Mr. ROBINSON of Indiana. "The Lord hath delivered mine enemies into my hands." Mr. Chairman, what bill was it that was before the gentleman's committee? It was the bill containing the outrageous provisions to which I have referred.

Mr. KNOX. Not at all.

Mr. ROBINSON of Indiana. It was the bill providing that the supreme court should be appointed by the governor of the Territory, and provided a life tenure. It was the bill which prescribed a property qualification of $1,000 as a condition of the right to vote. It was a bill that provided that neither house of the legislature, without the consent of the other, should adjourn for more than three days, and if either house did so adjourn, the other should proceed to legislate, and their legislation should be valid. If I am in error about this last matter, I can be corrected. I want to call attention to the fact that such was the provision of the bill recommended by the commission. That provision may not have been in the gentleman's bill. His was a bill that provided in section 10, as does the bill you now ask the House to pass, that these labor contracts should be continued in force and that penal proceedings should be continued to enforce them.

Mr. KNOX. Now, if the gentleman will allow me—I know he would not do injustice to anyone——

Mr. ROBINSON of Indiana. Surely not.

Mr. KNOX. The bill before the Committee on Territories in the last Congress was a bill reported by the commission appointed by the President, who went out to Hawaii——

Mr. ROBINSON of Indiana. A bill containing these outrageous provisions.

Mr. KNOX. A commission, the leading member of which was the distinguished gentleman from Alabama, Senator MORGAN.

Mr. ROBINSON of Indiana. Oh, excuse me, Mr. Chairman, this is not a partisan question.

Mr. KNOX. Pardon me one moment. The bill that is now before the House, which the gentleman has stated continues the penal provision for the punishment of violations of the labor laws, distinctly repeals that provision.

Mr. ROBINSON of Indiana. Section 10, which you recommended in your last report reporting this very bill now before us, says that that provision shall be continued.

Mr. KNOX. Not at all. The penal laws now in force for the enforcement of labor contracts are repealed by this bill. The trouble is that the gentleman has not read the bill.

Mr. ROBINSON of Indiana. Another provision of the bill of which the gentleman has spoken, and which he now gives as the reason why he kept that labor law from being considered, was a provision providing that the supreme court of Hawaii should pass upon the election returns and qualifications of the members of the senate and house of Hawaii.

Mr. KNOX. That is not in this bill.

Mr. ROBINSON of Indiana. No; but it was in the one which you were seeking to pass, and which you urged the passage of as the reason for objecting to this labor legislation against importations.

Mr. KNOX. That was in the bill originally reported. We have stricken it out.

Mr. ROBINSON of Indiana. What is the secret? The secret is that the American commissioners were hypnotized by President Dole. Motives are difficult to ascribe, but consequences are easily felt. I know not the real motives and purposes of the gentleman from Massachusetts. But few would arrogate the insubstantial ones he assumed, that it was to secure the passage of his own pet measure. His was the bill of the commission, which provided, among other things:

SEC. 10. That all obligations, contracts, rights of action, * * * prosecutions, and judgments existing prior to the taking effect of this act shall continue to be * * * effectual as if this act had not been passed. * * * All criminal and penal proceeding * * * shall be prosecuted to final judgment. * * *

Which is the same language as section 10 of the bill now before the House, and members have it before them and can read it.

SEC. 15. That in case any election to a seat in either house is disputed and legally contested the supreme court of the Territory of Hawaii shall be the sole judge of whether or not a legal election for such seat has been held, and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

SEC. 62 (qualification of voters for senators). * * * In addition thereto, he shall own * * * real property in the Territory of the value of not less than $1,000, * * * or shall have actually received a money income of not less than $600 during the year next preceding. * * *

SEC. 80. The governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the chief justice and justices of the supreme court. * * * All such officers shall hold * * * except the chief justice and justices of the supreme court, who shall hold office during good behavior.

By section 43 of the bill recommended, as shown on page 29 of this report of the Hawaiian commission, it was provided that neither house should adjourn without the consent of the other for more than three days, and that if it did so the legislative acts of the other was the law, as if passed by both. This provision does not seem to have been included in the bills presented to Congress.

The Republican party refused to pass a law in the Fifty-fifth Congress excluding contract labor in the Hawaiian Islands; refused to ingraft it on their reported resolutions in this House, and defeated the amendment in the Senate. We have islands here where people for years have gone "like the galley slave, scourged to his dungeon," for not obeying the terms of a civil contract to labor for another, into which they were induced to enter by the cupidity of navigation corporations, and into which many were induced to enter by the false hopes and the false representations held out for purposes of gain by plantation and mill owners.

On July 7, 1898, the American flag was raised over the Hawaiian Islands amid the booming of cannons and the playing of bands and while the children sang "The Star Spangled Banner, long may it wave o'er the land of the free and the home of the brave." Near that place now men are imprisoned at Oahu for violations of labor contracts, imprisoned with felons, wear stripes like robbers and thieves, are worked on the roads and in the quarries, and over the prison that entombs them is a flag floating that bears a picture of a bloodhound trailing, and this nearly two years after annexation.

You might as well cease to ring the chimes of old liberty bell, for they do not reach your Territory—the Hawaiian Islands.

This stands for the law—the labor law—of the islands. Where is the flag which should stand for law and order, for the Constitution, for the Declaration, for the law against slavery, for the law against contract labor? These people are slaves in form and in fact; their condition is a disgrace to American manhood and American statesmanship. Hear the condition that prevailed on July 27, 1899, more than a year after our flag floated over the islands. The Seattle Times has repeatedly denounced this practice, as have other influential papers on the Pacific coast. Hear it from the San Francisco Examiner in the language of a minister:

Slavery and involuntary servitude of the most degrading type exist in the Hawaiian Islands to-day as a means for the enforcement of contracts made by laborers to work on the sugar and coffee plantations. Thirty-six Galicians, subjects of the Austrian Empire, are now confined in Oahu prison, Honolulu, because they refused to comply longer with the onerous conditions imposed on them by their owners. They were convicted of "deserting contract service," and were sentenced to indefinite imprisonment. They can gain release only by buying their way out of prison or going back to the cane fields. Their tale is told by Rabbi M. S. Levy, of this city. It is one to cause anger and astonishment among those that boast that freedom lives wherever floats the American flag.

Here is the contract:

This memorandum of agreement entered into at Bremen 30th April, 1898, by and between Oahu Sugar Company, Limited, Hawaiian Islands, and the laborer Teper Yakob, now residing at Creszanow, Galicia, witnesseth: That

Whereas the said laborer is desirous of going to the Hawaiian Islands, there to be employed as an agricultural laborer, and in consideration of free steerage passage to the Hawaiian Islands to be furnished to him and his wife and —— of his children by the employer, the following contract has been concluded between the aforesaid parties to the said agreement:

The said employer, in consideration of the stipulations hereinafter contained to be kept and performed by the said laborer, covenants and agrees as follows:

To furnish to the said laborer and his wife and —— of his children, whose names and ages are noted at the bottom of this agreement, free steerage passage, including proper food and medical attendance, from Bremerhaven to Honolulu, and also to produce proper lodgings for the said laborer and his family at Honolulu, proper transportation from Honolulu to the place where he is to be employed as an agricultural laborer.

On arrival at Honolulu the employer agrees to provide employment for the said laborer as an agricultural laborer for the full period of three years

from the date such employment actually begins, and also proper employment for the wife and grown-up children of said laborer.

The employer guarantees to the said laborer wages at the rate of $18 for each month of twenty six days' labor performed, and to his wife and grown-up children, if they desire to work, wages as follows:

To wives and daughters 20 years old, for labor performed, wages at the rate of 40 cents per day; daughters from 18 to 20 years, 35 cents per day; daughters from 16 to 18 years, 30 cents per day; daughters from 14 to 16 years, 25 cents per day; sons from 16 to 18 years, 50 cents per day; sons from 14 to 16 years, 40 cents per day; sons from 12 to 14 years, 25 cents per day.

And besides, the laborer is to have, free of charge, for himself and family, unfurnished lodgings, also fuel and water for cooking, and medical attendance and medicine.

During the continuance of this contract the said laborer shall be free of all personal taxes. The employer guarantees to him and his family the full, equal, and perfect protection of the laws of the Hawaiian Islands, also free primary instructions in the public schools to his minor children.

The said laborer, in consideration of the stipulations hereinbefore mentioned to be kept and performed by the employer, covenants and agrees as follows:

To proceed to Honolulu by the vessel provided for him in accordance with this agreement.

On arrival at Honolulu to accept such employment as the employer may, under this contract, assign to him.

During the continuance of this contract, being the full period of three years from the date such employment actually begins, to fulfill all the conditions of this agreement and to diligently and faithfully perform all lawful and proper labor and to obey all lawful commands of the employer, his agents, or overseers, and to work during the night and rest during the day, if called upon to do so, and to work on all days which are not holidays and as such recognized by the Hawaiian government, except when said laborer may be employed on domestic service, in which case the usual and indispenable work shall be done on these days also.

A day's labor shall mean ten hours' actual work in the fields or twelve hours' actual work in the sugar factory, the hours not being continuous, but allowing the necessary time for taking food and rest. The hours of labor are counted from the moment regularly established for the departure to the work in the factory or the fields, and the laborer must not exceed the time reasonably necessary to arrive there. And twenty-six days' actual work as aforesaid shall constitute one month's labor.

In witness whereof, we have hereunto set our hands, in duplicate, at Bremen, the day and year first above written.

TEPER YACOB,
CARL MUNCHP.

These contracts are acknowledged, and across the acknowledgment of Jacob Teper is this record of conviction:

Oahu Sugar Co., Ltd., *vs.* Jacob Teper. Deserting contract service. Found guilty and ordered to return to work. Costs, $3.20.

W. L. WILCOX, *District Magistrate, Oahu.*

HONOLULU, *Nov. 11, 1898.*

I have read the contract that binds these unfortunates to slavery. They are all alike. They are the same this year as they were last year and the year before, printed in three languages.

Here is the law that has governed since annexation:

SEC. 1384. If any person, lawfully bound to service, shall willfully absent himself from such service, any district magistrate, upon complaint made, under oath, may issue a warrant to apprehend such person and bring him before the said magistrate; and if the complaint shall be maintained, the magistrate shall order such offender to be restored to his master, and he shall be compelled to serve the remainder of the time for which he originally contracted.

SEC. 1385. If any such person shall refuse to serve for the term of his contract, his master may apply to any district magistrate where he may reside, who shall be authorized, by warrant or otherwise, to send for the person so refusing, and, if such refusal be persisted in, to commit such person to prison, there to remain at hard labor until he will consent to serve according to law; and in case such person bound as aforesaid shall have returned to the service of such master in obedience to such order of such magistrate and shall again willfully absent himself from such service without the leave of his master, such district magistrate may fine such offender for the first offense not exceeding $5 and for the second offense not exceeding $10, and in default of payment thereof such offender shall be imprisoned at hard labor until such fine is paid, and for every subsequent offense thereafter the offender shall be imprisoned at hard labor not exceeding three months, and at the expiration of any such imprisonment such magistrate shall order such offender to be restored to his master to serve for the remainder of such original term of service.

SEC. 1386. The magistrate's warrant or order, mentioned in section 1384, when directed to any officer or other person by name, shall authorize him to convey the offender to the place of residence of the master, although it may be in some other island of the republic.

SEC. 1387. All the costs incurred in any process against a servant shall be paid, the first instance, by the complainant, and, if the complainant shall be sustained, the master shall have judgment and execution thereof against the offending servant.

This good minister went about and raised funds to purchase the freedom of Teper, who was an Israelite.

Here is the money paid for the purchase of a slave's freedom:

HONOLULU, HAWAIIAN ISLANDS, *July 3, 1899.*

Received of Rev. Levy the sum of $120 for release of contract of Jacob Teper, contract laborer for Oahu Sug. Co.

H. HACKFELD & CO., LIMITED.

But what became of the other 35 prisoners? They remained in prison till William H. Marshall, of the Sunday Volcano, denounced the infamous system, exposed that one Hackfeld was acting as consul for Austria-Hungary and at the same time for himself, and as agent for other sugar planters and mill owners.

This worthy representative of the favored Hawaiian system of slave labor, without conscientious compunctions, served in the dual capacity of agent for the slaves who came from that country and for the masters who bound them and sent them to prison. He was forced to resign, and his company—the Hackfeld Company, Limited—was finally forced to release these prisoners. Marshall, who rained fire upon these methods and the ones engaged in them, was thrown in prison on some charge to atone for his offense, and was only able to secure his release by giving an unnatural bond, and on appeal his case stands without hope of trial, but with prospects of dismissal.

Such is the encouragement given to this odious system by those in power officially and otherwise in Hawaii, both before annexation and after it became part of the United States, and the same encouragement has been given by the same powers that be, down to this very hour.

Three distinct powers have encouraged the importation to and use of contract labor in Hawaii since annexation:

First, the navigation corporations;

Second, the plantation and mill owners, and

Third, the United States—Hawaiian officers in stations giving them opportunity to encourage it—from Sanford B. Dole down to the most minor officer.

From the third class I do not except the judiciary. For proof of these statements I refer to the report of the commissioners which was appointed by the resolution of annexation, and to the advance sheets of consular reports found in February, 1900, Consular Report, page 223, dated January 5, 1900, containing a report of Mr. Sewall, former minister of the United States to Hawaii, and now special agent of the United States at Honolulu, and by information from Mr. Joshua K. Brown, United States Chinese inspector at Honolulu, and from the report of the United States and Hawaii bureau of immigration, J. A. King, president, and Wray Taylor, secretary, and Charles A. Peterson, inspector of immigration, and to the decisions of Judge Frear and the other judges of all the courts.

The whole official life of Sanford B. Dole has been an indorsement of contract labor. He was one of the commissioners who made this report, and the traces of his dominant handiwork is found through its pages. The commissioners met the government officers. Dole was one. They met the nobility, the men with special privileges. Did they meet the man with the hoe? Did they meet the contract laborers? No; Commissioner Dole led them not by the disturbed waters, but the government officials led them "into the green pastures beside the still waters." If it had been otherwise, if the American members of that commission saw the contract-labor system and saw the prisons where compliance was enforced, which I can not affirm or deny, they should at once have returned to their own free-labor country and passed a law to protect labor, and to stop the thousands who have been pouring in at the command of the corporation shipowners and the masters of those islands.

What more was to be expected of the Hawaiian representatives one hat commission? President Dole's whole official life under the Hawaiian laws and under the laws of the United States has been intimately associated with contract labor. The other, Judge Frear's, career likewise has been a sanction of it even in judicial station, both as Hawaiian judge and as a judge since annexation. These two are a part of an administration under United States laws since annexation that is styled by those not in the circle as "Dole's family compact."

Another member of this "Dole family compact" is Minister of Finance S. M. Damon, who, after annexation, imported 17 Italian contract laborers via Canada, and now has those 17 Italians working as contract laborers on his estate within sight of Honolulu.

Hawaiian dispatches report that early in November President Dole received a letter from Mr. Damon containing a report of his trip to Italy, whose language he speaks, in the interest of contract-labor importations, and that his contemplated visit to Portugal was in the same interest.

Mr. Damon's connection with this slave-labor system while in official life and since annexation has been open and notorious. It will be remembered that this worthy representative of the contract-labor system and of the United States and of Hawaii last November resigned by a direct cable to President McKinley from Italy. The dispatch said, further, that his resignation was a surprise to official circles in Hawaii. It should not have been. All knew he was engaged in this labor-contract system while he was an official, and if his resignation was a surprise the surprise has no doubt abated, as, on his return, he was installed in his old position as minister of finance in Hawaii, and holds it to-day.

These were the officials of Hawaii who accompanied our American commissioners to find out from the bound how they liked contract labor. It is difficult to conceive, but the proof is patent, that the Americans were hypnotized by the Hawaiians and led away from the disagreeable facts of contract labor, cruelty to labor, child and woman contract labor, and imprisonment and stripes as a penalty for violation of terms of contracts with iron masters, all of which were but slightly touched upon in their elaborate report or passed over altogether. The report of Special Agent Sewall, while frank and open in many respects, shows an aversion to disagreeable exposures. The Hawaiian members of the commission, through the American members, press upon our attention un-American slaveholding laws suited only to the system of slavery in those islands.

I am willing to grant an amnesty to the American members of this distinguished junketing commission if it will do them any good, but can not under the proof grant them an acquittal.

In the report of the Bureau of Immigration of December, 1898, signed by Wray Taylor, our United States Hawaiian officer, we find among others the following, November 3, 1898:

Applications for 5,925 Japanese laborers were approved at this meeting, on the understanding that no more applications were to come in until April, 1899, from plantations represented at or obtaining permits at this meeting.

Mr. Sewall, who makes the report on the labor conditions of Hawaii, was formerly our minister to the islands.

[Mr. Sewall's report. Labor in Hawaii. United States Consular Reports, February, 1900.]

The purpose of the following is * * * to trace an outline and fill in just enough detail to give a correct view and intelligent idea of Hawaiian labor conditions as they exist to-day. * * *

Contract labor, consisting of Japanese, Chinese, Portuguese, Italian, Hungarian, Hawaiian, and others, is held under contract for three years when coming direct from foreign countries under agreement, and for the same or a shorter period when contracting after a previous sojourn in this country. * * *

When contract laborers are needed from abroad, application is made to the government for permission to import laborers of the desired nationality. * * * The order to recruit them is given to immigration companies authorized by law. * * * These companies are then responsible for the delivery of the men. * * *

In obtaining European labor the planters have the benefit of the authority, forms, and official connection of the board of immigration. * * * Expenses are met by the planters in the first instance, afterwards a sum, not to exceed $130 for each family, is paid by the government to cover recruiting expenses and passage of women and children accompanying the immigrants. In this case the immigrant contracts with the board of immigration and signs his agreement before the Hawaiian consul at the port of departure in his own country. * * * The board of immigration assigns these laborers to their several employers. * * *

The only other laborers now imported are Japanese. The companies supplying these are chartered by the Japanese Government and have their principal offices in Japan. * * *

Laborers are shipped from the recruiting offices to the immigration company, which then bears all expense and responsibility for maintenance, transportation, quarantine expense, etc., until assigned and delivered to the planter employer. In order to protect themselves against desertion, these companies exact securities in the shape of mortgage, bond, or deposit from the laborer or his friends to an amount equal to all expenses. * * *

* * * The laborers are apportioned to their several employers, signing their special contracts before an authorized Hawaiian official assisted by interpreters.

* * * His photograph is taken for identification, and he is then assigned to a particular corporation.

* * * Chinese, being single men, are housed in barracks with from 6 to 40 men in a room. Single Japanese are often provided for in the same way. * * *

These quarters furnish only a shelter and a place of rest. In barracks where many single men are collected a platform 6 to 8 feet wide and raised 2 feet above the floor runs the length of the building, and each man has about 3 feet in width of space for himself to sleep on. * * * Again, tiers of shelves 3 feet wide along the sides of the room, sometimes three or four tiers high, with some slight low partitions give about 3 by 6 feet for a man.

Contract laborers are expected to do agricultural and mill work. * * *

From the contract-labor class the carpenter, blacksmith, engineers, and sugar boilers select their assistants. * * *

* * * In a few places men have been allowed to take small pieces of land and cultivate them at their leisure. In order to do this they are compelled to work early and late, Sundays and holidays, and the mill buys the cane at a fixed rate per pound.

Between one-third and one-half of the women work in the field and about the mill at the lighter kinds of labor. * * *

The number of hours is settled in the contract, being usually ten hours in the field and twelve in the factory. * * *

* * * A rising bell or whistle wakes the men at, say, 4.30 a. m. At 5.30 they are ready to proceed to the field, and at 6 o'clock the work day commences. * * *

The mill man begins at 5.30 a. m. and is relieved by the night shift at 6 p. m. * * *

* * * The contract price is now $15 per month for oriental and $18 for European laborers. * * * Women receive $7 50 to $10 per month. Only actual time spent in labor is paid for. A man receives no pay for enforced idleness, whether caused by sickness or anything else. * * *

* * * The individual presents his identifying tag and receives the amount that is to the credit of that number.

* * * Men work in gangs, * * * supervised by an overseer, who directs their work, corrects mistakes, * * * stimulates the lazy. He leads them out in the morning. * * *

Force * * * is fast giving place to other methods. * * * Recourse to legal fines and imprisonment are the means used.

The physician employed by a sugar corporation occupies a peculiar position with reference to his patients and his employer. It must be remembered that usually in the rush to make the progress of the work match with the season the management demands every available man among his employees, and looks with suspicious and jealous eye upon anyone who claims exemption through sickness. * * * Now, it becomes the duty of the medical man to determine between the really ill and the malingerer, and naturally the malingerer often goes away dissatisfied. * * * Treatment is unsatisfactory and is carried out with very little aid from the patient. * * *

To take a general view of the real state of affairs one must consider that every labor camp is a busy hive. Work is going on, and work is paid for and is what the men come here for.

Now, what are the hardships? The main one is compulsory work under a master. Here the law compels. At home need held the whip. They expected to work when they came; but the comparison with free men makes compulsion seem a hardship. * * * Sunday is a day for rest in most cases. * * *

* * * Let some real or fancied grievance break the monotony, and the scene changes. A tin pan is beaten noisily to alarm and summon the camp. The motley crowd gathers, generally at night. The leaders harangue their followers, and the mob, most of them ignorant of the real cause, rush off to demand redress or punish the offender.

The grievance is generally an assault by the overseer upon some laborer, a fine considered unjust, a compulsion used to obtain unwilling work, or a privilege withdrawn. * * *

The question may be asked, "Why, if they are contented, do they desert?"

There are several reasons. Natural causes may render the work disagreeable and burdensome, as rain, cold, mud, and overgrowth of weeds. A severe overseer will render all discontented, and the boldest will desert. Accumulated debt is a prolific cause. * * * The prospect of getting better wages * * * entice many away from their contract master.

* * * A Japanese will live on from $4 to $6 per month, a Chinaman from $9 to $11 per month, and a European, $11 to $13. * * *

The foregoing is a brief and unadorned statement of facts as found. * * * Plantations furnish all that the law demands, but are not carried on primarily for the purpose of elevating the laborer to the standard of Western civilization and morals any more than other corporations. * * *

I gladly give currency to the recent utterance of Senator MORGAN, one of the Hawaiian commission:

We extend over those islands the laws and Constitution of the United States in full force, so that there is not a shred of a contract left standing in Hawaii if it is opposed to the laws of the United States.

* * * * * * *

*But contracts have been made since, and the amendment of the Senator from Massachusetts, I believe, invalidates those contracts. That amendment in its present form is an outrage upon the Constitution of the United States, for the reason that men have made contracts in Hawaii with companies in Japan for the purpose of importing labor. Those contracts can not be, or ought not to be, invalidated by any act of Congress. * * * How can we afford to say that contracts which were valid, made since the 12th day of August, 1898, shall be made invalid by the operation of positive law? * * **

We are cutting into them in such a way as would be utterly disastrous if we had any power to do it. We are merely raising questions that we have no power to enforce, for I take it that, after all, the Supreme Court of the United States, when it comes to sound this question to the bottom, will hold that the Constitution of the United States operates as a prohibition upon Congress to invalidate any contract that was valid at the time it was made. I think so.

Does the Constitution of the United States govern the Hawaiian Islands? Does it cover our whole land, or are we part free, part slave—slavery sicklied over with the pale cast of words of interpretation? If the Constitution governs in the islands, then strike these contracts down as unconstitutional. Does the Hawaiian constitution, adopted on July 3, 1894, govern. Then strike them down as contrary to it, for it provides that neither slavery nor involuntary servitude shall exist except for crime.

If neither govern, then strike them down as un-American, as against public policy, as inhuman. You need not search for causes in the codes of law, morality, humanity. Compel the courts to enforce the law, a custom that has not been followed for many years.

Will you take refuge from your duty by the provision in the American Constitution that no law shall be passed impairing the obligation of contracts? But here is a contract against the thirteenth amendment, which provides that involuntary servitude shall not exist in the United States nor in any of the Territories subject to its jurisdiction.

This confronts you if the Constitution prevails; and if it does not, then it does not protect these labor contracts, and you have the original right of governing in all things, past, present, and future, by the right of acquiring.

You struck down all treaty rights of Hawaii with other nations and substituted your own. Will you now save its slavedom? Do your duty and sweep away a plague more dreadful than the leprosy among those 1,200 people on one of our Hawaiian Islands; more dreadful than the bubonic plague that has swept so many from the face of that country.

Was this refusal to pass a law prohibiting contract labor in Hawaii in last Congress, and so far in this Congress, by the ruling party caused by a doubt whether the Constitution shall prevail over our country—over our territory? Are you doubtful whether the flag represents freedom, the Declaration, the Constitution, and free labor?

Do you hesitate, and will you write in words in the Constitution, in our statutes, in our Supreme Court decisions, that will make the words "United States" mean less than our whole country?

If you do this, labor will rise up to plague you, to haunt you, to defeat you. Will our Constitution be the constitution of those islands; of those contract laborers? I do not know; you do not know; no one knows. Such is the chaotic condition created by a departure from our traditions.

Let me describe this contract-labor system in the Hawaiian Islands. It is cheaper and more profitable to the landlords and mill owners than free labor; and as it is encouraged in every form, it unfortunately exists and shuts out American labor.

If a corporation—mill or plantation—wants men, its agent applies to the government for laborers, and the board of immigration, a government department, then makes application through a Japanese immigration company, that, under the regulations and officialdom, has a monopoly, the plantation advancing the money and the laborer signing a contract to the shipping company, which contract is transferable, and thereafter is transferred to the corporations purchasing the laborers. The usual term of the contract is three years, but thousands have been rushed in since the United States controlled the islands whose contracts run from three to five years.

On arrival they are photographed, and a brass tag completes their badge of identification, their badge of slavery, and they are taken out to the plantation—laborers, indeed.

Shades of Kossuth, Washington, and Lincoln, behold the slavery under the American Constitution, beneath the American flag!

On the plantations of from 5,000 to 10,000 acres, with from 500 to 1,200 laborers on each, are lumas, or, as commonly called there, "slave drivers." A luma is over from 40 to 100 contract laborers, and he stands over them with a long or loaded whip, docks them, when it suits his fancy, a quarter or a half day, and drives them back and forth to work. A whistle is carried to summon other lumas to subdue refractory spirits.

If any of the laborers grow refractory at the conduct of the drivers and revolt, the manager telephones some miles to the local attorney, who then swears to an affidavit (invokes the sacred law to enforce slavery) charging the laborers with disobedience, and officers are sent to seize and bind them and drag them into court, before a judge appointed and not elected, and who is a part of the anti-labor Dole combine.

These men, singly or in bunches of scores, sometimes are driven into what is called a court and fined and costed, for the first offense, $3.50 to $4.50; the second, $8.50, and the third may be imprisonment not exceeding ninety days. The date of conviction, penalty, and amount of fine and cost is written across the contract of labor by this court, not of record nor of justice, and the laborer is ordered to return to work. If he complies, the amount of fine and costs is deducted from his monthly wages; and if he refuses, he boards it out in prison at 50 cents a day at hard labor.

In these prisons on American soil, like on the boat that brought them over, they are crowded into rooms with ten or fifteen in a department, wearing stripes like criminals.

If any man can read these conditions without his heart revolting I question whether his heart is human.

Of course the people over there in that part of our country are unhappy and unfortunate; all are unfortunate—the master, the slave, the free—all, all are unfortunate, for the bubonic plague is upon them.

Those who are not suffering are fleeing in mind and in body from its ravages and deaths. What is the condition of these 40,000 contract laborers, what their plight in this misfortune in that part of our country? What chance for charity will they stand either in indulgence or in money from the exorbitant masters of the Hawaiian islands, who, paying their managers from $7,000 to $12,000 a year, are yet able to pay annual dividends of 60 per cent? What will the masters do for the contract laborers during this plague? They brought these laborers there who are peculiarly susceptible to this disease. Who knows but they brought this disease to the American islands? But the inquiry now is, what can be expected of men and corporations in this exigency who will countenance and continue such a system of slave labor? The masters will deduct the time that the slave suffers from it or flees from it and add the lost time to the end of the service.

The Government of this country will appropriate hundreds of thousands to quarantine the suspicioned, to relieve the distressed, and to bury the dead, but the masters will hold their ill-gotten gains while they add to the deaths and the fury of the disease by imprisoning in coops the slaves for violation of their civil contract.

This may be harsh treatment for the violation of a contract, but some of the prisoners told Rev. Levy last summer that prison was preferable to service under brutish and slave-driving masters and landlordism and tyranny on the plantations.

Once in a while a luma is killed, but oftener a laborer. Conflicts and personal beatings are common.

What is the price they get for submitting to this slavery? For Orientals $15 and for Europeans $18 a month and board and clothe themselves. Wives and daughters and sons are paid as follows: Wives and daughters 20 years old, 40 cents a day; 18 to 20 years old, 35 cents a day; 16 to 18 years old, 30 cents a day; 14 to 16 years old, 25 cents a day; sons, from 16 to 18 years old, 50 cents a day; 14 to 16 years old, 40 cents a day; 12 to 14 years old, 25 cents a day.

To show the power, and self-executing power, lodged in the hands of the masters, it only need be stated that before leaving their countries the immigration company exacts security in money or from friends that the laborer will continue his service, and the immigration company on desertion returns to the master a proportionate share of the guaranty.

The Dole official family compact and the officialdom, under the influence of the immigration and the slave-mill and plantation managers, enforce these nefarious practices, and the supreme court decides that all these practices are lawful, and decides that they are not in violation of the Hawaiian constitution, that declares that involuntary servitude, except for crime, of which the party shall be duly convicted, shall not exist in the islands.

What do Americans think of such a judiciary, such officials, such a slavery?

Talk to Americans about a judiciary that supports such practices! It ought to be pulled up root and branch. Get a judiciary that knows the law and will enforce it—one that is free from the controlling influence of officers appointing and officers surrounding.

But, sir, would you expect any decency in politics or fairness in a land that works men and women and children as slaves, imprisons them for debt, where involuntary servitude exists and flourishes? What is to be expected from a government of slave owners, slave drivers, slavery apologists?

Let us call upon the press to protect labor against such abuses, on the pulpit to denounce this crying evil, and may we not hope that Congress will crush it out now and forever and its members be held responsible to labor for a continuance of this infamous contract-labor system? [Loud applause.]

Mr. KNOX. I yield to the gentleman from Iowa [Mr. LANE] such time as he may desire.

Mr. LANE. Mr. Chairman, the islands of Puerto Rico came to us by treaty. The people of those islands accepted with joy the result of the treaty. What shall we do with them? Quibble over the Constitution or treat them honestly and equitably?

I make no pretensions to possess constitutional learning or wisdom. I have studied carefully and considerately the claims and arguments of the constitutional lawyers who have advised on this question. I have no hesitancy to accept the position that our Constitution does not extend over the island of Puerto Rico except as we by law extend it. The time has come, however, when we should declare in no uncertain terms how and to what extent the Constitution shall be extended there. We should now give these islands a civil government and formally make them a part of the United States. This done, our plain duty demands that we place these islands upon an equal footing with all other portions of the territory of the United States.

Our Constitution unquestionably contemplates this, and nowhere does it prohibit it. But outside of the question of whether Congress has or has not plenary power under the Constitution, our sense of common justice, honor, and equity demands that every portion of the United States shall be on an equality with every other portion of the United States. I understand that practically all parties, Republicans only included, but including those who favor a present tariff laid on Puerto Rico, now concede that such a measure must be temporary only, concede that the permanent plan must be equality, with no tariff on goods going into Puerto Rico from the United States or on goods coming from Puerto Rico to the United States. But this is not clearly shown by the House bill. I admit it is indirectly shown by the special provisions of section 5, which declares as follows:

> This act shall be taken and held to be a provisional act in its purposes and intended to meet a pressing present need for revenue for the island of Puerto Rico, and shall not continue in force after the 1st day of March, 1902.

I feel sure and warranted in saying that a large number of those who voted in the House to establish the 15 per cent tariff were induced to do so against their own judgment and largely upon the assurance that it was only a temporary measure; that the permanent policy of the Republican party toward Puerto Rico would be equality.

If this statement is not correct, if I am mistaken in this understanding, then many members of this House have failed to express their true sentiments on this question.

If by this tariff bill it is intended to fasten upon the United States a permanent policy of a system of tariff between the United States and Puerto Rico, then it is not to be wondered at that the great mass of the people do not take to it kindly. If it is intended by this bill to fasten a permanent policy upon this country, then it is not surprising that the great newspapers all over this land daily oppose it, nor that State legislatures resolve against it. If it was intended to establish a permanent policy, it is only natural that the conscience and intelligence of the people force mass meetings all over this land against it.

In connection with this I would ask the Clerk to read a resolution adopted last week in New York, to show that this sentiment is not only throughout the middle West and the Northwest, but even down in the city of New York.

The Clerk read as follows:

ROOMS OF THE NEW YORK BOARD OF
TRADE AND TRANSPORTATION,
MAIL AND EXPRESS BUILDING, 203 BROADWAY,
New York, March 23, 1900.

At a special meeting of the New York Board of Trade and Transportation called for the purpose of considering the Puerto Rican tariff matter, and held this day, the board adopted the following resolutions, viz:

Resolved, That in the judgment of the New York Board of Trade and Transportation the policy of the United States toward the island of Puerto Rico should be definitely and immediately determined upon considerations and conditions which relate to that island alone, and that such policy so decided upon should not in any particular or degree be affected, influenced, or warped by other and different questions, conditions, and considerations which may be involved in the relations of the United States to the island of Cuba and to the Philippines.

Resolved, That the people of Puerto Rico, in the opinion of the New York Board of Trade and Transportation, are entitled by every consideration of justice, equity, and honor to the most beneficent treatment by the Government of the United States. We believe that in assuming the existing relation toward Puerto Rico this country accepted obligations which can not honorably be evaded, and that, apart from all other considerations, due regard for pledges given demand the extension to that island of free commercial intercourse with the United States and a civil form of government.

Resolved, That it will be a dishonor to the American flag which now floats over the island of Puerto Rico if by reason of any consideration unworthy of this great nation any act of ours shall impose upon the people of that island burdens less tolerant than those from which they have been released, and they shall come thereby to regard our flag as the emblem of avarice and not of liberty and happiness.

Resolved, That while giving expression to the foregoing sentiments, the New York Board of Trade and Transportation renews its expressions of confidence in the wisdom of the Administration and of Congress, and of their desire and purpose to legislate upon the interests of the island of Puerto Rico in accord with the overwhelming sentiment of the people of the United States, which, in our judgment, favors the keeping of good faith pledged by General Miles and other representatives of this Government.

Resolved, That a copy of these resolutions be forwarded to the President of the United States, and to the members of the Senate and of the House of Representatives.

Resolved, That the president be authorized to appoint a committee of five members of this board, who shall have full power to take such action as they may deem conducive to the carrying out of the views of this board as expressed in the foregoing resolutions.

A true copy.

W. H. PARSONS, *President*.

Attest:

FRANK S. GARDNER, *Secretary*.

Mr. LANE. If by this tariff bill, Mr. Chairman, it was intended to fasten upon this country a permanent policy, then I say it is only consistent that a lapse of more than four weeks since its passage and a constant discussion ever since has only intensified the people of this country against it. [Applause on the Democratic side.] This sentiment is not only one from the people who live beyond the Alleghany Mountains and upon the Mississippi River. It is not confined alone to the States of Indiana and Iowa and Illinois and Minnesota, but I see by yesterday's paper that it has broken out in the old State of Rhode Island, and I ask the Clerk to read the speech of Governor Dyer, of Rhode Island, delivered last Saturday, he being a candidate for reelection, who appreciates the sentiments of the people of his State. [Applause on the Democratic side.]

The Clerk read as follows:

DUTY OF EVERY REPUBLICAN.

I believe it is the duty of every Republican to stand up and with no uncertain sound condemn any course of procedure by Congress which brings into question the honor of the American nation toward those few people who have come under its protection.

In the very beginning of the war with Spain, when it was uncertain what the result would be so far as added territory was concerned, the United States went to Puerto Rico, it captured Puerto Rico; it made no excuse that the island had been misgoverned by Spanish rule; it made no apologies; it said the island of Puerto Rico is the gateway to the Antilles; it is the outmost sentinel to guard the approaches of that isthmian waterway between the Atlantic and the Pacific which was bound to come.

To treat these people now as if they were aliens, as if they had no rights at all, to have gone over and taken possession of their island, to set up our own government, and then to impose duties upon them just as we would upon the people of Haiti or Santo Domingo is one of the most outrageous transactions that could be thought of.

It is most encouraging that so many of the men who mold public opinion have taken the stand they have. It is not a question of constitutional right; it is a question of simple justice. Nations have moral obligations resting upon them as well as individuals.

God forbid that any people should have to say that they preferred Spanish rule and that they trusted more in Spanish honor than they did in the honor of the United States.

The Republican party has always been loyal to the principles it has enunciated. I believe there is to-day sufficient manhood in the party to stand up and not only protest against but refuse support to any men or any measures not absolutely committed to the principles of national justice and national honor.

What a spectacle it will be to European nations that this people, having been conquered by us and brought into our fold, should be treated as strangers, and taxed without reason for bringing their products into our ports! We might just as well tax the people of Block Island for the fish and farm products they send to the mainland as to tax these people of Puerto Rico for what they bring to us.

This question is one in which every Republican should be interested. I believe that before the time comes for the meeting of the national convention in Philadelphia this question will be settled, and settled with justice and honor not only to ourselves but to the people who, by every moral right, should be a part of our nation.

Mr. LANE. Mr. Chairman, this question appeals to the sentiments of the people. It arouses their judgment, justice, equity, and right. And I now warn you that whenever the standard of justice and right of any political party materially differs from the standard of the people upon any great question, the people rise in their might and that party goes down in defeat. [Applause on the Democratic side.] Therein, I say, to a large extent is to be found the safety and the perpetuity of our form of government.

Mr. Chairman, concede, if we may, that it is not the intention by this bill to establish a permanent doctrine of tariff inequality. Concede, if we may, that this legislation is purely temporary. Is it expedient? Is it wise? Leave out of the discussion all query as to its legality, as to the constitutionality of it. Is it wise? Is it expedient?

Two reasons, Mr. Chairman, have been given which it is claimed establish both the necessity for and the wisdom of the bill. What are these claims, and what do they establish? As I understand it, the first necessity suggested for the bill is the claim that to establish a civil government on an equality without a tariff of some amount will embarrass the future in relation to the Philippines. In other words, to maintain and preserve the claim that the Constitution does not extend to the Philippines, we must put a tariff of some amount on Puerto Rico; that by enacting a tariff on Puerto Rico of 15 per cent, or any other amount, we thereby stop the Constitution from extending to the Philippines, or rather place the Republican party on record as saying that the Constitution does not extend to newly acquired possessions, such as the Philippines, except by express enactment.

Why, I would be glad to have the Constitution stop from extending to the Philippines, but it does seem to me that the passage of a plain and simple resolution from Congress directed to the Philippines would most clearly establish the position of the Republican party on this question. The people would know exactly what was said and possibly what was intended.

Let us not grind the poor Puerto Ricans with a tariff tax for two years to the tune of $1,000,000 for the purpose of studying the Constitution with relation to the Philippines. I do not know how that method impresses you, but I would say that it was a course of study entirely too long and expensive, and the Lord only knows whether the poor Puerto Ricans would be able to stand the treatment or not. I am afraid not.

But it is suggested that the tariff bill will furnish a means to raise the constitutional questions and have the Supreme Court decide them within two years. Well, that may be true, but why go to all this trouble? When did the Constitution extend to Puerto Rico, if at all? I do not believe it ever did; but if it did extend, it did not wait till the 1st day of February, 1900. It went, if it went at all, when our military forces took possession under the Paris treaty; and if it extended at all, it has been there ever since.

During all that time and now the United States has been collecting the Dingley tariff, a law under the Constitution, and it seems to me, although I do not profess to be a constitutional lawyer, no difficulty could arise to start litigation in relation to the payment or the refusal to pay the Dingley tariff. That would bring all the light on the Constitution that the proposed bill can possibly bring. And I notice by reading the RECORD of last Saturday that the senior Senator from Indiana in his remarks stated it to be a fact that there was now pending in the courts of New York City litigation against the customs collector for over $1,800,000, upon the ground that the Constitution extended to Puerto Rico and that the duties could not be lawfully collected.

Mr. GROSVENOR. If it will not interrupt the gentleman, will he allow me to make a suggestion there?

Mr. LANE. Yes.

Mr. GROSVENOR. There are several suits of the character suggested by the gentleman pending, but they do not and can not raise in those cases the same question that will be raised by an actual enactment of Congress affecting that Territory. This only raises the question whether or not the acquisition of Puerto Rico put an end not to the power of Congress to legislate over it, but to a law already existing, which only did have application to the ports of the United States and to goods coming from foreign territory. Therefore the real question that must affect all the island possessions must be a different one and raised in a different suit from the one that the gentleman is speaking about. That is my suggestion.

Mr. LANE. I am very thankful for the suggestion. I have heard of it before, but it seems to me that there is no question but what the proposition we want to have raised can be raised without going through the farce of laying down a tariff upon a district that belongs in and is a part of the United States. [Applause on the Democratic side.] I say, Why depart from the plain path of duty here so clearly stated by President McKinley in his message to Congress? Why depart from the plain path of duty so acceptable to the people of this country and the people of Puerto Rico? Why, let us look at the RECORD. On January 19, 1900, only a few months ago, the CONGRESSIONAL RECORD shows that the gentleman from New York, the chairman of the Ways and Means Committee [Mr. PAYNE], on this side of the House, himself introduced a "plain duty" bill, No. 6883.

That bill simply and clearly extended the customs laws and the internal-revenue laws of the United States to Puerto Rico—a bill drawn upon the plan of the "plain duty"—a bill to establish equity, and that was all. If that bill had been reported to this body, in my judgment, it would have received at that time the support of every member on this side of the House, if not on the other. Why? Because at that time it was in accord with the individual judgment of the members of this side of the House, because they believed it was right.

On February 8, only seventeen days thereafter, orders seem to have issued to "right about face." From whence or from whom those orders came the lapse of time does not seem to have made certain. The truth is, however, that then and there the policy of the Republican party was shifted, and a substitute bill reported providing for 25 per cent tax. Aye, more, that bill that was introduced as a substitute did not have any language in it or any provision in it that indicated that it was a temporary measure.

But it was drawn in such a way that it would fasten on the Republican party the permanent policy of tariff on Puerto Rico and

those other possessions. Why was this done? Why, because it had been discovered that on account of the ravages of storm last August the financial condition of the people of Puerto Rico was such that they would be unable to raise the necessary revenue by ordinary methods of taxation. Just discovered it! I say that if that be the real, true, and genuine reason for this proposed departure from the equality plan, which was the policy of the Administration and of the party up to that time, then it does not become a question of differences as to principles, but only as to methods and means.

All parties concede the present serious condition of the people in Puerto Rico. The Republican party is always alert to appreciate such conditions of the people. The Republicans of this body, and some few Democrats, responded to that condition, and willingly voted $2,000,000 and over to aid and assist those people who rested under this dire calamity. This action was inaugurated by a special message of the President, supported loyally by his supporters in Congress and by the great mass of the people of this country. We then made no question about the constitutionality of that proposition, but saw only a plain duty, and performed it.

And so, when necessity demands it, we will do it again. But some one says you have no right to vote money from the Treasury for such a purpose. But we have the right, we have the power, and now we have the precedent, and we have the approval of the American people. And right here let me say that I believe it to be true that the necessary votes to pass the House bill were obtained by an appeal made under the financial-aid clause in the bill; that a large number were induced, against their own judgment and belief, on the principle of free trade and tariff, to yield their own judgment because of the financial distress of the people of Puerto Rico and the provision of the bill that helped them.

It is well known on this side of the Chamber, and I believe it to be equally an established fact, that had the bill to transfer the revenues collected under the Dingley law of over $2,000,000 been known or presented first, it would have resulted in the defeat of the tariff bill and the establishment of the equality basis in the commercial transactions between Puerto Rico and the United States. I have no doubt about it.

If this be true, and I believe it is, then I am warranted in making the statement that the House bill, with all the knowledge and the facts now known, including those unknown, when voted upon does not represent the judgment and consensus of opinion of the majority of this body. I have heard many members give expressions which induced me to believe that if they had first voted to give the money collected under the Dingley tariff, over two and a half million dollars, they would not have supported the tariff bill; but having gone on record, although they concede the reason for doing so has been fully satisfied, they feel a delicacy about voting against the tariff if an opportunity offers, and it now looks very certain that it will offer within a few days, and I hope it will.

I am unable to understand this kind of philosophy. If the cause that moved me was satisfied, removed, I would at least prefer to make the correction myself, if opportunity offered, than run the chance of having my constituents correct it for me at a time that might not be convenient.

The House bill that was passed is predicated upon three necessities, according to the preamble of the bill. First, it is predicated upon the alleged necessity of raising revenue for schools; then, secondly, for roads and internal improvements; and, finally, upon the alleged necessity of the administration of their government as to funds. These are the three necessities stated in the bill.

I say, abandon now this tariff, since we voted the money to carry on their administration—two millions and a half. We all know from the statement of the Ways and Means Committee made here that that money will carry on their administration for more than eighteen months, from their own figures. Then, I say, abandon this pretext of levying a tariff tax under the alleged necessity of building schools and roads for Puerto Rico. What they demand now is not schoolhouses and roads but justice and equality. Recognize their rights by the enactment of proper legislation, and they will get their schoolhouses and roads as fast as they can use them.

The $2,500,000 already given them will furnish ample revenue for the present administration of their government. The establishment of their just rights will build more schoolhouses and roads than the paltry revenue proposed by this tax. Establish the principle of equality and Puerto Rico will work out her own salvation.

In connection with the discussion of this question, reference has been made to the extreme tariff that burdened Puerto Rico when controlled by Spanish rule. The tariff on flour was $4 for 200 pounds, and in addition a consumption tax of $2.30; making $6.30 on 200 pounds of flour. Other items were taxed in proportion.

Under Spanish régime wheat from the United States was placed at such a tariff, $3.15, that it was forced to go to Spain to be ground into flour and then shipped back. I heard this suggestion made, and it conveyed to my mind that Puerto Rico was so used to the Spanish imposition that it would not do to give her free trade all at once. It would be such a shock that it would be dangerous. Even the action of the President, Mr. Chairman, in suspending the tariff during the past months upon the important necessities of life in Puerto Rico is unheeded.

The President, in the exercise of his wisdom, appreciating the impoverished condition of Puerto Rico, suspended the customs tariff on flour, breadstuffs, codfish, and the staples of life to the masses of the people. But when they come to pass this bill, in the anxiety, it seems to save the Constitution, in the anxiety to give schools and roads to Puerto Rico, the House bill turns down this action of the President of the United States and allows the people to starve. Instead of recognizing their rights, instead of giving them their equality, we propose to tax their nakedness in order to raise revenue to teach their intelligence.

They say, or seem to say, that history shows these Puerto Rico people were taxed and taxed and taxed again, and under it all they were able to tax themselves besides to the amount of $12,000,000, for the purpose of freeing their slaves; therefore, America should tax them, too.

They point in one breath to the tyrannical robbery by tariff taxation by Spain, and in the next breath they say it is a blessing to these Puerto Ricans to be taxed by America, because the amount is so small and the system so different and the cause, schools and roads, so good.

Mr. Chairman, the American people rejoice that the United States liberated Puerto Rico from Spanish tyranny. The American people accepted with joy the treaty with Spain, whereby the sovereignty over the island of Puerto Rico was ceded to the United States. The American people accepted with satisfaction the reception of the United States troops by the people of Puerto Rico. The American people accepted as a verity the declaration of President McKinley when he stated in his message in December that—

> It is the plain duty of Congress to abolish all customs tariff between the United States and Puerto Rico, and give her products free access to our markets.

Mr. Chairman, with the President of the United States and on that declaration I still stand. In the name of the American people, I implore you to keep off this tariff tax. Put Puerto Rico on an equality. That is all; on an equality. Give her an opportunity to work out her own salvation, and, in my judgment, she will do it. Her people, her resources, her soil, her climate, her history, all speak in no uncertain strain that she can and will lift herself.

Besides all this, add the benefits of a free and natural trade with the people of the United States, the best market on earth. Then, stimulated as she will be with American capital, stimulated by American energy, stimulated by American brain, give her equality, and Puerto Rico will become the pride of America, the gem of the ocean. [Applause.]

Mr. McALEER. I yield twenty minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Chairman, by an interesting coincidence the ceremony of the final annexation of the Hawaiian Islands took place on August 12, 1898, the very day upon which the protocol of peace with Spain was signed. The year 1898, therefore, witnessed the acquisition by the Government of the United States of a vast extent of new territory. The Hawaiian Islands, by annexation pursuant to joint resolution of Congress, and Porto Rico and the Philippines by cession, pursuant to the treaty of peace with Spain, in that year became a part of the United States. I believe they are part and parcel of the United States, though the Republican party seems to have some doubt upon that point since its attitude in this Congress on the Porto Rican tariff. These new possessions have necessarily involved our Government in much new legislation relating to their disposition, control, and management.

It was the ambition of Sancho Panza to govern one island, but in the past two years the United States has suddenly become the governor of islands without number, containing populations of such number and such character as the founders of the Republic never dreamed could or would become a part of our territory. Cervantes says, in his celebrated history of the renowned Don Quixote, that the faithful squire, Sancho Panza, exclaimed at the termination of his governorship of the island of Barataria:

> Since I became a governor and mounted upon the towers of ambition and pride a thousand miseries, a thousand toils, and four thousand disquiets have entered my soul.

I sincerely trust that the people of the United States, having acquired by annexation and cession not only the Hawaiian Islands and Porto Rico, but the numerous Islands of the Philippine Archipelago, the island of Guam, and part of the Samoan Islands, may not in the future find these possessions a source of so much disquietude as did Sancho the possession of one island.

It is, indeed, Mr. Chairman, a serious condition which confronts the American people in the possession of this new territory. How we shall govern, how control, how legislate for the people of these islands, as well as for the best interests of the American people, presents to the Congress of the United States and to the Executive grave problems demanding the most careful thought and wisest statesmanship now and in the future. If the present policy of imperialism of the present Administration is to be continued, I am convinced the solution of these problems will be of many years' duration, and perhaps they may be solved only by a material departure from the principles of our republican institutions, or may lead finally to their complete overthrow and destruction.

PERMANENT RETENTION OF PHILIPPINES A GREAT PROBLEM.

In discussing the bill before the committee "to provide a government for Hawaii," I wish to discuss also briefly some phases of the pending problems submitted for our solution by the acquiring and permanent retention of our entire island territory. The question of expansion, or imperialism, whichever term gentlemen may prefer, is one that is and has been for some time past agitating the minds of the American people. It is fraught with tremendous consequences to the Republic. It is one of the issues on which the next national campaign will be fought. It is not only a question of the greatest interest to me and every American citizen, but in my humble opinion it is the most important question presented to the citizens of this country since the first shot at Sumter in 1861.

Hitherto in the history of the United States we have acquired territory contiguous to the thirteen original States, and in this manner we have expanded our territory until now the flag of the Union bears upon its field of blue forty-five stars, representative of as many sovereign States.

Beginning with the purchase of the Louisiana territory from France, by treaty of April 30, 1803, which was followed by the cession by Spain of Florida, by treaty of February 22, 1819, and by the annexation of Texas in 1845, and the cession of part of the Mexican territory as a result of the Mexican war in 1848, and by the Gadsden and Alaska purchases, the territory of the original thirteen States stretching along the Atlantic coast has been expanded to the golden shores of California and from Canada to the Gulf during the nineteenth century, now nearing its close.

But, Mr. Chairman, these Territories were adjacent and all upon the American continent, adapted to the development of a homogeneous people and a homogeneous government.

Now, however—

Says a distinguished writer—

after more than a century of continental growth and development, upon the threshold of the twentieth century, the United States of America has taken a new and radical step forward in its great national career, having added to its dominions an island empire, a large number of tropical islands situated on the opposite side of the earth and inhabited by peoples strikingly distinct from those of the great Republic of the West. This country has lifted the anchors which hitherto held it fast to the American continent, and has drifted far over the seas into the arena of colonial international relations from which it has heretofore striven to keep clear. We are thrown suddenly into the turbid maelstrom of the eastern question, with its possible partition of the ancient Empire of China among a host of land-hungry applicants.

I quote from Morris's handbook entitled "Our Island Empire."

Is it to be wondered, Mr. Chairman, that while slavery was a great issue, and while the question of union or disunion was a vital one in 1861, while legislation relating to finance and tariff and trusts appeals to the interests of the American people, this new problem involved in the possession of our new territory is absorbing the attention of all American citizens? To me, I frankly confess, sir, it is one of supreme interest; I regard it as of the highest importance; and if I speak strongly upon the question, it is because I feel its scope and its meaning, even if I may not fully comprehend its significance in all the details.

THE WAR WITH SPAIN AND FILIPINO WAR CONTRASTED.

When, on April 21, 1898, the Congress of the United States, under its constitutional power, declared war against Spain, it entered upon that war in the holy cause of liberty and humanity. By that war a new renown was added to the name of the American soldier by the gallantry displayed at El Caney, San Juan, and Santiago and to the fame of the American sailor by the victories of Dewey at Manila and Schley at Santiago Bay. [Applause.]

The declaration embodied in the joint resolution of Congress—

That the people of the island of Cuba are, and of right ought to be, free and independent. * * * That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people—

followed by the successes of our Army and Navy, won for our Government the respect and admiration of the whole world. Our entire course in regard to Cuba was consistent with the history of our past and with the traditions and practice of our Government. But hardly had the peace protocol been signed before the spirit of greed asserted itself and tarnished the luster of our original noble declaration and purpose.

The Hawaiian Islands we have annexed by the consent of the republic of Hawaii. In the case of these islands it was peaceable annexation, by the consent of the annexed and the governed. In the case of the Philippine Islands we have forcible annexation, without the consent of the governed.

The Republican party unjustly and contrary to the Constitution proposes to tax the people of Porto Rico, who so gladly welcomed our flag to their shores, and it is proceeding to completely subjugate and forcibly annex the people of the Philippines, who have struggled for many years with Spain for freedom and who were our allies in the late war with Spain.

No sooner had the treaty been ratified than that party proceeded to make a radical departure from all the past theory and practices of our Government. It embarked upon a policy termed by some "expansion," by others "imperialism," and it entered upon a war against freedom, against human liberty, against our former allies.

WERE THE FILIPINOS OUR ALLIES?

Some question has been raised as to whether the Filipinos were our allies. The actual facts in regard to this matter are fully stated in the very able article of the Hon. WILLIAM HENRY FLEMING in the Conservative Review of May, 1899, from which I copy as a part of my remarks, as it contains as clear and succinct a statement as any I have seen of the official dispatches of our Government before and after the capture of Manila:

Readers of the debates appearing in the CONGRESSIONAL RECORD toward the close of the last session will be put to their wits' end to harmonize the seemingly contradictory statements contained in many of the speeches pro and con on the subject of our relations to Aguinaldo and his followers. Opponents of the Administration's policy quote freely from the letters of our consuls showing the agreements made and partly acted out with Aguinaldo. Supporters of that policy cite the dispatches from our State Department refusing to make any promises, etc. The apparent contradiction is easily explained. It is only a matter of fixing the dates of the several transactions.

In the early stages of the war with Spain our consuls and Dewey freely accepted the services of the Filipinos as our allies, knowing they were fighting for independence, of which our State Department was fully cognizant, and this course of dealing continued until reenforcements reached Dewey and our Administration conceived and began to put into gradual execution the purpose of grabbing the Philippine Islands as a prize of war. After that time our State Department began to "disapprove" and hold aloof. It was then and thus that Filipinos were transformed from friends into enemies and from patriots into rebels.

One of the earliest of these cautionary dispatches was sent to Consul-General Pratt on June 16, 1898, as follows: "Avoid unauthorized negotiations with Philippine insurgents."

Another was sent to Consul Wildman on August 6, 1898: "If you wrote Aguinaldo as reported by Hongkong correspondent Daily Mail, your action is disapproved, and you are forbidden to make pledges or discuss policies."

Again, on August 15, 1898: "Take no action respecting Aguinaldo without specific directions from this Department."

But this change of policy came too late. While no one claims that we had made any precise or technical agreement with the Filipinos, yet all must admit that our general relations to them had already become fixed by our own conduct, and no word of future caution to our consuls could absolve us from obligations previously assumed toward the Filipinos. There is abundance of proof to sustain this statement. Note, for instance, the following extract from a public speech by our Consul-General Pratt at Singapore, June 8, 1898, in response to a complimentary address from the Filipino colony at that place:

"I am thankful to have been the means, though merely the accidental means, of bringing about the arrangement between General Aguinaldo and Admiral Dewey which has resulted so happily."

In a communication to the Secretary of the Navy, dated June 27, 1898, Dewey speaks for himself as follows:

"At the same time I have given him [Aguinaldo] to understand that I consider insurgents as friends, being opposed to a common enemy. He has gone to attend a meeting of insurgent leaders for the purpose of forming a civil government. Aguinaldo has acted independently of the squadron, but has kept me advised of his progress, which has been wonderful. I have allowed to pass by water recruits, arms, and ammunition, and to take such Spanish arms and ammunition from the arsenal as he needed. Have advised frequently to conduct the war humanely, which he has done invariably."

From another high authority, speaking from personal observation, we learn that for four months prior to October, 1898, "in and out of the harbor of Manila vessels passed floating the flag of the Philippine republic, saluting and being saluted by American men-of-war."

And Maj. Gen. F. V. Greene, in his testimony before the United States commissioners at Paris, said, referring to Aguinaldo and his troops:

"The United States Government has to some extent made use of them for a distinct military purpose, viz, to harass and annoy the Spanish troops, to wear them out in the trenches, to blockade Manila on the land side, and to do as much damage as possible to the Spanish Government prior to the arrival of our troops."

On July 4, 1898, just four days after the arrival of the first detachment of American troops in the Philippines, General Anderson, who was in command, addressed a letter to Aguinaldo as "commanding the Philippine forces," and, after assuring him that the United States "has entire sympathy and most friendly sentiments for the native people of the Philippine Islands," said:

"For these reasons I desire to have the most amicable relations with you and to have you and your people cooperate with us in military operations against the Spanish forces."

From August 14, 1898, when the Spanish forces at Manila surrendered, to February 4, 1899, when the actual hostilities of the American-Filipino war began, the two armies remained side by side, or, more accurately, perhaps, face to face. The important question to answer is, Why did these armies come into conflict? Why should these recent allies in arms against a defeated foe turn their guns upon each other?

They would have gladly accepted our friendly assistance in preserving order and establishing a stable government, and would have welcomed an American protectorate with whatever concessions it implied. As early as April 30, 1898, Consul-General Pratt wrote our State Department as follows:

"The General [Aguinaldo] further stated that he hoped the United States

would assume protection of the Philippines for at least long enough to allow the inhabitants to establish a government of their own, in the organization of which he would desire American advice and assistance."

In the proclamation of June 23, 1898, establishing the revolutionary government, it was distinctly announced that its "object is to struggle for the independence of the Philippines until all nations, including the Spanish, shall expressly recognize it, and to prepare the country so that a true republic may be established."

There never was a day when all danger of a clash between the American and the Filipino armies could not have been averted by a simple statement from our Administration that we did not intend to subjugate them, but to aid them to independence. Astute diplomats may seek to cover it up; shrewd politicians may try to turn public attention away from it, but the plain truth remains that it was our refusal to consent to the ultimate independence of the Filipinos that was the cause of the conflict of arms that began at Manila on February 4, 1899.

By what standard of morality will our imperialists seek to justify our conduct toward the Filipinos? Certainly not by that highest of all codes of ethics which the Great Teacher enjoined upon his followers when he went up into the mount and spake as man never yet spake. If the standard enjoined by divine revelation be too high for human virtue, will they appeal to our own political sermon on the mount, the Declaration of Independence?

THE DUTY OF OUR GREAT REPUBLIC.

I am not disposed to make a martyr of Aguinaldo or to regard him as a second George Washington, but I do believe the facts as stated by Mr. Fleming in this article, from all my information upon this subject, are substantially correct. I do believe that Aguinaldo and his forces were of material assistance to Admiral Dewey and to the United States forces in the conquest of Spain in the Philippine Islands, and especially at the battle of Manila, and that these people are fighting for what they conceive to be their rights and their liberties, just as other people and other nations have struggled for independence in the past history of the world; just as the Boers in South Africa to-day are contending for the maintenance of their independence with Great Britain.

It has been said that these people of the Philippine Islands are in a state of insurrection. That is undoubtedly true since the ratification of the treaty with Spain and since they became a part of our Government, but it must also be remembered that for many years they have been in revolt against Spanish rule and tyranny and have been struggling for absolute independence; and it seems to me it is clearly the duty of this great Republic—"the home of the free"—either to give them independence or at least to declare its policy toward them.

I do not believe, Mr. Chairman, that by the treaty with Spain we should ever have acquired this territory, but having acquired it, I believe to hold this territory in the far Orient is fraught with far greater danger to the Republic than to give its inhabitants their independence under an American protectorate after the suppression of the existing insurrection.

The truth is, I think, all honest men know and are ready to admit that the acquisition of this territory was inspired largely by a spirit of unholy greed. From the best information I have been able to obtain upon this subject, the Paris commissioners of peace were first instructed to demand only the island of Luzon, but under the pressure of the influence of those who were actuated by a spirit of gain the Administration finally determined to purchase all these islands, and, if need be, forcibly annex them without the consent of their people, adopting that policy which was at first denounced by the President himself as "criminal aggression" and "contrary to our code of morals."

THE EXPANSION OF JEFFERSON AND IMPERIALISM OF M'KINLEY CONTRASTED.

Mr. Chairman, the discussion of this subject involves a new policy upon which the two great parties of this country have made an issue and upon which these parties have taken a position of antagonism one to the other. It is said by you, gentlemen upon the Republican side, that this is not a new question; that expansion (as you choose to term it) is in fact Democratic doctrine. It has been urged that Jefferson, one of the founders of the Democratic party, was himself an expansionist. But, Mr. Chairman, as has been well suggested by a distinguished gentleman upon this floor—

No one but a blind man ought to have any difficulty in distinguishing between the expansion of Jefferson and the imperialism of McKinley. One was the natural evolutionary growth of the Republic; the other is a foreign fungus that, if not removed, will sap the life of the Republic.

[Applause.]

It is true that Mr. Jefferson favored the acquisition by purchase of the Louisiana territory and that all the territory heretofore acquired by this Government up to the annexation of the Hawaiian Islands, excepting the Alaska purchase, was acquired under Democratic Administrations. But all this territory, as I have before endeavored to impress upon the committee, was contiguous and homogeneous. It was acquired by the consent of the people occupying it and for the purpose of making States of the Union. The facts are, according to the history of the Louisiana purchase, that territory was bought for the purpose of giving this Government control of the mouth of the Mississippi and of the commerce of that great river, and, in the language of Consul Napoleon, the territory was sold by France to "strengthen forever the power of the United States and to give to England a maritime rival that will sooner or later humble her pride." The acquisition of this territory gave added strength to our Government. Can it be said that the acquisition of the Philippines will do as much?

Florida was acquired from Spain because, by reason of its contiguity to our territory and its commercial relations with our people, it had been for years practically a part of our country and only nominally held under Spanish rule. The great State of Texas was annexed by the voluntary consent of her people; and the acquisition of Louisiana, Florida, Texas, and California was a natural, homogeneous expansion, with a view to admission of the new territory eventually to statehood and citizenship.

The taking of these domains in the Temperate Zone, adjacent to the original thirteen States, represented genuine American expansion, because American citizens could make homes there and develop the same sturdy civilization based upon the equality of rights that existed in the older States. But our American citizens, our white race, can not make permanent homes as far down in the Tropics as the Philippine Islands, already thickly populated by an acclimated race; nor is it intended to give the Filipinos the full and equal rights of American citizens.

That our purpose has been eventually to admit all territory heretofore ceded the United States to statehood and citizenship is clearly shown by the treaties by which the Territories of Louisiana and Florida were annexed to the United States, to which I call attention. By the treaty for the cession of Louisiana in 1803 it was provided:

ART. 3. The inhabitants of the ceded territory shall be incorporated into the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the full enjoyment of their liberty, property, and the religion which they profess.

In the treaty with Mexico in 1848 it is provided:

ART. 9. The Mexicans who in the Territories aforesaid shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the meantime shall be maintained and protected in the full enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

These treaties show the conclusive intent of Jefferson, Polk, and the Democratic Administrations under which we added territory to admit the new territory to all the rights of citizens.

In the treaty with Spain, however, it is provided:

ART. 9. That the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

And the policy of the present Republican Administration in regard to the territory acquired from Spain differs so materially from the policy of the Democratic Administrations as outlined in the treaties to which I have referred, that "he who runs may read."

THE POLICY OF THE PRESENT ADMINISTRATION.

The policy of the present Administration is clearly outlined to be not a policy of legitimate expansion, but one imperial or colonial in its nature, as evidenced by the Administration resolution in regard to the Philippine Islands known as the McEnery resolution, which passed the Senate of the United States on February 14, 1899, by the vote of the Administration party. This resolution is as follows:

Resolved, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States.

The policy of the Democratic party has been to acquire all territory for the purpose of making the same States and the inhabitants thereof citizens. But the policy of the Republican party, as outlined in the McEnery resolution, is not to make States or citizens; and if not to make States or citizens, what does that policy mean except a colonial system such as exists under the English Government to-day?

I do not believe, Mr. Chairman, we should embark upon any such policy. I do not believe either that we want these people as citizens of this government, or that they will be valuable to us even from a commercial standpoint held as colonies, even if I were in favor of a colonial system. An exaggerated impression has been created as to the benefit to American commerce, and the business of the country to be derived from the acquisition and retention of our island territory. Let us for a few moments, and very briefly, form some conception from history and the most authentic sources of what sort of territory we have acquired in Hawaii and the Philippines.

The people of the Hawaiian Islands, according to the authorities, in their present condition and as a whole, among all our new possessions, are perhaps best fitted for the representative government of a United States Territory. Even in these islands, however, it has been found necessary to restrict suffrage and safeguard by legislation their admission as a Territory.

The Hawaiian group numbers seven inhabited islands and a dozen rocky or sandy reefs and shoals, with a total population of a little over 109,000. In this estimate of population the Japanese laborers imported since the passage of the annexation resolution (about 20,000) are not included.

These islands are directly in the track of the ocean-going steamers between our western coast and China, and valuable to us for coaling stations, for their trade, and because of their proximity to our coast.

We can easily care for and protect them. A considerable part of the population, composed of the Asiatics—the Chinese and Japanese—and part Hawaiians (mixed Hawaiian and foreign blood) is undesirable; but the native Hawaiians are orderly, peaceable, intelligent, industrious, and have shown steady advancement under the influence of education and Christianity since the advent of the first missionaries from New England in 1820. In the language of the report of the Hawaiian Commission—

> The free school, free church, free press, and manhood suffrage have marked their progress. The government of the islands has shown the same progressive development. For sixty years it has been administered under a written constitution. The first constitution was promulgated in 1840.

The trade of the islands with the United States, considering their size and population, is valuable and extensive. According to the best statistics, the exports of the United States to the Hawaiian Islands in 1899 amounted to more than $10,000,000.

The imports from the Hawaiian Islands into the United States amounted in 1899 to more than $21,000,000; and, Mr. Chairman, whether it be true, as a general proposition, that trade follows the flag, certainly in relation to Hawaii it seems to be true, and doubtless the annexation of the Hawaiian Islands will in the future be of advantage to the United States, as it already has been, by reason of this extensive trade and the character of the majority of its people.

With the Philippine Islands, however, Mr. Chairman, it is entirely different. These islands, lying as they do about 630 miles from Hongkong, in China, and about 7,000 miles from the western coast of the United States and in the far Orient, requiring as they are now doing, and will continue to do, a large standing army and navy and involving an immense expense, as well as possible foreign complications, can not eventually prove advantageous to our people.

The total number of islands in the Philippine Archipelago is unknown. According to the best authorities they have never been counted, but their estimated number ranges all the way from 600 to 2,000. It is said by Morris in his handbook:

> The actual number does not probably exceed 1,200, if every barren rock be included.

The best estimate of the land area in these islands is about 115,000 square miles. Many of them are unimportant in size, mere rocks in the ocean. Several hundred are large enough to be inhabited. The largest two of the Philippine Islands, respectively the farthest north and the farthest south, are Luzon and Mindanao. As compared in area with the American States, the whole group of the Philippines, according to the best authorities, is of nearly the same extent as the New England States with New York and New Jersey added.

The population, like the number and area of the islands, is equally indefinite. According to the best statistics, the population of the group is variously estimated at from 7,000,000 to 12,000,000. The missionaries made an estimate in 1885 which showed 9,500,000.

The inhabitants of these islands belong to three distinct races, namely, the Malayan, the Indonesian, and the Negrito. The Negritos do not number to-day more than 25,000. It is stated in a recent compilation upon the Philippine Islands, made pursuant to a resolution of the distinguished Senator from Massachusetts [Mr. LODGE], Senate Document No. 171, that within a comparatively short time this race of Negritos has completely disappeared from several of the islands which it formerly inhabited.

So far as at present known, the Indonesian race is found only in the large island of Mindanao, the surface of which constitutes about one-third of the total land area of the archipelago. The remainder of the archipelago is occupied by the Malayans, composing the great majority of the inhabitants of the Philippines. These Malayans have intermarried with Chinese extensively, and to a limited extent with Spaniards and other Europeans.

These people, Mr. Chairman, I insist, we do not want and we should not have as an integral part of the American people. We can not and ought not to make citizens of them, and to hold them as colonies is contrary to the genius and spirit of our Government.

THE VALUE OF THE COMMERCE AND TRADE OF THE PHILIPPINES.

The value of the Philippines to us from a commercial standpoint has moreover been greatly exaggerated. In the Senate document to which I have before referred, and according to the latest and best statistics, it appears that the entire trade of these islands, including exports and imports, amounts to not more than $30,000,000 annually.

For the year 1896 (the latest figures available) the imports from the Philippines into Great Britain, France, Germany, the United States, and other leading countries amounted to $19,702,819. The exports to the Philippines for the same year amounted to $9,174,093. So that, Mr. Chairman, if we were to control the entire trade of the Philippine Islands, unless it should materially increase, it would not pay one-third the expense of maintaining our Army and Navy in that quarter of the globe for the protection of our new possessions.

I will read here from the document to which I have referred the statement setting forth the imports and exports from these islands during the year 1896, showing that the value of this trade to us has been greatly exaggerated:

The following statistics in regard to the imports and exports of the Philippine Islands have been compiled from official publications of the various countries mentioned:

Countries.	Imports from Philippines.	Exports to Philippines.
Great Britain	$6,223,426	$2,063,598
France	1,990,297	359,796
Germany	223,720	774,928
Belgium	272,240	45,660
Spain	4,819,344	4,973,589
Japan	1,332,300	92,823
China	56,137	97,717
India	7,755	80,156
Straits Settlements	274,130	295,001
New South Wales	119,550	176,858
Victoria	180	178,370
United States	4,383,740	94,597
Total	19,702,819	9,174,093

THE VALUE OF THE CHINESE TRADE.

It is said that the Philippine Islands will form a base for our trade with the East and China and be of great value to us in opening the markets of the East. I insist, Mr. Chairman, that these same advantages might have been acquired by the treaty with Spain without the necessity of the American people assuming the burden of this large and remote territory. I insist, further, that the value of the Chinese trade has been greatly exaggerated.

In a very able speech made upon this floor some weeks ago by the distinguished gentleman from Georgia [Mr. HOWARD] the value and extent of the Chinese trade is fully outlined by him, and he clearly shows that if we were to control the entire trade of China, including that of the Philippines, it would not more than offset the expense to which the Government will be subjected by the retention of these islands. After a careful and exhaustive analysis of the trade with China and our island possessions, he remarks:

THE BALANCE SHEET AGAINST US.

What, then, does the balance sheet show? The total import and export trade of China for a year does not exceed $250,000,000. Now, if the United States absorbed every dollar of this commerce, driving every rival from her market and every dollar of this trade was profit, how does the account stand?

For the year 1901 recommended appropriations for our Army are $128,000,000, and for our Navy $75,000,000, a total of $203,000,000, taking no account of pensions incident to the Spanish and Philippine war. Add to this sum the past cost of the war, $250,000,000, and allow for the commerce of the Philippines and Porto Rico $30,000,000, which counts every dollar of their trade as profit, and the sheet is balanced against us by $175,000,000.

But the Army is to be permanently increased, and the Navy is to be built to proportions commensurate with the responsibilities of our new obligations. If you double the existing Navy, which will make us then only a fourth-rate naval power, you double, at least, the present appropriation and double the present Army, and you at least double the present appropriation to $400,000,000.

In other words, an army and navy adequate for the requirements, with the attendant increase of pensions, civil government, and unforeseen expenses, will add to the cost of running this Government $500,000,000, or twice what it cost us in 1897, before the war with Spain, or twice as much as the aggregate of all the commerce of China, the Philippines, Porto Rico, and Hawaii, if every dollar of their commerce was with us to the exclusion of every other commercial power in the world, and if every dollar of that commerce went into the pockets of American citizens as profit.

INFLUENCE UPON MARKET FOR COTTON AND OTHER PRODUCTS.

It has been suggested by some inconsiderate people that we could have a profitable market for our cotton in the Philippines. It would be far wiser to send our coals to Newcastle. Living in a tropical clime, these people have little need for clothing and would consume very little cotton; but with industry on their part, or, what is more likely, on the part of Chinese and Japanese laborers, they can, in all probability, produce cotton of the best quality. They had produced long staple cotton until the Spanish Government stepped in and arrested the production. They can resume this product and develop it, beyond a doubt. With the Chinese and Japanese, if not with native Malay labor, they can manufacture this cotton, paying 5 or 10 cents

per day for their operatives. How would this sort of "expansion" benefit New England or South Carolina or Georgia or other States in which the manufacture of cotton goods is a profitable industry?

It is true, as has been suggested by the distinguished junior Senator from Indiana and others who have written and spoken upon this subject, that there may be vast and indefinite deposits of coal and iron ore and even of gold. The resources of the islands in these particulars are as yet unknown. But, Mr. Chairman, are we to assume for the sake of possible undeveloped resources, for the sake of a trade which, according to the statistics, has been greatly exaggerated, the burden of caring for more than 9,000,000 of alien population remote from our shores and the numerous foreign complications to which the care of these people must subject us?

"MANIFEST DESTINY."

Are we to sacrifice the principles of the Declaration of Independence to sell a few bales of cotton or a few bushels of wheat? Trade is valuable; but, purchased by the sacrifice of the principles of the Declaration of Independence and of the Farewell Address of Washington and of the Monroe doctrine, it is not worth the price.

There is a good deal of talk about "manifest destiny" in connection with the Philippines. I am one of those who believe that the hand of God is in the affairs of the world. "By Him kings reign and princes decree justice." But I do not believe the hand of God is in this business. If it is, I fear it is to discipline and teach us the dangers to our Government from an imperial or colonial policy. Mr. Chairman, some of the same people who are loudest and most persistent in the assertion that the possession of the Philippines is a "manifest destiny" are also asserting the following as good imperialist doctrine. An Administration paper asserts:

While it may seem a cold-blooded assertion, there is little more to regret in the death of 10,000 Filipinos than in the cutting down of as many pine trees in the United States. The American Indian is going the way pointed out by evolution; the Filipino must follow.

Let us be honest with ourselves and the world in this matter and admit that we are not altogether animated by humane motives, that in many respects this question with the present Administration is not one of humanity but one of profit. In the language of two of the leading papers of the country, which I quote, it is evident that it is not all a question of benevolence. A leading newspaper says editorially:

There is a good deal of nonsensical talk about humanity requiring us to keep possession of the Philippines. It is noteworthy, however, that it comes principally from those who advocate the wholesale slaughter of the Filipinos to teach them that the United States is not to be trifled with. If we retain the Philippines, we will not do so because we are animated by humane motives, but because we believe it will pay us to keep them.

The Washington Post, published at the national capital, adds:

Why not tell the truth and say, what is the fact, that we want Cuba, Porto Rico, Hawaii, and Luzon, together with any other islands in either ocean that may hereafter commend themselves to our appetite, because we believe they will add to our national strength, and because we hope they will some day become purchasers at our bargain counters? We might as well throw off the pious mask and indulge ourselves in a little honest candor. It will cost us nothing, and it may profit much. At any rate we shall have the comfort and satisfaction of being honest with ourselves and the privilege of looking into the mirror without blushing.

If we want to Christianize these people, let us accord them independence with protection and secure harbors, coaling stations, trade and commercial advantages, which they will gladly give us. Let them reimburse us the twenty millions paid Spain, and let us send the message of the cross through Christian missionaries. You can never Christianize any people under the sun by cruelty, by oppression, or by a shotgun policy. The "manifest destiny" of this great Republic, this nation blessed of God, the greatest in wealth, in contiguous area, and in population (except Great Britain, Russia, and the Chinese Empire) is to show to all the world that men are capable of self-government, that a great nation can exist without great fleets, navies, and standing armies, and that we are the friends of liberty, of humanity, of the oppressed of every race in every clime under the sun.

FOREIGN ALLIANCES—ADVICE OF THE FOUNDERS OF THE REPUBLIC.

This present policy of the Republican Administration must necessarily lead to foreign entanglements and foreign alliances—the very things against which the founders of the Republic warned us. Thomas Jefferson, one of the founders, gave utterance to these sentiments many years ago:

SEPARATED FROM FOREIGN ENTANGLEMENTS.

Separated by a wide ocean from the nations of Europe and from the political interests which entangle them, with productions and wants which render our commerce and friendship useful to them and theirs to us, it can not be the interest of any to assail us nor ours to disturb them. We should be most unwise indeed were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing at a distance from foreign contentions the paths of industry, peace, and happiness, of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force. How desirous, then, must it be in a government like ours to see its citizens adopt, individually, the views, the interests, and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships and to embarrass and embroil us in the calamitous scenes of Europe.

The following sentiments of the Father of his Country are also applicable, it seems to me, to the present situation:

MAXIMS OF GEORGE WASHINGTON—THEY WERE UTTERED A HUNDRED YEARS AGO, BUT THEY ARE AS APPLICABLE NOW AS THEN.

Separated as we are by a world of water from other nations, we shall, if we are wise, surely avoid being drawn into the labyrinth of their politics and involved in their destructive wars.

America may think herself happy in having the Atlantic for a barrier.

THE TRUE POLICY OF AMERICA.

The great rule of conduct for us, in regard to foreign nations, is to have with them as little political connection as possible.

A SAFEGUARD OF NATURE.

Kindly separated by nature and a wide ocean from the exterminating havoc of one-quarter of the globe; too high minded to endure the degradations of others; possessing a chosen country with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and our sense of them; * * * with all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow-citizens; a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvements, and shall take not from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

The following utterances apply especially at this time to the tendency toward too strong a British-American alliance:

A passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation facilitates the illusion of imaginary common interests in cases where no real common interest exists, and, infusing into one the enmities of the other, betrays the other into a participation in the quarrels and wars of the latter without inducement or justification.

WE WANT AN AMERICAN CHARACTER.

I can most religiously aver that I have no wish that is incompatible with the dignity, happiness, and true interest of the people of this country. My ardent desire is, and my aim has been, to comply strictly with all our engagements, foreign and domestic; but to keep the United States free from political connections with every other country, to see them independent of all and under the influence of none. In a word, I want an American character, that the powers of Europe may be convinced we act for ourselves and not for others. This, in my judgment, is the only way to be respected abroad and happy at home, and not, by becoming the partisans of Great Britain or France (or any other country), create dissensions, disturb the public tranquillity, and destroy, perhaps forever, the cement which binds the Union.

GUARD AGAINST FOREIGN INFLUENCE.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.

Excessive partiality for one foreign nation and excessive dislike of another cause them whom they actuate to see danger only on one side, and serve to veil, and even to second, the arts of influence on the other.

ABANDONMENT OF THE MONROE DOCTRINE.

This new policy of imperialism in spirit is furthermore an abandonment of the doctrine enunciated by President Monroe in his message to Congress during his Administration, well known as the "Monroe doctrine." The exact language of this doctrine, as enunciated in the message, is as follows:

The occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and security.

With the existing colonies or dependencies of any European power we have not interfered and shall not interfere; but with the governments that have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny, by any European power, in any other light than as a manifestation of an unfriendly disposition toward the United States.

If we involve ourselves in foreign complications and the affairs of nations upon the European and Asiatic continents, necessarily we will be driven step by step from an adherence to this doctrine, enunciated by President Monroe, which has enabled us to maintain the peace of the Western Hemisphere and added to our strength among the nations of the earth.

THE COST OF IMPERIALISM.

Mr. Chairman, the cost of this present policy of the Administration, the cost of imperialism, is growing gradually greater year by year. I desire to submit, in connection with my remarks upon this subject the very carefully prepared and full, while brief, statement of the distinguished gentleman from Tennessee [Mr. RICHARDSON], made a few days ago in the House, showing the cost of imperialism—showing that we have had an annual increase

of our expenses under the policy of imperialism pursued by President McKinley of more than $300,000,000 per annum since the Spanish war, including the appropriations for 1901:

The appropriations for 1897 were	$469,499,010.41
For fiscal year ended June 30, 1898, they were	485,002,044.72
A total for the two years of	954,496,055.13
This was an average each year of	477,248,027.56
Now take appropriations for fiscal year 1899	893,231,615.55
Now take appropriations for fiscal year 1900	674,981,022.99
Take the estimates and appropriations for 1901	767,850,540.94
The total for the three years is	2,336,063,178.78
Or an average each year of	778,687,726.26
The average per year before the Spanish war was	477,248,027.56
Which shows an annual increase of	301,439,698.70

Or—

As Mr. RICHARDSON remarks—

an increase in three years over what the appropriations would have been, but for the changes from a republic to an empire, of over $900,000,000.

Objection is made, Mr. Chairman, by those who favor the Administration policy to the use of the words "empire" and "imperialism." They cloak imperialism behind the catch phrase "expansion." I am not an anti-expansionist, but I am opposed to imperialism. And when the Republican party repudiates the doctrine, as it has done in Porto Rico, that where the flag goes the Constitution goes as well and embarks upon a colonial policy, that is imperialism pure and simple, to which I am opposed.

THE MEANING OF THE ADMINISTRATION POLICY.

To summarize, Mr. Chairman, the permanent retention of the Philippines means a total departure from the past theory and practice of our Republic for the sake of trade with these islands, China, and Asiatic countries, the advantages of which have been greatly exaggerated.

It means the subjugation and forcible annexation of our former allies.

It means not a legitimate, homogeneous expansion, but, according to the McEnery resolution, the English colonial system or a similar system.

It means that the spirit of gain and commercial greed, the lust for gold, is to override and obscure the advice and warnings of the founders of the Republic under the plea of manifest destiny.

It means foreign alliances and foreign entanglements, from which heretofore we have happily been free.

It means a practical abandonment of the spirit, if not the letter, of the Monroe doctrine, which heretofore has preserved the peace and happiness, in a large measure, of the Western Hemisphere.

If we meddle—if we interfere in the affairs of Europe and of Asia, what right have we—how can we assert that doctrine if they meddle with the affairs of the Western Continent?

The permanent retention of the Philippines means also a large standing army and a navy quadruple at least its present size, the growth of militarism, and a constantly increasing expense for maintaining our fleets and armies and our position in the Philippine Archipelago.

It means the beginning of a career of acquisition and conquest upon which other republics have entered with the same belief in their superiority and their integrity, only to find that the end was disaster and the destruction of a republican form of government.

Mr. Chairman, the President asks, Who will haul down the flag? I reply, none but the same people who alone have the right to unfold that flag over our new possessions—the free people of this great Republic.

But the people—the representatives of the people in the Congress of the United States—may and should haul it down if ever it becomes the emblem of conquest or oppression.

I trust it may never float over conquered provinces.

I trust it may never be hailed by any people in any part of our country, except in the spirit of love and reverence and loyalty, and float over them always by their free consent.

By pursuing a policy like this, by observing the admonitions of the founders of the Republic, by maintaining the integrity and spirit of our institutions, by preserving a compact territory and homogeneous people and government on this continent, free from foreign complications and possessions on the Asiatic coast, we will keep that flag, as the emblem of liberty and of a happy and free Republic, in all its pristine purity, representing the principles for which our fathers struggled and toiled in 1776, and which we should and must transmit unimpaired to our children. [Applause.]

Mr. KNOX. Mr. Chairman, I yield to the gentleman from Wyoming [Mr. MONDELL] such time as he may desire.

Mr. MONDELL. Mr. Chairman, I congratulate the Committee on Territories on the result of its patriotic, earnest, and painstaking efforts in connection with the bill which it now presents for the consideration of the House "for the government of the Territory of Hawaii." I congratulate the people of the new Territory on the prospect of the early passage of this bill, which will give them the long hoped for and much needed legislation as an American Territory.

I congratulate our common country on the provisions of this bill as an earnest and a promise of the wise and patriotic manner in which Congress may be depended upon to deal with the questions of government in our new possessions, as evidenced by this legislation for our first insular territory.

Fortunately for us, some of the important questions which must necessarily be met and courageously decided with reference to other insular possessions do not present themselves in the consideration of this legislation to a degree that demand any considerable departure from our Territorial legislation in the past. This fair daughter of the Republic came into the family circle, the legitimate offspring and growth of Christian, American influences, containing an educated citizenship, most of whom have had some experience in the exercise of the elective franchise.

American missionaries three-quarters of a century ago landed on the islands at an opportune moment when, by some mysterious movement in the law of racial evolution, the natives were in the process of discarding their ancient superstitions, carried to them the merciful dispensation of the gospel to succeed the cruel, barbarous reign of the Tabu.

The native Hawaiian did not escape the effect of that seemingly inexorable law of fate which attends the first contact of barbarous peoples with civilization. The missonaries were not the only white men who visited their beautiful shores, and while they brought the best features of civilization, the whaler and the adventurer brought the worst, and, unfortunately, the better influences were not powerful enough to overcome those evil influences and contaminations which led to the constant decrease in the numbers of the splendid race which Captain Cook found upon these islands. But the better influences, while not the most powerful at all times, have been the most insistently applied, with the result that the remnant of the native Hawaiian race has made notable progress in all the arts of civilization, is almost universally possessed of a fair education, and still retains the many splendid qualities which have ever characterized them.

It is to the credit of the early missionary influences that next to the unswerving loyalty and devotion to his hereditary chieftain, which has always characterized him, the Hawaiian has continuously displayed a sincere regard for and attachment to the Government and the people of the United States, while in the breasts of those of our countrymen who made these summer isles their homes there has ever burned the ardent fires of patriotic devotion to their native land, which have been transmitted to their children born and reared there, with scarcely diminished fervor, coupled with an attachment to the isles of their nativity, whose warmth can only be appreciated by those whose good fortune it is to have been brought for a brief space of time within the magic witchery of these gems of the Pacific.

Surrounded from the time of their arrival in the islands by such American influences and sentiments, it was but natural that all other immigrants to Hawaii, the dark-skinned Portuguese from the Azores as well as those from Europe, should catch some, at least, of that spirit which constantly drew the hopes of the islanders to the great Republic and which, in my opinion, was always a stronger bond of unity between native and foreign born than ever was the government which was evolved from the old feudal system and which passed by regular and generally orderly changes through successive stages of despotic, limited, and constitutional monarchy, and finally emerged by bloodless and inevitable evolution into the republic.

To the men in the island of American birth and American parentage, and not only to them, but to many others, who, through their influences, had learned to value our institutions and look to us for defense and development, the final raising of the Stars and Stripes, never more to be lowered, on August 12, 1898, above the palace of the Kamehameha's, was the consummation of a long, earnest, and unselfish effort to be brought within the protection of the banner of the free, an earnestly longed-for "coming home."

The committee in its bill provides for manhood suffrage, with an educational qualification, which will place the ballot in the hands of a great majority of male citizens, but exclude Asiatics from that privilege. This is a change in the original bill, which contained a property qualification for the voters for Senators; and in my opinion the change is a wise one. It is wise, first, that it puts all electors on an equality; and, second, because in my opinion there is no condition existent in Hawaii warranting such a departure from our former Territorial legislation as is contained in a proviso for a property qualification of electors.

It is true that some patriotic and intelligent men, both here and in the islands, consider a small property qualification necessary

for the maintenance of a safe and stable government, and I do not pretend to say that a thirty days' sojourn in the islands better qualifies me to judge on this point than those who have thorough personal knowledge of the conditions. I am, however, on general principles, opposed to a proposition to deprive those who are able to read and write and therefore inform themselves, and who have had a reasonable training by participation in or by actual contact for a considerable length of time with the institutions of self-government, of the right to exercise the elective franchise for the reason that they are not the possessors of real estate.

It is pointed out by those who desire to restrict the franchise in Hawaii that the number of Caucasians in the islands is but a fraction of the entire population, as though upon our race rested the entire responsibility of government there; and those who hold this view seem to regard the less than 10,000 native and foreign born of American, English, French, and Scandinavian parentage as the saving remnant, the leaven which must be depended upon entirely to leaven the whole lump of Hawaiian citizenship.

I should feel much discouraged about the future of the new-born Territory did I share in the views of those who imagine that its future political weal depended entirely upon this restricted contingent of her citizenship, though I am willing to admit that undoubtedly the great proportion of her leaders in all matters, for the immediate future at least, will come from these latter classes, and for the comfort of those whose faith in the future of the islands is pinned solely to its Anglo-Saxon citizenship, I wish to bear testimony to their high character and intelligence.

Almost without exception, they are people of education and refinement, of industry and force, of energy and of high ideals, and I think I can also safely say, generally, of earnest piety. The new Territory of Hawaii seems never to have been the haven of those "who left their country for their country's good." The foundation of this portion of the citizenship was the families of the first missionaries, from which has sprung and to which has been added traders, planters, professional men, and latterly a liberal sprinkling of stalwart young Americans, rich only in honest character and ambition, who have sought these shores to establish homes and build up communities.

Such is the character of the men whom we all will admit are the first line of defense, the strongest bulwark of the Territory. While all this is true, those who fail to appreciate the sterling qualities of the 18,000 representatives of the Latin race who came to these shores first as contract laborers but a few years ago from the Azores mistake greatly the character of the people upon whom they pass judgment. I know no people who in the same length of time have so much improved their conditions as have these Portuguese, and I give more credit for this to their good qualities than to any advantageous conditions which have surrounded them.

They are the best gardeners and small farmers in the islands, and their little farms are scattered over every island from Hawaii to Niihau. They are mechanics in the towns, the machinists, engineers, and teamsters on the plantations. Their little homes each with its garden spot, luxuriant with its well-tilled profusion of the products of this favored clime, are models, and their youth eagerly seek the advantages of the splendid school system there established. A people who seek education, till the soil, learn trades, and have good homes can be depended upon anywhere to maintain the institutions of free government.

But, Mr. Chairman, the new Territory which we shall create will not have to depend, for the maintenance of the institutions which by this legislation we perpetuate, rather than establish, by any means wholly upon aliens to her soil or their descendants. Her native sons of the aboriginal blood will furnish the majority and by no means the least desirable element of her electorate. These people who have been so loyal in their devotion to the government of their fathers are and will be no less loyal to the great Republic whose honored citizens they now become. It is but natural and in fact commendable in them that they clung tenaciously to the monarchy, even when it had become but a shadow of the authority of their race over the land of their birth and affections.

Let us remember that though barbarians they were not savages when the first white man's bark approached their shores. The ruins of their temples and the water courses hewed from solid rock are still eloquent reminders of their skill and industry. When the Caucasians first sighted these isles of enchantment, their kuleanas, or homesteads, in a high state of cultivation dotted the lowlands and extended high up the hillsides, made verdant by ingenious and laborious irrigation, and their cunning handicraft fashioned from the woods and fibers of the land cloths and utensils of utility and beauty; endowed by nature with splendid build and form, kindly and generous to a fault, courageous and, under proper incentive, industrious, always venturesome and seldom vicious, they possessed, even as a primitive people, many of the virtues which other races have only attained after centuries of civilization and have now comparatively few of the vices that ordinarily characterize a primitive people's contact with civilization.

Thanks to a good school system and a laudable ambition to secure an education, illiteracy is rare among them and many members of the race have distinguished themselves in business affairs, statesmanship, and in the professions. Their young men and young women will compare favorably with the young men and young women of any race in ability and aptitude to learn, and of their grace and charm of manner our race may well take lessons. In working out the future destiny of their country they will perform an important and honored part; if I mistake not, a more important part than they performed even under their native monarchy.

The committee very wisely, in my opinion, amended the original bill by providing for the appointment of the judges of the supreme court by the President of the United States instead of by the governor of the Territory, as provided in the original bill; and I am of the opinion that the committee would have done well to have also provided for the appointment of the judges of the circuit court by the President of the United States, providing, as in the case of the judges of the supreme court, that such judges should be citizens of Hawaii.

I know of no reason why we should depart from the established custom in other Territories in this respect; in fact, I believe there are even stronger reasons why the judiciary of this new Territory should be appointed by the President than exist in connection with the appointments of this character on the mainland. I am an ardent believer in home rule, and I think under all circumstances men appointed to these positions should be citizens of the Territory, but I fear the centralization of authority which might result in leaving those appointments in the hands of the governor.

It is with somewhat of reluctance that I call attention to one amendment made by the committee in the bill, which I understand was given careful consideration, but which I believe is neither wise nor necessary. I refer to the proviso in section 73 which provides for the reference to the Secretary of the Interior of all transactions under the public-land laws, with the power to confirm, reverse, modify, suspend, or annul.

From a somewhat careful though, I admit, hurried investigation of the Hawaiian land laws and their workings, I am of the opinion that the present land laws of the Territory are better adapted to the conditions there and to accomplish the actual settlement, cultivation, and improvement of their public domain than are the land laws of the United States to-day, under the conditions existing, to bring about the same results here. I believe these land laws have been honestly and, in the main, wisely and intelligently administered, and in my opinion a people who had the wisdom to enact wise laws and who have satisfactorily administered them should be trusted to continue the administration of those laws, unhampered by a supervisory authority 5,000 miles distant, which can not, in the very nature of things, judge accurately of the equities or give proper weight to the testimony in real-estate transactions under laws and conditions essentially dissimilar from those existing here.

This legislation marks the beginning of Territorial government for insular possessions and is not necessarily a criterion for legislation for other territory, and in view of the much discussed question of a tariff for Puerto Rico it may not be out of the way in this connection to again call attention to the fact that nearly two years ago Congress legislated for these islands over which our sovereignty unquestionably extended and provided that its people should pay on goods shipped to our ports not 15 per cent or 25 per cent but 100 per cent of our tariff rates, and that our merchandise going there should pay the full rate of the Hawaiian duty, a rate which is absolutely prohibitory on many classes of our goods, and these rates are still in force and will be until this bill becomes law.

If the question is a constitutional one, how is it it did not apply to Hawaii as well as to Puerto Rico, if one of policy, and it be claimed that the tariff rate proposed for Puerto Rico is an injustice? Can it be said we owe more to Puerto Rico than to the people of these fair isles, the only people who have voluntarily brought their territory under the flag in all our history? This legislation meets the hopes and expectations, I believe, of those for whom it is to be enacted, and in my opinion is admirably suited for them. They deserve the most generous treatment at our hands, for they became freely, voluntarily, and gladly part of us and our territory. Every American citizen should rejoice that our flag waves over these beautiful islands; that here, at the meeting place of the thronging trade and commerce of the Pacific, where the Orient first meets the Occident, shall be seen of all men an object lesson of that peace, progress, and liberty which ever abides beneath the starry banner of the free. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HITT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 268) to amend the Revised Statutes of the United States, relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein, and the officers thereof, and the disposition of pending causes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLATT of Connecticut, Mr. SPOONER, and Mr. BACON as the conferees on the part of the Senate.

GOVERNMENT FOR THE TERRITORY OF HAWAII.

The committee resumed its session.

Mr. McALEER. Mr. Chairman, I yield thirty minutes to the gentleman from Mississippi [Mr. WILLIAMS].

[Mr. WILLIAMS of Mississippi addressed the committee. See Appendix.]

Mr. KNOX. Before yielding the balance of the time, I wish to say that this side of the House has occupied very much more than their proportion of the time. Certain gentlemen on the other side who desire to speak were not able to go on account of indisposition, so on this side we have consumed considerably more than our share of the time, and I would ask that to-morrow they be prepared to go on and use up the time until we get pretty near an equality of time consumed. I will yield the time until 5 o'clock to the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL of Illinois. Mr. Chairman, during the consideration of this measure and during the consideration last week of the military appropriation bill there was a great deal of irrelevant discussion, what the play bills would call incidental divertissement. Now, this collateral debate has disclosed a tendency on the part of our Democratic friends that is full of alarming portent for the future of the Democratic party. It appears that they have been reading the newspapers. It also appears that they have been reading many papers. And furthermore, it appears that they have been reading Republican papers. Herein lies the peril to your party, for the reading of newspapers begets intelligence, and intelligence begets observation, and observation stimulates inquiry, and inquiry leads to truth, and truth and Republicanism are one and the same thing. [Laughter.]

Now, the general reading of newspapers, I insist, is un-Democratic. At any rate, it is entirely un-Jeffersonian, and I do not know that I ever heard any gentleman on the other side of the Chamber speak for any length of time without asserting, in one form or another, that he was following in the footsteps of Thomas Jefferson. In all history I know of no psychological phenomenon more extraordinary than the hypnotic influence that Jefferson now exercises, three-quarters of a century after his death. [Laughter.] Democrats still claim him as the founder of their party and their first great leader, while at the same time they disclaim every principle that he stood by in his lifetime. [Laughter.]

I have said that this reading of many papers is thoroughly un-Jeffersonian, and in proof of my assertion I want to call your attention to some expressions of Jefferson on this subject. He realized in his later years that the greatest danger of the Democratic party lay in the intelligence of the people. [Laughter.] I will read an extract from a letter of his to Nathaniel Macon, dated the 12th of January, 1819. In this letter he said:

> I read no newspaper now but Ritchies', and in that chiefly the advertisements, for they contain the only truths to be relied upon in a newspaper.

[Laughter.]

Now, many of the newspaper extracts that were read by my eloquent and earnest friend from Mississippi last week were in the nature of strictures upon members of the Republican party and criticisms upon their vote on what is known as the Puerto Rican bill.

Now, I submit that the reading on the part of the gentleman from Mississippi of all these newspaper editorials was un-Jeffersonian. In respect to the part of the newspaper that he read, my friend was entirely un-Jeffersonian. If he had adhered loyally to the Jeffersonian view of the value of a newspaper, he should have read the advertisements of the stockbrokers setting forth that the passage by the House of the Puerto Rican bill had depressed the price of the stocks of industrial companies; that now was the time to invest in these stocks, because the chances of the ultimate free trade with Puerto Rico and the Philippines would send all these industrial stocks booming, and great profits could be made therefrom. [Laughter.] According to Jefferson these advertisements would be true, and I am inclined to agree with him on this one point. What do you say, my Jeffersonian friends? [Great laughter.]

But Thomas Jefferson went more into details in expressing his views respecting the value of newspapers. I read from a letter of his to John Norvell, dated June 14, 1807, and before reading it I submit that if you will give consideration to it, you will agree that the author of the Declaration of Independence, the apostle of freedom and the rights of man, held views which differ very materially from the views of those on this side of the House respecting the value of a free press:

> To your request of my opinion of the manner in which a newspaper should be conducted so as to be most useful, I should answer, "By restraining it to true facts and sound principles only." Yet I fear such a paper would find few subscribers. It is a melancholy truth that a suppression of the press could not more completely deprive the nation of its benefits than is done by its abandoned prostitution to falsehood. Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle. The real extent of this state of misinformation is known only to those who are in situations to confront facts within their knowledge with the lies of the day.
>
> I really look with commiseration over the great body of my fellow-citizens, who, reading newspapers, live and die in the belief that they have known something of what has been passing in the world in their time; whereas the accounts they have read in newspapers are just as true a history of any other period of the world as of the present, except that the real names of the day are affixed to their fables. General facts may indeed be collected from them, such as that Europe is now at war; that Bonaparte has been a successful warrior; that he has subjected a great portion of Europe to his will, etc.; but no details can be relied on. I will add that the man who never looks into a newspaper is better informed than he who reads them, inasmuch as he who knows nothing is nearer to truth than he whose mind is filled with falsehoods and errors. He who reads nothing will still learn the great facts, and the details are all false.
>
> Perhaps an editor might begin a reformation in some such way as this: Divide his paper into four chapters, heading the first "Truths;" second, "Probabilities;" third, "Possibilities;" fourth, "Lies." The first chapter would be very short, as it would contain little more than authentic papers, and information from such sources as the editor would be willing to risk his own reputation for their truth. The second would contain what, from a mature consideration of all circumstances, his judgment should conclude to be probably true. This, however, should rather contain too little than too much. The third and fourth should be professedly for those readers who would rather have lies for their money than the blank paper they would occupy.
>
> Such an editor, too, would have to set his face against the demoralizing practice of feeding the public mind habitually on slander and the depravity of taste which this nauseous aliment induces. Defamation is becoming a necessary of life, insomuch that a dish of tea in the morning or evening can not be digested without this stimulant. Even those who do not believe these abominations still read them with complaisance to their auditors and, instead of the abhorrence and indignation which should fill a virtuous mind, betray a secret pleasure in the possibility that some may believe them, though they do not themselves. It seems to escape them that it is not he who prints but he who pays for printing a slander who is its real author.
>
> These thoughts on the subjects of your letter are hazarded at your request.

Now, this next sentence deserves the special attention of members of the committee, it is so thoroughly in keeping with the character of the statesman who, on the first occasion when a great constitutional question confronted the country, wrote to his friends in the Cabinet and in Congress urging them for political reasons to treat the Constitution of the United States sub silentio:

> Repeated instances of the publication of what has not been intended for the public eye, and the malignity with which political enemies torture every sentence from me into meanings imagined by their own wickedness only, justify my expressing a solicitude that this hasty communication may in no wise be permitted to find its way into the public papers.

You see he even wanted this letter treated like the Constitution, sub silentio. [Great laughter.]

And so, Mr. Chairman, it appears to have been the view of the founder of the Democratic party that it would be better to suppress the newspapers than have them criticise him or his party. How different we are on this side of the House to-day. For some days—nay, for some weeks—our motives and our judgment have been criticised by the press of the country, by a portion of the press of our own party; but we simply look upon this criticism as wholesome and helpful. [Laughter.] We welcome it. It calls attention to what we have done [laughter], and it will gradually change to hearty commendation. Now it is invigorating and stimulating. [Laughter.] We believe that the freedom of the press is essential to the success of free government. We believe that the Republican party, that has been so condemned during the past few weeks, will emerge from these clouds of censure as a splendid landscape emerges from the fog, in clearer outline and in greater strength and beauty than it has ever appeared before.

And now, Mr. Chairman, in closing these few observations on the real Jeffersonian view of the press, I would like to ask a question of the gentlemen on the other side. Do you really believe all of these articles that you have read, or do you think, with Jefferson, that not only the Constitution, but the press, ought to be treated sub silentio? [Laughter.] Really and honestly now, my friends of the militant Democracy, so long as you feel compelled by political necessity to experiment with the leadership of Mr. Bryan, to surrender your judgment to his dictates, and to adopt the reactionary principles of the Chicago platform, do you not think that, out of respect to his memory, you ought to treat Thomas Jefferson, the founder of your great historic party, and everything

that he ever said sub silentio? [Laughter and applause on the Republican side.]

Mr. KNOX. Mr. Chairman, there are no more speakers, I believe, for this afternoon; and although it lacks five minutes of 5 o'clock, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts reported that the Committee of the Whole on the state of the Union, having had under consideration the Senate bill 222, had come to no resolution thereon.

Mr. KNOX. Mr. Speaker, I renew the request for unanimous consent that all gentlemen speaking on this bill have leave to extend their remarks in the RECORD.

The SPEAKER. For how many days does the gentleman propose that this privilege shall continue?

Mr. KNOX. Five days.

The SPEAKER. The gentleman from Massachusetts [Mr. KNOX] asks unanimous consent that gentlemen who have spoken or will speak upon the bill pending in Committee of the Whole on the state of the Union may have five days in which to extend their remarks in the RECORD.

Mr. RICHARDSON. It ought to be five days from the day on which the bill is voted upon.

Mr. KNOX. I have no objection to that.

The SPEAKER. Five days from the disposition of the bill. Is there objection? The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8128. An act to establish light and fog signals at Browns Point, in Puget Sound;

H. R. 7941. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901; and

H. R. 65. An act to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottsville, Va.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 739. An act for the relief of the estate of George W. Lawrance.

Mr. KNOX. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting additional claims arising from damages alleged to have been caused by United States troops in the war with Spain—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a statement from the chief of division of loans and currency submitting an estimate of appropriation for expenses of currency—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for printing and binding, Interior Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for post-office and subtreasury building at Boston, Mass.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, transmitting a communication from Mr. S. J. Barrows, United States Commissioner, International Prison Commission, submitting a report on prison systems in the United States—to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FLEMING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 60) to create the northwestern division of the northern district of Georgia for judicial purposes and to fix the time and place for holding courts therein, reported the same with amendment, accompanied by a report (No. 897); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BULL, from the Committee on Naval Affairs, to which was referred the joint resolution of the House (H. J. Res. 133) to authorize the President to appoint, as an additional cadet to the Naval Academy, David Bagley, reported the same without amendment, accompanied by a report (No. 896); which said joint resolution and report were referred to the Private Calendar.

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 41) to authorize the President to place Andrew Geddes on the retired list with the rank of captain, reported the same without amendment, accompanied by a report (No. 898); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTLE (by request): A bill (H. R. 10380) to provide for cutting and selling timber in certain cases in the Choctaw and Chickasaw nations—to the Committee on Indian Affairs.

By Mr. PEARCE of Missouri: A bill (H. R. 10403) granting additional homestead certificates to the Missouri Home Guards—to the Committee on the Public Lands.

By Mr. BARTHOLDT: A bill (H. R. 10404) granting pensions to enrolled militia and nonenlisted persons—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 203) directing the Secretary of the Navy to transmit to the House of Representatives copies of all orders and proclamations issued by Commander Richard Leary while acting as governor-general of Guam—to the Committee on Naval Affairs.

By Mr. GILBERT: A resolution (H. Res. 210) requesting the Secretary of Agriculture to report to the House of Representatives whether horse flesh is being canned, cured, or otherwise prepared for human food in this country; and if so, at what places and to what extent—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 10381) granting an increase of pension to G. T. Ridlon—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 10382) granting an increase of pension to James Mason, Ottawa, Kans.—to the Committee on Invalid Pensions.

By Mr. CUMMINGS (by request): A bill (H. R. 10383) authorizing the Secretary of the Navy to grant unto Charles O'Neill, an enlisted man in the United States Marine Corps, the benefit of increased pay in his enlistment of October 17, 1893—to the Committee on Naval Affairs.

By Mr. FLYNN: A bill (H. R. 10384) for the relief of Alexander McElyea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10385) for the relief of Osie Greiffenstein, a Pottawatomie Indian—to the Committee on Indian Affairs.

By Mr. GARDNER of Michigan: A bill (H. H. 10386) granting a pension to Adoniram J. Eastman—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 10387) for the benefit of Henry F. Newland, executor of A. C. Newland, deceased—to the Committee on War Claims.

By Mr. HITT: A bill (H. R. 10388) to amend the military record of G. W. Rand—to the Committee on Military Affairs.

By Mr. JOY (by request): A bill (H. R. 10389) to amend the military record of Henry G. Craft—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana: A bill (H. R. 10390) for the relief of Alphonse Desmarc—to the Committee on War Claims.

By Mr. McCULLOCH: A bill (H. R. 10391) to remove the charge of desertion standing against George W. Merry—to the Committee on Military Affairs.

By Mr. RAY of New York: A bill (H. R. 10392) granting a pension to Eunice M. Stickle—to the Committee on Invalid Pensions.

By Mr. RIDGELY: A bill (H. R. 10393) granting an increase of pension to Thomas Louderback—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10394) granting a pension to Aaron Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10395) granting a pension to Jeremiah Hagee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10396) granting a pension to Henry C. Rowley—to the Committee on invalid Pensions.

Also, a bill (H. R. 10397) granting an increase of pension to Francis Rule, widow of Preston C. Rule—to the Committee on Pensions.

Also, a bill (H. R. 10398) granting a pension to Stephen Malony—to the Committee on Pensions.

Also, a bill (H. R. 10399) to remove the charge of desertion standing of record against Joseph E. Martin—to the Committee on Military Affairs.

By Mr. WM. ALDEN SMITH: A bill (H. R. 10400) for the relief of David Houk—to the Committee on Military Affairs.

By Mr. VREELAND: A bill (H. R. 10401) granting a pension to Margaret E. and Joanna A. Callahan, dependent sisters of Thomas W. Callahan, late a member of Company G, Ninth New York Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R 10402) for the relief of William F. Strather, deceased, Holmes County, Miss.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Resolution of Tom Cox Post, No. 132, Department of Wisconsin, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BARNEY: Petition of J. Schlosser and other citizens of Kewaskum, Wis., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. BARTHOLDT: Petition of the Stone Hill Wine Company, of Herman, Mo., and the Great Western Wine and Liquor Company, of St. Louis, Mo., praying for a reduction of the war-revenue tax—to the Committee on Ways and Means.

Also, petition of the St. Louis Furniture Board of Trade, in favor of House bill No. 5459, for the protection of free labor against prison labor—to the Committee on Labor.

Also, petition of citizens of Berger, Mo., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

Also, petitions of J. W. Owens Post, No. 332, of Washington, Mo., and T. J. Brouster Post, No. 233, of Clayton, Mo., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the St. Louis Real Estate Exchange, in favor of abolishing the documentary stamp tax—to the Committee on Ways and Means.

Also, petition of members of the Enrolled Militia regiments of Missouri, to accompany House bill for restoration of a pension law—to the Committee on Invalid Pensions.

Also, remonstrance of St. Louis merchants, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of members of the house of delegates of St. Louis, Mo., for the reclassification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BINGHAM: Petition of Joseph A. Ballinger and 42 citizens of Philadelphia, Pa., for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also (by request), memorial of George McClellan and 10 other citizens of Philadelphia, Pa., in relation to the attitude of the Government of the United States toward the people of the Philippine Islands—to the Committee on Insular Affairs.

By Mr. BOUTELLE of Maine: Petition of Fred A. Allen and others, of North Dixmont, Me., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BROWNLOW: Petitions of Jonesboro Post, No. 35, of Jonesboro, Tenn.; Veteran Post, No. 84, Falls City, Nebr.; Chenoa Post, No. 185, Chenoa, Ill.; Renshaw Post, No. 32, of Washington, N. C., and Hathaway Post, No. 378, of Michigan, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Resolutions of R. B. Hayes Post, No. 76, and Pier Post, No. 206, Grand Army of the Republic, Department of Wisconsin, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CURTIS: Petition of J. L. Eiker, F. Schneider, and others, in favor of the bill for the retirement of Government employees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. ESCH: Petition of Lincoln Post, No. 3, Washington, D. C., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GARDNER of Michigan (by request): Petition of citizens of Union City, Mich., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. HOFFECKER: Petition of the Wilmington Annual Conference of the Methodist Episcopal Church, held in Wilmington, Del., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, Soldiers' Homes, and educational institutions—to the Committee on Military Affairs.

By Mr. HOWELL: Petition of retail druggists of Perth Amboy, N. J., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. JENKINS: Petition of Alfred Pillsbury and 86 citizens of Menominee, Mich., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. JOY: Papers to accompany House bill to correct the military record of Henry C. Craft—to the Committtee on Military Affairs.

By Mr. LACEY: Petitions of Modern Woodmen societies of Grinnell and Ottumwa, Iowa, asking amendment of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LESTER: Petition of druggists and citizens of Savannah, Ga., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. McALEER: Petition of P. C. Chandler, of Weymouth, Mass., in relation to the improvement of Boston Harbor—to the Committee on Rivers and Harbors.

Also, protest of J. W. Landenberger & Co., of Philadelphia, Pa., against the ratification of the treaty with France—to the Committee on Foreign Affairs.

Also, resolutions of the Board of Trade of Philadelphia, Pa., with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Lodge 159, International Association of Machinists, of Philadelphia, Pa., urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

Also, petition of the New York Zoological Society, in favor of House bill No. 6634, for the better protection of birds—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Trades League of Philadelphia, Pa., approving the Senate amendments to the legislative bill respecting the Hydrographic Office, Navy Department—to the Committee on Appropriations.

Also, petition of J. S. & T. Elkinton, of Philadelphia, Pa., indorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New York Railroad Club, New York City, N. Y., favoring invitation to United States for international railway congress of Brussels, Belgium—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. L. Scott, adjutant-general, United States Army, Habana, Cuba, favoring Government distribution of blackleg vaccine—to the Committee on Agriculture.

Also, protest of Pasteur Vaccine Company, of Chicago, Ill., against the manufacture and distribution of blackleg vaccine by the Government—to the Committee on Agriculture.

Also, protest of the Chicago Federation of Labor, against the passage of the Grout, Tawney, or other bills to increase the tax on butterine—to the Committee on Ways and Means.

Also, petition of National Grain Growers' Association, favoring legislation on agriculture—to the Committee on Agriculture.

Also, resolution of the National Association of Retail Merchants of Illinois, held at Peoria, Ill., approving House bill No. 6246, known as the Brosius pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. N. McDonald, of Philadelphia, Pa., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

Also, petitions of the Women's Press Association, Central News Company, and Philadelphia Recorder, all of Philadelphia, Pa., and H. F. McKeever, of Alma, Me., in relation to the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Berry Brothers, Vail Brothers, and Fels & Co., and resolutions of Soap Makers' Association, all of Philadelphia, Pa., favoring the enactment of the Russell bill respecting alcohol used in the arts—to the Committee on Ways and Means.

Also, petition of the University of Pennsylvania and Botanical Society of Pennsylvania, Philadelphia, Pa., urging the purchase of the Calaveras big trees of California by the Government and to set aside the grove as a national park—to the Committee on the Public Lands.

Also, petition of the Minnesota National Park and Forest Reserve Assoc ation and other associations, in favor of the proposed national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. MAHON: Papers to accompany House bill for the relief of Alexander Everhart—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana: Petition of Anna H. Ringe, of New Orleans, La., for relief—to the Committee on War Claims.

By Mr. NEVILLE: Resolution of Reno Post, No. 112, of Lexington, Nebr., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. NORTON of Ohio: Resolutions of Norris Post, No. 27, of Fostoria, and Rice and Criglow Post, No. 112, of Attica, Grand Army of the Republic, Department of Ohio, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. PAYNE: Petition of Grange No. 348, Wolcott, N. Y., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of Grange No. 348, Wolcott, N. Y., urging the passage of House bill No. 5457, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

By Mr. POWERS: Petition of Post 110, of Bristol, Vt., Grand Army of the Republic, in support of House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. PRINCE: Petition of citizens of Davenport, Rock Island, and Moline, Ill., in behalf of the employees of the Rock Island Arsenal, favoring the passage of House bill No. 3993—to the Committee on Claims.

Also, petition of citizens of Whiteside County, Ill., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. RAY of New York: Petition of citizens of South New Berlin, N. Y., against the sale of intoxicants in the Army—to the Committee on Military Affairs.

Also, petition of citizens of Franklin, N. Y., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of citizens of Tompkins County, N. Y., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RIXEY: Petition of the estate of Henry Clevenger, deceased, late of Fairfax County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Capt. James F. Lahnum and 60 members of the Indiana National Guard, Auburn, Ind., favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on Militia.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill No. 3945, granting an increase of pension to Burdette N. Cleveland, of Fremont, Nebr.—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Resolutions of Stover Post, of Portsmouth, and Jere E. Chadwick Post, of Deerfield, N. H., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. VREELAND: Petition of the Woman's Christian Temperance Union of Lakewood, N. Y., against the sale of intoxicating liquors in the Philippines—to the Committee on Insular Affairs.

By Mr. WEEKS: Petitions of C. R. Morrison and W. H. Mann, in behalf of 360 Modern Woodmen, relative to the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WEYMOUTH: Petitions of the Woman's Christian Temperance Union and Woman's Suffrage League, of Natick, Mass., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petitions of the Woman's Christian Temperance Union and Woman's Suffrage League, of Natick, Mass., for the passage of a bill to forbid liquor selling in canteens and in all Government buildings—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: Petition of A. P. Nielsen and others, of Ovid, Idaho, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *April 4, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 9140) providing that entrymen under the homestead laws who have served in the United States Army, Navy, or Marine Corps during the Spanish War or the Philippine insurrection shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 65) to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottesville, Va.; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I present a petition of the Methodist Episcopal Church in the city of Vinita, Ind. T., praying that in adopting a code of laws for Hawaii a provision be inserted prohibiting the importation, manufacture, and sale of alcoholic liquors, the importation and sale of opium, and gaming. As we have passed that bill, I move that the petition lie on the table.

The motion was agreed to.

Mr. ALLEN presented a memorial of sundry citizens of Hooker County, Nebr., remonstrating against the leasing of public lands to private individuals and local corporations; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Nebraska, praying for the continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

Mr. PERKINS presented a memorial of sundry citizens representing the entire body of Christians in the United States, remonstrating against the sale of intoxicating liquors in Army canteens, and also against the importation, manufacture, and sale of intoxicating liquors in our new island possessions; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of California, praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Antelope Grange, No. 100, Patrons of Husbandry, of California, praying for the extension of rural free mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Antelope Grange, No. 100, Patrons of Husbandry, of California, remonstrating against the use of shoddy in the manufacture of goods; which was referred to the Committee on Manufactures.

He also presented a memorial of Antelope Grange, No. 100, Patrons of Husbandry, of California, remonstrating against the construction of reservoirs or irrigating canals by the Government for irrigating arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Glen Ellen Grange, No. 299; Sebastopol Grange, No. 306; Tulare Grange, No. 198, and Napa Grange, No. 307, all Patrons of Husbandry, in the State of California, praying for the election of Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Glen Ellen Grange, No. 299; Tulare Grange, No. 198; Sebastopol Grange, No. 306, and Napa Grange, No. 307, all Patrons of Husbandry, in the State of California, praying for the enactment of legislation to secure protection in the use of adulterated food products; which was referred to the Committee on Manufactures.

Mr. MCLAURIN presented a petition of the Cherokee Nation, praying for the payment of the sums found due them by the award of the Secretary of the Interior as authorized by the act of Congress of March 3, 1893, known as the Slade-Bender award; which was referred to the Committee on Indian Affairs.

Mr. CLARK of Montana presented a memorial of sundry citizens of Yellowstone County, Mont., remonstrating against the passage of Senate bill No. 1947, for leasing public lands in the West; which was referred to the Committee on Public Lands.

He also presented memorials of the Rocky Mountain Husbandman, of White Sulphur Springs; of sundry members of the Modern Woodmen Society of Kalispell, and of sundry members of the Modern Woodmen Society of Great Falls, all in the State of Montana, remonstrating against the passage of the so-called Loud bill, relating to second class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CARTER presented the petition of Maria M. Dean, president, and Mrs. H. D. Moore, secretary, on behalf of the Woman Suffrage Association of Montana, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of sundry citizens of Montana, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented memorials of the Reveille, of Butte; the Progress, of Basin, and the Rocky Mountain Husbandman, of White Sulphur Springs, all in the State of Montana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a petition of American Federation of Labor No. 7532, of Corder, Mo., praying that all the public lands be held for the benefit of the whole people, and that no grants of titles to any of the lands be given to any but actual settlers and home builders thereon; which was referred to the Committee on Public Lands.

He also presented a memorial of the congregation of the Friends' Church, of Carthage, Mo., remonstrating against the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was ordered to lie on the table.

He also presented a memorial of the Pennsylvania State Grange, Patrons of Husbandry, remonstrating against the passage of the so-called ship subsidy bill; which was ordered to lie on the table.

He also presented a petition of the Pennsylvania State Grange, Patrons of Husbandry, praying for the enactment of legislation making oleomargarine and kindred imitation products subject to the laws of the State, etc.; which was referred to the Committee on Agriculture and Forestry.

Mr. PENROSE presented a memorial of the Maritime Exchange of Philadelphia, Pa., remonstrating against the enactment of any legislation relative to the regulation of length of tows at sea or in the harbors of the seacoast; which was referred to the Committee on Commerce.

He also presented a petition of the Wholesale Merchants' Association of Wilkesbarre, Pa., relative to the imposition of a tax on adulterated food; which was referred to the Committee on Manufactures.

He also presented a petition of the Central Labor Union and the American Federation of Labor, of Wilkesbarre, Pa., praying for the enactment of legislation to preserve the remaining public lands of the United States for the use of actual settlers and home builders; which was referred to the Committee on Public Lands.

He also presented a petition of Pomona Grange, No. 17, Patrons of Husbandry, of Butler County, Pa., praying for the adoption of certain amendments to the interstate commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Creamery Association of Eastern Pennsylvania, praying for the enactment of legislation prohibiting the exportation of oleomargarine unless sold, billed, and described as imitation butter; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., remonstrating against the correction of military records of deserters from the armies of the United States during the civil war except in certain cases; which was referred to the Committee on Military Affairs.

He also presented a petition of the legislative committee of the Pennsylvania State Grange, Patrons of Husbandry, praying for the enactment of legislation enlarging the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented memorials of the Republican, the Express, the Nord Amerika, and the Index, all in the State of Pennsylvania, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Branch No. 293, National Association of Letter Carriers, of Bradford, Pa., and a petition of sundry citizens of Butler County, Pa., praying for the enactment of legislation granting additional compensation to letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Second United Presbyterian Church of Verona, of sundry citizens of Carnegie, the congregation of the African Methodist Episcopal Church of Pittsburg, the Woman's Christian Temperance Union of Allegheny, the Christian Church of Bellevue, the Methodist Protestant Church of Pittsburg, the Bellevue Presbyterian Church of Allegheny, and of the Woman's Christian Temperance Union of Russellville, all in the State of Pennsylvania, praying for the enactment of legislation prohibiting the importation, manufacture, and sale of intoxicating liquors, opium, etc., in Hawaii; which were ordered to lie on the table.

He also presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the continuance of the appropriation for the Hydrographic Office of the Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Trade of Harrisburg, Pa., praying for the enactment of legislation to increase the exhibits in the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Central Pennsylvania Conference of the Methodist Episcopal Church, praying for the enactment of legislation abolishing the Army canteen; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Reading, Pa., praying for the enactment of legislation providing for the reclassification of clerks in the Railway Mail Service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Club, the Ladies' Auxiliary, the Young Men's Christian Association, the Woman's Christian Temperance Union, the congregation of the Methodist Episcopal Church, the Second United Presbyterian Church, and the Reformed Presbyterian Church, all of Wilkinsburg, in the State of Pennsylvania, praying for the enactment of legislation prohibiting the importation, manufacture, and sale of intoxicating liquors, opium, etc., in Hawaii; which were ordered to lie on the table.

He also presented a petition of the County League of Fourth-class Postmasters of Sullivan County, Pa., praying for the passage of the so-called Cummings bill, providing for additional compensation to fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Johnstown, Pa., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Army and Navy; which was referred to the Committee on Military Affairs.

He also presented a petition of 46 citizens of Chester County, Pa., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WELLINGTON presented a petition of 45 citizens of Cumberland, Md., praying for the enactment of legislation for the Government ownership and operation of railways, as well as telegraphs and telephones, etc.; which was referred to the Committee on Interstate Commerce.

Mr. DANIEL presented a memorial of the Fairfax County Medical Society, of Virginia, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Bowling Green Young Woman's Christian Temperance Union, of Caroline County, Va., and a memorial of the Reedy Woman's Christian Temperance Union, of Caroline County, Va., remonstrating against the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Lincoln, Va., remonstrating against the sale of intoxicating liquors in our new possessions; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Lincoln, Va., remonstrating against the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

He also presented a petition of the board of directors of the Chamber of Commerce of Richmond, Va., praying for the enactment of legislation to permit the laying of the competing cables between the island of Cuba and the United States; which was referred to the Committee on Military Affairs.

He also presented the petition of Mrs. Louisa C. Urquhart, of Dunnsville, Va., praying that she be granted compensation for property destroyed by troops in 1862; which was referred to the Committee on Claims.

He also presented the memorial of Thomas B. Robertson, of Eastville, Va., and the memorial of George F. Norton, of Winchester, Va., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SPOONER presented the petition of Charles J. Ellis and 197 other inmates of the Wisconsin Veterans' Home, praying for

the enactment of such pension legislation as meets with the approval of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented the petition of Samuel Gompers, president, and Frank Morrison, secretary, on behalf of the American Federation of Labor, praying for the adoption of a sixteenth amendment to the Constitution to prohibit the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. MASON presented a petition of Dunlap Grange, No. 919, Patrons of Husbandry, of Dunlap, Ill., praying for the adoption of certain amendments to the interstate-commerce law, and remonstrating against the passage of the ship subsidy bill; which was referred to the Committee on Interstate Commerce.

He also presented memorials of the congregation of the Park Methodist Episcopal Church, the First Baptist Church, the Universalist Church, and the Christian Church, all of Urbana, in the State of Illinois, remonstrating against the imporation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Rogers Park, Ill., and a memorial of sundry citizens of Chicago, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I present a memorial of the Osage Indians, remonstrating against the action of certain officials in the proper discharge of the trusts under the treaty of 1865 for the sale of lands belonging to them in the State of Kansas. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. COCKRELL presented the petition of Jane C. Crane, of Exeter, Mo., praying for the employment of women nurses in the hospital service of the Army; which was referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of the Officers' Association of the First Regiment, National Guard, of Portland, Me., praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

Mr. STEWART. I present a petition of the Mississippi Choctaws, praying that any of their nation duly identified and enrolled as such by the United States Commission to the Five Civilized Tribes shall have the right at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior to make settlement within the Choctaw and Chickasaw country, etc. I move that the petition be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

LANDING OF CABLE IN CUBA.

Mr. STEWART. I present a petition of citizens of Cuba, representing a large amount of property, urging that the law may be changed so as to prevent the Department from refusing to allow a competing cable to be landed on that island. I move that the petition be referred to the Committee on Military Affairs and printed.

Mr. MORGAN. I wish to call the attention of the Senate to the fact that the petitioners are Cubans, and we have a rule that prohibits anyone from presenting a petition from citizens of a foreign country.

The PRESIDENT pro tempore. Petitions from citizens of a foreign country can only be presented through the President.

Mr. MORGAN. That is true. Now, I do not raise any question about Cubans being citizens of a foreign country at all; but as we are going along with our business we had better not fall into any unexpected pits about matters of this kind.

Mr. STEWART. The petition relates to a matter in which the Cubans are deeply interested—the landing of a competing cable on the island. There was a law passed by Congress in regard to that matter, the Foraker amendment, which is construed by the Department to require the interference of the War Department to prevent the landing of the cable. Cubans are very much interested. This is a business matter, and there is no other place to which they can go for relief except to Congress. It seems to me that these petitioners do not come under the rule of foreigners generally, because it is a matter of legislation directly affecting them to which they call attention in their petition.

The PRESIDENT pro tempore. But if the Senator from Alabama objects, the petition can only be received through the instrumentality of the President.

Mr. MORGAN. I do not object. I am very glad to see the petition here. I believe their petition ought to be here. I believe the people of Cuba hold a relation to us to-day that can not be dissolved except by an act of Congress. I believe they are politically under our jurisdiction, and therefore they have the right of petition. I merely wanted to call attention to the importance of the proposition which is now presented with a view of directing the attention of Senators to it.

Mr. SPOONER. I think when the attention of the Chair is called to the rule it will appear that the petition ought not to be received in this way. The rule is founded in good sense. It is important that it should be observed. It is a perfectly easy thing for people who want to make such a communication to Congress to transmit it through the State Department.

Mr. STEWART. When it relates to legislation by Congress directly affecting them it seems to me that they should not be denied the right to come to Congress and ask to have that legislation modified. The legislation was enacted by Congress, and it seems to me that their right to ask for relief in this way can not be waived. I do not believe that the petition is within the rule referred to by the Senator from Wisconsin. The Foraker amendment prohibited the granting of franchises. The competing cable asked for no franchise; but the Department holds that that provision of law made it incumbent upon them to use the military to prevent the company from landing their cable. All they ask is to be let alone. They ask that the competing cable be let alone, and these Cubans want to have the law so modified as to have it let alone. They do not ask for any relief except a modification of the legislation to such an extent that they can go into the courts. That is all they ask. It seems to me that the petition is not within the rule, because it relates to legislation which directly affects them. They are not foreigners in the sense of that rule. This is the only legislative body to which they can go, which legislates for them, and they have a right, it appears to me, to present a respectful petition in regard to that legislation which concerns them.

Mr. MORGAN. If the proposition stated by the Senator from Wisconsin [Mr. SPOONER] is to be considered as an objection to receiving this petition and the Chair holds it in that way, I make no objection. Then I will move that the petition be printed and that the subject go over until to-morrow, so that the Senate may look into the matter with more care.

The PRESIDENT pro tempore. If objection is made, the petition can only be received by the Senate through the instrumentality of the President of the United States.

Mr. STEWART. Then let it be printed.

Mr. SPOONER. No.

Mr. STEWART. Can it not even be printed?

Mr. CHANDLER. No; it can not be received at all if objection is made.

The PRESIDENT pro tempore. It can not be received at all. There is no way by which it can be done if objection is made.

Mr. MORGAN. I do not know whether objection is made. I do not believe the objection is a good one, even if made. That is the proposition I desire the Senate to pass upon. I believe those people are subject to our authority. We are ruling them every day, and we are ruling them under the absolute law of military dominion, military power. We can never get rid of those people so as to give them their independence and sovereignty and autonomy otherwise than by an act of Congress. Being, therefore, subject to the power of Congress in regard to their release from the sovereign jurisdiction of the United States, they have the right to petition Congress, and they are not on the footing of the subjects of foreign countries.

The PRESIDENT pro tempore. The petition, without objection, will be received, referred to the Committee on Military Affairs, and printed.

REPORTS OF COMMITTEES.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4089) granting a pension to Emily Burke; and

A bill (H. R. 3214) granting a pension to John S. Dukate.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1891) granting an increase of pension to Amy Goodman, to submit an adverse report thereon and to recommend its indefinite postponement, the beneficiary under the bill having died since it was introduced.

The bill was indefinitely postponed.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3075) granting an increase of pension to Marie J. Blaisdell;

A bill (S. 3139) granting a pension to J. B. Wetherbee;

A bill (S. 3314) granting a pension to Mary I. Bradbury; and

A bill (S. 3099) granting an increase of pension to M. McCoy.

Mr. GALLINGER, from the Committee on Pensions, to whom

were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3489) granting a pension to John Holland; and

A bill (S. 1347) granting an increase of pension to Marie Sharpe.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3470) granting a pension to Rosalia Tejidor Brinckerhoff;

A bill (S. 2570) granting an increase of pension to John M. Swift;

A bill (H. R. 5134) granting an increase of pension to Joseph F. Allison;

A bill (H. R. 4654) granting an increase of pension to Simon Van Der Vaart;

A bill (H. R. 856) granting a pension to Mary McCarthy; and

A bill (H. R. 5961) granting an increase of pension to Charles A. Hausman.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 1031) granting an increase of pension to Thomas H. Kearney, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2795) granting an increase of pension to Christina Noll;

A bill (H. R. 7799) granting an increase of pension to Franklin M. Burdoin; and

A bill (H. R. 6356) granting an increase of pension to Lewis R. Armstrong.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3337) granting an increase of pension to Buren R. Sherman;

A bill (H. R. 8605) granting a pension to Joseph Champlin Stone;

A bill (H. R. 3962) granting an increase of pension to Alanson C. Eberhart;

A bill (H. R. 5171) granting an increase of pension to William R. Wallace; and

A bill (H. R. 5170) granting a pension to Cyrus Johnson.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (H. R. 4267) granting an increase of pension to Ezra A. Bennett, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2101) granting an increase of pension to George E. Scott, reported it with an amendment.

Mr. KENNEY, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3058) granting an increase of pension to Harriet E. Meylert;

A bill (S. 2142) for the relief of Anna Whitney Tarbell;

A bill (S. 3342) granting an increase of pension to Samuel Dornon;

A bill (S. 3534) granting an increase of pension to Helen G. Heiner; and

A bill (H. R. 4657) granting a pension to Laura S. Pontious.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2191) for the relief of Robert D. McAfee and John Chiatovich, reported it without amendment, and submitted a report thereon.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the bill (S. 2581) to incorporate the National White Cross of America, and for other purposes, reported it with amendments.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 3467) granting a pension to Hellen Lang, reported it with an amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 3272) for the preparation of a site and erection of a pedestal for statue of late Maj. Gen. George B. McClellan, reported it with an amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1274) granting an increase of pension to Augustus C. Pyle;

A bill (S. 314) granting a pension to Rosa L. Couch, of Leavenworth, Kans.; and

A bill (H. R. 5970) granting a pension to Phebe S. Riley.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1776) granting a pension to John Carr;

A bill (H. R. 6019) granting a pension to Mrs. Therese W. Hard;

A bill (H. R. 7323) granting an increase of pension to Harrison Canfield; and

A bill (H. R. 8045) granting an increase of pension to Wilford Cooper.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (S. 3549) granting a pension to W. A. Keyes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1147) granting an increase of pension to Luke H. Cooper, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4335) granting a pension to William H. Edmonds, reported it with an amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. 4014) to authorize Robert Stockwell Hatcher, of the division of customs and insular affairs, War Department, to accept decorations from the Governments of Venezuela and Liberia; which was read twice by its title.

Mr. WARREN. I should like the attention of the Senator from West Virginia [Mr. ELKINS]. I am directed by the Committee on Claims, to whom was referred the bill (S. 3725) for the payment to Bart A. Nymeyer of the balance due him for surveying public lands, to ask that the committee be discharged from its further consideration, and I suggest, if it is agreeable to the Senator, that the bill be referred to the Committee on Public Lands.

Mr. ELKINS. I have no objection to the change of reference suggested.

Mr. WARREN. I move that the bill be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 981) for the relief of the estate of William W. Burns, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2353) for the relief of Hiram Johnson and others, reported it without amendment.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 864) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased; and

A bill (S. 145) for the relief of Thomas Antisell.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 3759) for the relief of homestead settlers who died while in the military and naval service of the United States in the Spanish-American and Philippine wars, reported it with amendments, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 1768) granting an increase of pension to George J. Stealy, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6089) granting a pension to Alfred T. Moreland, reported it without amendment, and submitted a report thereon.

ESTATE OF RICHARD TERRILL, DECEASED.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (S. 568) for the relief of the heirs of the late Richard Terrill, of New Orleans, in the State of Louisiana, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 868) entitled "A bill for the relief of the heirs of the late Richard Terrill, of New Orleans, La.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. CARTER introduced a bill (S. 3983) to validate certain certificates of soldiers' additional homestead right; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3984) to prevent the unlawful placing of signs for sale or rent upon private property in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 3985) for the relief of Curtis

& Tilden; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 3986) for the relief of John Black; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3987) to create a commission for condemnation proceedings in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN introduced a bill (S. 3988) for the relief of the estates of Maria Johnson and Sarah E. Ware, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. VEST introduced a bill (S. 3989) for the relief of the estate of Josiah White, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 3990) for the relief of the estate of Mrs. Annie E. Montrose, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. KENNEY introduced a bill (S. 3991) granting an increase of pension to Sylvester Solomon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3992) granting an increase of pension to Sarah J. Warren;

A bill (S. 3993) granting a pension to Elizabeth Denny Gaston;

A bill (S. 3994) granting an increase of pension to James A. McClellan (with an accompanying paper);

A bill (S. 3995) granting an increase of pension to Charles Moyer (with accompanying papers);

A bill (S. 3996) granting a pension to Mary P. Mitchell (with accompanying papers);

A bill (S. 3997) granting an increase of pension to Jacob Zimmerman; and

A bill (S. 3998) granting a pension to Francis N. Baker.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3999) for the relief of John G. Norris;

A bill (S. 4000) for the relief of Robert Carter; and

A bill (S. 4001) for the relief of Emeline Haas.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 4002) to correct the military record of Louis Wollet, alias John Wolf;

A bill (S. 4003) authorizing the erection of a monument in the national cemetery at Arlington, Va., to commemorate the services of the Army nurses of the civil war; and

A bill (S. 4004) authorizing the Secretary of War to issue a special medal of honor to the volunteers, regulars, sailors, and marines who remained on duty in the Philippines after their terms of enlistment had expired.

Mr. PENROSE introduced a bill (S. 4005) to reimburse naval volunteers enlisted for one year or during the war with Spain for the cost of clothing and equipment; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced a bill (S. 4006) granting an increase of pension to Edward M. Tucker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 4007) granting an increase of pension to Bernard Dunn; which was read twice by its title, and, with accompanying papers, referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 4008) to incorporate the District Patrol and Alarm Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WOLCOTT introduced a bill (S. 4009) granting an increase of pension to John C. Johnston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 4010) for the relief of the Mission of St. James, in the State of Washington; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. PERKINS introduced a bill (S. 4011) for relief of Robert W. Dunbar; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL (by request) introduced a bill (S. 4012) for the relief of the estate of Hugh L. Gallaher, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 4013) granting an increase of pension to Joshua Ricketts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANNA introduced a bill (S. 4015) for the relief of Daniel M. Humer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 4016) for the relief of the legal representatives of William T. Duvall, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4017) for the relief of Mary E. Squire; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4018) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 4019) for the relief of the estate of Adaline L. Hebron, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 4020) to amend the act of Congress approved May 14, 1880, entitled "An act for the relief of settlers on the public lands;" which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PRITCHARD introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4021) granting a pension to John W. Phillips;

A bill (S. 4022) granting a pension to William B. Caldwell; and

A bill (S. 4023) granting a pension to William Allen.

Mr. DANIEL introduced a bill (S. 4024) directing the Secretary of the Treasury to reexamine and resettle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CARTER submitted an amendment proposing that hereafter an allowance of 10 per cent for each five years' service shall be paid to paymasters' clerks with their current monthly pay, until such pay and increase shall amount to $1,800 per annum, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate $30,000 to enable A. H. Emery to complete and erect the 12-inch elevating carriage he is building for the Government, and also to authorize the Secretary of War to increase the contract price of this carriage and its foundations from $110,000 to $130,000, etc., intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PROCTOR submitted an amendment proposing to appropriate $5,000 for the rental and preparation of a suitable building for use as a library in Manila, Philippine Islands, and also for the pay of a librarian for the period of one year, intended to be proposed by him to the Army appropriation bill; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. McMILLAN submitted an amendment proposing to appropriate $14,000 for paving Florida avenue between First and Fourth streets NW., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $6,000 for the land necessary to open Rhode Island avenue between First street west and Lincoln avenue, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CAPITAL TRACTION COMPANY.

Mr. MASON (by request) submitted an amendment intended to be proposed by him to the bill (H. R. 2826) authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CIVIL SERVICE COMMISSION REPORT.

Mr. LODGE submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate document room 1,000 copies each, in separate pamphlets, of the following extracts of report of the United States Civil Service Commission:

Pages 35 to 47 and 53 to 61 of the Fourteenth Annual Report, part 1: "The demand for the reform from the Presidents and contemporary statesmen."

Pages 127 to 141 of the Fifteenth Annual Report, part 3: "The executive civil service and its classification."

Pages 443 to 485 of the Fifteenth Annual Report, part 6: "The practice of the Presidents in appointments and removals in the executive civil service from 1789 to 1883."

Pages 489 to 517 of the Fifteenth Annual Report, part 7: "Growth of civil-service reform in States and cities; the need of extending the merit system; civil-service reform in current literature, etc."

Pages 521 to 559 of the Fifteenth Annual Report, part 8: "Colonial governments and their civil service."

Pages 563 to 570 of the Fifteenth Annual Report, part 9: "Report of the chief examiner."

Pages 84 to 88 of the Sixteenth Annual Report: "Extracts from debates in Congress at the time of the passage of the civil-service law."

EDWARD COTTFRIED.

Mr. PENROSE submitted the following resolution; which was referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State be directed to send to the Senate a copy of the memorial of Edward Cottfried, a citizen of Wilkesbarre, Luzerne County, Pa., and late a consular agent of the United States of America at Trujillo, Peru, sworn to March 21, 1900, now on file in the State Department, together with all papers, letters, and exhibits attached to said memorial in connection with the action of a party of Peruvian revolutionists against the constitutional government of Peru on and after August 28, 1898, the memorialist at the time being consular agent of the United States in Peru, the wrongdoers perpetrating, it is alleged, depredations on his property and injuries and indignities upon his person in violation of treaty rights.

HOUSE BILL REFERRED.

The bill (H. R. 9140) providing that entrymen under the homestead laws who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. If there be no further morning business, it is closed, and the Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution reported from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CHANDLER. Mr. President, I move to amend the resolution by striking out the word "not."

The PRESIDENT pro tempore. The Senator from New Hampshire moves to amend the resolution by striking out the word "not." The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. BURROWS. Mr. President, in obedience to the order of the Senate, this resolution is properly before the Senate at this time, and personally I should be very glad if it could be proceeded with. I will state, however, to the Senate that the Committee on Privileges and Elections at this time is engaged in listening to an argument by counsel on another very important election case, the case of the Senator from Montana [Mr. CLARK], and probably that hearing will be concluded by Friday of this week. Of course, while that discussion is in progress the presence of every member of the Committee on Privileges and Elections is not only desirable, but is important and necessary. It will therefore be impossible, so far as I am concerned, to enter upon the discussion of this case to-day, but I will be ready to do so on Monday or Tuesday of next week or at any time when the Senate has the opportunity to take it up.

I therefore ask, as a matter of courtesy, that the order may be postponed until next week, or from day to day, it makes no difference, but under the circumstances I would be glad if it could be laid over until that time.

Mr. STEWART. It is not necessary, as I understand the matter, for all Senators to be present when a speech is made. It may be very interesting to those gentlemen to be here when the Senator from Michigan makes his speech, but they can read it if they become extra anxious to know what he said. If we were to adjourn every proceeding until we got a full Senate to hear the speeches, we would not do very much business. I have made speeches here, and so have others, when very few paid attention to them, and we thought it was very important that they should be present. I appreciate the desire of the Senator from Michigan to have a full house when he delivers himself of his argument, but I know no rule of the Senate under which an adjournment should take place for such a reason.

Mr. BURROWS. Mr. President, I am sure the Senator does not wish to misrepresent me.

Mr. STEWART. Certainly not.

Mr. BURROWS. I said nothing whatever about a full Senate, although that unusual condition seems to exist at this time. I only spoke about the Committee on Privileges and Elections being engaged in another matter which demanded the attention of the committee, and as the committee has this matter also in charge, I am sure the members of the committee would be glad to be present when the argument in the Quay case is entered upon. They are obliged to be present during the argument in the other contested-election case, which will close on Friday of this week, and early next week—Monday, if desired——

Mr. STEWART. That does not better the request or the statement at all.

Mr. BURROWS. It betters it in this regard, that I did not ask for a full Senate. I think the Senate is certainly full now, and yet I am not prepared to proceed to-day.

Mr. STEWART. Is it necessary to have all the members of the Committee on Privileges and Elections here? Why could they not read the remarks, and let us go on with the Quay case? It has been delayed. It is a question of the highest privilege, and it has been too long delayed.

That is not fair. The case should be taken up and finally disposed of. It is here by unanimous consent, and I insist that it shall have its place, and that the consent agreement shall not be violated. Of course, it could come up without any unanimous consent against any business. I hope every minute of the time will be occupied until 2 o'clock at least every day until the case is disposed of, and I think it will be disposed of in a few days if the Senator having it in charge will insist on keeping it before the Senate. If it goes away from the Senate, let it go away on a vote. Let us have a vote. That is the only way to deal with a matter so important as this.

Mr. CHANDLER. What the Senator from Michigan says is quite true, that the Committee on Privileges and Elections is now executing another order of the Senate in investigating the Montana case; that it is to hear arguments during the remaining portion of this week, and that all the members of the committee will wish to attend the hearing of those arguments.

But, Mr. President, that fact does not prevent debate in the Senate from going on upon this resolution, if any Senator wishes to debate it. The Committee on Privileges and Elections will not remain in session any day longer than 1 o'clock, and the debate in the Senate upon this resolution can go on, and it ought to go on, because since the resolution was reported in the middle of January there has been ample time for Senators to prepare themselves to speak.

Now, the friends of the resolution are willing to forego all further speech in its behalf and to have a vote taken on the question here and now. If, however, any Senator wishes to speak against the motion to amend which I have made, it is his privilege to speak, and I especially desire to hear from the Senator from Michigan, who I understand is prepared to speak. I ask him why he can not go on now. If other Senators desire to speak, I wish to say to them that they ought to be prepared to speak within a day or two upon this resolution, which has been so long before the Senate.

I am willing that there shall be delay for one or two days, until Senators shall have an opportunity to prepare themselves, if they need preparation, to give their views to the Senate upon this question of high privilege. I know of no reason why the Senator from Michigan, familiar with the subject and abundantly prepared, should not go on to-day. The Committee on Privileges and Elections does not meet to-day, and the Senator from Nevada is anxiously waiting to hear the views of the Senator from Michigan.

Mr. STEWART. All are prepared now. All were agreed about taking it up, and of course they are prepared to carry out the agreement. Everybody is prepared to go on, and there can be no excuse for delay. They understood the condition when they made the agreement, and the case should go on from this day right along. I am opposed to a violation of that consent agreement. If there are no speeches to be made, there will be no difficulty in taking a vote. The gentlemen can come down from the committee room to vote, as they do in other cases, and record their vote and go back.

Mr. CHANDLER. I ask the Senator from Michigan if he is ready to go on this morning?

Mr. BURROWS. Mr. President, I am not ready to go on this morning. I will state further that I desire to be heard upon this case. I will also state that there are several Senators absent who have advised me of their desire to speak upon the case and who will return the latter part of this week.

Mr. STEWART. I should like to inquire of the Senator from Michigan why he is not ready to vote or to go on this morning? Why not take it up and go on with it?

Mr. BURROWS. I will inform the Senator from Nevada that I understand no agreement was made to vote upon the case this morning.

Mr. STEWART. No; but to take it up and go on with it.

Mr. BURROWS. We are ready to take it up.

Mr. STEWART. Let us go on with it, then.

Mr. BURROWS. If any Senator is prepared to speak this morning, I have no objection to it. For myself I am not prepared this morning to go on, but I will be prepared on Monday.

Mr. STEWART. Then let the vote be taken. If you do not want to speak, let us vote.

Mr. CHANDLER. I am not disposed to be unreasonable, but this high question of privilege must be dealt with unless the Senate, by a direct vote, orders otherwise. Is there no other Senator who can talk on the subject to-morrow or the next day?

Mr. STEWART. I object to any new agreements.

Mr. BURROWS. I will say to the Senator from New Hampshire that I am advised other Senators wish to speak; indeed, I have a list of some ten or twelve Senators who have indicated to me a desire to speak on this question, and I presume that some of them will be able to go on to-morrow.

Mr. STEWART. You gave consent that this resolution should be disposed of, and that agreement will not be violated.

Mr. CHANDLER. If the Senator from Michigan will allow me, I agree that this resolution may go over until to-morrow, to come up at the conclusion of the routine morning business, without any further action being taken upon it to-day. So far as I am concerned, I wish kindly to notify Senators who are upon the list of the Senator from Michigan that it is desirable that they should be ready to speak at the earliest possible moment.

Mr. DANIEL. May I ask the chairman of the Committee on Privileges and Elections a question while he is up? Can not some day be agreed upon for taking a vote on this case? It is four months since the case came here; two and a half months since it was reported. All the cases have been cited over and over again, and every possible view of this case has been presented. It is a question of high constitutional privilege, and yet it seems to be perpetually postponed. The State is without representation; the seat in the Senate is empty; the Government has not its complement of public officials; yet we here, day after day and week after week and month after month, wait until another week or some other time for some one to get ready to speak.

Can we not fix upon a day and let gentlemen be notified that if they wish to speak they must do so without any further and unreasonable delay? There is some courtesy due to the whole body of the Senate; there is some courtesy due to a State; there is some courtesy due to an applicant for a seat in this body, and that courtesy ought not to be extended over and over again simply for the convenience of members who have had abundance of opportunity to prepare themselves and to deliver their views, and who can deliver no views that have not been in recent years and at this session over and over again repeated to the Senate.

Mr. WOLCOTT. Mr. President, I am personally greatly obliged to the Senator from Virginia for what he has just said. I have just a word or two to add respecting the consideration of this case. Before I do it, however, I should like to clear away, if I can, something of the atmospheric conditions of yesterday afternoon.

What was said at the close of yesterday came after a heated and busy day, in which we had taken some important votes upon a measure of great national moment, and it came at a time when we were all tired and some of us possibly irritable; and it was a little like heat lightning, that comes at the end of a sultry day, somewhat lurid, but doing no harm. In what I said I had no intention in the world of being in the slightest degree offensive to anybody. I can imagine no personal subject upon which I could have a difference with the Senator from Massachusetts, and if men in the Senate can not differ good naturedly upon matters of public moment they are not fit to discuss them. I desire to disclaim any sort of personal allusion in what was said on yesterday afternoon.

Now, Mr. President, something over two months ago the Quay case, so called, was reported from the Committee on Privileges and Elections—a case of the highest possible privilege. When it first came here everybody assumed that it would take its due course and would soon be considered by the Senate. There was a natural reason for its delay, because there was another case before the Committee on Privileges and Elections which was consuming a great deal of time, and which from that day to this has been almost constantly before that committee. The Quay case would naturally and properly, when it came before the Senate, be under the charge and direction and control of some member of the Committee on Privileges and Elections, all of whom have been almost constantly engaged in committee work, and for myself I desire and intend in the future consideration of this case to be guided loyally and wholly by such action as the Senator from New Hampshire [Mr. CHANDLER] in charge of the resolution shall see fit to take.

But, Mr. President, we have waited along day after day very patiently, and we have heard intimations and statements of speeches to be made respecting the case again and again and yet again. On one day a Senator has had to go to New Hampshire; then on another day another Senator was not quite ready; and these have been invariably Senators who are opposed to the seating of Mr. Quay. We have waited and postponed very good naturedly from time to time the consideration of the case for the convenience of those Senators until there has come to be a general feeling in the air, an intimation in the press of the country, and a conviction in the minds of thousands of people that this case of the highest privilege is intended to be buried in this Senate without consideration.

Mr. President, when you consider that here is a State with 7,000,000 people, with almost as many intelligent American citizens in it as there are Tagals and other savages in the Philippines, it does seem as if some sense of justice should prompt members of the American Senate to vote upon the question as to whether this great Commonwealth of Pennsylvania is or is not entitled to two Senators in this body; so that if we vote against her contention she may take such legislative action as she sees fit. It is not a question of seating Mr. Quay, it is not a case of voting that he shall be entitled to a seat, but it is a question of giving a great State fair consideration.

There are Senators in this Chamber, Mr. President, who, upon high constitutional grounds, believe that Mr. Quay should not be seated, because they believe that the governor of a State has no right to appoint in the interim if the legislature fails to elect. For Senators holding that view all of us cherish, of course, the greatest respect. There are other Senators in this body who believe that upon constitutional grounds Mr. Quay ought to be seated; and they take that view, not because of partisan politics, but upon the highest possible grounds—those of the proper construction of the Constitution of the United States. For those Senators also, everybody in the country must cherish great respect. But, Mr. President, it is to me utterly inconceivable that Senators in this Chamber should day after day postpone, without reason and for purposes of delay, the consideration of this great question of the highest privilege.

We talk of the courtesy of the Senate! What Senator is there here who, if he had been in a similar way named by the governor of his State, having served in this body for twelve years, and who found his fellow-Senators day after day postponing the consideration of his case and refusing him a hearing, would not feel himself outraged?

Here we have, Mr. President, the case of an honorable Senator, useful and strong, endeared to the people of his Commonwealth, overwhelmingly supported by them in election after election, with whom some of us have served for many years, and to whom we have become attached by ties of affection and respect; and we find that week after week and month after month excuses that seem paltry to some of us stand in the way of a fair consideration of his case.

Mr. President, it is not difficult to understand why this great opposition comes. There is an opposition to him, not alone upon constitutional grounds, but upon party and political and personal grounds. He has been subjected to more overwhelming and disgraceful attacks than any man who has been in public life for a generation, and he has survived them all; and it will be cruel and wicked if this Senate—in which he served honorably for twelve years—shall add the final stab to his reputation and to his character.

Mr. President, he is attacked principally because, first, he has been chairman of a great political party in its national elections. There never yet has been a chairman of a great party, who has had the disbursing of the necessary funds for the management of a political campaign, who has not come out of it as the center and the target of all the opprobrium and ill will of political opponents and the discontented people in his own party.

I know of no national chairman of a great political party in the last twenty years, since I have known anything of public life, who has not suffered by just that sort of attack. I think the Senator from Arkansas [Mr. JONES] has come out of it freer from suspicion that anybody else; but he has had probably fewer funds to handle [laughter], and the chances are, Mr. President, if he is continued in that position, and his party adheres to the course it seems to have adopted, he will come out of the next election absolutely unsmirched. [Laughter.] But the moment a man accepts the chairmanship of a national committee he becomes the center of attack upon his character.

It is said—with how much justice I do not know—that some attitude of Mr. Quay at some former period respecting what is known as the force bill has led to certain hostility, unexpressed, by certain members on this side of the Chamber to the consideration of his case. He took his political life in his hands in whatever action he may have committed himself to respecting that bill. There was no vote, no bargain, and no agreement; but some of us who have served here for many years have learned that kindnesses and benefits are soon forgotten. Whatever may have been his attitude respecting that measure or any other, there is no sort of obligation resting upon anybody that in consideration of it he should be voted a seat in this Senate; but I submit to Senators on the other side of the Chamber who are interested respecting that and other measures that if there is one drop of red blood in their veins, they ought to stand as one man to see that this fellow-Senator has a vote as to whether he is entitled to a seat here or whether he shall remain out of the Senate.

It is also true, Mr. President, that the public press of certain of

the cities of this country find that the receipts of a great annual income for the publication of long advertisements concerning "Heart to Heart Talks on Ginghams" and the like [laughter] are coupled with the condition that they shall oppose by fair means and foul the seating of Mr. Quay. That consideration, I regret to say, has been sufficient to overcome in certain instances the ordinary courtesies of life. But, Mr. President, if there is any fairness left to us, we ought to permit his case to come to a vote.

We talk of the courtesy of the Senate! We are polite with each other; but sometimes it becomes a thin veneer, and sometimes, if you look under it, you will find it is all because we serve on different committees; that each of us have measures we desire to have passed, and find it more convenient to treat in a spirit of mutual concession than otherwise all our brother Senators. But it is a pity, Mr. President, if the courtesies of the Senate die with the official life of a brother Senator. It would almost seem as if politics and the struggle for power resembled rather a pack of wolves, which, in pursuit of the chase, stop only when a fellow-member of the pack is wounded or injured, long enough to consume him and eat him up, and then follow the quarry.

For my part, Mr. President, I do appeal to members of the Senate that we at least be men and vote upon the question, and by no paltry spirit of delay, by no subterfuge, and by the intrusion of no unreasonable request that we come to some fair understanding as to whether or not Matthew S. Quay is entitled to a seat in the Senate.

The Senator from New Hampshire [Mr. CHANDLER] has given notice that he will let the question go over until Monday; but in a spirit of fairness I do trust that the Senate will at least acquit itself like an honorable body and vote fairly upon the merits of the question.

Mr. GALLINGER. Mr. President, it seems to me that when the lurid heat lightning disappeared from view a veritable Colorado thunderstorm followed it. [Laughter.]

I simply rise, Mr. President, for the purpose of repudiating as one Senator every imputation which the Senator from Colorado [Mr. WOLCOTT] has cast upon those of us who are opposed to the seating of Mr. Quay. The Senator from Colorado transgresses the proprieties of the occasion in calling attention to the fact that in the discharge of what I conceive to be a duty I took three or four days from the public service to go to my home a little time ago; but it will be remembered that before doing so I stated to the Senate that it was a matter of utter indifference to me when this matter was taken up, when it was completed, and whether I was present or absent when the vote was taken, announcing, as I did, that if the vote should be taken in my absence I would be paired against the proposition to seat Mr. Quay.

Mr. President, on more than one occasion this Senate has waited upon the distinguished Senator from Colorado when he has been absent from the Senate and interested in matters before this body; hence the Senator ought not to criticise other Senators for asking the same courtesy.

I simply wish to say now that, so far as I know, there has been no disposition whatever to unduly delay the consideration of this resolution. A few days ago I called attention to the fact that all measures that had been before the Senate for the past six or eight weeks were in charge of Senators who are in favor of seating Mr. Quay. Not a single measure has been projected before this body which has taken an hour's time that was in charge of a Senator who is opposed to the seating of Mr. Quay. It should also be remembered that there has been no opportunity for those of us who have wished to debate this subject to do so, and there has been no disposition on the part of those of us who are opposed to seating Mr. Quay unduly to delay the consideration of this resolution.

Personally, Mr. President, I am in favor of proceeding to the consideration of this matter at the earliest possible day; and, so far as I am individually concerned, I will state to the Senate, while it is a matter of very little concern to this body or to the country, that on to-morrow, if it shall be determined that this matter shall be then proceeded with, I shall occupy a few moments in presenting my reasons for voting against the proposition to seat Mr. Quay as a member of the Senate. I trust, in view of the circumstances, that this matter may go over until to-morrow; that then it may be taken up in good earnest, and considered from day to day, and that the vote may be reached as speedily as it is possible to reach it, giving every Senator an opportunity to discuss this question who chooses to do so. Certainly I shall do nothing to delay the consideration of the matter; on the contrary, I will do everything in my power to facilitate its consideration, because I quite agree with the Senator from Colorado that we owe a duty to ourselves, to this body, and to the country to vote upon this proposition.

Mr. BURROWS obtained the floor.

Mr. WOLCOTT. Will the Senator yield to me on a matter of personal privilege?

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. BURROWS. Yes, sir.

Mr. WOLCOTT. Mr. President, I am very sorry if I have ruffled the Senator from New Hampshire [Mr. GALLINGER]. I did not mean to do so. I am apologizing this morning to anybody who will let me. [Laughter.] I did not mean to say anything personal to the Senator. I only cited the Senator's absence as an illustration of the reasons for delay and one of the causes for delay, but without the slightest intimation that there was any ulterior purpose or any possible opening for criticism in it. I hope the Senator will accept this in the spirit in which it is tendered.

Mr. BURROWS. Mr. President, in view of the calm and dispassionate argument of the Senator from Colorado [Mr. WOLCOTT], I think it is due to the Senate that I should make a statement of the facts in the progress of this case to show how unfounded the statements of the Senator from Colorado are.

When the credentials of Mr. Quay were presented, it was moved that they be referred to the Committee on Privileges and Elections; where they went without opposition. On the 16th day of December the case was taken up promptly by the committee for consideration; counsel were heard upon each side; and the discussion of the matter and the argument by counsel closed on the 5th day of January. On the 23d day of January, as soon as the minority of the committee were ready, a report was made to the Senate. So that the report of the committee and the views of the minority were presented to the Senate on the 23d day of January.

At that time, as every Senator knows, the Senate was pressed with the consideration of matters of great moment; so that not only was there no disposition, but scarcely an opportunity to take up the Quay case at once; but it was taken up on the 26th day of February. On that day the member of the committee who made the report, the Senator from Tennessee [Mr. TURLEY], took the floor and occupied two days in the discussion of the case. On the 2d day of March the Senator from Massachusetts [Mr. HOAR] spoke. The Senator from Vermont [Mr. ROSS] addressed the Senate on the case March 3, the very next day. On March 5 the Senator from Montana [Mr. CARTER] addressed the Senate upon the case; on the 6th, the next day, the Senator from Oregon [Mr. SIMON] spoke; and on the 14th the Senator from Pennsylvania [Mr. PENROSE] called the case up and asked for its consideration. Then the Senator from Massachusetts [Mr. HOAR] asked for an agreement as to time when the case might be taken up and proceeded with; and on the 15th, by unanimous consent, it was agreed that the case should be taken up on the 3d day of April. That is the simple history of the case. So that, since the case was taken up at the request of the gentleman who reported it to the Senate, it has been considered from day to day whenever opportunity afforded.

Mr. PENROSE. Mr. President——

Mr. STEWART. I should like to inquire of the Senator from Michigan, when there is a unanimous-consent agreement to consider a case until its final termination, if it is not a violation of that agreement to ask to postpone it? I never have heard of it being done before, and I never have heard of it being tolerated before.

Mr. BURROWS. I say it is not a violation of the agreement; but if the Senator will kindly allow me to complete my statement, I shall be obliged to him.

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. The Chair understands the Senator from Michigan declines to yield.

Mr. BURROWS. I decline to yield for the present.

The PRESIDENT pro tempore. The Senator from Michigan [Mr. BURROWS] is entitled to the floor.

Mr. BURROWS. On the 15th of last month it was agreed by the Senate, at the request of the Senator from Massachusetts [Mr. HOAR], that this case should be set down for the 3d day of April. By unanimous consent that was agreed to. At that time, I will say to the Senator from Virginia [Mr. DANIEL], who has asked that a day be fixed for a vote, request was made to fix a day for a vote, but the Senator from Massachusetts declined to comply with the request, for the reason that at that time many Senators had not been heard who desired to speak and that the debate had not proceeded far enough to make such a request proper. This is the history of the case.

On the 15th of March, when an agreement was made to take the case up on the 3d of April, the Clark case was to be heard on the following Tuesday, a week ago yesterday, but unforeseen circumstances made it necessary to postpone the arguments on that case until yesterday. As I said before, we are now in the midst of the hearing of that case. We shall be ready to proceed with this case next week, and the Senator from New Hampshire [Mr. GALLINGER] will probably be prepared to speak to-morrow.

I reaffirm and reassert, intimations to the contrary notwithstanding, that there is no disposition whatever to delay the hearing of this case or a vote upon its disposition under the unanimous-consent agreement.

Mr. BERRY. Will the Senator from Michigan yield to me for a moment?

Mr. BURROWS. Certainly.

Mr. STEWART. I desire to call attention——

Mr. BERRY. The Senator from Michigan has yielded to me.

Mr. STEWART. But I want to call attention to the violation of a unanimous-consent agreement.

Mr. BERRY. The Senator may do that when I get through.

Mr. STEWART. Very well.

Mr. BERRY. Mr. President, the Senator from Colorado [Mr. WOLCOTT] is laboring under a wrong impression. As I understood his intimation, it was that certain Senators on the other side of the Chamber would probably oppose Mr. Quay because he had voted against what is known as the force bill. The Senator then used some language to the effect that if we had any gratitude on this side of the Chamber we would remember that circumstance. I think, Mr. President, a number of us have shown on various occasions that we did have gratitude to those on the Republican side of the Chamber who voted to defeat the force bill. We did certainly feel very grateful to the Senator from Colorado, who has just spoken, who made the motion which set aside that bill and brought up another for consideration, thereby defeating the force bill. That bill itself was never voted upon. It was pending here, and the Senator from Colorado made a motion to proceed to the consideration of the apportionment bill.

It was universally recognized that that was a test vote, and that if the motion of the Senator from Colorado carried it would kill the force bill. A vote was taken, and the Senator's motion was carried by a majority of one. The Senators on the other side of the Chamber who voted with us were the junior Senator from Colorado [Mr. WOLCOTT], the senior Senator from Colorado [Mr. TELLER], the Senators from Nevada [Mr. STEWART and Mr. JONES], the then Senator from Minnesota, Mr. Washburn, and the then Senator from Pennsylvania, Mr. Cameron. The then Senator from Kansas, Mr. Ingalls, was paired with the Senator from Iowa [Mr. ALLISON] on the same side of the question. Mr. Quay voted against the motion of the Senator from Colorado to set aside the force bill and to take up the apportionment bill.

I thought it was due that this statement should be made to the Senate, so that we on this side might not be accused of ingratitude in the matter.

Mr STEWART. I wish to call attention to the unanimous-consent agreement of the Senate. It seems to me that this is an open violation of it, which ought not to be continued. I read the unanimous-consent agreement, which is as follows:

> That on Tuesday, April 3, after the routine morning business, the Senate will proceed to the consideration of S. R. 107, declaring "that the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania," and continue its consideration from day to day until the final disposition of the same, subject to the consideration of appropriation bills, conference reports, the present unfinished business, and S. 2355, "In relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of September, 1898." (March 16, 1900.) Notice given by Mr. CHANDLER that he would not call up the foregoing resolution until Wednesday, April 4, at the same hour. (March 31, 1900.)

Now, we are here under this agreement, and a motion to postpone is in violation of the agreement.

Mr. GALLINGER. It has already been postponed for one day.

Mr. STEWART. It has not been.

Mr. GALLINGER. Certainly it has; from Tuesday.

Mr. STEWART. There was no vote at all to take it up, because the understanding was that it should not interfere with the Porto Rican bill, which had precedence over it. There was no postponement by any motion, but by force of the language of the agreement the unfinished business had precedence over it; but, subject to that precedence, it had the right of way day by day by the consent agreement, and such an agreement was never before openly violated in this body.

Mr. GALLINGER. Will the Senator permit me?

Mr. STEWART. Yes.

Mr. GALLINGER. Does the Senator seriously insist that a unanimous-consent agreement can not again be modified by unanimous consent?

Mr. STEWART. It may be by unanimous consent.

Mr. GALLINGER. That is all the Senator from Michigan [Mr. BURROWS] has asked. He has asked unanimous consent. He has made no motion.

Mr. BURROWS. I have made no motion.

Mr. STEWART. I object to any unanimous consent or any motion to put the Quay case out of the way. I insist on adhering to the unanimous-consent agreement already had.

Mr. PENROSE. Mr. President, I should like to interrogate the Senator from Michigan [Mr. BURROWS], if he will permit me. I should like to ask him whether, when he read the history of the progress made in the Quay case, he mentioned the resolution which I was compelled to offer in this Senate several weeks ago, in order to bring the matter up? I do not recall whether or not he mentioned that.

Mr. BURROWS. I do not know whether that occurred on one of the days I have mentioned. I have not the memoranda now at hand; but I referred to the Senator from Pennsylvania as making an effort to get up the Quay case; and I presume that was the occasion.

Mr. PENROSE. I remember the occasion. It was during the morning hour when, according to my recollection, there was no other business of any kind which could be interfered with by bringing the Pennsylvania Quay case up, in order that the Senator from Virginia [Mr. DANIEL] might have an opportunity to make a speech. I do not recall how the Senator from Michigan voted; but doubtless he exercised his privilege to advance the Quay case in every way in his power.

The PRESIDENT pro tempore. The resolution is before the Senate.

Mr. CHANDLER. Unless some Senator wishes to speak, I shall ask that the resolution go over until after the routine morning business to-morrow. I shall not now ask that a time may be fixed for voting upon the resolution, but will do so at a later stage. I give notice that I shall press this case for consideration as a question of the highest privilege until it is speedily disposed of.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the resolution go over until after the routine business to-morrow morning is completed. Is there objection?

Mr. STEWART. I object. I object to any postponement whatever, unless there can be unanimous consent to vote on some day. If there can be that consent, if we can fix on any day, however remote, when the vote can be taken, I shall not object.

Mr. CHANDLER. Mr. President, I shall never make any motion in reference to the consideration of a question of as high privilege as is this. I ask that it may go over, and I shall be very glad to turn over the management of the case so far as I am concerned to the Senator from Nevada [Mr. STEWART] if he thinks that he can get it voted on any quicker than I can.

Mr. STEWART. Will the Senator listen to me?

Mr. CHANDLER. Certainly.

Mr. STEWART. I desire to make a suggestion. I ask unanimous consent that the final vote may be taken on this case one week from next Tuesday, at 4 o'clock.

Mr. GALLINGER. That is objected to, Mr. President.

Mr. CHANDLER. I have no objection to it.

Mr. GALLINGER. I move that the further consideration of the resolution be postponed until to-morrow after the routine morning business.

Mr. STEWART. I object. That is in violation of the agreement.

Mr. CHANDLER. It is in violation of the unanimous-consent agreement, if that agreement is in existence; but I have no objection to terminating the unanimous-consent agreement, though I think the day far distant when the Senate of the United States will destroy the privilege that attaches to a question as to the right of a person to fill a vacant seat in this Senate. That agreement is not in force if a motion is made to postpone the Quay case without unanimous consent of the Senate.

Mr. STEWART. If it can be understood that this unanimous-consent agreement shall be restated, and that it shall commence to-morrow morning after the routine morning business, and shall not thereafter be further violated——

Mr. CHANDLER. I shall object to any new unanimous-consent agreement.

Mr. STEWART. Then I object to this entire proceeding.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. GALLINGER] moves that the further consideration of the resolution be postponed until to-morrow morning after the routine morning business is completed. The question is on that motion.

Mr. CHANDLER and Mr. STEWART called for the yeas and nays.

The yeas and nays were ordered.

Mr. CHANDLER. Mr. President, having asked that the resolution shall go over until to-morrow, and the motion is that it shall go over until to-morrow, I will withdraw the call for the yeas and nays.

I hope the senior Senator from Massachusetts [Mr. HOAR] will return within a day or two, when we can have a discussion of what the meaning of this unanimous-consent agreement is. We had a discussion yesterday afternoon which was not particularly beneficial, according to my observation, and I have no desire to renew it now; but I protest, as chairman of the Committee on Privileges and Elections, against any idea that the unanimous-consent agreement, if it exists, shall be broken in this way against the objection of any Senator; and I also protest against any attempt to deprive the question of filling a vacant seat in this Senate

of the high privilege which belongs to it at all times, unless it is disposed of by direct vote of the Senate.

Mr. JONES of Arkansas. Before the Senator takes his seat, I should like to call his attention to a part of the debate which occurred at the time the unanimous consent was granted. I hope the Senate will, in perfect good faith, carry out the unanimous-consent agreement as it was understood, and distinctly understood, at the time it was made. I ask the President of the Senate to have read the question addressed to the Chair by the Senator from Maine [Mr. HALE] and the answer of the President of the Senate, which was clearly a part of the unanimous-consent agreement at the time it was made, and which clearly shows that the motion of the Senator from New Hampshire [Mr. GALLINGER] is not in any sense a violation of the unanimous-consent agreement. I ask the Chair to have that paragraph read.

The PRESIDENT pro tempore. The Secretary will read as requested.

Mr. GALLINGER. Mr. President, under that agreement it would be quite in order that any Senator should make a motion to indefinitely postpone this resolution, to postpone it for one month, for three months, or for six months. Every subsidiary motion known to parliamentary law was explicitly reserved.

Mr. JONES of Arkansas. There is no question about that.

Mr. BURROWS. Let it be read.

Mr. CHANDLER. Then what becomes of the continuous consideration?

Mr. GALLINGER. It ends.

Mr. CHANDLER. If you can have the continuous consideration of a subject and postpone it by just as many motions as any Senator chooses to make, your agreement is destroyed.

Mr. STEWART. Mr. President——

Mr. JONES of Arkansas. Mr. President, I will not yield further. I have the floor.

Mr. STEWART. In view of the circumstances I will withdraw my objection and let the matter go over until to-morrow morning.

Mr. PENROSE. I understand the Senator from New Hampshire [Mr. GALLINGER] will be prepared to speak to-morrow, and I think it would be better for the resolution to go over by unanimous consent.

Mr. STEWART. I consent.

The PRESIDENT pro tempore. Is there objection to the resolution going over until to-morrow? Does the Senator from New Hampshire withdraw his motion?

Mr. GALLINGER. I think I will, under the circumstances; and I shall exercise my right to speak to-morrow as I would have done if this discussion had not taken place. I will not speak because somebody has suggested that I ought to speak.

The PRESIDENT pro tempore. Without objection, the resolution will go over until to-morrow after the routine morning business.

Mr. ALLEN. I ask unanimous consent to call up Senate bill 2053.

Mr. LODGE. Before the bill is taken up, will the Senator from Nebraska yield to me for one moment?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. ALLEN. I yield.

Mr. LODGE. I will give way in one moment to the Senator from Nebraska.

Mr. President, the Pennsylvania case having been put over until to-morrow I desire simply to say that at 2 o'clock——

Mr. BURROWS. To-day.

Mr. LODGE. Two o'clock to-day I shall move to take up Senate bill 2355 and make it the unfinished business. What the correct interpretation of the unanimous-consent agreement is I do not pretend to say, but I think it must be plain to everyone that Senate bill 2355 is excepted, and that I am not breaking the unanimous-consent agreement if I move to take it up and make it the unfinished business, which is all I desire to do. I have not the remotest intention of using that bill, when it becomes the unfinished business, to interfere with the continuous consideration of the Quay case, which I understand was the primary point of that agreement, by which I hope to abide strictly.

Moreover, Mr. President, if nobody is ready to proceed upon the Philippine bill, I shall be very glad to yield to the Senator from Montana [Mr. CARTER] to go on with the Alaska bill, the consideration of which I think ought to be completed at the earliest possible moment. I have no intention, and I had no intention, of using this bill in any way to obstruct. I desired simply that it should have the position which I understood it was entitled to under the unanimous-consent agreement.

I should like to add, Mr. President, before I take my seat that no explanation so far as I am personally concerned was needed from the Senator from Colorado [Mr. WOLCOTT]. I never should have suspected that he would make any personal reflection upon me; and I desire to say on my own part that whatever in the heat of the moment I may have said last night which may have seemed to imply that the unanimous-consent agreement was broken, or that any Senator intended or thought of breaking it, was said perfectly unintentionally and without meaning in any way to make such an implication against any Senator. Some of us interpret its meaning differently, but I believe there is but one desire in the Senate, and that is to live up strictly to a unanimous-consent agreement once entered into as this one was.

JOSEPH M'GRAW.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (S. 2053) to remove the charge of desertion from the name of Joseph McGraw.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 8, after the word "rebellion," to insert:

Provided, That no bounty, pay, or allowance shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the name of Joseph McGraw, late a member of Company I, Eighty-second New York Infantry Volunteers, and grant the said Joseph McGraw an honorable discharge, to date from the close of the war of the rebellion: *Provided*, That no bounty, pay, or allowance shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I move that the Senate proceed to the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The motion was agreed to.

THE NICARAGUA CANAL.

Mr. MORGAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Alabama?

Mr. CARTER. I yield to the Senator from Alabama.

Mr. MORGAN. I desire, inasmuch as I am chairman of the Committee on Interoceanic Canals, to call up that bill which has been reported for some time past and is on the Calendar, with a view of asking the Senate to fix a day for its consideration. I do not expect to press the canal bill if it is taken up this morning, but I desire to call it up for the purpose of having a day fixed for its consideration. My reason is that I expect to be absent from Washington for perhaps ten or fifteen days on business that is personally important to myself, and I do not feel at all disposed to leave this body under any circumstances or for any reason in the world while that great measure is upon the Calendar and not disposed of. I will, therefore, ask the Senate to take up the bill with a view of allowing me to ask that a day be fixed for its consideration as the regular order of business.

The PRESIDENT pro tempore. Does the Senator from Montana yield for that purpose?

Mr. CARTER. For the purpose of enabling the Senator from Alabama to address the Senate?

Mr. MORGAN. I do not wish to address the Senate. I merely wish to get the bill up and to ask the Senate to fix a day for its consideration as the regular order.

Mr. CARTER. I yield to that request, provided it does not lead to extended debate.

Mr. MORGAN. There will not be any debate about it.

Mr. CARTER. I will then ask that the Alaska bill be temporarily laid aside for the purpose of the request of the Senator from Alabama. I do not wish, however, to be understood as yielding the floor or the place of this bill, but simply that it be set aside for a statement.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the bill known as the Nicaragua Canal bill be laid before the Senate. Is there objection?

Mr. MASON. I object. I rise for a matter of inquiry. I desire to do all I can to assist in the passage of the Nicaragua Canal bill, but before it is taken up and disposed of I should be glad to be informed whether any action is to be taken on the treaty. I desire to know whether it is to be a bill to be passed under this treaty or whether the Senator expects to get a vote before the adoption or rejection of the treaty.

Mr. MORGAN. The day which I propose to suggest for the consideration of the canal bill will give ample time for the consideration of the treaty, if the Senate thinks it is best to consider and dispose of the treaty first. I will say, however, that the frame of the canal bill is not in the way of the provisions of that treaty. The canal bill was reported some time before the treaty was negotiated and concluded, and the two measures are not in the slightest degree in conflict, in my opinion; but I desire to have

a day fixed for the consideration of the canal bill that will give ample time for the Senate to consider the treaty in advance, if they propose or prefer to do so. I do not care myself to undertake to give a preference to either measure over the other.

Mr. MASON. I beg the Senator's pardon. I can not hear him. Therefore I can not tell when he gets through. I do not want to interrupt him.

Mr. MORGAN. I have stated, and I will repeat it to the Senator from Illinois, that personally I have no preference in respect of these measures—none whatever. I propose to ask the Senate to fix a day for the consideration of this bill which will give ample time for the consideration of the treaty, if the Senate is disposed to consider that measure in advance of action upon the canal bill. But I further stated that the bill, which the committee reported some time before the treaty was negotiated, contains such language as would make room for the treaty if the Senate chooses to ratify that instrument.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the bill known as the Nicaragua Canal bill be laid before the Senate, in order that he may make a request. Is there objection?

Mr. MASON. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. MASON. I could not understand from what I could hear of the statement of the Senator from Alabama whether he expects to press the matter to a hearing. I hope the Senator can hear me, whether I could hear him or not.

Mr. MORGAN. I can hear the Senator from Illinois with great distinctness.

The PRESIDENT pro tempore. The matter is not before the Senate.

Mr. MASON. I have the floor, I understand, and I wish to make a personal explanation. Does the Presiding Officer wish to take me off the floor?

The PRESIDENT pro tempore. The Senator from Illinois can proceed by unanimous consent, but not otherwise.

Mr. MASON. The Chair——

Mr. CARTER. Since the matter is leading to debate and an objection has been interposed by the Senator from Illinois, I call for the regular order.

Mr. MASON. I was making a personal explanation.

The PRESIDENT pro tempore. When an objection is made, that is the end of the matter where it requires unanimous consent.

Mr. MASON. Then I ask unanimous consent——

The PRESIDENT pro tempore. The matter is not before the Senate.

Mr. MASON. I ask unanimous consent for one minute to explain to the Senator from Alabama that I could not hear all of his request, and I do not wish him to understand that I shall oppose the Nicaragua Canal bill. I wish to be put right before my own people, who favor this bill. So far as I can learn, they are not in favor of a Nicaragua Canal under the treaty and under the terms of the treaty which has been negotiated by the State Department and sent to the Senate of the United States. Whether they will favor the treaty as proposed to be amended by the committee I am not advised. I simply object to taking it up in any way until I can have information whether it is to be an American canal or a canal to be controlled, as I think, by the greatest naval power in the world. I object for that reason.

Mr. MORGAN. Can I have the consent of the Senate to make myself understood to the Senator from Illinois?

Mr. MASON. The Senator can get unanimous consent, I have no doubt.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Alabama will proceed.

Mr. MORGAN. I propose to call up the bill this morning for the purpose of having a day fixed for its consideration.

Mr. JONES of Arkansas. The canal bill.

Mr. MORGAN. The canal bill, and not the treaty; and I propose to give no preference, so far as I am personally concerned, either to the treaty or to the bill, one over the other. What I want to do is to have action of this body taken, and I propose, with the consent of the Senate, to have a day fixed for the consideration of this bill so far distant that the Senate can either dispose of the treaty or not, at its pleasure, before that time arrives. But I stated at the same time that the provisions of this canal bill are not in conflict, in my judgment, with the provisions of that treaty. Now I hope the Senator from Illinois understands me.

Mr. MASON. I object to taking the bill up in any way.

Mr. CARTER. I call for the regular order.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The PRESIDENT pro tempore. The bill is in the Senate as in Committee of the Whole and open to amendment. No amendment is pending, the Chair understands.

Mr. CARTER. The pending amendment, as I understand, is the amendment presented by the Senator from North Dakota [Mr. HANSBROUGH], proposing to strike out and insert as indicated in the amendment.

Mr. STEWART. I should like to make a request of the Senator in charge of the bill. There are parties on their way from California who are very deeply interested in the amendment of the Senator from North Dakota, and also the amendment of the Senator from Montana, with regard to mining and the orders given by the Secretary of War. I myself think these matters had better be considered further, for fear of doing great injustice; and I ask that neither of these matters be acted upon to-day, so that we may have a little more time and so that the gentlemen I refer to can get here. They will be here to-morrow or the next day. It will take but a short time, because, I presume, when we understand it we will all arrive at an agreement without controversy. The other matters in the bill can be disposed of, and when the mining matter is called up we will have an understanding, probably, with regard to it.

Mr. CARTER. I have no disposition to debar anyone having an interest in the proposed legislation from the right of being heard. I do not know of any other amendment pending, save the one presented by the Senator from North Dakota, which is one of the amendments referred to by the Senator from Nevada. It is the desire of all Senators to promptly dispose of this bill. Its importance, independent of the subject-matter of the amendments referred to by the Senator from Nevada, warrants us in urging that the bill be passed at the earliest possible date. If other amendments are to be presented for consideration to-day I will have no objection to passing over until to-morrow the amendments referred to by the Senator from Nevada; and I therefore suggest that if other amendments are called for by the Chair they may be presented now.

Mr. HANSBROUGH. I desire to offer a modification of the amendment which I proposed to section 73. I propose to strike out the second word in the proposed amendment, the word "alien," and insert the following:

SEC. 73. That persons who are not citizens of the United States, or who prior to making location had not legally declared their intention to become such, shall not be permitted to locate, hold, or convey mining claims in said district of Alaska; nor shall any title to a mining claim acquired by location or purchase through any such person or persons be legal.

This is the modification I propose. I also propose to add a proviso at the end of the proposed amendment. I ask that the amendment may be read at the desk.

Mr. STEWART. Does the Senator from North Dakota propose to press the amendment now or have it go over until to-morrow?

Mr. CARTER. I understand the Senator from North Dakota simply desires to perfect the amendment offered by him; and to that there is no objection. It will not come to final disposition to-day.

Mr. STEWART. Let it be read, so that we can understand it.

The SECRETARY. It is proposed to amend section 73, on page 469, so as to read as follows:

SEC. 73. That persons who are not citizens of the United States, or who prior to making location had not legally declared their intention to become such, shall not be permitted to locate, hold, or convey mining claims in said district of Alaska, nor shall any title to a mining claim acquired by location or purchase through any such person or persons be legal. In any civil action, suit, or proceeding to recover the possession of a mining claim, or for the appointment of a receiver, or for an injunction to restrain the working and operation of a mining claim, it shall be the duty of the court to inquire into and determine the question of the citizenship of the locator: *Provided*, That no location of a mining claim shall hereafter be made in the district of Alaska by any person or persons through an agent or attorney in fact, and all locations heretofore made by any person or persons through an agent or attorney in fact upon which $100 worth of labor or improvements had not been expended or made within ninety days first succeeding the date of such location are hereby declared to be null and void.

Mr. HANSBROUGH. I will state, for the information of the Senate, that the proviso just read was suggested to me by the Senator from Nevada.

Mr. STEWART. Not in that form. I suggested claims upon which a hundred dollars' worth of work shall not have been made for three months after the passage of this act, giving them an opportunity to do the work. That was my suggestion.

The PRESIDENT pro tempore. The amendment will be printed.

Mr. STEWART. I suggest that it be printed and lie on the table until to-morrow.

The PRESIDENT pro tempore. The amendment has already been ordered to be printed. It will lie on the table.

Mr. PLATT of Connecticut. Before this subject passes from the consideration of the Senate, I should like to ask a question of the Senator from North Dakota; and I premise that question by saying I suppose that some portion of the gold-bearing region of Alaska adjoins the gold-bearing region of British Columbia. I should like to inquire what regulations are made in British Co-

lumbia in relation to American miners who go there to take up claims?

Mr. HANSBROUGH. I have here a letter or a part of a letter which will explain and answer the question asked by the Senator from Connecticut, and with the indulgence of the Senate I will have it read at the desk, to show how American miners, when they get into foreign territory, are treated.

Mr. JONES of Arkansas. What is it?

Mr. HANSBROUGH. It is an extract from a letter which I received a few days ago from a gentleman who has had some experience in Canada in mining matters, and it covers the subject so thoroughly that I think it will completely answer the question asked by the Senator from Connecticut. I ask that it be read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Your amendment as a substitute for section 73 will be enthusiastically indorsed by every American miner, and by ninety-nine hundredths of all Americans throughout the West. On behalf of several thousand American miners I called the attention of Secretary Hay to the infamous retroactive alien law passed by the British Columbian parliament a year ago last January. Early in August, previous to the passage of this act, several thousand American miners went into a wild and unexplored region of British Columbia, discovering and locating a large number of placer mines on creeks, benches, and hills. We took out "free miners' licenses" for the term of one year, and paid many thousands of dollars into their public treasury.

Under one frivolous pretext and then another they postponed, delayed, and refused to record a large proportion of the claims that were staked, but the recorder assured the miners that their rights would be protected until the open season (the following June). But when we got back next spring, after traveling thousands of miles and spending a large amount of money, we found that we had no rights that these Canadians felt bound to respect. Although the miners' licenses, for which we paid $5, gave us the right to "prospect, locate and mine anywhere in the province of British Columbia for the term of one year," they repudiated their contracts, and flatly refused to allow us to "locate, buy, or hold through a British subject as trustee or agent." They obtained our money under false pretenses and they have got it yet. I told Secretary Hay in my letter that it was highway robbery pure and simple; that it was the most infamous outrage ever perpetrated by a civilized nation upon the citizens of a neighboring country. And had a like number of British subjects received the same treatment from any other nation, there would have been a prompt settlement or an immediate declaration of war.

The mining district to which I refer is now called the Atlin district, and it was for the express purpose of driving out the American from this district that the infamous retroactive law was passed; and with the aid of heavy taxation and annoying litigation they have in a great measure succeeded.

For forty years they have mined on American soil without let or hindrance, and now own many of the richest gold and silver mines in America, and this is the way that greedy nation of land pirates shows its gratitude for our kindness in allowing them to carry off hundreds of millions of gold and silver from our own soil.

Would to God that every Senator and Member of Congress could fully understand all the facts, and fully realize all the burdens the poor American miners have to bear under British rule.

I have spent several years in Alaska, British Columbia, Northwest Territory, and I assure you that the feeling amongst Americans is intensely bitter against the two Governments on account of the oppressive laws under which they have to live. The English nation has no sense of right. Fear is the only power that will govern them. We should strike back, and strike hard.

Mr. PLATT of Connecticut. I hardly think the letter answers fully the inquiry which I made, and it seems to me that it is a very important matter which is touched upon in the proposed amendment. I know that it is not before the Senate, but, as I have understood, a great many American citizens have been digging gold on British soil for several years. I do not know to what difficulties they have been subjected, but in some way I think it is true that our citizens have been seeking gold on British soil and have been accumulating gold from British soil. Now, it becomes rather a delicate matter under those circumstances, as it seems to me, to prescribe that nobody but an American citizen shall be permitted to locate claims in Alaska. Of course if we do that, the British Government, in the way of retaliation, will say that no American citizen shall locate any claim upon British soil.

I have not investigated this matter at all, but I think we ought to be fully informed as to the action of the British or Canadian government when application is made by American citizens for the opportunity to mine gold on Canadian soil. I think we ought to be fully in possession of all the facts, and that was my only reason for asking the question at this time, that those who favor the amendment might, when it comes up for consideration, be able fully to inform the Senate on that subject.

Mr. CARTER. Mr. President, it seems quite as well, in view of the presentation of the Senator's question, to make an explanation at this time on the subject-matter of his inquiry.

The Canadian government allows American citizens to take out what they call a miner's license, the full designation being a free miner's license. I do not know that there is any variation in the respective districts as to the amount to be paid for this license, nor is it material. The amount usually collected for the license is the sum of $5 per annum. This license permits the miner who holds it to explore, locate, and hold mining claims within the dominion of the Northwest Territory and British Columbia.

The laws of the United States have never permitted an alien to locate a mining claim upon the public domain. The laws of the United States which have been in force in Alaska for many years with reference to mining claims do not permit the location of a mining claim by an alien in the district of Alaska. Having regard, however, for the conditions which exist in Alaska, particularly upon the vague and indefinite boundary line between British Columbia and Alaska, Congress at its last session passed a section of a law which provided that the Secretary of the Interior should be and was authorized to extend to native-born citizens of the Dominion of Canada equal rights and privileges with American citizens in the district of Alaska upon the same basis accorded to our citizens in British Columbia and the Northwest Territory. That authority is at present vested in the Secretary of the Interior. The purpose of that section of the law was to facilitate a reciprocal arrangement between miners passing back and forth over the ill-defined line of division between our own territory and the territory of British Columbia.

In addition to the amount of $5 per annum of an annual free miner's license tax, the parliament of British Columbia has likewise levied a 10 per cent royalty tax upon the gross output of all the mines held by our people in British Columbia. The Secretary of the Interior——

Mr. SPOONER. Will the Senator from Montana allow me to interrupt him?

Mr. CARTER. If the Senator will permit me to finish the sentence I will yield. The Secretary of the Interior would therefore at the outset be required, in order to reach something of a reciprocal relationship between the people of the Dominion and the people of this country, to secure a repeal by British Columbia of their law requiring this 10 per cent royalty; likewise the levying of the miner's license tax. The Secretary might probably under his authority require the payment by resident citizens of Canada of the $5 license tax, but it would scarcely comport with our general policy to undertake the collection of the royalty they provide.

Since the passage of the law in the last Congress no effort has been made by the authorities of the Canadian government or of British Columbia to attempt to relieve conditions by relaxing rules or laws requiring the payment of the license tax or the royalty to which I have referred.

I will now yield with pleasure to the Senator from Wisconsin.

Mr. SPOONER. I simply desire to ask the Senator from Montana if under the laws of the Dominion the American miner is treated differently from the Canadian miner. In other words, the American miner takes out a license to mine. Does not the Canadian do the same thing?

Mr. CARTER. I am not advised upon that point, nor am I prepared to state that the royalty is not required to be paid by the Canadian miner, just as the royalty is paid by the American miner.

Mr. SPOONER. That is the question I was about to put to the Senator.

Mr. TELLER. If the Senator will allow me, I will suggest that in some portions of British America the miner takes out his license. I think, as to the provision for royalty, there was a special provision put upon the American miner by a special act. I do not think it was in force in that section of British Columbia where I have been a couple of times amongst the miners. I never heard of any royalty being paid there, but every American and every Canadian who mined had to take out a license paying, as the Senator states, $5.

I want to suggest to the Senator that, while we have had a law that excluded foreigners, it has always been construed in mining laws, so far as I know, that whenever a man had made his application for first papers he came within the rule and could take title; and the courts have held also, in one or two instances I know, that nobody could raise the question about a man's right to take a claim except the Government of the United States; and that if he took a claim and somebody disputed his right to do it, he would not have a standing in court to do that; so that foreigners have actually mined, to my personal knowledge, to a very large extent in this country, sometimes going to the trouble to have the title put in some other name, but sometimes not.

Mr. STEWART. I ask the Senator from Montana if it is the understanding that these matters with regard to the mines shall lie over until to-morrow?

Mr. CARTER. I have no desire, as I previously stated, to press the amendment for final disposition to-day.

Mr. STEWART. I suggest, then, that the amendment of the Senator from North Dakota be printed, and that the matter with regard to mines shall lie over until to-morrow.

The PRESIDENT pro tempore. That order has been made some time ago. The bill is in the Senate as Committee of the Whole and open to amendment.

Mr. BERRY. Mr. President, I should like to call the attention of the Senator from Montana to the amendment that was adopted upon his motion a few days ago in regard to Cape Nome mining. There was no provision made in regard to the 60-foot road that was reserved by act of Congress in 1898. I think that the road is right at high tide along the coast. Congress by an act reserved that for a roadway. I am informed that the Interior Department holds that, under that reservation, no mining can be permitted

there while that reservation remains. It seems to me that that ought to be subject to the same regulation which is made in the Senator's amendment in regard to the land below high tide. I therefore would ask him to amend his amendment so as to include that, adding thereto "and the 60-foot reservation made by the act of Congress approved May 14, 1898," which will make that subject to exactly the same rules and regulations which are provided for the other.

Mr. CARTER. Mr. President, the act of Congress referred to by the Senator from Arkansas provided for a reservation of 60 feet parallel with the shore line for a roadway through lands entered under that act. I do not think that by any reasonable construction that reservation can be supposed to extend to lands not entered under the particular act to which the 60-foot reservation refers. The Department of the Interior, however, is said to take a different view and to contend that the 60-foot strip reserved for road purposes in that act extends around the entire shore line of Alaska. If that construction is to be adhered to, I suggest to the Senator from Arkansas that it would be far better to restrict the application of the 60-foot strip by providing that it should not apply to lands entered under the town-site law or to lands entered under the mining laws of the United States.

I have consulted with the Assistant Attorney-General for the Interior Department with reference to this matter, and he intimated that the Department would hold that the 60-foot reservation referred to would extend around the entire coast. For the purpose of preventing that extension, which was manifestly not intended, he suggested that the better plan would be to specifically limit the roadway referred to to the lands entered under the act of Congress in which this reservation is embodied.

There was a special reason for this reservation of a roadway in the act we then had under consideration. That act related to the entry of lands under the homestead law, and likewise for trade and commerce. We provided in the act that all lands entered along navigable streams or along the seashore should be confined to 80 rods in length along the line of the navigable water or seashore and that a space 80 rods in length should be reserved by the United States from sale for the use of the public.

Further still, it was provided that through these tracts of land entered for purposes of trade and commerce a 60-foot roadway should be reserved, the purpose of that reservation being to prevent the large canning and other establishments that were contemplating the entry of land under the act from constructing fences, buildings, or other obstructions from the shore of the sea to the cliff near by, and thus preventing passage from one point to another up and down the coast.

This reservation would not have been necessary had there existed in Alaska any legislative authority whereby roadways might be condemned or provided for. It was inserted as a precautionary measure to prevent persons with single holdings from obstructing travel along the coast. In a mining region where inclosures and structures form no part, or a very trifling part, of improvement incident to the development of the country, the reason for the reservation ceases to exist.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the Calendar under Rule IX.

Mr. LODGE. I move to take up Senate bill 2355.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of a bill which will be read by title.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

Mr. LODGE. I ask that the bill may be temporarily laid aside, so that the consideration of the Alaska bill may be continued.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the bill may be temporarily laid aside, and that the Alaska bill be permitted to occupy the time. Is there objection? The Chair hears none.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

Mr. CARTER. Mr. President, the reason for the form of amendment suggested by the Assistant Attorney-General is further borne out by reference to the inconvenience and difficulty incident to the enforcement of this particular reservation in the case of town sites. It seems that a case is now pending before the Department wherein it is contended that owing to this reservation of a 60-foot strip of land parallel with the coast the town site can not be extended down to mean high-tide line; that this 60 feet of reserved land must intervene between mean high-tide line and the line of the town site.

The obvious disadvantage in such a reservation must appear to all. It would be quite impossible for persons desiring to extend the sewerage system of the town or city down to the sea to do so without coming to Congress for special permission to cross the 60 feet of reserved land intended for a roadway.

I think, in view of the suggestions made, that the amendment of the Senator may for the time being be passed over, to the end that he may examine the amendment presented by the Assistant Attorney-General.

Mr. BERRY. Mr. President, the House of Representatives passed a bill providing for the opening of this roadway for mining purposes the same, or practically the same, as the amendment offered by the Senator from Montana the other day, which was agreed to.

I have had a conference with the chairman of the House Committee on Public Lands, Mr. LACEY, and we think that it is especially important that that 60 feet reserved for a roadway should be opened up to the miners the same as the other gold-bearing lands in the amendment that has already been agreed to. I have been informed that certain parties who had adjoining land claimed that they were entitled to whatever gold might be found within this 60-foot roadway which had been reserved, but the Interior Department hold that this reservation takes it out from under the mineral laws, and that no one under the present reservation can get any right or engage in mining on that particular point.

I am also informed that probably it is the most valuable part of the whole land there for mining purposes. It seems to me that that ought to be opened up for purposes of mining, subject to the same rules, to be made by the miners, not inconsistent with the general laws of the United States. I can see no reason why these miners should be debarred from working that 60 feet for the purpose of obtaining gold that would not apply to the remainder of the gold-bearing lands there upon the seashore.

Now, as to what particular wording will do that, we had agreed on an amendment which simply inserted in the amendment heretofore agreed to by the Senate, after the word "United States," in line 3, "and the 60-foot reservation made in the act of Congress approved May 14, 1898," so that would put it precisely in the same situation as the other and the miners would have the same opportunity there. I think that is just.

The Senator from Colorado [Mr. TELLER], as I understand him, says that this roadway extends along the whole coast; but I think if the amendment was inserted where the Senator states it would only apply, as his amendment applied, to that part of it as described along the Bering Sea. I can see no objection to it. I can see no reason why they should not be permitted to work that roadway for mining, subject to the same rules as in the other case. That is all I have to say. I am willing that it shall be passed over.

Mr. CARTER. I suggest that the amendment be printed and lie on the table with other amendments until we shall reach that section for final disposition.

Mr. BERRY. Then I will ask the Secretary to insert after the words "United States," in the third line of the amendment which was agreed to by the Senate—to insert that which is written in red ink on the print which I send him, and that it be printed.

Mr. CARTER. As no other amendment seems to be pressed at this time——

Mr. SPOONER. I should like to ask a question relating to the amendment offered by the Senator from North Dakota [Mr. HANSBROUGH].

Mr. CARTER. Certainly.

Mr. SPOONER. I should like to ask the Senator if it is true that at the time the Laplander claims, as they are known, were located in Alaska an alien could not under the law there in force locate a mining claim in Alaska?

Mr. CARTER. The mining law of the United States, under which all locations are made, and no other law exists, provides that the public domain of the United States shall be open to exploration and location under the mining laws by citizens of the United States or persons who have declared their intention to become such.

Mr. SPOONER. Yes; I know that.

Mr. CARTER. Under that section of the law it is inconceivable that an alien can make a valid location. It has been held, however, I will state to the Senator, that the question of the right of the alien, or the question of his citizenship, can only be raised by the Government of the United States.

Mr. SPOONER. That is in the case in 152 United States Reports?

Mr. CARTER. In 152 United States, the case of Manuel against Wulff. In that case it was held, admitting that the locator was

an alien at the time the location was made, that he having, during the progress of the trial, offered to declare his intention and, the offer being accommodated by the court, did declare his intention, thereby relieved himself from the embarrassment of the alienage and validated the claim.

Mr. TELLER. To what case does the Senator refer?

Mr. CARTER. The case of Manuel against Wulff.

Mr. SPOONER. Manuel against Wulff, in 152 United States. I shall not probably be able to be here to-morrow, but I want to bring to the attention of the Senator this phase of the amendment for a moment. Of course the general policy which shall be adopted, or ought to be adopted, as to permitting aliens to locate mining claims in our domain is one thing, and that depends upon considerations apart from the matter to which I desire for a moment to speak. I have always supposed that as an imaginary line divides our domain from Canada we should permit the subjects of Great Britain in Canada or the Canadians to exercise as to the acquisition of mining rights at least the same privileges and rights which over the line our citizens were permitted to acquire and exercise in the Dominion of Canada.

There is some dispute here as to the facts. I am informed by a very accurate and able lawyer, in whom I have the profoundest confidence, and who I know well, Judge Burke, of Seattle, to whom I put the question in the interest of some constituents of mine, that in the district of Yukon "free miner," it is regarded by law, shall mean a male or female over 18; that there is no limitation whatever as to citizenship, and that the royalty of 10 per cent levied on all miners applies to the Canadian who has obtained a mining license just as it applies to the American who has obtained a mining license.

But I do not care to discuss that point. This is the phase of this matter that I wish to bring to the attention of the Senate and of the Senator for a moment. The amendment provides:

That aliens shall not be permitted to locate, hold, or convey mining claims in said district of Alaska—

That is a matter of general policy—

nor shall any title to a mining claim acquired by location or purchase through an alien be legal.

I have constituents who in perfect good faith purchased for valuable consideration claims located by what are called the Laplanders, not many perhaps, but who have expended money in the improvement of the mines, and I do not see any reason why Congress should pass a law destroying those conveyances. I believe it can be demonstrated that the Laplanders were entitled under the laws that then existed to make the location. At any rate, they were entitled, it has been decided by the Supreme Court, if at the time they made the location they were disqualified by alienage, to remove it by declaring before the final adjudication of the claim their intention to become citizens of the United States.

I hardly think that it would be deemed a fair proposition to put into the statute a provision that claims acquired in perfect good faith by American citizens through conveyance from the Laplanders should be by act of Congress invalidated. I want to be heard on this proposition. Is it to come up to-morrow?

Mr. CARTER. It is coming up to-morrow, I understand.

Mr. SPOONER. Do you expect to get through with this bill to-morrow?

Mr. CARTER. It is hoped that we can finish it to-morrow. There are only two amendments likely to involve any discussion.

Mr. SPOONER. Then I shall have to be here to-morrow.

Mr. CARTER. Mr. President, I was about to state, at the time the Senator from Wisconsin took the floor, that certain Senators desire to present amendments, but are not now prepared to do so. The pending amendment Senators desire shall go over until to-morrow; and in view of this state of facts, I suggest that the bill be laid aside. I yield to the Senator from Indiana [Mr. FAIRBANKS].

Mr. FAIRBANKS. I move that the Senate proceed to the consideration of executive business.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER (Mr. BURROWS in the chair). The question is on the motion of the Senator from Indiana.

Mr. WARREN. I rose to offer an amendment to the bill which I have been waiting patiently for some days to offer. Of course I do not mean to obstruct business, but I have amendments which have been printed, and have been pending before the body for some days, which I should like action upon at some time.

Mr. FAIRBANKS. In view of the wishes of the Senator, which I was not aware of before, I will withdraw the motion so that he may submit his amendments.

Mr. WARREN. I will permit the matter to go over until to-morrow morning and will not press it further, if the Senator in charge of the bill thinks we shall have an opportunity to consider the bill to-morrow.

Mr. CARTER. That is the understanding.

EXECUTIVE SESSION.

Mr. FAIRBANKS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and forty minutes spent in executive session the doors were reopened.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE BLAND.

Mr. COCKRELL. I desire to announce that on next Tuesday memorial addresses will be delivered on the late Representative BLAND, of Missouri.

NOTICE OF EXECUTIVE SESSION.

Mr. DAVIS. I desire to announce that to-morrow, at the earliest time practicable, I shall move an executive session for the purpose of considering treaties.

INDIAN APPROPRIATION BILL.

Mr. THURSTON. I desire to announce that, on account of the absence of some Senators who are members of the Committee on Indian Affairs, the consideration of the Indian appropriation bill has been somewhat delayed; but I shall ask to-morrow at the first opportunity to proceed with its consideration.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. The Senator from Montana [Mr. CARTER] informs me that he does not care to continue the consideration of the Alaska bill this afternoon, and so I ask unanimous consent that for three-quarters of an hour unobjected pension cases on the Calendar may be considered.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that three-quarters of an hour may be devoted to the consideration of unobjected pension cases on the Calendar. Is there objection? The Chair hears none, and the first pension case on the Calendar will be stated.

MARY A. COLHOUN.

The bill (S. 3619) granting a pension to Mary A. Colhoun was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Navy," to insert "and pay her a pension;" in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Colhoun, widow of Edmund R. Colhoun, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary A. Colhoun."

JAMES S. JORDAN.

The bill (H. R. 4047) granting an increase of pension to James S. Jordan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Jordan, late of Company I, Ninetieth Regiment New York Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN LANDEGAN.

The bill (H. R. 6161) granting an increase of pension to John Landegan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Landegan, late of Company D, First Connecticut Volunteer Infantry, and Company C, Second New York Volunteer Cavalry, and also chief of scouts for Third Cavalry Division and for the Cavalry Corps, Army of the Potomac, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH C. SMITH.

The bill (H. R. 7264) granting a pension to Hannah C. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah C. Smith, stepmother of Edward C. Smith, late of Company G, Sixty-eighth Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month.

Mr. GALLINGER. I move to amend, in line 6, before the word "stepmother," by inserting "dependent."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SAMUEL HANSON.

The bill (H. R. 5503) granting an increase of pension to Samuel Hanson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Hanson, late sergeant-major Twenty-ninth Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALISTA F. HALL.

The bill (H. R. 2681) granting an increase of pension to Calista F. Hall was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Calista F. Hall, widow of Joseph S. Hall, late first lieutenant in Company E, Fifteenth Regiment Vermont Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS H. GEIN.

The bill (H. R. 2865) granting an increase of pension to Louis H. Gein was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis H. Gein, late second lieutenant in Company F, Fifty-fifth New York Volunteer Infantry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. CALVIN.

The bill (S. 3536) restoring to the pension roll the name of Mary J. Calvin was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Mary J. Calvin, widow of Joseph A. McIlvain, late of Company H, Eighty-second Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUCINDA D. DOW.

The bill (S. 3306) granting an increase of pension to Lucinda D. Dow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twelve;" and in line 9, after the word "receiving," to insert "with $2 per month additional on account of her minor child;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda D. Dow, widow of Simon B. Dow, late of Company C, Twenty-seventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, with $2 per month additional on account of her minor child.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MOSES KING, JR.

The bill (S. 3206) granting an increase of pension to Moses King, jr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses King, jr., late of Company K, Seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARA H. INCH.

The bill (S. 1593) granting an increase of pension to Clara H. Inch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Inch," to strike "deceased;" in the same line, after the word "late," to strike out "admiral" and insert "commodore;" in line 7, before the word "her," to strike out "grant" and insert "pay;" in line 8, before the word "month," to strike out "a" and insert "per;" and in line 9, before the word "she," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara H. Inch, widow of Philip Inch, late commodore, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA PAULDING MEADE.

The bill (S. 1907) granting an increase of pension to Rebecca Paulding Meade was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "pay," to strike out "to;" in line 8, after the word "dollars," to strike out the article "a" and insert "per;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Paulding Meade, widow of Rear-Admiral Richard W. Meade, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC M. SHUP.

The bill (S. 1822) granting an increase of pension to Isaac M. Shup was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "a sergeant in" and insert "of:" in line 7, before the word "Illinois," to insert "Regiment:" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac M. Shup, late of Company K, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE G. KEMP.

The bill (S. 1226) granting a pension to George G. Kemp was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George G. Kemp, late of Company K, Forty-fourth Regiment Massachusetts Volunteer Militia Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George G. Kemp."

CHARLES W. HOBART.

The bill (S. 2550) granting a pension to C. W. Hobart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the initial "W.," to strike out "C." and insert the name "Charles;" in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Hobart, late of Company C, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles W. Hobart."

EDWARD F. PHELPS.

The bill (S. 3508) granting an increase of pension to Edward F. Phelps was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward F. Phelps, late of Company G, Forty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HELEN HARLOW.

The bill (S. 3293) granting a pension to Helen Harlow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "assistant," to insert "late;" in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-five;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen Harlow, widow of Alonzo Harlow, late assistant surgeon, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Helen Harlow."

MARTHA G. D. LYSTER.

The bill (S. 292) granting an increase of pension to Martha G. D. Lyster was announced as next in order.

Mr. FORAKER. I ask that that bill may be passed over for the present. An amendment is necessary, which I shall have prepared in a few moments.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

JACOB N. SMITH.

The bill (S. 3630) granting an increase of pension to J. N. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the initial "N.," to strike out "J." and insert the name "Jacob;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob N. Smith, late of Company C, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jacob N. Smith."

THOMAS H. COOK.

The bill (H. R. 3167) granting an increase of pension to Thomas H. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Cook, late a private in Company I, Seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANGELINE EYESTONE.

The bill (H. R. 2170) granting a pension to Angeline Eyestone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Angeline Eyestone, mother of George M. Eyestone, late of Company H, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

Mr. GALLINGER. In line 6 let the word "dependent" be inserted before the word "mother;" so as to read "dependent mother."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELISABETH WHISLER.

The bill (S. 3502) granting a pension to Elisabeth Whisler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elisabeth Whisler, widow of Solomon Whisler, late of Company H, Forty-ninth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HOUK.

The bill (H. R. 1890) to increase the pension of John Houk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Houk, late a member of Company F, Third Regiment of Tennessee Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNY F. ROBERTSON.

The bill (S. 2994) granting a pension to Fanny F. Robertson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny F. Robertson, widow of James M. Robertson, late major, Third Regiment United States Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Fanny F. Robertson."

WARREN L. EATON.

The bill (S. 306) granting an increase of pension to Warren L. Eaton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren L. Eaton, late of Company F, Hatch's Battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Pensions reported an amendment to strike out the preamble; which was agreed to.

MARY V. WILMARTH.

The bill (S. 3049) granting an increase of pension to Mary U. Wilmarth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary V. Wilmarth, widow of Roswell S. Wilmarth, late second lieutenant Company D, Sixty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary V. Wilmarth."

JESSE SMITH.

The bill (H. R. 434) granting an increase of pension to Jesse Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Smith, late private in Company K, Ninety-sixth Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN M. HULL.

The bill (H. R. 1754) granting a pension to Helen M. Hull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen M. Hull, as the former widow of George Moore, late first lieutenant Company A, Forty-fifth Illinois Volunteer Infantry, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES BOTTOMS.

The bill (H. R. 3694) granting an increase of pension to James Bottoms was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Bottoms, late a private in Company E, Eleventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH C. RICE.

The bill (H. R. 4655) granting a pension to Elizabeth C. Rice was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth C. Rice, widow of Edward C. Rice, late captain, and aid-de-camp on General Humphrey's staff, and pay her a pension at the rate of $20 per month.

Mr. GALLINGER. The amendment was reported by the committee under a misapprehension. I trust it will not be agreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA G. D. LYSTER.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 232) granting an increase of pension to Martha G. D. Lyster, which was passed over a moment ago.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FORAKER. I move to amend the bill by striking out "Twenty-first" and inserting "Ninth." He was colonel of the Ninth Regiment instead of the Twenty-first.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILHELMINA HIPPLER.

The bill (S. 682) granting a pension to Wilhelmina Hippler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Hippler," to strike out "and pay her at the rate of $20 a month from and after the passage of this act" and insert:

widow of Benedict Hippler, late captain Company A, Second Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving—

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilhelmina Hippler, widow of Benedict Hippler, late captain Company A, Second Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Wilhelmina Hippler."

WILLIAM OLIVER.

The bill (S. 3079) granting an increase of pension to William Oliver was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Illinois," to insert "Regiment;" in line 7, before the word "Volunteer," to strike out "Cavalry Regiment;" in the same line, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Oliver, late of Company G, First Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M. FERRY.

The bill (S. 92) granting a pension to William M. Ferry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "one hundred" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Ferry, late of the Fourteenth Michigan Infantry, at the rate of $20 per month.

The amendment was agreed to.

Mr. GALLINGER. After the word "late," in line 6, I move to insert "First lieutenant and regimental quartermaster."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JASPER PITTS.

The bill (S. 1463) granting an increase of pension to Jasper Pitts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jasper Pitts, late a private in Company K, of the Twelfth Regiment of Volunteer Infantry, at $30 per month in lieu of the pension now received by him.

Mr. ALLEN. What regiment is that?

Mr. GALLINGER. It does not say what State.

Mr. ALLEN. It does not say what State.

Mr. GALLINGER. It should be Kansas Volunteer Infantry.

Mr. ALLEN. There was no United States volunteer infantry during the war.

Mr. GALLINGER. No. I suggest that the word "Kansas" be inserted. In line 6 let the words "of the" be stricken out, and also the word "of," in line 7; so as to read:

Company K, Twelfth Kansas Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN E. WHINNERY.

The bill (H. R. 1458) granting an increase of pension to John E. Whinnery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Whinnery, late of Company A, Fourteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. LA COUNT.

The bill (H. R. 1507) granting an increase of pension to William H. La Count was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. La Count, late first sergeant in Company K, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 a month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE CADWELL.

The bill (S. 3154) granting an increase of pension to Kate Cadwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "heavy," to insert "Volunteer;" and in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Cadwell, widow of Eugene Cadwell, late of Company E, First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIET GREGORY.

The bill (S. 480) granting an increase of pension to Juliet Gregory was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Juliet Gregory, widow of Felix G. Gregory, late of Company I, Third Regiment Missouri Mounted Volunteers, in the Mexican War, and to pay her a pension of $20 per month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY S. BELDING.

The bill (S. 1734) granting a pension to Mary S. Belding was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "widow," to insert "former;" in the same line, before the name "Hartsough," to strike out "Davis" and insert "David;" in line 7, after the word "Thirty-first," to insert "Regiment;" and in the same line, after the word "Iowa," to strike out "Volunteers" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Belding, former widow of David Hartsough, late of Company B, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON BAKER.

The bill (S. 3748) granting an increase of pension to Washington Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Washington Baker, late of Company H, Eighty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'NUTT.

The bill (H. R. 1201) granting a pension to James McNutt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McNutt, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE MYERS.

The bill (H. R. 5527) granting an increase of pension to George Myers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Myers, late color sergeant Company E, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MOSES F. WOODS.

The bill (H. R. 2809) granting an increase of pension to Moses F. Woods was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses F. Woods, late of Company E, Phelps County Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK E. VANCE.

The bill (H. R. 7322) granting an increase of pension to Frederick E. Vance was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick E. Vance, late of Company A, First Minnesota Cavalry, and to pay him a pension of $50 a month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH B. NORRIS.

The bill (H. R. 5346) granting a pension to Elizabeth B. Norris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth B. Norris, widow of John Bradley, late private, Company H, Eighty-ninth Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI CHANDLER.

The bill (S. 1207) granting a pension to Levi Chandler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Chandler, late of Company I, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Levi Chandler."

GEORGE B. HAYDEN.

The bill (S. 1627) granting a pension to George B. Hayden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Hayden, late of Company E, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George B. Hayden."

JOHN R. M'COY.

The bill (S. 2110) to restore John R. McCoy to the pension roll was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "McCoy," to strike out "of Ottumwa, Iowa, late a private in Company H, Seventeenth Iowa Volunteer Infantry, at the rate of $8 per month" and insert "late of Company H, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. McCoy, late of Company H, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill restoring the pension of John R. McCoy."

JAMES WILLIAMS.

The bill (S. 3788) granting an increase of pension to James Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Williams, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY POLLOCK.

The bill (H. R. 3640) granting a pension to Mary Pollock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Pollock, late a nurse in the One hundredth Pennsylvania Regiment Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE C. SNYDER.

The bill (H. R. 205) granting an increase of pension to George C. Snyder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George C. Snyder, late first lieutenant of Company I, One hundred and

ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $35 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMELIA TAYLOR.

The bill (H. R. 7594) granting a pension to Amelia Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amelia Taylor, widow of Reuben Hendrickson, late of Company F, Twenty-seventh Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. KESSLER.

The bill (H. R. 3268) granting an increase of pension to James W. Kessler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Kessler, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNY M. HAYS.

The bill (H. R. 493) granting a pension to Fanny M. Hays was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fanny M. Hays, widow of John B. Hays, late captain and brevet major, Nineteenth Regiment United States Infantry, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL A. GREELEY.

The bill (H. R. 5209) granting an increase of pension to Samuel A. Greeley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel A. Greeley, late of Company F, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES J. LYONS.

The bill (H. R. 6304) granting an increase of pension to James J. Lyons, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James J. Lyons, late of Company C, Eighty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA S. REDFIELD.

The bill (H. R. 2397) granting a pension to Eliza S. Redfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza S. Redfield, widow of Freeman R. Gardner, late private, First Regiment New Hampshire Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMOTHY B. EASTMAN.

The bill (H. R. 3635) granting an increase of pension to Timothy B. Eastman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Timothy B. Eastman, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SHEPPARD.

The bill (H. R. 3085) granting an increase of pension to William Sheppard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Sheppard, late private of Company A, Sixteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M. BROWN.

The bill (H. R. 2999) granting an increase of pension to George M. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George M. Brown, late major, First Maine Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD T. KENNEDY.

The bill (H. R. 5110) granting an increase of pension to Edward T. Kennedy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward T. Kennedy, late of Company C, Eleventh Regiment New Jersey Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSIE E. JOHNSON.

The bill (H. R. 4828) granting a pension to Susie E. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susie E. Johnson, widow of William H. Johnson, late of Companies D and E, Seventh Regiment Rhode Island Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. WAKEFIELD.

The bill (H. R. 240) granting an increase of pension to George W. Wakefield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Wakefield, late of Company I, Twenty-seventh Regiment Maine Volunteer Infantry, and Company L, Second Regiment Maine Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIZZIE M. DIXON.

The bill (H. R. 5211) granting a pension to Lizzie M. Dixon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lizzie M. Dixon, widow of Eugene Baker, late of Company I, Eighth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA H. GETCHEL.

The bill (H. R. 3021) granting a pension to Eliza H. Getchel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza H. Getchel, widow of Samuel F. Getchel, late of Company F, Second Regiment United States Volunteer Sharpshooters, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID L. WENTWORTH.

The bill (H. R. 8120) granting an increase of pension to David L. Wentworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David L. Wentworth, late ordnance sergeant, Forty-second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARRIE P. DALE.

The bill (H. R. 6952) granting a pension to Carrie P. Dale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carrie P. Dale, widow of Nicholas H. Dale, late lieutenant-colonel Second Regiment Wisconsin Volunteer Cavalry, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARA L. HARRIMAN.

The bill (H. R. 457) granting a pension to Clara L. Harriman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara L. Harriman, widow of Stephen F. Harriman, late of Company E, First Regiment Maine Volunteer Heavy Artillery, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY JOHNS.

The bill (H. R. 8395) granting an increase of pension to Henry Johns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Johns, late corporal of Company C, Twelfth Regiment Illinois Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. GARRETT.

The bill (H. R. 2203) granting an increase of pension to John M. Garrett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Garrett, of

Company E, Eleventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA B. REED.

The bill (H. R. 7445) granting a pension to Emma B. Reed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma B. Reed, the permanently helpless daughter of Edgar C. Reed, late of Company I, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month, such pension to be paid to the duly constituted guardian or trustee of such child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES WEED.

The bill (H. R. 5169) granting an increase of pension to Charles Weed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Weed, late of Company E, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT BOSTON.

The bill (H. R. 3775) granting an increase of pension to Robert Boston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Boston, late captain of Company F, First Battalion, Pennsylvania Volunteer Cavalry, and Company A, Twenty-fourth United States Colored Volunteer Infantry, and to pay him a pension of $50 a month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORACE B. DURANT.

The bill (H. R. 6885) granting an increase of pension to Horace B. Durant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace B. Durant, late assistant surgeon, One hundredth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUTHERIA H. MAYNARD.

The bill (H. R. 1800) granting a pension to Lutheria H. Maynard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lutheria H. Maynard, widow of John Tye, late a private of Company A, Second Regiment Minnesota Volunteer Infantry, and to pay her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABNER S. CRAWFORD.

The bill (H. R. 8610) granting an increase of pension to Abner S. Crawford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abner S. Crawford, late musician of Company D, Fourteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED DYER.

The bill (H. R. 3863) granting an increase of pension to Alfred Dyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred Dyer, late of Company B, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES CRAWLEY.

The bill (H. R. 6284) granting an increase of pension to James Crawley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Crawley, late of Company I, Seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. FAIRCHILD.

The bill (H. R. 5882) granting an increase of pension to John B. Fairchild was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Fairchild, late of Company C, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. RAY.

The bill (H. R. 7488) granting a pension to John C. Ray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Ray, late pilot of the U. S. steamers *Champion* and *Springfield*, and to pay him a pension of $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH KEIFF.

The bill (H. R. 4681) granting an increase of pension to Elizabeth Keiff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Keiff, widow of Patrick Keiff, late corporal, Company A, Sixth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA G. SARGENT.

The bill (S. 36) granting an increase of pension to Emma G. Sargent was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "Infantry," to insert "and Company A, Seventeenth Regiment New Hampshire Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma G. Sargent, widow of Josiah H. Sargent, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and Company A, Seventeenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 5, 1900, at 12 o'clock m.

NOMINATION.

Executive nomination received by the Senate April 4, 1900.

UNITED STATES DISTRICT JUDGE.

Smith McPherson, of Iowa, to be United States district judge for the southern district of Iowa, vice John S. Woolson, deceased.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 4, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GREENE of Massachusetts, for five days, on account of sickness in family.

GOVERNMENT FOR THE TERRITORY OF HAWAII.

On motion of Mr. KNOX, the House resolved itself into Committee of the Whole House on the state of the Union, and resumed consideration of the bill (S. 222) to provide a government in the Territory of Hawaii, with Mr. MOODY in the chair.

Mr. MCALEER. I yield thirty minutes to the gentleman from Ohio [Mr. MCDOWELL].

Mr. MCDOWELL. Mr. Chairman, two years ago, when the proposition of annexing the Hawaiian Islands to the United States was before Congress, I was opposed to annexation for what, in my judgment, seemed very good reasons.

First, annexation was desired by a very small proportion of the inhabitants of these islands, and these few desired it for selfish and mercenary purposes. It was the "Dole oligarchy" or "family compact" that had usurped all power to itself and now desired to be perpetuated in power under the protection of the United States.

Second. I believed, as I now believe, that by making these islands a part of the United States we bring the cheap Asiatic

laborer into direct competition with the American laborer. To bring under our own flag 40,000 Japanese contract laborers and 25,000 Chinese contract laborers means to limit to a considerable extent the opportunities of our own American laborers.

Later developments and conditions confirm very strongly my first views on this subject.

But annexation is an accomplished fact, and we are now confronted with the problem to provide a good Territorial form of government for the islands. I am gratified to say that it seemed to be the unanimous idea of the Committee on Territories, of which committee I have the honor to be a member, to give the Hawaiian Islands a government similar to that given to other acquired Territories of the United States. To my knowledge no member of the committee even suggested any discrimination in the commercial intercourse between the United States and the islands, or "taxation without representation." However, it has been intimated that some imperialistic amendments may be proposed to the bill while it is under consideration in the House.

BAD FEATURES OF THE BILL REPORTED BY THE COMMISSION.

The annexation resolution was approved July 7, 1898. As provided by the joint resolution annexing the islands, the President appointed five commissioners to recommend to Congress such legislation concerning the Hawaiian Islands as they might deem necessary and proper. The Hawaiian commission consisted of Senators JOHN T. MORGAN and SHELBY M. CULLOM and Representative ROBERT R. HITT, of the United States, and Sanford B. Dole and W. F. Frear, the two latter being residents of the Hawaiian Islands. The commissioners met at Honolulu August 18, 1898, and at the beginning of the last session of the Fifty-fifth Congress the President of the United States transmitted their report to Congress.

Among things recommended in this report was "a bill to provide a government for the Territory of Hawaii." A reading of the bill recommended by the commission would lead any patriotic American to declare that it was not the product of the brain of any American statesman or legislator. My first impression was that the Hawaiian members of the commission had hypnotized our own distinguished members of the commission. The more I studied the bill the more confirmed was my conclusion in the matter. I had heard that the members of the "Dole family compact" were skilled in the arts of diplomacy and strategy; that they easily controlled, for their own selfish purposes, the kindly, friendly, liberal, affectionate, and confiding native Hawaiians. Yet I had confidence that our own able members of the Hawaiian commission would be able to withstand their wiles and cunning.

I do not believe that there was ever a bill to provide a government for a Territory presented to the American Congress more un-Democratic, un-American, and unprecedented than House bill 2972 in its original form. I doubt if the distinguished chairman of the Ways and Means Committee, without a very painful (Payne-full) effort, could produce a bill more "un-Republican, un-American, unwarranted, unprecedented, and unconstitutional" than this bill. [Applause.]

I invite your attention to a few of its most pernicious provisions:

The governor and the secretary of the Territory were to be appointed by the President. The governor should appoint the judges of the supreme court, judges of the circuit courts, and all other officers of the Territory except the members of the legislature. The supreme judges were to be appointed for life, or during good behavior.

The supreme court was to be the judge of the qualifications and elections of the members of the legislature. No one was to be eligible to election as a senator, nor could anyone vote for a senator, who did not have property to the value of $2,000, or an income of not less than $1,000. This meant the continuance of an oligarchical form of government in the Hawaiian Islands. The governor could make and control the courts. The supreme court could make and control the legislature. The governor and his favorites would have a corner on the public offices. The commission framed a bill under which it might not have been possible for anyone outside of the "Dole family compact" to hold a public office in the Territory. It is reported that every officer under the Dole régime is grandfather, or father, or father-in-law, or uncle, or brother, or brother-in-law, or son, or son-in-law, or nephew, or cousin, of some other public officer. The persons who have been in control of affairs in the Hawaiian Islands of late years are called "missionaries"—improperly so. There is evident need of the instrumentality of the genuine missionaries to remove the selfishness from the hearts of these people and make them more Christian-like. [Applause.]

Who ever heard of the judges of any Territory of the United States being appointed for life? The bill framed by the commission provided that the present incumbents of the supreme court should continue in office until their respective offices became vacant, which would be by death or impeachment, and then their successors should be appointed for life or during good behavior. It may be proper to remark that one of the supreme court justices was a member of the Hawaiian commission and a member of the committee to consider and report on the judiciary. He evidently believes that "self-preservation is the first law of life."

The Committee on Territories has amended the bill, with the view of eliminating the objectionable features already pointed out. The chief justice and the associate justices of the supreme court are to be appointed by the President, and for a term of six years, instead of for life or during good behavior. The judges are not to have jurisdiction over elections and qualifications of members of the legislature. The property qualification provision has been stricken out. We believe that all these changes are in the interests of a good government and a popular government in the Territory of Hawaii.

The commission's bill provides that the public lands of Hawaii shall be under the control of a land commissioner appointed by the governor. This might afford an opportunity for land grabbing and favoritism in the sales, grants, and leases of lands. After the annexation, the Dole administration proceeded to dispose of large tracts of the public lands, and it became necessary for the President to put a check to this wrongful procedure by an Executive order. An amendment to the bill very properly refers the administration of the sales, grants, and leases of the public lands of Hawaii to the Commissioner of Public Lands here in Washington.

LABOR CONDITIONS IN HAWAII.

The labor conditions in Hawaii are disastrous to the best interests of the American laborer. The sugar planters, the rice growers, the mill owners, and others have been for years importing the cheap oriental labor. The contract-labor system is in vogue. Since the date of annexation it is estimated that the wealthy syndicates have brought to the islands from 25,000 to 30,000 Japanese contract laborers, under contracts of three to five years. More than one-half of the population of the islands is made up of Chinese and Japanese. There is no opportunity for the American laborer in the Territory of Hawaii. He would be brought to starvation in competition with the cheap Asiatic laborer. The American laborer at home must also feel the harmful effect of the competition of this oriental labor. The acquisition of the Hawaiian Islands has not enlarged the opportunities of the American laborers, but it will make it harder for many of them to gain a livelihood.

Asiatic laborers are paid $15 per month and European laborers $18 per month. What will the American laborer, brought into competition with this cheap labor from the East, say of the party responsible for this condition of things?

The commissioners in their report to the President, on page 139, say:

> That as a commercial or business proposition the matter of the employment of cheap labor, imported from various islands and countries, became the important subject of Hawaiian consideration. The large profits resulting from the cultivation and manufacture of sugar where inexpensive Asiatic labor was to be obtained produced the legitimate result of aggregating capital in large amounts for the purchase or leasing of sugar lands, where this class of labor could be employed most profitably.
>
> The facilities which existed under the Hawaiian monarchy for obtaining grants, concessions, and leases of government lands were availed of by speculative favorites and others, and large plantations by wealthy planters instead of small holdings by industrious heads of families became the rule upon the islands.

Notwithstanding the fact that the President and Congress were apprised of the contract-labor system in the islands and the system of farming by corporations, for almost two years the Hawaiian Islands have been under the American flag and not a thing has been done to check the progress of these un-American systems. The number of contract laborers has been greatly augmented. During the last year more than 25,000 Japanese contract laborers have been imported into the island. Several hundred acres of land have been leased to the sugar syndicates.

Will some one of our Republican friends explain why these things have been permitted to be done? Why this delay in legislating for the Territory of Hawaii? We had the report of the Hawaiian commission sixteen months ago. If it was ever of any value as an index as to what should be done it was as useful in the last session of Congress as in this. It certainly has not improved with age.

Perhaps there was method in this long delay. Up to the outbreak of the war with Spain the annexation of the Hawaiian Islands was considered hopeless. It had failed to be done by treaty ratification in the Senate. The Speaker of the House, and certainly a majority of the members, were strongly opposed to the proposition of annexation. But the leaders of the Administration took advantage of the situation in war times, when enthusiasm and not judgment controlled the action of many, and urged the annexation of the islands as a war measure. A majority of the members yielded to the deception. Now, annexation came rather unexpectedly. The large corporations of the islands were taken by surprise, notwithstanding they desired annexation. They needed time to import many thousands of contract laborers before Congress would legislate for the islands. It would seem that the

former Republican Congress and this Republican Congress have been very considerate of the interests of the sugar syndicates of the islands.

What have we secured by this acquisition of territory? Let me enumerate some of the most tangible things: Forty-five thousand Japanese contract laborers; 25,000 Chinese; 15,000 Portuguese; 1,000 South Sea Islanders; 1,200 lepers; the bubonic plague; a class of political speculators who were planning to have an oligarchy under the protection of Uncle Sam.

Your committee has endeavored, so far as possible, to frame a bill that would rectify many evils existing in these islands. But there are very many bad conditions which can not be changed by legislation. Only time itself will make many desired changes possible. It will be a long time before the conditions of the islands will afford any remunerative employment to any considerable number of American laborers.

I can not support this bill unless it is further amended relative to the labor system and the land system. We should legislate now to prevent the enforcement of contracts under the contract-labor system, no matter whether the contracts were made heretofore or shall be made hereafter. We want no semislavery or serfdom anywhere under the American flag. Give the sugar planters, rice growers, and mill owners of Hawaii to understand that they are under the Constitution of the United States and that they must respect our laws. I shall favor the following amendment to section 10:

Provided, That no suit or proceedings shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except a civil suit or proceedings instituted solely to recover damages for such breach.

There should also be specific legislation to put in force the laws of the United States prohibiting the creation or continuance of long leases of valuable lands and directing the survey and subdivision of all the public lands as a part of the heritage of the people. The commissioners in their report, in speaking of this subject, say:

The large holdings [of land] have become larger, and the small ones have been driven out or absorbed. Thus the prime object of American citizenship, the making of homes and the complete development of the family as the unit of our social system, seems in a degree to have been lost sight of in the Hawaiian Islands.

HAWAII AND PUERTO RICO.

It seems that Hawaii is to fare far better at the hands of the American Congress than poor, starving Puerto Rico. It would perhaps take a ponderous statesman from New York, or a profound expounder of the Constitution from Pennsylvania, or an Athenian lawyer from Ohio to tell why this should be. The Committee on Territories has tried to do its "plain duty" in this matter, guided by the injunctions of the Constitution and the promptings of the sense of justice, honor, and right. No tariff customs are to be imposed on products coming from Hawaii into this country or on products going from this country into Hawaii. There will be free trade. It is unfortunate for the Puerto Ricans that the matter of legislating for them was not referred to the Committee on Territories. It is personally gratifying to me to say to the members of this House that I can safely count a majority of our committee in favor of free trade with Puerto Rico, and the others, I believe, are open to conviction without any sugar-coated, tobacco-steeped, or rum-soaked influence. [Applause.]

Had the legislation for Puerto Rico been intrusted to the Committee on Territories, no doubt the Republican party would have been saved from the sorry predicament that it is now in. The President's recommendations as to "our plain duty" would have been carried out. He would have been saved from the humiliating position in which he is now placed. How distressing it must be to him to be misrepresented by his friends! How harassing it must be to him to note the contradictions of those who profess to speak for him!

The Washington Star of March 27, a consistent and ardent Administration paper, speaks thus editorially:

The President has, in his annual message, made recommendation to Congress, and that calls for legislation. The people expect and demand legislation. If, therefore, Congress shows itself incapable of action, what is more likely, what would be more justified in the circumstances, than the election of a House next fall instructed to do what the country manifestly wants done about this business? If a Republican House disappoints the people and embarrasses the situation in the Senate, the alternative naturally is a Democratic House. Are the Republicans maneuvering to lose the next House?

Suppose the question, by the cowardice of Congress, is left to the President. The President is committed to free trade with Puerto Rico. His message to Congress on the subject is so far his only quotable deliverance. This man and that, after a visit to the White House, has said this thing and that, going to show that the President has changed his mind, but the message is official and still stands. The President will be his party's standard bearer in the campaign. He will want to succeed himself in the White House. The people will be demanding free trade with Puerto Rico. If he is left with a free hand, will he not act in conformity with his views and his own and his party's interests?

But while that might save him, it would not be likely to save the next House. Let the free traders stand to their guns; and let the tariff men take notice. The storm is not going to blow over. The man who imagines that imagines a vain thing. If a tariff bill is passed, every line written against it in the Republican press will be so much ammunition for the Democrats when the national campaign begins.

But the distinguished Speaker of this House, who assisted to bring Republican members into line for tariff on Puerto Rican products, in a letter recently given to the public press, has this to say:

What the Senate is going to do is problematical. It has its share of cowards. The Senate is always the body upon which the great interests concentrate their efforts to defeat proper legislation. But this fact remains, that I have the knowledge that I have done my simple duty, and have done it in consultation and in cooperation with the President of the United States, whose heart is quick to feel the afflictions of this little island; I have done it in conference with such men as ALLISON, FORAKER, and the earnest patriots of the Senate.

Now, who is the real mouthpiece of the President? It is "confusion confounded" to have such state of affairs existing. Has the President changed his mind?

Did not members on this floor say that they had changed their minds because the President had changed his mind? Had they all been to see "Dr. HANNA," the wonderful mind changer?

Hawaii is to have free trade with this country; representation in Congress; all the privileges and rights that any other of our organized Territories enjoys. Yet, her population is the most heterogeneous mass of humanity to be found on any equal area on the globe. More than half of the inhabitants are Asiatics. They are not citizens, and they do not intend to become citizens. Only about a third of the people will be given the right of franchise.

No one will deny that the inhabitants of Puerto Rico, in the aggregate, are superior to those of Hawaii. They are better material out of which to make a good American Territory. The population is more homogeneous than that of Hawaii.

The Puerto Rican labor system is not cursed by any species of slavery or serfdom. The land is quite generally in small tracts.

The following pertinent editorial on this subject appeared in the Philadelphia North American (Republican) March 9:

THE TERRITORY OF HAWAII.

Whatever may happen to Puerto Rico, Hawaii, at least, is fairly on the way to American government. The Senate has passed the bill creating it a Territory, with a governor, legislature, courts, and a full outfit of civil officials. The internal revenue, customs, and navigation laws of the United States are extended to the islands, and the new Territory is to be represented by a Delegate in Congress.

Every argument in favor of extending these favors to Hawaii applies with double force to Puerto Rico. Hawaii is over 2,000 miles from our western coast. Puerto Rico is within half that distance of the shore line of our original thirteen States. Hawaii has a little over a hundred thousand people, of whom the great majority are Kanakas, Japanese, and Chinese. Puerto Rico has nearly a million people, among whom those of European race predominate. In Hawaii any government that takes account of fitness as we understand it must necessarily be a pure oligarchy. In Puerto Rico the materials of democracy are present; all that is necessary are schooling and experience.

The Puerto Ricans are the same sort of people that have been governing themselves for over half a century under our flag in Arizona, New Mexico, and parts of Colorado and California, except that they are of purer white stock. Of the same race in the United States we have made governors, Congressmen, and ministers to foreign capitals. If we establish public schools in which every Puerto Rican child can gain an education, there is no reason why a home-rule government may not be maintained there with credit both to us and to the islanders.

But Hawaii makes a good beginning. The extension of the American system to that group assures us that expansion is not to be entirely divorced from republicanism. The American who reclines under the flag at Honolulu may feel that he is truly at home.

In honor, in justice, and in right we are bound to treat Puerto Rico as favorably as we do Hawaii. I congratulate Hawaii that she has fallen into the hands of friends. I pity Puerto Rico that she has seemingly fallen into the clutches of despoilers. [Applause.]

Mr. MCALEER. I yield thirty minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, there are a few features of this bill to which I desire to call the attention of the House. One is the concluding section with relation to the Chinese now in Hawaii. It provides:

That Chinese in the Hawaiian Islands when this act takes effect may within one year thereafter obtain certificates of residence as required by "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, as amended by an act approved November 3, 1893, entitled "An act to amend an act entitled 'An act to prohibit the coming of Chinese persons into the United States,' approved May 5, 1892," and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates.

Everyone is aware, I suppose, that the Hawaiian Islands are filled with Chinese; that a large number of people of that race were there when those islands came under the dominion of the United States, and that great hordes of Asiatics have been imported since.

All here are also aware, I suppose, that but a few short years since a tremendous agitation shook this country, and especially the Pacific slope, over the menace of Chinese cheap labor, and that it was thought necessary that legislation, extremely drastic and denounced by some as uncivilized and cruel, should be resorted to in order to deal with the Chinese problem and exclude the competition that threatened our white domestic labor.

Now, according to this bill, as I understand it, we are providing that great numbers of Chinese, resident in the Hawaiian Islands, not only those who were there when we acquired those islands, but the many thousands brought there under contract since, shall obtain certificates and possess the right to go anywhere in the United States and, in any line of business which they may see proper to enter upon, to compete with our own laborers. This is one of the fruits of reaching out and gathering in islands here and there, without reference to what the islands are, without reference to the people who inhabit them, and without proper care to prevent those islands from being overrun, while under our own control, with the most undesirable class of Asiatics.

We have in the Hawaiian Islands not only many who are entirely undesirable, but many others who are a serious menace to our own institutions, and provision is here made for domesticating them.

I find in this bill another provision not novel, but worthy, I think, of a word of comment. That is section 5, which provides—

That except as herein otherwise provided, the Constitution and all the laws of the United States locally applicable shall have the same force and effect within the said Territory as elsewhere in the United States.

In this is not only a formal enactment but a philosophy comparatively new in the United States and, I suppose, tolerably new to philosophers in general. This section is to be made an exemplification of the doctrine that the Congress of the United States possesses power to extend the Constitution, to limit the force and scope of the Constitution, to determine when and where the Constitution shall have effect and when and where it shall have none. Now, the old doctrine was, and the correct doctrine to-day, I think, is, that Congress is absolutely without any power to float the Constitution anywhere, to anchor it at any place, or to deprive any inch of the territory of the United States legislated for as a continuing possession or any of its inhabitants from coming and being under the influence and effect and domination of the Constitution.

I do not know exactly what the draftsman of this bill meant; whether he meant to extend the laws so far as locally applicable or whether he meant also to extend the Constitution so far as locally applicable. The phraseology would bear either construction.

The Constitution as extended "shall have the same force and effect within the said Territory as elsewhere in the United States!"

That is, perhaps, the Constitution, wheresoever locally applicable, shall have the same force and effect within the Territory of Hawaii as elsewhere in the United States!

Now, to me it is a strange thought, although it is a very popular one, I admit, with a certain element (and in that sense it has lost its strangeness), that the Constitution, the supreme law of the land—that by which the Congress itself is created; that which is made to govern everything that belongs to the American Republic and to control every agency under the Republic—is itself so trivial and insignificant a thing that the Congress can extend it to any Territory or any part of any Territory where "locally applicable," or restrain its operations and prevent its having effect in any Territory or in any part of any Territory.

It may seem singular that this new doctrine should have been evolved as it has been in the last year or two. The exigencies which called it forth certainly must be extraordinary. It is not a natural deduction; it is not a natural development. I submit that it is not a natural inspiration. There must be particular occasion for it; there must be particular use for it. There must be necessity for the existence and the application of such a doctrine, or certainly it would not have been invented, and certainly so many would not be repeating and preaching it. What has called forth this doctrine? What has suggested its promulgation? What has caused so many gentlemen to insist upon it, so often and so loudly, and, apparently, with so much sincerity? I say apparently because I wish to cast no reflection upon the sincerity of anyone, and yet to me it is strange how a man who permits himself to think upon the subject can, in sincerity, believe in the soundness of the doctrine.

Of course we have not far to go and not much investigation to make to determine why this doctrine has been promulgated or why some men cling to it with such desperate energy. If the Constitution takes care of itself, if the Constitution is the one masterful law in this country, superior to all other laws, the supreme law by which all other laws are tested, then what may be done in any particular quarter, at any particular time, by any particular agency, must be determined by the Constitution itself. And in ascertaining what the Constitution means and what it is, after studying its own words and recurring to the history of the convention which framed it, and the concurrent facts surrounding it, appeal and reference must be made to the expositions of it by the Supreme Court of the United States. And neither in that great instrument itself nor in anything connected with the history of its formation, neither in the declarations of those who framed it nor in the decisions of the Supreme Court, can be found any foundation or pretext for this new and strange doctrine, which makes the Constitution subject to the whim, wish, or will of Congress or any incident or accident of Congressional legislation.

Ought not our friends who invoke this doctrine to pause before they push it as far as it seems now their determination that it shall go? Ought they not to realize that it is far better to be upon sound constitutional ground, and to do the things which they desire to do only so far as the Constitution will permit, and to stop the doing of them at the point where their action would become unconstitutional? Would not that be far safer and better than to proceed as they have begun, to continue in the way they are going? If the Constitution can be annulled by Congress, what is the Constitution worth? Who can draw the line, who can mark the point, to which Congressional interference with the Constitution, or Congressional annulment of the Constitution, may go, and the point or the line beyond which Congress can not annul, limit, check, or interfere with that instrument, regarded by many as sacred, and by many more as the supreme law of the land, the test for all other laws?

Gentlemen would say that only with respect to the territory of the United States has Congress this ample power. That as to the States, of course the Congress can not dispense with the Constitution or interfere with it, can not carry it to a State and can not withhold it from a State; but as to the Territories of the United States, there Congress is supreme, and there the Constitution has no place unless Congress shall see fit to give it place.

How does it happen, or how can it happen, that Congress is supreme in the Territories, independent of the Constitution? What is the foundation for that contention? What is the support for it, if it has any?

If one holds to that doctrine, he must maintain either that the Constitution gives this power to Congress, this ample and supreme power of legislation over the Territories and their inhabitants, or that from some other source, independent of the Constitution, Congress has acquired it. Does the Constitution give it to Congress? If the Constitution gives the power to Congress, whatever it is, then the Constitution goes to the Territory and is in the Territory and over the Territory, and Congress legislates under the Constitution, exercising the powers given by the Constitution. If the Constitution conveys to Congress ample and unrestrained power of legislation in the Territories, then how can you dispense with the Constitution when Congress would exercise that power?

Why talk about there being no Constitution in or over the Territory unless Congress carries it there, if by virtue of the Constitution itself and by exercise of the power given by the Constitution Congress legislates for the Territory and the people who dwell in it?

Now, if it be true that the power to legislate respecting the Territories is derived from the Constitution, then the Constitution must determine the power. Then every time the power is exercised—whenever the question of exercising it arises—the Constitution must be appealed to, and the decision of the Constitution must be final and conclusive.

Some gentlemen deal with this Congressional power to legislate with strange inconsistency. At one time, in one breath, they say that the Constitution does not extend to a Territory except by Congressional action, by Congressional extension, and quote from the Constitution a clause from which they deduce the power to legislate free from constitutional restraint. They find in the Constitution a clause giving Congress power to deal with the Territories, and at the same time find that the Constitution has nothing to do with the Territories, but that the Congress has complete control not only over them but also over the Constitution itself beyond the State lines. And this is the paragraph of the Constitution which not only makes the Congress omnipotent, but which at the same time makes the Constitution itself impotent indeed—provided always, however, that the new school of philosophers are not in error:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Some insist that the power of Congress is absolute, not only over the Territories but over the Constitution also, outside the States, because the Constitution confers such unlimited power in and by the paragraph just quoted; that absolute power is absolutely granted by the Constitution over the Constitution.

I deny that in creating Congress through and under and by the Constitution, the Constitution in any particular was made subordinate to Congress. The Constitution did not perish in the throes of maternity in giving birth to Congress.

Moreover, this paragraph refers to the territory belonging to the United States at the time of the adoption of the Constitution, and there is no convincing reason for believing that the framers of the Constitution had any other territory in mind.

This Congressional power, however great, however far it may

extend, however many things it may reach, however extraordinary it may be, must be a ceded power, and therefore not superior to the higher power which grants it. Is there any trouble with that proposition? What gentleman dare assert that the warrant for Congressional action is found in the Constitution and yet deny, when the extent of the Congressional power is questioned, when the question is as to what Congress can do and what Congress can not do with a Territory, that the Constitution itself must be appealed to for answer?

When a dispute arises as to whether Congress has or has not any particular power, or extent of power, logically, naturally, constitutionally, the controversy must be settled by appealing to the Constitution, by getting the correct decision from the words of the Constitution, or, if necessary, from the proceedings of those who founded it, by the aid of the light of concurrent history, or from the decisions of the Supreme Court of the United States interpreting the Constitution. The Constitution is the fountain head, the Congress one of the streams flowing from it. Can the stream rise higher than its source? Hardly, I think, even under the pressure of "expansion." I care not to dwell longer upon that proposition. I know how easily one may be wrong while most confident that he is right; and although I am confident of the correctness of my proposition, I may be entirely in error; but I would be very much obliged to any gentleman on the other side if he would be kind enough to show me wherein I err, if that be error.

If you quote the Constitution for the power, you are bound by the Constitution; your power must be derived from it. Whether you have it or have it not in any particular instance must be determined by the Constitution and the exposition of the Constitution by the only authority appointed by itself to give us an exposition of it, the Supreme Court of the United States. Now, if that be not true, tell me wherein lies the fallacy. If it be true, tell me what goes with your doctrine that the Constitution must be extended to a Territory; "that the Constitution, so far as locally applicable, shall have the same force and effect within the said Territory (or any Territory) as elsewhere in the United States" only when Congress is pleased to say so. How can Congress determine what the power and the effect of the Constitution is or shall be? How can Congress determine that the Constitution shall have a certain effect in one place and a different effect in another place? How is that possible, as a matter of law or as a matter of reason? Can a director of a corporation cast aside the charter which created the corporation which made him?

But perhaps the Congressional power is derived from some other source than the Constitution. The difficulties are no less great in the way of the man or party who would maintain that doctrine. Do you choose to take the position that the Constitution does not give to Congress the unrestrained power to legislate for the Territories, but that Congress has it independent of the Constitution? Who takes that position? Who is here to maintain that doctrine? I will be under great obligations to the proponent of that doctrine if he will explain it and give us the philosophy upon which it rests. Then we would have the Constitution, not the supreme law of the land; then we would have the Constitution, made to govern the affairs of the American people, not governing in all particulars; then we would have Congress, which can not exist independent of the Constitution, to which it is subject with everything it does and can do, completely independent of the Constitution, by reason of some power derived elsewhere. Now, who dares to state that proposition and endeavor to maintain it?

Upon what ground other than one of these two can the contention be made that the Constitution has to be carried by an act of Congress to a Territory to get there at all; that the Constitution for its vitality anywhere, respecting any subject, depends upon Congressional legislation? Where can such a proposition have started? I submit—I do it confidently—I submit that nowhere in authority, nowhere in the Constitution, nowhere in the decisions of the Supreme Court, nowhere in reason and logic, can the warrant for the contention or the support for it be found. And yet our friends are put into such sore straits; they put themselves into such an awkward position; they so recklessly and defiantly entered upon the work of doing this, that, and the other thing, without reference to the Constitution; of legislating in ways new and strange to our people and contrary to the genius of our Government; that, relying to-day upon this and the next day upon that, proclaiming to-day free trade and to-morrow protection, in grasping for straws, hoping by their aid to float, they fastened upon this new and strange doctrine that we have the Constitution outside of the State just where, and only where, the Congress chooses to put it.

Now, then, let us look at this question in another light. What is the Constitution in the Territory when Congress carries it there? Is it there as a Constitution or is it there as statute law? When Congress, by a provision like this section 5, extends to Hawaii the laws of the United States locally applicable, Congress does no more and no less than Congress would do if it were to write out word for word the entire body of those laws, embrace them in a bill, or in any number of bills, pass them, let them be approved by the President, and written anew in the statute book. That is just exactly what extending laws to the Territory amounts to—just that; no more and no less. This is the short way of enacting for the Territory the existing laws locally applicable to it. Now, then, is there anything more done with respect to the Constitution? Does the Congress of the United States make a constitution, as we understand the term—make a constitution (as the Constitution of the United States is for the States) the constitution also for a Territory by embodying it in an act of the Congress of the United States? Can that be done? Is that the way constitutions are made? Can constitutions be made in that way?

Then in extending the Constitution so far as "locally applicable" to Hawaii, the Congress of the United States is doing no more, and can do no more, than the Congress would do if we were to embody in a bill the Constitution of the United States word for word: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled," and then follow with the words of the Constitution. Let the President, after both bodies have passed the bill containing the Constitution and nothing else, affix his signature in approval, and then you have the Constitution "extended" to Hawaii just as completely, and no more completely, than it is extended by this act.

When the legislation is completed, what have you done? You have put the Constitution into the statute law of Hawaii, if you have done anything. That precisely and nothing more. Now, then, is that what gentlemen wish to accomplish by this measure? Did the gentleman who drew the bill wish to enact the words of the Constitution of the United States into statute law for Hawaii? Is that the purpose? I venture to say that it is not.

Assume, if you please, that the Constitution is not in force in Hawaii—those islands so very desirable for us, as so many people have said; those islands where the plague prevails, where contract labor is the rule, and slavery the result; where slavery, in fact, has been fostered and built up since the islands came under the control of the United States; the islands overrun with the cheapest labor of the Orient—if the Constitution is not over Hawaii, if the Constitution has not force and effect there, what force and effect will this legislation give it? Can you make a constitution for Hawaii by legislation of Congress? Why, sir, heretofore when our States have required constitutions they have made them themselves; they have been made by the people of the State. Then can you make the Constitution of the United States the constitution of Hawaii by Congressional enactment? It seems to me it is ridiculous to make such a contention.

Then how does this enactment carry the Constitution there? How can it carry the Constitution to Hawaii? How can a legislative act make over Hawaii a law supreme, as the Constitution of the United States is supreme over every sovereign State of this Union? How can it be done? And then when it is done, if it can be done, what about this vast Congressional power of which we have heard? The Congress which has the power to extend the Constitution to Hawaii—the Congress which, if it is right in now maintaining that Hawaii has not the Constitution of the United States and that it can put Hawaii under the shadow and protection of that Constitution—if it possesses that ample power—if it possesses that power which can not be derived from the Constitution, does it possess also the power to unmake, to undo? If it be true that the Constitution of the United States does not throw its protection over Hawaii and the people who dwell there to-day—if it be further true that after the passage of this act, if this section remains in it (but not otherwise), the Constitution of the United States will be over Hawaii—then I ask whether it is not also true that the same power which gives Hawaii the Constitution of the United States could take from Hawaii that Constitution? Who denies that proposition? If it is denied, why is it denied? [Applause on the Democratic side.]

Now, can it be that Congress possesses this ample power—power so vast, so transcendent, that the Constitution does not restrain it, either because the Constitution has granted the power beyond recovery or because the power is derived from some other source—can it be true that the Congress of the United States possesses the vast and ample power to determine that a particular Territory of the United States or all of the territory outside of the States shall or shall not have the Constitution of the United States as the supreme governing law? Can that be true? And can it be true also that having once exercised this power, having once spread the Constitution over the Territory, Congress is powerless to withdraw it?

I suppose these gentlemen who contend for this ample power on the part of Congress will hardly assume or hardly assert that Congressional legislation, from the time of the extending of the Constitution to a Territory, and during the time the Constitution is permitted to have an abiding place there, can be independent of the Constitution. I think that can not be true. When the Constitution is there or gets there, when the ægis of the Constitution is over Hawaii, then, for the time being, Congress, in legislating

for the Territory, it would seem, must legislate under the Constitution.

[Here the hammer fell.]

Mr. MCALEER. I yield five minutes more to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. If it be true that no part of the territory of the United States outside of the States is or can be under constitutional protection until Congress has put the territory and the people under the Constitution, then Congress must have the power and right to withdraw the Constitution from that territory and that people whenever it pleases. Now, who will dispute that proposition? Who finds fault or who can find fault with that reasoning?

It seems to me that those who would have Congress so mighty and the Constitution so weak are driven then to this absurdity—that the Constitution being carried by Congress to a Territory, the people of the Territory once being under the Constitution, Congress for the time being must legislate in subordination to the Constitution: but whenever Congress concludes to reassert its vast power, all it has to do is, by another act, to lift the Constitution, to gather the Constitution in and fold its wings of protection, and then to resume its own absolute sway, independent of the Constitution.

Gentlemen, what do you think of that doctrine as you follow it out? What respect, my friends, do you really have for your own judgment and your own logic, your own premises and your own treatment of them, when you proclaim or subscribe to the doctrine that the Constitution is nowhere outside of the States except where Congress carries it—that in legislating for the Territories the Constitution does not interfere with Congress?

I understand, and you understand, that this proposition lies at the very foundation of the Philippine question and the Puerto Rican question and the Hawaiian question, and the other questions that have arisen and will arise in this career which some gentlemen call progress, which others might properly call adventure—gathering in all that is loose around about, and then in providing a government, throwing away our constitutional safeguards in order to deal with our acquisitions, "our newly acquired possessions," in the way that necessity or cupidity may suggest. [Applause.]

I believe that no department or agency of the Government can escape from constitutional control otherwise than by violating the Constitution. I believe that the Constitution is in and over every act and action of Congress to sanction and sustain because in harmony with it, or to condemn and annul because in conflict with it. I believe the Constitution floats in the current of all Congressional legislation and directs the course of the stream. It is to Congressional life and action what the air we breathe is to human life and achievement. No legislation can escape from its supervising control, and wherever a law of Congressional enactment is in a Territory as well as in a State there is the Constitution also, having traveled in its own way, by its own conveyance, commanding Congress always and never commanded by Congress.

I did not intend to go into this question at length. It is worthy of some discussion. I may be wrong about it, but I think the time is coming and is not far distant when this proposition upon which so many gentlemen rest so much will receive more consideration than as yet has been given to it.

I believe the time is not far off—and I am warranted in that belief by reference to the decisions of the Supreme Court, by everything that we have upon that subject that deserves the name of authority, and, I am almost tempted to say, by everything which deserves the name of reason—I am led to the belief, and am confident in it, that the time is not far off when the doctrine in this country will be reestablished, to the satisfaction of many and the confusion of some others, that the Constitution is not merely a convenient little thing like a garment, to be taken off and put on; that the Constitution is not to be handled by the Congress of the United States as an overcoat might be handled by a servant in waiting—put on, pulled off, hung up or laid down, or even folded and stored away with spices and anti-moth preparations until a more convenient season for taking it out. [Laughter.]

I believe the doctrine soon will be reestablished in this country, to the satisfaction of many and to the confusion of some others, that the one thing that abides here, the one thing to which all of us must bow, the one thing to which all of us owe allegiance, the one thing which determines and measures the powers of Congress and of the President, whether the greatest or the smallest, that protects the feeblest and the mightiest, is the Constitution of the United States [applause on the Democratic side]; that it lives without Congressional action, and that the highest duty of Congress is to legislate under it and not against it. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. KNOX. I yield forty-five minutes to the gentleman from Kentucky [Mr. BOREING].

Mr. BOREING. Mr. Chairman, our Government was created without a pattern, and its founders commenced business without a dollar and without a foot of territory. Guided by the flag and not by the Constitution, they fought England seven years for our first possessions. To-day the American Republic stands in the forefront of the world's powers, without a peer in existence or a parallel in history. We have spanned this continent, compassed the seas, and planted our outposts at the threshold of the Asiatic countries, where we can command the trade and commerce of the world and protect our missionaries in all lands, and are now engaged in enacting a constitution for the islands of the Pacific Ocean.

We have the praise and admiration of the great civilized powers of the earth and no enemy in our front to stop our onward march around the globe. Yet there is a voice that calls us to halt and retreat. That voice comes from the rear. It is not the voice of Grant. It is not the voice of Stonewall Jackson. The men who wore the blue and the men who wore the gray are at the front upholding the flag, with a united people and a prosperous country behind them. The voice that calls us back is the voice of the Tory in the Revolutionary days; the voice of Vallandigham and the Copperheads in the days of the civil war. It is the voice of the demagogue, the pessimist, and a few constitutional lawyers. Shall we obey that voice, or shall we state the philosophy of our politics and the religion of our Government in a broader patriotism, looking to a wider and higher national destiny?

I am well aware, Mr. Chairman, that our able statesmen are not all agreed about these matters. This comes of our free institutions and is the result of free thought, free speech, and a free press. But, Mr. Chairman, the people of this country may be divided into two classes. The time has never been when they might not have been divided into two classes. One class live for themselves alone, and the other class live for others as well as themselves. To the latter class we are indebted for American independence. To this class we are indebted for the preservation of the Federal Union and for the absolute freedom of all American citizens.

This class have built our churches, endowed our colleges, and inaugurated our systems of public instruction, and to them alone I am willing to intrust the destiny of our people and the fate of this nation.

Mr. Chairman, the idea of self-government was not born upon this continent. It came to us from across the seas, and after a trial and approval of a century and a quarter, may we not send it back with our greetings? The idea is modern, but it is not new. It is modern because it is imperishable. It is too pure to decay. Forms decay, words become obsolete, and languages die, but great ideas, truths, and principles live forever. The great Nazarene teacher, who taught as man never taught, and who spake as never man spake, suggested the idea of self-government to the human race and taught the doctrine of civil liberty two thousand years ago. When he appeared upon the scene as a teacher human slavery existed in every civilized nation in the world; but these wicked and degrading institutions have melted down before the sunlight of the gospel.

Our German ancestry, the Angles and the Saxons, carried the spirit of self-government from Germany into England in the fifth century. It struggled there for more than ten centuries against monarchical forms of government before it was driven to this country in search of a more congenial soil where it might develop and mature. It found lodgment in the patriotic heart of Washington and the brilliant intellect of Franklin; it found expression in the language of Jefferson; it found interpretation in the conscience of Lincoln, and it is finding dissemination in the patriotic judgment of William McKinley, to the credit of his brilliant Administration and the honor and glory of this nation. [Applause on the Republican side.]

When Mr. Jefferson wrote the Declaration of Independence, he stated a powerful governmental fact—all men are created equal—the full meaning of which I do not believe he comprehended. It remained for Abraham Lincoln, the great emancipationist of the nineteenth century, the type of the American Republic, who was endowed by nature and, as Mr. Watterson claims, was inspired by the Almighty, to so interpret this fact as to make it speak the whole truth. Jefferson, Washington, and Franklin saw only the white man in that declaration, because they all indorsed the Constitution of the United States, which provided for the enslavement of the black man. But Mr. Lincoln, who possessed that invisible power of the human mind that could detect the invisible power that lurked in the great fact, saw as clearly as a sunbeam that it included the black man, and it is now dawning upon Mr. McKinley that the interpretation of Lincoln, that emancipated not only the bodies but the minds and consciences of men and gave this country a new civilization founded upon enlightened civil liberty, includes every shade of color between the white and the black man.

But how have we acquired our territory in this country? How has our Government grown up like its great type, Mr. Lincoln, from nothing to become everything?

In 1783 Great Britain ceded to us the 13 original colonies, embracing 815,000 square miles of territory. We obtained this under

the flag and not under the Constitution. Mr. Chairman, we acquired our first possessions without having to run the gantlet of the constitutional lawyers, which every annexation has had to encounter.

I am always pleased to hear the speeches of the distinguished gentleman from Missouri [Mr. DE ARMOND] on account of his learning. I remember not long ago he took occasion to contrast the Constitution with the flag, claiming that the Constitution was the residuum of the Revolutionary war, that it was the guide and charter of the American people. I would remind him that the flag was the inspiration of the Revolutionary war. It expresses the patriotism of our people and the spirit of self-government.

I have as great respect for the Constitution as any man upon this floor. I would not speak disparagingly of that instrument, but I would also remind the gentleman that wherever there has been a conflict between the teaching of the Constitution and the teaching of the flag the Constitution has been in error and the flag has been correct.

I remember when I was a boy the Constitution taught me that the black man was property. The flag taught me that he was a man. The teaching of the flag prevailed and the Constitution was amended. The flag has never been amended, but the Constitution has been amended fifteen times to conform to the growth and development of the country and new conditions that have arisen, and to keep it in harmony with the teaching of the flag. You had as well think of amending the heavens that declare the glory of God or the firmament that showeth His handiwork, which day unto day uttereth speech and night unto night showeth knowledge, as to think of amending the American flag.

Mr. Chairman, I have no doubt that our fathers thought when they obtained this grant from England that they had all the territory they would ever need, for they made no express provisions in the Constitution by which we might acquire more. I have no doubt they had the idea then that they were forming a government within and for themselves and their posterity. But within twenty years from that date the great Louisiana purchase was made by Thomas Jefferson. He was censured and condemned for his reckless disregard of the Constitution and extravagant expenditure of the people's money—$15,000,000—for the purchase of territory for which the country had no use.

How is it to-day? That territory is worth $3,000,000,000. Why, its intelligent, cultured, and prosperous citizens propose to expend $15,000,000 in 1903 to celebrate the Louisiana purchase.

There is not money enough in this country, gold, silver, and paper, to buy the Louisiana purchase. Mr. Jefferson admitted that he stretched the Constitution until it cracked in order to make that purchase. He asked that the act ratifying the purchase be made in silence and without debate; and, in point of fact, there was more silence and secrecy about the passage of that act than there was about the act of 1873, by which some of our people think we lost our silver money. Here was the beginning of the American policy which was broader than the Constitution.

From that day to this the American policy has been broader than the Constitution. We have had seven great annexations of territory, by which we have increased our possessions to nearly 4,000,000 square miles of territory. Every great question that agitated the people of this country in the nineteenth century grew out of annexation. The public-land question, the tariff question, and the slavery question all grew out of annexation. If there had been no public domain added, there would have been no public-land question to be fought over between Henry Clay and Andrew Jackson. By reason of these annexations, farming lands became very cheap and farming very profitable. The statesmen saw that in order to encourage our people to manufacture their own goods, wares, and merchandise they must make manufacturing as profitable as farming, so they inaugurated a tariff system that has built up this country; and from that day we have had the tariff agitation until recent times. It commenced between Henry Clay, of Kentucky, and John C. Calhoun, of South Carolina.

I can not fix the day of the death of "tariff for revenue only," but I can come within four years of it. I believe that it appeared for the last time in the national Democratic platform of 1892. It failed to appear in the national Democratic platform of 1896. Somewhere between these two dates it winked out. Both the country and the Democratic party had an experience about that time that neither will soon forget. The slavery question likewise grew out of annexation, because the doctrine of slavery was firmly planted in the Constitution. It required a contempt of law and a revolution to free the original thirteen colonies from slavery. Whenever a new State was made the question arose as to whether it should be free or whether it should be slave. This controversy culminated in the irrepressible conflict that the eminent statesmanship of Henry Clay deferred for a third of a century, but could not prevent.

Mr. Chairman, the country we have acquired is the richest and most fertile and its people are the most cultured, intelligent, and happy of any race of people on the earth. Our country is, indeed, a chosen land. When you consider it from an agricultural standpoint, we could feed, clothe, and shelter twenty times our present population by agricultural pursuits alone. If you consider it from a manufacturing aspect, with our great producing capacity, that has been built up by our protective system and with the constantly increasing foreign demand for our manufactured articles, we could dispense with farming and support our population by manufacturing alone.

When you come to consider the wealth that is imbedded in the earth—our gold, silver, and copper mines, our coal fields, our oil, gases, and other minerals, our granite and marble of every hue and shade of color—this wealth is like the stars of heaven; it declares the glory of God. We are also a chosen people. In 1792 it was estimated that 85 per cent of our people were of the Anglo-Saxon race. It was very fortunate that we fell under the Anglo-Saxon civilization in the beginning, and it is exceedingly fortunate for us that every annexation made displaced Latin civilization, which has been succeeded by our Americanized Anglo-Saxon civilization.

We also have a chosen Government. It is conceded that the American Republic has been the most successful experiment of self-government the world has ever known. Now, with our brilliant history behind us and the enlightening power of our schools and churches, with our books and newspapers as numerous as the leaves of the forest, shall we not, in the faith of Caleb and Joshua, "go up and possess the land" that has come to us by the fortunes of war and by the act of purchase, not to deprive the inhabitants that come with these islands of their rights or possessions, but by our superior civilization teach them the arts of industry and inspire them to the pursuits of peace, cultivating among them the knowledge of a more enlightened civil liberty, and, if possible, secure to them and their posterity the blessings of that method of self-government that came to us as a heritage from our fathers.

Mr. Chairman, if by the pursuit of this beneficent policy we find a market for the surplus products of our farms and factories, who shall impugn, or have the right to impugn, our motive, question our patriotism, or criticise our policy? Certainly not they of our own household. I have been much pleased with what I have seen in this House with regard to our action in providing the pending bill. The Hawaiian Islands were converted to Christianity by American missionaries early in the twenties. In 1825 they incorporated into their code of laws the Ten Commandments. In 1829 they were recognized by the United States as a treaty-making power. In 1844 they were recognized by us as an independent government.

In 1900 they are knocking at our doors for admission and asking us to enact for them a constitution and code of laws. In doing so the Committee on Territories undertook as much as possible to make them conform to American ideas and American customs. I was pleased to see that the committee unanimously voted against a property qualification for the right of suffrage. I was pleased to know that we unanimously agreed to give them a fair election law and leave them as much as possible to control their own local affairs. I have been pleased at the spirit that has been shown here in regard to Puerto Rico on both sides of this House, notwithstanding we differ very widely as to what is the best method of relieving their distress.

But, Mr. Chairman, while we are providing for the islands of the sea, extending our civilization, holding up American national life before the world, are we going to allow the torchlight of liberty to be extinguished at the birthplace of Abraham Lincoln and the home of Henry Clay?

It is in no spirit of partisan acrimony that I refer to the situation in Kentucky. So far as the election law is concerned, we would be glad to exchange places with either the Hawaiian Islands or Puerto Rico. If you would rid us of the Goebel election law, you might put a tariff for two years on our products and tax to the full extent, if you please, of the Dingley law. We have two great trusts in Kentucky that would bear the burden of taxation; and if they were both taxed to death, the youth of the land would be safer and the country all the better off. Our Democratic friends get the benefit of both of them—the whisky trust and the tobacco trust. [Laughter.]

Mr. TALBERT. Democrats do not drink. [Laughter.]

Mr. BOREING. No; they make and sell the liquor. Kentuckians do not drink as much as you think they do. My town is a local-option town and has not had an open saloon in it for twenty-five years, and we have not had a homicide there for twenty-five years; and yet we have been held up by the press of the country as a lawless people. I am glad to refer to this fact for the purpose of vindicating the people of my district. I do not know a more law-abiding, peaceable, and industrious citizenship anywhere in the United States than there is in Laurel County. Likewise the people of the Eleventh district are peaceable, industrious, intelligent, law-abiding people, and have been misrepresented and slandered in the public press in reporting the situation in Kentucky. Yes, if you will give us civil liberty in Kentucky, you may tax our

products by a tariff. If you will be as kind to us as you are to Puerto Rico, and pay the money all back to us, and allow us all we collect ourselves on articles coming into Kentucky to build schoolhouses and make roads and lock and dam the Cumberland and Kentucky rivers, so we can put into market our coal and timber and oil and other products, then we will be as wealthy and prosperous as the great State of Pennsylvania or any other State in this Union.

But, Mr. Chairman, while the Goebel election law is the immediate cause of our troubles in Kentucky, there has been a series of wrongs perpetrated against the Republican party and the Republican counties in Kentucky. A system of unfair dealing and discrimination has been practiced against us which have led up to and made possible the passage of that law. In laying out the legislative and the senatorial and the Congressional districts the legislature of Kentucky has totally disregarded the plain provisions of their own constitution. I wish some of these constitutional lawyers would go down there and preach our State constitution to our State legislators. The thirty-third section of that instrument reads as follows:

The first general assembly after the adoption of the constitution—

That is our new constitution, that was adopted in 1891—

shall divide the State into 38 senatorial districts and 100 representative districts, as nearly equal in population as may be without dividing any county, except where the county may include more than one district, which shall constitute the senatorial and legislative districts for ten years.

Mr. TALBERT. If it will not interrupt the gentleman, I would like to ask him a question.

Mr. BOREING. Certainly.

Mr. TALBERT. You say if they will give you civil liberty in Kentucky—I suppose you allude to the Federal Government?

Mr. BOREING. I do not care how we get it, so it comes back to us.

Mr. TALBERT. Does the gentleman think Kentucky can not take care of itself without Federal interference in these election laws?

Mr. BOREING. I am not raising the question of Federal interference. I am not asking that. I will say to the gentleman from South Carolina that I will explain more explicitly when I get further on.

Mr. TALBERT. I did not mean to interrupt the gentleman.

Mr. BOREING. I understand that, and I am glad to have the gentleman from South Carolina ask me a question.

We are not asking for Federal interference; we are asking for a fair election law—a law fair to all parties. I want it to be the product of the best minds of both parties. I want it to be such a law as we can die and leave it to our children, believing that we are handing down to them the blessings of civil liberty as they were given to us by our fathers.

I call special attention to this provision:

Not more than two counties shall be joined to form a representative district.

Now, Mr. Chairman——

Mr. BALL. Does the gentleman want Congress to change the constitution or the laws of Kentucky?

Mr. BOREING. We are not asking Congress to change the constitution of Kentucky.

Mr. BALL. What has Congress to do with the the representative districts in Kentucky—the senatorial and legislative districts? What have we to do with them?

Mr. BOREING. I have not asked Congress to regulate them.

Mr. BALL. You are making an appeal to Congress——

Mr. BOREING. I am simply stating a fact. I desire simply to put the facts before Congress and the country. And it has a bearing on the subject under discussion, because you gentlemen are reaching out in a humanitarian spirit and sympathizing with people who are oppressed. We want some of your sympathy.

Mr. BALL. How much majority did you give your governor in 1895 in your district?

Mr. BOREING. I do not remember. We gave him a pretty good majority.

Mr. BALL. How much majority did you give him in 1896, when President McKinley was running, and how long did you hold back the returns?

Mr. BOREING. We did not hold back the returns a day. And every vote that was given for Mr. McKinley was an honest vote. And we increased that majority in our last election under the Goebel law, when Democrats held and certified the election.

Mr. BALL. I do not doubt that every vote given was an honest vote. I am speaking of those votes which you counted in 1896, but which were not given.

Mr. BOREING. We did not count any that were not cast. We do not run the counting machine down there. The counting machine is run by the other side. The Goebel election law throws it open to them to run, if they have a mind to run it, and that is what I am now complaining of.

Now, Mr. Chairman, let me give the gentleman a few facts. The legislature did meet in 1892 and did lay out the State into 38 senatorial and 100 representative districts. But how did they do it? I will refer first to my own district, the Seventeenth senatorial district of Kentucky, composed of the counties of Laurel, Pulaski, Whitley, Bell, Knox, Jackson, and Rockcastle, all in the Eleventh district, except Rockcastle. Those were perhaps six of the strongest Republican counties that could be laid out within one contiguous boundary. They had a population of 99,244. The ratio for senator was 48,911; and they gave us one senator, while the Democratic counties of Harrison, Nicholas, and Robertson, with 30,326 population, were given one senator.

I appeal to the gentleman as to whether that is fair. I appeal to the gentleman himself to say whether that is not taxation without representation. I appeal to the gentleman or any other member of this House to say whether we have not the same ground and grievance for revolution that our fathers had against Great Britain.

Mr. BALL. Revolution does not include the right of assassination.

Mr. BOREING. What was the gentleman's remark?

Mr. BALL. Are you appealing to the right of revolution?

Mr. BOREING. Oh, no; I am talking about rights we have not exercised.

Mr. BALL. I do not doubt your right to revolutionize if you want to do so; I am simply asking what Congress has to do with the assassination of a governor and your other troubles out in Kentucky.

Mr. BOREING. I have not said a word about assassination.

Mr. LACEY. Allow me to ask whether the Goebel law is not justified under article 12 of the constitution, which provides that—

All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness, and the protection of property. And for the advancement of these ends they have at all times an inalienable right to alter, reform, or abolish their governments in such manner as they may deem proper.

It will thus be seen that there is a special provision in the constitution of Kentucky authorizing revolution. Is not the Goebel law authorized by that provision?

Mr. BOREING. I do not know that I can answer the gentleman's question fully. I do not think the Goebel law could be authorized by anything else than revolution or usurpation. It does not, however, reform the State government, nor does it advance safety and happiness or protect property, but it does abolish government and subvert civil liberty.

But, Mr. Chairman, let me examine these figures a little further. This is not an isolated case. Take the county of Fayette, with 35,698 population. That county has one senator; but the Republican district composed of the counties of Perry, Letcher, Clay, Harlan, Floyd, Pike, Knott, Leslie, Martin, and Johnson, with a population of 85,166, has only one senator.

But this is not all. I will call your attention to the Republican county of Christian, with 34,113 population, which was given one representative, while the Democratic county of Davies, with 993 population less than Christian was given two representatives.

Christian is a strong Republican county. The Twenty-third and Twenty-fourth legislative districts, both Democratic, are in Warren County, with a population of 30,158, being 3,955 less than the Republican county of Christian. Thus, you see, Warren County has two representatives, while Christian has one.

Again, the Seventeenth district, composed of McLean County, with a population of 9,867—a Democratic county with a little over one-half the ratio for a member—was given one member. In open violation of the provisions of the constitution the counties of Clay, Jackson, and Owsley were all put into one district, with a population of 26,683, being 8,097 more than the constitutional ratio. These three are all strong Republican counties; likewise the four counties of Bell, Harlan, Perry, and Leslie, all Republican counties, and all put into one legislative district and given one member.

Mr. WHEELER of Kentucky. I should like to ask my colleague a question.

Mr. BOREING. Yes.

Mr. WHEELER of Kentucky. Is it not true that the court of appeals of Kentucky have upheld the reapportionment of the State and decided it to be constitutional?

Mr. BOREING. I really do not know. They have upheld the Goebel election law, which is worse, the judges dividing on partisan lines, 4 to 3.

Mr. WHEELER of Kentucky. I desire the gentleman to state whether or not the court of last resort of the State has held the present apportionment of the State to be constitutional?

Mr. BOREING. I really do not know, but if they have, it is not fair and right. If it is, it is hard for a Republican to see how, since it disfranchises him.

Mr. WHEELER of Kentucky. Well, I will try to answer that later. I think I will have something to say.

Mr. BOREING. Of course. My argument is that it is unfair and that it is unconstitutional. Here is the plain language of the constitution, that speaks for itself.

Again, there is the Ninety-third district, composed of the Republican counties of Boyd and Lawrence, with a population of 31,735, given one representative, while Larue County, with a population of 9,433, has a representative. The Sixty-ninth district, composed of the two Republican counties of Knox and Whitley, with a territory of 930 square miles and a total population of 31,352, has but one representative, while the Twenty-third district, composed of the little city of Bowling Green and one or two small county precincts in Warren, with a population of 7,803, has a representative.

Mr. Chairman, I might carry this comparison further, but I deem the facts presented sufficient to convince the Congress of the United States and the country at large that our grievances are not imaginary, but real, and that they show why the election machinery has been transferred from the people to the legislature by this system of discriminating, which has practically disfranchised half the voters in the counties discriminated against in the election of State senators and representatives. The Goebel election law can be operated more successfully through the legislature than it can through the people. The legislature elects State board of election commissioners; State board appoints county commissioners, who hold the elections and report back to their masters.

Mr. TALBERT. Mr. Chairman, just a point right there. The gentleman has stated to the House what he conceives to be the wrongs and abuses that have been brought about by one party in Kentucky.

Mr. BOREING. Yes.

Mr. TALBERT. Does he not think that Kentucky is entirely competent to deal with this question itself? If these wrongs have been committed, can they not be corrected by the people of Kentucky, and would not the proper place to air these things and to attempt these reforms be in the State of Kentucky instead of bringing them here to the Congress of the United States? I do not deny the gentleman's right to speak upon any question he pleases; but the point I want to get at is, is the State of Kentucky not entirely competent to deal with these questions herself as a sovereign State?

Mr. BOREING. As a sovereign State! That brings up a new question.

I want to say this: I submit the question as to whether we are mistaken about this being a nation and whether that provision of the Constitution of the United States that guarantees to every State a republican form of government is so much surplusage, and whether we are sovereign States? If we are sovereign States and the General Government has no right to interfere, then we must work out our own destiny.

Mr. TALBERT. I was speaking in regard to these particular conditions of things that the gentleman was referring to.

Mr. BOREING. I hope Kentucky will be able to work out her own destiny, but I give notice now to the gentleman from South Carolina and this House that, if we can not get rid of the Goebel election law in any other way, I will introduce a bill into this Congress asking for the passage of a Federal election law. I will not make this appeal in behalf of the colored race in the South; I will not make it in behalf of the Republican party in Kentucky. I will make it in behalf of the people of Kentucky, without regard to their politics or their racial origin. I will not ask for a force bill; I will not ask for a sectional election law, but I will ask for a fair election law for the whole United States that will enable the Federal court to reach out and take hold of these matters and pass upon the validity and constitutionality of the election laws in the States.

You talk about the Constitution extending itself. I will remind you, sir, that this deep-seated leprosy that is affecting the political franchise and spreading over the country must ultimately go to all the States. It may be that one party will smother out the rights of the minority in your State and mine and a different party will smother out the rights of the minority in other States.

Mr. Lincoln said this country could not stand part slave and part free; that it must ultimately be all slave or all free. So I declare to you that this Government can not stand with fair election laws in part of the States and unfair election laws in other States. We must have all fair, or ultimately they will all be unfair.

Now, if any gentleman here thinks that I am going beyond what I ought to say upon this subject as the Representative of the Eleventh district of Kentucky, I will say to him, come and stand where we are standing; come weep where we are weeping; come pray where we are praying; come feel what we are feeling, and then decide whether or not we will be justified in asking the Federal Congress to enact a law that will give every State in this Union a fair election and a republican form of government.

I will introduce into the RECORD, by permission, an editorial written by Mr. Watterson, at the time the Goebel election bill was pending. Mr. Watterson was once a member of Congress, but better known as the great editor of the Courier-Journal, the leading Democratic daily newspaper of the South, distinguished for his gifts and his high regard for the rights of man. His language needs no comment from me.

A COURIER-JOURNAL EDITORIAL.

The people may well stand aghast before the revolutionary election bill which has, like some dread monster, suddenly emerged from the fastnesses of passion and error through which the legislature has been threading its tortuous way. It is safe to say that the annals of free government will be sought in vain for anything approaching it in shameless effrontery and unconcealed deformity. The records of reconstruction furnish nothing to compare with it. The Brownlow despotism in Tennessee was considered tolerably reckless and tolerably thorough in its day. But the Brownlow despotism at its worst ventured upon nothing so boldly, wholly bad as this.

In all the force bills meditated by the radicals in Congress during the dark days of reconstruction there were discernible some pretense and pretext, some lingering memory of republican instincts and traditions. Even in the plebiscites of Louis Napoleon there was the outer display of a just electoral process and purpose. This force bill gives the voters of Kentucky not a ray of hope. It makes no claim or show of fairness. It places exclusively in the hands of three irresponsible persons to be named by the authors of the measure itself the entire electoral machinery of the State. That is the whole of it. In one word, and at one fell swoop, Kentucky is to become the subject of a triumvirate, which is to decide who shall hold office and who shall not. Nominally the people are to be permitted still to go through the form of elections. They are to be permitted still to vote. The ballot box is not actually abolished. But the triumvirate is in each and every case to cast up the returns and determine the result.

Naturally the question recurs, Why three commissioners, when one would serve the purpose quite as well? Thrift being the order of the day, why not an act naming a single commissioner to cast a single vote for the entire State, as is sometimes done in local board meetings? Why waste the hard-earned money of the taxpayer on a triumvirate, when a dictator would come so much cheaper.

Senator William Goebel is the reputed author of this bill. At least, it stands in his name, and in the legislature he is its foremost supporter. Among those who have latterly come into the foreground of Kentucky politics, this gentleman stands easily first as a master of political strategy. Self-possessed, able and tireless, and fearless, he seems to belong to the category of born leaders. Such men are capable of great public good or great public mischief. The Courier-Journal would not summarily nor willingly dismiss Senator Goebel to the latter classification. The measure with which he has linked his name and for the time being identified his fortunes is of sweeping viciousness and far-reaching evil.

The alien and sedition laws which engulfed and destroyed the old Federal party were not less oppressive and unrepublican in their character. But the coolest men are sometimes carried away by the passions that surround them, and this winter there has been nothing but passion at Frankfort. Indeed, of the present Democratic leaders in Kentucky, might one, without exaggeration or bathos, exclaim:

"O, judgment! thou art fled to brutish beasts,
And men have lost their reason."

Senator Goebel is no worse than the rest; and except in this atrocious measure has shown himself something better. But, like Cæsar that was ambitious, he wants to be governor of Kentucky, and he sees, or he thinks he sees, a ready chariot to bear him thither in the electoral bill that bears his name.

Woeful, though not irretrievable, mistake; for, granting that with the machinery of this bill in his hands, his ambition may be, probably will be, gratified, what should it profit him if he gain the rulership of the universe and lose his own soul and along with it his good name, as the slayer of civil liberty?

Mr. Goebel is a young man. He is an aspiring man. He is an able and a brave man. May we not, as a friend, and without prejudice or misconstruction, tell him that there is something better, higher, nobler even than the governorship of Kentucky, and that is the love, the respect, the homage of good men and women? Were it not wiser to wait until his time has come and to take his chances fairly among his rivals, than, armed like a bandit, to hold up the people and the State and after a brief, unhonored revel in office, to pass from the scene discredited forever? For nothing can be surer than that if this bill should become a law it is only a question of time, and of a very short time, when all concerned in its passage will be running to cover from the wrath of an outraged people, and when those responsible for its being will have to pay the forfeit of their folly and crime in everlasting ignominy and disgrace.

But the Goebel bill will never be enacted into law. The Democrats of Kentucky have not sunk so low as that. There is a limit even to the fury of factional passion. There are bounds set upon the prosperous rapacity of sectional leadership. The people can not have gone completely and incurably mad. There is yet some grace left in the manhood of Kentucky to rise in its might and to say to this wicked attempt to steal its birthright of freedom in open day and before its very eyes, "I forbid!"

The time is short, but everywhere throughout Kentucky there should be public meetings held to protest, and to send delegations to Frankfort to protest, against this monstrous usurpation of power by a few unscrupulous and designing men. If this be not done, and done quickly and decisively, then are free elections and free government at an end in Kentucky and the State given over into the keeping of a clique of self-appointed party managers, not to be recovered by the people short of a political revolution. With the machinery of this Goebel bill in his hands, Mr. Goebel becomes as completely master of the situation in Kentucky as Diaz in Mexico or Menelek in Abyssinia.

Like all measures gotten up to serve pretended party purpose, yet in reality aimed to promote private advantage, this election bill is opposed to every conceivable Democratic interest. The first election, or rather spurious election, to be held under its operations and restrictions will be for Congressmen next November. All the Republicans shall need to do will be to protest against the rulings of the triumvirate in each district, send a delegation to Washington, and rely upon the Republican Chief Clerk of the House of Representatives, who makes up the roll of the next Congress, to enter their names. The issue thus joined may determine the party complexion of the next Congress, and against the Democrats, since the Republicans will have first say. In case of a disputed State election it is a question whether the State courts would not throw out the law as unconstitutional. Assuredly the act itself, if passed, might be described as "an act to deprive the Commonwealth of Kentucky of a republican form of government," for, whereas most force bills have preserved the outward forms of Republicanism, this bill defiantly creates a three-man power, under a one-man rule, as odious to liberty as the directory in France under Barras, or the consulate, after Napoleon had captured the revolution, as Mr. Goebel seems to have captured the Democratic party machinery.

In point of fact, the Democratic party, as a party, has everything to lose and nothing to gain, for, even as to the immediate future, when such desperate expedients are resorted to, it is impossible to predict with certainty exactly how they will work, while as to their ultimate results there can be no manner of doubt. Such measures always react and rebound. The brood of evils they invoke always comes home to roost. The very suggestion of so reckless a resort is a confession of weakness. It is an open declaration that its authors dare not meet the people face to face and in the open. It is the

resurrection out of the depths of infamy and disgrace, where the people laid them, of worn-out and cast-off radical methods and policies, and their application to the supposed exigencies of a faction of Democratic politicians who proclaim themselves to be, except for this device, both impotent and bankrupt.

The Courier-Journal speaks warmly because it feels warmly. But it would arraign the motives, question the integrity, of no man. As it values its honor, it would assail the honor of none other; and surely it has no factional interest to support. Cast out by all factions, an outlaw in the house where it was once a master—and willing, yea, glorying in its subjection and its martyrdom for truth's sake and its country's sake, if good shall come to either—what boots it to us which aspirant is governor of Kentucky, or who sits in the high place of the land?

This monstrous usurpation of power needs no explaining. It is so simple a child may read and understand it. But no power can stop it unless the people of Kentucky, not yet wholly lost to liberty, manhood, and self-respect, arise in their majesty, and arise at once, to call off the maddened dogs of war whom passion and faction have let loose at Frankfort, and who, having had a taste of blood, would rend the very eagles that guard the Commonwealth limb from limb, leaving the people only the bare and worthless bones.

The long train of evils predicted by Mr. Watterson that would follow the enactment of the Goebel election law have already been visited, in part at least, upon the people of Kentucky. We already have two sets of State officers claiming to have been elected for the same term. One set elected by the people, and another set elected by the boards of contest. And the question to-day is whether the voice that comes from the booth or the voice that comes from the legislature shall prevail. As a man of peace I favor a peaceful solution of these troubles, and I therefore believe that if the Federal courts of the country have not power to pass upon and settle these disputed questions that we have reached a period in our country's history when such power should be conferred upon them by Congressional legislation, because under the political excitement that prevails the local courts are as partisan as the political parties. As further evidence of the fact that the Goebel election law throws wide open to fraud our elections whenever and wherever the election officers are corrupt enough to practice fraud, I desire also to insert as part of my remarks a letter from the Hon. South G. Trimble, speaker of the present legislature of Kentucky, to his friend, W. E. Thompson. It is as follows:

FRANKFORT, KY., *August 3, 1898*

MY DEAR MR. THOMPSON: I will preface the contents of this letter by saying that you have not a better friend in Franklin County than I am, and it is my friendship for you that I write this letter. You were indicated by the county committee as one of the election commissioners for this county.

No better man could have been appointed; but it is an unenviable position, and one that you should not accept. Our county is all right, safely Democratic; but city elections can not be won with a fair count, and you know that as well as I do. Incompetent, unreliable Republican judges will have to be appointed. The right of the Republicans to indicate who shall represent them as judges, etc., will have to be ignored, and the election commissioners will have to do this or receive the ill will of the city Democrats. I would not do it, for I could not conscientiously do so and know that you would not; therefore my advice to you is to refuse to act.

I had a talk with Judge Pryor on the subject, and he said if you would refuse to act he would appoint anyone that we might indicate, which would be Ben Marshall. You know Ben is so partisan that he thinks that anything is right that helps the Democrats. Think this matter over, and use your best judgment, and if you conclude not to accept, write to me immediately and I will have the change made. I will also see that your interests are represented in the appointment of officers on your side of the river. Let me hear from you at once.

Sincerely your friend,

SOUTH TRIMBLE.

MR. W. E. THOMPSON, *Frankfort, Ky.*

Thompson's answer is as follows:

FLAGFORK, KY., *August 18, 1898.*

MY DEAR SIR: Yours of the 13th of August in regard to election commissioners for the county received, and in reply will say my confidence in your sincerity about this matter compels me to refuse to accept the appointment of election commissioner, for if I have to do a dishonorable act I will not accept. Show this letter to Judge Pryor, that he may act regardless of the county committee's recommendation.

Most respectfully, yours,

W. E. THOMPSON.

MR. SOUTH TRIMBLE, *Frankfort, Ky.*

Mr. Trimble is a reputable gentleman and a supporter of Mr. Goebel and in harmony and accord with what is known as the Goebel Democracy in Kentucky, and his letter speaks for itself, and shows what he thought of the fairness and the soundness of the Goebel election law.

I also insert as a part of my remarks this item taken from what purports to be the correspondence between Mr. Watterson and Mr. Belmont, of New York:

The Democratic State ticket just nominated will certainly be elected, under the operation of the Goebel law. The result is not left to chance.

That is what Mr. Watterson is reported to have written to Mr. Belmont. Now, do any of you have any difficulty in construing that language? Does not that mean that the election will not necessarily depend upon the votes cast, but upon the votes counted?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOREING. I will ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman has that privilege under the order made by the House.

Mr. BOREING. The gentleman from Kentucky [Mr. WHEELER] asked me if the apportionment of Kentucky has not been upheld by a decision of the court of appeals. By this interrogatory he concedes the truth of what I have stated about the apportionment. He also admits that the Goebel election law is partisan.

If it be true, Mr. Chairman, that the court of appeals in Kentucky has upheld an unfair apportionment and partisan election law, then he sustains my contention and justifies me in my belief that the disputed questions growing out of our elections and the validity and constitutionality of our election law ought to be settled in a more impartial court.

My attack is upon the Goebel election law and not upon the officers who have administered that law; nor have I discussed nor do I propose to discuss Mr. Goebel. No eulogy upon his life and character answers objections to an iniquitous law that bears his name. I do not charge that all elections held under the Goebel election law have been fraudulent. I do not believe they have been. But I do assert and maintain that wherever we have had fair elections under that law it is due to the fact that the officers of the election were better than the law. We do not want an election law under which we may have a fair election, but we want an election law under which we must have a fair election. In this enlightened age of the world we must have election laws that command the respect and confidence of all our people. If we would guard the sacredness of the ballot, the law must be nonpartisan in spirit and in form.

It has been said that the State canvassing board under the old law in Kentucky was not nonpartisan; that the governor, secretary of state, auditor, treasurer, and attorney-general of state composed the board. That is true; but it must be borne in mind that this canvassing board was not a source of power to hold elections. They exercised no powers whatever, direct or remote, in the appointment of election officers and holding the elections. Under the old law the county judge of the county appointed the election officers and the county judge and county clerk and sheriff were the returning boards for the counties. They were elected by the people and responsible to the people, and required to execute bonds for the faithful performance of their duties.

But under the operations of the Goebel law the county commissioners, who appoint the election officers and receive the returns of the elections and certify them up to the State board, are not responsible to the people. They do not get their power to act from the people. They get their power from the State board, and the State board gets its power from the legislature. The legislative districts are so laid out as to give the Democratic party the advantage of electing members with half as many votes as are required to elect the Republican members. The State board of election commissioners have full power to remove the county commissioners at any time. They can appoint them all of one political party if they choose. The county commissioners have full power to remove the election officers at any time. The South Trimble letter in this RECORD illustrates the advantage that may be given one party over another in the matter of selecting election officers. It will be observed, too, that no bond is required of either the State or county commissioners for the faithful performance of their duties, and no penalties attached for the punishment of either State or county commissioners in case they ignore the law in appointing election officers in the voting precincts.

Now, Mr. Chairman, in my opposition to this law I am backed by the solid Republican party in Kentucky and am supported by my Republican colleagues in the Senate and in the House. My Democratic colleague, who assumes to defend the Goebel election law upon this floor, is not backed by anything like all of his party, and he does not have the united support of his Democratic colleagues in the Senate and the House.

I have been asked to point out the particular frauds in the elections held under the Goebel election law, but it is my purpose just now to point out the defects in the law itself, which has just commenced to bear fruit. It has been alleged and never denied that more than 100 of the election officers in Louisville were removed on the night before the election, and it is a notorious fact that in order to defeat Taylor and the Republican State ticket and elect Goebel and the Democratic State ticket the entire vote of the city of Louisville and four counties in the Tenth district were thrown out, not only by the legislature but also by the State board of election commissioners, sitting as a board of contest, and more than a quarter of a million people disfranchised.

Whatever may be the outcome of the situation in Kentucky and whoever may hold the offices, the fact that Gen. W. S. Taylor was nominated by acclamation at the Republican State convention and was elected by the legal voters of Kentucky under the operations of the Goebel law remains and will go down the ages wherever the truth of history is known. It is a matter of record that Governor Taylor and the Republican ticket elected along with him received their certificates of election from the State commissioners appointed under the operation of the Goebel law and have been properly inducted into their offices, and I give it as my candid judgment that if the courts of the country uphold the action of the legislature and the State board of election commissioners in

their decision as boards of contest that Mr. Beckham and the Democratic ticket have been elected, Governor Taylor and the other State officers will acquiesce in that decision, although it may be a "Dred Scott" decision. If an appeal or a writ of error from the Kentucky court of appeals to the Federal court lies, under the agreement between the attorneys for these parties, Governor Taylor will doubtless take that appeal. If not, it is my belief that he will submit to the decision of the court of last resort to him, and the matter will be carried back to the people and the fight for the restoration of civil liberty will be peacefully waged at the polls in November next.

In further answer to the question of the gentleman from Texas [Mr. BALL], in reference to the vote in the Eleventh district in 1896, I desire to remind him that the gain in the vote of 1896 over the vote of 1895 in the Eleventh district was 11 per cent less than the gain in the First district of Kentucky, represented by my colleague [Mr. WHEELER]. And I desire to further call his attention to the fact that the majority in the Eleventh district was larger in 1899 than in 1896, and notwithstanding the charge of tissue ballots was made and investigated by the legislature sitting as a board of contest, they failed utterly to find a single fraud or even an excuse for throwing out votes in the Eleventh Congressional district, but found their excuses for cutting down the Republican majority to a minority in counties outside of the Eleventh district. The Eleventh district, therefore, has a certificate of character from the Goebel contest boards in Kentucky, whatever that may be worth to them.

I may further remind the gentleman from Texas that the county of Whitley, with a Republican majority of from 2,000 to 2,500, was by this same system of unfair dealing and discrimination changed from one appellate district to another just preceding an election for judge of the court of appeals, so as to deprive the people of that county of a vote for appellate judge for a quarter of a century; also that the boundary of the Eleventh Congressional district, which is now 300 miles long and one county wide in places, has been the subject of constant changes by the legislature, in order to secure the election of Democratic Congressmen in the adjoining districts. All this has been done without regard to the rights of the minority or the geography of the country.

I might further remind him that the Democratic State legislature at the session at which the Goebel election law was enacted passed what was known as the prison bill, by which they turned the Republican officers and guards of the penitentiaries and the superintendents of the charitable institutions out of office in the middle of their term and distributed the places among the members of the legislature, as a remuneration, as was alleged, for their support of the Goebel election bill. So the gentleman's ill-advised insinuations against the Republicans in the Eleventh district betrays his want of knowledge about Kentucky affairs.

In conclusion, Mr. Chairman, I invite special attention to that feature of section 1 of the Goebel law that provides for the filling of vacancies in the State board. In case of two vacancies it authorizes the remaining member, when the legislature is not in session, to appoint two additional members to fill the vacancies. In this connection, I desire to state that the first board was composed of Judge W. S. Prior, Judge Ellis, and Mr. Poynts. These three gentlemen met as a canvassing board, tabulated the returns that came before them from the county boards, and found that, according to the face of the returns, W. S. Taylor and the Republican ticket were elected.

Accordingly, Judge Prior and Judge Ellis decided to give certificates to the Republican ticket, from which Mr. Poynts dissented. After signing the certificates and delivering same, Prior and Ellis resigned, and Mr. Poynts proceeds to fill the vacancies, as is alleged, by the appointment of persons whose views were known to be in harmony with his own. Why Prior and Ellis resigned at this critical juncture the public has not been advised, but the action taken in the matter illustrates the practical workings of the Goebel law and the self-perpetuating power of the State board of election commissioners, and how it is possible, both with the State board and the county boards, for a member whose conscience is not equal to the tasks assigned, to step aside and allow his place to be filled by another who possibly, as Mr. Trimble expresses it, is sufficiently partisan to justify any act that may give his party success.

Now, Mr. Chairman, the Goebel election law is monstrous, in that it makes the State board of commissioners a self-perpetuating machine, which is the source and end of power, places it above the law, and makes its decisions final. Now, in order that Congress may be advised and the public informed as to what the Goebel election law is, within itself, I will insert as part of my remarks the instrument in full, and respectfully and earnestly request every member of this House to carefully read and consider, then decide whether or not he believes, as an American patriot, that this law is wise or just in its provisions, and whether or not the American people, with their historic love of liberty, inspired by the most brilliant future that has ever opened up before an illustrious Republic, can afford to have such an election law fastened upon any portion of their free people?

[Extract from laws of Kentucky.]

CHAPTER 13.—AN act to further regulate elections.

Be it enacted by the general assembly of the Commonwealth of Kentucky, The general assembly shall at its present session elect three commissioners who shall be styled "The State board of election commissioners." They shall hold office for a term of four years and until their successors are elected and qualified. They shall be citizens and electors of Kentucky and not less than 25 years old. In the year 1902 and every fourth year thereafter the general assembly shall elect such commissioners. Said commissioners shall qualify by taking before the clerk of the court of appeals an oath faithfully to perform their duties according to law. Of such qualifications said clerk shall make a certificate, which shall be noted upon the record of the proceedings of said board and preserved among the records. Said board shall elect one of its members chairman, who shall preside at its meetings. It shall appoint a secretary, who shall hold office during the pleasure of the board.

The board shall prescribe the duties of the secretary and fix his compensation, which shall not exceed $250 per annum. The board shall keep a record of its acts, orders, findings, judgments, and all of its proceedings. A majority of said board shall constitute a quorum for the transaction of all business of the board, and a majority of said board may make any order, finding, judgment, or do any act or thing that the board is authorized or empowered to make or do. If a vacancy occurs in said board whilst the general assembly is in session, said vacancy shall be filled by election by the general assembly. If a vacancy or vacancies occur in said board whilst the general assembly is in vacation, the same shall be filled by appointment by the remaining member or members of said board. Resignations from said board shall be in writing, directed to the board, and filed among the records thereof.

SEC. 2. Said State board of election commissioners shall annually, not later than the month of September, appoint three election commissioners for each county in this Commonwealth, who shall be styled the "county board of election commissioners;" such county election commissioners shall be citizens and electors of the county for which they are appointed, and shall be not less than 25 years old. Before entering upon the duties of their office they shall qualify by taking, before some officer authorized by law to administer oaths, an oath faithfully to discharge their duties as such commissioners according to law.

The officer administering such oath shall make a certificate thereof, which shall be filed in the office of the county court clerk of the county. Said board shall elect one of its members chairman, who shall preside at its meetings. A majority of such board shall constitute a quorum for the transaction of all business of the board, for the doing of any act or thing that the board may do, and the making of any order, finding, or judgment of the board. Any member of such county board may be at any time removed from office by the State board of election commissioners. All vacancies in such county boards shall be filled by said State board, but until such vacancy or vacancies be filled by appointment by said State board, any vacancy or vacancies in any such county board may be temporarily filled by appointment by the remaining members or member of such county board. Said county board shall keep a record of its proceedings, which shall be a public record, and be kept in the office of the county court clerk.

SEC. 3. Said county board shall annually, not later than the month of October, appoint for each election precinct in the county two judges, one clerk, and one sheriff of election, to act as such in their precinct, all of whom shall be discreet, qualified voters of the precinct for which they are appointed, and shall hold their offices until their successors are appointed and qualified; and so long as there are two distinct political parties in this Commonwealth the judges, clerk, and sheriff of election, in all elections by the people under the Constitution and laws of the United States and under the constitution and laws of this Commonwealth, shall be so selected and appointed as that one of the judges at each place of voting shall be of one political party and the other judge of a different political party; and there shall be the like difference at each voting place between the sheriff and clerk of election: *Provided*, That there be a sufficient number of qualified persons of each political party resident in the precinct with which to fill said offices.

No person shall be eligible as an officer of election who has not been a resident householder in the precinct for which he is appointed for not less than one year next preceding his appointment, or who has anything of value bet or wagered on the result of such election, or who is a candidate to be voted for at such election, or who is not capable of reading the constitution of the Commonwealth in English, and of writing a plain and legible hand. It shall be the duty of said county board of election commissioners to test all such election officers as to their qualifications before appointment. If at any time before an election it shall be made to appear to the county board of election commissioners by the affidavit of two or more qualified voters of the precinct, or other evidence, that any election officer is disqualified under the provisions of this act then said county board shall investigate said matter, and determine whether such officer is disqualified, and such a decision shall be final; and if he be found disqualified such officer shall be removed from office and a qualified person of the same political party as the officer removed shall thereupon be appointed in his stead.

Said county board of election commissioners may at any time remove from office any election officer and fill the vacancy thus occasioned. And said county board may at any time fill any vacancy in the office of election officer. The county board of election commissioners shall give due notice of said appointments of election officers to the sheriff of the county, who shall, at least ten days before the next ensuing election, give each judge, clerk, and sheriff written notice of his appointment.

SEC. 4. Should the county board of election commissioners fail to appoint such officers of election, or either of said officers fail to attend for thirty minutes after the time for commencing the election, or refuse to act, the officers in attendance shall appoint a suitable person or persons to act in his or their stead for that election. If none of said officers shall appear, as herein required, the qualified voters present shall elect the officers of election viva voce, as nearly as possible in conformity with the provisions of this act, who shall serve as such officers. Each officer of election shall before entering upon the duties of his office, take an oath faithfully to discharge his duties as such officer before some person authorized to administer an oath, or if no such officer be present, it may be administered by the clerk of the election, who in turn shall be sworn by one of the judges of election.

SEC. 5. Said county board of election commissioners shall constitute a board for examining and canvassing the election returns of each county and awarding and issuing certificates of election. Any two of the members of said board may constitute the board, but if either be a candidate he shall have no voice in the decision of his own case. If from any cause two of the members of the board can not act, in whole or in part, in examining and canvassing the returns, their places shall be supplied as in case of vacancies in such board. Within two days next after an election the sheriff shall deposit with the clerk of the county court the returns from the different precincts. On the next day the said county board of election commissioners shall meet in the clerk's office, between 10 and 12 o'clock in the morning, open and canvass the returns

of such election and give triplicate or more written certificates of election, over their signatures, of those who have received the highest number of votes for any office exclusively within the gift of the voters of the county, one copy of the certificate to be retained in the clerk's office, another delivered to each of the persons elected, and the other forwarded by the county clerk to the secretary of state at the seat of government.

For offices not within such gift, they shall give duplicate or more written certificates, over their signatures, of the number of votes given in the county, city, town, district, or precinct, particularizing therein the precinct at which the votes were given, one copy to be retained in the clerk's office, one delivered to the sheriff, and one, in case of municipal or district election, to the common council of said municipality or governing authority of such district. The poll books shall thereafter remain in the clerk's office as parts of its records. So also shall the certificates of any precinct judges which may have been used in the absence of the poll book of that precinct.

SEC. 6. Where two or more counties vote together in the choice of a representative or senator, the canvassing boards of election of the respective counties shall make duplicate written certificates, over their signatures, of the number of votes given in the counties for such representative or senator, one copy to be retained in the clerk's office of such county and the other to be sent immediately by mail by said board to the canvassing board of the county in such district having the largest population, which last-named board shall, between 10 and 12 o'clock in the morning of the second Monday after the election, meet in the clerk's office of their county, compare the certificates of the canvassing boards of the several counties, and therefrom give triplicate certificates of election, in writing, over their signatures, of the persons who appear to have received the largest number of votes, one copy of the certificate to be retained in the clerk's office, another delivered to the person elected, and the other forwarded to the secretary of the State at the seat of government.

SEC. 7. The certificate of election of a county officer shall be, in substance, in the following form: "Commonwealth of Kentucky, sct.: We, A, B, and C, duly authorized to canvass the returns of the county of ——, do certify that at an election held in said county on the —— day of —— E F was duly elected to fill the office of ——." The certificate of election of a justice of the peace or constable shall be altered to show that the election was held in a named district.

SEC. 8. When the election of a governor or lieutenant-governor is contested, a board for determining the contest shall be formed in the manner following:

First. On the third day after the organization of the general assembly which meets next after the election the Senate shall select by lot three of its members and the house of representatives shall select by lot eight of its members, and the eleven so selected shall constitute a board, seven of whom shall have power to act.

Second. In making the selection by lot the name of each member present shall be written on a separate piece of paper, every such piece being as nearly similar to the other as may be. Each piece shall be rolled up, so that the names thereon can not be seen nor any particular piece ascertained or selected by feeling. The whole so prepared shall be placed by the clerk in a box on his table, and after it has been well shaken and the papers therein well intermixed, the clerk shall draw out one paper, which shall be opened and read aloud by the presiding officer, and so on until the required number is obtained. The persons whose names are so drawn shall be members of the board.

Third. The members of the board so chosen by the two houses shall be sworn by the speaker of the house of representatives to try the contested election and give true judgment thereon, according to the evidence, unless dissolved before rendering judgment.

Fourth. The board shall, within twenty-four hours after its election, meet, appoint its chairman, and assign a day for hearing the contest, and adjourn from day to day as its business may require.

Fifth. If any person so selected shall swear that he can not, without great personal inconvenience, serve on the board, or that he feels an undue bias for or against either of the parties, he may be excused, by the house from which he was chosen, from serving on the board, and if it appears that a person so selected is related to either party, or is liable to any other proper objection on the score of its partiality, he shall be excused.

Sixth. Any deficiency in the proper number so created shall be supplied by another draw from the box.

Seventh. The board shall have the power to send for persons, papers, and records, to issue attachments therefor, signed by its chairman or clerk, and issue commissions for taking proof.

Eighth. Where it shall appear that the candidates receiving the highest number of votes given have received an equal number, the right to the office shall be determined by lot, under the direction of the board. Where the person returned is found not to have been legally qualified to receive the office at the time of his election, a new election shall be ordered to fill the vacancy: *Provided*, The first two years of his term shall not have expired. Where another than the person returned shall be found to have received the highest number of legal votes given, such other shall be adjudged to be the person elected and entitled to the office.

Ninth. No decision shall be made but by the vote of six members. The decision of the board shall not be final nor conclusive. Such decision shall be reported to the two houses of the general assembly for the further action of the general assembly, and the general assembly shall then determine such contest.

Tenth. If a new election is required it shall be immediately ordered by proclamation of the speaker of the house of representatives, to take place within six weeks thereafter, and on a day not sooner than thirty days thereafter.

Eleventh. When a new election is ordered or the incumbent adjudged not to be entitled, his powers shall immediately cease, and, if the office is not adjudged to another, it shall be deemed to be vacant.

Twelfth. If any member of the board willfully fails to attend its session he shall be reported to the house to which he belongs, and thereupon such house shall, in its discretion, punish him by fine and imprisonment, or both.

Thirteenth. If no decision of the board is given during the then session of the general assembly, it shall be dissolved, unless by joint resolution of the two houses it is empowered to continue longer.

SEC. 9. After an election for governor, lieutenant-governor, or other office elective by the votes of the whole State, or more than one county, or for a judge of the court of appeals, clerk of that court, circuit judge, Commonwealth's attorney, Representatives in the Congress, or electors of President or Vice-President, or for or upon questions or constitutional amendments submitted to a vote of the people, it shall be the duty of the board of canvassers of returns for each county immediately after the examination of such returns, to make out two or more certificates in writing, over their signatures, of the number of votes given in the county for each of the candidates for any of said offices, and the number of votes for or against such questions or constitutional amendments. One of the certificates shall be retained in the clerk's office, another the clerk shall send by the next mail, under cover, to the secretary of state at the seat of government.

SEC. 10. Said State board of election commissioners, and in the absence of either, the other two, shall be a board for examining and canvassing the returns of election for any of the offices named in the last section of this act.

First. It shall be the duty of said board, when the returns are all in, or on the fourth Monday after the election, whether they are in or not, to make out in the office of the secretary of state, from the returns made, duplicate certificates, in writing, over their signatures, of the election of those having the highest number of votes, one certificate to be retained in the office and the other sent by mail to the person elected. If all the returns are not made, the right to contest an election shall not be impaired.

Second. In the case of the election of a Representative in the Congress there shall be three certificates, one to be retained in the office, another sent by mail to the Clerk of the House of Representatives at the seat of Federal government.

Third. It shall be the duty of the secretary of the State, immediately after the comparison of the returns, to cause a statement therefrom of the votes given in every county for each candidate to be published in two newspapers.

Fourth. If two or more persons shall be found to have received the highest and an equal number of votes for the same office so that the election can not be determined among the candidates by a plurality of the votes, it shall be determined by lot in such manner as the board may direct, and in the presence of not less than three other persons.

Fifth. If one or more of the persons voted for as electors of President is elected, then he or they, when convened to vote for President, shall determine which of the candidates having an equal number of votes shall be deemed to be elected without casting any lot therefor. But if none is elected, then the board shall determine the election by lot between those having the highest and equal number of votes, except that they shall be arranged and drawn for in classes, according to their known pledges to vote for the different candidates so that the whole vote of the State may be given to the same person.

SEC. 11. Where the canvassing board of two or more counties on comparison of the returns, or the board of canvassers for a county, find that two or more have received the highest and equal number of votes for the same office, they shall by lot determine which of the candidates is elected.

SEC. 12. Said State board of election commissioners, or any two of them, shall be a board for determining the contested election of any officer other than governor or lieutenant-governor, elected by the votes of the whole State, or of a judge or clerk of the court of appeals, circuit judge, or Commonwealth's attorney.

First. Each member of the board, before entering on his duties as such, shall be sworn by some judge or justice to try the contested election and give true judgment thereon according to the evidence.

Second. A majority of the board shall be necessary to a decision, which shall be in writing, and signed in duplicate by the members concurring therein, one copy to be retained in the office of the secretary of state, and the other delivered to the successful party or sent to him by mail.

Third. The board shall have power to send for persons, papers, and records, to issue attachments therefor, signed by its chairman, swear witnesses by its chairman or secretary, and issue commissions for taking proof.

Fourth. Where it shall appear that the candidates receiving the highest number of votes given have received an equal number the right to the office shall be determined by lot, under the direction of the board; where the person returned is found not to have been legally qualified to receive the office at the time of his election, a new election shall be ordered to fill the vacancy: *Provided*, The first two years of his term shall not have expired. Where another than the person returned shall be found to have received the highest number of legal votes cast, such other shall be adjudged to be the person elected and entitled to the office. The decision of the board shall be final and conclusive.

Fifth. The governor shall immediately after such decision issue the proper commission, or order a new election, as the case may require.

SEC. 13. The county board of election commissioners, or any two of them, shall be a board in each county, with like powers as those mentioned in the next preceding section, for determining the contested election of any officer elective by the voters of the county, or any district therein, excepting members of the general assembly, and also of any police judge, clerk, marshal, or other elective municipal officer, where there is no other provision of law for determining the contested election of such municipal officers. The board shall be governed by the rules mentioned in the next preceding section, where the same are applicable to its duties. The decision of the board shall be given in writing, and signed in triplicate, one copy to be entered on the minutes of the board, another delivered to the successful party, and the other, when necessary for obtaining a commission, sent by mail to the secretary of state. When the decision so requires, a writ for a new election shall immediately be issued.

SEC. 14. Said State board of election commissioners shall hold its sessions at the seat of government, at Frankfort, where a suitable room for them shall be provided in some of the State buildings. The members of the board shall be paid for all their services under this act $5 per day while so in session: *Provided*, That no member of said board shall be paid more than $100 for his services in any year. Said board shall provide itself with necessary books, papers, material, and postage to enable it to perform the duties with which it is charged by this act. The chairman of said board shall certify to the auditor of public accounts the money so expended by said board, and the sums that the members of said board and its secretary are entitled to be paid under this act, and thereupon the auditor shall draw his warrant upon the treasurer for the sum so certified, to the end that the same may be paid out of the treasury.

SEC. 15. The county board of election commissioners shall be paid for all services they may render under this act, $2 per day while actually in session; but no member of such board shall be paid more than $50 for his services during any year. Said board may provide itself with necessary books and stationery to enable it to perform its duties under this act; the amount of such expenditure and the number of days the members of said board were actually in session shall be certified by the chairman of the board to the fiscal court of the county and paid out of the county funds.

SEC. 16. All acts and parts of acts in conflict with this act are, to the extent of such conflict, repealed.

SEC. 17. Because of the frauds that are now perpetrated in elections in this Commonwealth there is an emergency that this act take immediate effect, and this act shall take effect upon its approval by the governor or its passage.

Vetoed by the governor March 10, 1898.

Passed the senate on the 11th day of March, 1898, the objections of the governor to the contrary notwithstanding.

Passed the house of representatives on the 11th day of March, 1898, the objections of the governor to the contrary notwithstanding.

Mr. McALEER. I yield thirty minutes to the gentleman from Kentucky [Mr. WHEELER].

Mr. WHEELER of Kentucky. Mr. Chairman, I had sincerely hoped that it would not be necessary for anyone again to recur to the Kentucky situation on this floor. I am constrained to admit that the position of the beloved old Commonwealth is one of

humiliation. No one feels more keenly than myself the great injustice that is being done Kentucky and her chivalrous people by the reports that are daily sent out from her capital. No one knows better than myself, unless it be the Representative from the Eleventh district [Mr. BOREING], what element of her citizenship has brought these misfortunes and afflictions upon our State.

Now, sir, without any temper, with a desire to be impartial and fair, with the determination to do absolute justice and to speak the plain truth, it matters not whom it may wound, I ask the patience of the House while I give some account of the situation in Kentucky and what led up to the present unfortunate state of affairs.

This is a local controversy. It is true it seems to be the practice in these latter days for some men to come to the House of Representatives to discuss party differences that occur in the States. They have no place here, I think; but I am not averse to give as best I can, although I recognize my inability to do justice to the subject, the Democratic side of this controversy in Kentucky. Before undertaking to give a statement of the existing conditions let me briefly reply to my colleague, for whom I entertain a lively regard personally, in regard to some statements that he made. He does not speak for Kentucky, he does not represent her manhood or sentiment, when he claims from his place in this House, "If you will give Kentucky the internal-revenue tax which she pays, you may impose all the tariff or the tax like the one sought to be imposed upon the people of Puerto Rico you like."

There are not, I venture to say, among your constituents 5 per cent who will echo or indorse any such sentiment. The people of Kentucky love the Constitution, and they abhor everything that tends to its violation or disgrace. And if you should give her ten times the revenue which she pays into the National Treasury, she would still protest against the imposition of one centime in violation of the organic law of our country.

Mr. BOREING. May I ask the gentleman a question?

Mr. WHEELER of Kentucky. Certainly, sir.

Mr. BOREING. You observed that I conditioned that on getting rid of the Goebel law. Do you mean to say that 5 per cent would not be in favor of doing that to get rid of the Goebel election law?

Mr. WHEELER of Kentucky. I do not believe any man who understands the election law of his country or faithfully represents the people of Kentucky would be willing to overturn the Federal Constitution to get rid of anything. [Applause on the Democratic side.]

Mr. BOREING. Liberty is better than the Constitution.

Mr. WHEELER of Kentucky. There is no liberty without the Constitution. [Loud applause on the Democratic side.] That is the trouble with the Republican party to-day.

Now, again, sir, I cite a quotation from my colleague's remarks as a fair sample of Republican thought in Kentucky. "I do not think the Goebel law can be authorized by anything but revolution," he said. How can you defend such a statement when the court of appeals have declared the law constitutional? How can you claim to be a law-abiding citizen when you disregard the mandates of the highest courts in your State? The court of appeals, composed alike of Republicans and Democrats, declared the Goebel election law constitutional.

Mr. BOREING. Will the gentleman allow me to ask him another question?

Mr. WHEELER of Kentucky. Yes.

Mr. BOREING. Will you state how many were for it—how many voted for it, and how many against it?

Mr. WHEELER of Kentucky. I am unable to say.

Mr. BOREING. I will ask you if they did not stand 3 to 4, being 3 Republicans against it and 4 Democrats for it?

Mr. WHEELER of Kentucky. I can not say. That may be true. The opinion of the court stands, nevertheless, as the construction of that tribunal, and every law-abiding citizen will submit to and obey this opinion of the court; and the man who speaks as a Representative upon the floor of Congress and assails the character of the court of last resort in his State misrepresents, in my opinion, the chivalry of his district, misrepresents the best elements of his people, and does not voice the sentiments of the best element of his State. If the Goebel election law can be justified only by revolution, then your court in that State is a revolutionary body; and to carry his argument to its last equation, the conclusion of the trouble is to be just what suits the Representative from the Eleventh Congressional district or what suits the will of the Republican party.

Now, he speaks of gerrymandering the legislative districts in Kentucky. Mr. Chairman, I shall not contend that the dominant party in my State has not taken some advantage of its power. I know of no State in the Union where the party in power has not taken advantage of its power so as to insure the greatest advantage to itself. The reapportionment of the State, perhaps, was not as absolutely fair as a judicial decision should be, but whether it was fair or unfair, how can the House give credence to the statement of a man who questions the fairness of the act of the legislature and in the same hot breath with which he condemns it calls in question the court of last resort of the State?

Sir, if the time has come when we must attack our courts; if the time has come when we must put behind us as untrustworthy every department of the Government, when we must believe that partisanship and corruption pervades every branch of our institutions, then, indeed, have we ceased to be a free people.

Perhaps the legislature that was Democratic, in reapportioning the State, gave what advantage it could to the Democrats of the State. I am not here to question that statement. I believe no intelligent man will deny that such a state of affairs exists in every State of the Union. Perhaps the administration did take that advantage. But whether they did rightly or wrongly, that same court, for whose opinions I have the greatest respect, and for whose opinions, thank God, there are many Kentuckians to-day who, if they do not respect them, tremble at its mandates, have decided that law also constitutional.

Now, Mr. Chairman, one other thing that the gentleman said, and I quote that also as a fair exponent of Republican thought in Kentucky, and appeal quite confidently to the judgment of the impartial Republicans, as well as Democrats, on this floor. He says: "If we can not get rid of the Goebel election law in any other way, I will introduce a bill asking for a Federal election law." Why that threat, Mr. Chairman? If the gentleman wants open-handed fairness, why make the threat that he will ask for a Federal election law? Is it expected that the American Congress will pass anything but a fair election law? If it is a fair one, why threaten us with it? If it is unfair, as the gentleman's argument proclaims that he expects it to be, what other explanation can he offer except that he intends to terrorize the Democrats in Kentucky by the majority that you have in the House?

Mr. BOREING. Will the gentleman allow me an interruption? It was not made as a threat at all. It was made as a statement of fact, that if you did not repeal the law, I would ask for a Federal law.

Mr. WHEELER of Kentucky. Well, I desire to serve notice on my friend now, that that law will never be repealed; and if you come to Congress again, you will come under that law; and as long as you hold a seat here, you will hold it under that law. We will never repeal it. It is there to stay. I will ask the privilege, Mr. Chairman, to incorporate a copy of that law in my remarks, so that the country may see that this law, so much maligned, slandered, and criticised, is practically a copy of the election laws of half a dozen States of this Union to-day.

Mr. BOREING. I have already asked that it go into my remarks.

Mr. WHEELER of Kentucky. Well, I want to put it into mine, and then I know it will be right.

I had in my desk, Mr. Chairman, until a few days ago, a copy of the election laws of the State of Ohio, similar in all respects and identical in many respects to the election laws in Kentucky. It is very similar to the election laws of Virginia. There are half a dozen States in the Union having election laws almost identical with the Kentucky election laws.

Now, Mr. Chairman, let me detail briefly the condition of affairs in Kentucky. But before I do that, I must call attention in connection with the gentleman's argument to what he said about the power of the Kentucky legislature. The gentleman is a lawyer, reputed to be a good one, and yet he knows that under the Goebel election law, and under the present constitution of Kentucky, the legislature possesses absolutely no more power than it has had since Kentucky was admitted to the Union as a State. There is not a particle of additional power given to the legislature by the Goebel election law.

Mr. BOREING. I will ask the gentleman a question. Is it not a fact that the legislature elects the election commissioners for the State and these commissioners control absolutely the elections?

Mr. WHEELER of Kentucky. That is absolutely true.

Mr. BOREING. And that they all belong to one party?

Mr. WHEELER of Kentucky. They do not, but they ought to.

Mr. BOREING. Are not the election commissioners all of one party?

Mr. WHEELER of Kentucky. The general commissioners.

Mr. BOREING. And have not they the right to appoint whom they please in the party?

Mr. WHEELER of Kentucky. I will explain all that when I reach it.

Mr. BOREING. That is what I meant by the power of the legislature.

Mr. WHEELER of Kentucky. Well, the gentleman was unfortunate in his language. The third constitution of the State gave it no more power than it had by the first or the second. There has been absolutely no change on the subject, and all this fuss and feathers in Kentucky, kicked up by fellows who hold offices to which they were not elected, grows out of the fact that they are unwilling to submit to the action of the legislature and the decrees of the courts of the State.

Now, let us take up this Kentucky situation and look at it a

little and the cause of it. The Republican party is not united in Kentucky. The best element of the Republican party is not in control of the party machinery there. There is discord and faction.

Mr. BOREING. How is it with the Democrats?

Mr. WHEELER of Kentucky. I will come to the Democrats. I am going to take care of your case before I come to mine.

The best element of the Republican party, I repeat, is not in control of the party machinery in that State; and the present exponents of Republicanism in that State do not represent the best thought of their party. Their last nominee for governor was a concession to the office-holding class of the State. That nomination did not reflect the sentiment of the rank and file of the party—a fact well-known to every Republican in Kentucky. Two most scholarly and accomplished gentlemen who were candidates against him were swept from his path by this office-holding class, and this man was thrust upon the Republicans as their nominee. That created some discord and some trouble.

At the time of his nomination there was no more hope or prospect of electing a Republican governor of Kentucky than there is for my translation. No one expected it. When the Democratic convention met, we had unfortunately our differences, which generated some friction and some discord, because of what? Not because there was any difference among the rank and file of the Democrats of the State, but simply because the great corporation of Kentucky, that had dominated and controlled then, and that dominates and controls now not only the Republican party in Kentucky but the Republican party throughout the United States, had arranged to write our platform and name our candidates. When it came knocking at the doors of the Democratic convention and demanding admission, it was confronted by a modern Goliath who stood in its pathway and said, "Thus far must thou go, and no farther."

And that master spirit of our State, by the force of his genius and indomitable will and persistence of purpose, wrote a platform for the Kentucky Democracy which bid defiance to every special privilege and to corporate greed, and proclaimed allegiance to the rights of the plain people of the State. When this was done the hirelings and clacqueurs and the partisans of this corporation sloughed off from the Democratic party of the State, and carried with them many honest but misguided men. Claiming to be Democrats, they struck hands with the Republicans and made a fight. There was but one battlecry. They dared not assault the platform of the Kentucky Democracy, which I will ask the privilege of incorporating in my remarks.

So, following the tactics of certain lawyers—seeing it was impossible to accomplish the overthrow of the Democracy, if they met us in fair and open battle—they sought to muddy the waters, and they began this assault upon the Goebel election law. They charged fraud in every corner of the State. They forewarned us that there was going to be rascality, trouble, and fraud. Their hired attorneys went up and down the State making this argument, while the Republican representatives could not be found with a searchlight.

Nowhere could you find a Republican speaker on the stand. Nowhere would the Republican leaders meet the Democrats in joint debate. Agents of corporations, all of them claiming to be Democrats, did the campaign work for the Republican party. Not a Republican could you hear of until about ten days before the election, when Governor Bradley, then governor of the State, took "a swing around the circle," as he called it, and spoke in the upper end of the State.

The election came off, and what was the result? In the gentleman's district they gave in 1896 a Republican majority of 15,000. Since that time some counties have been added to that district, giving about 2,000 Republican majority more; so that the Republican majority in 1899 was 17,500. The result was counted and certified, as it was claimed. My own Congressional district—confessedly the strongest Democratic district in the State—which in 1896 gave a Democratic majority of 15,000, gave in 1899 a Democratic majority of only 7,000 and had only 7,000 counted.

Now, if any fraud or rascality was practiced in the Eleventh or the First or any other district of Kentucky under the Goebel law by a single Democrat, and if the gentleman will rise in his place and, on his honor as a man, put his hand upon such a case, I will admit I do not know what I am speaking of. Let the gentleman tell this House, if he can, where there was a single instance of fraud or rascality under the Goebel law. He can not do it. I know he is an honest man and has too much respect for his own honor to say that there was an instance within his knowledge where there was fraud or rascality practiced under the Goebel election law.

Mr. BOREING. What about the trouble in the city of Louisville?

Mr. WHEELER of Kentucky. Did the Goebel election law do that?

Mr. BOREING. Was it not done under the Goebel election law?

Mr. WHEELER of Kentucky. Can anything be done now in Kentucky that is not done under the Goebel election law? Goebel was assassinated under the Goebel election law. But did the Goebel election law do that?

Mr. BOREING. Was not the board of contest created by the Goebel election law?

Mr. WHEELER of Kentucky. Was the man that shot Goebel acting under the Goebel election law?

Mr. WM. ALDEN SMITH. That was a violation of all law.

Mr. BOREING. Do you mean to ask if that violated the Goebel election law?

Mr. WHEELER of Kentucky. Can anything be done in Kentucky that is not done under the Goebel election law as long as it remains on the statute books?

Mr. BOREING. Then is not the Goebel election law responsible for the State commissioners that threw out the vote of Louisville?

Mr. WHEELER of Kentucky. How is it any more responsible for the commissioners that threw out the vote of Louisville than it is for the assassination of Governor Goebel?

Mr. BOREING. The assassination of Goebel was in violation of the law. Then do you admit that the throwing out of the vote of Louisville was also a violation of the law?

Mr. WHEELER of Kentucky. I do not, sir; I will come to that later. But I ask the gentleman to point out some act of fraud that took place under the Goebel election law of which you complain; where some man's vote was properly cast and not properly counted; where some precinct that properly voted was thrown out by reason of the Goebel election law.

Now let us come a little further down. Let us see how the Goebel election law, of which the gentleman complains, works in Kentucky. This is not the first election we have held under that law. We had an election under it in 1898. Under it my colleague [Mr. PUGH], the gentleman who sits by the side of the Representative from the Eleventh district, was a candidate for Congress. He was opposed by a Democrat. It was claimed by the Democrats that the Democrat defeated my friend PUGH by 9 votes. He carried that contest before the election commissioners of the State of Kentucky, three Democrats. The evidence was heard, the argument was made, and they awarded the certificate to Mr. PUGH, the Republican candidate, who now holds his seat on this floor. And that was under the Goebel election law, by three Democrats, where they had the power and where it was with them whether they would act fairly or unfairly. The gentleman forgets——

Mr. LANDIS. Were those the same commissioners that declared Taylor elected governor?

Mr. WHEELER of Kentucky. The same commissioners. The commissioners did not declare Taylor elected governor. The legislature alone can act on the gubernatorial question.

Mr. LANDIS. Did they not take that gubernatorial contest before the election commissioners?

Mr. WHEELER of Kentucky. They did not. The gubernatorial contest must be decided by the legislature.

Mr. PUGH. Surely my friend does not want to make that kind of a mistake.

Mr. WHEELER of Kentucky. I should be glad if the gentleman would correct me.

Mr. PUGH. Do you say that a gubernatorial contest goes primarily before the legislature and not before the State board of election commissioners?

Mr. WHEELER of Kentucky. No; I did not use any such language. You inadvertently put a word in there that I did not use—the word "primarily." I used no such expression as that. All the votes for every office in the State are canvassed by the board of election commissioners.

Mr. LANDIS. That is what I mean to ask.

Mr. WHEELER of Kentucky. But the legislature is, under the constitution, the board of contest, and the legislature alone has the right to pass upon the question of who is or who is not the governor of Kentucky.

Mr. LANDIS. What I meant to ask was this: Was it this same election board that canvassed the returns and declared Mr. Taylor elected governor of Kentucky?

Mr. WHEELER of Kentucky. That election commission did not declare Taylor governor of Kentucky. They said that on the face of the returns he had the majority, but that it bore such unmistakable evidence of fraud, that if they had the right they would go behind it and kick him out, as the legislature did.

Mr. PUGH. Did they not issue the certificate to him?

Mr. WHEELER of Kentucky. Yes; because they were compelled to.

Mr. PUGH. A certificate signed by Judge Pryor and Judge Ellis, two of the members of the board. Did they not issue to him such a certificate?

Mr. WHEELER of Kentucky. Why, certainly they did. But does not the gentleman know that in their opinion they said that it bore such unmistakable evidences of fraud that if they had the

power to go behind the returns they would refuse him the certificate?

Mr. PUGH. I do know that some of them tried to pave the way for the contest that was afterwards waged on partisan lines in the legislature, to the disgrace of our Commonwealth and to the disgrace of you as a citizen thereof. [Applause on the Republican side.]

Mr. WHEELER of Kentucky. That is the gentleman's opinion. I would rather be disgraced, Mr. Chairman, at any time by taking my lot with the Democrats of Kentucky than to be identified with the men who took the life of Governor Goebel, of that State. [Applause on the Democratic side.]

Mr. PUGH. Are you quite certain that the men who took the life of Mr. Goebel could not be carried to your own ranks rather than to the Republican party in Kentucky? [Derisive laughter on the Democratic side.]

A MEMBER (on the Democratic side). Nobody believes that.

Mr. PUGH. Do you say nobody believes that?

A MEMBER (on the Democratic side). No sane man.

Mr. PUGH. Was not a more bitter personal warfare waged against Mr. Goebel by members of his own party, in the State campaign, than was waged by the Republicans? Was he not denounced more from every stump in the State of Kentucky by Democrats than by Republicans?

Mr. WHEELER of Kentucky. That is true, Mr. Chairman. [Applause on the Republican side.] It has been the fate of every great man who is true to the interest of the people, to incur the implacable hostility of hirelings and corruptionists, it matters not where he has been. [Applause on the Democratic side.] And some elements of the Democratic party did assail him, but, thank God, he received——

Mr. PUGH. Mr. Chairman——

Mr. WHEELER of Kentucky. I will not be interrupted any more.

Mr. PUGH. No, I think not.

Mr. WHEELER of Kentucky. Oh, well, if the gentleman will get my time extended, I will be very glad to have him interrupt me all day; but I do not propose to have it taken away when I have not any more time. I say he received 192,000 votes, 30,000 more votes than were ever given to a Democratic candidate for governor in Kentucky before. That shows whether or not he was close to the people of the State of Kentucky.

Mr. PUGH. How many votes did Governor Taylor receive?

Mr. WHEELER of Kentucky. That is a question that nobody but the Republican leaders and God Almighty will ever know, in my opinion.

Mr. PUGH. As certified by a Democratic board, how many votes did he receive? With the entire election machinery under the control of those opposed to him, did not the findings of the adverse partisan boards, county and State, clearly establish his election by over 2,000 majority?

Mr. WHEELER of Kentucky. I have declined to be interrupted. I am not representing the Republican end of this fight. You can take it up after I get through.

Mr. PUGH. Later on I may have occasion to do so. The gentleman knows that I can not claim the time now, as it is already allotted to others. With due regard to the exceedingly unfortunate and perilous state of affairs in Kentucky, I regard this discussion of the situation as inopportune, to say the least, and I am sure that I did not precipitate it. If the gentleman will only state the whole truth——

Mr. WHEELER of Kentucky. The gentleman certainly does not mean to insinuate that I state anything else.

Mr. PUGH (continuing). Yes; I do state that when you say that the Kentucky election law is identical with the Ohio election law, that you misrepresent their provisions. The one is by no means identical with the other.

Mr. WHEELER of Kentucky. I did not say it was identical.

Mr. PUGH. You said it was similar in many respects and identical in some——

Mr. WHEELER of Kentucky. In many.

Mr. PUGH. In a number of respects. And I say any gentleman who will take that law and compare it with the Ohio election law will see that that is a misstatement.

Mr. WHEELER of Kentucky. That is your interpretation of the law.

Mr. PUGH. No; not my interpretation. Those laws speak for themselves. One is eminently fair and nonpartisan, and the other was so framed as to subject the expressed will of the people at the polls to party exigencies and partisan purposes. One provides an equal division of election officers, and the other practically gives none.

Mr. WHEELER of Kentucky. That may be the gentleman's opinion of the law, but I state my conclusion from reading it.

Mr. PUGH. Is not the Ohio election law nonpartisan in every particular?

Mr. WHEELER of Kentucky. It is.

Mr. PUGH. And yours is intensely partisan in every respect?

Mr. WHEELER of Kentucky. It is partisan.

Mr. PUGH. In the extreme, is it not?

Mr. WHEELER of Kentucky. I do not say so.

Mr. PUGH. How could you make it more so?

Mr. WHEELER of Kentucky. Let us get back to the original proposition. I want to understand the gentleman. I stated the proposition to be that the Kentucky election law and the Ohio election law were similar in all respects. I did not mean as to the partisanship——

Mr. PUGH. Why did you not so state.

Mr. WHEELER of Kentucky. Let me make my statement. I want to get you to answer me categorically. I say eliminating the partisan question from it, because I admit that the Kentucky election law provides only for Democrats in control, while the Ohio election law provides both parties to be represented.

Mr. BOREING. That is what we complain of.

Mr. WHEELER of Kentucky. Eliminating that, I say it is similar in all respects and identical in many. Now, do I understand the gentleman to say that my statement is false in that respect?

Mr. PUGH. If you mean that to be true, I say, speaking advisedly, I will use a milder term—that you grossly misunderstand the facts. I do not say that you intentionally make a misstatement, and I must attribute it to a lack of investigation of the Ohio law. Now I want to ask you a question. Does not the secretary of state of Ohio——

Mr. WHEELER of Kentucky. I do not want to go into that at all.

Mr. PUGH. You have gone into it.

Mr. WHEELER of Kentucky. I have a right to go into it.

Mr. PUGH. You ought to go into it more advisedly, then, and not make misrepresentation of these respective election laws.

Mr. WHEELER of Kentucky. I want the gentleman to be a little more careful in what he says about this matter. I do not care to have the gentleman offensive in his remarks. I hope it is not so intended.

Mr. PUGH. Surely you do not take it in that way. It is not so intended.

Mr. WHEELER of Kentucky. I did not think so. I want to understand the gentleman's attitude, and I am very free to say that I think I understand it. I did not think he meant what he said.

Mr. PUGH. The gentleman knows that it would be far from me——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. PUGH. I hope the gentleman may have unanimous consent to proceed.

Mr. WHEELER of Kentucky. I should like to have more time.

Mr. PUGH. I ask that his time be extended indefinitely.

Mr. McALEER. I yield to the gentleman from Kentucky ten minutes.

The CHAIRMAN. The gentleman from Kentucky is recognized for ten minutes.

Mr. WHEELER of Kentucky. It will take me more than ten minutes——

Mr. PUGH. Before you go on I want to state this: That you know it would be far from me to misrepresent you or your purposes on this floor.

Mr. WHEELER of Kentucky. I am quite sure of that, Mr. Chairman.

Mr. BOREING. That is conceded.

The CHAIRMAN. If gentlemen will be good enough when interrupting to address the Chair, it will conduce to the orderly conduct of debate.

Mr. WHEELER of Kentucky. Mr. Chairman, I will proceed now, I trust without interruption, in my statement of the Kentucky situation from my standpoint.

When this campaign had closed in Kentucky, under the provisions of law, the vote in the various counties was certified to a commission composed of three gentlemen, elected by the legislature of the State, whose duty it was to canvass the returns. In the contested-election case of Pugh against Williams the election commissioners had determined that under the law their only authority was to take the certificates from the various county boards, add up the total as certified to them by the county boards, declare the result and issue the certificate in accordance therewith; that they had no revisory power; they had no right to go behind the returns; but in the case of governor and lieutenant-governor the legislature must hear the facts and determine for itself as the constitution provided; and that in the case of the minor officials that this same canvassing board, after issuing certificates, must, after giving due and definite time for preparation, resolve itself into a board of contest, and then, as a new tribunal, hear and determine the rights of the respective claimants to the offices.

The commission issued the certificate to one W. S. Taylor, who was a candidate for the office of governor of Kentucky, and one John Marshall, who was a candidate for the office of lieutenant-governor. Under the certificate which they issued, and in the opinion on which the certificate was based, they plainly said that the footprints of fraud were so apparent that if they had revisory powers they would go behind the returns and refuse to issue the certificates. They likewise issued the certificates to the minor officials.

The Democrats of Kentucky, conscious of the fact that they had won at the polls, resolved to abide by the law as it was written. They served notice at once that they would contest for the office of governor and lieutenant-governor before the legislature, and they would contest before this board of contest for the minor officers of the State. They continued taking their proof and preparing for trial. Matters progressed in accordance with law. There was no thought or idea of disorder or trouble so far as the Democrats were concerned.

This man Goebel, who was the Democratic nominee for governor, was there by his attorneys conducting his contest as best he could, when on a crisp winter morning, on his way to the senate chamber of the State, where he was compelled to go as a member of that body, from the ground floor of the building occupied by the acting governor of the State, and called the executive building, from behind screened and curtained windows, an assassin shot him down like a dog. Who fired that shot, who was responsible for the deed, we only know from the recent confessions of three Republicans who claim to have been active participants in the bloody work.

Immediately after he was assassinated the statehouse building was surrounded by troops. Armed men came from every direction, summoned by the governor of the State, and he held possession, as he holds to-day, of all the buildings of the State departments of Kentucky. The Democrats, though wrought to the highest state of frenzy, under the wise guidance of cool heads determined to keep their place behind the ever-safe ægis of the law.

The legislature, driven by bayonets from its hall of assembly, hustled about the streets of our little capital by the bloody threats of militiamen, refused the right to assemble peaceably for their deliberations, threatened with arrest and extermination, yet bravely persisted in their duty; and while the crimson lifeblood of this gallant young man was fast ebbing away in death, under this glittering sheen of State bayonets they declared that he had been rightfully elected governor of the State and should be inaugurated.

The Republican governor of the State refused to abide by that decision from the only tribunal recognized under our law. It is a matter of history known to us all that appeals were made here to the Executive to induce him to give Federal troops to interfere in Kentucky and that he peremptorily refused to do so. The Democrats remained at their posts inside of the law. They did nothing to incite riot; they did not do anything to incite bloodshed; they have done nothing to incite riot or bloodshed, but have abided the issue calmly and deliberately.

After so long a time an agreement was reached between the representatives of the Republican candidate and the representatives of the Democratic candidate to submit the whole controversy to the courts. The case was made up, the facts were embodied on both sides according to the record, and taken before a judge in Louisville, and that judge, after hearing the evidence and after hearing the arguments, decided that the legislature was supreme and had alone the right to determine who was the governor of the State of Kentucky.

From his decision an appeal was prayed, and the record was taken to the court of last resort. It was presented to them day before yesterday, and on yesterday that court heard the arguments upon both sides, and now they have the question under determination. How they will decide I can not say; but if they decide that Mr. Taylor is governor of Kentucky, no citizen of the State will support him more loyally than myself, as will every Democrat in the State. We stand ready to abide by the decision of that tribunal, whether it be adverse or whether it be favorable.

Now, lay aside the questions of party difference; for upon these questions myself and my friend will never agree. Let us come to the plain question affecting our old State—and he loves it, I have no doubt, as well as I. Is it right or proper that either you or I should stand on the floor of Congress and confess that the judges in Kentucky can be corrupted? It is possible, sir, that judges are endowed with the same frailties and weaknesses that other men possess, but if we are not to turn our eyes with reverence and respect to the courts of our State and our nation, I do not know where we will look for stability and perpetuity of our common country. I do not believe that the people of Kentucky, either Republicans or Democrats, would indorse an attack upon our courts.

Now, I want to say this, in justice to my colleagues on this floor, for whether they agree with me or not, I desire to be fair: I do not believe, Mr. Chairman, that the Republican party of Kentucky is responsible for the assassination of William Goebel. I would be willing to leave the State if I thought so. Some of the best friends I have on earth are Republicans. And, sir, my nearest neighbor in my town, my family physician, the godfather of my boy, is a bitter, uncompromising Republican. He and I could never agree on a question of politics, but I am not so gangrened with political prejudice that I am bound to see something bad in a man that does not agree with me on any question. [Applause.]

Some of Kentucky's most chivalrous and distinguished sons have been Republicans, and they would put behind them with scorn, as would the knightly Democrat in the State, the insinuation that they had stained their hands in the blood of this magnificent young man. I do not charge it on the Republican party. I say there are some Republicans who are responsible, and this same law that we have obeyed and intend to obey in the future, like the poisonous shirt of Nessus, will stick to them until it consumes their very bones or we prosecute them to their conviction.

Now, one word about this man Goebel personally, that the House may have some conception of the man, and I am through with this Kentucky situation. He was not a perfect man. He had many of the faults and weaknesses that most men have. He was not my loved and trusted friend. I fought him for the nomination, but when nominated I supported him loyally as I could. After he was nominated and after he was elected the splendid traits of the man commended themselves to me so strongly that I learned to love him.

Let me give you his death message to an excited and alarmed people, and I will let you say whether or not it was the utterance of a man who had an atom of malice or badness in his heart. When he had been stricken down by the assassin's bullet; when the coverlets of his bed were stained with his heart's best blood; when the clammy sweat of death was on his brow, and when his eyes were glazed for that last long sleep, his friends crowded around him with exclamations of indignation and sorrow, but with feeble voice he said: "Violate no law; be true to the interests of the plain people of the State."

Mr. Chairman, that legacy from that deathbed scene in Frankfort sends the name of William Goebel to posterity in a blaze of glory. No good man, no brave man, in my humble judgment, can question the fairness of a man who can die with such a sentence as that on his lips. Not one single expression during that long week of agony and suspense escaped his lips save of caution or warning, of protest or entreaty, to his loved followers to respect the fair name of our State and to abide the decision of our courts. That is the man. Revile him and slander him, denounce and criticise if you please; he had his faults in his life, but in his taking off he showed the master spirit, the highest touch of patriotism, such gallantry, and such love of country that I would love him, even if I were his political enemy, and forgive all he has done.

Now, sir, we have had conditions in Kentucky, and we have them now. Leave this question to us, gentlemen. We may become inflamed on this floor, but Kentucky, one of the most remarkable States in the Union—said by her historians to be the most conservative body of men the sun ever shone on—will work out her destiny to her own great credit, I am sure. [Applause.] There will be no bloodshed in Kentucky; there will be no partisan unfairness. The fears of my friend will prove groundless, and he will learn before another winter comes that the brave and incorruptible people of Kentucky will not tolerate for an instant anything that is unfair.

If I wished to destroy the Democratic party in Kentucky root and branch, now and forever, I would advocate, as the swiftest and surest mode to accomplish its destruction, for it to take a position such as the gentleman from the Eleventh Congressional district of our State seems to think it has taken.

We are trying to do right. We are going to do right. We believe the Democratic party is right. I believe it. Speaking for myself and, as I believe, voicing the sentiment of every Kentucky Democrat, believing it to be right, I am willing to do everything in my power that is honorable to accomplish its success and destroy its political opponents. To that extent I am willing to go, but not an iota further. I would quit my party without a moment's hesitation if I thought it would miscount a single vote or return it upon the side on which it was not rightfully cast.

I would not hold an office, nor do I believe any Kentucky Democrat would hold an office, that was tainted with suspicion of corruption or fraud. We do not steal elections in Kentucky. There is no occasion for the Democratic party to steal elections in Kentucky. We are the dominant party there, and everybody knows it. The usual Democratic majority in Kentucky is from 50,000 to 60,000. The Goebel election law is fair. We have had two elections under it.

No man has yet risen in his place to say that an unfair thing has been done under it. And, in conclusion, I repeat, it is there

to stay; and every man who holds a commission, either State or national, from the State of Kentucky must take it under the mandate of this Goebel election law. We leave it as a permanent and enduring monument to the memory of her knightly son who was so ruthlessly stricken down by a concealed assassin. [Applause on the Democratic side.]

Mr. KNOX. I yield ten minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, I did not rise to speak of the Kentucky situation, but we have had a remarkable statement made by the gentleman who has just taken his seat. He says they have a law in Kentucky under which only one political party controls the elections, and he proposes that that law shall stand as a monument over the grave of Mr. Goebel. If you have a law like that, under which only one political party controls, that law is a premium upon disorder and crime. No political party ever yet created was good enough to control the entire election machinery of a State. No political organization of men that ever banded together have the right to take to themselves the entire control of the counting machinery and the settlement of elections. It is subversive of republicanism; it is subversive of democracy; it is a violation of every principle upon which free government has been founded, and it is bearing its bloody fruit of assassination, crime, and subornation in the unhappy State in which that terrific crime has been committed.

Mr. GILBERT. May I interrupt the gentleman?

Mr. LACEY. Certainly.

Mr. GILBERT. The gentleman evidently labors under a slight misapprehension. There is not a single word in the Goebel election law about a political party controlling the election machinery.

Mr. LACEY. Oh, no; of course not.

Mr. GILBERT. It merely gives the selection of the State commissioners to the legislature——

Mr. LACEY. And does not provide that that board shall be divided between the different parties, as every fair election law in the United States does.

Mr. GILBERT. One moment more.

Mr. SMITH of Kentucky. We never had such a law as that in the history of our State.

Mr. LACEY. Then that was most unfortunate for the State. No wonder it has been a Democratic State so long.

Mr. SMITH of Kentucky. Under the former law the governor, the secretary of state, and the attorney-general were the men who counted the votes.

Mr. LACEY. Let me ask this question: Is it a fair or just arrangement to have an election board composed entirely of representatives of one political party?

Mr. GILBERT. I do not think it is.

Mr. LACEY. Would you be willing to trust three Republicans to run the election business in the State of Kentucky?

Mr. GILBERT. I would not.

Mr. LACEY. And I think I am justified in not being willing to trust the other side under similar circumstances.

Mr. GILBERT. The United States Constitution confers upon the legislature of a State the power to elect United States Senators.

Mr. LACEY. Certainly.

Mr. GILBERT. And the Constitution of the United States does not require that the Senators shall be members of different political parties. A Democratic legislature always elects Democratic Senators——

Mr. LACEY. Certainly.

Mr. GILBERT. And a Republican legislature always elects Republican Senators?

Mr. LACEY. Not always, but generally.

Mr. GILBERT. Now, we happen to have a Democratic legislature, and they selected three Democrats as election commissioners.

Mr. LACEY. Very well; that is what I object to. I think we understand each other fully.

Mr. GILBERT. One moment.

Mr. LACEY. The law ought not to tolerate such an infamy as that.

Mr. GILBERT. Wait a moment. If the Goebel election law were not in force in Kentucky, there would still be a partisan board.

Mr. LACEY. It should not be so. All parties should be represented on election boards.

Mr. GILBERT. The gentleman is denouncing a law that is an improvement on the preceding law. If the Goebel law were not in force in Kentucky, a Republican governor, a Republican secretary of state, and a Republican attorney-general would constitute the election board. In other words, we have never had in Kentucky a nonpartisan board to determine election contests.

Mr. LACEY. And that is why you have anarchy there. When you have only one side represented upon the election board, it is natural to go and ask the warden of the penitentiary which man was elected governor. You submitted the question in Kentucky to the warden of the penitentiary to know whether Taylor or Goebel had been elected, and the warden decided in favor of Goebel.

Mr. NEVILLE. Will the gentleman yield for a question right there?

Mr. LACEY. I do not know what Nebraska has to do with this; but I will yield.

Mr. NEVILLE. What has Iowa to do with it? [Laughter.]

Mr. LACEY. I will tell you how much Iowa has to do with it.

Mr. NEVILLE. I simply want to ask the gentleman a question. Is it not true that the final resort for settling an election is the supreme court of the State or the nation?

Mr. LACEY. They say not in Kentucky. They tell me that the legislature settles it.

Mr. NEVILLE. I asked for your opinion.

Mr. LACEY. I am not a Kentucky lawyer.

Mr. NEVILLE. Is not that true in your State and mine?

Mr. LACEY. Certainly.

Mr. NEVILLE. Why do not you insist that the Supreme Court shall be constituted so as to be nonpartisan? [Applause on the Democratic side.]

Mr. LACEY. If the Supreme Court held the election, I would insist on its being so. Now, let me ask you, my friend, do you have in the State of Nebraska an election board composed of only one political party? Would you tolerate it in Nebraska?

Mr. NEVILLE. Why, we did for a good many years.

Mr. LACEY. You were opposed to it, were you not? Did you think it was a good thing?

Mr. NEVILLE. I think we have a good election law in Nebraska; but the supreme court of Nebraska finally settles it all, and we do not insist that that shall be nonpartisan.

Mr. LACEY. This question comes up here, being brought into this House by the members representing——

Mr. WILLIAMS of Mississippi. I just want to disabuse the mind of the gentleman from Iowa of a misimpression that I think he has. I think he has an idea that the men who hold the elections in Kentucky are all of one party.

Mr. LACEY. I have an understanding——

Mr. WILLIAMS of Mississippi. What these gentlemen are referring to is the commission of three who act as a canvassing board afterwards. The men holding the election in the counties are as they are elsewhere.

Mr. LACEY. As I understand, from the statement of these gentlemen, that commission of three appoints the various inferior election officers.

Mr. WILLIAMS of Mississippi. Yes; but they appoint them from the two parties.

Mr. LACEY. And that is not all. We have the remarkable fact stated here by these gentlemen that the election in Kentucky is being decided and the result changed by throwing out the vote of the great city of Louisville. That city is thrown out of the count altogether, and another man is seated than the one that would be seated if that city were counted. Now, I do not know, I am not attempting to discuss what is actually right in the State of Kentucky, so far as the results are concerned, but a law that permits that——

Mr. WHEELER of Kentucky. Will the gentleman permit me to ask him a question?

Mr. LACEY. A law that allows the election machinery to be in the hands of one political party puts a premium upon crime, and is an invitation to anarchy and bloodshed. Now, Mr. Chairman, I took the floor for entirely different purposes.

Mr. WHEELER of Kentucky. Just one question.

Mr. LACEY. Very well; I will yield to my friend from Kentucky.

Mr. WHEELER of Kentucky. I grant that on the gentleman's statement, as he puts it, it would be a terrible thing, but is it any worse for the State board of canvassers in Kentucky to throw out the city of Louisville and seat Beckham as governor than it is for a Republican majority in the House of Representatives to throw out the vote in the city of Norfolk in order to seat Mr. WISE and throw out Mr. Young? [Applause on the Democratic side.]

Mr. LACEY. The gentleman simply goes back to the old adage and says, "You're another."

Mr. WHEELER of Kentucky. Well, are you not? [Laughter.]

Mr. LACEY. So far as the Norfolk case is concerned, that is not the question we are discussing at this moment. It has been discussed. [Derisive laughter on the Democratic side.] The reason for throwing out the votes in the city of Norfolk in the contest was that the election officers returned that the people voted alphabetically. Adam voted first and Zachariah voted last.

Mr. WILLIAMS of Mississippi. No; they were recorded alphabetically. They did not vote alphabetically.

Mr. LACEY. Oh, yes; they voted alphabetically in Norfolk. They voted from the poll list, so the board returned.

Mr. WILLIAMS of Mississippi. And they are recorded alphabetically in Iowa.

Mr. LACEY. Not at all; they are recorded as they vote.

Mr. WILLIAMS of Mississippi. But the poll list is alphabetical?

Mr. LACEY. But it is incredible that voters should have gone up to the polls and voted in alphabetical order. Evidently the poll lists were merely copied and the votes fictitious. As I say, I did not rise for the purpose of discussing this question, but I could not help referring to the unfairness of a law that put the control of elections in the hands of a single party, a party that I have great confidence in, the Democratic party; it is a splendid old party; but I would a little rather risk the two parties watching each other in making the count. We always insist of having both sides represented out in Iowa, and I am inclined to think somebody would get hurt in Iowa if only one political party attempted to hold the election and do the counting.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LACEY. I should like five minutes more.

Mr. KNOX. I yield to the gentleman from Iowa five minutes.

Mr. LACEY. I rose to call attention to a matter connected with the public-land laws. [Laughter.] I know you all expected that when I rose.

I received a letter the other day from my old friend Mr. Grady, from North Carolina, saying that I was in error in my statement that when we removed General Wheeler's disabilities we removed the last of the political disabilities of the old Confederates. He stated that a Confederate soldier could not take public lands as a homestead to-day. It was a remarkable statement, and I wrote to him to find out where he got it, and he said he wrote to a Populist Congressman and asked him what the law was, and he based his assertion on the statement of the Populist Congressman.

Mr. NORTON of Ohio. Name him.

Mr. LACEY. Mr. Fowler of North Carolina, formerly a member of this House. That reminded me of the measurement between the Plaza and the Dolores Mission in San Francisco. President Lincoln says the surveyors measured it with a "go-it-ometer." The engineers measured it with a contrivance which had to be wound up, and when they got to the Plaza from the Dolores Mission they found that the machine had not been running. So they asked a drayman how far it was, and they put his statement in the field notes, and it is a matter of history to-day that the official distance between the Dolores Mission and the Plaza in San Francisco is based wholly on the word of a drayman. My friend exercised much the same care when he inquired of a North Carolina Populist what the homestead law was.

Mr. CLAYTON of Alabama. An ex-Congressman, and a fusionist at that.

Mr. LACEY. Not stopping at that, my friend has put it into a book, and the book is being sent north, east, south, and west. It is called The Case of the South against the North. In that book it is seriously stated that that proviso which was enacted in the homestead law in 1862, when the war was going on, is still in existence.

Mr. NEVILLE. I should like to ask the gentleman if it is not true that that Populist Congressman was from the South, where they have Republican sympathies?

Mr. LACEY. Why, they do not have any great Republican sympathies in the South.

Mr. NEVILLE. I mean that the Populists there have.

Mr. LACEY. This proviso which prevented Confederate soldiers from taking homesteads under the act of May 8, 1862, he says, has never been stricken from the law. I want simply to put into the RECORD the fact, that it may show officially, that that law was repealed less than eight months after the war closed. I will print in connection with my remarks section 2 of the act of June 21, 1866, by which the exception preventing Confederates from taking homesteads was repealed.

Since that time many good old Confederates then, who are good Union men to-day, have taken their homes in the West and in the South, and many of our best and most loyal citizens to-day are men who wore the gray, but who are living upon homes that they obtained under the homestead law of 1862, modified as it was by the act of 1866. When I find that the estimable author of that book has published it broadcast over the South, I think it proper to print in the RECORD the modification of the law, to show that this act does justice to the Confederates, and it was done but a very few months after the surrender of Lee. On the 21st of June, 1866, the prohibition against the taking of homesteads by the Confederates was entirely eliminated from the record. My friend from North Carolina, a genial and pleasant gentleman, with whom I have served in Congress in the past, has made this mistake, no doubt inadvertently, misled as he was by erroneous information, and it is just to him, as well as to Congress, that it should be corrected.

I give now the following extract from The South against the North, by Grady:

But even all these grants, together with others equally violative of the Constitution and the pledge made to the States and to the original grantors or purchasers, were pardonable in comparison with those provided for in the act of May 20, 1862. That donated a homestead free of cost, except a fee amounting to about 11 cents per acre, to any citizen who is the head of a family or who has arrived at the age of 21 years, and to any foreigner who has filed a declaration to become a citizen, provided that he proves his "loyalty."* That is to say, the people of the Southern States who, or whose ancestors, ceded or partly paid for these lands, were excluded from this "bounty of the nation," even the dregs of foreign countries being preferred to them.

The total number of homesteaders up to June 30, 1895 (according to the General Land Office Report for that year, page 91), was 568,936, and the total number of acres patented to them was 67,618,451, the figures for that year being 36,548 original entries and 4,830,915 acres. This was an average annual gratuity of nearly 1,800,000 acres for the whole period after the passage of the act and of nearly three times as much during the last year.

The drain of wealth from the Southern States—particularly those of the original thirteen—by the unwarranted diversion of the public lands from being a source of revenue to the common Treasury of the States, to the enrichment of States, corporations, and individuals in other sections, has resulted in a marked comparative deficiency of the appliances and conveniences of civilization in the original Southern States and to a considerable extent in all of them.

The learned publisher of The South *vs.* The North should correct his book by an errata slip, and omit so grave an error from all future editions of his book.

The laws to which I have referred are as follows:

CHAP. CXXVII.—An act for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act all the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida shall be disposed of according to the stipulations of the homestead law of 20th of May, 1862, entitled "An act to secure homesteads to actual settlers on the public domain," and the act supplemental thereto, approved 21st of March, 1864, but with this restriction, that until the expiration of two years from and after the passage of this act, no entry shall be made for more than a half quarter section, or 80 acres; and in lieu of the sum of $10 required to be paid by the second section of said act, there shall be paid the sum of $5 at the time of the issue of each patent; and that the public lands in said States shall be disposed of in no other manner after the passage of this act: *Provided*, That no distinction or discrimination shall be made in the construction or execution of this act on account of race or color: *And provided further*, That no mineral lands shall be liable to entry and settlement under its provisions.

SEC. 2. *And be it further enacted*, That section 2 of the above-cited homestead law, entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, be so amended as to read as follows: That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is 21 years or more of age, or shall have performed service in the Army or Navy of the United States, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of $5, when the entry is of not more than 80 acres, he or she shall thereupon be permitted to enter the amount of land specified: *Provided, however*, That no certificate shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or, if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided by law: *And provided further*, That in case of the death of both father and mother, leaving an infant child or children under 21 years of age, the right and fee shall inure to the benefit of said infant child or children, and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell said land for the benefit of said infants, but for no other purpose, and the purchaser shall acquire the absolute title by the purchase and be entitled to a patent from the United States on the payment of the office fees and sum of money herein specified: *Provided*, That until the 1st day of January, 1867, any person applying for the benefit of this act shall, in addition to the oath hereinbefore required, also make oath that he has not borne arms against the United States or given aid and comfort to its enemies.

SEC. 3. *And be it further enacted*, That all the provisions of the said homestead law, and the act amendatory thereof, approved March 21, 1864, so far as the same may be applicable, except so far as the same are modified by the preceding sections of this act, are applied to and made part of this act as fully as if herein enacted and set forth.

Approved, June 21, 1866.

And the same was codified in section 2289, Revised Statutes, 1873:

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of 21 years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which such person may have filed a preemption claim, or which may, at the time the application is made, be subject to preemption at $1.25 per acre; or 80 acres or less of such unappropriated lands, at $2.50 per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same have been surveyed. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate 160 acres.

Mr. MCALEER. I now yield forty minutes to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, during the past one hundred and

*This proviso has never been stricken out of the law. The only amendment bearing on the qualifications of the beneficiary, so far as the Southern people are concerned, is in the act of 1866, to this effect:

"No distinction or discrimination shall be made in the construction or execution of this act on account of race or color."

twenty-four years the United States has many times extended its boundaries or expanded its territory. First, the Louisiana purchase, in 1803, out of which has been carved the States of Arkansas, Kansas, Louisiana, a part of Minnesota, a part of Mississippi, Missouri, Nebraska, North Dakota, South Dakota, a part of Wyoming, Indian Territory, and Oklahoma Territory, and these Territories, together with Arizona and New Mexico, will at some time be admitted as States; next, the Florida purchase from Spain, by treaty, in 1819, first organized as a Territory, and then admitted as a State in 1845, and by the same treaty a large scope of territory, out of which has been carved the States of Oregon, Idaho, and Washington; and third, the annexation of Texas by act of Congress in 1845, followed soon after by other acquisitions from Mexico, under treaty, out of which has been carved the States of California, Colorado in part, Nevada, Utah, Wyoming in part, and the Territories of Arizona and New Mexico in part. All of these acquisitions were adjoining the territory of the United States, and were secured from a standpoint of national necessity, or in order that we might be rid of dangerous or troublesome neighbors, living in close proximity to us.

France, when in possession of the Louisiana Territory, including the western bank of the river, had control of the mouth of the river, and this was a serious annoyance to American citizens inhabiting the part of the United States on the east side of the Mississippi, and drained by it. This being before the days of railroads, the Mississippi River was the great commercial highway for all the people living within this boundary.

The mouth of the river being in possession of the French, and our right of exit and entrance being secured only by treaty, which could be annulled by France at any time, it was a matter of extreme national necessity that the Louisiana territory should be secured in order that the citizens of the United States living in the eastern part of the valley of the Mississippi might have an unrestricted outlet for their commerce, a dangerous neighbor removed, and our western border secured—a direct application, so to speak, enunciated years afterwards, in what is called the Monroe doctrine, that America should not be considered a field for exploitation and colonization purposes by the powers of Europe.

In the case of Florida, held as it was by impotent and bigoted Spain, its proximity to the southern part of the United States rendered it a fertile field for breeding troubles to our Government.

In the case of the annexation of Texas it was a matter of contract between two intelligent and sovereign nations, advantageous to both.

In the case of the other territory secured from Mexico by treaty, it was but the result of a theory long held by many of our wise and sagacious statesmen that, by the laws of nature and geographically speaking, the entire area from the Atlantic on the east to the Pacific on the west, from the Gulf of Mexico on the south to the Great Lakes on the north, was intended for one great country under one national government.

So, in this way, expansion of our territory was brought about by constitutional methods, and, except in the case of Texas, which was admitted as a sovereign State, always with a view to organizing the lands so secured into Territories with local self-government, and, eventually, to the admission of these Territories into the Union as sovereign States.

This wise and statesmanlike policy has been carried out to such an extent that to-day there are only four Territories, Arizona, New Mexico, Oklahoma, and Indian Territory, within the bounds of the above acquisitions.

In 1867 we purchased from Russia Alaska. This purchase, I believe, was not so much because the territory was valuable at the time, or that it was considered that it would ever be of any great use for purposes of emigration and settlement, or from a commercial standpoint, but because, the Russian Government being in the humor to sell, it was thought advisable for the United States to purchase, rather than at some time this territory should fall into the hands of Great Britain, it being held then, as it had long been held, that it would be unwise on our part, from a national standpoint, to permit England to secure any further acquisition of territory in North America.

Mr. Chairman, in all this those in charge of governing and shaping the national policies of the United States were wise and sagacious; the territory acquired being in all instances, practically speaking, an unsettled wilderness and needing only the hand of an intelligent, industrious, and liberty-loving American citizen to be applied in order that it might become an important and valuable part of our great Republic.

National security from external dangers, the perpetuation of our republican form of government, the welfare, prosperity, and happiness of the people of the United States, made it necessary that these acquisitions of territory should be made. This was expansion in its best and truest sense.

Prior to the war with Spain no territory was acquired by the United States outside of North America, nor was any of this acquired except in the furtherance of a policy based on the Monroe doctrine and political necessity.

The Democratic party has always been in favor of this kind of expansion, and except in the case of Alaska, practically speaking, is entitled to the credit for the acquisition of all territory to that time. In all the territories acquired, as I have stated, we have acted in the acquisition of and in governing them strictly in accordance with the provisions of the Constitution of the United States. I stand with my party on the question of expansion, and in opposition to the policy of imperialism and militarism advocated by the Republicans.

Mr. Chairman, the causes leading to the annexation of the Hawaiian Islands are not in all respects the same as those leading to all former acquisitions. Along this line it may not be out of place to mention some facts in connection with the acquisition of these islands and their history. They were discovered by Captain Cook in 1789, and at that time were populated by a warlike, vigorous, and hearty race. They were a higher type of what may be termed "barbarous Asiatics." The islands are situated in the Pacific Ocean, some 2,000 miles from the coast of North America and about 4,000 from the coast of Asia.

The people of the islands were almost entirely isolated from the outside world up to the time of their discovery by Cook. The population then numbered between four and five hundred thousand. The area of the islands being only in the neighborhood of 6,000 square miles, this would give a per capita population of upward of 75 to the square mile. Since 1789, when the islands were discovered, to 1819, the islands were greatly reduced in population by the ravages of war and disease. Since then the death rate of the Hawaiians has increased to such an extent that to-day there are only about 40,000 natives and Hapas, or half-castes.

Prior to 1819, idolatry was a part of the religious practice of the Hawaiians.

May 8, 1819, Kamehameha I (then King of all the islands) died. By his will he left to his son, Liholiho, the sovereignty of all the islands, with the title of King Kamehameha II, and appointed Kaahumanu (his widow) premier, to exercise equal authority with the young king. These two almost immediately abolished idolatry and destroyed the infamous Tabu system, so that when the pioneer missionaries arrived at the islands, October 23, 1819, they found these people self-redeemed from idolatry and casting aside the superstitions of their fathers.

When the Christian missionaries from New England landed in the island, they were most kindly received by the natives. The people of the islands having some knowledge of western civilization from the occasional visits of passing ships, willingly received the teachings of the missionaries, and in a short while the greater part of them were converted to Christianity; and the Christian religion being the foundation stone of all lasting and progressive civilization, the Hawaiians have from that day to this made rapid progress. Up to 1820 they had no written language other than crude hieroglyphics, amounting to very little in the way of education from a practical standpoint, being symbolic only.

Until January 17, 1893, the islands continued under a monarchy which had existed from time immemorial. During this period of time, from 1819, when idolatry was abolished, to 1893, when the monarchy was abolished, education became general throughout the islands and Christianity common among all the people.

In 1893 a part of the foreign population, dominated and led by Americans or people of American extraction, successfully rebelled and overthrew the existing government, deposed Queen Liliuokalani, abolished the monarchy, and set up a republican form of government, modeled for the most part after that of the United States; and, with the government securely in their own hands, they promulgated a constitution for the islands, containing, amongst other things, a provision looking forward to and providing for annexation to the United States whenever it could be effected. This government continued until the 7th of July, 1898, when the Hawaiian Islands, by a joint resolution passed by Congress, were annexed to the United States.

The causes leading up to annexation were, first, the islands being of prominence on account of their situation in the Pacific Ocean, on the usual route of travel between Asia and North and South America, and on account of agricultural and trade resources; and, second, its government being weak from a standpoint of force and ability to maintain itself against a strong and aggressive power. The governing power of Hawaii earnestly desired annexation by the United States as a security for their welfare for all time to come.

When war was declared by the United States against Spain, in 1898, and after Dewey had sunk the Spanish fleet in the harbor of Manila, the United States was under the necessity of transporting to the Philippine Islands ships, soldiers, and supplies. As a matter of convenience, and sometimes of necessity, our ships and vessels of war had occasion to stop at the ports of Hawaii for coal and other supplies.

The Hawaiian government treated the United States in all these matters with the utmost consideration and as if there were

existing between the two countries a treaty of alliance, amity, and friendship, offensive and defensive, demanding that the Hawaiian government should place at the disposal of the United States her ports to be used in time of war in the same manner that she would use her own, thus clearly violating the principle of international law requiring friendly nations to preserve strict neutrality between belligerents. This course of procedure on the part of the Hawaiian government had Spain been victorious in the war would undoubtedly have brought upon her serious consequences.

Not waiting for any of these contingencies and possible troubles, the Hawaiian government, being most anxious for annexation to the United States, in due form signified its consent, in the manner provided by its constitution, to cede absolutely and without reservation to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States absolute fee and ownership of all public property, etc.

The United States, on July 7, 1898, during the continuance of the war with Spain, passed a joint resolution for the annexation of the Hawaiian Islands to the United States, and amongst other things in the resolution of annexation, which is nothing more or less than a contract between the people of Hawaii and the United States, it is provided that—

Until legislation shall be enacted extending the United States custom laws and regulations, existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

Leaving to the Congress of the United States final action in the premises.

The following statements in reference to the Hawaiian Islands in geographical, historical, and educational matters are taken from a handbook of information issued by the Hawaiian government in 1899:

GEOGRAPHICAL.

They are not in the "South Seas," the Hawaiian Islands are not, though often placed there erroneously. The group proper is situated between 18° 54′ and 22° 15′ north latitude and 154° 50′ and 160° 30′ west longitude. Therefore the islands must be in the North Pacific Ocean. If there be any further difficulty about finding the Hawaiian Islands, just steer due west from Mexico and stop when you see the Stars and Stripes flying over dry land. That will be they.

The islands of any account number eight, in order of size being Hawaii, Maui, Oahu, Kauai, Molokai, Lanai, Niihau, and Kahoolawe. Kauai is the most northern and Hawaii the most southern. Draw a line northwestwardly from the farthest south point of Hawaii to the farthest north point of Kauai and you leave all the other islands north of it excepting little Niihau, close westward of Kauai, and a vessel following the same course would hug Honolulu so closely that she might as well come in for water and news.

Beyond the boundaries given in the foregoing there are nine or ten uninhabited islets—mere rocks and reefs—extending in an irregular chain west and northwest, over which, severally, jurisdiction has been taken by different Hawaiian governments. Some of these specks are known for their guano deposits, others as shark-fishing grounds, but too many of them for their sad record of shipwreck. The five islands of the group proper, already named—Hawaii, Maui, Oahu, Kauai, and Molokai—are the only ones considerably populated.

Hawaii, the largest island, gives its name, in accepted parlance, to the whole country and its government. It is 90 miles long from north to south, and 74 miles broad from east to west. The area is 4,210 square miles. Topographically the island is bold and majestic in feature, being an aggregation of vast volcanic mountains. Three sublime domes are visible at once from various points of view, and their bases conjoining entitle them to the name they sometimes receive, "The Triplets."

Mauna Kea is 13,805 feet in height. It is the highest mountain in the group. Mauna Loa is distinguished for containing all the living volcanoes in the islands. Indeeed, the occasionally active crater of Mokuaweoweo forms its summit, the elevation of the loftiest point of its rim being 13,675 feet. The crater of Kilauea—never failing in strong manifestations of fire and often furiously active—is hollowed into the side of the mountain at an elevation of 4,000 feet.

Hualalai, third of the trio, is 8,275 feet high. Hail and snow are frequent at and above 9,000 feet elevation, and the summits of Mauna Kea and Mauna Loa glisten like diamonds with caps of snow a great portion of the year. In the extreme north of the island rise the Kohala Mountains, the highest peak being 5,505 feet. The coast line is regular, bays are few, and natural harbors entirely wanting. Hilo Bay, on the east, contains an eligible site for harbor works, which it is confidently expected the United States Government will not long delay supplying. As it is, the port is constantly frequented by shipping, having tolerably safe anchorage and a small wharf newly constructed.

Other bays are Kealakekua and Kailua, on the west, and Kawaihae, on the northwest. Landings are established at more than a score of places for the coasting traffic. Hawaii leads the other islands in production. It has many large sugar plantations, by far the greater portion of the coffee-raising industry, and a number of extensive stock ranches. With the regular steam communication, at this moment having good promise of being permanently established with the Pacific coast, the island of Hawaii will figure proportionately large in fruit cultivation. There is good soil at such a variety of altitude that the products of temperate climates can be successfully cultivated within the very sight of tropical vegetation.

Maui, the second island in size, has an area of 760 square miles, the greatest length being 48 miles and breadth 30 miles. It is composed of two mountainous formations of unequal size. The smaller part is a cluster of serrated ridges, the loftiest peak having a height of 5,800 feet. Deep and fertile valleys between these spurs produce a variety of tropical fruits without cultivation. Steep precipices overlook the ocean on the north, while on the southwest and northeast coasts there are sugar plantations and pasture lands. Iao Valley, extending westward from the town of Wailuku, is one of the most beautiful valleys in the islands.

The larger portion of the island, having the appearance of a body supporting the portion just described as a head, contains the vast dome of Haleakala. This is 10,030 feet high and has the distinction of being the largest extinct volcano in the world. Its base is surrounded with sugar plantations, and upon its slopes temperate and tropical agriculture blend into each other. Maalaea Bay, in the south of a low neck of land joining the two sections of the island already mentioned, contains landing places, but is too exposed to the sea for a shipping resort. Kahului Bay, in the north of the same neck, has good anchorage in its inner part, and has direct trade, by sailing vessels, with the Pacific coast. Hana is a small harbor.

Oahu, although third in size, holds the highest rank from its containing the capital city, Honolulu, and having much more than one-third of the population of the group. According to its size it is also the greatest producer, while it is far and away the leader in manufactures, leaving out sugar milling. Oahu has an area of about 600 square miles. It has a length of 46 miles and a breadth of 25 miles, but, being irregular in shape, the average breadth of its eastern half is probably less than half of the latter figure. Oahu is as mountainous as any of the islands.

The Koolau Range extends from the extreme eastern point to the northwestern coast, a distance of about 35 miles, and for half that length its transverse ridges run nearly from sea to sea. The Waianae Range, in the southwest, runs about 20 miles and has on that side lofty spurs extending to the coast. These are the principal elevations: Lanihuli Peak, in the Koolau Range, 2,780 feet; Konahuanui, same, 3,105 feet; Palikea Peak, Waianae Range, 3,110 feet; Kaala, same, 4,030 feet; Pali, 1,307 feet; Tantalus, 2,013 feet; Koko Head, 1,205 feet.

Honolulu Harbor is the only properly improved harbor in the islands. It admits to dock the largest steamships that ply the North Pacific. Pearl and Koolau harbors, on the south and north, respectively, are capable of being made, at moderate expense, among the finest havens for deep-sea shipping in the world. Kalihi Harbor is available to be connected by an inexpensive channel, inside the line of breakers, with and made an annex of Honolulu Harbor. There are several other lagoons on the island which admit small coasting vessels, although their entrances are more or less dangerous.

Kauai has an area of 590 square miles. Its length is 25 miles and breadth 22 miles. It is the oldest, in geological formation, of the group. Waialeale is a large mountain mass in its center, the lower parts of which slope easily toward the sea. Kauai is better supplied with streams than any of the other islands. It is called the "Garden Isle," from its very general fertility. Sugar plantations are upon every side, besides which the cultivation of rice is extensive. The northwestern part of the island is very precipitous, forming a line of lofty cliffs for 7 miles. There are several bays and inlets, but no secure haven.

Niihau is a very interesting little island. Its entire land, comprising 70,000 acres, or 97 square miles, belongs to one firm and is almost wholly devoted to sheep raising. It has a mountain range attaining an elevation of 800 feet, and much cut into by ravines. Feathered game abounds on Niihau. The whole island would make a magnificent health and pleasure resort.

Civilization was introduced to the Hawaiian Islands by Captain Cook's discovery in 1778. It is believed that the group was inhabited as early as A. D. 500. The aboriginal people are supposed to belong to the same race as the tribes of Samoa, Fiji, and Tahiti. Their language is much like the languages of those groups, and it is certain that there was much intercourse, in canoes navigated by the aid of the stars, between the southern archipelagoes named and Hawaii during the twelfth and thirteenth centuries. The ancient Hawaiians were barbarians rather than savages. They never were cannibals. Up to the time of Kamehameha's subjugation of all the islands, at the dawn of the nineteenth century, feudal government prevailed and wars, not only between islands, but between districts, were almost constantly being waged.

The islands were discovered by foreigners several times. A Japanese junk drifted into Kahului Bay in the thirteenth century, and its crew stayed and intermarried with the natives. In the first quarter of the sixteenth century, a Spanish vessel, belonging to an expedition sent out by Cortez from Mexico, for a farther destination, was wrecked on Hawaii and the captain and his sister, the only survivors, were received as welcome acquisitions to Hawaiian society. They intermarried with natives and their descendants were high chiefs. The islands were discovered again by the Spanish navigator, Juan Gaetano, but nothing came of the event, except getting the group placed 10° too far east on charts.

Soon after Cook, the benevolent Vancouver paid three visits to Hawaii. This was just as Kamehameha was beginning the game of conqueror. Vancouver, besides presenting the ruling chiefs with useful plants, cattle, and sheep, had a vessel built for Kamehameha and gave him excellent advice. He also told him that the heathen tabus were all wrong, and that there was but one living and true God. There were persons of high rank about the king who laid the bluff commander's words up in their hearts.

Kamehameha died in 1819 without having renounced his gods, but immediately the two queens, Keopuolani and Kaahumanu, deliberately broke the tabus—which had always been enforced with the penalty of death—and priests and people made bonfires of the idols. When, early the following year, the first band of American missionaries arrived, they found the fences of idolatry leveled to the ground.

The Kamehameha dynasty ended with the death of Kamehameha V in 1872. As he died without appointing a successor, the legislature elected Prince William C. Lunalilo king. The government had for some time been a constitutional monarchy. Lunalilo died after a reign of a little more than a year, and, he also failing to name a successor, the legislature elected David Kalakaua. The reign of Kalakaua was marked by two notable events, the making of a treaty of reciprocity with the United States and the coercion of the king, by an armed demonstration of foreign residents, to promulgate a new constitution, materially limiting the prerogatives of the sovereign.

Kalakaua named his sister, Princess Liliuokalani, as his successor. He reigned nearly seventeen years, and died at San Francisco on January 20, 1891. In his absence Liliuokalani was regent, and at his death she became queen. Upon attempting to promulgate a new constitution of her own authority on January 14, 1893, she was confronted by a revolution that culminated three days later in the abrogation of the monarchy. A provisional government was placed in control of affairs until annexation to the United States could be obtained; but as that consummation seemed to be long in coming, a constitutional convention prepared the way for the proclamation of the republic of Hawaii on July 4, 1894.

By a joint resolution of the Congress of the United States passed on July 7, 1898, the Hawaiian Islands came under the sovereignty of the United States of America. The formal transfer of sovereignty took place on August 12, 1898, and a commission, appointed by President McKinley, has, doubtlessly, before this book has been issued, recommended to the Congress a form of government for Hawaii under the Star and Stripes.

By the census of 1896, the population of the Hawaiian Islands was 109,020, subdivided by nationalities as follows:

Nationality.	Male.	Female.	Total.
Hawaiian	16,389	14,630	31,019
Part Hawaiian	4,249	4,236	8,485
Born of foreign parents	7,058	6,675	13,733
Foreign born, all kinds	44,811	10,972	55,783
Grand total	72,517	36,503	109,020

Below is an analysis of nationalities, counting all of Hawaiian blood together, also adding into one lot the foreigners of each nationality born in and out of the islands:

Race.	Male.	Female.	Total.
Native Hawaiian	20,648	18,856	39,504
American	1,975	1,111	3,086
British	1,406	844	2,250
German	866	566	1,432
French	56	45	101
Norwegian	216	162	378
Portuguese	8,202	6,989	15,191
Japanese	19,212	5,195	24,407
Chinese	19,167	2,449	21,616
South Sea Islanders	321	134	455
Other nationalities	448	152	600
Grand total	72,517	36,503	109,020

The population, by the census of 1890, was 89,990. By islands, the population in 1836 was as follows:

Island.	Male.	Female.	Total.
Oahu	26,164	14,041	40,205
Hawaii	22,632	10,653	33,285
Maui	11,435	6,291	17,726
Kauai	10,824	4,404	15,228
Molokai	1,335	972	2,307
Lanai	51	54	105

The preponderance of males over females in the population of the Hawaiian Islands, by nearly two to one, is accounted for by the large immigration of male laborers for work on the sugar and rice plantations.

EDUCATIONAL.

Hawaii has a thoroughly organized school system. By an act of the legislature of 1896 its administration was elevated in rank from that of a bureau, without representation in the executive, to that of a department of the government, with a cabinet minister as its official head. By that enactment the minister of foreign affairs became also minister of public instruction and president ex-officio of a board of six commissioners of education. It is provided that two of the commissioners may be ladies, and two ladies are, at present, members of the board.

Schools were first established in the Hawaiian Islands by the American pioneer missionaries. Though dead, they have left records that speak. E. W. Clark was one of the instructors of the Lahainaluna Seminary, and he wrote an article upon that institution in the Hawaiian Spectator of October, 1838. This was a quarterly magazine "conducted by an association of gentlemen," as appears from its title page, and printed for the proprietors by Edwin O. Hall, the mission printer at Honolulu. Mr. Clark wrote:

"When the Sandwich Islands Mission commenced its operations in 1820 nothing like education was known at the islands. The vernacular tongue had not even been reduced to a written language."

Compare the condition thus stated with that described by a writer in the North American Review for July 1897—seventy-seven years later—of the status at that time: "For many years in the past it was rare to find a native Hawaiian who could not read and write his native language. There is a change now, but without retrogression. It consists of a rapid advance toward an equally universal command of English by the native people."

Mr. Clark, in his writing of sixty years ago, went on to tell of the course pursued by the missionaries to remedy the condition of gross darkness covering this people:

"To reduce the language, as they found it in the mouths of the people, to a written form was their first object. A few elementary school books were then prepared, and the business of education commenced. * * * Soon multitudes were able to read and write (imperfectly, it is true) their own language. Schools were established throughout the islands, and supplied with such teachers as could be obtained." The instructor of Lahainaluna tells of the difficulties obstructing progress in the educational work, such as "the pressing engagements of the members of the mission in preaching, translating, and other labors," and goes on to tell of the birth of Lahainaluna Seminary, thus:

"In this state of things, it was unanimously resolved, at a general meeting of the mission in June, 1831, to form a high school for raising up school-teachers and other helpers in the missionary work." The design of the high school, later called the Mission Seminary, was quoted from its printed laws by Mr. Clark. It was in part "to disseminate sound knowledge throughout the islands, embracing general literature and the sciences and whatever may tend to elevate the whole mass of the people from their present ignorance and degradation, and cause them to become a thinking, enlightened, and virtuous people."

In September, 1831, the school went into operation at Lahainaluna, island of Maui, under the care of Lorrin Andrews as principal. Mr. Andrews was the maternal grandfather and patronymic of Hon. Lorrin Andrews Thurston, lately Hawaiian minister to Washington. Lahainaluna is now an institution of the public school system of Hawaii. It occupies a commanding situation, overlooking the village of Lahaina and the Pacific. Industrial training is one of its strong features.

Mr. Clark, telling of its earliest days, mentions that "a printing press was established in connection with the school, and placed under the charge of Mr. E. H. Rogers as printer." It is interesting, therefore, to note that to-day an educational monthly paper, The Progressive Educator, is printed and published at Lahainaluna—the pupils doing the mechanical work—under the auspices of the department of public instruction, which has recently provided a modern printing plant for the institution.

So much space is given to Lahainaluna, not only because it is the oldest superior school in the system as it now stands, but because it is one of several high schools in the islands where industrial education is made prominent. With this statement, the others of the class need not be separately mentioned. The discovery of the old missionary quarterly quoted in the foregoing, which happened in turning over a heap of musty tomes in the foreign office, enables another remarkable comparison to be made between the schools of those days and of the present. Edwin O. Hall has an article in the same number of The Spectator on "Common Schools of the Sandwich Islands," in which he gives the number then, the year 1838, under instruction as at least 15,000 children.

He remarks that some of the reports did not give numbers, and that probably 18,000 would come nearer the truth. The figures he gives, by islands, total up 15,313, which is singular as being about 800 more than the number of pupils officially reported in all schools of the islands for 1897, viz, 14,522, but "probably 18,000 would come nearer the truth" for the latter part of 1898, judging from the fact of a constantly increasing condition of schoolhouse overcrowding. Here is a comparison of school attendance in 1838 and 1897, by islands:

Islands.	1838.	1898.
Hawaii	7,194	3,828
Maui, 2,743, and Lanai, 149	2,892	3,488
Molokai	1,061	157
Oahu	2,233	6,424
Kauai and Niihau	1,933	1,621
Total	15,313	14,522

In 1838 Maui and Lanai are given separately, whereas they are coupled in 1897, and Niihau is not mentioned in 1838. This comparative statement shows a great falling off since two generations in the number of children attending school on the islands other than Oahu, with a proportionate increase on that island, owing to its containing the capital city, Honolulu. In another country such a condition might be taken, offhandedly, as an illustration of the process of the country losing to the town.

It is something more than that here. They were, virtually, all native Hawaiian children, those attending school in 1838. The total number of Hawaiian and part Hawaiian children enrolled as pupils in 1897, for the whole group, was 7,849, or but a few hundred more than the school attendance on the island of Hawaii alone in 1838. So the situation simply reveals one phase of the diminution of the Hawaiian race, a fact that has been much deplored but which is not for discussion in this connection.

The comparison just instituted naturally leads to an inquiry as to the composition of our schools by nationalities. What a conglomerate and polyglot mass of young humanity the teachers of Hawaii are expected to ground in the elements of intelligence and good citizenship is exhibited in this official table of school attendance in 1897:

Nationality.	Number of pupils.	Nationality.	Number of pupils.
Hawaiian	5,330	Scandinavian	106
Part Hawaiian	2,479	French	2
American	484	Japanese	590
British	280	Chinese	1,078
German	362	South Sea Islanders	10
Portuguese	3,815	Other foreigners	76

Attendance was divided between public and private schools thus:

	Male.	Female.	Total.
Public schools	5,925	4,643	10,568
Private schools	2,092	1,862	3,954
Grand total	8,017	6,505	14,522

There were 132 public and 60 private schools in 1897. One of the public schools on the little island of Niihau was the last survivor of schools taught in the Hawaiian language. The number of pupils under 6 years of age, in all schools, was 805; between 6 and 15, 12,466, and over 15, 1,161. Sexes were fairly well balanced in numbers, excepting in the case of Chinese, who had 773 boys to 305 girls in school. Deducting their excess of boys from the total excess, there will be only an excess of 44 boys to be divided among all other nationalities.

The teaching force in all Hawaiian schools for 1897 was composed of nationalities as follows: Hawaiian, 57; part Hawaiian, 62; American, 253; British, 69; German, 12; French, 6; Scandinavian, 6; Portuguese, 20; Japanese, 3; Chinese, 13; other foreigners, 6. There were 123 male and 175 female teachers in the public, and 82 male and 127 female teachers in the private schools, a grand total of 507, or an average of 28.64 pupils for each teacher. In this connection, especially in view of the object of this book, a circular letter prepared by Mr. H. S. Townsend, inspector-general of schools, for replying to many inquiries from abroad is here quoted:

"There is but one system of public schools in Hawaii. One board employs all teachers. Permanency being an important consideration, candidates are favored who are, or who are expected to become, permanent residents of Hawaii. All schools are in session ten months of each year, and all teachers are engaged by the year. In consequence there are few vacancies in the teaching force to be filled after the 1st of September.

There is no great educational reorganization in progress in the islands, though there is educational progress and development. Our public-school system is older than those of most of the States, and the teaching force is more permanent. There is no scarcity of teachers, though there is difficulty in finding suitable teachers for some of the less desirable positions in the country districts, owing to the lack of suitable boarding places.

Cottages are sometimes furnished teachers so that they may be able to board themselves. There are 238 teachers in the public schools, 134 of these being classified as Americans; but the majority of those so classified are of island birth. The average annual salaries of men are $745.50; of women, $551.80; of all teachers, $631.80. Qualifications required here are similar to those required in those States having school systems of the better sort, though not quite so high as the requirements in California. The standard is, however, gradually rising.

"It is a waste of time and patience to send in applications from abroad. With these facts in view, those desiring to join the teaching force here should decide for themselves whether the prospects will justify the risks of the journey and the venture."

Education is compulsory as to schools in general, and, with an exception herein noted, free as to the public schools. The law requires that every child from 5 to 15 years of age, inclusive, shall attend either a public or private school taught in English.

Special police, called "truant officers," are appointed in every district, to enforce the compulsory-attendance clause. English education in Hawaii gradually grew upon the Hawaiian stalk first planted by the missionaries, as already seen. When schools were first started as state institutions, they were taught in the Hawaiian language. English was introduced as the foreign population increased. When, in the course of time, the better classes of

Hawaiians manifested a desire for English instruction, English schools were instituted in localities upon the request of a certain number of residents.

Thus the large school in Honolulu, still called the "Royal School" and flourishing as part of the public system, was established and given its name to become the place where the scions of royalty and chiefly rank were to be educated. King Kalakaua and Queen Liliuokalani attended this school. English was early taught as a classic in the large mission schools. It was recognized as the vernacular in 1876 at Lahainaluna Seminary, afterwards becoming there the dominant medium of instruction.

Gradually the transformation went on until 1896, when teaching in this language became obligatory in all schools. American text-books are employed almost exclusively in the public schools, those for the higher grades including the cream of English classics. The only exceptions to the rule are Hawaiian geography and history.

Select schools, where tuition fees are charged, are permitted in the state system, and, as a matter of fact, exist in a group centering in the Honolulu High School. This is under a section of the law which provides "that the department may, in its discretion, establish, maintain, and discontinue select schools, taught in the English language, at a charge of such tuition fees for attendance as it may deem proper: *Provided, however*, That such select schools shall be established only in places where free schools of the same grade for pupils within the compulsory age are readily accessible to the children of such district."

The Honolulu High School is organized in three departments of English, mathematics, and natural science. Good work is also done in foreign languages.

Under the constitution of the republic of Hawaii, aid from the public treasury to sectarian schools was prohibited. Formerly it was the regular practice of successive legislatures to pass grants of money to schools under the control of different denominations. Instead of becoming weaker from the withdrawal of public aid, the independent schools in 1896 exhibited an increase of attendance proportionate to that of the public schools.

There are several noble institutions, under both Protestant and Catholic auspices, established in the islands. Oahu College, at Honolulu, a foundation of the American mission, has a handsome group of public buildings. It has chairs in the ancient and modern languages and natural philosophy, besides the usual academic branches. St. Louis College, also at Honolulu, is conducted by Roman Catholic brothers, giving instruction from primary to classical grades, with music and drawing as specialties. It is exclusively for boys and has the longest roll of all the schools in the islands. Iolani College, owned and directed by the Anglican bishop of Honolulu, with an able staff of instructors, does substantial work.

There are schools for girls, giving industrial as well as scholastic instruction, conducted by the successors of the American mission, the Anglican, and the Catholic sisters, respectively, not only in Honolulu but in country towns. The Kamehameha schools, for native boys and girls, were founded by the will of the late Mrs. Charles R. Bishop, a Hawaiian princess eligible for the crown, but refusing nomination therefor. These, besides giving tuition from primary to high school grades, inclusive, afford the benefits of manual training in various branches of mechanical and domestic industry.

For many years past the greater part of the trade of the islands has been with the United States. In 1897 the exports to the United States amounted to $15,311,685; in 1898, $16,587,311, and in 1899, $22,188,206. During these and many previous years the balance of trade has been largely in favor of the Hawaiian Islands.

In 1897 we exported to the Hawaiian Islands $5,478,224; in 1898, $6,827,848, and in 1899, $11,305,587. The trade of the islands during these years with nations other than the United States has been very small, and it is a remarkable showing of the fertility and capabilities of the islands from an agricultural standpoint. The average in their favor for each of the three years amounting to nearly $10,000,000. The trade of the islands, amounting now to more than $33,000,000 annually, will probably within the next decade amount to $60,000,000 or $70,000,000; and I do not know of any reason why, when the agricultural resources of the island are fully developed, we may not count on a trade of $100,000,000 annually.

It must not be concluded, however, that the Hawaiian people reap all the advantages of this enormous and greatly increasing trade. As a matter of fact, the bulk of the valuable sugar, coffee, and rice lands in cultivation are owned and controlled by great corporations, and very few Hawaiians are interested in these corporations. Some of the great sugar plantations make enormous profits. One of them, it is said, on a capital of more than $2,000,000, in one year made a profit of about 80 per cent. Nor is it true that all of the stockholders in these great and money-making corporations are residents of the islands. Numbers of them reside elsewhere; consequently the blighting effects of absentee landlordism, so much complained of in Ireland, are in evidence to some extent in the Hawaiian Islands. In other words, the islands have been developed largely through the efforts of speculators and capitalists, and one result of this has been to place the bulk of the rich sugar, coffee, and rice producing lands in cultivation in the hands of persons other than the native Hawaiians.

The statement has been made that the average native Hawaiian owns between 2 and 3 acres of land and the corporations and persons other than Chinese and Japanese own, on an average, 400 acres each. These figures, if true, show to some extent how the lands have passed into the hands of persons other than the natives.

The citizens of Hawaii are, as a rule, educated. My information is that of male citizens, 21 years of age and upward, more than 95 per cent can read and write the English or Hawaiian languages. This high degree of intelligence in educational attainments has been brought about by eighty years of persistent effort by the government in educational matters.

It must not be supposed, however, that in Hawaii where among the citizens education and intelligence is and for many years past has been the rule, and where illiteracy is the exception, that since the overthrow of the monarchy any considerable number of citizens have participated in the elections, as the following statement, taken from the official records, shows:

In the last election under the monarchy, in February, 1892, the total vote was 14,217; of these 9,931 were Hawaiians. This is about the usual proportion of one voter in five of population. After the overthrow of the monarchy in 1893, the first election was for a constitutional convention under the Republic, May, 1894.

The total vote cast was 3,852; of these, 939 were Hawaiians; and in the next general election, held September, 1897, the total vote cast was 2,693; of these, 1,126 were Hawaiians, and this, too, with a population of 110,000. I wish to call the attention of my Republican friends to the fact that in the Hawaiian Islands, as in the South, the government is in the hands of the Anglo-Saxon race.

Wherever this race has gone they have demonstrated that they are the superior race, and when it comes to matters of government they are stronger and more vigorous than other races, and rule accordingly.

The bill before the House provides a strictly republican form of government for the Territory of Hawaii under the letter as well as the spirit of the Constitution of the United States. We give to them local self-government in unequivocal terms, and to the general assembly of the Territory power is given to enact all local legislation necessary not inconsistent with the Constitution and laws of the United States.

We place in the hands of the citizens of the Territory, by this bill, the means of redressing any local grievances that may now or hereafter exist. The Committee on Territories, having in charge the bill, have endeavored to follow and improve upon all bills heretofore passed by the Congress of the United States for the government of Territories, and to give to the Hawaiian Islands most liberal form of government, strictly in accordance with the letter and under the limitations of the Constitution of the United States.

Whatever criticism may be made upon the action of the committee in other respects, it can not be charged that the members were wanting in liberality in providing for the future government of the Hawaiian Islands; nor can it be said that by the provisions of the bill the Hawaiians are denied any rights, privileges, or immunities guaranteed by the Constitution to any citizen of the United States.

The people of the Hawaiian Islands understand that annexation means that the islands shall become a part of our territory and be governed under our Constitution as all other Territories of the United States have in the past been governed; and along the line of carrying out this contract between the people of Hawaii and the United States, the President, in his message to Congress in December last, states that "the people of these islands are entitled to the benefits and privileges of our Constitution."

The bill declares all persons who were citizens of the republic of Hawaii on August 12, 1898, to be citizens of the United States, and that the Constitution and the laws of the United States, locally applicable, shall have the same force and effect there as elsewhere in the United States. The right to vote is extended to all male citizens residing in the Territory for one year and in the district in which they register not less than three months, who shall register, pay a poll tax of $1, and be able to read and write the English or Hawaiian language. These provisions as to suffrage are largely modeled after the constitution and laws of many of the most progressive States of the Union, among others those of Massachusetts and South Carolina.

The committee deemed it wise to strike out the provisions in the original bill requiring voters for certain offices to be possessed of property of the value of $1,000 or have an annual income of not less than $600, because it is not believed that the same are necessary to secure good government in the Territory, and because such provisions are contrary to the spirit of a republican form of government, and, if permitted and practiced, would inevitably place the government of the Territory in the hands of a moneyed oligarchy, and in effect would amount to placing dangerous power in the hands of men who happen to be possessed of wealth, and, politically speaking, would tend to make a serf of a man possessed of the highest mental and moral attainments, should he happen not to be the owner of $1,000 worth of property or have an income of $600 a year.

To my mind it is not conceivable that the Hawaiian people could be secure in their rights under the Constitution of the United States and continue prosperous, happy, and be good citizens, with the right to vote and have a voice in the government of the Territory restricted in this way.

By the passage of this bill Congress admits that what some of the States have done in the way of denying the right to vote to the ignorant and vicious is not only necessary, but right and proper, and therefore commendable.

Mr. Chairman, since the beginning of the war with Spain many serious and vexed questions have come before Congress for settlement. While that war was in progress, as a matter of necessity

growing out of the war, we annexed the Hawaiian Islands. At the conclusion of that war we had obtained by treaty with Spain the cession of Porto Rico and, so far as Spain could give to us by treaty, the Philippine Islands.

The Hawaiian Islands are a part of the United States to-day, as much so as is the Territory of Oklahoma, or the State of Pennsylvania. Not only is this true of the Hawaiian Islands, but it is also true as to the island of Porto Rico. The Hawaiian Islands annexed by joint resolution of Congress, carrying into effect the offer and agreement of the government of those islands, and Porto Rico ceded to us by treaty with Spain, the inhabitants of the island being most willing, both stand on the same footing as Territories of the United States, and each of them is entitled to the same consideration, for over both Territories the Constitution of the United States extends equally and to the same extent that it extends over any Territory or State under the jurisdiction of the United States.

In the bill before the House no attempt is made to legislate for the Hawaiian Islands except under the provisions and strictly within the limitations of the Constitution of the United States. Particularly is this true in the matter of taxation. In the bill before the House the trade of the Hawaiian Islands with other Territories and States of the Union stands upon the same footing in that there is no discrimination whatever. In dealing with Porto Rico the majority in this House have attempted to treat her in a very different manner. For Porto Rico, the effort is made to treat the island as if the same was not a part of the United States and to impose a tariff upon certain of her products coming into our ports.

Why this discrimination? Why treat the island of Porto Rico differently to the way we treat and deal with the Hawaiian Islands? If one is a part of the United States and under its jurisdiction the other is. We treat the Hawaiians as citizens of the United States, why not treat the Porto Ricans in the same way? Both are entitled to all the benefits, privileges, and immunities conferred by the Constitution of the United States upon any citizen. In the matter of impost duties or taxation the products of these territories must be treated the same in all respects as we treat the products of Pennsylvania or California.

Mr. Chairman, in a few words I will give my opinion as to why the Hawaiian Islands have been treated as a part of the United States and why Porto Rico has been treated as a foreign territory. It has been said by those advocating the imposition of a duty on the products of Porto Rico shipped into the United States that, first, Congress has a right to do so under the Constitution; second, that in order to raise money to relieve the sufferings of the people of the island it must be done, and third, that to do so is to strike a severe blow at the sugar and tobacco trusts; therefore it is necessary.

In answer to the first proposition, Mr. Chairman, I will say that Congress has no right or authority under the Constitution of the United States to levy a tariff on the products of Porto Rico coming into our ports, because Porto Rico is a part of our territory.

As to the second proposition, in my opinion no good, but only harm, can result to the Porto Ricans from the imposition of this tax.

As to the third proposition, I think it amounts to jesting with a serious question.

If this is true, would it not be equally a blow at the trusts to impose a tax upon the products of the Hawaiian Islands coming into the United States? Why, if it is necessary in dealing with Porto Rico to impose a tariff upon her products in order to strike a blow at the trusts, is the necessity and the argument not equally as strong in the case of Hawaii? If it is necessary to strike a blow at the trusts in one case, it is in the other.

No, Mr. Chairman, these are not the reasons for the imposition of a tariff upon the products of Porto Rico.

In my judgment, Mr. Chairman, the reason is that in the Hawaiian Islands the greater part of all that is valuable and productive to any great or considerable extent, including the land and franchises, is owned by capitalists, speculators, and trusts. On the other hand, in Porto Rico this state of facts does not exist. Since we acquired Porto Rico from Spain there has not been time for the capitalists, the speculators, and the trusts to manipulate and obtain possession of the valuable lands and franchises.

Mr. Chairman, if like conditions existed in Porto Rico that exist in the Hawaiian Islands in the ownership of lands, franchises, and other valuable property, I submit that no fight would have been made by the sugar and tobacco trusts, or anyone else, to impose a tax upon the products of Porto Rico. Mr. Oxnard and Mr. Myrick would never have been heard of in connection with Porto Rican legislation.

Mr. STOKES. Will it disturb the gentleman to interpose a question?

Mr. FINLEY. Not at all.

Mr. STOKES. Do I understand you to imply that that probably is the reason why the tariff was imposed upon the products of Porto Rico?

Mr. FINLEY. I think that is why the sugar and tobacco trusts are in favor of the Porto Rican bill. I take it that the trusts reasonably suppose that by proper effort on their part during the continuance of the tariff that the trade of Porto Rico will be hampered by the iniquitous and unlawful burden imposed upon her trade. The value of property in the island, now very low, will continue so, and they will be enabled to obtain possession of the greater part, and then they will be most anxious for Congress to treat Porto Rico as we propose to treat the Hawaiian Islands in the bill under consideration.

Mr. STOKES. A pretty good deduction.

Mr. FINLEY. Mr. Chairman, I think that we are treating the Hawaiian Islands as we should treat them in this bill, as I understand the Constitution of the United States and as I believe its provisions imperatively demand. We give to them the rights of citizenship. We deny to them nothing that is given to other citizens of the United States as such, whether they reside in a Territory or in a State.

I believe that this is the correct construction of the Constitution of the United States. Something has been said in the debate to the effect that the bill before the House extends the Constitution of the United States over the Hawaiian Islands. Mr. Chairman, I do not agree with this argument. In my judgment, the Constitution of the United States can not be extended over territory belonging to the United States by an act of Congress, for the reason that over all territory of the United States the Constitution extends by its own force, and any act of Congress for this purpose is a nullity.

Mr. Chairman, in admitting the products of Hawaii to our ports, without taxation or any discrimination whatever, we but obey the Constitution of the United States and carry out the practice of our Government in the past, and act in accordance with an unbroken line of judicial decisions by our Supreme Court construing the Constitution. In denying to Porto Rico the same rights the majority go contrary to all precedent in the history of our Government, and in the teeth of both the Constitution of the United States and the decisions of the Supreme Court of the United States.

When the Porto Rican bill was under consideration in this House, the Republican position was that the Constitution of the United States did not follow the flag, and its provisions were not coextensive with the jurisdiction of the United States over territory, and that territory within our jurisdiction, over which Congress had not extended its provisions, did not fall within the provisions of the Federal Constitution. It was argued strenuously by the majority that the Constitution could only be extended to newly acquired territory by an act of Congress.

It seems from an examination of the arguments made in support of the position of the Republicans in this matter that the reasons for their position are: to avoid its provisions in some of our new possessions or territories, first, as to citizenship, and, second, its limitations as to taxation. In a republic, such as ours, there can only be citizens and uniformity of taxation; and free intercourse between all citizens of the republic is absolutely necessary. These two propositions are the groundwork and underlying principles without which there can be no republic.

Section 2 of Article VI of the Constitution provides that—

> This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The language of this section is not that the Constitution shall be the supreme law of the various States in the Union, or the supreme law of the States and Territories, but that the Constitution shall be the supreme law of the land. It is immaterial whether that land is within the boundaries of a sovereign State or whether it is comprised within the boundaries of a Territory not yet admitted into the Union as a sovereign State. Over all land, including States and Territories, where the jurisdiction of the United States extends, the supreme law of the land is the Constitution of the United States. The only question, then, as to where the Constitution extends, is one of jurisdiction. If the jurisdiction exists, the flag and the Constitution go along with it.

I think, Mr. Chairman, that the Republicans, having recognized in a practical way this principle, in the case of Hawaii, will find some difficulty in explaining to the American people their course in ignoring the principle in the case of Porto Rico. The action of the Democrats and Republicans in the House, in the case of Hawaii, is an unanswerable argument that the Republican majority is wrong in the proposed legislation for Porto Rico.

Section 1 of Article XIII is a further expression in the Constitution of the United States that the provisions of the Constitution extend to all territory over which our flag floats, and that it is coextensive with jurisdiction. Section 1 of Article XIII reads:

> Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

This article expressly provides that the provisions of the Constitution shall extend to all territory over which the United States

has jurisdiction. We have not in the past one hundred and twenty-four years governed any territory except under the provisions of the Constitution of the United States, and I believe that the Hawaiians and Porto Ricans can be governed better under its provisions than by any other form of government. We can govern them in no other way.

The United States can not long exist with a part of the Territory within its jurisdiction under a constitutional government and the balance under a nonconstitutional government. In the case of the Territory of Hawaii we give full force and effect to the provisions of subsections 5 and 6 and section 1 of the Constitution, which provides as follows:

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

In the case of Porto Rico the majority deny this, and attempt to justify their course upon the ground that Congress has supreme authority over the property and territory of the United States. No one denies that Congress has jurisdiction over property and territory of the United States; but that jurisdiction is limited. It only is jurisdiction to do what is authorized by the Constitution. It has no jurisdiction in a State, Territory, or elsewhere to do those things prohibited by that instrument.

That the Constitution and jurisdiction of the United States are coextensive is evident from a consideration of section 4 of Article IV of the Constitution, which provides:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

The word "State" is used in this clause of the Constitution, yet this is the only provision in the Constitution making it a duty of Congress to protect from invasion. The word "State" as used here is synonymous with the word "Territory." Therefore it is the duty of Congress to protect each and every part of the domain subject to its jurisdiction from invasion; that is, each of the various 45 States and all of its Territories, including Hawaii and Porto Rico. It is also our duty to guarantee to each of them a republican form of government.

To my mind it can not be contended successfully that it is the duty of Congress, under the provisions of the Constitution, to protect Porto Rico from invasion without admitting under the same authority that it is equally our duty to give to her a republican form of government. In the case of Porto Rico, in considering the legislation proposed by the Republican party, in determining whether or not the Constitution is being violated, the question naturally arises, What is a republican form of government? The answer can only be, as it has been, "A government of the people, by the people, and for the people."

The right of local self-government and that all government shall be under the restrictions and limitations of a written constitution is absolutely essential to a republican form of government. We recognize this principle, and give a republican form of government to Hawaii. The majority deny the application of this principle in the case of Porto Rico, and refuse to her a republican form of government. The framers of the Constitution were jealous of giving to Congress unlimited power, and did not do so.

The Constitution of the United States is the sole grant of power to Congress, and this power is limited in the grant. This is necessarily the case, as I have stated, in a republican form of government; under an imperial form of government, a written constitution defining the rights of the citizen and protecting him from oppression by the government, is not usual, as in the case of England, having no written constitution other than Magna Charta. Her Parliament, in all matters outside of the provisions of that instrument, has unlimited power, and there is no such thing as an unconstitutional act of Parliament. And, because of oppression by the British Parliament in the exercise of this unlimited power, our revolutionary fathers rebelled, achieved their independence, and gave to us a system of government with a written Constitution, and forever guaranteed to the American citizen exemption from the oppressions they had suffered.

In the bill before the House, Hawaii is placed under our customs and revenue laws, as required by the Constitution of the United States. The majority here refuse this to Porto Rico. In the Hawaiian bill the principle that all taxation by Congress must be uniform and for a national purpose is recognized and carried out. In the Porto Rican bill taxes are imposed upon the products of that island coming into the United States, thus violating the rule of uniformity in taxation required by the Constitution, and the proceeds of this tax are appropriated for local purposes in the island.

Congress derives its sole power to levy taxes under the Constitution. It can only levy taxes upon the subjects and in the manner prescribed by that grant of power. If the Constitution does not extend to Porto Rico, and its people are not citizens of the United States, I am at a loss to know where Congress obtains its grant of power to levy taxes at all, as the grant of power can not extend beyond the jurisdiction and operation of the instrument giving the power. Porto Rico is unquestionably a part of the territory of the United States, subject to its jurisdiction, and therefore within the operation of the Constitution and all of its provisions and limitations; taxes can only be levied in strict accord with the rules therein provided.

The language of the Constitution is unmistakable that no preference shall be given, that the taxes shall be uniform and levied only for national purposes, and the following authorities settle beyond question the soundness of this contention:

Story on the Constitution, edition 1859, sections 154 to 159.

It was decided in Cross *vs.* Harrison (16 Howard, 197), that—

By the ratification of the treaty (with Mexico) California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, it became *instantly bound and privileged by the laws which Congress had passed* to raise a revenue from imports and tonnage.

On page 198 the court said:

Having been shown that the ratifications of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States, after those had ceased which had been instituted for its regulation as a belligerent right (i. e., strictly a war tariff under military occupation).

In Longborough *vs.* Blake (5 Wheaton, 317), the Supreme Court held:

The power then to lay and collect duties, imports, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imports, duties, and excises should be observed in the one than in the other.

Cooley on Constitutional Limitations, 129 and 499, states the rule to be:

Taxes should only be levied for those purposes which properly constitute a public burden.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MORRIS having taken the chair as Speaker pro tempore, a message from the Senate by Mr. BENNETT, its Secretary, announced that the Senate had passed with amendments the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes, in which the concurrence of the House of Representatives was requested.

GOVERNMENT FOR THE TERRITORY OF HAWAII.

The committee resumed its session.

Mr. KNOX. Mr. Chairman, before yielding the rest of my time, I desire to state that, as has probably been observed by the committee, this bill simply strikes out all after the enacting clause of the Senate bill and substitutes the House bill. It is the House bill we have been considering and shall consider to-morrow for amendment.

I simply desire to avoid reading both bills, as we otherwise might have to do, and I therefore ask unanimous consent that in reading the bill we simply read the House bill. I have seen gentlemen upon both sides, and I understand there is no objection.

Mr. TALBERT. In the absence of the gentleman from Pennsylvania [Mr. MAHON] and in the absence of the gentleman from Illinois [Mr. CANNON], I suggest that the House is rather thin. There is no quorum here.

Mr. KNOX. I hope the gentleman will not raise that question.

Mr. TALBERT. I withdraw the point.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KNOX] requests unanimous consent that when the reading of the bill under the five-minute rule is begun, the House bill proposed as a substitute for the Senate bill be alone read. Is there objection?

Mr. HILL. Mr. Chairman, I do not wish to object to this, because I wish to hasten the reading of the bill; but the bill is a long one, and will undoubtedly provoke a good deal of discussion, and it is a good deal of a question whether the end of the bill will be reached before 4 o'clock. While not objecting to the request of the gentleman from Massachusetts, I also request that two small amendments may be considered as pending.

Mr. KNOX. I will say that I will not object to that, but I would like to have this consent obtained first, so there will be no question about it. I ask the Chair to put my request.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. KNOX]?

There was no objection.

Mr. HILL. Now I renew my request that the amendments which I send to the Clerk's desk may be considered as pending, to come up at the proper time, in case the reading of the bill is not finished in committee.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the amendments which the Clerk will now report be considered as pending.

The Clerk read as follows:

Strike out, on page 89, from and including line 20 to and including line 9, on page 90, and insert the following:

"TERRITORIAL COMMISSIONER.

"The governor may nominate and, by and with the advice and consent of the senate of the said Territory of Hawaii, appoint a commissioner of said Territory, to reside at the capital of the United States, and to represent the interests of said Territory of Hawaii in its relations with the United States. Said commissioner shall, when appointed, be a citizen and bona fide resident of said Territory; his term of office shall be two years; his salary shall be $5,000 per annum, which, with his actual, necessary traveling expenses in coming from said Territory and returning thereto, shall be paid by the United States."

Insert on page 97, at the end of section 102, the following:

"SEC. 103. Nothing in this act shall be construed, taken, or held to imply a pledge or promise that the Territory of Hawaii will at any future time be admitted as a State or attached to any State."

Renumber section 103 of the bill as section 104.

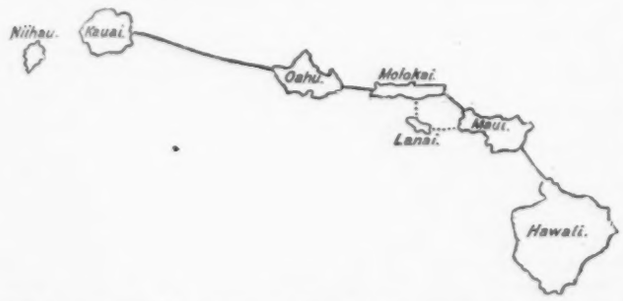
The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. RICHARDSON. Mr. Chairman, I can not understand what would be the effect, in a parliamentary way, of consenting now that amendments which the gentleman says he will offer to a section may be considered as pending. Suppose the section is never read. Would the gentleman insist that these amendments should be pending? I make the point of order against them, and shall not consent to their being admitted; but I want to state why I do it, because I can not see how they could be considered as pending in the House by any agreement made in the committee. It seems to me that such an agreement as this ought not to be made. I have no objection to their being read for information, but I shall object to any consent being given for any agreement that they shall be considered as pending.

The CHAIRMAN. Objection is made.

Mr. KNOX. Mr. Chairman, I yield the remainder of my time, or the remainder of the time allotted to this side, to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, the islands of Hawaii are of volcanic origin and lie 2,100 miles out in the Pacific southwest from San Francisco. From Honolulu to Yokohama is 3,445 miles, and from Honolulu to Hongkong is 4,961 miles. From Unalaska, the nearest port on the north, to Tahiti, the nearest port to the south, is 4,400 miles.



By reason of the vast waste of water that surrounds them and by reason of the limited coaling and steaming capacity of even the strongest vessels, these islands command the North Pacific as Gibraltar commands the Mediterranean, and strategically they have no rival in the world.

In annexing them we have annexed the only insular vantage ground from which a hostile fleet might have made descent upon our western coast and to which it could have returned. By annexation, therefore, we have posted these islands like sentinels in the midst of the Pacific to guard our western coast.

Commercially they lie at the crossroads of the sea. The lines of ocean traffic intersect there, and in the future a tremendous and increasing commerce will enter and leave Pearl Harbor when it shall have become the meeting place and transfer depot of the ships of Russia, China, Japan, Australia, New Zealand, and the American ships of the Atlantic and the Pacific, joined by the Nicaragua Canal in the carrying trade of a nation whose never-resting physical and mental energy must have constant and increasing market for its output.

The commercial and strategic importance of these islands is far out of proportion to their size. They number seven inhabited islands and a dozen rocky or sandy shoals and reefs, with a total area of about 6,740 square miles and a population of 110,000 souls.

From Hawaii, the largest of the group, they trend northwesterly. Hawaii has 2,500,000 acres, and its principal town is Hilo.

Maui is next in size and location to Hawaii.

Oahu is third in size, but largest in population. On the southern side of Oahu is Honolulu, the capital city of the Hawaiian Islands, with a population of 30,000. A little to the east of Honolulu city and harbor is Pearl Harbor, with a water surface of about 10 square miles and a depth ranging from 20 to 90 feet.

Kaui is fourth in size and population.

On the north side of the island of Molokai is the leper settlement, where about 1,200 lepers are fed, clothed, and cared for at governmental expense. Attended by a few monks and nuns of the Order of St. Francis, they live out their days there, cut off from the rest of the world by impassable mountains and by the sea.

Sugar growing is the principal industry of the Hawaiian Islands and is carried on principally by corporations with capital stock ranging from $200,000 to $4,000,000, although sugar growing by small farmers on the cooperative plan, with a central mill for a group of farms, has been commenced.

Sugar can only be grown profitably by artesian irrigation, requiring heavy outlay for outfit and machinery. A large part of the volcanic soil is adapted to coffee, but coffee, although a common product, is not as yet an important commercial industry. Rice growing is exclusively in the hands of Chinese. The islands are rich in farming and grazing lands. The general conformation of the islands, they being of volcanic origin, is a general downward slope from an elevated central part to the sea. Climate, temperature, and products vary on the mountain sides according to altitude, cattle being raised on the highlands, coffee lower down, then sugar, then taro, and rice down by the sea.

HISTORICAL.

It is believed that the islands began to be inhabited about fourteen hundred years ago. Civilization was introduced by Captain Cook's discovery in 1778. The islands were brought under the sway of Kamehameha about the beginning of this century. He died in 1819, but the islands continued under the Kamehameha dynasty down to the death of Kamehameha V in 1872. He was followed by David Lunalilo for about a year; he by David Kalakaua for about seventeen years, and he by his sister, Liliuokalani. The monarchy was overthrown January 17, 1893. The constitution of the republic was promulgated July 4, 1894. A joint resolution of the Congress of the United States for annexation was approved July 7, 1898.

The transfer of sovereignty was formally made at Honolulu August 12, 1898, and kings' crowns, kings' councils, and feudalism went out of business in Hawaii forever, and the islands which American missionaries had redeemed, which were already American in institutions, laws, and sympathies, were merged into the great body of the American Republic for all time.

TERRITORIAL GOVERNMENT.

By this bill we provide that the Hawaiian Islands shall hereafter be known as "The Territory of Hawaii," and that a Territorial government, with its capital at Honolulu, is hereby established.

At the outset we are met by the question of citizenship, and we have declared in section 4 of this bill "that all persons who were citizens of the republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States."

By the constitution of the republic of Hawaii "all persons born or naturalized in the Hawaiian Islands and subject to the jurisdiction of the republic are citizens thereof."

The government which we have framed for the republic of Hawaii may be easily divided into the three coordinate branches—the executive, the legislative, and the judicial.

THE EXECUTIVE.

Under the head of the executive we provide for a governor to be appointed by the President for a term of four years or until his successor shall be appointed and qualified; that he shall be 35 years old and a citizen of Hawaii; that he shall have a salary of $5,000 per annum, $500 for incidentals, and $2,000 for a private secretary.

Among his powers and duties it is provided that he shall be commander in chief of militia; that he may grant pardons or reprieves for offenses against the Territory and against the United States, pending decision by the President.

When necessary he may call upon military or naval forces of the United States in Hawaii or summon the posse comitatus or call out the militia. He may suspend the writ of habeas corpus or place the Territory under martial law. He is given the veto power and the power of removal when not otherwise provided.

Under the the head of the "appointing power" he has power to appoint—

1. Judges circuit courts.
2. Attorney-general.
3. Treasurer.
4. Commissioner of public lands.
5. Commissioner of agriculture.
6. Superintendent of public works.
7. Superintendent of public instruction.
8. Auditor.
9. Deputy auditor.
10. Surveyor.
11. High sheriff.
12. Members board of health.
13. Commissioners of public instruction.
14. Boards of registration and inspectors of elections.
15. All other public boards.

There is also a secretary appointed for a term of four years by the President, and an attorney-general appointed for four years by the President.

THE LEGISLATIVE.

Now, as to the legislative branch, we provide for a Delegate from Hawaii to the United States House of Representatives. That provision was inserted by the unanimous desire of the members of the committee regardless of party. He is to be elected by voters qualified to vote for members of the house of representatives of the Territory of Hawaii. He must possess the qualifications of members of the house of representatives of Hawaii, and the time and place and manner of holding elections for Delegate are to be as fixed by law.

We provide for a Territorial legislature composed of two houses, the upper house to be known as the senate and the lower house to be known as the house.

I will append to my remarks a diagram which I have prepared, showing in outline the whole scheme of Territorial government. [For diagram see next page.]

Mr. HILL. Will it interrupt the gentleman if I ask him a question there?

Mr. HAMILTON. I think not.

Mr. HILL. I would like to ask you to state to the House how that Territorial Delegate is to be elected, on the division of nationalities. In the voting how many Kanakas, how many Portuguese, and how many Americans will vote for that Delegate?

Mr. HAMILTON. Before I finish I will undertake to make that part of the situation clear. We have stricken out the property qualification which the bill originally provided. We only retain an educational qualification for the people of Hawaii; and I think I come within the bounds of absolute truth when I state to the gentleman that there is not a man, woman, or child above 12 years of age who was born in Hawaii, capable of acquiring learning, who can not read and write in English or Hawaiian. And, sir, I believe that these people are well qualified to understand and comprehend the meaning of the elective franchise. Now I come to the inquiry of the gentleman.

Mr. HILL. I do not question that matter, but the point I want to make is this: That the moment this provision for suffrage is made you then and there inaugurate a race war, which will drive these islands into a state of confusion for the next twenty-five years.

Mr. HAMILTON. I will endeavor to answer the gentleman along that line. This is a most interesting question. I can see how gentlemen may mistrust the capacity of these people, and I will discuss that question, and will pass as rapidly as possible from this branch of the discussion to that. I have shown how the bill provides that there shall be a Delegate to the United States House of Representatives, to be elected by voters qualified to vote for members of the house of representatives of Hawaii, who shall possess the qualifications of members of the house of representatives of Hawaii. Now, what are the qualifications of the members of the senate and house in the Territory of Hawaii, and what are the qualifications of voters for members and senators?

First, the Senate is composed of fifteen members, who hold for a term of four years, elected from four districts, and vacancies are filled at general and special elections; they must be male citizens of the United States, 25 years old, must have resided in Hawaii three years, and be qualified to vote for senators. Each voter may cast one vote for each senator, and the required number of candidates receiving the highest number of votes shall be senator from that district. Voters must have the qualification of voters for representatives—that is, they must be male citizens of the United States, must have resided one year in Hawaii, three months in the district, must be 21 years old, and must be registered, must have paid a poll tax, and must be able to speak, read, and write the English or Hawaiian language.

Now, the house of the Territory of Hawaii is composed of 30 members, elected from six districts every second year; vacancies may be filled at general or special elections; they must be male citizens of the United States, 25 years old, resident of Hawaii for three years, and be qualified to vote for representatives. Each voter may cast a vote for as many representatives as are to be elected from the district, and the required number of candidates receiving the highest number of votes are to be representatives. Voters must be male citizens 21 years old, residents of Hawaii one year and the district three months, must be registered, must pay a poll tax, and be able to speak, read, and write the English or the Hawaiian language.

Mr. HILL. What of the voting population under the law as you have it?

Mr. HAMILTON. The last registration of voters, under the monarchy, was: Hawaiians, 9,554; Portuguese, 2,091; foreigners, 1,770, and that includes Americans; total, 13,415. These are as near the figures as I can get them.

Mr. HILL. Now, with the property qualification taken off, have you any estimate?

Mr. HAMILTON. With the property qualification taken off, it is no more than an estimate. The estimated number of voters without the property qualification would be: Hawaiian, about 10,000; Portuguese, about 2,300; Americans and Europeans, about 3,000.

Mr. HILL. Then that would be about 4 to 1.

Mr. HAMILTON. That is true. I am anxious to get to that because it has interested me, and I think it will be interesting to the gentlemen on this floor.

THE JUDICIARY.

I want to touch on the judiciary, however, because I started out to divide the government into the executive, legislative, and judicial. We provide for a supreme court, with one chief justice and not less than two associate justices. The judicial power of the Territory is vested in one supreme court and such inferior courts as the legislature may from time to time establish.

Besides the supreme court and the circuit courts, five in number, there are district courts which correspond practically to our justice courts in this country. No person can sit as a judge or juror in any case who is related by affinity or consanguinity within the third degree to parties in interest, or who shall be interested pecuniarily personally or through relatives who are parties. The Territory is divided into five circuits, and the judges are appointed by the governor, and they hold office for six years.

A Federal court is established for the Territory, which shall be a judicial district, called the "district of Hawaii," and be included in the Ninth judicial circuit of the United States, and shall have jurisdiction of cases commonly cognizable by both circuit and district courts. The district attorney has a salary of $2,000 and the marshal a salary of $2,000. They are appointed by the President, by and with the advice and consent of the Senate.

At this point I want to call attention to some statements made by the gentleman from Indiana, from the Fort Wayne district [Mr. ROBINSON], not unkindly, but because the nature of his remarks makes it proper that there should be some allusion to them. He made the statement that the bill as presented was an un-American bill—I mean the bill presented by the commissioners—and he said that the bill presented finally by this committee was that bill with very little change.

Now, Mr. Chairman, the gentleman evidently prepared his speech with reference to a state of facts which does not exist. I presume he prepared it with reference to the bill as found in the report of the commissioners that did provide for a property qualification. The gentleman made some reference to the alien contract labor law, and because there has been delay in connection with that he said there had been an opportunity for many Japanese to get into Hawaii after the transfer of sovereignty.

Now, I simply want to call attention to this fact in answer to that: That a bill to extend our alien contract labor law in this country to Hawaii was presented in this House and passed this House February 6, 1899. It went to the United States Senate, where its consideration was objected to by Senator MORGAN. Let the responsibility for this matter rest where it properly should. The Republicans did not then control the Senate of the United States.

THE PROPERTY QUALIFICATION.

Strong argument was presented, and I come to the question which interests many gentlemen here and which has been of great interest to me; and if I lay undue strength upon this, you will lay it to that interest. Strong argument was presented for the property qualification as the bill was presented by the commissioners who visited the island and who framed the original bill.

This feature was embodied in the bill as reported by the commission who visited the islands, but has not been retained by the committee. Now, the argument presented in favor of a property qualification—and this will be interesting to my friend from Connecticut—was that the native vote will largely outnumber the white or Anglo-Saxon vote, as will also the Portuguese vote. It is said that unless there be some means of control, the legislature must inevitably pass quickly into the hands of the natives, who would only be checked by the veto of the governor, which might be overborne by a two-thirds vote.

That if the natives combine, it is reasonable to suppose that no white person could be elected to a seat in the legislature.

That under the monarchy the upper house was composed of nobles appointed for life.

OUTLINE

OF

PROPOSED GOVERNMENT OF HAWAII.

H. R. No. 2972.

THE TERRITORY OF HAWAII.

THE EXECUTIVE.

Governor — Appointed by President for 4 years or until successor is appointed and qualified. Shall be 35 years old and citizen of Hawaii. Salary, $5,000 (93); $500 incidentals, traveling, and $2,000 for private secretary.

Sec. 66. Powers and duties (66, 67). Shall be commander in chief of militia; may grant pardons or reprieves for offenses against Territory and against United States, pending decision by President. When necessary may call upon military or naval forces of the United States in Hawaii, or summon posse comitatus, or call out militia; may suspend writ of habeas corpus or place Territory under martial law; has veto power; power of removal when not otherwise provided (80).

Other executive officers.

- **Secretary** (69), 4 yrs.; appointed by President; salary, $3,000 (93).
- **Attorney-general** (71); appointed by governor for 4 years (80).
- **Appointive power (80).**
  1. Judges circuit courts.
  2. Attorney-general.
  3. Treasurer.
  4. Commissioner of public lands.
  5. Commissioner of agriculture.
  6. Superintendent of public works.
  7. Superintendent of public instruction.
  8. Auditor
  9. Deputy auditor.
  10. Surveyor.
  11. High sheriff.
  12. Members board of health.
  13. Commissioners of public instruction.
  14. Boards of registration and inspectors of elections.
  15. All other public boards.

Treasurer (72), appointed by governor for 4 years (80).
Commissioner of public lands (73), appointed by governor for 4 years.
Commissioner of agriculture and forestry (74), appointed by governor for 4 years (80).
Superintendent of public works (75), appointed by governor for 4 years (80).
Superintendent of public instruction (76), appointed by governor for 4 years (80).
Auditor and deputy auditor (77), appointed by governor for 4 years.
Surveyor (78), appointed by governor for 4 years.
High sheriff (79), appointed by governor for 4 years.

LEGISLATIVE.

"The legislature of the Territory of Hawaii" SHALL CONSIST OF TWO HOUSES (12).

There shall be a delegate to the United States House of Representatives, to be elected by voters qualified to vote for members of the house of representatives of Hawaii, who shall possess qualifications of members of house of representatives of Hawaii; time, place, and manner of holding elections as fixed by law (86).

First session, third Wednesday February, 1901, and biennially thereafter (41).
Special session may be convened (43).
Sessions 60 days long, except that governor may extend 30 days (43).
All proceedings in English language (44).
Bills must pass three readings on separate days (46), and final passage must be on majority vote of all members by ayes and noes.
Governor may veto appropriation bills in whole or in part (49).
Bill may be passed over veto by two-thirds vote (50).

PROVISIONS COMMON TO BOTH HOUSES.

General elections, first Tuesday after first Monday in November, 1900, and biennially thereafter (14). Each house judge of election, returns, and qualifications of own members (15). Can not hold other office (16-17). Oath of office (19). Each determines its own rules. One-fifth can demand ayes and noes. Majority constitutes quorum for business, except on final passage; then majority of all members required (22). Less than quorum may adjourn and compel attendance (23). Each house punishes members (25). Members exempt from liability elsewhere for words (28). Arrest (29). Salary, $400 each session and 10 cents a mile each way; $200 extra session.

SENATE

Composed of 15 members; 4 years; elected from 4 districts, alternating 7 and 8 biennially (30, 32).
Vacancies filled at general and special elections (31). Must be male citizens of the United States, 25 years old, resided in Hawaii 3 years, and be qualified to vote for senators (34).

Voting for senators. Each voter may cast one vote for each senator from district (61), and required number of candidates receiving highest number of votes shall be senators in district (61). Voters must have qualifications of voters for representatives, i. e., male citizen of the United States, residence 1 year in Hawaii, 3 months in district, 21 years old (60-62); must have registered, paid poll tax, and be able to speak, read, and write English or Hawaiian (60).

HOUSE

Composed of 30 members, elected from 6 districts every second year (35). Term until next general election (36, 38). Vacancies filled at general or special elections (37); must be male citizens of United States, 25 years old, resided in Hawaii 3 years, and qualified to vote for representatives (40).

Voting for representatives. Each voter may cast a vote for as many representatives as are to be elected from district (59), and required number of candidates receiving highest number of votes shall be representatives from that district (59). Voters must be male citizens of the United States, 21 years old, have resided in Hawaii 1 year, and in district 3 months; have registered, paid poll tax, and be able to speak, read, and write English or Hawaiian.

THE JUDICIARY.

The judicial power of the Territory shall be vested in one supreme court and such inferior courts as legislature may from time to time establish (82).
No person can sit as judge or juror who is related by affinity or consanguinity to parties within third degree or who shall be interested pecuniarily, personally, or through relatives who are parties (84).
Judges liable to impeachment for causes specified (85), and senate shall be court to try impeachments, with chief justice presiding.

Supreme court: One chief justice, two associate. Judges supreme court appointed by President of the United States by and with advice and consent of the Senate (82). Hold 9 years (80).

Laws relative to, continued in force, except as modified by this act; subject to modification by Congress or legislature (83).

Circuit court — Territory divided into five circuits. Judges appointed by governor. Hold 6 years (80).

Territory of Hawaii shall be a judicial district, called "District of Hawaii," and be included in the Ninth judicial circuit of the United States (87), and shall have jurisdiction of cases commonly cognizable by both circuit and district courts (87).

Federal court — President of the United States, by and with advice and consent of the Senate, shall appoint district judge (87).
District attorney, salary $2,000, and marshal, salary $2,000 (93), appointed by the President, by and with the advice and consent of the Senate (87).

Internal-revenue district — The Territory shall constitute an internal-revenue district (88).

Customs district — The Territory shall constitute a customs district, with ports of entry and delivery at Honolulu, Hilo, Mahukona, and Kahului (89).

Wharves — Wharves and landings shall remain under control of Hawaii, and revenues derived therefrom shall belong to Hawaii, provided same are applied to their maintenance and repair (90).

Quarantine (98).
Crown lands (100).
Naturalization (101).
Chinese certificates of residence (102).

That after the overthrow of the monarchy a property qualification was imposed upon electors for senators.

That this created a distinct class of conservative men who held in check the lower house and gave representation to those who by their thrift and energy and capital and intelligence have built up the country.

That the natives can cast 4 votes to the Anglo-Saxons' 1.

That the native has not acquired the habit of self-government, and that to suppose he has would be to suppose the most remarkable example in history of the rapid rise of a people from barbarism to advanced civilization.

That the natives have few wants, which are supplied by little labor: that they are naturally shiftless, improvident, and unacquisitive.

That in 1840 every native was given a homestead in fee simple, but that the majority of the natives have since parted with their homesteads and have spent the proceeds.

That a few retain their homesteads, but rent them out to Chinese and other tenants.

That they are herdsmen, excellent sailors, and drivers of horses in cities and on plantations, but that very few take to merchandise, and those who do take to a primitive kind of merchandising, involving no capital, such as small retail fruit and fish stores.

That, being by the very necessity of the case "hewers of wood and drawers of water," without hereditary or acquired commercial tendencies, they entertain more or less political jealousy toward the more prosperous white man, although personally and privately friendly and dependent upon him, and that this jealousy is stimulated by irresponsible white "beach comers" for purposes of their own.

That under mere manhood suffrage, with educational qualification superadded, the native population might exclude white representatives from the legislature or return white demagogues.

That the native is kind, affectionate, generous, well-meaning, quick to learn, and personally loyal, but is a child of the Tropics, and believes the last story he hears.

That he has not yet learned to regard the ballot as a moral force, and that, being irresponsible financially, his domination of the legislature would probably lead to a period of political corruption in which the thrifty, educated, and progressive classes would be obliged to purchase immunity from legislative oppression, and legislation would by reason thereof become a matter of bargain and sale.

That the "republic" and the proposed Territorial government have been evolved out of a condition which was indeed supported by the native vote, but was abolished because the native race had proved itself incapable of self-government according to the Anglo-Saxon standard.

I have endeavored to present that argument just as strongly as it has ever been presented to the committee or could have been presented to the commissioners, who are honorable, conscientious men, and who visited the island.

Now, two points must be taken into consideration in dealing with this question: First, the senate is composed of 15 members, elected from four districts, spread all over the islands, and the house is composed of 30 members, elected from six districts. It will be observed that the natives have abandoned their homesteads and have assembled in cities, and principally in Honolulu. This being true, it seems to me that it would be difficult for the natives so to spread themselves evenly over the districts as to be able to control the legislature in that way. That is one safeguard which presents itself to my mind. The next is this: It is conceded that the natives are many of them intelligent people, who are able to comprehend and appreciate the meaning of the electoral privilege and are capable of legislation.

Now, gentlemen—and I put this to my friend from Connecticut—this problem spreads itself beyond these islands and reaches a great, fundamental, underlying principle of our nationality.

Mr. HILL. Did not the bill which the committee reported last year include a property qualification?

Mr. HAMILTON. I was not on that committee——

Mr. HILL. Did not the commissioners who went to Hawaii report when they came back in favor of a property qualification?

Mr. HAMILTON. I have so stated.

Mr. HILL. Now, let me ask one more question. But for the acquisition of Puerto Rico, Cuba, and the Philippines, would any change have been made in this matter of self-government for Hawaii?

Mr. HAMILTON. Oh, I do not think that had anything to do with it. I should like very much, if I had the time, to discuss the subject of Cuba and Puerto Rico and the Philippines, though those subjects have been pretty well discussed. I want to say to the gentleman from Connecticut that the Committee on Territories have reported this bill unanimously, both Republicans and Democrats supporting it. They have tried to consider these questions with absolute fairness. The question of Puerto Rico and the Philippines has not entered into the consideration of this bill at all. It has been our theory—and I think I voice the sentiments of the members of that committee—that each territory should come into the fraternity of this Union under our governmental control—under our Congressional control, if you please—on its own basis, and that the Government of the United States will be able to take care of each territory as it presents itself.

Now, I say that that problem spreads beyond these islands and reaches the underlying and fundamental principle of our nationality. All that the advocates for a property qualification have said in behalf of such a provision in Hawaii—all that my friend from Connecticut could probably say——

Mr. HILL. The gentleman must not make any mistake. I am not in favor of a property qualification—not at all—not under any circumstances anywhere. But I am opposed to starting a Territorial government in Hawaii with four Kanaka votes to every single vote of an intelligent white man.

Mr. HAMILTON. Does not the gentleman want to establish a government there?

Mr. HILL. I do, but not the kind of a government that this committee recommends.

Mr. HAMILTON. My time is too limited, and I presume the gentleman would not have an opportunity to present his views fully on this subject, or I should be interested in knowing what his scheme of government for that Territory might be. He is a very able man who is able to present, full fledged, a scheme of government offhand.

Mr. HILL. There is no hurry about it anyway.

Mr. HAMILTON. There is a good deal of hurry. Time enough has elapsed. They are afflicted with the bubonic plague, they are in suspense, and there should be some sort of government there.

Mr. HILL. Do you propose to annex that?

Mr. HAMILTON. We propose to annex Hawaii, certainly, and we propose to give those people some method of managing the conditions which exist there.

Now, let me proceed. I said that all that had been said here in favor of a property qualification for Hawaii has been said in favor of a property qualification generally. For instance, Mr. Paley, in speaking of the English constitution of the eighteenth century, in his work on Moral Philosophy, says:

> Before we ask to obtain anything more, consider duly what we have. We have a House of Commons, composed of 558 members, in which number are the most considerable landholders and merchants in the Kingdom; the heads of the army, the navy, and the law; the occupiers of great offices in the State, together with many private individuals, eminent by their knowledge, eloquence, and activity. If the country be not safe in such hands, in whom may it confide its interests? If such a number of such men be liable to the influence of corrupt motives, what assembly of men will be secure from the same danger? Does any scheme of representation promise to collect together more wisdom or to produce firmer integrity?

And yet what political party nowadays would dare to advocate a form of government as best because composed exclusively of rich men, officeholders, landholders, bondholders, railroad magnates, shipowners, trust promoters, and Army and Navy officers? Our form of government gives representation to all classes and professions, from the frontier homestead to the brownstone front, from the merchant prince to the laborer in the ditch, and between the two great extremes of abject poverty and superfluous wealth is the great body of the plain people, in whose hands our nationality is still safe, thank God. [Applause on the Republican side.] People, with a few more furbelows, perhaps, than in Lincoln's day. We have passed from the era of jeans to creased trousers, and the style of parting the hair differs according to age and the amount of hair; but we are still plain people. And, gentlemen, when the plain people of this great Government can not be trusted, then indeed our country is in danger.

Commenting upon the English reform bills of 1832 and 1837, and the exercise of the franchise generally, in advocating its limitation to those having educational and property qualifications, Mr. Lecky, in his work on Democracy and Liberty, says:

> Different methods will be employed. Sometimes the voter will be directly bribed or directly intimidated. He will vote for money or for drink, or in order to win the favor or avert the displeasure of some one who is more powerful than himself. The tenant will think of his landlord, the debtor of his creditor, the shopkeeper of his customer.
>
> A poor, struggling man called on to vote upon a question about which he cares nothing and knows nothing is surely not to be greatly blamed if he is governed by such considerations.
>
> A still larger number of votes will be won by persistent appeals to class cupidities.
>
> The demagogue will try to persuade the voter that by following a certain line of policy every member of society will obtain some advantage.
>
> He will encourage all their Utopias. He will hold out hopes that by breaking contracts or shifting taxation and the power of taxing or enlarging the paternal functions of government something of the property of one class may be transferred to another.
>
> He will also appeal persistently, and often successfully, to class jealousies and antipathies. All the divisions which naturally grow out of class lines and the relations between employer and employed will be studiously inflamed.
>
> Envy, covetousness, prejudice, will become great forces in political propagandism. Every real grievance will be aggravated. Every redressed grievance will be revived. Every imaginary grievance will be encouraged.

If the poorest, most numerous, most ignorant class can be persuaded to hate the smaller class and to vote solely for the purpose of injuring them, the party manager will have achieved his end.

* * * * * * *

A bad harvest or some disaster over which the Government can have no more influence than over the march of the planets will produce a discontent that will often govern dubious votes and may, perhaps, turn the scale in a nearly balanced election. * * *

There is another and very different class who are chiefly found in towns. They are the kind of men who may be seen loitering listlessly around the doors of every gin shop—men who, through drunkenness and idleness or dishonesty, have failed in the race of life; who either never possessed or have wholly lost the taste for honest, continuous work; who hang loosely on the verge of the criminal class and from whom the criminal classes are chiefly recruited. These men are not the real laborers, but their presence constitutes one of the chief difficulties and dangers of all labor questions, and in every period of revolution and anarchy they are galvanized into a sudden activity. With a very low suffrage they become an important element in many constituencies.

Without knowledge and without character, their instinct will be to use the power which is given them for predatory and anarchic purposes.

To break up society and to obtain a new deal in the goods of life will naturally be their object.

We recognize this picture. It delineates some campaigns in this country as if made to order.

Business depression, a dry time in summer, an unseasonable frost, are the demagogue's opportunity, and always have been and always will be.

The whittling statesman loitering at the gin-house door while his wife supports the family is not an unfamiliar figure in our civilization, and the candidate who goes about the country scattering firebrands of discontent from the rear ends of special cars has reappeared from time to time in our history and will soon again reappear in our history.

But I believe there is great truth, Mr. Chairman, in the theory that the right of free expression at the polls is in the nature of a safety valve, and as to the controlling influence which Mr. Lecky thinks the creditor may exercise over the debtor, we have controlled that somewhat by the Australian ballot system, and of late, in some recent campaigns, the man with a dollar ahead has been made to feel that he actually ought to conceal the fact or apologize.

To yield to the pessimistic theory that a man is not able to govern himself because of abuses here and there, would be to yield the consummation and flower of the evolution of political freedom which is typified and illustrated in our nationality, and if we can not yield it as a whole, we can not yield it in spots.

Sir, there is an underlying principle at stake here, dear to the hearts of all American citizens, more important than property, more important than the Hawaiian Islands, namely, the right of every American citizen to participate in the government to which he owes allegiance.

We doff our hats to no king. We make our own laws, and we rule our own political destinies. Here, between the Atlantic and the Pacific, between the lakes and the Gulf, there are thousands of people, white and black, who do not possess even the educational qualification which we exact here in this bill, and yet they are entitled to vote.

Macaulay somewhere satirically remarks in his history that none of those Virginia patriots who vindicated their separation from the mother country by proclaiming it to be a self-evident truth that all men were endowed by their Creator with an inalienable right to liberty would have had the slightest scruple about shooting any negro slave who had laid claim to that same inalienable right.

But by the arbitrament of war since that time we have determined on many battlefields in this country that a man's a man, tho' e'er so black, that a man's a man for a' that and a' that, and although it was once, as late as 1790, held among the States of this country that the right to vote and the right to hold office were dependent, not on manhood qualifications, but on religious opinions, on acres of land, and pounds, shillings, and pence.

Although it was held in Maryland, North Carolina, and South Carolina that a man must have 50 acres of land or personal property of the value of £30;

In New York that a man must be worth £20 York money or pay house rent of 40s. a year, pay his taxes, and carry his tax receipt in his pocket;

In Massachusetts that he must have a freehold estate yielding £3 a year or possess an estate worth £60;

In Connecticut an annual income of $7 from real estate rated on the tax list at $134;

In New Jersey, that a man must reside there, be of age, and have property, and in one other State the sole requirement was that the voter should have a white skin and property of the value of £10—

Although such were the laws of the earlier days of our Republic, since that time we have written with a firm hand the amendments to our Constitution which lift us now above the just reproach of history, and property qualification is an obsolete antiquity.

Property is not the only interest of men in the social compact. Man is something more than a mere taxpayer. He is above all a man, and the laws touch not only his field but they touch also the man. And it is one of the boasts as it is one of the bulwarks of our free American civilization that—

A mon's a mon though e'er sae puir—
A mon's a mon for a' that.

We are called upon here Congress after Congress to vote in contested-election cases where the colored man is defrauded of his right to vote, and where the proof is ample we unseat the man who is shown to have obtained his seat by defrauding the colored man of his right to vote. How would a gentleman's speech urging the right of the colored men in the South to exercise the right to vote read in parallel columns with his speech defending the property qualification for the Hawaiians?

Sir, there is force in the contention for a property qualification. It is ably defended by such men as Lecky in his Democracy and Liberty; but I do not see how we can make local exception to a great underlying rule of our Republic. We have not heretofore required a property qualification in any of our Territories, although riotous and ignorant legislation might in some instances have been apprehended.

Then, sir, put the proposition to yourself. Let any man put the proposition to himself. If a man must first get an education, and then must get real estate of the value of $1,000 and carry his tax receipt in his pocket, or have obtained a position drawing $600 a year salary, how many absent-minded literary beggars would have been excluded from "Fame's eternal camping ground" and had to wander down below, while some gentlemen with the money-getting instinct would have been sitting in the forum or swaggering in the public glare?

It is said of the late Emory A. Storrs that some rich men were once chaffing him about the fact that he had not acquired much property. Mr. Storrs stood it for a while and then said: "Gentlemen, the money-making instinct is a mere animal trait. It is the instinct of accumulation. The chipmunk possesses it; the beaver possesses it in an eminent degree. Doubtless the rich men of Athens sat around with their thumbs in the armholes of their vests and talked about the splendid work they were doing on the Parthenon; but, gentlemen, where are the rich men of Athens to-day, and where is Phidias?"

To my mind there is no true aristocracy except the aristocracy of brain. And it is true now, as it was true always, that—

Kind hearts are more than coronets,
And simple faith than Norman blood.

And I would not be willing to put myself on record as the advocate of any government that would exclude a man from participating therein simply because he had not laid up dollars and cents. I can not give my support to a proposition which makes impecunious youth to stand longer and longer at the outer door of corporate opportunity waiting to be invited in and given a job and which makes his future subservient to some other man's money-making instinct. I do not denounce wealth. Far from it. I recognize that wealthy men are realizing their responsibilities to society now as they never have before. Some of the work of wealth now-a-days is magnificent, superb.

I know of their charities, I read of their magnanimity, and I realize that immunity from hard manual toil gives greater opportunity for reading and thought, and in some instances leads to brain expansion—in fewer instances to heart expansion.

But the men who have appeared on earth heretofore apparently charged with a message from God to the whole of mankind, who have been raised up as leaders in great crises, have come up from tow-paths, tanyards, from lonely frontier cabins, and from mangers, and I will not vote to put the property O. K. mark on any man's struggle upward. Let me supplement the subserviency of Mr. Paley and the pessimisms of Mr. Lecky with the splendid words of Lamartine:

When there is no election every man is a slave or a serf. When the election is limited to a small number of citizens, some are sovereigns and others are subjects; when the election pertains to all, no one is subject, no one is serf, no one is slave. All are free and more than free; all are citizens and more than citizens; all are kings.

That is the ideal republic; and in my humble opinion, gentlemen, if we fall away from that ideal of the Republic, the Republic is in danger. [Applause.]

CHINESE EXCLUSION AND CONTRACT LABOR.

The Hawaiian Islands are now occupied by the following races and nationalities:

Hawaiians and mixed blood	39,000
Japanese	25,000
Chinese	21,000
Portuguese	15,000
Americans	4,000
British	2,250
Germans and other Europeans	2,000
Polynesians and miscellaneous	1,250
Total	109,500

About 700 Chinese have been naturalized into the Hawaiian republic, and many Chinese and Japanese are there under government permits and labor contracts, under which they are bound to work for a term of years and to return to their own countries at the end of their term of service.

This bill provides (section 5) "that except as herein otherwise provided the Constitution and all laws of the United States locally applicable shall have the same force and effect within the said Territory as elsewhere in the United States," and thereby simply reenacts section 1891 of existing law, with the specified exceptions of sections 1850 and 1890. This puts the Chinese-exclusion law and alien contract-labor law immediately in force in the Territory of Hawaii whenever this bill becomes a law. At present, and pending the passage of this bill, the joint resolution of annexation provides that there shall be no further immigration of Chinese into Hawaii except as allowed by the laws of the United States, and that no Chinese, by virtue of anything contained in the joint resolution of annexation, shall come to the United States from Hawaii.

Americans, although in a small minority, practically dominate the governmental, financial, and commercial affairs of the islands. The Chinese and Japanese possess no political power.

The Portuguese are largely immigrants or descendants from immigrants from the islands and colonies of Portugal in the Atlantic and are not closely allied in sentiment to their native country.

The public-school system makes the study of the English language compulsory. There are 132 public and 60 private schools, and education is compulsory and free as to all public schools. American text-books are used in the schools. The language of business in English and the decisions of American courts prevail as precedents.

LEGISLATIVE POWER.

1. The legislative power of the Territory of Hawaii is carefully guarded by this bill. The Territorial legislature is given power to legislate on "all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States, locally applicable." The scope of the power of the Hawaiian legislature is limited, so that special and exclusive privileges, immunities, or franchises may not be granted to any corporation, association, or individual without approval of Congress.

2. Nor shall the Hawaiian legislature grant private charters, but it may pass general acts permitting incorporation for certain specific purposes.

3. Nor may it appropriate money for sectarian, denominational, or private schools, nor for any schools except schools exclusively under governmental control.

4. Nor may the government, or any political or municipal subdivision thereof, take stock in or lend its credit to any incorporated company.

5. Nor may the legislature contract any debt on behalf of the Territory or any political or municipal subdivision thereof, except to pay interest on existing indebtedness, suppress insurrection or provide for the common defense, and except that the legislature may authorize loans by the Territory or any such subdivision thereof for the creation of penal, charitable, and educational institutions, and for public buildings, wharves, harbors, and other public improvements.

The total indebtedness, however, that may be incurred in any one year by the Territory, or any such subdivision thereof, is limited to 1 per cent of the taxable property of the Territory or any such subdivision as shown by the last general assessment; and the total indebtedness of the Territory at any one time shall not exceed 7 per cent of assessed valuation; nor shall the total indebtedness of any such subdivision of the Territory at any one time exceed 3 per cent of any such assessed valuation. However, the Government is not prevented from refunding existing indebtedness at any time.

6. No loans are to be made upon the public domain, and no bonds or other instruments of indebtedness are to be issued unless redeemable in five years and payable in fifteen years.

7. No retrospective laws are to be passed.

8. No legislative divorces can be granted.

The legislature is expressly given power to create county, town, and city municipalities and to provide for the government thereof.

PUBLIC LANDS.

Of the various offices, officers, and boards which this bill provides for, that of commissioner of public lands has attracted most attention.

This bill provides that—

> The laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land-commission awards, except as changed by this act, shall continue in force until Congress shall otherwise provide.

The public-land system of the Hawaiian Islands has been evolved out of local conditions and is peculiar to them. After careful consideration it has not been thought advisable to attempt to extend our public-land system as it exists here, so as to include Hawaii. In some respects such extension would be absolutely impossible. Under the constitutional provision in that behalf Congress has from time to time made laws "respecting the territory or other property belonging to the United States."

At the outset the original thirteen States contained 218,721,280 acres; by the definitive treaty of peace with Great Britain in 1783 our territorial extent was increased to 531,200,000 acres; in 1803, by the Louisiana purchase, we obtained 756,961,280 acres; by the Florida cession in 1819 we obtained a further tract of 37,931,520 acres; by the annexation of Texas in 1845 we obtained 175,587,840 acres; in 1850 we purchased of Mexico 334,443,520 acres; in 1850 the Federal Government bought of Texas 65,130,880 acres; in 1853 we bought of Mexico 29,142,400 acres; in 1867 we bought of Russia Alaska, containing 369,529,600 acres, and by the joint resolution of 1898 we annexed Hawaii, containing in all 4,313,600 acres, of which 1,720,055 acres are public domain.

The greater portion of lands which we have so acquired were unoccupied except by Indian tribes, whose Indian titles have been extinguished. In many cases, also, we acquired these lands subject to previous grants, which were protected by treaty stipulations in the treaty of acquisition.

Up to 1812 the Secretary of the Treasury had supervision of the sale of public lands; then the Land Office was established as a separate Bureau of the Treasury Department, and in 1846 the Interior Department was organized and the Land Office was transferred to that Department. The Land Office is charged with the survey and disposal of the public lands.

The system of survey is the rectangular system established in 1785 by a Congressional committee, of which Jefferson was chairman, by which base lines and meridian lines are first determined and townships 6 miles square are laid out and numbered north and south from base lines and ranges are laid out and numbered east and west from meridian lines.

Obviously, our laws as to public lands are not applicable to Hawaii. Our lines of survey have generally been run over new country, like lines upon clean paper. Then settlers have filled up the lines. The exceptions to this have not been difficult to deal with.

HAWAIIAN LANDS.

In Hawaii, however, the lands are already occupied, and, from the very nature of the soil and the character of the inhabitants, are cut up into holdings of all shapes and sizes, the shape being generally that of an irregular triangle, with its base on the coast line and its apex toward the center of the island.

There has already been established there a system of survey adapted to the natural formation and contour of the islands. For illustration, all the islands rise from the sea level, in some parts abruptly and in some parts gradually, to a central elevation, and for purposes of cultivation the land is naturally divided into lowland, fitted for the growth of taro and rice; next above this is sugar land, next coffee land, and then comes grazing and timber land.

It is obvious that it would be impossible to overlay this system which has been long in practice and under which the land is occupied with an arbitrary rectangular system.

As to the history and manner of disposal of public lands in Hawaii:

1. Up to 1846 all the lands of the Hawaiian Islands belonged in legal contemplation to the king.

The chiefs and the people, under a feudel system closely resembling the old English feudel system, held their respective parcels by rendering service or payment of rent.

2. In 1846 King Kamehameha III granted: (1) To his chiefs and people certain portions; (2) for government purposes certain portions, (3) and reserved the remainder.

3. By an act, June 7, 1848, the legislature accepted the king's grant and confirmed to the king, his heirs and successors, certain described lands which were thenceforth known as crown lands.

Under an act organizing executive departments, a land commission was provided whose duty it was to receive and pass upon the claims of occupants and lands to their respective holdings in that portion of the land set apart for the chiefs and people. This commission heard the testimony of claimants, caused surveys to be made, and issued to the occupants entitled thereto certificates called "Land commission awards." These awards established the right of the grantee to the possession of the land and entitled him upon payment of one-fourth of the value of the bare land to receive a royal patent. These awards and patents issued pursuant thereto are the source of all title to all lands not public lands or crown lands.

By an act of July 9, 1850, one-twentieth of all public lands are

set apart for the support of schools. These lands are patented to a board of education, which was empowered to sell and lease. Part of these lands is used for sites for school buildings, part is leased, and part has been sold.

In 1881 a homestead law on a small scale was provided for but was little used, only 256 patents having been issued.

The republic came in in 1894, and the legislature of that year passed "the land act of 1895." By this act the crown lands were treated as having vested in the republic and are now embraced as public lands. The public lands were placed under the control of a board of commissioners, composed of the secretary of the interior and two persons appointed by the governor, and by this bill they pass under the control of a commissioner of public lands.

The islands are divided into six land districts, with a subagent of public lands and ranges for each.

The public lands are divided as follows:

- Hawaiian public lands.
  - 1. Agricultural lands.
    - First class... Land suitable for fruit, coffee, sugar, and other perennial crops, with or without irrigation.
    - Second class. Land suitable for cultivation of annual crops only.
    - Third class... Wet lands, such as taro and rice lands.
  - 2. Pastoral lands.
    - First class... Land not in description of agricultural lands, but capable of supporting live stock the year through.
    - Second class. Land capable of supporting live stock only part of the year, or otherwise inferior to first-class.
  - 3. Pastoral agricultural lands. Part pasturage and part agricultural.
  - 4. Forest lands. Producing forest trees, but unsuitable for cultivation.
  - 5. Waste lands.

The commissioners are authorized to dispose of these lands in the following manner:

1. At public auction for cash in parcels not exceeding 1,000 acres.
2. At public auction, part credit, in parcels not exceeding 600 acres.
3. Without auction sale, in exchange for private lands or by way of compromise.
4. By lease at public auction for not more than twenty-one years.
5. Homestead leases.
6. Right of purchase leases.
7. Cash freeholds.

By this bill the "commissioner of public lands" takes the place of the board of commissioners, but the laws relating to public lands, the settlement of boundaries, and the issuance of patents on land commission awards continue in force until Congress shall provide otherwise.

This bill provides for an internal-revenue district comprising the whole Territory, a customs district comprising the whole Territory, with four ports of entry, and for a Delegate to Congress.

To the proposition that the government proposed by this bill will be taken as a precedent and example for that of Puerto Rico and the Philippines, I answer that each territory—using the word territory now as meaning only land and the people thereon—each territory must be treated according to its own needs and conditions.

Hawaii has shown isself capable of establishing and maintaining a stable government. Its laws are copied from our laws; its jurisprudence runs back to the same source from which we derive ours, and is enriched and illuminated by the decisions of American courts. Its people are familiar with our institutions and our language.

On the island of Hawaii there stands a monument where Captain Cook, the discoverer of these islands, was killed by the natives in 1778. He was followed by Vancouver. Then came the missionaries and civilization.

Philosophers have philosophized and theorists have theorized as to whether man may not be happier in a state of nature than under the restrictions as well as liberties of civilization. But in practice no weak or undeveloped race has ever appeared to have any rights of inertia or retrogression which stronger nations were bound to respect.

The world moves on toward "the parliament of man and the federation of the world," sometimes by compulsion, sometimes by spontaneous advances.

As to Hawaii, she comes to us without purchase and without price; without bloodshed, and even without solicitation, and has voluntarily merged herself into the onward march of the nation which is the standard bearer of the noblest ideals which ever animated any nation since time began.

Mr. MCALEER. Mr. Chairman, I yield the balance of my time to the gentleman from New York.

Mr. SULZER. Mr. Chairman, this bill is intended to give a stable civil government to the Hawaiian Islands, and is entitled "An act to provide a government for the Territory of Hawaii." Owing to the fact that nearly all my time for the past few weeks has been taken up by the investigation of the Idaho mining troubles now pending before the Military Affairs Committee, of which I am a member, I frankly confess that I have not had an opportunity to give this bill the study and the attention the importance of the subject under consideration deserves. From a superficial reading of the report submitted by the committee, and from a hasty analysis of the provisions of the bill, I believe, however, I can safely say that the bill now before the House is far from perfect and can be, and ought to be, materially improved by amendment.

I am informed that a number of amendments will be offered, and I indulge the hope that before the bill becomes a law the objectionable features it now contains will be eliminated and that the bill will be as nearly perfect as we can make it at the present time. These amendments should be adopted; and if they are, I trust this bill will pass.

Ever since the annexation of the Hawaiian Islands to the United States I have favored granting to our fellow-citizens there the very best form of Territorial government it is possible for Congress to devise. They deserve it; they are entitled to it; and Congress should have vouchsafed them this important right long ere this. I favored and voted for the annexation of the Hawaiian Islands, and I gave my reasons for doing so at that time. I am now, and always have been, anxious to give the people there the best and the most liberal kind of Territorial government.

There is imperative need of early enactment of an organic act for the government of the Territory of Hawaii.

The joint resolution of July 7, 1898, providing for the annexation of the Hawaiian Islands, declares that the Hawaiian municipal laws not contrary to the United States Constitution or inconsistent with the terms of that resolution remain in force until Congress enact laws. It was undoubtedly expected then that a Territorial act would soon be passed, and a bill was introduced in each House of the Fifty-fifth Congress. But other matters of great national importance so occupied the time and attention of Congress that the bill was not passed.

Meanwhile it has become apparent that there is much doubt of the extent of the power granted to the local government of Hawaii by the provisions of the joint resolution, and in many important respects it has created something like an interregnum.

Many doubtful questions of admiralty and maritime jurisdiction have arisen, as well as of criminal procedure, rendering it uncertain whether there is now any tribunal for the decision of important questions affecting property and any existing method by which criminals may be indicted or legal juries impaneled for their trial.

In anticipation of Congressional action, the election to fill vacancies in the Hawaiian senate was not held last year, and there is, therefore, no legislative power for appropriating money for public purposes.

There is also grave doubt concerning the power of the Hawaiian government to grant franchises for industrial and commercial enterprises, or for railways which have been projected, and the Attorney-General of the United States has decided that the Hawaiian government has no power to grant or lease any of the public lands for homesteads or for any purpose, notwithstanding the fact that the treaty of annexation declared that the proceeds and revenues of such lands should be devoted to the benefit of the inhabitants of Hawaii.

In many respects the business affairs of the Territory are brought to a standstill. Many Americans have bought government land since annexation, on which they have built residences and planted crops, but their land titles are now in dispute and can not be settled until the passage of this bill.

Meanwhile Americans can not settle in Hawaii on homesteads or land bought from the government, and a very desirable class of citizens is thereby shut out of this new Territory. The local government is unable even to make public roads over any part of the public domain of Hawaii, or carry out plans based on legislation prior to annexation for widening and straightening the streets of Honolulu.

The presence in that city of the bubonic plague is calling for drastic measures by the Hawaiian authorities, involving the expenditure of hundreds of thousands of dollars. In order to provide for these expenditures, and to compensate the owners of buildings which have been burned in the effort to suppress the pestilence, it is proper and just that a Territorial legislature be provided by Congress with no unnecessary delay.

Since the adoption of the resolution of annexation large numbers of Japanese contract laborers have been brought into the

islands, and delay in extending the laws of the United States to them will be taken advantage of to increase the number.

This bill proposes a Territorial government for the Hawaiian Islands similar to that of the later Territories of the United States—a governor, a secretary, both appointed by the President; a treasurer, attorney-general, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor and deputy auditor, surveyor, and high sheriff, appointed by the governor.

A legislature is provided, consisting of a senate and house of representatives, elected by the people. The Territory is to be represented by a Delegate in Congress. The Territory is made a judicial district of the United States, with a district court having, in addition, the jurisdiction of circuit courts, with a district judge, district attorney, and a marshal of the United States, appointed by the President, by and with the consent of the Senate of the United States.

The judicial power of the Territory is vested in a supreme court and in inferior courts to be established by the legislature. The laws of the United States locally applicable are extended over the new Territory, and the laws of Hawaii not inconsistent with the Constitution or laws of the United States are continued in force. The Territory is made a customs and revenue district and becomes subject to the tariff laws of the United States.

It needs no argument, it seems to me, to convince that if it be possible to give to the Hawaiian Islands a government like that of the United States Territories—a government which has met the approval of Congress and the American people since the Constitution was adopted and has proved itself adapted to the needs of a free and progressive people—it is desirable to do so.

Mr. Chairman, I am aware that there are many difficult problems to be solved regarding this legislation and that it will necessarily contain many errors and omissions; but, sir, I feel confident the citizens of the Hawaiian Islands will be able ultimately to solve the problems, and whatever defects this bill contains will soon be discovered when the law goes into operation, and time and experience and subsequent legislation will correct and remedy them. The all-important thing for us to do now, and do promptly, is to give the people of the Hawaiian Islands Territorial government, and the best, the freest, and the most liberal Territorial government the combined wisdom and judgment of Congress can devise. I am in favor of home rule and absolute local self-government for our Territories.

And, sir, I desire to say in this connection that what we do for the people of the Territory of Hawaii we should also do for the people of the Territory of Puerto Rico. There should be no selfish distinction—no sordid discrimination. A citizen of Hawaii is a citizen of the United States and a citizen of Puerto Rico is a citizen of the United States just as much as a citizen of the District of Columbia or a citizen of the State of New York; they are all citizens of the great Republic, free and independent, and under the dome of the Union sky, protected by the flag of our country, they are entitled to all the rights, to all the benefits, to all the privileges, and to all the immunities of the Federal Constitution. This is our plain duty, the imperative mandate of the hour, and for anyone or any party to seriously contend to the contrary is preposterous and in the end will be as unwise as it is unjust, as inhuman as it is indefensible, and as un-American as it is unconstitutional.

Any departure, in my judgment, by Congress from the well-settled, the successful, the time-honored, and the constitutional policy of the Republic regarding the government of our territorial possessions will be fraught with much danger to our free institutions and will be a step forward in the contemplated programme of imperialism. I am opposed to any plan or any policy repugnant to or in any way antagonistic to the fundamental principles of our national existence. The Constitution is my guide, and the Declaration of Independence the lamp that illumines my path. I am opposed to injustice, to militarism, to imperialism, and to industrial slavery here or anywhere else, at home or in our islands of the sea; and wherever our flag floats, in the Pacific or in the Atlantic, in the States or in the Territories, I want the Constitution to be there, guaranteeing to every human being liberty, equality, justice, and every right of an American citizen. [Applause on the Democratic side.]

Mr. Chairman, this is all I desire to say at this time regarding the provisions of this bill. I shall vote for the amendments, and if they be adopted, I shall vote for this bill. But in connection with my remarks on this matter and some remarks I made a short time ago I wish to print in the RECORD some data in relation thereto that may be of interest to some of the thinking people of this country.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] asks unanimous consent to print in the RECORD some data in connection with his remarks. Is there objection? [After a pause.] The Chair hears none.

HON. W. J. BRYAN ON IMPERIALISM—JEFFERSON VS. IMPERIALISM.

The advocates of imperialism have sought to support their position by appealing to the authority of Jefferson. Of all the statesmen who have ever lived Jefferson was the one most hostile to the doctrines embodied in the demand for a European colonial policy.

Imperialism as it now presents itself embraces four distinct propositions:

1. That the acquisition of territory by conquest is right.
2. That the acquisition of remote territory is desirable.
3. That the doctrine that governments derive their just powers from the consent of the governed is unsound.
4. That people can be wisely governed by aliens.

To all these propositions Jefferson was emphatically opposed. In a letter to William Short, written in 1791, he said:

"If there be one principle more deeply written than any other in the mind of every American, it is that we should have nothing to do with conquest."

Could he be more explicit? Here we have a clear and strong denunciation of the doctrine that territory should be acquired by force. If it is said that we have outgrown the ideas of the fathers, it may be observed that the doctrine laid down by Jefferson was reiterated only a few years ago by no less a Republican than James G. Blaine. All remember the enthusiasm with which he entered into the work of bringing the republics of North and South America into close and cordial relations. Some, however, may have forgotten the resolutions introduced by him at the conference held in 1890, and approved by the commissioners present. They are as follows:

"First. That the principle of conquest shall not during the continuance of the treaty of arbitration be recognized as admissible under American public law.

"Second. That all cessions of territory made during the continuance of the treaty of arbitration shall be void if made under threats of war or in the presence of an armed force.

"Third. Any nation from which such cessions shall be exacted may demand that the validity of the cessions so made shall be submitted to arbitration.

"Fourth. Any renunciation of the right to arbitration made under the conditions named in the second section shall be null and void."

If the principle of conquest is right, why should it be denied a place in American public law? So objectionable is the theory of acquisition of territory by conquest that the nation which suffers such injustice can, according to the resolutions, recover by arbitration the land ceded in the presence of an armed force. So abhorrent is it that a waiver of arbitration made under such circumstances is null and void. While the resolutions were only for the consideration of the American republics, the principle therein stated can not be limited by latitude or longitude.

But this is a time of great and rapid changes, and some may even look upon Blaine's official acts as ancient history.

If so, let it be remembered that President McKinley only a year ago (December 6, 1897), in a message to Congress discussing the Cuban situation, said:

"I speak not of forcible annexation, for that is not to be thought of. That, by our code of morality, would be criminal aggression."

And yet some are now thinking of that which was then "not to be thought of." Policy may change, but does a "code of morality" change. In his recent speech at Savannah Secretary Gage, in defending the new policy of the Administration, suggested that "philanthropy and 5 per cent" may go hand in hand. Surely we know not what a day may bring forth, if in so short a time "criminal aggression" can be transformed into "philanthropy and 5 per cent." What beauty, what riches, the isles of the Pacific must possess if they can tempt our people to abandon not only the traditions of a century, but our standard of national morality! What visions of national greatness the Philippines must arouse if the very sight of them can lead our country to vie with the monarchies of the Old World in the extension of sovereignty by force.

Jefferson has been called an expansionist, but our opponents will search in vain for a single instance where he advocated the acquisition of remote territory. On the contrary, he expressly disclaimed any desire for land outside of the North American continent. That he looked forward to the annexation of Cuba is well known, but in a letter to President Monroe, dated June 23, 1823, he suggested that we should be in readiness to receive Cuba "when solicited by herself." To him Cuba was desirable only because of the island's close proximity to the United States. Thinking that some one might use the annexation of Cuba as a precedent for indefinite expansion, he said, in a letter to President Madison, dated April 27, 1809:

"It will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions," but, he added, "Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it."

In the same letter, speaking of the possible acquisition of that island, he said:

"I would immediately erect a column on the southernmost limit of Cuba and inscribe on it a ne plus ultra as to us in that direction."

It may be argued that Jefferson was wrong in asserting that we should confine our possessions to the North American continent, but certainly no one can truthfully quote him as an authority for excursions into the Eastern Hemisphere. If he was unwilling to go farther south than Cuba, even in the Western Hemisphere, would he be likely to look with favor upon colonies in the Orient?

If the authority of Jefferson can not be invoked to support the acquisition of remote territory, much less can his great name be used to excuse a colonial policy which denies to the people the right to govern themselves. When he suggested an inscription for his monument, he did not enumerate the honors which he had received, though no American had been more highly honored; he only asked to be remembered for what he had done, and he named the writing of the Declaration of Independence as the greatest of his deeds. In that memorable document he declared it a self-evident truth that governments derive their just powers from the consent of the governed. The defense and development of that doctrine was his special care. His writings abound with expressions showing his devotion to that doctrine and his solicitude for it.

He preached it in the enthusiasm of his youth; he reiterated it when he reached the age of maturity; he crowned it with benedictions in his old age. Who will say that, if living, he would jeopardize it to-day by engrafting upon it the doctrine of government by external force.

Upon the fourth proposition Jefferson is no less explicit. Now, when some are suggesting the wisdom of a military government for the Philippines, or a colonial system such as England administers in India, it will not be out of place to refer to the manner in which Jefferson viewed the inability of aliens to prescribe laws and administer government. In 1817 a French society was formed for the purpose of settling upon a tract of land near the Tombigbee River. Jefferson was invited to formulate laws and regulations for the society. On the 16th of January of that year he wrote from Monticello expressing his high appreciation of the confidence expressed in him, but

declining to undertake the task. The reasons he gave are well worth considering at this time. After wishing them great happiness in their undertaking, he said:

"The laws, however, which must effect this must flow from their own habits, their own feelings, and the resources of their own minds. No stranger to these could possibly propose regulations adapted to them. Every people have their own particular habits, ways of thinking, manners, etc., which have grown up with them from their infancy, are become a part of their nature, and to which the regulations which are to make them happy must be accommodated. No member of a foreign country can have a sufficient sympathy with these. The institutions of Lycurgus, for example, would not have suited Athens, nor those of Solon, Lacedæmon. The organizations of Locke were impracticable for Carolina, and those of Rosseau for Poland. Turning inwardly on myself from these eminent illustrations of the truth of my observation, I feel all the presumption it would manifest should I undertake to do what this respectable society is alone qualified to do suitably for itself."

The alien may possess greater intelligence and greater strength, but he lacks the sympathy for, and the identification with, the people. We have only to recall the grievances enumerated in the Declaration of Independence to learn how an ocean may dilute justice and how the cry of the oppressed can be silenced by distance. And yet the inhabitants of the colonies were the descendants of Englishmen—blood of their blood and bone of their bone. Shall we be more considerate of subjects farther away from us, and differing from us in color, race, and tongue, than the English were of their own offspring?

Modest Jefferson! He had been governor, ambassador to France, Vice-President, and President; he was ripe in experience and crowned with honors; but this modern lawgiver, this immortal genius, hesitated to suggest laws for a people with whose habits, customs, and methods of thought he was unfamiliar. And yet the imperialists of to-day, intoxicated by a taste of blood, are rash enough to enter upon the government of the Filipinos, confident of the nation's ability to compel obedience, even if it can not earn gratitude or win affection. Plutarch said that men entertained three sentiments concerning the ancient gods: They feared them for their strength, admired them for their wisdom, and loved them for their justice. Jefferson taught the doctrine that governments should win the love of men. What shall be the ambition of our nation; to be loved because it is just or to be feared because it is strong?

[From Buffalo Times, March 27, 1900.]

THE UNPROTECTED NORTHERN FRONTIER.

The Times's editorial on the Sulzer resolution of inquiry was timely and important. It touched a subject that can not be much longer ignored. Our Canadian border has not received the attention that its importance demands. It is defended by one little insignificant steamer, the *Michigan*, which is the only guardian of our vast and varied commerce. Along the shores of these lakes are located the largest cities of the country outside the great metropolis. In these cities are located vast industries, palatial private residences, magnificent public buildings, and untold wealth.

The rapid growth of the lake commerce and its present stupendous proportions constitute one of the wonders of American commercial history. Some idea of the lake traffic may be formed from the statement that the aggregate entrances and clearances in 1898 for Buffalo alone numbered 11,265. For the entire Great Lakes the figures are far in excess of those for New York and of the entire seaboard of the United States. The tonnage has more than doubled itself in the last ten years. Some 75,000 miles of railway terminate on these lakes, and millions of tons of freight are moved annually. The tonnage passing Detroit River during the two hundred and thirty-four days of navigation is more than the entrances and clearances of all the seaports of the United States. It is more than the combined foreign and coastwise shipping of Liverpool and London. More business is done on this body of water than passes through the great Suez Canal. In our Great Lakes is one-half of the fresh water of the world.

Comparisons give a clearer idea of the enormous traffic than mere figures can. The damage that might be inflicted by a single *Alabama* or *Shenandoah* is incalculable.

And to protect this vast commerce there is only the *Michigan*, which has been aptly characterized the "Noah's Ark of the Navy." She is a side-wheeler and is classed as a fourth-rate cruiser. Her speed is about 11 knots an hour, less than half that of some of our salt-water cruisers. She is rated at 582 tons and has a length of 163 feet and a draft of 9 feet. She has been on the lakes since 1843, and is about as up to-date as the frigate *Constitution*. She has a main battery of four 30-pound breech-loading rifles, a secondary battery of three 3-inch Hotchkiss rapid-fire guns, and a couple of Gatlings. Her regular crew consists of about 100 officers and seamen, and a few marines. She is almost as medieval and about as effective as the old stone fort on Mackinac Island would be in a sparring match with modern harbor fortifications.

The treaty of 1817 between the United States and Great Britain is responsible for this state of affairs. It provides that but a single armed vessel shall be maintained by either Government upon the Great Lakes.

The United States Government has rigidly adhered not only to the letter but to the spirit of this treaty. Great Britain, however, has not been so scrupulous in this respect.

Attention has frequently been called to the revenue cutters built by the Canadian Government. They are denominated "revenue cutters," but compared with the old-fashioned armed vessels upon the lakes they are to all intents and purposes armed cruisers. The *Constance* and others of a like character, ostensibly designed for the purpose of preventing smuggling on the Lower St. Lawrence and to protect the fisheries of Georgian Bay and Nova Scotia, are said to be quite within the limits of the treaty. But they would, nevertheless, prove formidable foes to unarmed merchant vessels. There is nothing like them in the service of the United States Government. Should hostilities break out between this country and England these innocent-looking "revenue cutters" would soon become formidable instruments of destruction, and the commerce of the lakes would be at their mercy long before our Government could construct anything that would stand a ghost of a chance against them.

The land defenses are in equally as bad a condition. Beyond a little patching done at Fort Niagara, no attempt has been made to make them better. They consist of five antiquated forts. They were built many years ago for the protection of certain important strategic and commercial points on Lakes Ontario and Erie, at the mouth of the Detroit River, and by the outlet of Lake Champlain. Never completed, they are to-day useless.

Fort Ontario, which was commenced in 1839, stands on the south side of the lake, from which it takes its name, and is at the mouth of the Oswego River. It is a bastioned work, pentagonal in shape, with one front facing the lake, one the river, and three sides facing the land. It has no armament and no preparations for any except in the flank casemates. It can secure Oswego against bombardment neither from the lake nor land.

Fort Niagara was also begun in 1839 and is built at the mouth of the Niagara River, on the south side of Lake Ontario, and at a distance of 40 miles east of its western extremity. It is an irregular work, having one strong land front running nearly north and south from Lake Ontario at its northern extremity nearly to Niagara River at its southern. It contains two masonry blockhouses, built by the French about the year 1757, and other buildings commenced by the French and finished by the English after it was captured during the French and Indian war. The work has no armament nor gun platforms and is garrisoned by companies living in quarters outside the fort.

Fort Porter, as all Buffalonians know, is a picturesque pile, which is more useful to artists than for purposes of defense. It has been officially pronounced useless for defense, and the authorities of this city were authorized by act of Congress to improve and beautify the grounds in connection with the public park laid out on lands adjoining. Fort Porter was begun in 1842. It consists of a square stone tower, which was nearly destroyed by fire many years ago. It is also watched by a company living outside the fort.

Fort Wayne is situated on the west bank of the Detroit River, which it commands. It is on a high, sandy bluff. It was commenced in 1841 and is a square bastioned work with a detached parapet on the curtains and faces an unfinished demilune on the water, and unfinished water batteries upon the up and down stream sides. Its only armament consists of guns of antiquated patterns, many of which are dismounted. It also has eight 12-pound brass guns, which are principally used at reveille, retreat, and on the Fourth of July. An attempt was begun in 1863 to reconstruct the fort, but after dragging its slow length along for seven years the work was discontinued.

About 450 miles from Detroit and commanding the entrance to Lake Superior stands Fort Mackinac, on the island of that name, which is a strong position, but consists only of old palisades and wooden houses of Indian days.

Fort Montgomery, at Rouse Point, is a casemated work which was begun in 1841. It occupies a point of great importance and theoretically commands the entrance to Lake Champlain from the Richelieu or St. John River. If armed with suitable guns, it might bar the passage of a hostile squadron up the Lakes, but its main use would be as a fortified base and storehouse for an invading army moving on the Champlain line of operations across the Canadian border.

Now, how is Canada situated? For many miles from the mouth of the St. Lawrence both banks are Canadian soil. England possesses an enormous fleet of gunboats and torpedo boats that could easily get into the lakes and attack the defenseless points; for, of course, in case of war the treaty of 1817 would be torn into thousands of pieces. The Welland Canal, through which any vessel not drawing more than 14 feet can pass, was constructed around the falls as much from a strategic as a commercial point of view, for English statesmen saw that by means of it they would at one blow sweep American commerce off the lakes.

We have no canal going around the falls. The Welland Canal practically opens the whole chain of lakes to English seagoing ships.

Such is the condition of affairs existing to-day on our northeastern border. We are as dilatory and negligent respecting our northwestern border. While the Government of the United States has been asleep, England has been wide awake to the future possibilities and contingencies, and in time of peace has been getting in shape for war.

EVERETT SPRING.

THE ALLEGED EUROPEAN COALITION AGAINST THE UNITED STATES DURING THE SPANISH-AMERICAN WAR.

[By T. St. John Gaffney.]

During the late war and since its close dispatches regarding England's attitude toward the United States have been constantly appearing in a large number of British and American newspapers. These dispatches were sent out with the view of creating the impression that France, Germany, and Russia were ready to intervene in the interest of Spain, and were held in check only by the knowledge that England would array herself on our side in the event of such a contingency.

Acting on the theory that a lie, if told often enough, will in the end do duty for the truth, a small but noisy group of Americans are constantly referring to these statements in support of their contention that out of pure gratitude we should support England's position in South Africa, become her ally, and relieve the tension of her present isolated situation in Europe.

A great deal of maudlin sentimentality has been uttered since the beginning of this pro-British campaign in the United States, which has been anything but flattering to our national pride.

What has been the object, I ask, of this subserviency to a European power which has been always our consistent and untiring enemy? Why should American citizens be so anxious to credit England with a part in our victories during the late war and attribute to her moral support the achievements of our Army and Navy? How insufferably truckling in spirit appear citizens who make use of a statement, branded time and again by the highest authorities as a falsehood, which has the effect of exhibiting their country before the world as a protected weakling.

It is my intention in this article to show that this so called coalition was not of continental but of English manufacture; that it found its origin in papers notoriously under the control of the British foreign office, for the purpose of working an unscrupulous imposture upon the credulity of the American people.

This fact I will prove by the unanimous voice of the ambassadors of the powers directly concerned, by the statement of our Secretary of State, John Hay, and also by the reiterated statements of our own ambassadors accredited at Paris, Berlin, and St. Petersburg. I will show that at no time during the war with Spain did England decline to join the other powers in a move for intervention. I will show that no such action on the part of Great Britain ever took place, and that the impeachment of the continued friendliness of the other powers is due to a carefully planned conspiracy of the pro-English news agencies. At no time was there a purpose on the part of the great powers to interpose against the United States, so that there was never an occasion for such a demonstration of English friendship as has been so assiduously presented. The story, although very widely circulated and generally accepted as a fact, is nothing less than a pure fabrication, and for the truth of history, as well as for the removal of the groundless reflection upon the attitude of the European powers, it should no longer be accepted as a part of the records of the war.

The ambassadors and the other high authorities I quote do not give merely their personal opinions, but the facts learned during their visits to Paris, Berlin, and St. Petersburg.

I feel that it is but simple justice to these powers that the consistent friendship they maintained to the United States throughout every period of the war, and continue to maintain toward this Government, should not be obscured by the fiction as to the exceptional friendship of the Government of Her Britannic Majesty.

Upon the outbreak of the late war England set to work the springs of her journalistic machinery in the European capitals to prejudice continental opinion against the United States. At the same time, in order to fan the flame of whatever disaffection existed toward America, she insidiously spread rumors of an understanding between Washington and London.

The leading correspondents at the European capitals are Englishmen, and most of the news passes through London to America. The correspondents were instructed to carefully select for transmission here the utterances of

the most rabid anti-American newspapers, papers which have always had the reputation of being suspiciously close to the English foreign office. This journalistic campaign is an old trick of John Bull, and has been frequently worked before, but in no case so flagrantly or so successfully as during the Hispano-American war.

Every ridiculous canard cabled from London purporting to represent continental opinion was published here with startling headlines, while the views of reputable newspapers were hidden away in the most obscure corner. Our papers seem to have fallen into the trap so cleverly laid, and joined with eagerness in the British campaign of palaver, buncombe, and hypocrisy.

The Literary Digest, an impartial review of the newspapers of the world, said, upon this point, during the early stages of the war:

"Owing to the want of a direct cable, the news from America to Germany, and vice versa, passes through English hands, and the Germans accuse the British of making unfair use of this advantage."

This fraud and cheat upon the public mind early showed its fruit, because continental criticisms of the United States increased in direct ratio to the wave of manufactured English emotion in our behalf.

Responsible papers in Germany and France were not inimical to the United States. During the second month of the war cable dispatches appeared in the New York Herald which seemed to indicate that England's game was being seen through. I quote from an editorial in that paper, which was forced to admit that the origin of continental hostility to America was mainly attributed to the British agencies. The Herald says:

"The fact is noted that England is accused of having incited the present unpleasant feeling between France and the United States, and it is curiously significant that the German press—as noted in a special cable dispatch from Berlin to the Herald this morning—similarly charges the correspondent of the English newspapers with inciting antipathy between Germany and the United States."

The special Berlin correspondent of the New York Journal says:

"Diplomats here emphatically express their irritation over the persistent reports, emanating from English sources, of strained German-American relations."

Mme. MacGahan, the well-known Russian correspondent, says:

"In this present instance the Vienna agencies are obviously working in concert with similar agencies in London with a view to convincing the United States that they have not a friend on earth save England. But what use has the United States of any body's friendship in the present emergency?"

Finally, let me say that the correspondents of London papers here continually cabled to the Continent every article hostile to Russia, France, and Germany for the purpose of arousing irritation against us in those countries. When we recall the insulting and abusive attitude of a large element of the American press against these powers during the Spanish war we should not wonder that there is a bitter feeling in some parts of Europe against us. The marvel is that it is not stronger.

THE ATTITUDE OF FRANCE.

France, it was said, assumed the initiative looking for a concerted action of the powers, and because Spain placed her interests and subjects under the protection of the diplomatic and consular agents of that Government, additional color seemed to be lent to the fiction.

But what was the attitude of the late lamented President, of M. Cambon, the Franch ambassador to this country, and M. Hanotaux, the then minister of foreign affairs, during the period of these alleged continental negotiations? We have the authority of our ambassador, Gen. Horace Porter, in interviews, public addresses, and communications to this Government, that France adhered to the strict line of neutrality and that reports to the contrary were malicious fabrications. In regard to the alleged coalition, M. Cambon and M. Hanotaux, as well as General Porter, denied in the most unqualified terms any knowledge of such a proceeding. President McKinley has been outspoken in his commendation of M. Cambon for the tact, delicacy, and wisdom with which he handled the difficult negotiations during the war, and leading up to the signing of the protocol.

Upon his return from the preliminary meeting of the Venezuelan arbitration committee in Paris, Mr. Justice Brewer was interviewed.

"From the public men I have met in France," he said, "and from others, I have heard nothing but the most cordial feeling expressed toward the United States. So far as I have been able to judge from my visit the French are quite as friendly toward the United States as the English."

Le Clair, one of the chief journals in Paris, discussing England's relations with American affairs, and the unfriendly attitude of the United States toward Germany, throws the responsibility on the English press saying:

"We know the experience of the London papers and postmasters in this kind of work and can not forget that in the beginning of the Hispano-American war we also were the victims of the misleading information of these sheets, whose lies and calumnies almost succeeded in deceiving the American public opinion. At the present moment Germany is the victim of British journalism, which ably seconds the foreign office's efforts to embroil the United States with European powers for the purpose of associating more closely America and England."

The aftermath of this propaganda of slander and deception is seen by the views given in the Herald by a French diplomat. The New York Herald says, under date of January 16:

"A distinguished French diplomat, who has given careful study to the history and political economy of the United States, this morning gave his explanation of the French state of mind on the subject.

"If France were convinced," he said, "that the United States had an independent policy of its own, it would applaud; but the French see in America only a docile pupil of Great Britain. We should like to see the seas divided, not united, under the Anglo-Saxon flags against the world; and that is why thoughtful Frenchmen regret that the United States should quit its isolation of the days of Washington."

THE ATTITUDE OF GERMANY.

Germany was the victim of the news bureaus of England for a considerable time during the war, and for that reason I shall discuss her attitude toward us at greater length.

In the memorable debate which took place upon this subject in the Reichstag Herr von Bulow, the imperial secretary of state for foreign affairs, directed attention to the relations of amity which have existed for upward of a century between Prussia and this Government.

During our Revolution Frederick the Great refused to permit the passage of the Hessians hired by George III through his dominions, and he was one of the first European sovereigns to recognize the independence of the American colonies.

He was also one of the chief promoters of the League of Neutrals, formed by the northern powers to apply pressure upon the British Government to sign the peace of 1783. During the rebellion, when Louis Napoleon tried to bring about a joint intervention on behalf of the Confederacy, Prussia and the other German States made no secret of their friendship for the United States, and German capitalists subscribed for large quantities of our bonds at a time when the people of Great Britain were lending money to the seceding States. During the Commune of 1870-71 Germany placed the lives and property of her subjects located in France under the protection of our representatives.

In addition to such proofs of amity we have 20,000,000 people of German extraction in our Republic, a far larger number than belong to the mythical Anglo-Saxon race.

During the early weeks of the war, owing to the persistent attacks inspired by British influences, appearing in a section of the American press upon the German Government, Herr von Holleben, the German ambassador, called twice upon the President and protested against the systematic impeachment of the good faith of his Government. This unusual departure in diplomatic procedure was subsequently repeated on more than one occasion during the later developments of the war, and at each visit President McKinley warmly assured Dr. Von Holleben that he and his Cabinet were perfectly satisfied with the attitude of Germany, and were not at all influenced by the irresponsible utterances of the sensational and subsidized press upon both sides of the Atlantic.

The Hon. Andrew D. White, our ambassador to the court of Emperor William, had peculiar facilities for discovering the feeling of the Kaiser's Government, and in notable speeches delivered in Leipzig and Berlin he vigorously denounced the statements appearing in certain newspapers as absolutely baseless. He was equally emphatic in his declaration that no combination, organized or individual, had been attempted by any continental government for the purpose of interfering with or neutralizing the force of the United States' position in the Hispano American war.

So bitterly were the attacks upon Germany by American newspapers and public men resented by the American colony in Munich that they held a meeting on January 24, 1899, and denounced the anti-German expressions used in the press and House of Representatives. It was decided at this meeting to draw up a protest and send it to the Government at Washington, accompanied by a declaration that no animosity against America existed in Germany.

The Neuster Nachrichten, in commenting upon this protest, expressed a deep sense of its regret that the credulity of the American people should be exploited to such an extent by the sensational press and Anglomaniacs of the United States.

The Kolnische Zeitung, in its issue of January 30, 1899, commenting upon the assertion of General Woodford that Continental Europe was ready to interfere with the plans of the United States except for England, said: "The idea that there was any European anti-American coalition is a mere figment of the imagination. Certainly Germany, France, and Russia, from the very outset of complications, resolved to maintain the strictest neutrality."

Finally we have had the debate in the Reichstag, to which I have previously alluded, in which the members of all political parties vied with one another, and with the ministers of the Government, in expressing good will and friendliness toward our Government and our country.

There is no doubt that Admiral Von Diederichs in the Philippines displayed a want of tact and an officiousness that was altogether unnecessary, but the moment the Kaiser was made aware of the situation he relieved him of his command and substituted his own brother, Prince Henry. What further reparation could the German Emperor have made?

RUSSIA'S POSITION.

And now I shall discuss the attitude of Russia.

Not once, but several times has Count Cassini, the Russian ambassador, denounced the fiction of the so-called European concert. I quote from his latest interview, held at the Russian embassy, in Washington, on November 12, 1898. The ambassador, after a vigorous protest against the foreign-interference lie, which the English press and the Anglo-American alliance promoters had been using to further their scheme, continued:

"At no time was there a purpose on the part of the great powers to intervene against the United States. No appeal by Spain to limit the claims of the United States has been made to Russia or to other foreign governments.

"America needs not the friendship of England to become a great power. She is a great power. England needs the friendship of America—that is why she speaks as she does now. England wants America to help her to her schemes, and America will not let herself be used, I am sure. During your war with Spain, though the contrary has been urged, yet I know as a fact that at no time was there any purpose of the powers to check America's plans or advances upon the Philippines.

"England did not refuse to join for intervention, because I say that no one wished to intervene."

Count Cassini is corroborated by no less an authority than our ambassador at the court of the Czar during the Spanish war, the Hon. Ethan Allen Hitchcock, who at present holds a portfolio in the Cabinet of President McKinley.

In an interview had with him by a representative of the Associated Press, Mr. Hitchcock denounced emphatically the stories current since the beginning of the Hispano-American war, that Russia was a member of a coalition of continental powers which would have intervened in the dispute had not England refused to join them.

"These stories are utterly unfounded," said Mr. Hitchcock. "There has never been a single item of proof produced to substantiate them, and, on the contrary, Russia has been most friendly toward the United States and has manifested that friendship during the past years in many ways, of which my position forbids me to speak."

"In the North American Review for March there is an article from General Alger, in which the following appears: 'Two years ago, when under the not too friendly observation of some of the great powers we were discharging our duty as the guardian of liberty and humanity in the Western Hemisphere, Great Britain stood conspicuous among the nations as our friend. Nor was her cordial sympathy valueless. She remained strictly neutral, but her whole attitude toward us was so unmistakably friendly that its influence in preventing what might have occurred in the way of European intervention will never be capable of full measurement.'"

This statement from the late Secretary of War was immediately challenged by numerous members of the general public, and to correct misapprehension General Alger has been compelled to dictate a statement to the press, explaining what he meant.

"The British Government," he says, "so far as I know, never did anything actually to warrant my statement. We knew of their friendship to us by that which perhaps can not be expressed in words. It was a feeling that if any trouble should arise by reason of an appeal by Spain for the powers to aid her the British Government would not permit us to be embarrassed. I state distinctly that there was no evidence of any attitude of the sort on their part; that it was a belief. I would not say the matter was discussed in the Cabinet meetings. I am simply giving my own impressions and my firm belief. I have simply spoken for myself."

Is it any wonder that a well-known continental diplomatist should make the following observation: "Of all the goose food that has ever been distributed that of Great Britain's alleged protection of the United States against a European coalition is by far the most ridiculous."

The Hon. John W. Bookwalter, formerly governor of Ohio, a brilliant man

of affairs and ideas, was in Russia during the war and was allowed to go everywhere, to see everything, and to take any number of photographs.

"The United States will commit a woeful mistake," he said, "if they fail to retain the friendship of Russia, the great world power of the future. Everywhere I found the kindest, most friendly feeling toward America, and heard everywhere expressions of satisfaction over America's success in our war with Spain. Wherever I went everything was thrown open to me simply because I was an American. I distrust the friendship of England, and advise above all the cultivation of friendship with France, Germany, and Russia."

I have reserved until now what is possibly the highest corroborative testimony I have quoted upon this subject, the testimony of a man who above all others should have been acquainted with the sinister intentions of the powers and the friendly spirit of the Government of the octogenarian sovereign of England.

I refer to an interview with Col. John Hay, our ambassador to the Court of St. James during the Spanish war and our present Secretary of State. Upon his arrival in this country the following categorical question was asked Colonel Hay, and I give both question and answer verbatim from the New York World of September 22, 1898:

"Q. You mean to state positively that there was no combined or individual attempt on the part of Germany, France, or Russia to humiliate the United States by taking sides with Spain?

"A. I certainly do. Nothing of the kind occurred."

About the same time, in the leading newspapers of America, appeared an interview with William T. Stead, the well-known British journalist, whose opportunities for diplomatic information on the Continent are well recognized.

Speaking of the alleged combination of the powers, he said: "I am afraid I shall have to prick this bubble, much as I should desire England to have assumed the position so generally attributed to her. She did not have the chance to do so, as no attempt was made by any of the powers to interfere with the United States. This fact I have learned by inquiries at the foreign offices in Paris, London, and Berlin; and men of all parties disavow the whole story."

Henry Labouchere, M. P., the editor of London Truth, and other British journalists of distinction have frequently ridiculed the story.

Against this weight of testimony nothing has been advanced by the believers in this mythical coalition of the powers but an anonymous article which appeared in a second-rate London publication called the National Review. This magazine is edited by a Captain Maxse. It is generally believed in the United States that the article was inspired, if not written, by an Englishman named A. Maurice Low, who has had some connection in Washington with English and American newspapers for some time past. Mr. Low is an avowed and militant supporter of an Anglo-American alliance and is a firm believer in the new-fangled notion that the Anglo-Saxon race must rule the world.

The proof of the pudding lies in the eating, and the best index of English opinion, private and governmental, may be found in contemporary British newspapers and magazines. Let me append a few extracts from the representative English journals during the Spanish war.

Here is fraternity from the St. James Gazette:

"If American intervention goes farther now in an aggressive, insulting attack upon the mere existence of European sovereignty over the island, our sense of justice compels us to sympathize with Spain, and a straitwaistcoat would seem to be a useful article for outside powers to provide for a country which, like Greece in the Cretan question, wanted to bite off more than it could chew without any consideration for the disturbance of other people's interests."

Here is "Hands across the sea," from the amiable Saturday Review:

"We are told that America represents the cause of civilization, humanity, progress, while Spain represents mediæval barbarism and cruelty. We should like a little better evidence of the proposition. In Cuba itself there is anarchy and devastation, but we do not know that the invasion of the island by American filibusters and carpetbaggers will constitute an improvement. * * * Wipe out both countries and their achievements to-morrow, and which of them would be mourned by civilization? Should we miss most the oil and the corn and the iron and the pigs, or the poetry of Calderon, the art of Velasquez, the immortal fiction of Cervantes? All these would be regarded as 'back numbers' in New York or Chicago, but the world will remember them: and what will it care to remember about America?"

April 28, 1898, the New York Herald had this from London:

"The trend of English sentiment toward Spain is becoming so pronounced as to be a generally recognized fact. All resident Americans, even American diplomats, are compelled to admit it. Although the Government's friendly attitude is unchanged, it is questioned whether a majority in Parliament is not now Spanish in its sympathies, although a week ago practically unanimously partisan for the United States.

"A straw indicating the direction of the wind is shown at a popular music hall in London, where nightly pictures of the American and Spanish war ships are shown by the kinetoscope. The American war ships are only moderately applauded; the Spanish most enthusiastically."

During the first week of the war the Literary Digest analyzed the situation in the following language:

"The majority of British comment is adverse, though it is admitted the Britons can not well refuse to side with us as a people speaking the same language. The Home News, London, thinks 'it must be confessed that the general sense of England is that Spain in this particular crisis is entitled to considerable sympathy. If Spain sins in misgovernment, the United States offends in its absurd pretentions to control the fortunes of the whole American continent.'"

Then follows a quotation from the St. James Gazette:

"But there are ways of doing things; there are decencies to be observed; and our American friends must permit us to point out that they have, when it was possible, done everything in the wrong way and failed to observe the decencies. They have conducted their diplomacy as they conduct their party struggles—by loud talk, by threatening, by exaggeration, by 'bluff.'"

On April 30, the day before Dewey destroyed the Spanish fleet at Manila, the special correspondent of the New York World cabled his paper as follows:

[Copyright, 1898, by the Press Publishing Company, New York World.]

[Special cable dispatch to The World.]

"LONDON, *April 30.*

"There is no strong sympathy with the United States here beyond a certain limited circle of advanced radicals. The bulk of feeling is hostile to the extent of desiring that the United States may find the subjugation of Cuba a tougher job than she expects.

"Certain newspapers, like the Chronicle and Daily Mail, are endeavoring to evoke friendly sentiment for America, but the bulk of even the Liberal press is decidedly tepid in its sympathy, while the Tory press is either coldly critical or actually hostile.

"Although it would eminently suit the exigencies of the present government, in view of the threatening aspect of affairs in the Far East, to countenance the idea of a rapprochement between England and the United States, the ministers have found so overwhelming the mass of feeling among their own supporters in favor of an observance of the strictest neutrality that any friendly tendency on their part has been completely arrested.

"Any observer who mixes among Englishmen representative of the different classes can not fail to be struck by the almost total absence of any spontaneous manifestation of good will toward the United States in the present contest. Whether the progress of the war will produce any change remains to be seen, but that is the actual existing state of feeling."

The New York Tribune is one of the most offensive English papers published in the United States. Yet here is its view of English feeling three weeks after the Manila victory. I quote from an article by its special correspondent in London, who is an undisguised Anglomaniac. In the Tribune of May 22, 1898, he says:

"One hostile quarter is Oxford. I have learned from a trustworthy source that only two or three of the influential educators there are in sympathy with the United States. The dons and students by an immense majority are hostile critics of American institutions, and are outspoken in their hope that Spain will administer a large measure of discipline to inflated American pride.

"Another stronghold of anti-American feeling is the West End of London. Especially is this true of the exclusive and 'smart' sets, whose prejudices and sympathies are against everything American.

"There is also a disposition, especially among merchants and lawyers, to regard America as a spoiled child, who needs the restraints of persistent snubbing and a long-deferred whipping. There is more of this feeling in England than Americans can well imagine."

The special London correspondent of the New York Sun cables his paper on the same date:

"There is no longer any doubt that Spain has obtained at least temporary financial relief and is now spending money quite freely, a large part of this being disbursed by the Spanish commission which has its headquarters in London.

"Indeed, the chief source of Spanish supplies is English, and most of the arrangements for recoaling and revictualing Cervera's fleet were made in London. Agents here have made arrangements for getting coal aboard the Spanish fleets from several points in the West Indies, and especially from a Venezuelan port. Large quantities of explosives have been shipped recently from English ports to Cadiz via French ports."

A correspondent writing from London, in the Mail and Express, at the same time, says:

"It is impossible for anybody living in the heart of London, and moving in every direction as I do, not to be aware that there is a strong popular feeling for the cause of Spain. Personally I have no belief in any intense affection between this country and the United States. All the chatter about cousinhood and brotherhood and blood is the merest cant.

"I suppose there may be about 5 to 10 per cent of the American population of English descent, and as a nation they use the English language, which they speak and spell in a most unsavory fashion; but the masses who elect Congressmen and Presidents are all of foreign extraction. Though necessarily civil to us for the moment, they are not our friends; and should they succeed in their present enterprise, we shall soon be made aware of the fact in disputes over West Indian matters and nastiness about the Alaskan boundary."

On May 25 the Associated Press cabled the following to the United States:

"LONDON, *May 25.*

"In the newpapers to-day there are several striking instances of anti-American feeling. While the majority of the papers allude with pleasure to the references to the Queen in yesterday's celebrations at New York and Tampa, the Morning Post has allowed to appear in its columns a violent denunciation of the United States, from the Hon. Stuart Erskine, a brother of Baron Erskine, who alludes to America's 'present immoral warfare against Spain,' and asserts that the sentiment of the country which is worth having is for Spain.

"The fund being raised by the Countess Valencia, wife of the former Spanish ambassador here, for the relief of the Spanish wounded, has received several important aristocratic additions, including gifts from Lady Clanwilliam and the Duke of Wellington, who sent $500.

"The Saturday Review pursues its attacks upon America, and the following extract will indicate the tone of its comments: 'American action unfortunately suggests the attitude of a huge and boastful bully attacking an effete but gentlemanly old roué, with whom one can not help sympathizing, especially when the bully, not content with thrashing his feeble old opponent and stripping him of his valuables, bellows out with tears and protestations that he does it unwillingly and with the highest moral purpose.'"

So bitter was the feeling at this time against our country in England that even Joseph Cowen, the radical leader, denounced us in his paper, the Newcastle Chronicle, as "brutal."

"COMMON LANGUAGE AND SAME LITERATURE."

In another article the Saturday Review says:

"It is a question of manners. We are all disgusted with those raw, vulgar, blatant Americans, who scour Europe in search of their self-respect and can not conduct a mere legal case with decency."

Here is a Scottish view:

"UNION OF HEARTS."

The Edinburgh News says: "The Yankee is thirsting for blood. He will perhaps get more of it than he bargains for before he is done with the Cuban business."

The Newcastle Chronicle admits that Spain is fighting for her own, whether she was successful in managing Cuba or not.

OUR "KITH AND KIN" IN CANADA.

In Saturday Night, Toronto, several columns are filled with effusions like the following:

"We do not care to be made to feel that only their Christianity and humanitarianism prevent the Yankee mob from making a light lunch of us. In the squares before the New York newspaper offices, where thousands read with swelling pride news of the capture of a wood scow, one felt the strength of the terrible predatory instinct of a people who worship money, conquest, and an ability to crow as the owners of the earth. I admit that I was in a state of belligerency, and little as I care for Spain and her institutions I felt a prayer rising up from my heart to the great God of war, to the Lord of battles, to Him who supervises this universe, that in time, which sets all things even, the United States may be taught a lesson which it will never forget."

I quote the following interview which appeared in the New York Tribune last October:

"PICTURES OF PRESIDENT M'KINLEY AND AMERICAN WAR SHIPS HISSED IN LONDON MUSIC HALLS.

"J. W. Snell, of Toledo, Ohio, arrived from Europe yesterday, and is staying at the Gilsey House. When seen there he said: 'There is a marked contrast between the present manner in which the English treat Americans and that in which they treated them only a short time ago. I was in London in April, 1898, after war had been declared between this country and

Spain, and that England was not only unfriendly to us but also underestimated and was grossly ignorant of the strength and power of the United States was everywhere in evidence. The daily papers had, many of them, a distinctly hostile tone, and none of them a particularly friendly one. The yellow journals—for yellow journalism exists in England as well as in America—were publishing pictures representing the relative strength of the navies of the world. You know the sort, a huge ship representing Great Britain, then one considerably smaller representing France, etc. The United States came way down the list, with something that looked like a rowboat, while Spain was placed well above her. I went to a theater at this time, where they had a mutascope, or vitagraph or some other graph pictures, and there the hostility to America was marked. They showed a number of American and Spanish pictures, the first being received with chilly silence and the latter with applause; but the thing came to an end, in so far as I was concerned, when they hissed a picture of President McKinley, after wildly cheering one of the Queen Regent of Spain. That settled me and I left, but I heard afterwards that the American pictures had been withdrawn on account of their unpopularity.

"As soon as the English recovered their breath after our victories there was nothing too good for the Americans; they were blood kindred; they asked you to dinner and put you up at their clubs, and only to state in London at that time that you were an American was to insure yourself the best of good things without expense to yourself. For me, while I like the English, the contrast was too sudden, and I doubted the entire cordiality of the good-fellowship extended, when I remembered that only a short fortnight before I had sat in an English theater and heard an English audience hiss the portrait of the President of the United States of America."

While the President of the United States and our Navy were exposed to the insults and contempt of the English press and the London mob, the foremost journals of the fatherland upheld our policy; Germany's best newspapers showed scant sympathy with Spain.

To sustain the truth of this statement I refer to the files of the Frankfurter Zeitung; Weser Zeitung, Bremen; Neueste Nachrichten, Munich; Koelnische Zeitung; Berliner Tageblatt; Berliner Neueste Nachrichten, and many other newspapers of their class.

Blood is thicker than water, in the Saturday Review:

"The United States is socially sordid to the last degree; its courts and civil institutions are corrupt, and it has shown the world the depth of public depravity into which a civilization is capable of descending."

Our cousins in the country north of us spoke of us through the Hamilton Times in this appreciative spirit:

"While some Canadian papers show a disposition to play the lickspittle and try to curry favor with the organs of the bullies across the line, the war organs do not spare the feelings of Canadians in the least. Many of them openly boast that the war to capture Cuba and the Philippines is to be followed in due time by giving effect to the Monroe doctrine by seizing Canada, Jamaica, etc., a threat which quite naturally elicits notes of defiance."

The Literary Digest sums up British opinion as follows:

"Is England with us? That part of the British press which has proven itself most influential during the past few years certainly is not. Our sympathizers are the papers which promised to aid Armenia and backed Greece. The Daily Chronicle, Leader, Manchester Guardian, Advertiser, etc. Government organs like the Standard, sit on the fence. Confirmed Conservatives, such as the St. James Gazette, side openly with Spain. Journals which are compared by continental papers to our American 'Know-Nothing' press abuse us in the most unreserved manner, such, for instance, as the Saturday Review."

The Associated Press sent from London April 29, 1898, this:

"Individual opinion and the sympathies of a large majority of the British are undoubtedly anti-American. This is evident to everyone having any intercourse with the people."

These are samples only. The British papers even after Dewey's victory, as I have shown by quotations, teemed with sneers and abuse of America. It was only after the results of the war began to dawn on the brain of Britain and the colossus of the West began to loom up big and serene that the Government of England woke to the necessity of getting in out of the rain and of capturing America for an ally. Then began the propaganda of falsehood and imposture, the use of false telegrams, the fabrication of bogus conspiracies, the manufacture of a tender and effusive affection for the new, strong world power. Every British agency went to work with a will; banking and stock exchange agencies toiled nobly; the cables were heavy with taffy from London and laden with fabricated hatreds from Europe. Evidently England imagined that the ears of Americans were longer than their memories. She needs us now; she needs anybody she can get; let us be wise as strong and simply say, "John, your fraternity is beautiful and does you credit, but this is our busy day; we have troubles of our own; we are not in any alliance mood this week."

A brief time ago an article appeared in the New York Sun which intelligently and truthfully set forth our relations and those of Russia in the civilization and development of our respective hemispheres. If of late our foreign policy is viewed with suspicion in Russia, Germany, and France, it is the result of the belief prevailing in these countries that our international relations are now conducted under the direction and in the interest of England. I commend this extract from the Sun to those persons, whether in the Government or outside of it, to whose fulsome ebullitions and irresponsible speeches we may charge a large proportion of the distrust in which our Government is held upon the Continent to-day:

"The Russians and Americans have now behind them three generations of effort substantially identical in aim and in achievement; both have before them a manifest destiny, containing much that is in common and nothing that conflicts. Russia has been and is the great civilizer of the Old World, as the Americans have been of the New, reducing again to the uses of the human race vast territories that had been for centuries sacrificed to the savagery of a degenerated barbarism. In the eastern Mediterranean Russia, in obedience to the dictates of a human heart sensitive to pulsations other than those of a loom, has twice poured out her blood and treasure to rescue fellow-creatures from the knife of the butcher and the cord of the ravisher. Throughout the whole of this career, alike in that part of it which has dealt with the redemption of territorial areas and in that part dealing with the redemption of the human victims of fanaticism, cruelty, and lust, Russia has had one single, steady, consistent opponent. Splashed to the thighs with innocent blood, England has barred the way."

CONCLUSION.

The vainglorious chatter of Anglo-Saxonism against the world, indulged in by a group of silly persons, may result in arraigning the world against the English-speaking races, and the flattering delusion that the United States and Great Britain would be irresistible, even against a European combination, is the sheerest buncombe and nonsense. Those persons who have been thoughtlessly or maliciously attacking the continental powers and impugning the good faith of their governments have incurred a grave responsibility.

Something should be done to clear the atmosphere of this maudlin balderdash, and to place our country before the world in her true light. Too much mischief has been caused already by postprandial orators, sensational preachers, et hoc genus omne, on this side prating about alliances and our international relations. These utterances are eagerly seized upon by English ministers and politicians and dished up to the Continent as the practically unanimous sentiment of the American people. It is notorious that they have been utilized as a club to pound the doors of every chancellerie in Europe. Every observer of international affairs is aware that the position of England has been materially improved by the talk of an Anglo-American alliance, and that her backbone has been strengthened in South Africa, the Orient, and Egypt.

Our Anglo-maniacs have given her reasons to believe that she is no longer isolated. The lightning change in the foreign policy of Salisbury's cabinet in the last year has been the most remarkable event in the history of governmental polity within this generation, and it is solely to be attributed to the diplomatic leverage England has availed herself of as a result of the so-called entente of the "Anglo Saxon" race.

I am convinced that the sooner some responsible American statesman makes a ringing address in the vein of the new diplomacy, repudiating the suggestion of an alliance with any power, the better it would be for our country. It would put a stop once for all to British intrigue and silence the vaporings in England and America. The responsive gushings have become nauseating, and the whole subject, to speak mildly, is a deuced bore. But above all, it would decrease the elements of uneasiness and distrust in regard to us which prevail on the Continent and restore the old ties of friendship which have undoubtedly been weakened by the sycophancy and foolishness of many of our own people.

Why at present any more than in the past should we interweave our destiny with that of any part of Europe and entangle our peace and prosperity in the toils of European rivalship and interest?

Under a beneficent Providence our country is free and self-sufficing, needing no foreign countenance, no exterior props, and no alien intervention.

The policy that has served it thus far and kept it free and untrammeled from foreign intrigues should be the policy in the future, as it has been in the past. Only persons hostile to the Republic, criminally blind, or sentimentally foolish advocate a change in that position. If, under the circumstances, we should wantonly, rashly, and gratuitously commit ourselves to a policy friendly to the power in Europe that is hated and distrusted by all the others, national disaster and disunion would be within measurable distance.

The persons who have publicly invited such a peril and endeavored to make sentiment in favor of such a fatuous policy are a disgrace to American manhood, American citizenship, and American patriotism. Even though ignorance be their plea, they are dangerous enemies of our Government at a moment when, in view of our new responsibilities, it needs the loyal support of every man who has sworn to maintain its high ideal, its cause, and its flag!

Mr. KNOX. Allow me to inquire whether there are any members on the other side who desire to speak this evening.

Mr. McALEER. No, sir.

Mr. KNOX. Then, as there are none on this side desiring to speak and as it now lacks only a few minutes of 5 o'clock, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY reported that the Committee of the Whole on the state of the Union had had under consideration Senate bill No. 222, and had come to no resolution thereon.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill of the following title was taken from the Speaker's table and with the Senate amendments referred to the Committee on Ways and Means.

H. R. 8245. An act temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1475. An act to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, and making appropriation therefor.

WITHDRAWAL OF PAPERS.

Mr. CALDERHEAD, by unanimous consent, obtained leave to withdraw from the files of the House without leaving copies, papers in the case of John Willoughby, Fifty-fifth Congress, no adverse report having been made thereon.

And then, on motion of Mr. KNOX (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for an elevator in the Interior Department building—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting increase of estimate of appropriation for Geological Survey—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2683) to provide for the construction of a revenue cutter for use in St. Marys River, Michigan, reported the same without amendment, accompanied by a report (No. 928); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1191) granting an increase of pension to Orpha W. Reynolds, reported the same without amendment, accompanied by a report (No. 899); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9701) granting a pension to Jonah Duncan, of Pickett County, Tenn., reported the same with amendment, accompanied by a report (No. 900); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 817) granting an increase of pension to Julia A. Taylor, reported the same without amendment, accompanied by a report (No. 901); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1266) granting a pension to Jacob Saladin, reported the same without amendment, accompanied by a report (No. 902); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8670) to increase the pension of Stephen J. Watts, reported the same with amendment, accompanied by a report (No. 903); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7852) granting an increase of pension to O. M. Brown, reported the same with amendment, accompanied by a report (No. 904); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4649) granting a pension to William Bates, reported the same with amendment, accompanied by a report (No. 905); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2344) granting a pension to Alice V. Cook, reported the same without amendment, accompanied by a report (No. 906); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2694) granting a pension to Maggie D. Chapman, reported the same with amendment, accompanied by a report (No. 907); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1230) for the relief of Hannah Kennedy, reported the same with amendment, accompanied by a report (No. 908); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5673) to increase the pension of Ellen Spalding, reported the same with amendment, accompanied by a report (No. 909); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1999) granting an increase of pension to John E. Higgins, reported the same with amendment, accompanied by a report (No. 910); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5720) granting a pension to David Smith, reported the same with amendment, accompanied by a report (No. 911); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 602) granting an increase of pension to Charles H. Adams, reported the same with amendment, accompanied by a report (No. 912); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 538) granting a pension to Charles F. Winch, reported the same with amendment, accompanied by a report (No. 913); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6425) granting an increase of pension to William H. Wendell, reported the same with amendment, accompanied by a report (No. 914); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7202) granting a pension to Wiley Causey, reported the same with amendment, accompanied by a report (No. 915); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5695) granting a pension to Matilda Reeves, reported the same with amendment, accompanied by a report (No. 916); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9343) granting a pension to Ada E. Whaley, reported the same with amendment, accompanied by a report (No. 917); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4999) to increase the pension of Maj. William H. McLyman, reported the same with amendment, accompanied by a report (No. 918); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9826) granting an increase of pension to Russell L. Moore, reported the same with amendment, accompanied by a report (No. 919); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7186) for the relief of Sylvester Doss, alias Harry S. Doss, late pilot United States ram *Lancaster*, reported the same with amendment, accompanied by a report (No. 920); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8475) granting an increase of pension to Alice de Vecchj, reported the same with amendment, accompanied by a report (No. 921); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5439) granting a pension to Thomas B. Holland, reported the same with amendment, accompanied by a report (No. 922); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1319) granting an increase of pension to Annie E. Joseph, reported the same without amendment, accompanied by a report (No. 923); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 299) granting a pension to Susanna Marion, reported the same without amendment, accompanied by a report (No. 924); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4455) granting a pension to Louisa Weidner, otherwise called Louisa Milnor, reported the same with amendment, accompanied by a report (No. 925); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 139) granting a pension to Adelaide Sessions, reported the same without amendment, accompanied by a report (No. 926); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2510) granting an increase of pension to Caroline C. Townsend, reported the same without amendment, accompanied by a report (No. 927); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the bill (H. R. 10269) for the relief of Charles W. Geddes, and the same was referred to the Committee on the Public Lands.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LACEY: A bill (H. R. 10405) to authorize and regulate the sale and use of timber on the unappropriated and unreserved public lands—to the Committee on the Public Lands.

By Mr. GRAHAM: A bill (H. R. 10406) permitting the building of a dam across the St. Joseph River, near the eastern boundary of St. Joseph County, Ind.—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 10407) to amend an act regulating the inspection of flour in the District of Columbia, approved December 21, 1898—to the Committee on the District of Columbia.

By Mr. NORTON of Ohio: A resolution (H. Res. 211) authorizing transfer of funds at Huron Harbor, Ohio—to the Committee on Rivers and Harbors.

Also, a resolution (H. Res. 212) providing for survey of Sandusky River and Sandusky Bay, Ohio—to the Committee on Rivers and Harbors.

By Mr. DRISCOLL: Resolution of the senate of the State of New York, relative to Fort Hamilton, N. Y.—to the Committee on Military Affairs.

By Mr. SULZER: Resolution of the senate of the State of New York, relative to Fort Hamilton, N. Y.—to the Committee on Military Affairs.

Also, memorial of the legislature of the State of New York, asking for legislation by Congress relative to the exchange of the rifles and carbines now in use by the New York State militia for the arms used by the United States Army—to the Committee on Militia.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CALDWELL: A bill (H. R. 10408) granting a pension to Thomas White—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 10409) for the relief of James C. Drake—to the Committee on Claims.

By Mr. DENNY: A bill (H. R. 10410) to increase the pension of George M. Sinclair, late sergeant, Troop F, Second United States Cavalry—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 10411) to correct the military record of Hiram R. Tripp—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 10412) granting a pension to George B. Abbott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10413) for the relief of William E. Cummin, captain Company I, Tenth Regiment Michigan Cavalry—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 10414) for the relief of the estate of Wesley Crisler, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. HOFFECKER (by request): A bill (H. R. 10415) for the relief of the widow of Lemuel J. Draper, late assistant surgeon, United States Navy—to the Committee on Naval Affairs.

By Mr. JENKINS: A bill (H. R. 10416) for the relief of Elizabeth L. W. Bailey, administratrix, and so forth—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 10417) for the relief of the Mission of St. James, in the State of Washington—to the Committee on Private Land Claims.

By Mr. MAHON: A bill (H. R. 10418) for the relief of Alexander Everhart—to the Committee on Military Affairs.

By Mr. NORTON of Ohio: A bill (H. R. 10419) granting a pension to John Ash, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10420) granting a pension to Bachus S. Ruckman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10421) granting an increase of pension to Elizabeth Young—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 10422) authorizing the Solicitor of the Treasury to quitclaim and release the right, title, and interest of the United States to certain land in Texas—to the Committee on the Public Lands.

By Mr. PEARCE of Missouri: A bill (H. R. 10423) granting an honorable discharge to Charles E. Hofmann, late first lieutenant in Company H, Sixtieth Regiment of United States Colored Infantry—to the Committee on Military Affairs.

By Mr. RIDGELY: A bill (H. R. 10424) to remove the charge of desertion standing against Samuel L. Applegate—to the Committee on Military Affairs.

Also, a bill (H. R. 10425) to correct the military record of John D. Sparks—to the Committee on Military Affairs.

Also, a bill (H. R. 10426) to remove the charge of desertion against Henry C. Putty—to the Committee on Military Affairs.

Also, a bill (H. R. 10427) to remove the charge of desertion against David G. Cormack—to the Committee on Military Affairs.

Also, a bill (H. R. 10428) to remove the charge of desertion against T. F. Graham—to the Committee on Military Affairs.

Also, a bill (H. R. 10429) to remove charge of desertion against Edward J. Hoyt—to the Committee on Military Affairs.

Also, a bill (H. R. 10430) to remove the charge of desertion against Josiah Wilcox—to the Committee on Military Affairs.

Also, a bill (H. R. 10431) to remove the charge of desertion against Walter M. Macarty, alias Wallace M. Morton—to the Committee on Military Affairs.

Also, a bill (H. R. 10432) placing the name of J. J. Fugua on the roll of Company E, Thirty-third Kentucky Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 10433) for the relief of Emanuel Klauser—to the Committee on Military Affairs.

Also, a bill (H. R. 10434) to remove the charge of desertion from the military record of John McIntosh—to the Committee on Military Affairs.

Also, a bill (H. R. 10435) for the relief of William F. Andrews and correction of his record in the War Department—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 10436) for the relief of John H. Hams, of Loudoun County, Va.—to the Committee on War Claims.

By Mr. SHATTUC: A bill (H. R. 10437) granting a pension to Abbie A. Day, now Calvert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10438) granting relief to Hellen Robinson, late chambermaid and Army nurse steamer *City of Madison* when destroyed by explosion during the civil war—to the Committee on Claims.

Also, a bill (H. R. 10439) granting a pension to John K. Bell—to the Committee on Invalid Pensions.

By Mr. STARK: A bill (H. R. 10440) granting an increase of pension to William Mills—to the Committee on Invalid Pensions.

By Mr. WATERS: A bill (H. R. 10441) granting an increase of pension to John McCoy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10442) granting a pension to Thomas A. Cord—to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 10443) granting a pension to Anna C. White, widow of Thornton F. White, late acting assistant surgeon, United States Army—to the Committee on Invalid Pensions.

By Mr. PARKER of New Jersey: A bill (H. R. 10444) granting an increase of pension to Oswald A. Ahlstedt—to the Committee on Invalid Pensions.

By Mr. TOMPKINS: A bill (H. R. 10445) to remove the charge of desertion from the military record of Melvin Green—to the Committee on Military Affairs.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 10446) to remove the charge of desertion from Hugh Ferrell—to the Committee on Military Affairs.

Also, a bill (H. R. 10447) to remove the charge of desertion from the record of Thomas Eubanks—to the Committee on Military Affairs.

By Mr. WM. ALDEN SMITH: A bill (H. R. 10448) to correct the military record of James N. Davie—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of J. F. Webster and other citizens of Saukville, Wis., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

By Mr. BENTON: Petition of O. P. Morton Post, No. 14, and Curtis Post, No. 84, Department of Missouri, Grand Army of the Republic, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Friends Church of Carthage, Mo., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. BINGHAM: Petition of the Philadelphia Maritime Exchange, protesting against the passage of Senate bills No. 3382 and No. 3531, and House bill No. 9243, regulating the length of tows at sea or in the harbors of the seacoast—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOUTELLE of Maine: Petition of W. Norton and others of Corinth, Me., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, petition of Mrs. C. H. Pierce and other citizens of Hudson, Me., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BREAZEALE: Resolutions of James A. Garfield Post, No. 19, Grand Army of the Republic, Department of Mississippi and Louisiana, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BRENNER: Petition of Ed. Craig and others of Heno, Ohio, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

Also, petition of Port Roone Post, No. 747, Department of Ohio, Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BROWNLOW: Resolutions of J. A. Garfield Post, No. 591, of Mentor, Ohio; W. F. Dawes Post, No. 245, of Necedah, Wis., and F. Turrell Post, No. 93, of Webberville, Mich., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BURKETT: Petition of J. R. Spivey and others of Stella, Nebr., and vicinity, urging the enactment of House bill 5475, known as the anti-canteen bill—to the Committee on Military Affairs.

Also, resolutions of the Commercial Travelers' Mutual Accident Association, in favor of a trade treaty between United States and Canada—to the Committee on Ways and Means.

By Mr. BURTON: Petitions of the First Congregational Church of Oberlin; also, petition of Lorain County Farmers' Institute Association, State of Ohio, for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, Soldiers' Homes, and educational institutions—to the Committee on Military Affairs.

By Mr. BUTLER: Petition of A. C. Thomas and other citizens of Haverford, Pa., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. DENNY: Petition of William J. McCrea and other citizens of Baltimore, Md., and vicinity, urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. DRISCOLL: Petition of the Commercial Travelers' Mutual Accident Association, of Utica, for a trade treaty between the United States and Canada—to the Committee on Ways and Means.

Also, petition of Knowlton Post, No. 160, Department of New York, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union, No. 2, and Methodist Episcopal Church, of Syracuse, N. Y., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. ESCH: Resolutions of John W. Christian Post, No. 95, Grand Army of the Republic, Department of Wisconsin, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. FLETCHER: Resolutions of Levi Sutton Post, No. 73; Appomattox Post, No. 72, and Frank Halsted Post, No. 57, Department of Minnesota, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Stanley B. Roberts and others, of Minneapolis, Minn., to prohibit the sale of intoxicating liquors in Army canteens, etc.—to the Committee on Military Affairs.

Also, resolutions of the Cosmopolitan Club and Shakespeare Club, of Minneapolis, Minn., urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, resolution of the Commercial Club, of St. Paul, Minn., in favor of the reclamation of the arid lands of the United States—to the Committee on the Public Lands.

By Mr. GASTON: Petition of O. G. Schaefer and others, of Erie, Pa., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. GRAHAM: Petition of the Association of American Advertisers of New York, in support of House bill No. 9632, providing a safer and easier method of sending money by mail, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of graduate nurses, favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

Also, protest of the legislative committee of the Pennsylvania State Grange, against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Republican Territorial convention at Socorro, N. Mex., indorsing national and Territorial administrations, approving the action of Congress and making a plea for statehood—to the Committee on the Territories.

By Mr. GRIFFITH: Resolutions of A. O. Bachman Post, No. 26, of Madison, and Ira G. Grover Post, No. 283, of New Point, Department of Indiana, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HEMENWAY: Petition of Cigar Makers' Union of Evansville, Ind., favoring the Puerto Rico tariff—to the Committee on Ways and Means.

Also, resolution of Carpenters and Joiners' Union No. 652, urging construction of irrigation works—to the Committee on Irrigation of Arid Lands.

By Mr. HENRY of Connecticut: Petition of Williams & Carlton Company, of Hartford, Conn., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. JENKINS: Petition of Alfred Pillsbury and 86 citizens of Menominie, Wis., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. KETCHAM: Petition of Ketcham Post, No. 88, of Wappingers Falls, N. Y., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Society of Friends of Milton, N. Y., urging the passage of House bill No. 5475, prohibiting the sale of liquor in Army canteens, Soldiers' Homes, or reservations used by the Government—to the Committee on Military Affairs.

Also, petition of the Society of Friends of Milton, N. Y., for the suppression of gambling, including bookmaking on races in the District of Columbia and Territories—to the Committee on the Territories.

By Mr. LACY: Petition of Modern Woodmen Society of Westgrove, Iowa, asking amendment of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LANE: Resolution of Aug. Wentz Post, No. 1, of Davenport, Grand Army of the Republic, Department of Iowa, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. McALEER: Petition of the Association of American Knit Goods Manufacturers, Philadelphia, Pa., against the ratification of the treaty with France—to the Committee on Ways and Means.

Also, a petition of The Edgell Company, of Philadelphia, Pa., for the improvement of Trinity River to the city of Dallas, Tex.—to the Committee on Rivers and Harbors.

Also, petition of the Pennsylvania Mycological Society, Academy of Natural Sciences, Philadelphia, Pa., in favor of a national park being made of the Calaveras grove of Sequoias, in the State of California—to the Committee on the Public Lands.

Also, petition of the legislative committee of the Pennsylvania State Grange, urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of the executive committee of the Temperance Association of Friends of Philadelphia Yearly Meeting, favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

Also, resolution of the Keystone Association, Philadelphia, Pa., favoring the passage of House bill No. 6872, providing that the Allied Printing Trades label be used on all Government publications—to the Committee on Printing.

Also, petition of the New York State Commission of Prisons, favoring House bill No. 7519, prohibiting interstate commerce in prison-made goods—to the Committee on Interstate and Foreign Commerce.

Also, petition of the legislative committee of the Pennsylvania State Grange, against the passage of the ship subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Pennsylvania Fish Protective Association, favoring House bill No. 7343, establishing a fish hatchery and fish station in Pennsylvania—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Board of Trade and Transportation, in relation to the interests of Puerto Rico—to the Committee on Insular Affairs.

Also, petition of Thomas J. Stewart, adjutant-general of Pennsylvania, in favor of the passage of House bill No. 7936, increasing the appropriation for the State militia—to the Committee on Militia.

Also, petition of Association of American Advertisers, New York, and William Henry Maule, Philadelphia, Pa., in favor of postal checks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Commercial Travelers' Mutual Accident Association, for a trade treaty between the United States and Canada—to the Committee on the Judiciary.

By Mr. MERCER: Petition of citizens of Douglas County, Nebr., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. NEEDHAM: Resolution of Heintzelman Post, No. 33, and Riverside Post, No. 118, Department of California, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. POWERS: Petition of Christian Endeavor Society of Orange, Vt., protesting against the sale of liquor in our new possessions and in our Army—to the Committee on Insular Affairs.

Also, petition of C. S. Forsythe and other citizens of North Enosburg, Vt., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. PRINCE: Petition of John A. Parrott Post, No. 543, of Prophetstown, Ill., Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. RIDGELY: Petitions of New York Indians and their descendants, favoring the passage of House bill No. 10280, provid-

ing for the distribution of the judgment in favor of the New York Indians—to the Committee on Indian Affairs.

By Mr. ROBINSON of Indiana: Petitions of Edwards Camp, No. 3127; Ligonier Camp, No. 4824, and Columbia City Camp, No. 3657, Modern Woodmen societies, State of Indiana, for amendment of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHATTUC: Paper to accompany House bill granting a pension to John K. Bell—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10029, granting a pension to Elizabeth Springer, widow of Charles Springer, late of Company G, Ninth Ohio Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: Petitions of A. G. Reed Post, No. 105, of Butler, Pa., and J. C. Kuhn Post, No. 539, of Hooker, Pa., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Central Presbyterian Church, of Newcastle; Methodist Episcopal Church of North Salem, Pa., and of the United Presbyterian Church of Butler, Pa., to prohibit the sale of liquor on premises owned or used by the Government—to the Committee on Military Affairs.

Also, petition of the United Presbyterian Church of Butler, Pa., for the suppression of the liquor traffic, and urging other reforms in our new possessions—to the Committee on Insular Affairs.

By Mr. TONGUE: Petition of Woman's Christian Temperance unions of Mehama and Maple Grove, Oreg., praying for more stringent legislation against the sale of liquors in the Army canteens, etc.—to the Committee on Military Affairs.

By Mr. WADSWORTH: Petition of Curtis Bates Post, No. 114, and Peter A. Porter Post, No. 126, Grand Army of the Republic, Department of New York, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Young People's Society of Christian Endeavor of Jeddo, N. Y., urging the passage of House bill prohibiting the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. WARNER: Petitions of First Methodist Episcopal Church, Park Methodist Episcopal Church, Universalist Church, First Baptist, and the Christian Church, of Urbana, Ill., favoring a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. WEAVER: Papers to accompany House bill granting a pension to Anna C. White—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: Petition of citizens of Mount Carmel, Ill., urging the passage of House bill No. 5457, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

By Mr. ZIEGLER: Petition of the legislative committee of Pennsylvania State Grange, against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the legislative committee of Pennsylvania State Grange, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

SENATE.

THURSDAY, *April 5, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. KENNEY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SCHOONER BETSEY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of law and of facts filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop schooner *Betsey*, Lemuel Moody, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. ALEXANDER, and Mr. LANHAM managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1475) to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, and making appropriations therefor; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York. I present the following resolution, adopted by the legislature of the State of New York:

Resolved, That the attention of our Senators and Representatives in Congress from this State be called to the urgent necessity for the passage of an act of Congress directing the exchange, at the earliest possible date, of the Springfield rifles and carbines of caliber .45, now in use by the National Guard or organized militia of this and other States, for equal numbers of the arms used by the United States Army.

I move that the resolution be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. PLATT of New York presented a petition of the United Hatters of North America of Brooklyn, N. Y., praying for an increase of the salaries of machinists employed at the Government Printing Office; which was referred to the Committee on Printing.

He also presented a memorial of Local Union No. 45, International Brotherhood of Electrical Workers, of Buffalo, N. Y., remonstrating against the enactment of legislation to regulate electrical wiring in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Commercial Travelers' Mutual Accident Association of Utica, N. Y., praying for the enactment of legislation to establish trade and trade treaties between the United States and Canada; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Association of American Advertisers of New York City, praying for the enactment of legislation to prevent the robbing of the mail, and also to provide a safer and easier method of sending money through the mail, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Pawling Grange, No. 831, Patrons of Husbandry; of the congregations of the Presbyterian, Methodist, and Baptist churches and the Woman's Christian Temperance Union, all of Angelica; of the Evangelic Association of Dunkirk; of the congregation of the First Presbyterian Church of Dunkirk, and of the Jeddo Young People's Society of Christian Endeavor, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and all Government buildings and premises, and in our new island possessions; which were referred to the Committee on Military Affairs.

He also presented the memorial of Alonzo Foster, manager of the Star Lyceum Bureau, of New York, remonstrating against the further continuance of the war tax; which was referred to the Committee on Finance.

He also presented a petition of the congregations of sundry churches of Wolcott, N. Y., and a petition of the Young People's Society of Christian Endeavor of Jerusalem, N. Y., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

Mr. ROSS presented a memorial of the Christian Endeavor Society of Orange, Vt., remonstrating against the sale of intoxicating liquors in Army canteens and in our new island possessions; which was referred to the Committee on Military Affairs.

Mr. KENNEY presented a memorial of the Woman's Christian Temperance Union of Wilmington, Del., remonstrating against the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was ordered to lie on the table.

Mr. PENROSE presented a petition of the Ministerial Association of Johnstown, Pa., and of 400 citizens of Altoona, Pa., praying for the enactment of legislation to restrict American traders in the New Hebrides Islands from selling firearms and intoxicating liquors to the natives; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Philadelphia Maritime Exchange, of Philadelphia, Pa., praying for the passage of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a memorial of Encampment No. 135, Union Veteran Legion, of Wilkesbarre, Pa., remonstrating against the correction of the military records of deserters from the armies of the United States during the civil war except in certain cases; which was referred to the Committee on Military Affairs.

He also presented a memorial of the United Presbyterian congregation of Butler, Pa., remonstrating against the importation, manufacture, and sale of intoxicating liquors in our new island possessions; which was ordered to lie on the table.

He also presented a memorial of the congregation of the Methodist Church of North Salem, Pa., and a memorial of the congregation of the Free Baptist Church of Salem, Pa., remonstrating against the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. McMILLAN presented a petition of the Merchants and Manufacturers' Exchange of Detroit, Mich., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented memorials of the congregations of the First Baptist, the Christian, the Universalist, the First Methodist Episcopal, and the Park Methodist Episcopal churches, all of Urbana, Ill., remonstrating against the manufacture and sale of intoxicating liquors in Hawaii; which were ordered to lie on the table.

He also presented a petition of Local Union No. 317, United Mine Workers, of Springfield, Ill., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of labor on public works; which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Mount Carmel, Ill., remonstrating against the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Trades Council of Elgin, Ill., remonstrating against the enactment of legislation to regulate electrical wiring in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of Dunlap Grange, No. 919, Patrons of Husbandry, of Dunlap, Ill.; of sundry citizens of the Sixteenth Congressional district of Illinois, and of sundry citizens of Peoria and Fulton counties, Ill.; of sundry citizens of the Fifth Congressional district of Wisconsin; of sundry citizens of the Tenth Congressional district of Virginia; of sundry citizens of the Fifth Congressional district of Michigan; of sundry citizens of Independence, Kans.; of Miller & Griess, of Pottstown, Pa.; of sundry citizens of the Seventeenth Congressional district of Pennsylvania; of sundry citizens of Lancaster, Pa.; of sundry citizens of Millersburg, Pa.; of sundry citizens of the Twenty-first Congressional district of Pennsylvania; of sundry citizens of the Fourteenth Congressional district of Pennsylvania; of sundry citizens of Juniata, Pa.; of sundry citizens of Cumberland County, Pa.; of sundry citizens of Everett, Pa.; of sundry citizens of the Sixth Congressional district of Pennsylvania; of sundry citizens of Tyrone, Pa.; of sundry citizens of the Twelfth Congressional district of Pennsylvania, and of sundry citizens of Oil City, Pa., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. THURSTON presented a memorial of the Woman's Christian Temperance Union of Neligh, Nebr., remonstrating against the sale of intoxicating liquors and opium in Hawaii; which was ordered to lie on the table.

He also presented the petition of Mrs. E. J. Ellis and sundry other citizens of New Orleans, La., praying for the enactment of legislation to provide for the more rapid civilization of the Indians; which was referred to the Committee on Indian Affairs.

He also presented petitions of sundry members of the Modern Woodmen Society of Omaha, Riverton, Ames, Fairmont, Indianola, Potter, Cushing, and Crawford, all in the State of Nebraska, praying for the adoption of an amendment to paragraph 4, section 5, of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented a petition of Post No. 267, Department of Nebraska, Grand Army of the Republic, praying for the enactment of legislation to provide for the detail of active and retired officers of the Army and Navy to assist in military instruction in public schools; which was referred to the Committee on Military Affairs.

He also presented a petition of the Nebraska Farmer, of Omaha, Nebr., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. QUARLES presented a memorial of the Young People's Society of Christian Endeavor of Racine, Wis., and a memorial of the Welsh Christian Endeavor Society of Racine, Wis., remonstrating against the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. HANNA, from the Committee on Commerce, to whom was referred the bill (S. 3296) to provide for the establishment of a port of delivery at Worcester, Mass., reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 9713) permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minn., across the Mississippi River, reported it without amendment.

He also, from the same committee, to whom the subject was referred, submitted a report accompanied by a bill (S. 4025) to amend section 2872 of the Revised Statutes, relating to the unloading of vessels and cars at night; which was read twice by its title.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 168) for change in location of aids to navigation on Simmons Reef and Lansing Shoal, in Lake Michigan, reported it without amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (H. R. 963) to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Greenbay, Wis., reported it without amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4836) granting an increase of pension to Wilbur F. Loveland; and

A bill (H. R. 3312) granting an increase of pension to Ellen V. Myer.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (H. R. 4562) granting a pension to Lois A. Fields, reported it without amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 625) granting an increase of pension to Wesley Reed;

A bill (H. R. 8339) granting an increase of pension to Charles H. Gates;

A bill (H. R. 1946) granting a pension to Jane F. Chalmers; and

A bill (H. R. 6900) granting an increase of pension to Benjamin F. Kurtz.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (H. R. 1172) granting a pension to Rebecca J. Jones, reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 2848) for the relief of the legal representatives of Tomlinson & Hartupee & Co., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2671) for the relief of Lloyd W. Emmart, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia; which was agreed to.

Mr. SHOUP, from the Committee on Indian Affairs, to whom was referred the bill (S. 253) to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Perce Indians, reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 8063) to legalize and maintain the iron bridge across Pearl River at Rockport, Miss., reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 331) to erect a statue or monument in memory of George Henry Ellis, late chief yeoman in the United States Navy on the cruiser *Brooklyn*, reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Military Affairs, to whom was recommitted the bill (S. 1018) to establish a Branch Home of the National Home for Disabled Volunteer Soldiers at Castle Pinckney, in Charleston Harbor, South Carolina, or some other eligible site in or near that city, for the use of disabled officers and enlisted men of the Volunteer Army and Navy of the United States, reported it without amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 8876) granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation in Minnesota, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3901) providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin, reported it without amendment and submitted a report thereon.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. SEWELL. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 216)

for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers, to report it without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to appoint Sidney G. Cooke, of Kansas, Charles M. Anderson, of Ohio, and Alfred L. Pearson, of Pennsylvania, as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CIVIL SERVICE COMMISSION REPORT.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted yesterday by Mr. LODGE, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Senate document room 1,000 copies each, in separate pamphlets, of the following extracts of report of the United States Civil Service Commission:

Pages 35 to 47 and 53 to 61 of the Fourteenth Annual Report, part 1: "The demand for the reform from the Presidents and contemporary statesmen."

Pages 127 to 141 of the Fifteenth Annual Report, part 3: "The executive civil service and its classification."

Pages 443 to 485 of the Fifteenth Annual Report, part 6: "The practice of the Presidents in appointments and removals in the executive civil service from 1789 to 1883."

Pages 489 to 517 of the Fifteenth Annual Report, part 7: "Growth of civil-service reform in States and cities; the need of extending the merit system; civil-service reform in current literature, etc."

Pages 521 to 559 of the Fifteenth Annual Report, part 8: "Colonial governments and their civil service."

Pages 563 to 570 of the Fifteenth Annual Report, part 9: "Report of the chief examiner."

Pages 84 to 88 of the Sixteenth Annual Report: "Extracts from debates in Congress at the time of the passage of the civil-service law."

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4026) authorizing and directing the Secretary of War to issue medals of honor to the 130 living officers and soldiers of the five companies from Pennsylvania who were the first to reach Washington City for its defense on the 18th day of April, 1861; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4027) to correct the military record of Peter Connell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4028) granting a pension to Elizabeth Burget; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4029) granting a pension to Isabella Brockway (or St. John); which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 4030) granting a pension to Helen M. Glenny; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 4031) granting an increase of pension to Jonas M. McCoy; which was read twice by its title.

Mr. COCKRELL. I present, to accompany the bill, the petition of Mrs. McCoy, together with the affidavits of Dr. J. L. Short, William H. Burgess, Fred Burgess, Annie E. Hicks, and a petition of citizens, and the decision of the Assistant Secretary on an appeal. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. ELKINS introduced a bill (S. 4032) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HAWLEY introduced a bill (S. 4033) to establish permanent camp grounds in the North, East, South, and West, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. DANIEL introduced a bill (S. 4034) for the relief of Thomas L. Rosser, jr.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 4035) for the relief of the estate of Sidney F. Tate, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 4036) for the relief of Eliza L. Rivers; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4037) for the relief of the estate of Wesley Crisler, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 4038) for the relief of Henry Nicol; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Henry Nicol, praying for compensation for use and occupation of City Hotel property in Palmyra, Marion County, Mo., together with sundry affidavits, etc. I move that the bill and accompanying papers be referred to the Committee on Claims.

The motion was agreed to.

Mr. WOLCOTT introduced a bill (S. 4039) to establish a branch soldiers' home at or near Denver, Arapahoe County, Colo.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. QUARLES introduced a bill (S. 4040) granting an increase of pension to Mary C. Gage; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

INDIAN DEPREDATION CLAIMS.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the bill (S. 1005) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was referred to the Committee on Indian Depredations, and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McBRIDE submitted an amendment referring to the Secretary of the Treasury for investigation the claim of the State of Oregon for moneys advanced in aid of the suppression of the war of the rebellion, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. ALLEN. I submit an amendment intended to be proposed to the Indian appropriation bill, and move that it be referred to the Committee on Indian Affairs, with the accompanying papers, without printing, as that committee is now in session.

The motion was agreed to.

Mr. GEAR submitted an amendment proposing to regulate the hours of service of clerks and employees in first and second class post-offices, intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

IRON AND STEEL PRODUCTION IN ALABAMA.

Mr. MORGAN. I submit an amendment intended to be proposed by me to the naval appropriation bill, which I think is important and which I ask leave to have printed in the RECORD, and in connection with it, a letter from Mr. Bawron, a man of great character as a manufacturer in the steel and iron industry, with an accompanying letter from Mr. Aldrich, for the information of the committee to which the matter is referred.

There being no objection, the amendment and accompanying papers were referred to the Committee on Naval Affairs, and ordered to be printed and to be printed in the RECORD, as follows:

Amendment prepared by Mr. MORGAN to the naval appropriation bill.

To pay the expenses of travel and other incidental expenses of a commission to investigate and report upon the iron and steel productions of the Birmingham district of Alabama, with reference to their usefulness in the construction of ships of war, their armor plating and guns, $5,000, to be expended under the direction of the Secretary of the Navy.

Said commission shall consist of three experts, detailed from the offices of the Navy, who shall make an examination of the ores, fuels, fluxes, and other material used in the production and manufacture of iron and steel; and the furnaces and machinery in use, or that are available, in said district; and the quality of the iron and steel that is or can be produced in said district, with reference especially to armor plating and steel for the manufacture of guns of high power.

In their report the commissioners shall give, as near as may be, the cost of the production and manufacture of such metal and its transportation to the seaboard, with such other facts as will show the cost of the same to the Government if purchased or manufactured in said district, and its value for the purposes above mentioned.

TENNESSEE COAL, IRON AND RAILROAD COMPANY,
Birmingham, Ala., March 26, 1900.

Hon. JOHN T. MORGAN,
United States Senate, Washington, D. C.

MY DEAR SIR: I am in receipt of your esteemed favor of March 11.

I beg to state as follows:

The Birmingham district embraces three distinct coal fields: The Pratt coal field, which contains steam and coking coal; the Blue Creek, which has coking coal only, and the Cahaba, which has steam, gas, and domestic coal. All of these qualities of coal can be delivered in the Birmingham district in unlimited quantity and at low prices. The present daily output of the Tennessee Coal, Iron and Railroad Company is about 14,000 tons of coal, and, whilst we are the largest producer in the State, there are many independent producers, so that there is no semblance of monopoly. The varied quality and suitable character of these coals is perhaps most suitably shown by the fact that amongst them they furnish the fuel for the blast furnaces, rolling mills, foundries, steel works, locomotives, gas works, waterworks, cotton mills, and oil mills of this district, besides being shipped in large quantity for the bunkers of steamers at South Atlantic and Gulf ports, and the coke is shipped for the use of silver smelters in Mexico and the Western States. Coke can be had as low as 9 per cent in ash.

The resources of the district in pig iron are based upon the existence of a horizontal stratified bed of red fossiliferous iron ore, partially decomposed at the outer edge and running 50 per cent in metallic iron, but in its normal condition containing from 32 to 34 per cent of iron and sufficient lime to make it self-fluxing. This deposit averages in the working places in Red Mountain from 5 to 7 feet in thickness and extends without break over 20 miles. It is tilted to an angle varying from 15 to 35 degrees, cropping out some 200 feet above the level of the valley, and is therefore accessible on both sides of Red

Mountain, either by slopes or by drifts run in at various levels. This red ore is supplemented by the existence of very many thousands of acres of brown hematite ore or limonite, averaging from 48 to 50 per cent of metallic iron, which ranges from 10 to 50 feet in depth, and which is worked like placer diggings, but not hitherto by the hydraulic system. The combination of these two ores enables the furnaces to work with efficiency and regularity. The subcarboniferous limestone outcrops between the outcrops of coal and iron ore, the whole district being formed by an anticlinal, which has thrown the three respective outcrops closely together. The limestone is of two qualities, both carboniferous and magnesium or dolomitic.

We have, therefore, within the compass of half a county red and brown ores, limestone and dolomite, steam, coking, gas, and household coals. The result is that, owing to the absence of freight charges, which are replaced somewhat by switching charges, these materials are gathered together more easily and more cheaply than in any other part of the world which is known to me. There are in this county 23 blast furnaces, with a daily capacity for production of 4,000 tons of pig iron. This pig iron is of three classes—foundry iron, forge iron, and basic iron for the production of steel. It is being sold and has been sold for many years in every State of the American Union, in Canada, and Mexico; and within the past four years the market of the Birmingham district has extended and become world wide, as our sales are now made to almost every civilized country that is accessible by sea. In pursuance an amplification of this statement are referred to my evidence before the River and Harbor Committee, in the hands of the official stenographer, on the subject of the improvement of the Valley River and Village Creek waterway.

As is well known, the manufacture of Bessemer steel is giving way before the competition of the open-hearth process, and fortunately for this district the open-hearth process, which is the most reliable and produces the highest possible quality of steel, is the one adapted to our needs. This is now being used at two plants within greater Birmingham—one, with a daily capacity of from 1,000 to 1,500 tons, at Ensley, and the other, with a daily capacity of from 100 to 200 tons, in the city itself. The quality of this steel is controllable at will. I may state that shipments have been made of Ensley steel to the Benj. Atha & Illingsworth people at Newark, N. J., who made, I believe, large quantities of projectiles for the United States Government. This steel was relatively high carbon. The bulk of our production thus far has been called for in the shape of low carbon steel, especially suitable for steel hoops, plates, and wire. The average analysis of the first 200 heats of steel made by us, representing, say, 10,000 tons, was:

	Per cent.
Carbon	0.157
Phosphorus	.026
Sulphur	.024
Silicon	.005

Since that time we have as a rule been running on low carbon at the request of some of our customers, to suit the purposes which they have in view. We can deliver any quality of steel required, ranging from carbon 1 per cent down to less than 0.10 per cent. Any one familiar with the manufacture of steel and the open-hearth process will realize that this is a matter wholly within the control of the operator, and that the requirements of the consumer can be adequately met either as to percentage of carbon and manganese or the guaranty of a minimum of phosphorus and sulphur. I have before me numerous analyses showing the sulphur down to 0.011 and phosphorus down to 0.020.

There are three rolling mills in the district, adequately equipped for the production of 400 tons per day of every form of manufactured iron and steel plates, sheets, bars, angles, tees, hoops, etc. Every class of shipbuilding steel can be furnished here, and every class of iron castings except malleable castings. There is also now being built, and will be ready within ninety days, an establishment for the production of 50 tons per day of steel castings.

The city of Birmingham is traversed by two of the largest systems of trunk line in the country, belonging to the Louisville and Nashville and the Southern railways, having also connection with the Kansas City, Memphis and Birmingham and the Central of Georgia, and having the Mobile and Ohio and the Illinois Central within quite a short distance. It is admirably adapted for the shipment of Government products of steel or iron either to its arsenals or to forts by reason of these railway facilities, and the feasibility of the connection of Birmingham with Mobile by water, which has been already recommended to Congress by the Secretary of War, would permit of the delivery to a Government shipbuilding yard at Mobile of iron and steel necessary for the construction of vessels and the coal required for their bunkers at a rate not exceeding 50 cents per ton.

The district is unique in its concentration of everything which enters into the production of iron and steel at the cheapest possible costs. The facilities are such as should not, in my opinion, be neglected in the consideration by the United States Government of the most economical points of location of its business establishments, especially considering the strategic situation of the city—near enough either to South Atlantic or Gulf ports for ready and rapid access, or to the system of internal waterways which can be reached at Greenville, Miss., or Huntsville or Sheffield, Ala., and yet it is far enough away to be safe from any hostile attack in case of war.

The elevation of the city is 600 feet above tide water, giving excellent climatic conditions. The elevation subdues the temperature in summer, and the latitude prevents any interference by reason of rigorous weather during the winter.

I trust that these facts may be deemed worthy of some further investigation by Congress in its wisdom.

Yours, truly, J. BAWRON, *Vice-President.*

SLOSS SHEFFIELD STEEL AND IRON COMPANY,
SLOSS IRON AND STEEL COMPANY,
Birmingham, Ala., March 29, 1900.

DEAR SIR: I have a copy of your favor of March 11 to James Bawron, vice-president of the Tennessee Coal, Iron, and Railroad Company, and at his request desire to say that we quite agree with you that this district is worthy of an examination by the Government with reference to a supply of gun metal and armor plate.

I have no doubt that if the Government would make an offer for the purchase of armor plate for a term of years, that the capital could be raised and a plant put up here and the material delivered where needed. If private capitalists could undertake such a work, how much better it would be for the Government than for them to build one for themselves.

This being my view of the matter, I will not go into details as to a supply of the material necessary to make gun metal and armor plate.

Yours, truly,

T. H. ALDRICH.

HON. JOHN T. MORGAN,
United States Senate, Washington, D. C.

SENATOR FROM KENTUCKY.

Mr. JONES of Arkansas. I present the credentials of Hon. J. C. S. Blackburn, chosen by the legislature of Kentucky a Senator from that State for the term beginning March 4, 1901, together with some accompanying papers, which I ask to have printed, and that the credentials be placed on the files of the Senate.

The PRESIDENT pro tempore. Does the Senator from Arkansas desire to have the credentials read?

Mr. JONES of Arkansas. The credentials are somewhat lengthy, and I suggest that they be printed in the RECORD and also be printed as a document and be placed on the files.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The credentials were ordered to be filed and to be printed, and to be printed in the RECORD, as follows:

CREDENTIALS OF J. C. S. BLACKBURN.

Mr. JONES of Arkansas presented the following credentials of Joseph C. S. Blackburn, being a transcript from the journals of the proceedings of the legislature of the State of Kentucky in joint assembly, showing the election of Mr. Blackburn as a Senator from that State for the term of six years, commencing March 4, 1901.

COMMONWEALTH OF KENTUCKY:

The undersigned hereby certifies that the following is a true copy, taken from the journal of the house of representatives for the Commonwealth of Kentucky, of the proceedings on the 2d day of January, 1900, showing the election of a clerk of said house:

The speaker then announced that nominations for chief clerk were in order.

Mr. Hickman named Ed. O. Leigh, of the county of McCracken, as a suitable person for said office.

Mr. Slack named C. F. Ogden, of the city of Louisville, as a suitable person for said office.

The vote being taken between those named resulted as follows, viz:

Those who voted for Mr. Leigh were—

M. Abele,	G. T. Finn,	L. C. Rawlings,
J. W. Alexander,	I. N. Greene,	W. C. Ray,
T. H. Armstrong,	W. U. Grider,	William Ray,
C. C. Bagby,	J. W. Hance,	Abram Renick,
V. H. Baird,	Steve Henry,	J. P. Rose,
E. E. Barton,	G. W. Hickman,	T. M. Sharp,
G. T. Berry,	John T. Hinton,	C. L. Shawler,
David Bell,	G. A. Holland,	M. H. Sledge,
S. W. Booker,	J. P. Holt,	Benjamin Stephens,
C. F. Bosley,	W. F. Klair,	W. A. Stith,
Eli H. Brown,	W. T. Lafferty,	G. B. Stout,
J. C. Cantrill,	J. M. Letterle,	Robert Swan,
A. H. Charlton,	H. B. Lyon,	Claude Terrell,
R. O. Cochran,	W. H. Mimms,	George C. Traver,
W. H. Collopy,	E. M. Money,	R. E. Watkins,
J. C. B. Conrad,	C. Mueller,	L. E. Weatherford,
W. P. Cox,	Charles Aaron Nelson,	P. M. Willingham,
A. P. Crawford,	T. J. Nickell,	Speaker Trimble—58.
A. S. Denton,	Emmett Orr,	
J. L. Egbert,	Troy P. Perkins,	

Those who voted for Mr. Ogden were—

G. D. R. Aikin,	M. H. Heissman,	Ben T. Robinson,
Henry S. Berry,	R. C. Jarnagin,	J. F. Rogers,
R. R. Benningfield,	Isaac Johnson,	R. W. Slack,
B. J. Bethurum,	Jno. R. Kelday,	R. H. Spurrier,
H. Brister,	J. E. Leslie,	J. D. Strong,
W. A. Burkamp,	W. W. Lewis,	J. H. Sturgell,
J. W. Catron,	W. H. Lilly,	J. C. Taylor,
James Cooper,	B. H. Lott,	P. H. Taylor,
J. P. DeLong,	J. A. Mahaffey,	W. C. Tipton,
William M. Hail,	J. McDowell,	E. E. Trivett,
L. W. Hampton,	P. M. McRoberts,	Claiborne J. Walton,
W. T. Harris,	B. F. Meadows,	John M. Wilson,
J. P. Haswell, jr.,	W. S. Randolph,	M. R. Yarberry—41.
Edh. F. Hays,	E. H. Read,	

Mr. Leigh, having received a majority of the votes cast, was declared duly elected chief clerk of this house and thereupon took the oath of office prescribed by law.

The undersigned further certifies that the foregoing documents signed "A copy, attest: Claude Desha, chief clerk of senate," and "A copy, attest: Edw. O. Leigh, chief clerk H. R.," contains a true copy of the records of the ballotings of the house of representatives and in the joint assembly of the legislature of said State of Kentucky for the election of a United States Senator on the 9th day of January, 1900, and on the 16th day of January, 1900.

The undersigned further certifies that section 35 of the constitution of the State of Kentucky provides as follows:

"The number of representatives shall be 100 and the number of senators 38."

EDW. O. LEIGH.

Personally appeared before me, S. J. Shackelford, clerk Kentucky court of appeals, the above-named Edward O. Leigh, who made oath that the foregoing certificate by him subscribed is true.

Given under my hand and seal this 2d of April, 1900.

[SEAL.] S. J. SHACKELFORD, *C. C. A.*,
By S. D. HINES, *D. C.*

COMMONWEALTH OF KENTUCKY:

The undersigned hereby certifies that the following is a true copy taken from the journal of the senate for the Commonwealth of Kentucky of the proceedings on the 2d day of January, 1900, showing the election of a clerk of said senate:

The president announced that nominations for chief clerk of the senate were in order.

Whereupon Mr. Thomas nominated Claude Desha, of Harrison County, and Mr. Howard nominated Mr. J. Speed Smith, of Madison County, as suitable persons to fill said office,

There being no other nominations, the vote was then taken thereon, which resulted as follows, viz:

Those who voted for Mr. Desha were—

Geo. H. Alexander,	Newton Frazier,	J. H. McConnell,
J. Embry Allen,	J. G. Furnish,	R. E. Puryear,
John A. Bell,	J. C. Gillespie,	J. M. Thomas,
L. H. Carter,	William Goebel,	R. S. Triplett,
W. O. Coleman,	S. B. Harrel,	Newton W. Utley,
R. C. Crenshaw,	Thos. H. Hays,	W. T. Voiers,
G. T. Farris,	J. J. Johnston,	J. D. Watson,
McD. Ferguson,	W. O. Jones,	T. R. Welch—24.

Those who voted for Mr. Smith were—

John Barret,	N. T. Howard,	T. S. Kirk,
Curtis F. Burnam,	J. P. Huff,	W. E. Miller,
William H. Cox,	B. S. Huntsman,	F. M. White,
C. H. Dye,	R. M. Jolly,	J. L. Whitehead—12.

Whereupon the president declared Mr. Desha duly elected chief clerk of the senate for the present session, who then took the oaths required by the constitution and laws of this Commonwealth.

The undersigned further certifies that the foregoing documents signed "A copy, attest: Claude Desha, chief clerk of senate," and "A copy, attest: Edw. O. Leigh, chief clerk H. R." contains a true copy of the records of the ballotings of the house of representatives and in the joint assembly of the legislature of said State of Kentucky for the election of a United States Senator on the 9th day of January, 1900.

The undersigned further certifies that section 35 of the constitution of the State of Kentucky provides as follows:

"The number of representatives shall be one hundred, and the number of senators thirty-eight."

CLAUDE DESHA.

Personally appeared before me, a notary public for Fayette County, Ky., the above-named Claude Desha, who made oath that the foregoing certificate by him subscribed is true.

Given under my hand and seal this 2nd day of April, 1900.

[SEAL.] JNO. J. RILEY, *N. P., F. C.*

(Notary public, Fayette County, Ky. My commission expires March 3rd, 1902.)

IN THE SENATE, *Tuesday, January 9, 1900.*

At 12 o'clock m. the president of the senate announced that the hour had arrived for the execution of the special order of the hour, the election of a Senator in the Congress of the United States to succeed Hon. WILLIAM LINDSAY, whose term of office will expire on the 4th day of March, 1901.

The president then announced that nominations for the office of the United States Senator were in order.

Whereupon, Mr. Thomas nominated Hon. J. C. S. Blackburn as a suitable person to fill said office.

Mr. Howard nominated Hon. William O. Bradley as a suitable person to fill said office.

There being no other nominations, the president then announced that the clerk would now proceed to take the viva voce vote of the senate, which, being taken, resulted as follows, viz:

Those who voted for Mr. Blackburn were—

J. Embry Allen,	J. G. Furnish,	J. M. Thomas,
John A. Bell,	J. C. Gillespie,	R. S. Triplett,
L. H. Carter,	William Goebel,	Newton W. Utley,
W. O. Coleman,	S. B. Harrel,	W. T. Voires,
R. C. Crenshaw,	J. J. Johnson,	J. D. Watson,
G. T. Farris,	J. H. McConnell,	T. R. Welch—22.
McD. Ferguson,	R. E. Puryear,	
Newton Frazier,	A. D. Roberts,	

Those who voted for Mr. Bradley were—

John Barret,	N. T. Howard,	T. S. Kirk,
Curtis F. Burnam,	J. P. Huff,	W. E. Miller,
William H. Cox,	B. S. Huntsman,	F. M. White,
C. H. Dye,	R. M. Jolley,	J. L. Whitehead—12.

The president then announced that Hon. J. C. S. Blackburn had received a majority of all the votes cast; the clerk will make such an entry on the journal.

WEDNESDAY, *January 10, 1900.*

Messrs. Howard and Farris were appointed a committee on the part of the senate to notify the house of representatives that the senate was ready to proceed to the execution of the joint order of the day—the election of a Senator in the Congress of the United States.

After a short time Mr. Howard, of said committee, reported that the committee had performed that duty.

A message was received from the house of representatives, by Messrs. Terrel, Jarnagin, and Denton, announcing that they were ready to proceed to the execution of said joint order.

The hour of 12 o'clock m. having arrived, the president of the senate announced that the senators would now repair to the hall of the house of representatives for the purpose of ascertaining the vote cast in each house of the general assembly on yesterday for those who had been voted for in the respective houses for the office of Senator in the Congress of the United States to succeed Hon. WILLIAM LINDSAY, whose term will expire on the 4th day of March, 1901.

Hon. South Trimble, speaker of the house of representatives, pursuant to a joint rule of the senate and house of representatives, took the chair and called the joint assembly to order.

The roll of the joint assembly was then called, and the following members thereof answered to their names:

Senators—

J. Embry Allen,	J. G. Furnish,	R. E. Puryear,
John Barret,	J. C. Gillespie,	A. D. Roberts,
John A. Bell,	William Goebel,	J. M. Thomas,
Curtis F. Burnam,	S. B. Harrel,	R. S. Triplett,
L. H Carter,	N. T. Howard,	Newton W. Utley,
W. O. Coleman,	J. P. Huff,	W. T. Voires,
William H. Cox,	B. S. Huntsman,	J. D. Watson,
R. C. Crenshaw,	J. J. Johnson,	T. R. Welch,
C. H. Dye,	R. M. Jolley,	F. M. White,
G. T. Farris,	T. S. Kirk,	J. L. Whitehead—34.
McD. Ferguson,	J. H. McConnell,	
Newton Frazier.	W. E. Miller,	

Representatives—

M. Abele,	L. W. Hampton,	W. S. Randolph,
G. D. R. Aikin,	J. W. Hance,	L. C. Rawlings,
J. M. Alexander,	W. T. Harris,	W. C. Ray,
T. H. Armstrong,	J. P. Haswell, jr.,	E. H. Read,
C. C. Bagby,	Eph W. Hays,	Abram Renick,
V. H. Baird,	M. H. Heissman,	Ben T. Robinson,
E. E. Barton,	Steve Henry,	J. F. Rogers,
G. T. Berry,	G. W. Hickman,	J. P. Rose,
Henry S. Berry,	John T. Hinton,	T. M. Sharp,
R. R. Benningfield,	G. A. Holland,	C. L. Shawler,
David Bell,	J. P. Holt,	R. W. Slack,
B. J. Bethurum,	R. C. Jarnagin,	M. H. Sledge,
S. W. Booker,	Isaac Johnson,	R. H. Spurrier,
C. F. Bosley,	John R. Kelday,	Benjamin Stephens,
H. Brister,	W. F. Klair,	W. A. Stith,
Eli H. Brown,	J. E. Leslie,	G. B. Stout,
W. A. Burkamp,	J. M. Letterle,	J. D. Strong,
J. C. Cantrill,	William Lewis,	J. H. Sturgell,
J. W. Catron,	W. W. Lewis,	Robert Swan,
A. H. Charlton,	W. H. Lilly,	J. C. Taylor,
R. O. Cochran,	B. H. Lott,	P. H. Taylor,
W. H. Collopy,	H. B. Lyon,	Claude Terrel,
J. C. B. Conrad,	J. A. Mahaffey,	W. C. Tipton,
James Cooper,	J. McDowell,	George P. Traver,
W. P. Cox,	P. M. McRoberts,	E. E. Trivett,
A. P. Crawford,	B. F. Meadows,	Claiborne J. Walton,
J. P. De Long,	W. H. Mimms,	R. E. Watkins,
A. S. Denton,	E. M. Money,	L. E. Weatherford,
J. L. Egbert,	C. Mueller,	P. M. Willingham,
G. T. Finn,	Charles A. Nelson,	John M. Wilson,
I. N. Greene,	T. J. Nickell,	M. R. Yarberry,
W. U. Grider,	Emmett Orr,	Speaker Trimble—98.
William H. Hail,	Troy P. Perkins,	

The journals of the senate and house of representatives of the preceding day were then read and adopted in joint assembly.

And it appearing therefrom that in execution of the laws aforesaid and the joint order to go into the election of a Senator from the State of Kentucky in the Congress of the United States to succeed Hon. William Lindsay, whose term of service will expire on the 4th day of March, 1901, the vote stood:

IN THE SENATE.

Those who voted for Blackburn were—

J. Embry Allen,	J. G. Furnish,	A. D. Roberts,
John A. Bell,	J. C. Gillespie,	J. M. Thomas,
L. H. Carter,	William Goebel,	R. S. Triplet,
W. O. Coleman,	S. B. Harrel,	Newton W. Utley,
R. C. Crenshaw,	J. J. Johnson,	W. T. Voires,
G. T. Farris,	J. H. McConnell,	J. D. Watson,
McD. Ferguson,	R. E. Puryear,	T. R. Welch—22.
Newton Frazier,		

Those who voted for Bradley were—

John Barret,	N. T. Howard,	T. S. Kirk,
Curtis F. Burnam,	J. P. Huff,	W. E. Miller,
William H. Cox,	B. S. Huntsman,	F. M. White,
C. H. Dye,	R. M. Jolly,	J. L. Whitehead—12.

IN THE HOUSE OF REPRESENTATIVES.

Those who voted for Blackburn were—

M. Abele,	J. L. Egbert,	Emmett Orr,
J. W. Alexander,	G. T. Finn,	Troy P. Perkins,
T. H. Armstrong,	I. N. Greene,	L. C. Rawlings,
C. C. Bagby,	W. U. Grider,	W. C. Ray,
V. H. Baird,	J. W. Hance,	Abram Renick,
E. E. Barton,	Steve Henry,	J. P. Rose,
G. T. Berry,	G. W. Hickman,	T. M. Sharp,
David Bell,	John T. Hinton,	C. L. Shawler,
S. W. Booker,	G. A. Holland,	M. H. Sledge,
C. F. Bosley,	J. P. Holt,	Benjamin Stephens,
Eli H. Brown,	W. F. Klair,	W. A. Stith,
J. C. Cantrill,	W. T. Lafferty,	G. B. Stout,
A. H. Charlton,	J. M. Letterle,	Robert Swan,
R. O. Cochran,	H. B. Lyon,	Claude Terrel,
W. H. Collopy,	W. H. Mimms,	George C. Traver,
J. C. B. Conrad,	E. M. Money,	R. E. Watkins,
W. P. Cox,	C. Mueller,	L. E. Weatherford,
A. P. Crawford,	Charles A. Nelson,	P. M. Willingham,
A. S. Denton,	T. J. Nickell,	Speaker Trimble—57.

Those who voted for Bradley were—

G. D. R. Aikin,	M. H. Heissman,	E. H. Read,
Henry S. Berry,	R. C. Jarnagin,	Ben T. Robinson,
R. R. Benningfield,	Isaac Johnson,	J. F. Rogers,
B. J. Bethurum,	John R. Kelday,	R. W. Slack,
H. Brister,	J. E. Leslie,	R. H. Spurrier,
W. A. Burkhamp,	William Lewis,	J. D. Strong,
J. W. Catron,	W. W. Lewis,	J. H. Sturgell,
James Cooper,	W. H. Lilly,	J. C. Taylor,
J. P. DeLong,	B. H. Lott,	P. H. Taylor,
William M. Hail,	J. A. Mahaffey,	W. C. Tipton,
L. W. Hampton,	J. McDowell,	E. E. Trivett,
W. T. Harris,	P. M. McRoberts,	Claiborne J. Walton,
J. P. Haswell, jr.,	B. F. Meadows,	John M. Wilson,
Eph F. Jays,	W. S. Randolph,	M. R. Yarberry—42.

The joint vote stood:

	Votes.
For Hon. J. C. S. Blackburn	79
For Hon. William O. Bradley	54
Total	133
Necessary to a choice	67

The speaker of the house of representatives and presiding officer of the joint assembly then announced that the Hon. J. C. S. Blackburn, having received a majority of all the votes in each house, there being present and voting viva voce a majority of all the members elected to each house of the general assembly, was duly elected a Senator from the State of Kentucky to serve as such in the Congress of the United States for the term of six years, commencing on the 5th day of March, 1901.

The journals of the proceedings of the joint assembly of to-day were then read and approved.

IN THE HOUSE OF REPRESENTATIVES,
Tuesday, January 9, 1900.

Mr. Hickman moved that the house do now proceed, in accordance with the statutes in such cases made and provided, to the election of a Senator in

the Congress of the United States from the State of Kentucky, to succeed the Hon. WILLIAM LINDSAY, whose term of office will expire on the 4th day of March, 1901.

Which was agreed to.

The speaker announced that nominations for said office were in order.

Mr. Hickman named the Hon. J. C. S. Blackburn as a suitable person to fill said office.

Mr. Slack named the Hon. William O. Bradley as a suitable person to fill said office.

The house then proceeded to take a ballot between those named and in nomination for the office of Senator in the Congress of the United States as aforesaid, which ballot resulted as follows, viz:

Those who voted for Mr. Blackburn were—

M. Abele,	J. L. Egbert,	Emmett Orr,
J. W. Alexander,	G. T. Finn,	Troy P. Perkins,
T. H. Armstrong,	I. N. Greene,	L. C. Rawlings,
C. C. Bagby,	W. U. Grider,	W. C. Ray,
V. H. Baird,	J. W. Hance,	Abram Renick,
E. E. Barton,	Steve Henry,	J. P. Rose,
G. T. Berry,	G. W. Hickman,	T. M. Sharp,
David Bell,	John T. Hinton,	C. L. Shawler,
S. W. Booker,	G. A. Holland,	M. H. Sledge,
C. F. Bosley,	J. P. Holt,	Benjamin Stephens,
Eli H. Brown,	W. F. Klair,	W. A. Stith,
J. C. Cantrill,	W. T. Lafferty,	G. B. Stout,
A. H. Charlton,	J. M. Letterle,	Robert Swan,
R. O. Cochran,	H. B. Lyon,	Claude Terrel,
W. H. Collopy,	W. H. Mimms,	George C. Traver,
J. C. B. Conrad,	E. M. Money,	R. E. Watkins,
W. P. Cox,	C. Mueller,	L. E. Weatherford,
A. P. Crawford,	Charles A. Nelson,	P. M. Willingham,
A. S. Denton,	T. J. Nickell,	Speaker Trimble—57.

Those who voted for Mr. Bradley were—

G. D. R. Aikin,	M. H. Heissman,	E. H. Read,
Henry S. Berry,	R. C. Jarnagin,	Ben T. Robinson,
R. R. Benningfield,	Isaac Johnson,	J. F. Rogers,
B. J. Bethurum,	John R. Kelday,	R. W. Slack,
H. Brister,	J. E. Leslie,	R. H. Spurrier,
W. A. Burkamp,	William Lewis,	J. D. Strong,
J. W. Catron,	W. W. Lewis,	J. H. Sturgell,
James Cooper,	W. H. Lilly,	J. C. Taylor,
J. P. De Long,	B. H. Lott,	P. H. Taylor,
William M. Hail,	J. A. Mahaffey,	W. C. Tipton,
L. W. Hampton,	J. McDowell,	E. E. Trivett,
W. T. Harris,	P. M. McRoberts,	Claiborne J. Walton,
J. P. Haswell, jr.,	B. F. Meadows,	John M. Wilson,
Eph F. Hays,	W. S. Randolph,	M. R. Yarberry—42.

On summing up the vote it was found to stand thus:

	Votes.
For Mr. Blackburn	57
For Mr. Bradley	42

Ordered that the clerk enter on the journal that Joseph C. S. Blackburn received a majority of all the votes cast, a majority of all the members elected to the house being present and voting.

IN THE HOUSE OF REPRESENTATIVES,
Wednesday, January 10, 1900.

Mr. Terrell moved that a committee of three be appointed to notify the senate that this house is now ready to receive the senate in joint assembly and proceed to the execution of the joint order of the day, pursuant to the laws of the United States and the State of Kentucky, in such cases made and provided, to wit, the election of a Senator from the State of Kentucky in the Congress of the United States to succeed the Hon. WILLIAM LINDSAY, whose term of office will expire on the 4th day of March, 1901.

Which motion was agreed to.

The speaker appointed Messrs. Terrell, Denton, and Jarnagin as said committee, who, after a while, reported that they had performed that duty.

A message was received from the senate, by Senators Farris and Howard, announcing that the senate was ready to go into joint assembly for the purpose of executing the joint order as aforesaid.

The hour of 12 o'clock meridian having arrived, the hour for the joint special order of the day, viz, the election of a Senator in the Congress of the United States from the State of Kentucky to succeed to the Hon. WILLIAM LINDSAY, whose term of office will expire on the 4th day of March, 1901, said special order being in pursuance of an act of Congress of the United States and the law of Kentucky.

The senate of Kentucky, in order, entered upon the floor of the house of representatives in pursuance to a joint rule of the senate and house of representatives; the Hon. South Trimble, speaker of the house of representatives, took the chair and presided, the Hon. John Marshall, lieutenant-governor and president of the senate, having taken his seat upon the left of the speaker. The two houses were convened in joint assembly, the same being composed of a majority of the members elected to each house.

The roll was then called, and the following members of the joint assembly answered to their names, as follows, viz:

Senators—

J. Embry Allen,	J. G. Furnish,	R. E. Puryear,
John Barret,	J. C. Gillespie,	A. D. Roberts,
John A. Bell,	William Goebel,	J. M. Thomas,
Curtis F. Burnam,	S. B. Harrel,	R. S. Triplet,
L. H. Carter,	N. T. Howard,	Newton W. Utley,
W. O. Coleman,	J. P. Huff,	W. T. Voires,
William H. Cox,	B. S. Huntsman,	J. D. Watson,
R. C. Crenshaw,	J. J. Johnson,	T. R. Welch,
C. H. Dye,	R. M. Jolly,	F. M. White,
G. T. Farris,	T. S. Kirk,	J. L. Whitehead—34.
McD. Ferguson,	J. H. McConnell,	
Newton Frazier,	W. E. Miller,	

Representatives—

M. Abele,	H. Brister,	J. L. Egbert,
G. D. R. Aikin,	Eli H. Brown,	G. T. Finn,
J. W. Alexander,	W. A. Burkamp,	I. N. Greene,
T. H. Armstrong,	J. C. Cantrill,	W. U. Grider,
C. C. Bagby,	J. W. Catron,	William H. Hail,
V. H. Baird,	A. H. Charlton,	L. W. Hampton,
E. E. Barton,	R. O. Cochran,	J. W. Hance,
G. T. Berry,	W. H. Collopy,	W. T. Harris,
Henry S. Berry,	J. C. B. Conrad,	J. P. Haswell, jr.,
R. R. Benningfield,	James Cooper,	Eph F. Hays,
David Bell,	W. P. Cox,	M. H. Heissman,
B. J. Bethurum,	A. P. Crawford,	Steve Henry,
S. W. Booker,	J. P. DeLong,	G. W. Hickman,
C. F. Bosley,	A. S. Denton,	John T. Hinton,
G. A. Holland,	C. Mueller,	W. A. Stith,
J. P. Holt,	Charles A. Nelson,	G. B. Stout,
R. C. Jarnagin,	T. J. Nickell,	J. D. Strong,
Isaac Johnson,	Emmett Orr,	J. H. Sturgell,
John R. Kelday,	Troy P. Perkins,	Robert Swan,
W. F. Klair,	W. S. Randolph,	J. C. Taylor,
J. E. Leslie,	L. C. Rawlings,	P. H. Taylor,
J. M. Letterle,	W. C. Ray,	Claude Terrell,
William Lewis,	E. H. Read,	W. C. Tipton,
W. W. Lewis,	Abram Renick,	George C. Traver,
W. H. Lilly,	Ben T. Robinson,	E. E. Trivett,
B. H. Lott,	J. F. Rogers,	Claiborne J. Walton,
H. B. Lyon,	J. P. Rose,	R. E. Watkins,
J. A. Mahaffey,	T. M. Sharp,	L. E. Weatherford,
J. McDowell,	C. L. Shawler,	P. M. Willingham,
P. M. McRoberts,	R. W. Slack,	John M. Wilson,
B. F. Meadows,	M. H. Sledge,	M. R. Yarberry,
W. H. Mimms,	R. H. Spurrier,	Speaker Trimble—98.
E. M. Money,	Benjamin Stephens,	

The journals of the proceedings had in the two houses on yesterday pertaining to the election of a Senator in the Congress of the United States as aforesaid were read and approved by the joint assembly.

It appears upon reading and comparison of the journals, as aforesaid, that the votes taken in the two houses separately on yesterday were as follows, viz:

IN THE SENATE.

Those who voted for Mr. Blackburn were—

J. Embry Allen,	J. G. Furnish,	J. M. Thomas,
John A. Bell,	J. C. Gillespie,	R. S. Triplet,
L. H. Carter,	William Goebel,	Newton W. Utley,
W. O. Coleman,	S. B. Harrel,	W. T. Voires,
R. C. Crenshaw,	J. J. Johnson,	J. D. Watson,
G. T. Farris,	J. H. McConnell,	T. R. Welch—22.
McD. Ferguson,	R. E. Puryear,	
Newton Frazier,	A. D. Roberts,	

Those who voted for Mr. Bradley were—

John Barret,	N. T. Howard,	T. S. Kirk,
Curtis F. Burnam,	J. P. Huff,	W. E. Miller,
William H. Cox,	B. F. Huntsman,	F. M. White,
C. H. Dye,	R. M. Jolly,	J. L. Whitehead—12.

IN THE HOUSE OF REPRESENTATIVES.

Those who voted for Mr. Blackburn were—

M. Abele,	J. L. Egbert,	Emmett Orr,
J. W. Alexander,	G. T. Finn,	Troy P. Perkins,
T. H. Armstrong,	I. N. Greene,	L. C. Rawlings,
C. C. Bagby,	W. U. Grider,	W. C. Ray,
V. H. Baird,	J. W. Hance,	Abram Renick,
E. E. Barton,	Steve Henry,	J. P. Rose,
G. T. Berry,	G. W. Hickman,	T. M. Sharp,
David Bell,	John T. Hinton,	C. L. Shawler,
S. W. Booker,	G. A. Holland,	M. H. Sledge,
C. F. Bosley,	J. P. Holt,	Benjamin Stephens,
Eli H. Brown,	W. F. Klair,	W. A. Stith,
J. C. Cantrill,	W. T. Lafferty,	G. B. Stout,
A. H. Charlton,	J. M. Letterle,	Robert Swan,
R. O. Cochran,	H. B. Lyon,	Claude Terrel,
W. H. Collopy,	W. H. Mimms,	George C. Traver,
J. C. B. Conrad,	E. M. Money,	R. E. Watkins,
W. P. Cox,	C. Mueller,	L. E. Weatherford,
A. P. Crawford,	Charles A. Nelson,	P. M. Willingham,
A. S. Denton,	P. J. Nickell,	Speaker Trimble—57.

Those who voted for Mr. Bradley were—

G. D. R. Aikin,	M. H. Heissman,	E. H. Read,
Henry S. Berry,	R. C. Jarnagin,	Ben T. Robinson,
R. R. Benningfield,	Isaac Johnson,	J. F. Rogers,
B. J. Bethurum,	John R. Kelday,	R. W. Slack,
H. Brister,	J. E. Leslie,	R. H. Spurrier,
W. A. Burkamp,	William Lewis,	J. D. Strong,
J. W. Catron,	W. W. Lewis,	J. H. Sturgell,
James Cooper,	W. H. Lilly,	J. C. Taylor,
J. P. De Long,	B. H. Lott,	P. H. Taylor,
William M. Hail,	J. A. Mahaffey,	W. C. Tipton,
L. W. Hampton,	J. McDowell,	E. E. Trivett,
W. T. Harris,	P. M. McRoberts,	Claiborne J. Walton,
J. P. Haswell, jr.,	B. F. Meadows,	John M. Wilson,
Eph F. Hays,	W. S. Randolph,	M. R. Yarberry—42.

The vote stood:

	Votes.
In the senate—	
For Hon. J. C. S. Blackburn	22
For Hon. William O. Bradley	12
In the house of representatives—	
For Hon. J. C. S. Blackburn	57
For Hon. William O. Bradley	42

It appearing from the reading and comparison of the journals aforesaid that Hon. J. C. S. Blackburn received a majority of all the votes cast in each house, a majority of all the members elected to each house being present and voting,

The Hon. South Trimble, speaker of the house of representatives, presiding over the joint assembly, announced and declared that the Hon. J. C. S. Blackburn is duly elected Senator in the Congress of the United States from the State of Kentucky, to succeed the Hon. WILLIAM LINDSAY, whose term of office will expire on the 4th day of March, 1901.

The journals of the proceedings of the joint assembly of to-day were read and approved by the joint assembly.

Senator Ferguson moved that the joint assembly do now dissolve.

Said motion was agreed to.

IN THE SENATE, *Tuesday, January 16, 1900.*

At 12 o'clock m. the president of the senate announced that the hour had arrived for the execution of the order of that hour, the election of a Senator in the Congress of the United States to succeed Hon. WILLIAM LINDSAY, whose term of office will expire on the 4th day of March, 1901.

The president then announced that nominations for the office of United States Senator were in order.

Whereupon, Mr. Thomas nominated Hon. J. C. S. Blackburn as a suitable person to fill said office.

Mr. Howard nominated Hon. W. O. Bradley as a suitable person to fill said office.

There being no other nominations, the president then announced that the

clerk would now proceed to take the viva voce vote of the senate, which, being taken, resulted as follows, viz:

Those who voted for Mr. Blackburn were—

J. Embry Allen,	J. G. Furnish,	A. D. Roberts,
John A. Bell,	J. C. Gillespie,	J. M. Thomas,
L. H. Carter,	William Goebel,	Newton W. Utley,
W. O. Coleman,	S. B. Harrel,	W. T. Voires,
R. C. Crenshaw,	J. J. Johnson,	J. D. Watson,
G. T. Farris,	W. O. Jones.	T. R. Welch—22.
McD. Ferguson,	J. H. McConnell,	
Newton Frazier,	R. E. Puryear,	

Those who voted for Mr. Bradley were—

John Barret,	N. T. Howard,	T. S. Kirk,
Curtis F. Burnam,	J. P. Huff,	W. E. Miller,
William H. Cox,	B. S. Huntsman,	F. M. White,
C. H. Dye,	R. M. Jolly,	J. L. Whitehead—12.

The president then announced that Hon. J. C. S. Blackburn, having received a majority of all the votes cast, the clerk will make such an entry on the journal.

WEDNESDAY, *January 17, 1900.*

A message was received from the house of representatives, by Messrs. Terrell, Booker, and Hickman, announcing that they were ready to proceed to the execution of the joint order of the day, the election of a Senator in the Congress of the United States.

The hour of 12 o'clock m. having arrived, the president of the senate announced that the senators would now repair to the hall of the house of representatives for the purpose of ascertaining the votes cast in each house of the general assembly on yesterday for those who had been voted for in the respective houses for the office of Senator in the Congress of the United States to succeed Hon. WILLIAM LINDSAY, whose term will expire on the 4th day of March, 1901.

Hon. South Trimble, speaker of the house of representatives, pursuant to a joint rule of the senate and house of representatives, took the chair and called the joint assembly to order.

The roll of the joint assembly was then called, and the following members thereof answered to their names:

Senators—

J. Embry Allen,	J. C. Gillespie,	R. E. Puryear,
John Barret,	William Goebel,	A. D. Roberts,
John A. Bell.	S. B. Harrel.	J. M. Thomas,
Curtis F. Burnam,	N. T. Howard,	R. S. Triplet,
L. H. Carter.	J. P. Huff.	Newton W. Utlay,
W. O. Coleman,	B. S. Huntsman,	W. T. Voires,
William H. Cox,	J. J. Johnson,	J. D. Watson,
C. H. Dye.	R. M. Jolly,	T. R. Welch,
G. T. Farris.	W. O. Jones,	F. M. White.
McD. Ferguson,	T. S. Kirk,	J. L. Whitehead—34.
Newton Frazier,	J. H. McConnell,	
J. G. Furnish.	W. E. Miller,	

Representatives—

M. Abele,	William M. Hail,	W. S. Randolph,
G. D. R. Aikin,	L. W. Hampton,	L. C. Rawlings,
J. W. Alexander,	J. W. Hance,	W. C. Ray,
T. H. Armstrong,	W. T. Harris,	E. H. Read,
C. C. Bagby,	J. P. Haswell, jr.,	Abram Renick,
V. H. Baird,	Eph F. Hays,	Ben T. Robinson,
E. E. Barton,	M. H. Heissman,	J. F. Rogers,
G. T. Berry,	Steve Henry,	J. P. Rose.
Henry S. Berry,	G. W. Hickman,	T. M. Sharp,
R. R. Benningfield,	John T. Hinton,	C. L. Shawler,
David Bell,	G. A. Holland,	R. W. Slack,
B. J. Bethurum,	J. P. Holt,	M. H. Sledge,
S. W. Booker,	R. C. Jarnagin,	R. H. Spurrier,
C. F. Bosley,	Isaac Johnson,	Benjamin Stephens,
H. Brister,	John R. Kelday,	W. A. Stith,
Eli H. Brown,	W. T. Lafferty,	G. B. Stour,
W. A. Burkamp,	J. E. Leslie,	J. D. Strong,
J. C. Cantrill,	J. M. Letterle,	J. H. Sturgell,
J. W. Catron,	William Lewis,	Robert Swan,
A. H. Charlton,	W. W. Lewis,	J. C. Taylor,
R. O. Cochran,	W. H. Lilly,	P. H. Taylor,
W. H. Collopy,	B. H. Lott.	Claude Terrell,
J. C. B. Conrad,	H. B. Lyon,	W. C. Tipton,
James Cooper,	J. A. Mahaffey,	George C. Traver,
W. P. Cox,	J. McDowell.	E. E. Trivett,
A. P. Crawford,	P. M. McRoberts,	Claiborne J. Walton,
J. P. De Long,	W. H. Mimms,	R. E. Watkins,
A. S. Denton,	C. Mueller,	L. E. Weatherford,
J. L. Egbert,	Charles A. Nelson,	P. M. Willingham,
G. T. Finn.	T. J. Nickell,	John M. Wilson,
I. N. Greene,	Emmett Orr,	M. R. Yarberry,
W. U. Grider,	Troy P. Perkins,	Speaker Trimble—96.

The journals of the senate and house of representatives of the preceding day were then read and adopted in joint assembly.

And it appearing therefrom that in execution of the laws aforesaid and of the joint order to go into the election of a Senator from the State of Kentucky in the Congress of the United States to succeed Hon. WILLIAM LINDSAY, whose term of service will expire on the 4th day of March, 1901, the vote stood:

IN THE SENATE.

Those who voted for Mr. Blackburn were—

J. Embry Allen,	J. G. Furnish,	A. D. Roberts,
John A. Bell,	J. C. Gillespie,	J. M. Thomas,
L. H. Carter,	William Goebel,	Newton W. Utley,
W. O. Coleman,	S. B. Harrel,	W. T. Voires,
R. C. Crenshaw,	J. J. Johnson,	J. D. Watson,
G. T. Farris.	W. O. Jones.	T. R. Welch—22.
McD. Ferguson,	J. H. McConnell,	
Newton Frazier.	R. E. Puryear,	

Those who voted for Mr. Bradley were—

John Barret,	N. T. Howard,	T. S. Kirk,
Curtis F. Burnam,	J. P. Huff,	W. E. Miller,
William H. Cox,	B. S. Huntsman,	F. M. White,
C. H. Dye,	R. M. Jolly,	J. L. Weatherford—12.

IN THE HOUSE OF REPRESENTATIVES.

Those who voted for Mr. Blackburn were—

M. Abele,	J. L. Egbert,	Emmett Orr,
J. W. Alexander,	G. T. Finn,	Troy P. Perkins,
T. H. Armstrong,	I. N. Greene,	W. C. Ray,
C. C. Bagby,	W. U. Grider,	Abram Renick,
V. H. Baird,	J. W. Hance,	J. P. Rose,
E. E. Barton,	Steve Henry,	T. M. Sharp,
G. T. Berry,	G. W. Hickman,	C. L. Shawler,
David Bell,	John T. Hinton,	M. H. Sledge,
S. W. Booker,	G. A. Holland,	Benjamin Stephens,
C. F. Bosley,	J. P. Holt,	W. A. Stith,
Eli H. Brown,	W. F. Klair,	G. B. Stout,
J. C. Cantrill,	W. T. Lafferty,	Robert Swan,
A. H. Charlton,	J. M. Letterle,	Claude Terrell,
R. O. Cochran,	H. B. Lyon,	George C. Traver,
W. H. Collopy,	W. H. Mimms,	R. E. Watkins,
J. C. B. Conrad,	C. Mueller,	L. E. Weatherford,
W. P. Cox,	Charles A. Nelson,	P. M. Willingham,
A. P. Crawford,	T. J. Nickell,	Speaker Trimble—55.
A. S. Denton,		

Those who voted for Mr. Bradley were—

G. D. R. Aikin,	R. C. Jarnagin,	Ben T. Robinson,
Henry S. Berry,	Isaac Johnson,	J. F. Rogers,
R. R. Benningfield,	John R. Kelday,	R. W. Slack,
B. J. Bethurum,	J. E. Leslie,	R. H. Spurrier,
H. Brister,	William Lewis,	J. D. Strong,
J. W. Catron,	W. W. Lewis,	J. H. Sturgell,
James Cooper,	W. H. Lilly,	J. C. Taylor,
J. P. De Long,	B. H. Holt,	P. H. Taylor,
William M. Hail,	J. A. Mahaffey,	W. C. Tipton,
L. W. Hampton,	J. McDowell,	E. E. Trivett,
W. T. Harris,	P. M. McRoberts,	Claiborne J. Walton,
J. P. Haswell, jr.,	B. F. Meadows,	John M. Wilson,
Eph F. Hays,	W. S. Randolph,	M. R. Yarberry—41.
M. H. Heissman,	E. H. Read,	

The joint vote stood:	Votes.
For Hon. J. C. S. Blackburn	77
For Hon. W. O. Bradley	53
Total	130
Necessary to a choice	66

The speaker of the house of representatives and presiding officer of the joint assembly then announced that the Hon. J. C. S. Blackburn, having received a majority of all the votes in each house, there being present and voting viva voce a majority of all the members elected to each house of the general assembly, was duly elected a Senator from the State of Kentucky to serve as such in the Congress of the United States for the term of six years, commencing on the 5th day of March, 1901.

The journals of the joint assembly of to-day were then read and approved.

On motion of Mr. Allen, the joint assembly then dissolved.

IN THE HOUSE OF REPRESENTATIVES,
Tuesday, January 16, 1900.

The hour of 12 o'clock meridian having arrived, Mr. Nelson moved that the house do now proceed, openly by a viva voce vote of each member present, to name one person for Senator in the Congress of the United States from the State of Kentucky to succeed Hon. WILLIAM LINDSAY, whose term of office will expire on the 4th day of March, 1901, as required by an act of Congress and the law of Kentucky.

Which motion was agreed to.

The roll of the house was called and the following members thereof responded to their names, viz:

M. Abele,	L. W. Hampton,	Troy P. Perkins,
G. D. R. Aikin,	J. W. Hance,	W. S. Randolph,
J. W. Alexander,	W. T. Harris,	L. C. Rawlings,
T. H. Armstrong,	J. P. Haswell, jr.,	W. C. Ray,
C. C. Bagby,	Eph F. Hays,	E. H. Read,
V. H. Baird,	M. H. Heissman,	Abram Renick,
E. E. Barton,	Steve Henry,	Ben T. Robinson,
G. T. Berry,	G. W. Hickman,	J. F. Rogers,
Henry S. Berry,	John T. Hinton,	J. P. Rose,
R. R. Benningfield,	G. A. Holland,	T. M. Sharp,
David Bell,	J. P. Holt,	C. L. Shawler,
B. J. Bethurum,	R. C. Jarnagin,	R. W. Slack,
S. W. Booker,	Isaac Johnson,	M. H. Sledge,
C. F. Bosley,	John R. Kelday,	R. H. Spurrier,
H. Brister,	W. F. Klair,	Benjamin Stephens,
Eli H. Brown,	W. T. Lafferty,	W. A. Stith,
J. C. Cantrill,	J. E. Leslie,	G. B. Stout,
J. W. Catron,	J. M. Letterle,	J. D. Strong,
A. H. Charlton,	William Lewis,	J. H. Sturgell,
R. O. Cochran,	W. W. Lewis,	Robert Swan,
W. H. Collopy,	W. H. Lilly,	J. C. Taylor,
J. C. B. Conrad,	B. H. Lott,	Claude Terrell,
James Cooper,	H. B. Lyon,	W. C. Tipton,
W. P. Cox,	J. A. Mahaffey,	George C. Traver,
A. P. Crawford,	J. McDowell,	E. E Trivett,
J. P. De Long,	P. M. McRoberts,	P. H. Taylor,
A. S. Denton,	B. F. Meadows,	Claiborne J. Walton,
J. L. Egbert,	W. H. Mimms,	R. E. Watkins,
G. T. Finn,	C. Mueller,	P. M. Willingham,
I. N. Greene,	Charles A. Nelson,	John M. Wilson,
W. U. Grider,	T. J. Nickell,	M. R. Yarberry,
William M. Hail,	Emmett Orr,	Speaker Trimble—96.

It appearing that a majority of all the members elected to this house are present, the speaker announced that nominations for said office were in order.

Mr. Hickman named Hon. J. C. S. Blackburn, of the county of Woodford, as a suitable person to fill said office.

Mr. Slack named Hon. William O. Bradley, of the county of Garrard, as a suitable person to fill said office.

The house then proceeded to take the vote of the members present as between those in nomination, and the result thereof was as follows, viz:

Those who voted for Mr. Blackburn were—

M. Abele,	G. T. Berry,	A. H. Charlton,
J. W. Alexander,	David Bell,	R. O. Cochran,
T. H. Armstrong,	S. W. Booker,	W. H. Collopy,
C. C. Bagby,	C. F. Bosley,	J. C. B. Conrad,
V. H. Baird,	Eli H. Brown,	W. P. Cox,
E. E. Barton,	J. C. Cantrill.	A. P. Crawford

A. S. Denton,	J. M. Letterle,	M. H. Sledge,
J. L. Egbert,	H. B. Lyon,	Benjamin Stephens,
G. T. Finn,	W. H. Mimms,	W. A. Stith,
I. N. Greene,	C. Mueller,	G. B. Stout,
W. U. Grider,	Charles A. Nelson,	Robert Swan,
J. W. Hance,	T. J. Nickell,	Claude Terrell,
Steve Henry,	Emmett Orr,	George C. Traver,
G. W. Hickman,	Troy P. Perkins,	R. E. Watkins,
John T. Hinton,	W. C. Ray,	L. E. Weatherford,
G. A. Holland,	Abram Renick,	P. M. Willingham,
J. P. Holt,	J. P. Rose,	Speaker Trimble—55.
W. F. Klair,	T. M. Sharp,	
W. T. Lefferty,	C. L. Shawler,	

Those who voted for Mr. Bradley were—

G. D. R. Aikin,	R. C. Jarnagin,	Ben T. Robinson,
Henry S. Berry,	Isaac Johnson,	J. F. Rogers,
R. R. Benningfield,	John R. Kelday,	R. W. Slack,
B. J. Bethurum,	J. E. Leslie,	R. H. Spurrier,
H. Brister,	William Lewis,	J. D. Strong,
J. W. Catron,	W. W. Lewis,	J. H. Sturgeil,
James Cooper,	W. H. Lilly,	J. C. Taylor,
J. P. De Long,	B. H. Holt,	P. H. Taylor,
William M. Hail,	J. A. Mahaffey,	W. C. Tipton,
L. W. Hampton,	J. McDowell,	E. E. Trivett,
W. T. Harris,	P. M. McRoberts,	Claiborne J. Walton,
J. P. Haswell, jr.,	B. F. Meadows,	John M. Wilson,
Eph F. Hays,	W. S. Randolph,	M. R. Yarberry—41.
M. H. Heissman,	E. H. Read,	

Upon said ballot the vote stood:

	Votes.
For J. C. S. Blackburn	55
For William O. Bradley	41

The following pair was announced, viz:

Mr. Rawlings with Mr. Burkamp. Mr. Rawlings would have voted for Mr. Blackburn, and Mr. Burkamp, if present, would have voted Mr. Bradley.

Ordered, That the clerk enter upon the journal the above proceedings and vote, and that the Hon. J. C. S. Blackburn has received a majority of all the votes cast, and that a majority of all the members elected to the house were present and voting.

WEDNESDAY, *January 17, 1900.*

Mr. Terrell moved that a committee of three members be appointed by the speaker to notify the senate that the house is now ready to receive the senate and to go into joint assembly to execute the special joint order of to-day, to wit, the comparison of the journals of the two houses of this general assembly of yesterday relative to the vote taken therein for the selection of one person as Senator in the Congress of the United States from the State of Kentucky to succeed Hon. WILLIAM LINDSAY, whose term of office will expire on the 4th day of March, 1901, and the election of said Senator.

Said motion was agreed to.

The speaker appointed as said committee Messrs. Terrell, Hickman, and Booker.

After a while said committee reported that they had discharged their duty.

The hour of 12 o'clock meridian having arrived, the hour for the joint special order of the day, as provided by an act of Congress and the law of Kentucky, to wit, the reading and comparison of the journals of the two houses of the general assembly of yesterday relative to the election of a Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. WILLIAM LINDSAY, whose term of office will expire on the 4th day of March, 1901, and the election of said Senator.

The senate of Kentucky, in order, entered upon the floor of the house of representatives, and, in pursuance to a joint rule of the senate and house of representatives, the Hon. South Trimble, speaker of the house of representatives, took the chair and presided. The two houses were convened in joint assembly, the same being composed of a majority of all the members elected to each house.

The roll was then called, and the following members of the joint assembly responded to their names, viz:

Senators—

J. Embry Allen,	J. C. Gillespie,	R. E. Puryear,
John Barret,	William Goebel,	A. D. Roberts,
John A. Bell,	S. B. Harrel,	J. M. Thomas,
Curtis F. Burnam,	N. T. Howard,	R. S. Triplett,
L. H. Carter,	J. P. Huff,	Newton W. Utley,
W. O. Coleman,	B. S. Huntsman,	W. T. Voires,
William H. Cox,	J. J. Johnson,	J. D. Watson,
C. H. Dye,	R. M. Jolly,	T. R. Welch,
G. T. Farris,	W. O. Jones,	F. M. White,
McD. Ferguson,	T. S. Kirk,	J. L. Whitehead—34.
Newton Frazier,	J. H. McConnell,	
J. C. Furnish,	W. E. Miller,	

Representatives—

M. Abele,	William M. Hail,	W. S. Randolph.
G. D. R. Aikin,	L. W. Hampton,	L. C. Rawlings,
J. W. Alexander,	J. W. Hance,	W. C. Ray,
T. H. Armstrong,	W. T. Harris,	E. H. Read,
C. C. Bagby,	J. P. Haswell, jr.,	Abram Renick,
V. H. Baird,	Eph F. Hays,	Ben T. Robinson,
E. E. Barton,	M. H. Heissman,	J. F. Rogers,
G. T. Berry,	Steve Henry,	J. P. Rose,
Henry S. Berry,	G. W. Hickman,	T. M. Sharp,
R. R. Benningfield,	John T. Hinton,	C. L. Shawler,
David Bell,	G. A. Holland,	R. W. Slack,
B. J. Bethurum,	J. P. Holt,	M. H. Sledge,
S. W. Booker,	R. C. Jarnagin,	R. H. Spurrier,
C. F. Bosley,	Isaac Johnson,	Benjamin Stephens,
H. Brister,	John R. Kelday,	W. A. Stith,
Eli H. Brown,	W. T. Lafferty,	G. B. Stout,
W. A. Burkamp,	J. E. Leslie,	J. D. Strong,
J. C. Cantrill,	J. M. Letterle,	J. H. Sturgeil,
J. W. Catron,	William Lewis,	Robert Swan,
A. H. Charlton,	W. W. Lewis,	J. C. Taylor,
R. O. Cochran,	W. H. Lilly,	P. H. Taylor,
W. H. Collopy,	B. H. Holt,	Claude Terrell,
J. C. B. Conrad,	H. B. Lyon,	W. C. Tipton,
James Cooper,	J. A. Mahaffey,	George C. Traver,
W. P. Cox,	J. McDowell,	E. E. Trivett,
A. P. Crawford,	P. M. McRoberts,	Claiborne J. Walton,
J. P. De Long,	W. H. Mimms,	R. E. Watkins,
A. S. Denton,	C. Muller,	L. E. Weatherford,
J. L. Egbert,	Charles A. Nelson,	P. M. Willingham,
G. T. Finn,	T. J. Nickell,	John M. Wilson,
I. N. Greene,	Emmett Orr,	M. R. Yarberry,
W. U. Grider,	Troy P. Perkins,	Speaker Trimble—96.

The journals of the proceedings had in the two houses on yesterday pertaining to the election of a Senator in the Congress of the United States, as aforesaid, were read and approved by the joint assembly.

It appears, upon the reading and comparison of the journals as aforesaid, that the vote taken in the two houses separately on yesterday was as follows, viz:

IN SENATE.

Those who voted for Mr. Blackburn were—

J. Embry Allen,	J. G. Furnish,	A. D. Roberts,
John A. Bell,	J. C. Gillespie,	J. M. Thomas,
L. H. Carter,	William Goebel,	Newton W. Utley,
W. O. Coleman,	S. B. Harrel,	W. T. Voires,
R. C. Crenshaw,	J. J. Johnson,	J. D. Watson,
G. T. Farris,	W. O. Jones,	T. R. Welch—22.
McD. Ferguson,	J. H. McConnell,	
Newton Frazier,	R. E. Puryear,	

Those who voted for Mr. Bradley were—

John Barret,	N. T. Howard,	T. S. Kirk,
Curtis F. Burnam,	J. P. Huff,	W. E. Miller,
William H. Cox,	B. S. Huntsman,	F. M. White,
C. H. Dye,	R. M. Jolly,	J. L. Whitehead—12.

IN HOUSE OF REPRESENTATIVES.

Those who voted for Mr. Blackburn were—

M. Abele,	J. L. Egbert,	Troy P. Perkins,
J. W. Alexander,	G. T. Finn,	W. C. Ray,
T. H. Armstrong,	I. N. Greene,	Abram Renick,
C. C. Bagby,	W. U. Grider,	J. P. Rose,
V. H. Baird,	J. W. Hance,	T. M. Sharp,
E. E. Barton,	Steve Henry,	C. L. Shawler,
G. T. Berry,	G. W. Hickman,	M. H. Sledge,
David Bell,	John T. Hinton,	Benjamin Stephens,
S. W. Boker,	G. A. Holland,	W. A. Stith,
C. F. Bosley,	J. P. Holt,	G. B. Stout,
Eli H. Brown,	W. F. Klair,	Robert Swan,
J. C. Cantrill,	W. T. Lafferty,	Claude Terrell,
A. H. Charlton,	J. M. Letterle,	George C. Traver,
R. O. Cochran,	H. B. Lyon,	R. E. Watkins,
W. H. Collopy,	W. H. Mimms,	L. E. Weatherford,
J. C. B. Conrad,	C. Mueller,	P. M. Willingham,
W. P. Cox,	Charles A. Nelson,	Speaker Trimble—55.
A. P. Crawford,	T. J. Nickell,	
A. S. Denton,	Emmett Orr,	

Those who voted for Mr. Bradley were—

G. D. R. Aikin,	R. C. Jarnagin,	Ben T. Robinson,
Henry S. Berry,	Isaac Johnson,	J. F. Rogers,
R. R. Benningfield,	John R. Kelday,	R. W. Slack,
B. J. Bethurum,	J. E. Leslie,	R. H. Spurrier,
H. Brister,	William Lewis,	J. D. Strong,
J. W. Catron,	W. W. Lewis,	J. H. Sturgeil,
James Cooper,	W. H. Lilly,	J. C. Taylor,
J. P. De Long,	B. H. Lott,	P. H. Taylor,
William M. Hail,	J. A. Mahaffey,	W. C. Tipton,
L. W. Hampton,	J. McDowell,	E. E. Trivett,
W. T. Harris,	P. M. McRoberts,	Claiborne J. Walton,
J. P. Haswell, jr.,	B. F. Meadows,	John M. Wilson,
Eph F. Hays,	W. H. Randolph,	M. R. Yarberry—41.
M. H. Heissman,	E. H. Read,	

The vote stood:

	Votes.
In the senate—	
For Joseph C. S. Blackburn	22
For William O. Bradley	12
In the house of representatives—	
For Joseph C. S. Blackburn	55
For William O. Bradley	41

It appearing from the reading and comparison of the journals aforesaid that Hon. Joseph C. S. Blackburn received a majority of all the votes cast in each house, a majority of all the members elected to each house being present and voting, the Hon. South Trimble, speaker of the house of representatives, presiding over the joint assembly, announced and declared that the Hon. Joseph C. S. Blackburn is duly elected a Senator in the Congress of the United States from the State of Kentucky, for the term of six years, to succeed Hon. WILLIAM LINDSAY, whose term of office will expire on the 4th day of March, 1901.

The journals of the proceedings of the joint assembly of to-day were read and approved by the joint assembly.

Senator Allen moved that the joint assembly do now dissolve.

Said motion was agreed to.

A copy attest:

CLAUDE DESHA,
Chief Clerk of Senate.

A copy attest:

EDW. O. LEIGH,
Chief Clerk House of Representatives.

BILL RECOMMITTED.

Mr. DAVIS. I move that the bill (S. 4014) to authorize Robert Stockwell Hatcher, of the division of customs and insular affairs, War Department, to accept decorations from the governments of Venezuela and Liberia, be recommitted to the Committee on Foreign Relations.

The motion was agreed to.

REPORT ON INTEROCEANIC CANAL.

On motion of Mr. DAVIS, it was

Ordered, That Senate Executive Report No. 1, Fifty-sixth Congress, first session, being a report by Mr. DAVIS, from the Committee on Foreign Relations, on the proposed interoceanic canal, be reprinted as a Senate document.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I submit a resolution for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on the District of Columbia be instructed to inquire and report to the Senate whether any teacher in the public schools of the District has been censured or taken to task by a superior officer on account of the testimony given by such teacher during the recent investigation of the public schools.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. MASON. I object.

The PRESIDENT pro tempore. The resolution goes over under the rule.

ROBERT W. DUNBAR.

Mr. PERKINS submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Claims:

Resolved, That the bill (S. 4011) entitled "A bill for the relief of Robert W. Dunbar," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 4th instant approved and signed the following acts:

An act (S. 39) granting an increase of pension to Caroline V. English;

An act (S. 265) granting an increase of pension to Jane McMahon;

An act (S. 343) granting an increase of pension to Mary J. Freeman;

An act (S. 495) granting a pension to Ambrose J. Vanarsdel;

An act (S. 1254) granting a pension to Catherine E. O'Brien;

An act (S. 1592) granting a pension to Jane E. Augur;

An act (S. 1713) granting an increase of pension to Alice S. Jordan;

An act (S. 1752) granting a pension to James J. Wheeler;

An act (S. 2346) granting an increase of pension to Alfred Bigelow;

An act (S. 2368) granting a pension to Mary A. Randall;

An act (S. 3129) granting an increase of pension to Henry McMillen; and

An act (S. 3207) approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution, which will be read.

The Secretary read the resolution reported from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. GALLINGER rose.

Mr. HAWLEY. I was in hopes that there would be a little time this morning for some small but very important bills.

Mr. PENROSE. I should like to ask the Senator from Connecticut what is the character of the bill he desires to bring up?

Mr. HAWLEY. This bill is to supply a daily and continuing want in the Subsistence Department of the Army. I have been besought time and again to get the bill through. It is asked for by the Secretary of War and the Commissary Department.

Mr. PENROSE. If it will not lead to any discussion, I will yield.

Mr. HAWLEY. I do not see how it can give rise to any discussion. The case is absolutely clear, and it will be seen that it is necessary.

Mr. PENROSE. I yield to the Senator from Connecticut.

SUBSISTENCE DEPARTMENT OF THE ARMY.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 3430) to increase the efficiency of the Subsistence Department of the United States Army.

There being no objection, the bill was considered as in Committee of the Whole. It provides that there shall be added to the Subsistence Department of the Army one assistant commissary-general of subsistence with the rank of colonel, one assistant commissary-general of subsistence with the rank of lieutenant-colonel, and four commissaries of subsistence with the rank of captain.

Mr. CARTER. I offer an additional section to the bill as an amendment, which I think will be accepted by the Senator from Connecticut.

Mr. HAWLEY. An amendment to this bill?

Mr. CARTER. To the Subsistence Department bill. I will have it read for the Senator's information.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Add as an additional section the following:

SEC. 2. The Acting Commissary-General shall have the rank, pay, and allowances of brigadier-general, and the President is hereby authorized to appoint and commission an officer to that rank to be Commissary-General of Subsistence during the suspension or until the retirement of an officer heretofore commissioned.

Mr. COCKRELL. That is a new question, I think.

Mr. CARTER. It will hardly lead to any debate, but if it does I suggest to the Senator that I will withdraw it. I can explain it.

Mr. COCKRELL. I do not think it has been considered by the committee, and it involves a rather important question.

Mr. CARTER. It has not been considered by the committee, but I will state that the present chief of that department or division——

Mr. COCKRELL. I sympathize fully with what ought to be done, but whether this is the right way to do it or not is another question. I think the other one ought to have been displaced, but I do not think we ought to be forced to do anything of that kind in such a plain case.

Mr. CARTER. Rather than that it should lead to any discussion of the matter, I will withdraw the proposed amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL WHITE CROSS.

Mr. LODGE. I desire to ask unanimous consent for the consideration of the bill (S. 2581) to incorporate the National White Cross of America, and for other purposes.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Foreign Relations with amendments.

The first amendment was in section 1, page 2, line 16, after the word "Navy" to strike out the words "Mr. CUSHMAN K. DAVIS, of Minnesota."

The amendment was agreed to.

The next amendment was after the word "proceedings," in section 3, page 3, line 24, to strike out:

Shall communicate to Congress such portions of said report as may be deemed of national interest and importance when directed to do so."

And insert:

Together with a detailed statement of all receipts and expenditures, which shall be by him transmitted to Congress and printed.

So as to make the section read:

SEC. 3. That said National White Cross of America shall report annually to the Secretary of War concerning its proceedings, together with a detailed statement of all receipts and expenditures, which shall be by him transmitted to Congress and printed. It shall perform such relief work as may, from time to time, be assigned to it by the Secretary of War or the Secretary of the Navy, if the means therefor are placed at its disposal, and it may perform its work of charity at any place in the United States or in any foreign country or province as it may deem wise and proper.

The amendment was agreed to.

Mr. THURSTON. I move to amend the bill by striking out my name where it appears. I doubt the propriety of it.

The PRESIDENT pro tempore. The Senator from Nebraska moves an amendment, which will be stated.

The SECRETARY. In section 1, page 2, line 8, after the word "Columbia," strike out the words "Mr. JOHN M. THURSTON, of Nebraska."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRAVEL PAY OF ENLISTED MEN.

Mr. WARREN. With the courtesy of the Senator from Pennsylvania, I ask unanimous consent to call up the bill (S. 3616) to authorize the payment of traveling allowances to enlisted men of the regular and volunteer forces when discharged by order of the Secretary of War and stated by him as entitled to travel pay. It is a short bill and will lead to no discussion, I think.

Mr. GALLINGER. I suggest that I had risen to take the floor on the resolution pending, and that while I am happy to yield to other Senators, I do not admit that the Senator from Pennsylvania has charge of my remarks. I am ready to proceed.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Wyoming?

Mr. GALLINGER. With pleasure.

The PRESIDENT pro tempore. The bill indicated by the Senator from Wyoming will be read for the information of the Senate.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That when the Secretary of War, in the exercise of his discretion, has directed the discharge of any enlisted men of the regular or volunteer forces of the Army, and the orders or instructions directing such discharge stated that such enlisted men were entitled to travel pay, such order or instruction shall be sufficient authority for the payment to the soldiers of the traveling allowances provided for by section 1290 of the Revised Statutes. And officers of the Pay Department of the Army shall have credit in the settlement of their accounts for all payments made in obedience to said orders or instructions of the Secretary of War: *Provided*, That soldiers discharged under such orders or instructions, which stated that such soldiers were entitled to travel pay, and who were absent by authority on the date of the muster out of their regiments or of discharge, are entitled to and will be paid

traveling allowances from place of muster out of their regiments or the places designated in the final statements as the place of discharge to the place of enlistment or enrollment: *Provided further*, That the provisions of this act shall apply only to cases that have arisen or shall arise under orders or instructions for discharge with travel pay issued between April 21, 1898, and the date of the passage of this act: *Provided further*, That it shall not be held as applying to any case in which the order directing the discharge did not set forth that the soldier was entitled to travel pay.

Mr. PLATT of Connecticut. I should like a little explanation of the bill. Is it the case that they can not receive their travel pay now, when it has been certified upon their discharge that they are entitled to it? Why can they not get it now?

Mr. WARREN. Unfortunately, the Auditor and the Comptroller have decided that the orders of the Secretary of War were in conflict with the statute. Therefore paymasters who have invested quite an amount, three or four of them some thousands of dollars each, have had their accounts suspended and they are standing unsettled since last September. Still worse, a quite large number of enlisted men are without relief in the settlement of their accounts.

This bill has been submitted to the War Department. It has the sanction of the Secretary of War and is unanimously recommended by the Senate Committee on Military Affairs.

Mr. PLATT of Connecticut. And this is one of the cases where the Auditors and the Comptrollers are so technical that really the spirit and even the letter of the statutes are not complied with.

Mr. WARREN. Exactly.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGES OF EMPLOYEES IN EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, ordered to lie on the table and be printed:

To the Senate:

I transmit herewith a report from the Secretary of State, furnishing, so far as the Department of State is concerned, the information called for by the resolution of the Senate of March 16, 1900, as to the ages and capacity for the performance of manual labor of the employees of the several Executive Departments.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *April 5, 1900.*

ENTRY OF MERCHANDISE IN TEXAN PORTS, ETC.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (H. R. 7939) to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to extend the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement to the ports of Laredo, Eagle Pass, and El Paso, Tex., and Nogales, Ariz.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERSONAL EXPLANATIONS—AFFAIRS IN CUBA.

Mr. BUTLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. BUTLER. Will the Senator from New Hampshire yield to me just a moment for a personal statement?

Mr. GALLINGER. I will yield for that purpose.

Mr. BUTLER. Mr. President, since my return from Cuba a day or two ago my attention has been called to what seems to be an Associated Press dispatch from Habana. I hope the Senate will indulge me for paying any attention to such matters. This is the second time I have felt called upon to do so in the Senate. It is headed, "Stirring up the Cubans; disquieting utterances attributed to two visiting Senators." Then there is a long dispatch which seems to be from the agent of the Associated Press in Habana, copying what purports to be an interview from a Cuban paper with Senator PETTIGREW and myself, and commenting upon that purported interview. This is one of the sentences of the editorial comments by the Habana press agent, whoever he is:

Some of the hot-heads of Cuba are liable to be overstepping the bounds. If a clash comes and any American blood is spilled it can not but be attributed to the work of BUTLER and PETTIGREW.

Mr. President, this statement is not only gratuitous, but willfully and maliciously false; and, besides, the purported interview was manufactured out of the whole cloth.

When Senator PETTIGREW and I arrived in Habana we were waited upon by a number of newspaper men, and we positively declined to be interviewed by any of them, stating that we had not come to Cuba to express our opinion, but to see and to learn. We said the same thing to every other reporter who came. Notwithstanding that statement from us, every morning while we were in Cuba some of the papers published purported interviews with us without our even seeing the reporters.

The paper that this purported interview was in, the Cubano, I never saw while I was in Cuba, and I never saw a representative of it. The only statement that I did make while in Cuba was not to a newspaper man, but was in the palace of the governor of Pinar del Rio. While we were there the governor invited the mayor and a number of leading Cubans and Spaniards to meet us.

I think there were seven or eight Spaniards in the audience, three or four of Gomez's generals, and a number of citizens. They requested me to make some statement. I hesitated to do so, but at last I did make a statement, and the only reason why I made it was because I had been informed there was some danger that the impatience of the Cubans at our seeming delay would cause some friction or trouble; and to meet just that point I made a statement, the substance of which I will now state.

It was in substance as follows: That the Cubans need not be uneasy or fearful that the United States Congress or the American people would be false to them and fail to carry out the pledge contained in the resolution declaring for their independence. I assured them that they did not lack for friends in the United States; I warned them that the only real enemies to Cuba's independence who could be effective would be those in Cuba who claimed that it was necessary to agitate and organize to watch us to keep us from being false to them; that such persons could only do harm, and that if independence was endangered or delayed it would be due to the trouble caused by such emissaries; that the Cubans had plenty of friends in the United States; that I knew of no one in the United States who dared to declare to the contrary, and if any did they would be swept from power, whether a party or an individual, because 70,000,000 American people stood true to that declaration and would see that it was carried out; that all the Cubans had to do was to have patience and to show that they were worthy of the confidence that we had placed in them, and for them to guard well against enemies on the inside.

I thought that statement was appropriate from what I had learned. To meet just that condition, as set forth in this dispatch, I made that statement. Now, Mr. President, to show how well that statement was received by the Spaniards, by the Cuban annexationists, and by the Cuban generals, the revolutionists—there were a number of them present, and there was also present the president of the Veterans' Association—I ask to have read and put into the RECORD a letter which was written me the following day by the governor of the province, addressed to me at Habana, expressing his appreciation on the part of the people for that statement.

The PRESIDENT pro tempore. The letter referred to will be read, in the absence of objection.

Mr. BUTLER. I ask that the translation only may be read.

The Secretary read as follows:

CIVIL GOVERNMENT OF THE PROVINCE OF PINAR DEL RIO,
March 29, 1900.

HONORED SIR: I wish you to take to your country, and show in the Senate, of which you are an honored member, the evidence of the favorable impression which your kind visit to this city has made upon us.

I can not repress the delight and enthusiasm awakened in my Cuban soul by the beautiful phrases which we heard here from your lips, speaking with authority; and, in so expressing myself, I am persuaded that I interpret faithfully the sentiment of all the patriots of this, my beloved province, where I first saw the light of the radiant sun, and from where I behold the flags of independence of my Cuba as unhappy as heroic.

Remember, in your parliamentary struggle, those expressive sentences of your conference:

"Behind the promise of the American Congress to concede to Cuba her independence there are 70,000,000 free citizens whose hearts beat in unison with that generous sentiment.

"The United States will be the big brother standing by the side of the little brother, Cuba, to say to the whole world, 'Touch him not, as I have shed my blood to redeem him and have consecrated my purpose to educating him for public life and for the exercise of freedom.'"

These sentences remain engraved on our hearts as one of the most sincere and spontaneous declarations that you have made to the Cubans, and we hope confidingly in the magnanimity of your gracious nation.

GUILLIERMO DOLZ, *Civil Governor.*

Senator MARION BUTLER.

Mr. BUTLER. Mr. President, I make this statement, first, because I feel that it is due to my fellow-Senators to let them know, if they have seen the statements of this purported interview, that they are not true; second, and chiefly, for the effect that it may have in Cuba. I found in Cuba many of the leading and most influential citizens who are keeping up daily with what goes on here and who carefully read the CONGRESSIONAL RECORD. I want such citizens in Cuba to know that such reports as these, which they see in their own papers, are false. This dispatch to which I have just referred was manufactured by an enemy of Cuban independence. I make this statement to prevent it from doing the damage that its author intended and hoped that it would do.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. GALLINGER] is entitled to the floor.

Mr. PETTIGREW. I ask the Senator to yield to me for a moment.

Mr. GALLINGER. Certainly.

Mr. PETTIGREW. Mr. President, I wish briefly to add to the statement made by the Senator from North Carolina [Mr. BUTLER] that, so far as I am concerned, I had no interview and made none of the statements attributed to the Senator from North Carolina and myself in the purported Associated Press dispatch. I hardly thought the dispatch worth noticing. I suppose it was composed by some space writer, who gets paid for the lines the newspapers will print, who thought it necessary to put something sensational into his communication in order to secure the printing of a long dispatch, thus enhancing his compensation.

The trouble with the Associated Press is that it very often employs entirely irresponsible people and then makes no effort to ascertain whether communications sent them are true or false. This practice seems to have extended to Cuba. We know it is quite prevalent in this country. So much is this true that the American people no longer believe, without corroborating evidence, most of the stuff which appears in the great American dailies. This is a condition to be deplored, but it is so well recognized by the people of the United States that if public men generally undertook to follow up and deny the falsehoods circulated with regard to them they would be exceedingly busy. Therefore I thought the communication hardly worthy of notice.

Mr. GALLINGER. Mr. President——

Mr. BUTLER. If the honorable Senator from New Hampshire will permit me, I think it proper to say here that the Associated Press agent in Habana called to see the Senator from South Dakota and myself to procure an interview, but we declined to be interviewed and told him that we had refused to give an interview to any representative or any newspaper. Therefore, when he sent out this purported interview, he knew what we had told him, and he knew, further, that we refused to give him an interview.

Mr. PETTIGREW. That is true; but whether the person who sent this dispatch is the man purported to be the representative of the Associated Press who called upon us, I do not know nor do I care. I do not even remember his name.

Mr. PLATT of Connecticut. Mr. President, in view of the fact that I am chairman of the Committee on Relations with Cuba and that I was one of the subcommittee which recently visited Cuba, it may be proper for me to say a word.

When my attention was called to the dispatch to which the Senator from North Carolina [Mr. BUTLER] has referred, I said I did not believe that there was one word of truth in it, although the subcommittee was obliged to leave Cuba before having any conference or consultation with the Senator from North Carolina, who is on the committee, or with the Senator from South Dakota [Mr. PETTIGREW]. We did know whilst we were in Cuba that those Senators had absolutely declined to be interviewed and that they had stated that they were there to learn the conditions for themselves and not to make statements.

I was as sure when I saw that dispatch, or when my attention was called to it, that there was no foundation for it as I am now after the explanation has been made by the Senator from North Carolina.

It is, perhaps, proper that I should also say one other word; and that is, that if there is anyone in the Senate of the United States or in the House of Representatives or in the executive department of the United States, or among its people who does not intend in good faith to keep the promise that was made in the resolution of intervention, and see to it that an independent government is established in Cuba by the people thereof, I do not know such a person. I believe there is but one sentiment on that subject in the United States.

I want to say still further that I believe, so far as the people of Cuba are concerned, that there are very few, if any, who do not believe that the United States intends to keep its promise to the letter as well as in its spirit. Of course there are agitators there, as there are in the United States, but they are few; they do not represent the people, and they do not represent any of the classes of the people in Cuba. There is the utmost confidence in Cuba in the people of the United States and the utmost good will in the United States toward the people of Cuba.

Mr. GALLINGER. Mr. President, before proceeding to a brief discussion of the resolution which has been laid before the Senate, and in view of what has transpired during the last few minutes, I will take occasion to allude to a personal matter in connection with a visit I made to the island of Cuba two years ago.

The Senators from South Dakota and North Carolina have been misrepresented and villified by the Associated Press. On that occasion I was misrepresented and villified by a representative of a great New England newspaper, who holds a seat in the Senate press gallery. A statement was sent out by that correspondent that I, as well as the other Senators and Members of the House of Representatives who accompanied me, had accepted a large sum of money from a newspaper publisher in the United States for certain service that we had rendered him incident to that visit. That statement found a place in almost every newspaper in the country, certainly in almost every Democratic newspaper, and some very good people were led to believe that there might be some truth in the matter; but it is proper that I should say that it was not believed in New Hampshire. Some of the best friends I have in the world have criticised me because I did not make a disclaimer in the Senate. Indeed, I had a disclaimer prepared, but, upon second thought, I concluded not to make it, believing that it was not worth while to take the time of the Senate by personal explanations.

I have, Mr. President, documents in my possession which refute every allegation that was made against me in connection with that matter, and which show that I, like many other public men—most of them of much more consequence than I am—have been subject to these brutal, inhuman, heartless, and false attacks.

There was not a word or suggestion of truth in the lengthy statement which was printed in that newspaper; and I take this opportunity, although it is two years old, to assert it, so that if any of my friends anywhere in the world are troubled over the matter they may know that I have explicitly and emphatically denied the statement. It was utterly without foundation, and a discredit to fair and decent journalism.

Now, Mr. President, I will ask that the resolution in relation to the case of Mr. Quay be laid before the Senate.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution reported from the Committee on Privileges and Elections January 23, 1900, which will be read.

The Secretary read the resolution, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. GALLINGER. Mr. President, I shall not occupy much time in the discussion of the question under consideration, as the Senator from Tennessee [Mr. TURLEY], the Senator from Maryland [Mr. WELLINGTON], and other Senators have already covered the ground fully, citing all the precedents, and conclusively showing that to seat Mr. Quay will be a reversal of the practice of the Senate which has prevailed uninterruptedly for the last seventy-five years. Before the discussion closes the junior Senator from Michigan [Mr. BURROWS] will undoubtedly review the case in all its aspects, and call to the attention of the Senate the overwhelming reasons why the report of the majority of the Committee on Privileges and Elections should be concurred in. It is gratifying to me that this important question is being considered calmly and deliberately, with a view to ascertaining the real meaning and intent of the Federal Constitution in respect to the appointment of Senators by the governors of States, and I can not for a moment believe that a majority will be found, when the final vote shall be taken, in favor of the contention of the minority, notwithstanding the tremendous efforts that have been made and the powerful influences that have been exerted to induce the Senate to seat Mr. Quay. Had I yielded to the importunities of warm personal and political friends in my own State, I should vote against the majority of the committee, but I prefer to be guided by convictions of right and duty, which lead me irresistibly to the conclusion that it will be a great mistake to recognize the validity of Mr. Quay's appointment.

It is rather amusing to a layman to witness the legal technicalities and constitutional hairsplitting that some of the great lawyers of the Senate are introducing into this discussion, and it seems to me that the distinguished junior Senator from Alabama should give the matter some attention. "Happen" and "otherwise," two simple words the meaning of which the ordinary schoolboy would be disciplined for not knowing, are twisted and contorted into shapes such as the fathers of the Constitution could never have contemplated. I also notice that the Senator from Pennsylvania has promised to enlighten the Senate on the meaning of the word "such;" indeed, I understood him to say that Mr. Quay's right to a seat largely depends upon the correct understanding of that innocent little word, and the Senator from Montana [Mr. CARTER], judging by the unction with which he pronounced that word in his speech, seems to have discovered that the key to the situation is found in the word "shall," the Constitution providing that the Senate "shall" be composed of two Senators from each State; ergo, there must always be two Senators from each State.

In the same line of reasoning it may be suggested that as a regiment shall be composed of a certain number of officers and men, it is not a regiment unless it has in its ranks precisely the designated number of officers and men. Much time is being spent upon the proposition that the framers of the Constitution intended that the Senate should always be full, while there is not a single line or word, so far as I have been able to discover, in the debates preceding the adoption of the Constitution to justify the contention that that was uppermost in the minds of those who drafted the instrument.

In one sense there is apparent justification for this contention

and that is found in the fact that the framers of the organic law created the necessary machinery to keep the Senate substantially full, precisely as they created the necessary machinery to keep the House of Representatives substantially full. In the matter of the Senate the State legislatures are charged with the duty of electing Senators, temporary appointments to be made by the executive if vacancies happen when the legislature is not in session, such appointments to be valid until the legislature has had an opportunity to perform its constitutional function, while in the case of a vacancy in the House of Representatives it becomes the duty of the executive of the State to issue his warrant for a new election to fill the vacancy. There is the machinery. It is ample and complete in both cases, but the State legislature may fail or refuse to perform its constitutional duty and the governor may refuse to issue his warrant for an election. Should this occur in either case a vacancy would result, the filling of which is beyond the prerogative of the executive of a State.

It seems to me that no plainer or more easily understood words were ever penned than those of Article I, section 3, of the Constitution, and I am at an utter loss to understand how they can be read otherwise than to deny to the governor of Pennsylvania the right to appoint Mr. Quay to a seat in this body. The Constitution says:

> If vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

It will thus be seen that the governor of a State may make a temporary appointment to a vacancy happening "during the recess of the legislature," and that being so, it logically follows that he can not make an appointment at any other period or under any other circumstances. In this case the legislature was in session when the vacancy occurred, and hence it was not a vacancy that the governor could constitutionally fill, it not having happened "during the recess of the legislature." Had the framers of the Constitution entertained the view held by the minority of the committee, the words "during the recess of the legislature" would not have been incorporated in that instrument, thus leaving the executive free to fill all vacancies, however and whenever they occurred. That the Constitution imposed a limitation on the power of appointment is proof positive that it was not the intention of the authors of the Constitution to keep the Senate full at all hazards, but rather to place the power of electing Senators in the hands of the State legislatures, and simply giving to the executive the limited power of appointment until such time as the legislature could constitutionally fill the vacancy by an election.

It is interesting to note that in the debates on the adoption of the Federal Constitution Mr. Ellsworth said, in speaking of the power of the governor to temporarily make appointments during the recess of the State legislature:

> When the legislative session happens to be near the power will not be exerted.

What does that language mean if it does not mean that, it being the duty of the legislature to fill all possible vacancies, the exercise of limited gubernatorial power will be withheld when the legislative session is near at hand? But Mr. Ellsworth did not say that if the legislature failed to elect then the governor could step in and make an appointment. That is a new doctrine, without warrant in anything that can be found in the debates on the adoption of the Constitution, or in the Constitution itself.

The senior Senator from Massachusetts during this debate paid a very high compliment to Mr. Ellsworth, saying, as I remember it, that "no greater lawyer ever lived." It is interesting to note the fact that in 1794, five years after the organization of the Government, seven members of the Constitutional Convention were members of the Senate, Mr. Ellsworth being one of them. He had served in the Constitutional Convention as a member of the committee on "detail," which put the finishing touches to the Constitution. A vacancy occurred in the Senate in that year (1794), Mr. Read, of Delaware, having resigned. The legislature met the following winter, and adjourned without filling the vacancy.

After the adjournment of the legislature Kensey Johns was appointed by the governor, and the Senate refused to recognize the validity of his credentials. The case went to the Committee on Privileges and Elections, of which Mr. Ellsworth was a member, and it is to be presumed that if the men who framed the Constitution had intended to keep the Senate always full by providing that the governor should be clothed with authority to make appointments whenever a vacancy existed, that Mr. Ellsworth and his associate members of the Constitutional Convention, then Senators, would have voted to seat Mr. Johns. Instead of that Mr. Johns was rejected, only 7 votes being cast in favor of seating him. It seems to me that upon this case this entire contention can be rested, no matter how conflicting the decisions of the Senate may have been during the intervening time; and when we likewise take into account that during the last seventy-five years no case has been decided different from that of Kensey Johns, it seems idle for Senators to insist that the precedents so numerous and so conclusive have no special weight in the determination of the present case.

And it will not do for Senators to argue, as has been done in this debate, that circumstances may arise—such as the existence of three or more parties in the legislature—where it may be impossible for a legislature to elect, and hence that the governor should have the unrestrained right to appoint. There are difficulties and imperfections in every scheme of human origin. Undoubtedly there are, in isolated cases, difficulties in the way of electing Senators by State legislatures, but notwithstanding that the sufficient answer is that it is the method of the Constitution, and that until the Constitution is changed the power can not be delegated to the occupants of gubernatorial chairs. And it should be kept in mind that the case under consideration is not one where an election was defeated because of the presence of several political parties in the legislature, so that even that plausible argument for overriding the Constitution can not be invoked in Mr. Quay's behalf.

Mr. President, I believe this is the fourth time I have been called upon, during my membership in this body, to vote to seat Senators on credentials similar to those presented by Mr. Quay. Had I allowed myself to be influenced by personal considerations, I should certainly have voted differently from what I did in at least one of those cases. I was surprised to hear the Senator from Massachusetts say that three recent cases were decided not on constitutional grounds, but on the questions of silver and gold. The Senator's words were these:

> Does anybody doubt, who sat here, that in the three cases of Mantle, Beckwith, and Allen, those gentlemen would have been seated almost without question on the authority of the cases of Blair and Bell, had it not been that three silver men were desiring to take their seats when we were coming to the great struggle for the repeal of the Sherman law?

I do not agree with that statement, and the best proof I can produce is the fact that the Senator from Massachusetts voted consistently, in all the cases on the one side, and I voted consistently on the other side. Neither he nor I was swayed by the fact that Mantle was a silver man and Corbett a gold man, and surely neither the Senator from Massachusetts nor I can properly question the equal sincerity of the other Senators who voted on those cases, all of which were decided in accordance with an unvarying line of precedents from 1825 to the present time, and hence the presumption that they were decided correctly.

I want to file a disclaimer against the New Hampshire cases being cited as parallel cases to those of Mantle, Beckwith, and Allen. They are as far removed from those cases as the Quay case is from that of the junior Senator from Vermont, who properly holds his seat by virtue of gubernatorial appointment.

But let us look a little further at the statement of the Senator from Massachusetts that the question of the repeal of the so-called Sherman law decided the fate of Mantle, Beckwith, and Allen. A reference to the CONGRESSIONAL RECORD will show that Senators DAVIS, of Minnesota; FRYE, of Maine; Higgins, of Delaware; and Sherman, of Ohio, all of whom were tolerably good gold men, voted to seat Mantle, while other gold men were paired in his favor. Against Mantle, the votes of Senators BERRY, of Arkansas; Call, of Flordia; Coke, of Texas; George, of Mississippi; Pasco, of Flordia; Vance, of North Carolina; VEST, of Missouri, and White, of California, all earnest silver men, were cast. In addition, Senators ALLEN, of Nebraska; Harris, of Tennessee, and Mitchell, of Oregon, all silver men, were paired against Mantle. It is indisputable that the silver men would have seated Mantle if that had been the issue, and the fact that they did not do so ought to estop further argument on that point.

The Senator from Massachusetts said the other day: "The one single thing we have to settle is what the Constitution means." We all agree to that, and those of us who contend that the credentials now presented are not only faulty, but absolutely void rest our contention, without evasion or qualification, upon the language of the Constitution already quoted. If the vacancy had occurred during a recess of the legislature, then manifestly the governor could have appointed, but as it occurred when the legislature was in session the appointment is an illegal and worthless one. Let the governor of Pennsylvania, instead of grasping unconstitutional power, call the legislature together, as the constitution of Pennsylvania commands him to do, and thus give the body clothed by the constitution with power to elect a Senator another opportunity to do so. Let him follow the example of the governor of California, which resulted so satisfactorily to both the State and the country.

Mr. President——

Mr. PENROSE. Will the Senator allow me?

Mr. GALLINGER. I yield.

Mr. PENROSE. I do not want to interrupt the Senator in his address, but I should like to correct a statement relative to local matters in Pennsylvania.

It is admitted, and has been expressly declared in the public press by all parties to this controversy in Pennsylvania, that it would be absolutely futile and impossible to accomplish anything in an extra session of the Pennsylvania legislature. The independent Republicans, the regular Republicans, and the Democrats, through their leaders, have officially and deliberately made this statement in the public prints. The governor of Pennsylvania, under these circumstances, may well hesitate before he imposes the burden of a very considerable expense, running into an amount of several hundred thousand dollars, upon the people of the State for an object which, in the opinion of everybody, is impossible of accomplishment.

Mr. GALLINGER. Mr. President, in reply to that, I will say that, as I read the constitution of Pennsylvania, the governor had a duty to perform, the constitution saying that he "shall" reconvene the legislature within a given time for this specific purpose.

The Senator from Pennsylvania on a former occasion made substantially the same statement which he has now made, that it was agreed on all hands that it would be futile to call the legislature together. Even that does not justify the governor of Pennsylvania in refusing to do what the constitution of his State says he shall do.

But, Mr. President, I hold in my hand a clipping from the Philadelphia Press, a very respectable paper, dated March 29, 1900, only a few days ago, in which this paper says:

SENATOR PENROSE'S MISSTATEMENT.

Senator WELLINGTON, in his clear and forcible argument in the Senate against the seating of Mr. Quay upon the unconstitutional appointment of Governor Stone, called attention to the fact that if Governor Stone had paid heed to the provisions of the constitution of the Commonwealth of Pennsylvania, which he had sworn in the most solemn manner to protect and defend, the legislature of Pennsylvania would have been called together in a special session, and there would to-day be a Senator duly elected by the legislature of Pennsylvania, as has happened in California.

Mr. PENROSE, interrupting him, said: "I make the statement that the contrary is the opinion of all parties to the controversy in Pennsylvania. The Democrats, the independent Republicans, and the regular Republicans have all agreed, and so declared in the public prints, that it would be impossible to elect, and that the reconvening of the legislature would be futile."

This is the most extraordinary statement—

Says the editor of the Philadelphia Press—

that has yet emanated from the Senator now representing the Pennsylvania machine at Washington. Immediately following the adjournment of the legislature the Quay emissaries scoured the State in their endeavor to secure pledges from Democrats and Republicans * * * that if the legislature should be reconvened they would vote for the election of ex-Senator Quay. The net result of the canvass produced but one change of heart, and that in a man who had been, and still is, an aspirant for the speakership. The legislature, therefore, was not convened in special session in accordance with the specific provisions of the constitution in such cases provided. In plain words, the governor of the Commonwealth of Pennsylvania broke his oath of office in order to serve his boss, indulging the vain hope that the United States Senate could be induced by hook or by crook to reverse all precedents in favor of Mr. Quay.

The paper continues:

It is not true and never has been true that all parties in Pennsylvania have agreed and so declared in the public prints that it would be impossible to elect a Senator in Pennsylvania in the event of an extra session being called. Mr. PENROSE misinformed the Senate when he interpolated that statement in the very able speech of Senator WELLINGTON.

This is from one of the leading newspapers of the great city of Philadelphia, a Republican newspaper, and I simply present it in answer to the contention of my friend the Senator from Pennsylvania.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER (Mr. LODGE in the chair). Does the Senator from New Hampshire yield to the Senator from Pennsylvania?

Mr. GALLINGER. Certainly.

Mr. PENROSE. I desire to inform the Senator from New Hampshire that the statements of the paper he refers to in this controversy are absolutely partisan and unreliable, and frequently the newspaper is guilty of deliberate distortion of the truth.

Mr. GALLINGER. That is a pretty serious accusation to make against a Cabinet minister; but then I am not here to defend either him or the Philadelphia Press. I simply read the editorial in answer to the Senator's contention that the parties in Pennsylvania had agreed that nothing could come if the Pennsylvania legislature should be reconvened according to the mandate of the State constitution, and that is all.

Mr. PENROSE. The Senator will permit me one word more. I do not know why the Senator should have brought into this discussion a reference to a Cabinet minister. My understanding and information of the gentleman to whom he obviously refers are that he has no longer any official or business connection with the paper to which the Senator refers.

Mr. GALLINGER. I accept that correction, of course. I had supposed that the contrary was the fact.

Mr. WELLINGTON. Will the Senator from New Hampshire permit me just a word?

Mr. GALLINGER. Certainly.

Mr. WELLINGTON. I desire to say, in reference to the statement made by the Senator from Pennsylvania, that I have received a number of letters from prominent Republicans in Pennsylvania, who say that in their judgment the Senator was mistaken in his assertion upon that occasion, and that there is a sentiment there that there would have been and could have been a solution of this matter in the legislature.

Mr. GALLINGER. Mr. President, I will not weary the Senate by citing precedents. That ground has already been fully covered. But as the New Hampshire cases of Bell, Blair, and Marston have been alluded to, I will endeavor to show that those cases, whether they were decided wisely or not, contain no element of comfort for those who are attempting to seat Mr. Quay. A short time ago I pointed out the fact that by an amendment of our State constitution in 1876 the date of election was changed from March to November, and from annual to biennial, while the meeting of the legislature was continued in the month of June. A vacancy occurred, by expiration of term, on the 4th day of March, 1879, three months before the time of the meeting of the legislature. Under these circumstances the governor appointed Mr. Bell, and after a lengthy and very able debate he was seated by a vote of 35 to 28. There was a difference of opinion in the State as well as in the Senate as to the right of the governor to appoint a Senator at the beginning of a term, and I am free to say that I have never believed that either Mr. Bell or Mr. Blair should have been admitted, especially so from the fact that the State deliberately created the interregnum between March 4 and the meeting of the legislature, thus depriving the State for three months of its full representation in the Senate, except by gubernatorial appointment. At the meeting of the legislature in June Mr. Blair was elected Senator.

In 1883 another vacancy was to occur by reason of the expiration of the term of Senator Rollins, and in 1881 a sharp contention arose over another phase of the controversy. The Federal statute, passed July 25, 1866, provides that Senators shall be elected by the legislature chosen next preceding the expiration of a term. One faction in the Republican party of New Hampshire contended that the intention of the statute was to impose the duty of electing a Senator upon the legislature chosen "and organized" next preceding the expiration of a term, while the other faction insisted upon a strict compliance with the language of the statute. In 1878 this question had been brought to the attention of the Senate, and a report was made by Senator McMillan, of Minnesota, which sustains the view of the strict constructionists, but it was said that the report was made without any real consideration of the matter, to please the New Hampshire Senator whose term was then about to expire.

In 1881 the question as to which legislature should elect was transferred to the State, and it developed into one of great bitterness. The supreme court of the State was called on for a decision, and the court, composed of four Democrats and three Republicans, rendered a unanimous opinion that the legislature elected "and organized," to wit, the legislature of 1881, was the proper body to elect a Senator for the term commencing March 4, 1883. The legislature was Republican, and a large majority of the members of that party met in caucus and nominated Mr. Rollins, the then Senator. A minority of the Republican members refused to be bound by the caucus, and by uniting with the Democrats prevented an election, and the legislature in June, 1883, elected Mr. Pike, notwithstanding Mr. Rollins was again nominated by the Republican caucus. There being no special session of the Senate that year no appointment was made for the period between March and June.

In March, 1885, another vacancy occurred, and as a special session of the Senate was to be held, Mr. Blair was appointed to succeed himself, and after an earnest and able debate was given his seat, to which he was reelected in June following.

In March, 1889, Mr. Marston was appointed under similar circumstances and seated, Mr. CHANDLER being elected his successor in June of that year.

This, in brief, is the story of the New Hampshire cases. It is evident that whether they were decided in accordance with the terms of the Constitution or not the vacancies occurred and the appointments were made at a time when the legislature was not in session, and in each instance the next succeeding legislature performed its constitutional function and filled the vacancy by election. There were, as I have already said, differences among the people of the State as to the right of the governor to appoint, but no citizen of New Hampshire, so far as I have ever heard, Democrat or Republican, for one moment believed that if the legislature failed to fill the vacancy at the first opportunity the governor could again appoint, which is the contention of the minority in this case.

Mr. President, when we come to the final analysis, it means simply that the Constitution says that when a vacancy happens, occurs, or comes to pass, if you please, the governor can appoint if the happening, occurring, or coming to pass is during the recess of the legislature, and by all fair interpretation it means that he can not appoint except when those conditions exist.

Submit the question to 50 intelligent men who have never before considered it and I venture the prediction that every one of them will so interpret the Constitution. But let the distinguished Senator from Massachusetts, with his adroitness and skill, take them in hand, telling them that "happen" does not mean happen, that "otherwise" has a hidden or occult meaning beyond the grasp of the ordinary mind, that "such" is a word of very difficult interpretation, and that beyond the possibility of question Madison and Jefferson had in view above all other things the necessity of keeping the Senate full—"always full," as the Senator from Massachusetts said in a former debate—and doubtless some of the 50 would be greatly puzzled as to the real meaning of this plain provision of the Federal Constitution.

I was struck, Mr. President, by the earnestness with which the Senator from Massachusetts, in his zeal to keep the Senate full, pressed home the importance of a single vote, among other things saying that on a certain occasion a single vote elected the governor of Massachusetts, but the Senator failed to say that thousands of the electors of Massachusetts failed to vote at those elections. The laws of Massachusetts contemplate that all qualified voters shall vote, but as a matter of fact they do not do so. The Constitution of the United States provides that the legislatures of the States shall elect Senators. As the withholding of the ballot in the State may produce untoward results, so the failure of the legislature to perform its constitutional function will temporarily deprive the State of full representation in the Senate. True, as pointed out by the Senator from Massachusetts, the State is protected by the plurality rule, but, unfortunately or otherwise, the Constitution does not contain the plurality provision in the matter of electing United States Senators.

A single vote has unquestionably played an important part in our history. During the last Congress it became the duty of the Vice-President, I think on more than one occasion, to cast the decisive vote when the Senate was a tie. That vote might have been cast on some question that would have meant weal or woe to the political party with which he was associated, or upon some question of the gravest concern to the American people. That high office is now vacant; that vote, which might have been so important, can not be cast, and there is no provision in the Constitution to fill the place so lately occupied by one of the best and ablest men of the country. That vote is silent simply because there is no constitutional way of supplying it, precisely as the vote from the State of Pennsylvania is silent until such time as the legislature shall supply it.

The Senator from Massachusetts has twice during this debate undertaken to prejudice the case by calling attention to the fact that he is receiving letters against Mr. Quay, attacking his character, or something of that kind. He went so far as to say, "The spirit which is abroad among these worthy men in the State of Pennsylvania and elsewhere is the spirit of the Dreyfus trial; nothing else." The Senator also suggested that he presumed such letters are coming to other Senators. For one I confess that I have received no letters that have reminded me of the Dreyfus incident; indeed, I can not recall a single letter, except one anonymous one, that was not proper and respectful and that was written in behalf of Mr. Quay.

But I beg to remind the Senator from Massachusetts that those of us who have been supposed to be against Mr. Quay have been subjected likewise to some annoyance in the matter of letters, and to personal solicitation of a most extraordinary kind. Possibly we have not been reminded of the Dreyfus matter, but we have been compelled to sometimes wonder upon what hypothesis those speaking for Mr. Quay ventured to do it in the manner they did. This is not the place, Mr. President, it seems to me, to discuss that phase of this question, but I will venture to suggest to the Senator from Massachusetts that I will be pleased to compare my mail with his, with a view of determining which side has resorted to unusual methods to influence votes.

But, Mr. President, I promised myself not to delay the determination of this case by occupying much time in its discussion, and hence will hasten to conclude. When the Mantle case was before the Senate, I spoke briefly, reaching certain conclusions, which I will now summarize:

1. I am opposed to seating Mr. Quay because to do so will, in my opinion, be a violation of both the letter and spirit of the Constitution, which provides that the terms of Senators shall be for six years, and that they shall be elected by the legislatures of the States, the executive having the right to make temporary appointments only in cases where the legislative branch can not exercise its constitutional prerogative, because it has not had an opportunity to do so.

2. I am opposed to the seating of Mr. Quay because such action will be an acknowledgment of the right of the executive to fill all vacancies, however occurring. It will inevitably lead to endless contention in the several States, and very likely result, at some future time, in a Senate composed of a majority of members not elected by State legislatures, but the appointees of governors.

3. I am opposed to seating Mr. Quay because the legislature of the State of Pennsylvania, whose duty it was to elect, adjourned without performing its constitutional function, thus voluntarily and absolutely relinquishing its right to full representation in this body, and because the governor of the State, whose duty it was, under the constitution of Pennsylvania, to reconvene the legislature for another trial, neglected to do so, preferring to take the matter into his own hands.

4. I am opposed to seating Mr. Quay because such action on the part of the Senate will introduce a veritable Pandora's box into our political system and will give direct encouragement to ambitious and unscrupulous men to devise means to nullify the constitutional method of electing Senators. It will transfer the contest to our State conventions, the selection of a friendly governor being an essential prerequisite to a conspiracy to prevent a choice by the legislature. Let me suggest that if a political obstructionist, who may be disowned and repudiated by his party (and I want to be understood as not in any way alluding to Mr. Quay in what I say on this point), can gather around him a few men, controlled either by honorable or venal means, prevent a choice of Senator by the legislature, and then secure his own appointment by the governor, it will introduce into our State legislatures an element of endless and bitter discord.

If this can be done once, what is there to prevent it being done by the same man a second, a third, or a fourth time, thus keeping the representation of the State full by the choice of a man not selected in accordance with the plain provisions of the Constitution, a man not the choice of the people of his State or of his party, but a man who perpetuates himself in the Senate in opposition to the wishes of his own people and under a strained and indefensible construction of certain provisions of the Constitution of the United States? It naturally follows that when several men are contending for the Senatorship, there will be a great temptation for the one who possesses the governor's favor to refuse to make any compromise and, by maintaining a deadlock, secure the appointment to himself as soon as the legislature adjourns.

Mr. President, I repeat what I said on a former occasion, when a similar case was under discussion:

> Safety lies in the direction of a close adherence to constitutional methods. Neither a strained construction nor a loose construction of the organic law should govern our action. Let us insist that the State legislature shall perform its duty, and not attempt to transfer power to the executive which belongs to a coordinate branch of the State government.

I have but a single observation more to make. I have heretofore held to the opinion that electing Senators by the people is not desirable, but I am free to say that if the choice is to be made between popular vote and the appointment by governors I prefer the former. But there is, to my mind, a safer and better way than either, and that is the method prescribed by the Constitution, the method of electing Senators by the legislatures of the several States. For that I plead to-day, and notwithstanding claims to the contrary, I do not believe the Senate will reverse an unbroken line of precedents from 1825 to 1900. Addressing myself to those who are pressing Mr. Quay's claims, I am led to say that ours is the path of safety, yours the path of disorder and chaos; ours the constitutional way, yours a makeshift and an assumption, fraught with peril to the best interests of the country.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. I should like to have the Senator from Minnesota delay if any other Senator wishes to speak upon the pending matter.

Mr. DAVIS. Certainly; I shall withdraw the motion if any other Senator wishes to speak.

Mr. CHANDLER. Perhaps we can have a vote upon my amendment to the resolution. Unless a Senator wishes to speak, there is no reason why we should not have a vote.

Mr. JONES of Arkansas. I hardly think that there can be a vote at this time.

Mr. CHANDLER. The Senator need not go further. There being no other Senator ready to speak, I ask that the resolution may go over until after the routine morning business to-morrow.

The PRESIDING OFFICER. At the request of the Senator from New Hampshire, without objection it is so ordered.

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and seven minutes spent in executive session the doors were reopened.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2335) in relation to the suppression of insurrection in and to the government of the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the Alaska bill.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the bill known as the Alaska bill. Is there objection?

Mr. CARTER. I understand that the pending question is on the amendment presented by the Senator from North Dakota [Mr. HANSBROUGH].

Mr. STEWART. I can not consent to going on with the Alaska bill now, because if the amendment of the Senator from North Dakota is pressed it will necessarily take some time to argue it, and I want a full Senate when it is discussed, because I think I can show that that amendment takes the property of one man and gives it to another. The Senator from Wisconsin [Mr. SPOONER] also wants to be heard on the bill, and he is absent.

Mr. CARTER. I suggest to the Senator that in order to make some progress I will present at this time certain formal amendments, two in number, which do not go to the merits of any controverted proposition.

The PRESIDENT pro tempore. Is there objection?

Mr. STEWART. Not at all.

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. PETTUS. Mr. President, I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 6, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 5, 1900.

PROMOTION IN THE NAVY.

Capt. Silas W. Terry, to be a rear-admiral in the Navy, from the 29th day of March, 1900, vice Rear-Admiral Benjamin F. Day, retired.

APPOINTMENT IN THE VOLUNTEER ARMY—SQUADRON PHILIPPINE CAVALRY.

To be major.

First Lieut. Matthew A. Batson, Fourth Cavalry, United States Army, April 3, 1900, to fill an original vacancy.

To be assistant surgeon with the rank of captain.

Maxwell S. Simpson, of New Jersey, acting assistant surgeon, United States Army, April 3, 1900, to fill an original vacancy.

To be captains.

First Lieut. Joseph C. Castner, Fourth Infantry, United States Army, April 3, 1900, to fill an original vacancy.

First Lieut. William C. Geiger, Fourteenth Infantry, United States Army, April 3, 1900, to fill an original vacancy.

Second Lieut. James N. Munro, Fourth Cavalry, United States Army, April 3, 1900, to fill an original vacancy.

First Lieut. Francis H. Cameron, jr., Thirty-fifth Infantry, United States Volunteers, April 3, 1900, to fill an original vacancy.

To be first lieutenants.

Second Lieut. David H. Biddle, Thirty-sixth Infantry, United States Volunteers, April 3, 1900, to fill an original vacancy.

Second Lieut. Dennis P. Quinlan, Eleventh Cavalry, United States Volunteers, April 3, 1900, to fill an original vacancy.

Corpl. James Conway, Troop L, Fourth Cavalry, United States Army, April 3, 1900, to fill an original vacancy.

Clarence C. Culver, of Nebraska, April 3, 1900, to fill an original vacancy.

PROMOTIONS IN THE ARMY—CORPS OF ENGINEERS.

Capt. John Millis, Corps of Engineers, to be major, April 2, 1900, vice Mahan, retired from active service.

First Lieut. Herbert Deakyne, Corps of Engineers, to be captain, April 2, 1900, vice Millis, promoted.

Second Lieut. Clarke S. Smith, Corps of Engineers, to be first lieutenant, April 2, 1900, vice Deakyne, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 5, 1900.

SURVEYOR OF CUSTOMS.

Theodore W. Wheeler, of New York, to be surveyor of customs for the port of Port Jefferson, in the State of New York.

POSTMASTERS.

Mary N. Herrick, to be postmaster at Seabreeze, in the county of Volusia and State of Florida.

L. F. Sinclair, to be postmaster at Georgetown, in the county of Scott and State of Kentucky.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 5, 1900.*

The House met at 12 o'clock m. The following prayer was delivered by Rev. R. H. DOLLIVER, Methodist Episcopal Church, Rock River Conference, Illinois:

O God, our God, how excellent is Thy name in all the earth! We would not enter upon the business and deliberations of this day without invoking Thy blessing. We pray that Thou wilt bless the President of the United States and his counselors. We ask Thee to bless the two Houses of Congress, and grant that their proceedings may be guided and directed by a wisdom which will always come upon those who look for it and ask for it. We pray Thee to bless all the different departments and branches of this great Government. Let Thy blessing rest upon the whole country and the whole people; and may the principles which God has raised up this great nation to illustrate and exemplify spread throughout the earth, to the glory of Thy great name and to the good of humanity. And may the blessing of the Father, Son, and Holy Ghost descend upon us all, and bring us all through this life, and crown us all at last with everlasting life, through Jesus. Amen.

The Journal of yesterday's proceedings was read and approved.

UNITED STATES COURTS IN NEW YORK.

The SPEAKER laid before the House a bill the title of which was read, as follows:

Senate bill 268, to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein, and the officers thereof, and the disposition of pending causes.

The SPEAKER. This bill has been returned from the Senate with the information that the Senate has nonconcurred in the amendment of the House and asks for a conference.

Mr. RAY of New York. I move that the House insist on its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. RAY of New York, Mr. ALEXANDER, and Mr. LANHAM as conferees on the part of the House.

URGENT DEFICIENCIES.

Mr. CANNON. I desire to present from the Committee on Appropriations the privileged report which I send to the desk.

The Clerk read as follows:

A bill making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes.

Mr. RICHARDSON. I reserve all points of order on this bill.

Mr. CANNON. The gentleman will allow me a moment. This is a unanimous report of the Committee on Appropriations. It covers items of urgent deficiency amounting to $405,000, and I am authorized by the committee to ask the unanimous consent of the House for the immediate consideration of the bill.

There being no objection, the bill (H. R. 10449) was read a first and second time, and the House proceeded to its consideration.

The bill was read, as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year 1900, and for other objects hereinafter stated, namely:

UNITED STATES COURTS.

For payment of salaries, fees, and expenses of United States marshals and their deputies, $165,000, to include payments for services rendered in behalf of the United States or otherwise.

For fees of jurors, $55,000.

For fees of witnesses, $155,000.

For payment of such miscellaneous expenses as may be authorized by the Attorney-General, for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving of records, $30,000.

The unexpended balance of the sum of $100,000, appropriated by the act approved March 3, 1891, entitled "An act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes," to be expended under the direction of the Attorney-General in the fitting of workshops for the employment of prisoners, and the unexpended balance of the sum of $15,000, appropriated by the sundry civil appropriation act approved July 1, 1898, to enable the Attorney-General and the Secretary of the Interior to have prepared plans, specifications, and estimates, and for expenses connected with the selection of a prison site south of the thirty-ninth degree of north latitude and east of the Rocky Mountains, are hereby made available in addition to and for the same purposes as the sum of $500,000 appropriated by the sundry civil appropriation act approved March 3, 1899, for the erection, complete, of a United States penitentiary at Atlanta, Ga., and for expenses incident thereto, the same to continue available until expended.

NOTE.—Total amount appropriated by this bill, $405,000.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. FOSS. I am directed by the Committee on Naval Affairs to report a bill making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes. I ask

that the bill may be referred to the Committee of the Whole on the state of the Union and ordered to be printed.

The bill (H. R. 10450) was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole on the state of the Union and ordered to be printed.

Mr. WHEELER of Kentucky. I desire to present the views of a minority of the committee upon this bill, and ask that they be printed with the report of the committee.

The SPEAKER. In the absence of objection, that order will be made.

Mr. RICHARDSON. I desire to reserve all points of order on the bill.

GOVERNMENT FOR THE TERRITORY OF HAWAII.

On motion of Mr. KNOX, the House resolved itself into Committee of the Whole House on the state of the Union, and resumed consideration of the bill (S. 222) to provide a government in the Territory of Hawaii, with Mr. MOODY of Massachusetts in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration, under the five-minute rule, of the Senate bill which the Clerk will report to the committee.

The Clerk, under the order made yesterday, proceeded to read the substitute in the nature of an amendment, by sections.

The Clerk read as follows:

CITIZENSHIP.

SEC. 4. That all persons who were citizens of the Republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

And all citizens of the United States who were resident in the Hawaiian Islands on or since August 12, 1898, and all the citizens of the United States who shall hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

Mr. McRAE. Mr. Chairman, for the purpose of asking a question of the chairman of the committee, I move to strike out that section. I would like to know who were citizens of the republic of Hawaii at the time mentioned.

Mr. KNOX. The laws of the republic of Hawaii provided that all persons born or naturalized in Hawaii, under the republic of Hawaii, should be citizens of the republic of Hawaii. At that time they comprised the same persons whom we now make citizens—the English, Germans, Americans, native Hawaiians, and Portuguese—with the exception that there have been under the monarchy about 700 Chinese naturalized, about 350 of whom only remain, the rest having gone back; so that the only Asiatic citizenship is composed of about 350 naturalized Chinese.

Mr. McRAE. Do you adopt them as citizens?

Mr. KNOX. I will state, further, that in order to prevent further naturalization of Asiatics the constitution of Hawaii provided that they should naturalize citizens of nations which by their laws provided for the naturalization of Hawaiians. As there were no such nations, it excluded from that time the naturalization of Chinese.

Mr. McRAE. But that would put it in the power of foreign nations to naturalize people for our country, would it not?

Mr. KNOX. The moment this bill passes, of course that law of the republic of Hawaii ends and the laws of the United States extend.

Mr. McRAE. Do you directly repeal that provision?

Mr. KNOX. All laws in contradistinction to the Constitution and laws of the United States are repealed by the bill.

Mr. McRAE. Do you by this bill adopt the 350 naturalized Chinese who were in Hawaii at the time of the passage of the resolution annexing the islands?

Mr. KNOX. Those 350, inasmuch as——

Mr. McRAE. You adopt them as United States citizens?

Mr. KNOX. Inasmuch as we could not draw the line, we made a general provision making all citizens of the republic of Hawaii citizens of the United States, and that would include those 350 Chinese.

Mr. McRAE. Is the anti-alien contract-labor law extended to Hawaii by this bill?

Mr. KNOX. Yes; all the laws of the United States are so extended, and the law prohibiting these contracts and the penal provision is retained by this bill; but there is to be a subsequent amendment further extending it so as to make it absolutely certain that we stamp out every vestige of contract labor.

Mr. McRAE. I am not quite certain that that is done.

Mr. KNOX. There is an amendment prepared which stamps out every vestige of that contract-labor system.

Mr. McRAE. At the proper time I should like to move a new paragraph in the bill which will beyond all question extend the anti-alien contract-labor law.

Mr. KNOX. It will be an amendment to section 10.

The CHAIRMAN. Without objection, the formal amendment offered by the gentleman from Arkansas will be withdrawn.

Mr. ROBINSON of Indiana. I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana.

Mr. ROBINSON of Indiana. Mr. Chairman, at this time I think it would be proper for me to make a brief statement.

My judgment is that this is one of the most important bills that has been presented to the House since I have been a member.

The Committee on Territories have for days and weeks given careful attention and consideration to this bill. At the time of the introduction of the bill into the House a like bill was introduced into the Senate. Differences of opinion among the members of the committees have resulted in very many changes in the original bills introduced into the respective Houses and a remodeling and recasting of many of the sections. The Senate considered a bill of the import of the bill now before the House and the amendments to it for nine days. With the exception of three set speeches they considered the bill by sections. During that time they covered 108 pages of the CONGRESSIONAL RECORD in the discussion of the amendments and sections of this bill.

We must now, perforce, in something like three or four hours, do all the work in consideration and debating of the bill that was done by the Senate in over a week. The committee have been careful, but differences of opinion have arisen. It was almost impossible to understand the industrial conditions of Hawaii, almost impossible to get information on the subject of its judicial and other matters. The result is there are differences of opinion now on various sections as to their meaning and interpretation.

The Senate, after mature deliberation, have passed a bill which to my mind is far less objectionable and more perfect than the provisions of this bill presented to the House. The misfortune is that many of the important sections involving the question of appointments by the Territorial governor or by the President, involving the question of the establishment of courts and procedure, are at the end of this bill.

I might say that I feel that the chairman of the Committee on Territories, every member of that committee and every member of the House, want to do the very best they can for the people of Hawaii, and desire to send a bill to the Senate to consider and to the people of those islands to govern them that will be as nearly perfect as possible, because those people have troubles enough of their own. Now, if we proceed to the consideration of the sections of this bill and confine ourselves to the subject-matter involved, we may possibly complete the work in four hours. If we succeed in doing that, then my hope that we may be able to pass the bill without a division may be answered. There are sections though, at the end of the bill, which we should reach, very important, and amendments to them will be presented.

To the gentleman from Arkansas [Mr. MCRAE] I will say that the Senate amendment of Senator PETTIGREW to section 10 of this House bill should be adopted. I conversed with Senator NELSON and other Senators yesterday, and they favor that amendment; and if it should pass this House with that amendment I am assured that it will pass the Senate. That amendment will wipe out forever all vestige of the foreign labor contract system and destroy that system entirely. That comes early in the bill; and if the committee do not offer the proper amendment, which I believe they will, I shall offer the Senate provision upon that subject.

But it is due to the committee, due to the House, and due to the people of Hawaii that we should confine our discussion upon this subject to the provision of the bill, and I urge upon members to do that because of the limited time. If the discussion is limited to the provisions of this bill, we can do our duty, and in my judgment send a good bill to the Senate. We will thus avoid the unfortunate condition that comes, too often, unfortunately, when we legislate by conference.

[Here the hammer fell.]

Mr. KNOX. Mr. Chairman, I wish to say that I heartily second all that the gentleman from Indiana [Mr. ROBINSON] has said, and I hope that the discussion to-day will be confined to the material sections and the material amendments that are to be offered.

It is true, as the gentleman says, that there are important amendments to be offered to the very last sections of this bill. I hope we shall not be obliged to make the point of order against irrelevant discussion. While we desire the freest discussion upon all important matters, it is of great importance that the discussion be confined to the material questions which are before the House.

The CHAIRMAN. Without objection, the formal amendment offered by the gentleman from Indiana [Mr. ROBINSON] will be withdrawn, and the Clerk will read.

The Clerk read as follows:

APPLICATION OF THE LAWS OF THE UNITED STATES.

SEC. 5. That except as herein otherwise provided the Constitution and all the laws of the United States locally applicable shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided*, That sections 1850 and 1890 of the Revised Statutes of the United States shall not apply to the Territory of Hawaii.

Mr. DE ARMOND. Mr. Chairman, I move to strike out the words "the Constitution and" on lines 24 and 25.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 52, lines 24 and 25, strike out the words "the Constitution and."

Mr. DE ARMOND. Mr. Chairman, I do not care to detain the committee upon this question. It is simply a proposition to take from the section that part of it which purports to extend the Constitution to the Hawaiian Islands, leaving it to extend the laws so far as they are applicable.

Mr. RICHARDSON. Mr. Chairman, I would like to have order. I can not hear at this distance the gentleman from Missouri.

The CHAIRMAN. The committee will be in order, and gentlemen will cease conversation and resume their seats.

Mr. DE ARMOND. The section as it stands, Mr. Chairman, purports to extend to Hawaii not only the laws of the United States locally applicable, but the Constitution. The section, if the amendment I propose were adopted, would extend to that Territory the laws of the United States locally applicable and leave the Constitution to take care of itself. As I said, Mr. Chairman, I do not care to occupy the time of the House in anything like an extended argument on the proposition involved in the amendment. My belief is that either the Constitution will be embodied in the act as statute law and carried to Hawaii in that way if the section remains unamended or there will be absolutely no effect, nothing accomplished, by the incorporation of those words.

What argument can be made by gentlemen for the retention of these words, except that it will be taken as an evidence that in order to carry the Constitution to Hawaii, or make it effective there, it becomes necessary to have this Congressional action? That the inhabitants of these islands will have more or less of the protection of the Constitution, in consequence of the passage or failure to pass this provision, I do not believe; but that the presence of these words in this section will be used elsewhere and at other times and upon other questions to propagate what to me seems a dangerous heresy, I do not doubt. Now, if there is a good reason why these words should remain, I would be very glad for some gentleman to state it.

If it be seriously contended that in the absence of these words the laws of the United States will be carried to Hawaii, while the Constitution will have no force and effect there, I would be exceedingly glad if some gentleman would point out how and why that is or could be. If it be true that the inhabitants of those islands and the islands themselves will be under the force and effect of the Constitution just the same without this legislation "extending" the Constitution as with it, the words which I move to strike out are useless, and, under existing circumstances, misleading. Why do that which may be called a "precedent," for legislation which ought not to be enacted, at some other time and concerning some other territory?

Mr. KNOX. Mr. Chairman, this is section 5. I was unfortunate enough not be able to hear the remarks of the distinguished gentleman from Missouri. The amendment he has offered is to page 52 of the bill, section 5, on lines 24 and 25, which provides:

SEC. 5. That except as herein otherwise provided the Constitution and all the laws of the United States locally applicable shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided*, That sections 1850 and 1890 of the Revised Statutes of the United States shall not apply to the Territory of Hawaii.

Now, the gentleman moves to strike out the words "the Constitution and," upon the ground, as I understand it, of the doctrine which he advocates, and which so largely prevails among gentlemen upon the other side of the House, and to some extent among gentlemen upon this side of the House, that the Constitution goes to our island possessions by its own inherent force and without this provision. Now, we have had a very liberal time allowed in this House for the discussion of that question, with ample opportunity for every gentleman entertaining views upon that subject to express his views. I believe, with many others, that the Constitution does not go there except it goes by legislative enactment or by treaty. Other gentlemen believe the other way.

Mr. NEVILLE. Will the gentleman yield to a question?

Mr. KNOX. Oh, yes.

Mr. NEVILLE. Who will decide what portions of the Constitution are locally applicable to the Hawaiian Islands, and under what authority will that tribunal act in so deciding?

Mr. KNOX. What portion of the Constitution and laws extended are applicable to the island will be a question for litigation in the courts. By this bill there is a court established with Federal jurisdiction alone to deal with all these questions that come up in Hawaii.

Now, then, the point I make is this, and the only point; for I do not wish to precipitate a discussion upon this bill upon the Constitution, because if the contention of the gentleman from Missouri is right, and the Constitution extends by its inherent force to the islands of Hawaii, then no harm is done by extending it by this section. It is simply declaratory.

Mr. COX. Will the gentleman yield to me for one moment?

Mr. KNOX. Yes, indeed.

Mr. COX. I just simply want to follow the question asked. You say that there will be a court in Hawaii to establish this question. That court decides how far it is applicable. Is that a final decision, and no appeal lies from that?

Mr. KNOX. We establish a Federal district court with a jurisdiction of the circuit court, that upon constitutional questions appeal may be had and a writ of error may lie to the Supreme Court of the United States. There is no question but that any constitutional question arising there will go to the United States court for decision.

Now, then, I say again that if the contention of these gentlemen is right, no harm is done by this provision. It is simply declaratory. Shall we plunge the people of these islands into uncertainty as to what the laws are that apply to that island? Shall we raise at once questions of doubtful jurisdiction, questions that start with litigation which will imperil every right of property, that will block every step of progress, because men can not act unless the question of the laws that apply to the territory and the country in which they live are settled to a certainty?

Mr. HITT was recognized.

Mr. POWERS rose.

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. HITT. I will yield to the gentleman from Vermont.

Mr. POWERS. I wish to inquire whether under this bill the people of Hawaii are citizens of the United States.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. POWERS. I ask that his time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont that the time of the gentleman from Massachusetts be extended five minutes?

Mr. HITT. The gentleman from Massachusetts does not ask for the time, and I ask to be recognized in my own right.

Mr. KNOX. I want to answer the question of the gentleman from Vermont.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KNOX. They are citizens.

Mr. POWERS. Inasmuch as you declare that the people of the islands are citizens of the United States, can you not obviate the objection proposed by the gentleman from Missouri by simply adding a further provision after declaring them citizens of the United States, that they shall be entitled to all the rights, immunities, and privileges guaranteed by the Constitution of the United States?

Mr. KNOX. Oh, yes; but there are other questions that arise besides those of citizenship. Those are not the only questions.

Mr. POWERS. I understand my friend from Missouri claims that we can not legislate the Constitution into Hawaii, and I very much doubt the proposition.

Mr. KNOX. Well, I respect the doubt of the gentleman from Vermont, and I say that we do not propose to raise the question.

Mr. POWERS. I recognize the right of Congress to declare that these people shall have all the immunities and privileges of citizens of the United States.

Mr. KNOX. They are citizens of the United States by this bill, and the Constitution and laws are extended as far as they are applicable to these islands. Now, one further consideration.

Mr. DE ARMOND. Will the gentleman from Massachusetts yield for a question?

Mr. KNOX. I will.

Mr. DE ARMOND. I wish to ask the gentleman what parts of the Constitution he regards as locally applicable to Hawaii and what parts he regards as not locally applicable?

Mr. KNOX. It is perfectly apparent, Mr. Chairman, that I can not answer that question in one hour, two hours, or three hours. The Constitution and body of the law that is locally applicable to the Territory of Hawaii are extended to the islands by this bill.

Mr. DE ARMOND. One question further. Can the gentleman indicate any provision of the Constitution not locally applicable to Hawaii?

Mr. KNOX. The provision as to electing Presidential electors, as to determining the succession, and very many constitutional questions can be cited.

Mr. DE ARMOND. Let me ask another question. Can he mention any provision applicable to the Territories of Arizona and New Mexico that is not applicable to the Territory of Hawaii?

Mr. KNOX. I should suppose that there were many provisions applicable to a great maritime republic like Hawaii that would not be applicable to Arizona or New Mexico. For instance, the provision of Article IV of the Constitution if I have the number of the article in my mind right, that the jurisdiction of the United States courts shall extend to all questions of maritime and admiralty jurisdiction. That would not be claimed as applicable to an inland Territory like Arizona, but would be exactly applicable to the Territory of Hawaii.

Mr. DE ARMOND. Will the gentleman yield for one more question?

Mr. KNOX. Certainly.

Mr. DE ARMOND. Can the gentleman point to the provision in the Constitution that gives authority to extend it in pieces or parts to any Territory, or any part of a Territory?

Mr. KNOX. I think I can.

Mr. DE ARMOND. I would like to have the gentleman do it.

Mr. KNOX. I will cite the gentleman to the Revised Statutes, Title XXIII, chapter 1, section 1891, which says:

The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized territory or in every Territory hereafter organized as elsewhere in the United States.

Now, either all the Congresses that have sat in this Hall from 1850, when the Territory of New Mexico was organized, have believed that the Constitution did not go to the Territories of its own force, but must be extended by an act of Congress, or else that declaration of the Revised Statutes is mere empty babble and boys' play.

The question being taken on the amendment offered by Mr. DE ARMOND, there were—ayes 65, noes 77.

Mr. RICHARDSON. I call for tellers.

Tellers were ordered; and Mr. DE ARMOND and Mr. KNOX were appointed.

The House again divided, and the tellers reported—ayes 78, noes 87.

So the amendment was rejected.

Mr. McRAE. I move to amend by striking out the proviso beginning with the word "*Provided*," in line 2, page 53, and ending with the word "Hawaii," in the fifth line, same page.

The Clerk read the words proposed to be struck out, as follows:

Provided, That sections 1850 and 1890 of the Revised Statutes of the United States shall not apply to the Territory of Hawaii.

Mr. McRAE. Mr. Chairman, I do not see any reason why the sections named in this proviso which apply to other Territories of the United States should not apply to Hawaii. The first of the sections cited—section 1850 of the Revised Statutes—is as follows:

All laws passed by the legislative assembly and governor of any Territory, except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress, and if disapproved shall be null and of no effect.

The other and more important section referred to in this proviso is as follows:

SEC. 1890. No corporation or association for religious or charitable purposes shall acquire or hold real estate in any Territory, during the existence of the Territorial government, of a greater value than $50,000; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States; but existing vested rights in real estate shall not be impaired by the provisions of this section.

Now, sir, I can not understand why these laws, which are applicable to other Territories, should not be applicable to Hawaii. If the gentleman from Massachusetts [Mr. KNOX] can give any good reason for exempting Hawaii from the operation of these provisions, I should like to hear it.

Mr. KNOX. Mr. Chairman, there are at the present time in Hawaii a number of charitable institutions now possessing larger amounts of real estate than section 1890 permits to be held by a religious or charitable institution in the Territories heretofore established. According to the universal testimony—testimony to which there is no dissent—these institutions in Hawaii are now doing a very great and noble charitable work.

It was thought not wise to extend to those institutions the provisions which the gentleman has read, either as to property which these institutions of Hawaii now hold or as to that which they may hereafter acquire. Very careful examination was made in regard to all these institutions. I have a list of them here, which it would take some time to read; but according to the universal testimony they are all of a commendable, unsectarian character, and are engaged in performing the highest class of charitable work.

Mr. McRAE. Mr. Chairman, it is against the theory and policy of this Government to permit large landed estates to be held by religious and charitable institutions; and as this has been our policy with respect to all Territories in the old United States, I think our new possessions should not be exempt from this rule.

Mr. KNOX. The gentleman will allow me to suggest what I think is possibly an answer to his objection. When we have formed Territories heretofore, they have always been sparsely settled, generally inhabited largely by the natives or aborigines. In the present case the conditions are entirely different from those which have existed in respect to Territories formerly organized, conditions which lay at the foundation of the provisions of law heretofore applicable to such Territories.

In the present case we have an ancient country, embracing a monarchy that has existed for years and a republic that is already four years old. Charitable institutions have grown up there; and we have in that respect a condition that has never existed in any of our Territories formed under the Constitution heretofore. Hence it seems to us neither proper nor necessary that the same provisions which have been extended to other Territories should be applied to Hawaii.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. McRAE] has expired.

Mr. KNOX. I ask that his time be extended for five minutes.

There was no objection.

Mr. McRAE. Mr. Chairman, I think that the sooner the people of Hawaii learn that the religious or charitable institutions now existing there, however laudable and worthy they may be, must be divorced from their government and that the old conditions can not continue the better it will be for them. I do not agree that as a matter of Government policy we should continue to permit any associations of the character contemplated to acquire unlimited amounts of real estate that go untaxed. The true rule is that no such institutions should own more real estate than is necessary for the actual use of them.

Now, this section, from which this exemption is sought, protects all vested rights up to this time; but it permits them to go on acquiring real estate indefinitely and large sums of money without limit, all free from all taxes, and the sooner we stop this the better. So I hope that the gentleman in charge of the bill will accept the amendment, but if he does not, that the House will vote for the amendment and let this Territory stand exactly on the same footing as other Territories.

Mr. NEWLANDS. Mr. Chairman——

The CHAIRMAN. The gentleman from Nevada.

Mr. HAMILTON. I can make a statement which will make plain to the gentleman——

Mr. NEWLANDS. Mr. Chairman, was I recognized?

The CHAIRMAN. No member of the committee appearing to desire the floor, the Chair recognized the gentleman from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. I yield, then, to the gentleman from Michigan for a moment.

Mr. HAMILTON. Perhaps I can be of assistance to the gentleman in throwing some light upon the subject. There are several institutions which are of charitable or educational nature, among which should be first named the Lunalilo Trust. This trust was established under the will of King Lunalilo, who devised all of his property to establish a home for indigent Hawaiians. Under the provisions of his will the Lunalilo Home was established and has been in operation for about fifteen years.

The property which Lunalilo left consisted mainly of tracts of land in various parts of the islands, which at the time were not of very great value, and he directed that when the property became of the value of $25,000, the home should be established, his views being that if his property was sufficient to establish the home, the maintenance of it would have to be provided largely by the public. The value of the lands, however, increased very much, and now the home, which was established at a cost of over $30,000, has been maintained for a number of years, and the funds derived from the proceeds of the sale of the land amount to over $200,000, which are invested in securities subject to approval by the judges of the supreme court.

This institution has proved of great benefit to the aged and dependent Hawaiians.

Second. The Princess Pauahi Bishop devised her property, consisting of a large number of lands, for the establishment of industrial schools for the education of Hawaiian boys and girls, also making provision for certain charities. Later, and after her death, her husband, the Hon. Charles R. Bishop, made large provisions by various deeds of trust for the establishment of a museum, and also for aiding the various charitable organizations in the islands. The property devised by Mr. Bishop for these charitable and scientific purposes is now worth more than $1,000,000 and will probably increase in value. These institutions, maintained by the munificent provisions made by these friends of the Hawaiian race, are of the greatest value to those people.

Third. The Young Men's Christian Association of Honolulu owns property in excess of $30,000 in value and is an undenominational organization exercising a great influence for good in that community.

Fourth. Efforts are being made in Honolulu to establish a home for incurables. The public hospital in Honolulu, known as the Queen's Hospital, can not receive persons afflicted with consumption or other similar incurable diseases, and the need for a home for such persons is becoming very great.

Consumption is not very prevalent among the natives of the country, but many people come to that climate hoping to recover their health. Many of these people have limited means, and some of them have no more than sufficient to enable them to reach the islands. The care of these people devolves upon the residents of the islands, and the responsibility has reached a stage where it is deemed necessary that a home should be provided for them.

Funds or endowment sufficient to provide an income to maintain such an institution would have to be more than $50,000.

The insular and isolated situation of the islands is such that the

responsibility for the care of the helpless is perhaps more pressing than in many other communities, and it certainly would seem to be unwise to provide by statute that organizations established for such purposes should be restricted in the amount of the means which may be provided for their maintenance.

Mr. McRAE. Just a word.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McRAE. I am as much in favor——

The CHAIRMAN. The gentleman from Nevada [Mr. NEWLANDS] is recognized.

Mr. ROBINSON of Indiana. I ask that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from Indiana asks that the time of the gentleman from Michigan be extended five minutes.

Mr. ROBINSON of Indiana. The time of the gentleman from Indiana.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McRAE. It will only take a moment to say what I want to say. I am as much in favor of missionary work and charitable institutions as anyone can be. I believe firmly in the Christian religion, but I want it kept separate from governmental affairs——

The CHAIRMAN. The Chair will say that he understood that it was the time of the gentleman from Michigan which was extended.

Mr. McRAE. I understood the gentleman to yield to me.

Mr. HAMILTON. I have no time to yield, as I understand.

The CHAIRMAN. Then the gentleman from Nevada [Mr. NEWLANDS] is recognized.

Mr. McRAE. I hope I may be permitted to finish my sentence.

Mr. NEWLANDS. I yield to the gentleman from Arkansas one minute.

Mr. McRAE. I thought the gentleman from Michigan had five minutes given to him by the committee and that he yielded to me.

Mr. HAMILTON. Very well. Let the gentleman from Arkansas conclude.

The CHAIRMAN. It is not in order for gentlemen under the five-minute rule to yield time.

Mr. ROBINSON of Indiana. What becomes of my request for unanimous consent, that was granted?

The CHAIRMAN. The Chair understood the request of the gentleman from Indiana to be that the time of the gentleman from Michigan [Mr. HAMILTON] be extended.

Mr. ROBINSON of Indiana. No; the gentleman from Arkansas.

The CHAIRMAN. That was the error of the Chair, then. For the purpose of bringing the matter back to its proper place——

Mr. CANNON. Will the gentleman from Michigan allow me to ask him a question?

The CHAIRMAN. The gentleman from Nevada [Mr. NEWLANDS] is now recognized and has the floor.

Mr. NEWLANDS. I will yield one minute to the gentleman from Arkansas [Mr. McRAE].

Mr. McRAE. I want to say that while I am in favor of religious and charitable institutions, and while I am a firm believer in the Christian religion and all proper missionary work, I do not believe it is right for those who entertain the same opinions to tax those who do not agree with us for the support of such institutions or to exempt large estates held by them to be relieved from all taxes. If you want to teach the people of Hawaii the fundamental principles of government, you must divorce religion and government. Missionaries must understand that their work should be confined to spiritual matters and not to acquiring large estates and hold them free of taxes for the support of the Government.

The statement of the gentleman from Michigan shows large accumulations of money, running up into the millions already. The complaint that these poor people make to-day is against the questionable methods of some missionaries who went to the country for the alleged purpose of benefiting them spiritually, but who took advantage of their ignorance to get title to their lands. Many of those people claim that they have been robbed and mistreated by alleged missionaries, and now you propose to exempt the estates thus acquired from taxes and thus enable these people to accumulate great fortunes without any limitation. If they own more property than is absolutely necessary for use as churches and charitable institutions, the excess should be taxed; but such concerns should not own more.

Mr. NEWLANDS. Mr. Chairman, I concur with the gentleman from Arkansas [Mr. McRAE] in his amendment, the purpose of which, as I understand it, is to prevent these charitable and religious associations from holding real estate in excess of the value of $50,000. That limitation is the one which is now contained in the general law of the United States regarding Territories, which this Territorial act seeks to repeal so far as Hawaii is concerned.

Mr. SNODGRASS. Will the gentleman yield for a question?

Mr. NEWLANDS. Let me finish this sentence, please.

Section 1890 of the Revised Statutes provides that existing vested rights in real estate shall not be impaired by the provisions of this section.

Mr. HITT. At what date was that act passed?

Mr. NEWLANDS. It is section 1890 of the Revised Statutes.

Mr. HITT. That applies to institutions in existence the day that act was approved.

Mr. SNODGRASS. I should like to ask the gentleman upon what principle vested rights are protected unless the Constitution is there? If we have absolute power to act and legislate for those islands, what principle protects vested rights?

Mr. NEWLANDS. Well, so far as I am concerned, I am not one of those who believe in the theory that the Constitution does not apply to the Territory of Hawaii.

Whether it applies or not, I imagine that the disposition of Congress would be to protect vested rights; and if, as the gentleman from Illinois [Mr. HITT] intimates, only those vested rights existing at the time of the enactment of this section 1890 of the Revised Statutes are recognized, we can certainly insert a provision in this bill which will recognize vested rights now existing.

Mr. KNOX. Will the gentleman allow me to ask him a question?

Mr. NEWLANDS. What I do wish to reach—I have only a few minutes, and then I will answer questions—what I do wish to meet is the tendency toward land monopoly in these new possessions that have been acquired, and we ought to meet it with reference to Hawaii, we ought to meet it with reference to Puerto Rico, and if we are ever called upon to legislate in regard to the Philippines we ought to meet it with reference to those islands at the very threshold of legislation. The insurrection in the Philippine Islands was not so much a protest against Spain and is not to-day so much a protest against the United States as it is against a system of land monopoly which has grown up.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWLANDS. I ask an extension of five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KNOX. Now, may I ask the gentleman a question?

Mr. NEWLANDS. It is a protest against a system of land monopoly that has grown up in the Philippine Islands, of which the religious organizations of those islands are the beneficiaries. Now, that is a question as old as time; and if we look at the economic causes of most of the wars that have visited the world, we will find at the bottom of almost every war a protest against the monopoly of land. It led to the French Revolution. The land of France prior to the revolution was held one-third by the nobility, one-third by the church, and the other, and the poorer third, was held by the masses of the people, and the taxes were all imposed on the poorer third. That it was that led to the revolution of blood and carnival of destruction. Puerto Rico to-day is one of the most thickly inhabited islands in the world—a million of people occupying an island 100 miles long and 40 miles wide.

The holdings of the land in that island to-day are comparatively small; but freer trade with the United States and the commercial advantage gained by access to our markets will give a great advance to the value of those lands, and we will see a gradual centralization and concentration of ownership in the hands of a few, unless we restrain it now. If we do not guard it by legislation, we will have 900,000 or a million people on those islands without a foot of land which they can call their own, all of them serfs attached to the soil, subject to the control of the landlords.

The reason why the war in the Philippines is being waged to-day is that vast tracts of land are held by the religious organizations of Luzon, in whose hands they have been gradually concentrated, and the Filipinos, though devoted to the church, have been in repeated revolts against this system and have demanded its reform. They are at war with the United States largely because they believe that our Government will maintain and protect this monopoly, and their resistance would be greatly diminished and the islands would be speedily pacified if an assurance were to-day given that efforts would be made to relax that land monopoly, not by confiscation of the land, as the Filipinos themselves intended to do, and as has been accomplished in almost every Latin country—in all the South American Republics, all the Central American Republics, in Mexico, and in Italy itself—but by a condemnation of those lands to public use, through a judicial tribunal organized for that purpose, adequate compensation to the owners being assured, by issuing bonds at a low rate of interest and for a long period of time for their payment, the lands to be thrown open to the Filipinos in small tracts, to be paid for on long time and at low rates of interest. This is the economic cause of this war, and the best way of pacifying those islands is to meet, in our legislation here, conditions of land monopoly that exist there by wise action regarding it.

Now, so far as the Hawaiian Islands are concerned, the tendency there is toward land monopoly. The tendency always is to employ in these semitropical countries either slave labor or

semislave labor. There the lands have been drifting into large holdings. We should in this very bill limit the number of acres which any corporation should hold; and if any existing corporations hold land in excess of the limit, we should by some just provision, extending over a period, compel the disposition of those lands by sale, so that this land monopoly may be broken up, otherwise we will have——

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWLANDS. I ask two minutes more.

The CHAIRMAN. The gentleman from Nevada asks that his time be extended two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWLANDS. Otherwise we will have in the Hawaiian Islands an oligarchy stronger than the one that has existed there in the past, with an absolute monopoly of the lands in the hands of the few, and an abject, servile population, incapable of resisting oppression or of exercising the rights of freemen. It does seem to me that in our initial legislation, intended to meet the conditions of these islands, where the present tendency toward land monopoly is great and where the tendency will be greater as the value of these lands rise, as the trade with this country increases, we ought to make a provision here and we ought to extend this wise provision of the general law applying to all Territories hitherto admitted into the Union to Hawaii, coupling it with such a provision as will protect existing vested rights.

Mr. CANNON. I would be glad in my time to have the attention of the gentleman, in the shape of a question and a remark at the same time. I am quite in harmony with him as to his general views; but here is a statute that absolutely prohibits a charitable organization from having more than $50,000 worth in a Territory.

Mr. NEWLANDS. Well, we can increase the limit.

Mr. CANNON. Now, if that law were enforced in a State, or in the District of Columbia, such an institution as the Louise Home, founded by Mr. Corcoran, could not exist, and at once all the property of that home over and above $50,000 would escheat to the United States; and so of many others all over the States and in the gentleman's own State of Nevada. Now, in the Sandwich Islands, as I understand and was informed when I was there for a few days three or four years ago, they have a number of very worthy charities that speak much for the head and hearts of the people who formerly had possessions there, who left testamentary bequests. I think it would be a great hardship for them if they were eliminated. The gentleman from Michigan referred to them.

Now, while I have no objection to a limitation, I believe in making that limitation it ought to be placed beyond question that the present charities, especially those referred to by the gentleman from Michigan, that are real charities, should not be interfered with. Subject to that observation, I would be glad with my vote to cooperate with the gentleman, and I would be glad to know what he thinks of the proposition about making an exception in the case of these real charities.

Mr. NEWLANDS. I will say to the gentleman from Illinois that I agree with him that all vested rights should be protected. So far as Hawaii is concerned, I do not understand that the monopoly of land by religious organizations has grown to any very large proportions. What we want to do is to prevent anything of that kind in the future.

Now, then, this statute of 1890 does protect all that these religious and beneficial corporations have now. As to the limitations of the future, I am willing to make it $100,000 or $150,000. It should be recollected that the limitation only applies to real estate. Such corporations can hold bonds, stocks, and other personal property without limit.

Mr. CANNON. If my friend will allow me, I thought the statute, as he says, would apply to these institutions, but my colleague, Mr. HITT, says the vested rights preserved in the statute of 1890 are vested rights which were in existence at the time of the enactment of that law. The enactment of that law was at the time of the revision, as I recollect, of the statutes in the early seventies; so that where property has been acquired since that time in Hawaii it would not be saved by this provision. I think the gentleman and myself both agree that we do not want to interfere with those charities as they exist to-day.

Mr. NEWLANDS. I quite agree with the gentleman that the amendment ought to be carefully framed. Section 1890 is contained in a general law regarding Territorial government, and provides that religious corporations shall not hold real estate in excess of $50,000, but that it shall not affect vested rights. I imagine that that would not be held to affect rights which were vested at the time of the passage of this bill.

Mr. KNOX. But, if the gentleman will allow me a suggestion, the statute says "existing vested rights." I think, as a matter of law, it would be held that section 1890 did not apply.

Mr. NEWLANDS. Well, we can change it so that it will not affect rights existing to-day.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. SNODGRASS. Mr. Chairman, is it in order to offer a substitute at this time for that proviso in section 5?

The CHAIRMAN. Does the gentleman propose an amendment to strike out the whole section?

Mr. SNODGRASS. I propose to offer a substitute.

The CHAIRMAN. That would not be in order until the section is perfected.

Mr. McRAE. Mr. Chairman, we want to reach the evil, and I am willing to modify my amendment.

Mr. SNODGRASS. I have an amendment, Mr. Chairman, myself, which I think will overcome the difficulty. It is that section 1850 shall not operate so as to disturb vested rights in the Territory of Hawaii.

Mr. CANNON. I will say to the gentleman that the section is 1890; I think that is the one that the gentleman intends.

Mr. SNODGRASS. I will accept the suggestion of the gentleman from Illinois and make it 1890. I did not have the number of the section before me. So far as I am concerned, Mr. Chairman, I am not disturbed about vested rights, because I believe the Constitution is there to protect them, but there can be no objection to the passage of this substitute, which would carry that section into these islands so as to prevent hereafter any violation of its provisions; if the proviso were adopted, it would not disturb vested rights.

Mr. McRAE. Mr. Chairman, if I can be permitted to modify my amendment, I will do so. I see no particular necessity for striking out section 1850. So I would strike out all after the word "and," in section 3, down to the end of the paragraph, and insert "but section 1890 of the Revised Statutes shall apply and is hereby reenacted as of this date."

The CHAIRMAN. Will the gentleman send the amendment to the desk to be reported by the Clerk?

Mr. NEWLANDS. Will the Clerk read the section as it is proposed to be when amended?

The CHAIRMAN. The Clerk will first report the amendment as offered by the gentleman from Arkansas.

The Clerk read as follows:

Strike out all after the word "fifty" in line 3, page 53, down to and including the word "Hawaii," and insert "but section 1890 shall apply to the Territory of Hawaii, and is hereby reenacted as of this date."

The CHAIRMAN. Does the Chair understand that the gentleman from Arkansas desires to withdraw the amendment first proposed by him?

Mr. McRAE. I desire to modify my amendment, as indicated in the proposition just read by the Clerk.

The CHAIRMAN. Without objection, the amendment as first proposed by the gentleman from Arkansas will be considered as withdrawn. The Chair hears no objection.

Mr. CANNON. I suggest to the gentleman that he insert the words "of the Revised Statutes of the United States" after the words "section 1890."

Mr. McRAE. Certainly. I intended to make that modification.

The CHAIRMAN. In order that the Chair may understand exactly the parliamentary status, he desires to ask the gentleman from Tennessee [Mr. SNODGRASS] whether his proposition was to insert the words sent to the desk as a proviso to the section or to strike out some part of the proviso as printed and insert the language he proposes?

Mr. SNODGRASS. My object is to substitute the proviso which I send to the desk for the proviso reported by the committee.

The CHAIRMAN. Then the motion of the gentleman from Arkansas will be first in order.

Mr. MORRIS. I should like to have the proviso read as it will read after the amendment of the gentleman from Arkansas is adopted, if it should be adopted.

The CHAIRMAN. Without objection, the Clerk will report the proviso in that form:

The Clerk read as follows:

Amend the proviso so as to read:
"*Provided*, That section 1850 and section 1890 of the Revised Statutes of the United States shall apply to the Territory of Hawaii, and is hereby reenacted as of this date."

Mr. MORRIS. The gentleman from Arkansas will allow me to suggest that the language is incomplete, and should read that "Section 1850 of the Revised Statutes of the United States shall not apply to the Territory of Hawaii; but section 1890 of the Revised Statutes of the United States shall apply to the Territory of Hawaii, and is hereby reenacted as of this date."

Mr. McRAE. That is correct and as I intended. By inadvertence my amendment as drawn struck out more words than I intended should be, and I modify it as suggested, and thank the gentleman for calling my attention to it.

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas, as modified.

Mr. FINLEY. Do I understand the chairman of the committee to accept that amendment?

Mr. KNOX. Not at all. But I hope the gentleman will let us have a vote.

Mr. FINLEY. I should like to state this: If the purpose of this amendment was to put an end to the land monopoly in Hawaii, I would vote for it.

Mr. KNOX. If the gentleman from South Carolina [Mr. FINLEY] will allow me, I will accept the amendment.

Mr. FINLEY. I am not in favor of the amendment.

Mr. KNOX. Very well.

Mr. FINLEY. As I have stated, if the purpose of this amendment was to put an end to land monopoly in the Hawaiian Islands—a monopoly which now exists, not by religious and charitable institutions, but by speculators and capitalists—I would heartily support the amendment. But, Mr. Chairman, this is not the case, and I submit that the amendment should not prevail. The same reasons which make it necessary to limit the holdings of real property by religious and charitable organizations in the Territories of the United States do not apply to the Hawaiian Islands. Our existing Territories are undeveloped, so to speak. Not so with the Hawaiian Islands. They come to us a sovereign State at the time of annexation—not only a sovereign State, but one developed, with an abundant population and with institutions which exist much the same in all respects as institutions of our older States.

Now, Mr. Chairman, there is more necessity for religious and charitable institutions in the Hawaiian Islands than there is in any Territory of the United States, because, situated as those islands are on the highway of travel between Asia and the two Americas, all the plagues and different forms of disease to which man is heir find a lodgment there.

Those people suffer in many ways from diseases and plagues, making it necessary to have hospitals and institutions of a charitable nature which do not exist in the Territories of the United States.

Now, I would like to ask the gentleman urging this amendment, would a provision of this kind be applicable in the State of New York, in the State of Arkansas, in the State of Maine, or in the State of South Carolina? Is it not true that in almost every State of this Union there are charitable institutions for the purpose of administering to the wants and relieving the sufferings of the afflicted having a much larger capital than $50,000?

I can see no reason for not exempting the Hawaiian Islands from the provisions of section 1890, and I hope the amendment will be voted down.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

Mr. KNOX. Mr. Chairman, I make the point of order that debate upon this section is exhausted.

The CHAIRMAN. Debate upon this section is exhausted under the rule. The question is upon the adoption of the amendment proposed by the gentleman from Arkansas [Mr. McRAE].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. McRAE and Mr. WILLIAMS of Mississippi demanded a division.

The committee divided; and there were—ayes 24, noes 29.

Mr. McRAE. Tellers, Mr. Chairman.

Tellers were refused, ten members, not a sufficient number, rising in support of the demand therefor.

Accordingly the amendment of Mr. McRAE was rejected.

Mr. NEWLANDS. Mr. Chairman, I now move——

The CHAIRMAN. The amendment now pending is the amendment offered by the gentleman from Tennessee [Mr. SNODGRASS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, is debate exhausted upon that amendment?

The CHAIRMAN. It is not.

Mr. WILLIAMS of Mississippi. I should like to be heard upon it for a few moments.

The CHAIRMAN. The gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, in answer to what was said by the gentleman from South Carolina [Mr. FINLEY] a moment ago, this amendment would not interfere with any vested rights in the Territory of Hawaii. That is the first thing to be considered.

It would not interfere with vested rights, even without the saving clause of this amendment, which says that it shall not do so. It could not, because the courts would not permit it to do so.

The second consideration that presents itself to my mind is this: I admit that the situation in Hawaii is somewhat different from that of the other Territories of the United States. It is, as the gentleman has said, upon the thoroughfare where diseases from the Orient first make their approach. But there is nothing in the amendment that would interfere with public hospitals. They are not religious or charitable corporations within the sense of the law.

Mr. KNOX. Are they not charitable institutions?

Mr. WILLIAMS of Mississippi. Not in the sense of the legal phrase when they are public and maintained by the government of the Territory or by the State. No court has ever held that they fell within the inhibition against charitable corporations.

Now, there are out there, and there always will be, hospitals, with immense endowments, under the charge of the state, so to speak, although the state has now become a Territory of the United States—in other words, governmental institutions. This does not apply to them.

Now, the gentleman said a moment ago that this same sort of a law would not do for the States. But it is a matter within our knowledge that nearly all the States in the Union have laws limiting the amount of land which may be owned and controlled by charitable and religious corporations. Not only is it a fact that most of the States now have such laws—doubtless the gentleman's own State; mine, at any rate—but it is a fact that one of the fundamental principles of the English law is the statute of mortmain, and it is a matter of the very highest public policy that land especially should not fall into the possession, control, and title of "dead hands," as the law calls it.

Now, this amendment having done away with some of the objections of the other one, namely, having expressly saved the point of interfering with existing institutions, it seems to me that all reasonable opposition which can be made to it has disappeared.

I want to call the attention of the committee to another feature. Following section 1890 of the Revised Statutes is section 1891, which makes section 1890 applicable to "all the Territories hereafter to be created." So that if you make 1890 inapplicable to Hawaii, but leave 1891 upon the statute book, it seems to me that you may raise a question of law that it is unnecessary to raise. So that if the House is going to render section 1890 inapplicable, then it ought to go further and render section 1891 inapplicable. But I believe that both ought to be applicable to the Territory of Hawaii, as well as to the other Territories of the United States, first saving all question about existing institutions and vested rights, which saving is made by the amendment offered by the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Mr. Chairman——

Mr. KNOX. I make the point that debate on this amendment is exhausted.

Mr. SNODGRASS. I hope the gentleman will not do that. I did not occupy my full five minutes when I offered the amendment.

Mr. KNOX. How much time does the gentleman want?

Mr. SNODGRASS. I only want three or four minutes.

Mr. KNOX. I move that debate on this section close in five minutes.

The CHAIRMAN. The gentleman from Massachusetts moves that all debate on this section close in five minutes.

The motion was agreed to.

Mr. SNODGRASS. Now, Mr. Chairman, the section which this bill intends to make inoperative in Hawaii is section 1890 of the Revised Statutes of the United States, which reads as follows:

SEC. 1890. No corporation or association for religious or charitable purposes shall acquire or hold real estate in any Territory, during the existence of the Territorial government, of a greater value than $50,000; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States; but existing vested rights in real estate shall not be impaired by the provisions of this section.

Now, as I stated at the outset, I believe that the Constitution is there to protect vested rights; but if the contention of gentlemen on the other side is true that whatever law Congress may enact is absolute in the Territory of Hawaii, then I assume that this provision, providing that this section shall not apply to Hawaii, is for the sole purpose of preventing the confiscation of the property that is held by religious or charitable institutions. As I say, I do not apprehend that danger, because I think the Constitution is there to protect such property; but if it is not there, then it is absolutely essential that some such provision be enacted, because otherwise, if the laws of the United States go there with this section, the property so held above the limit would be confiscated.

The amendment that I offer will carry those provisions of the laws of the United States there, this section included, but will provide that this shall not operate so as to disturb existing rights, but the section will be there for the purpose of circumscribing the amount of property that may be held hereafter by any institution now existing there or that may hereafter go there. I think its terms are sufficiently protected so that it ought to be adopted, and allow this section to go there with the others, so as to prevent other institutions, which may be there now, or which go there hereafter, acquiring the title to the whole of these lands and establishing monopolies. So I think my amendment ought to pass.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Tennessee [Mr. SNODGRASS].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. SNODGRASS and Mr. WILLIAMS of Mississippi demanded a division.

The committee divided; and there were—ayes 20, noes 34.

Mr. SNODGRASS. I ask for tellers.

Tellers were refused, 16 members, not a sufficient number, rising in support of the demand therefor.

Accordingly the amendment of Mr. SNODGRASS was rejected.

The CHAIRMAN. The Chair will state that the gentleman from Tennessee [Mr. RICHARDSON] sent to the desk an amendment to this section, which has not been read; for the information of the committee the Clerk will read it.

The Clerk read as follows:

Strike out, in line 24, section 5, the words "except as herein otherwise provided" and insert the same words after the words "United States," in line 25 of the same section, and insert a comma after the word "Constitution," in line 25 of the same section.

Mr. BARTLETT. Mr. Chairman, that was intended to meet this situation. The gentleman from Tennessee and a number of others on this side of the House contend that the provision——

The CHAIRMAN. The Chair will state to the gentleman from Georgia that on the motion of the gentleman from Massachusetts debate on this section has been closed.

Mr. BARTLETT. On what?

Mr. WILLIAMS of Mississippi. On the amendment?

The CHAIRMAN. On the section.

Mr. KNOX. Do you consider this anything more than a mere verbal amendment?

Mr. BARTLETT. Yes, sir; I do.

Mr. KNOX. A matter of substance?

Mr. BARTLETT. I think so.

Mr. KNOX. And that by inadvertence or by accident it was not presented?

Mr. BARTLETT. The gentleman from Tennessee [Mr. RICHARDSON] wrote it and sent it to the desk for the purpose of presenting it, and while the discussion was going on he went out, and will be back in a moment. I know he intends to present it, and he sent it to the desk for the purpose of having it pending. I ask permission to finish my statement.

Mr. KNOX. I do not like to object to anything that went out by a misunderstanding.

Mr. BARTLETT. I can not say it went out by a misunderstanding.

The CHAIRMAN. The section might be passed over until the return of the gentleman from Tennessee.

Mr. KNOX. Pass it until he returns. I will agree to that.

The CHAIRMAN. The gentleman from Massachusetts asks that this section be passed for the present. Is there objection? [After a pause.] The Chair hears none.

CONSTRUCTION OF EXISTING STATUTES.

SEC. 10. That all obligations, contracts, rights of action, suits at law and in equity, prosecutions, and judgments existing prior to the taking effect of this act shall continue to be as effectual as if this act had not been passed; and those in favor of or against the republic of Hawaii, and not assumed by or transferred to the United States, shall be equally valid in favor of or against the government of the Territory of Hawaii. All offenses which by statute then in force were punishable as offenses against the republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii unless such statute is inconsistent with this act, or shall be repealed or changed by law. All criminal and penal proceedings then pending in the courts of the republic of Hawaii shall be prosecuted to final judgment and execution in the name of the Territory of Hawaii; all such proceedings, all actions at law, suits in equity, and other proceedings then pending in the courts of the republic of Hawaii shall be carried on to final judgment and execution in the corresponding courts of the Territory of Hawaii; and all process issued and sentences imposed before this act takes effect shall be as valid as if issued or imposed in the name of the Territory of Hawaii.

Mr. KNOX. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 58, section 10, line 23, add the following:

"*Provided*, That no suit or proceedings shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach: *Provided further*, That the provisions of this section shall not apply to merchant seamen."

Mr. ROBINSON of Indiana rose.

Mr. KNOX. I yield to the gentleman from Indiana.

The CHAIRMAN. The gentleman can not yield to another gentleman under the rule.

Mr. McRAE. I offer an amendment to the amendment.

Mr. ROBINSON of Indiana. I move this as a substitute.

The CHAIRMAN. The gentleman from Arkansas offers an amendment to the amendment, which will be reported to the committee.

Mr. McRAE. Following the language of the gentleman from Massachusetts.

The Clerk read as follows:

That the act approved February 26, 1885, "to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," and the acts amendatory thereof and supplemental thereto, be, and the same are hereby, extended to and made applicable to the Territory of Hawaii.

Mr. KNOX. That is already provided by the bill, our entire immigration laws——

Mr. McRAE. I think there is some doubt about that. I do not think you will lose anything by expressly and positively extending this law and making it clear.

Mr. KNOX. We might then go on and extend all the laws separately.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana.

Mr. ROBINSON of Indiana. I propose this as a substitute for the amendment.

The CHAIRMAN. The Chair will say that as the bill being considered by the committee is itself an amendment, it is not in order to consider any other amendment than that proposed by the gentleman from Massachusetts until that amendment is disposed of.

Mr. NORTON of Ohio. Then would it be in order to move to strike out the last word? I desire to be heard on the amendment of the gentleman from Massachusetts.

The CHAIRMAN. It would not be in order to move to strike out the last word of the gentleman's amendment, because that would be an amendment.

Mr. ROBINSON of Indiana. Have I not the floor? I present this as a substitute.

The CHAIRMAN. The gentleman presents a substitute, which will be read in the time of the gentleman from Indiana.

The Clerk read as follows:

Strike out all of section 10, on page 58, and insert:

"CONSTRUCTION OF EXISTING STATUTES.

"SEC. 10. That all rights of action, suits at law and in equity, prosecutions, and judgments existing prior to the taking effect of this act shall continue to be as effectual as if this act had not been passed; and those in favor of or against the Republic of Hawaii, and not assumed by or transferred to the United States, shall be equally valid in favor of or against the government of the Territory of Hawaii. All offenses which by statute then in force were punishable as offenses against the Republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii, unless such statute is inconsistent with this act or shall be repealed or changed by law. All criminal and penal proceedings then pending in the courts of the Republic of Hawaii shall be prosecuted to final judgment and execution in the name of the Territory of Hawaii; all such proceedings, all actions at law, suits in equity, and other proceedings then pending in the courts of the Republic of Hawaii shall be carried on to final judgment and execution in the corresponding courts of the Territory of Hawaii; and all process issued and sentences imposed before this act takes effect shall be as valid as if issued or imposed in the name of the Territory of Hawaii: *Provided*, That no suit or proceedings shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach.

"SEC. 11. That all contracts made since August 12, 1898, by which persons are held for service for a definite term, are hereby declared null and void and terminated, and no law shall be passed to enforce said contracts in any way; and it shall be the duty of the United States marshal to at once notify such persons so held of the termination of their contracts."

Mr. ROBINSON of Indiana. Mr. Chairman, the substitute proposed for the amendment is the provision adopted by the Senate after a most careful consideration. I took the time to go to individual Senators—Senator NELSON, Senator PETTIGREW, and others—and all agree that it wipes out effectually this contract labor in Hawaii. It was suggested to me by those Senators that this would be the proper and the best provision to pass upon this subject. I believe the chairman of the committee will accept this. The only difference between this and the main portion of the provision of the gentleman from Massachusetts is the words "obligation and contracts" are eliminated from the first line, and then the Senate's last section, which is wiping out the labor contract, is appended. That is the only difference.

Mr. McRAE. I did not understand it from the reading of it. I would like to hear some explanation from the gentleman.

Mr. ROBINSON of Indiana. It is the Senate's provision, drawn by Senator PETTIGREW.

Mr. McRAE. It does not make any difference whom it was drawn by; it is not clear to me.

Mr. ROBINSON of Indiana. It says:

That all contracts made since April 12, 1898, by which persons are held for service for a definite term, are hereby declared null and void and terminated, and no law shall be passed to enforce said contracts in any way; and it shall be the duty of the United States marshal to at once notify such persons so held of the termination of their contracts.

Mr. McRAE. What we want and what the law gives us in this country is to prohibit the shipowners from bringing these people into the country.

Mr. KNOX. Those laws are all extended by the bill.

Mr. ROBINSON of Indiana. Yes; but that does not go far enough on the labor contract.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. NORTON of Ohio. Mr. Chairman, I note in the amendment offered by the gentleman from Massachusetts one very important and good thing, something that brings a little ray of hope to the people of Hawaii, and that is taking them from a worse slavery and servitude than that which existed in the South. I would like to ask the gentleman why it is that such a provision as I find at the bottom of that amendment is inserted:

Provided further, That the provisions of this section shall not apply to the merchant seamen.

Mr. KNOX. It is perfectly apparent; it applies to shipping contracts that are made between owners and masters of vessels and seamen. That has been the custom of all naticns from time immemorial.

Mr. NORTON of Ohio. I see the object of the gentleman in taking up my time.

Mr. KNOX. Well, the gentleman from Ohio asked me a question, and I was simply answering it.

Mr. NORTON of Ohio. But I did not ask the gentleman to make a speech. Why was that proviso added? Where did it come from? I think I can fathom the motive that inspired it and see the hand that penned it. You propose to go to Hawaii and relieve the enslaved foreigners there from servitude, and renew the bonds of American seamen, turning them over to imprisonment. Where does the proviso come from? In the peculiar organization of the committees of the House there is one committee purposely arranged to carry out the dictates and commands of a gigantic syndicate seeking to perpetrate an enormous robbery of our Treasury, a subject to which I may, if I have the time, devote a little attention before I close. From that committee—from the Merchant Marine Committee—for a particular purpose, this proviso comes. What purpose can the House have, and what excuse can you find for indorsing it?

Where will you go for reasons to justify a provision by which you may imprison American seamen for exercising the right of every American citizen while by an act forming a new government, creating a Territorial government under the Constitution of the United States, you relieve from slavery and the dungeon the Japanese, the Chinese, the Portuguese, the Malays, and every other class of pauperized and degraded labor taken by capital into the Hawaiian Islands, and at the same time, under this apparently insignificant proviso of a bare dozen words, American seamen may be thrown into prison at the complaint of the owner of any ship, subsidized by American money or otherwise, as is proposed to be done in this House? [Applause on the Democratic side.]

I object, sir, in the name of justice and right, to placing in the hand of any man the arbitrary right to imprison an American seaman, to consign him to a period of involuntary servitude, at pleasure. I denounce the right to do this anywhere, on land or on the sea. And yet we see it to-day in the Cœur d'Alene mining district; we behold men held to servitude on American soil, under the guns of Federal soldiers, and sanctioned by a Republican President and a Republican Administration, despite and in defiance of the Constitution. And this proviso seeks to perpetuate a brutal and inhuman custom, because, forsooth, "it has been the custom of all nations from time immemorial."

Mr. Chairman, it has been the proud boast of American orators, statesmen, and writers that the United States stood in the van of civilization and progress; that we as a people and a nation have long since discarded and abandoned the swaddling clothes of barbarism and superstition; that we have outgrown and forever buried the idea of blind faith. We live in an age of reason and place every creed and dictum under the microscope and scalpel, and to a certain extent the boastings of our patriotic fellow-countrymen are justified by existing conditions, but, sir, we are still of the earth earthy; there still clings to us a few relics of the dark ages. Polygamy and slavery are hideous evils, to be met and faced to-day as well as in ages gone by. Yes; under the sanction and protection of our flag both these evils exist, and exist because of the permission of a Republican Administration. Shall we defend these foes to our institutions because they have existed "from time immemorial?"

A strange anomaly presents itself to us here. Our country at the close of a long and sanguinary civil war thought to take a gigantic leap onward and upward toward the realization of Christian civilization, and give at one bound the gracious boon of freedom to millions of the colored race held in bondage of American slavery. An amendment to the Constitution was adopted by the necessary majority of the States, thus becoming a part and portion of the framework of our Government. If the statesmen of that period had been as wise and brilliant as their successors of to day they would simply have passed an act of Congress, and the same result would have been attained, according to the arguments that have been presented on the Republican side of this Chamber on various questions of constitutional matters under discussion. [Laughter on the Democratic side.]

Now, while every other class of citizens, and taking in foreigners also, are by statute given the constitutional protection of our civil law, yet American seamen are by express statute barred therefrom, and objection is raised to affording them relief because "from time immemorial" they have been subjected to imprisonment, branding, jack-o'-nine-tails, and other inhuman and unjust tortures at the hands of brutal masters and shipowners.

The statute which this proviso seeks to retain in full force and effect is section 4598 of the Revised Statutes of the United States:

If any seaman who shall have signed a contract to perform a voyage shall at any port or place desert, or shall absent himself from such vessel without leave of the master or officer commanding in the absence of the master, it shall be lawful for any justice of the peace within the United States, upon the complaint of the master, to issue his warrant to apprehend such deserter and bring him before such justice, and if it then appears that he has signed a contract within the intent and meaning of this title, and that the voyage agreed for is not finished or altered, or the contract otherwise dissolved, and that such seaman has deserted the vessel, or absented himself without leave, the justice shall commit him to the house of correction or common jail of the city, town, or place, to remain there until the vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the master, he paying all the cost of such commitment and deducting the same out of the wages due to such seaman.

And the next section, No. 4599, goes on and says that even before a voyage has commenced any master, mate, owner, or consignee may arrest, without the formality of a warrant, any seaman who may see fit to throw up his contract.

The beginning of this cruel exception against the seaman was away back before the dawn of the Christian era, at a time when human life and human liberty were considered as of but little or no value, where government was absolute despotism, and sailors were branded in the face for disobedience, or by statute kept on "bread and water for one year."

The thirteenth amendment to our Constitution says:

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Does not this proviso violate the spirit of individual liberty and freedom of choice inherent in our American institutions? Does it not contravene the plain letter of this constitutional amendment?

We battled with England because of her arrogant claim and exercise of the alleged right of stopping our merchant vessels and impressing our seamen into her service. If evidence brought out before investigating commissions is to be believed, the owners and masters of merchant vessels to day have not abandoned the practice of impressing or "shanghaiing" seamen to fill up their crews, and once enrolled these men are helpless, victims of their master's pleasure, and this proviso continues them in their "involuntary servitude." You may call it what you will, it is slavery still. To compel one man to render personal service to another in private business affairs is slavery. If you can compel the seaman to wear the chains, you can and you will soon apply them to the miner, the railway employee, the mechanic, in fact this proviso opens the way to the actual legalized industrial slavery of every workman in the land.

The argument of military or naval service is not analogous to industrial employment. Service for the country is service rendered for the public weal, and is the duty of every patriotic citizen to perform when necessary; but in private business no such question arises, and while a suit for damages might be good and hold for the nonperformance of contract, to require one to remain at employment against his will at the personal pleasure of his master is a violation of the Constitution as it now is.

There is danger in placing this privilege in any man's power. With the accession of power there is almost universally the tendency or desire toward an arbitrary and tyrannical use of it. There is soon a hatred and defiance of all restraint or criticism and an effort to crush out all opposition. No amount of Republican argument can convince the people, and especially the laboring people, that the Republican party is in sympathy with them, when every expression, every act of that party, as such, is in the interest of syndicated capital and the extension of the powers of the trusts. Scarce four years ago William McKinley stood upon the vine-clad porch at Canton and glorified the Constitution; less than two years ago his whole soul seemed to shrink from thoughts of war; but so rapid has the intoxication of power worked that to-day the Constitution is a byword and a plaything, and the Army and Navy at his command are standing ready to defy the whole world—England excepted. [Applause.]

This proviso comes from the syndicate that is backing the ship-subsidy stealing scheme, and they will have what they ask for.

The Republican party has trampled over the Constitution, not once nor twice, but again and again. In the early days, when there were statesmen and patriots in that party, the Constitution as the magna charter of our liberty was revered, and it was

treason to tamper with it, but with the accession of power came consequent development of disregard of the Constitution as well as moral decadence of the leaders of the party. With that party the sole object in view, the only goal aimed at, is success and continuance in power for the opportunity to raid the public Treasury and despoil the people by legalized robbery, at the sacrifice of all principle, morality, and justice. This is seen in their course on the Philippine question, with the currency act, confirmed by their votes on the infamous Porto Rican bill, continued in the proviso now under discussion, and indicated in the proposed ship-subsidy scheme.

Everywhere and at all times they hasten to bow down before syndicates and trusts, crying "We hear thy mandates and obey." The tentacles of the giant octopus trust are many and far-reaching. They go out to Idaho, and labor is throttled. At the command of the Standard Oil Company the President sends his troops there, and martial law is supreme in a county where not a single act of violence or resistance to law can be proved against the miners there at work. Wholesale arrests are made without warrants or process of law; men guilty of no crime are imprisoned in filthy barns and "bull pens," and kept there for months half fed, without medical care, with insufficient clothing, and not given a trial or hearing. A single instance will illustrate hundreds of cases: A number of miners had decided to quit work under the conditions prevailing. They were summoned to a hall, surrounded by Federal soldiers, and the lieutenant in charge said to them, "I will give you ten minutes to think the matter over. No one will be permitted to leave this hall until the men decide to go to work." The men declined to obey the order and were taken to prison.

This is a condition that may prevail in Pennsylvania, in Ohio, in Michigan, in any State or Territory in the Union, if trust rule be not speedily checked. The excitement caused at large through the nation by the exposure of conditions prevalent in Idaho became so great that the trusts saw that something must be done, so they circulated a petition in Shoshone County, asking the President to retain the troops there; that public safety demanded it; but no one would sign it. Then was issued an order that "all people who refused to sign the petition should leave the county." Is not that freedom and personal liberty with a vengeance?

Labor should be king. It is labor that with every swing of time's pendulum builds up and increases the store of material achievement. It is labor that makes the valleys and plains to blossom as the rose; that builds railroads and gathers the burdens they bear to teeming ports, and fill the ships leaving our shores with heavy-laden holds. It is labor that clears our forests, digs our mines, builds our cities, tills our fields, and reaps our harvests. Labor gives voice to countless factories, and under its power the hills and mountains join in echoing song of new life and advanced prosperity. This being so, labor should share in the reward, and the nation builded and developed on a grand and magnificent scale by its brawn and muscle should be a nation greeting and welcoming labor to a part in its uplift, and a promise of a peaceful, constant, and happy dwelling place within its borders. [Applause.]

The power back of this effort to continue involuntary servitude of American seamen has in contemplation the downfall of organized labor and the speedy reduction of all labor to serfdom or to a "mild form of feudal customs," as one of their champions puts the phrase. The Standard Oil Company is back of the Federal guns in Idaho, holding labor in involuntary servitude. In Ohio, and I quote from an article published in the Forum, of Bucyrus, Ohio:

STANDARD OIL COMPANY AND SUNDAY WORK.

The Standard Oil Company last week issued an order for its pumpers to work on Sunday hereafter. Some of them refused to obey the order, and when they went to work Monday morning they were discharged.

There they are striving to subjugate the workmen by compelling them to surrender their religious convictions and their manhood. This same company is prompting the support in this Chamber of this proviso and is demanding the passage of the Hanna-Payne subsidy bill. I am told that I am opposing the maritime laws of this Government by opposing this proviso. If my interpretation of section 4598 be correct, if I read it aright, it ought to be opposed and legislated out of existence. I oppose all manner of slavery or involuntary servitude, save as punishment for crime, wherever it is. In this bill we are making new laws for new territory, and I am in favor of weeding out and destroying every vestige of such flagrant violation of the thirteenth constitutional amendment as this proviso seeks to perpetuate. [Applause.]

I am in favor of the extension to the widest limit of the commerce of the United States. I want to see the white sails and the smoke-stacks of our merchant marine going to every port in the whole world. I will welcome any measure that will add to the number of American registered vessels and give employment to American seamen, and to such a bill, one that will do all this and at the same time benefit the agricultural and labor interests of my country, I will give all the energy and ability I may possess to secure its passage. But the Hanna-Payne iniquity is not such a bill. It is a simple scheme to rob the Treasury for the benefit of the Standard Oil Company and its syndicated copartners.

Those who are arguing in its favor talk as though shipbuilding was an unknown or trifling industry in our country. They seek to convince one that there is not half a dozen shipyards in the whole country; and yet there are over a score along the Atlantic coast, there are several on the Pacific seaboard, and along the Great Lakes you will find more than a dozen, where ocean-going steamships and others of enormous size and dimensions are created. In shipyards of my own State steel steamships and others of over 6,000 tons burden each have been and are being constructed. Then, too, in addition to the carrying capacity of these steamships, they are designed to tow enormous steel barges, each with cargo capacity equal to many ocean steamers. It has not needed a Government subsidy as incentive for this immense shipbuilding, and it may be safely predicted that, as the demands of trade require, more and larger achievements along this line will result, and through private enterprise.

Based upon the economic absurdity that a nation is made more prosperous by taxing the great mass of the people for the enrichment of the few—legalized robbery—the Hanna-Payne ship-subsidy bill proposes to levy a tax upon the people of $100,000,000, to be given by the cunningly worded provisions of the bill solely and exclusively to a few favored corporations, the controlling stockholders in which are the directors of the Standard Oil Company. It is an outrageous piece of class legislation, supported with the utmost aggressiveness by the influences of the trust-ridden Administration and a busy and most powerful lobby. The party lash is being diligently applied and all the powers of the syndicates and combines are being employed in its behalf.

Defeated in a former Congress because of the opposition of Speaker Reed, it comes up again; and every true servant of the people will be found arrayed against it.

The bill professes "to promote the commerce and increase the foreign trade of the United States." To say nothing of the discrimination against agriculture and labor, as well as the internal trade of the country, the provisions of the bill do not bear out the glowing promise of its title. By its provisions relating to tonnage, speed, and number of trips, all sailing vessels and "tramp" steamers, so called, are discriminated against to the extent of almost barring them from receipt of any portion of the subsidy, and it is this class of vessels that keep freight rates down, and by their being shut out from competition rates will increase and both producer and consumer suffer. It is certain that the millions to be taken from the people by the continuation of war taxes and high tariff will go to a few shipowners, and it is not at all probable that any considerable portion of it would go back to the American people; either through lower rates or increased wage to the laboring man. While the bill apparently specifies in one paragraph that "one-fourth of crew shall be Americans," yet in the next comes the proviso, "unless the stated proportion of an American crew can not be reasonably obtained."

At the taking of the last census there were employed 114,736 persons in "crews of all operating craft" in the United States; deducting the 58,556 employed on the lakes, only 58,180 persons were engaged in foreign and coasting trade, and the proportion is no greater to-day, and these are not all native or naturalized Americans. The bill is not in the interest of American seamen. It is not in the interest of agriculture, for the granting of subsidy to a certain line of shipping means the lessening of competition and the consequent increase of freight rates on exports, which reduces the price paid to the farmers on every bushel of wheat, corn, and other grain raised by them, and what but loss to the farmer can result from such a course.

The bill is designed and framed in the special interest of a shipowning syndicate, and the principal beneficiary, under the peculiar wording of the bill, is the International Navigation Company, a company in which the Standard Oil people hold the controlling power.

By the terms of the bill this company would receive annually for ten years, without increasing a particle its present employees, business, or carrying capacity, the enormous sum of $1,570,781.92. In addition to this the Government now pays to this company $485,673.60 annually for carrying the mails. In contemplation of the forced passage of the subsidy bill the company now has other ships contracted for; so that if the bill does become a law, this one company will soon be receiving a yearly subsidy of $2,707,318, to be paid by the people of the United States as a gratuity—a gratuity as far as the people are concerned—but the navigation company will be expected to turn over a share of its millions to the treasurer of the Republican campaign corruption fund. [Applause.]

No wonder there is no prospect of the repeal or amendment of the war-revenue tax law; no wonder that pensions are cut down and claims delayed and rejected without just cause; no wonder that internal improvements are stopped and rivers and harbors neglected,

when such mercenary schemes as this are presented and receive recognition and adoption by the Republican majority in this Congress.

Mr. Chairman, the proviso under discussion is the production of the syndicate back of the subsidy scheme. They contemplate the continuance and extension of arbitrary power so that they can hold in subjection and servitude, even to the uttermost parts of the earth, those who may once come under their control. They seek the further use and extension of Federal bayonets, so that not alone in distant Idaho, but in the cities, in Chicago, in Cleveland, in Pittsburg, in Philadelphia, New York, and everywhere and anywhere they please American labor can be crushed by American bullets. [Applause.]

I ask the gentleman from Ohio [Mr. GROSVENOR] not to leave the floor, but stand at his place here and now and defend American seamen against the slavery continued by this proviso.

I denounce the schemes contemplated by the servants of syndicates here. I denounce this proviso, and I beg every man on this side of the House—aye, if there be a patriot, a lover of his country, a friend of justice, and a friend of labor on the Republican side, I beg him to join with us and vote to strike out with just indignation this glaring wrong to American seamen. [Applause.]

Each one of us here has sworn that we will support the Constitution of the United States. It is absolutely binding upon us all. Framed, interpreted, and applied for over a century, becoming the very Government itself, the Constitution should be the object of our care and solicitude. We should above all others obey its articles and keep within its limitations, and yet it is deliberately proposed here to violate this fundamental law of our land. I plead with you to-day for justice to the American seaman. I call upon you to open the way for a broader application of the principles of equity and right. I plead that in the exercise of our constitutional duties we secure to all classes of American citizens the blessings and privileges granted to them under the Constitution we have sworn to obey. Give to labor its just dues and prerogatives. Give it the protection it demands—equality alone—nothing more, nothing less.

We have fought in days gone by for our political independence and won; we fought for the maintenance and preservation of the Union and won; but we must now battle with a more dangerous and subtle foe than we have ever faced on battlefield. Greed, avarice, and unholy ambition threaten our national existence. Let us be men, strong, brave-hearted, and true; true to our country and true to our countrymen; and stand for the right and for the rights of all as against special privileges to a few. Corrupt influences and means in times past have brought about temporary triumph of evil, but—

Though the heel of the strong oppressor
May grind the weak in the dust,
And the voices of fame with one acclaim
May call him great and just,
Let those who applaud take warning
And keep this motto in sight:
"No question is ever settled
Until it is settled right."

[Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. KNOX].

The question was taken; and on a division (demanded by Mr. KNOX) there were—40 ayes and 27 noes.

So the amendment was agreed to.

Mr. ROBINSON of Indiana. Now, Mr. Chairman, I move to add to the last section the substitute I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana moves an amendment which the Clerk will report.

The Clerk read as follows:

Add to the last section the following:

"That all contracts made since August 12, 1898, by which persons are held for service for a definite term, are hereby declared null and void and terminated, and no law shall be passed to enforce said contracts in any way; and it shall be the duty of the United States marshal to at once notify such persons so held of the termination of their contracts."

Mr. HITT. Mr. Chairman, the subject which is provided for by the proposed amendment is one that the bill presented to this House by the commissioners contemplated, in other language, which I will read, and which is carried into effect in the Hawaiian Islands by the fifth section of this bill and the original commissioners' bill:

All contracts for a term of service of any subject of China, Japan, or any oriental country in the United States are hereby declared void.

That is in the statutes of the United States which were extended over the Hawaiian Islands by the bill of this committee and by the original bill.

Mr. ROBINSON of Indiana. That was not considered by the other body of Congress as sufficient to wipe out the system of contract labor in Hawaii. Outside of the two words "obligation" and "contract," which are embodied in the amendment of the chairman of the Committee on Territories, this is deemed a supplemental section to his amendment which strikes this system down effectually and has already met the indorsement and approval of the other body of Congress.

The question being taken, the amendment was agreed to; there being, on a division called for by Mr. ROBINSON of Indiana—ayes 45, noes 42.

Mr. MCRAE. I now offer the amendment which was read a moment ago.

The CHAIRMAN. The amendment of the gentleman from Arkansas [Mr. MCRAE] will be read.

The Clerk read as follows:

Add the following paragraph to section 11:

"That the act approved February 20, 1885, to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States or its Territories and the District of Columbia, and the acts amendatory thereof and supplemental thereto, be, and the same are hereby, extended to and made applicable to the Territory of Hawaii."

Mr. KNOX. I have repeatedly stated that by express provision of this bill the act referred to in the gentleman's amendment, as all other acts of the United States relating to the importation of alien labor or contract labor, are extended to Hawaii. If we once start to specify different laws of the United States as being extended by this bill we can never complete it.

Mr. MCRAE. I am satisfied, Mr. Chairman, that the gentleman from Massachusetts [Mr. KNOX] desires to accomplish exactly what I do; but I am afraid that the resolution which annexed Hawaii and which continued in force the Hawaiian laws, and section 10 of this bill, which undertakes to deal with the labor contracts, will still leave this question in doubt. The power to exclude contract laborers and the power to prohibit the steamship owners from carrying them there is what is needed and is just what my amendment will give. It is a short paragraph, and it can do no harm, and may do much good. I do not want us to take any risk about it. I know that this very language was passed by the House in the last Congress without a division, but the Senate for some reason refused to adopt it.

There have been brought into Hawaii within the last year over 30,000 laborers under contract, in violation of our law. Unless you make it perfectly plain that we intend to prevent alien contract labor, it will be brought in, to the great detriment of the honest laborers of this country. Those who dominate these islands want such labor, and the provisions of section 10, which only permits suits on such contracts, will not break up the system.

Mr. KNOX. The objection made to the bill which was before us in the last Congress was that it was a separate bill, and that the provision in question should be included in the general bill. I am sure the gentleman will remember that that objection was made.

Mr. MCRAE. There was no substantial objection here. The bill passed this House, and went to the Senate, where it was buried in some way. I think, in view of this fact, that this paragraph ought to be put in this bill in plain unmistakable language and denouncing heavy penalties against those who violate it. To allow suits without making the acts criminal will do but little if any good toward preventing such contracts.

The question being taken on the amendment of Mr. MCRAE, it was agreed to; there being—ayes 58, noes 48.

The Clerk read as follows:

OATH OF OFFICE.

SEC. 19. That every member of the legislature and all officers of the Territory of Hawaii shall take the following oath or affirmation:

I solemnly swear (or affirm), in the presence of Almighty God, that I will faithfully support the Constitution and laws of the United States, and conscientiously and impartially discharge my duties as a member of the legislature, or as an officer of the Territory of Hawaii (as the case may be).

Mr. KNOX. I desire to offer an amendment—simply verbal.

The Clerk read as follows:

After the word "officers," in line 18, section 19, page 60, and after the word "officer," in line 24 of the same section, insert the words "of the Government."

The amendment was agreed to.

The Clerk read as follows:

PUNISHMENT OF PERSONS NOT MEMBERS.

SEC. 25. That each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof.

Mr. ROBINSON of Indiana. I move to amend by inserting after the word "thereof," in line 4, page 62, the language which I send to the desk.

The Clerk read as follows:

Who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or

Who shall assault, arrest, or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or

Who shall rescue any person arrested by order of such house.

But the person charged with the offense shall be informed, in writing, of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

Mr. ROBINSON of Indiana. This provision was passed by the Senate in the form in which I have offered it. It relates to the authority of each house of the legislature over the proceedings of

its committee, and provides for the punishment of persons who may attempt to interfere with witnesses in attendance upon investigations of the legislature.

The amendment was agreed to.

The Clerk read as follows:

QUALIFICATIONS OF SENATORS.

SEC. 34. That in order to be eligible to election as a senator a person shall—
Be a male citizen of the United States;
Have attained the age of 25 years;
Have resided in the Hawaiian Islands not less than three years and be qualified to vote for senators.

Mr. ROBINSON of Indiana. I desire to call the attention of the chairman of the committee to the fact that at this place it would be appropriate to insert the words "in the district from which he is elected," to follow the last word "senators," in line 13, so that the one elected shall be qualified to be a senator in the district from which he is elected. Unless that omission has been supplied by the gentleman in some other form, I desire at this time to propose it as an amendment, providing, as it does, that they must reside in the district from which they are elected, or be voters in the district.

Mr. KNOX. I make no objection to that amendment.

The amendment was agreed to.

The Clerk read as follows:

QUALIFICATIONS OF REPRESENTATIVES.

SEC. 40. That in order to be eligible to be a member of the house of representatives a person shall, at the time of election—
Have attained the age of 25 years;
Be a male citizen of the United States;
Have resided in the Hawaiian Islands not less than three years;
And shall be qualified to vote for representatives.

Mr. ROBINSON of Indiana. Mr. Chairman, offer a like amendment as to representatives.

Mr. KNOX. I make no objection to it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "representatives," in line 13, page 66, insert "in the district from which he is elected."

The amendment was agreed to.

The Clerk read as follows:

VETO OF GOVERNOR.

SEC. 49. That every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the governor. If he approves it, he shall sign it, and it shall become a law. If the governor does not approve such bill, he shall return it, with his objections, to the legislature.

He may veto any specific item or items in any bill which appropriates money for specific purposes; but shall veto other bills, if at all, only as a whole.

The CHAIRMAN. The gentleman from Maine [Mr. LITTLEFIELD] sent to the desk an amendment to this section.

Mr. KNOX. I ask unanimous consent to pass the section until he is present in the Hall.

The CHAIRMAN. The request is that the section be passed. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 52. That appropriations, except as otherwise herein provided, shall be made biennially by the legislature.

Mr. KNOX. Mr. Chairman, I offer an amendment to section 52.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 69, section 52, line 11, after the word "legislature" insert the following:

"*Provided, however*, That pending the time when this act shall take effect, and until a session of the legislature of the Territory of Hawaii shall be held, the President may in his discretion authorize and direct the use of such money in the Treasury of the republic of Hawaii, as well as of the Territory of Hawaii, as he shall think requisite and proper for carrying on the government of Hawaii, the preservation of the public health, the completion of the sewerage system of Honolulu, and such other expenses as in the President's judgment shall seem to be appropriate."

The question being taken on agreeing to the amendment, the Chairman announced that the ayes appeared to have it.

Mr. WILLIAMS of Mississippi demanded a division.

Mr. KNOX. This is simply until the legislature meets. The legislature can not meet until February.

Mr. WILLIAMS of Mississippi. I understand, but it puts the funds of the republic in the hands of the President.

The committee divided; and there were—ayes 42, noes 21.

Accordingly, the amendment was agreed to.

The Clerk read as follows:

SEC. 54. That in case of failure of the legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are provided for by the then existing laws, the governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills, and until the legislature shall have acted the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bill shall be deemed to have been reappropriated.

Mr. KNOX. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers the amendment which the Clerk will report.

The Clerk read as follows:

On page 69, section 54, line 25, add the following:

"And all legislative and other appropriations made prior to the date when this act shall take effect shall be available to the government of the Territory of Hawaii."

The amendment was agreed to.

The Clerk read as follows:

LEGISLATIVE POWER.

SEC. 55. That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable. The legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory; but the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress; nor shall it grant private charters, but it may by general act permit persons to associate themselves together as bodies corporate for manufacturing, agricultural, and other industrial pursuits, and for conducting the business of insurance, savings banks, banks of discount and deposit (but not of issue), loan, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association. No divorce shall be granted by the legislature, nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application, but this provision shall not affect any action pending when this act takes effect; nor shall any lottery or sale of lottery tickets be allowed; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall the government of the Territory of Hawaii, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, and harbor and other public improvements, but the total of such indebtedness incurred in any one year by the Territory or any subdivision shall not exceed 1 per cent upon the assessed value of taxable property of the Territory or subdivision thereof, as the case may be, as shown by the last general assessment for taxation, and the total indebtedness for the Territory shall not at any time be extended beyond 7 per cent of such assessed value, and the total indebtedness of any subdivision shall not at any time be extended beyond 3 per cent of such assessed value, but nothing in this provision shall prevent the refunding of any existing indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or any part thereof, nor shall any bond or other instrument of any such indebtedness be issued unless made redeemable in not more than five years and payable in not more than fifteen years from the date of the issue thereof. No retrospective law shall be enacted.

Mr. KNOX. I offer an amendment to this section.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 72, section 55, line 14, after the word "thereof," insert the following:
"Nor shall any such bond or indebtedness be incurred until approved by the President of the United States."

The amendment was agreed to.

Mr. GILLETT of Massachusetts. Mr. Chairman, I offer the following amendment, to come in on page 71, line 7, after the word "allowed:"

Nor shall saloons for the sale of intoxicating drinks be allowed.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "allowed," on page 71, line 7, insert the following:
"Nor shall saloons for the sale of intoxicating drinks be allowed."

Mr. GILLETT of Massachusetts. Mr. Chairman, in this country I am generally in favor of leaving the saloon question to local option, for I do not believe legislation is generally effective unless enforced by public opinion; but it seems to me that in this new dependency there is a special reason why some such law as this should be here adopted.

In the first place, I have understood that public opinion there has in the past been largely governed by a small class of American citizens, who under this bill will be in a small minority, so that this is different from any other of the Territories, and it would be unfortunate to have the existence of the saloon become a matter of local politics.

In the second place, it has been an unfortunate fact that in all the cases of the contact of a higher civilization with a lower we somehow seem to succeed first in introducing our own vices rather than our virtues. We are not particularly successful in dealing with the liquor question in our own country, but the habits of intoxication which always accompany our first attempts to elevate a race which we consider inferior are notorious and need some vigorous prohibition.

This amendment would prevent, not all sales of liquor, for it would not interfere with hotels or private homes, but it would

prevent the saloon, the gathering place and loafing resort where, in our new dependencies already great reproach upon the American people has been incurred, and I think it would be wise to have this prohibition in the act of Congress, and not leave it to the local legislature to become an issue in local politics.

Mr. KNOX. Mr. Chairman, I have but a word to say upon this amendment. I heartily agree with the purpose of the gentleman as to saloons wherever it may properly be carried out. I simply call the attention of the committee to chapter 1, Title XXIII, on the general subject relating to Territories—

The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States.

For more than fifty years the legislatures of our Territories that we have organized have had the power to deal with questions of municipal and local interests in their legislatures.

Now we have created, and we do create by this bill, a legislature of Hawaii, with a senate and house of representatives, with a veto power conferred on the governor; and I think that the only safe way for Congress is to abide by the uniform practice of the past, and keep the matter of the regulation of the sale and manufacture of intoxicating liquors in Hawaii in the local legislature. I only desire, further, to call attention of the committee to the reasons why Congress has refrained from assuming the burden of liquor legislation for Territories. We, all of us that have license laws and prohibitory laws in the large cities, know of the vast amount of legislation required. If Congress once put down the bars and entered upon the broad field of legislating in reference to the manufacture and sale of intoxicating liquors, there would be no session of Congress long enough to dispose of such legislation.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I certainly hope the amendment offered by my colleague from Massachusetts will not prevail. It seems to me that the regulation of the liquor traffic is a matter for the Hawaiian legislature to act upon. The control of all liquor legislation in the past in the matter of enacting laws for the government of new Territories has been left to the Territories themselves; and in dealing with our new possessions which are to be admitted as Territories I think we ought to give them as much latitude as we can. We are pledged to do this, and we should carry out our promises.

It is impossible for Congress, sitting thousands of miles away from these islands, to settle the matter properly, because the different conditions as they arise can not be met.

It seems to me this is an exercise of the police power and we should go very slow. I am not a drinking man myself, and my views on this question are certainly not prejudiced in favor of the liquor interests. I believe in adopting the wisest course of action, and if this amendment should be added I do not think the law will ever be enforced.

The sentiment of the people of this country is not for prohibition, and, in my judgment, never will be.

Where the prohibitory law exists its enforcement is a farce. Drinking places in the State of Maine, which has a prohibitory law, are as common in some of the large cities as in the cities of Massachusetts, where the local-option system is in operation. Do not let us be hypocrites on this question.

If my colleague thinks it is wise to prohibit the sale of liquor, let us start right here in the city of Washington. We act as the city council of this city, and we have the power to put prohibition into force; and if there are men in this House who feel that prohibition is wise legislation and that the liquor traffic can be suppressed, let us commence right here in this city.

Yes, let us commence right here in the Capitol, where liquor is sold in both the Senate and House restaurants. I think we ought to be consistent, and I certainly am in favor of the position taken by Mr. KNOX, of Massachusetts, the chairman of the Committee on Hawaiian Affairs, who says this matter ought to be left to the local Hawaiian government.

Let us enact laws that will harmonize with the views as well as the best government of our new possessions, and not introduce American government by inserting provisions that to me seem certainly unwise and bound to cause irritation if put into force.

Mr. LITTLEFIELD rose.

Mr. KNOX. Debate on the amendment is exhausted.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that debate on this amendment is exhausted.

Mr. LITTLEFIELD. I rose just to say a few words on the amendment. If the chairman sees fit to make the point of order, he can do it, and that will be all right.

The CHAIRMAN. The gentleman from Maine asks unanimous consent to address the committee for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEFIELD. I will not waste any time in talking about the prohibition law of the State of Maine to-day. I will say that the gentleman can not put his finger on a spot or place in the State of Maine where liquor is sold openly. Now, I make that statement, and I am from that State. What I mean and what I wish to say in talking about the enforcement of the prohibitory law in Maine is that the people in Maine, four to one, are satisfied with the prohibitory law in Maine and believe in it. There is no open saloon—a place where your attention would be directed to its sale if you were not looking for it—in the State of Maine anywhere. Now, I come from that State, and I know what I am talking about.

Mr. FITZGERALD of Massachusetts. Will the gentleman allow a question?

Mr. LITTLEFIELD. Name a place where there is an open saloon in the State of Maine.

Mr. FITZGERALD of Massachusetts. I think the gentleman will agree with me——

Mr. LITTLEFIELD. Name a place. I will not agree with you.

Mr. FITZGERALD of Massachusetts. I challenge the gentleman to deny the fact that liquor can be obtained at almost any hotel in the city of Portland.

Mr. LITTLEFIELD. I say there is no open bar.

Mr. FITZGERALD of Massachusetts. The bars are open enough in the hotels if my friend will investigate the matter.

Mr. LITTLEFIELD. Now, you can not bother me with that. I have heard that kind of conversation before. There is no use talking about it, and I say I challenge any man in this House or anywhere else to dispute the proposition that there is not a place in the State of Maine where liquor is sold openly. I make that statement.

Mr. FITZGERALD of Massachusetts. I wish to say, and state it emphatically, that I deny that proposition. It is sold in the apothecary stores and the hotels in Portland and every other large city in Maine. I have seen it sold repeatedly myself. It is a fact that liquor can be obtained in these places, and I challenge the gentleman to deny it.

Mr. LITTLEFIELD. Name the place.

Mr. FITZGERALD of Massachusetts. I say in every hotel, and I will name the Falmouth Hotel in Portland as one inasmuch as the gentleman from Maine insists upon a specific answer.

Mr. LITTLEFIELD. I say that there is no open saloon in the State of Maine.

Mr. FITZGERALD of Massachusetts. I said nothing about an open saloon. I say that liquor is sold there regardless of the law.

Mr. LITTLEFIELD. I have not said that it was not sold. [Laughter.] Pay attention to what I say. I say that there is not an open saloon in the State of Maine where liquor is sold.

Mr. FITZGERALD of Massachusetts. That only shows the hypocrisy down there. It is sold behind the door.

Mr. LITTLEFIELD. This amendment is directed upon the saloon in Hawaii. I want to ask the chairman of the committee if it is not true that sixteen countries have, by treaty convention, agreed to prohibit the sale of distilled liquors to the native tribes of Africa, and if it is not true that the Hawaiians in Hawaii are of substantially the same character as the native tribes of Africa? [Cries of "Oh, no, no!"]

I understood that they were. They are all one tribe?

Mr. KNOX. No; there is no tribe there at all.

Mr. LITTLEFIELD. Is there any great difference in character between the people in Hawaii and the tropical people in Africa?

Mr. HAMILTON. A vast difference.

Mr. LITTLEFIELD. But every proclamation in Hawaii has to be published in five different languages. That is the kind of people you are legislating for. I say it is the policy of the civilized countries to prohibit the sale of intoxicating liquors, and sixteen of the great nations have agreed to that position in connection with the people of South Africa, and the United States is one of them.

Mr. KNOX. The gentleman does not wish to misstate anything. All proclamations and legal papers of every kind are to be made in the English language.

Mr. LITTLEFIELD. They are by this bill, but they are now published in five languages. I have that from the attorney-general of Hawaii. I say it is the policy of the civilized world to prohibit the sale of distilled liquors at least to the native tribes in Africa.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. LITTLEFIELD. I ask unanimous consent that I may have three minutes to conclude my remarks.

The CHAIRMAN. The gentleman from Maine asks that his time be extended three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEFIELD. Now, I submit that this amendment is in line with that policy. I want to call attention just for a minute to the effect of this bill.

A MEMBER. Alaska had a prohibitory law.

Mr. LITTLEFIELD. Yes; Alaska had a prohibitory law until it was repealed by the House a year ago. This bill creates for Hawaii three kinds of people who are citizens. Thirty-nine thousand native Hawaiians, about 17,000 Portuguese, and about 8,000

Anglo-Saxons. Now, the Anglo-Saxons are the people that are responsible for the development of Hawaii. The moment this bill is passed and becomes a law they can be voted down three to one on any of these propositions involving moral considerations. If the Anglo-Saxons had the entire control, personally I should be willing to leave this proposition with them; but they have not the control, and they can be outvoted by the Hawaiians and Portuguese.

Mr. KNOX. But it is the Anglo-Saxons who do the most of the drinking.

Mr. LITTLEFIELD. That may be. If the Anglo-Saxons do it, I would prohibit it, as far as they are concerned, in this Territory. I am ready to stand on the proposition that the United States is prepared to declare as its policy that it is against the sale of intoxicating liquors in saloons. With these suggestions I am ready to vote on the amendment.

Mr. FINLEY rose.

The CHAIRMAN. The point of order has been made that debate on this amendment is exhausted. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. FINLEY. Mr. Chairman, I ask unanimous consent that I may have two minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that he may have two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FINLEY. Mr. Chairman, as a matter of principle and conviction I would vote for the amendment offered by the gentleman from Massachusetts; and, in addition to that, I will say that there are reasons existing peculiar to the native Hawaiian which, if understood by this House, I believe would cause each and every member here to vote for the amendment. I regret, Mr. Chairman, that I can not go into these reasons or discuss them here. But it is true that these people are wasting away, the number decreasing; disease has dealt hardly with them, and I believe the best thing the American Congress can do for these people is to prohibit the sale of intoxicating liquors as a beverage in the Hawaiian Islands.

Mr. BERRY. Mr. Chairman, I ask unanimous consent to address the committee for five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to address the committee for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BERRY. Mr. Chairman, coming from a State that manufactures a very fine old beverage [laughter], I do not feel that it is necessary in legislating for the Hawaiian Islands that we should limit the use of that product, even to satisfy the fanatical State of Maine, from which we once had a Maine liquor law. My observation is that where you have prohibitory legislation, such as they had in the State of Maine, the liquor is always worse and more of it is drank than in a State where the people have the right to drink with the authority of law. [Laughter.]

I recollect that some years ago when I was in the State of Massachusetts, where there was a prohibitory liquor law, I stepped into a very quiet little place where you could get a drink for 15 cents, but you paid only for a sandwich or an egg; you did not buy the liquor. I went in there for the purpose of satisfying my thirst; and there was another gentleman there about to take his drink. I insisted—as it is a Kentucky custom never to drink alone—that he drink with me, which he promptly declined, considering that his acquaintance with me was not sufficient to permit him to do so. So he took his egg and I took my egg. Each of us took a drink of whisky, and I found it very common whisky.

Now, if you go into the State of Kentucky, where the moral sentiment of the community is about as good, I presume, as in Maine, especially in the logging country, you are always sure of getting a good drink of whisky, because there is no reason for giving you any other kind. But when that whisky gets north of the Ohio River they begin to adulterate it and compound it, and by the time it gets up to Maine it has been adulterated three or four times between the place of production and the place of consumption. That, I presume, is the reason why gentlemen from Maine object to it. [Laughter.]

Now, although the popular idea is that every Kentuckian drinks a good deal of whisky, I will guarantee that the average Kentuckian knows how to control his appetite—knows when to drink and just how much to drink—while farther north you find men inclined to drink too much, who consequently become topers.

Now, I do not believe in undertaking in this way to restrict the sale of liquor. And I do not believe that this is the place to adopt any regulation to control the consumption of liquor. This is a legitimate matter which ought to be left to the people themselves of that locality—not regulated by the United States Government.

I do not think the people of Maine or the people of Kentucky ought to dictate to the people of the Hawaiian Islands or the Philippines or wherever else our dominions may extend—and they seem inclined to go around the world. I do not think it is the duty of Congress to regulate the character of the liquor that people drink, or how much they shall drink or when they shall drink. Why, sir, the other day I saw a train of six cars start from my town carrying a cargo marked "Wiedeman's Beer," which was being sent across the continent, bound for the Philippines. Sir, we are now shipping the very finest quality of malt liquor to the Philippine Islands and to Hawaii for the benefit of those people. We want our markets extended. [Laughter.]

The question being taken on agreeing to the amendment, there were—ayes 56, noes 57.

Mr. HILL. I call for tellers.

Tellers were ordered; and Mr. KNOX and Mr. GILLETT of Massachusetts were appointed.

The House again divided; and the tellers reported—ayes 66, noes 60.

So the amendment was agreed to.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting, after the word "association," in line 25, page 70, the words:

"*Provided*, That no corporation, domestic or foreign, shall acquire or hold real estate in Hawaii in excess of 1,000 acres, and that real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States. But existing vested rights in real estate shall not be impaired."

Mr. KNOX. I reserve a point of order on that amendment, that it is not germane to this section.

The CHAIRMAN. The point of order will be reserved.

Mr. NEWLANDS. Mr. Chairman, the purpose of this amendment is to limit a tendency toward land monopoly in the islands of Hawaii. A few moments ago we had this question under discussion upon a provision of the bill which relieves the Territory of Hawaii from the operation of the general law regarding the Territories, a provision which limits the real-estate holdings of religious and charitable organizations to a value of $50,000. The House was of the opinion that the conditions in Hawaii do not necessitate the application of that limitation, and by its vote expressed its disposition to allow the religious and charitable organizations to extend their good work in that island without limit as to real-estate holdings. But this proposition reaches the vital question whether we shall allow in those islands a system which will gradually monopolize all the lands in large holdings either in the hands of individuals or of corporations, the mass of the population being attached to the soil in a semi-servile capacity without right to a foot of land upon which they stand.

This amendment respects vested rights. It does not propose to interfere with any of the holdings of that island at the present time, though those old holdings are large.

The general custom there is to organize a corporation for the purpose of running a sugar plantation. That corporation acquires a large tract of land, introduces extensive irrigation works, puts up a sugar factory, and commences business, and there is no doubt but that this kind of cooperation leads to the economical conduct of that business.

This amendment does not interfere with that cooperation. It simply limits the holdings of any corporation to 1,000 acres. I am not sufficiently informed as to whether this limitation is too large or too small. The purpose of this amendment is to get the subject-matter into this bill in some form, so that the committee of conference which will perfect the bill later on can take it up, and, having the subject-matter before them, cover it by some comprehensive provision. It seems to me, however, that we should give them the basis of that work by an amendment here. This amendment is not illiberal. It provides for holdings of a thousand acres, and it does not interfere with any existing holdings.

I have already stated the tendency in all these new possessions having tropical or semitropical climates to be toward land monopoly, and that tendency will increase as the value of these lands increases, by reason of the enlarged markets which annexation to our country will afford. It is the great evil now in Hawaii. It will be a greater evil in the future than it is now.

We should follow this up by some system of report to Congress, or to the Secretary of the Interior, showing the extent and character of the holdings.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIDGELY. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the time of the gentleman from Nevada be extended five minutes. Is there objection?

There was no objection.

Mr. NEWLANDS. I was saying that we should extend this legislation further, and provide for a system of reports, through the surveyor-general of the Territory to the Secretary of the Interior, showing the holdings of these lands, by whom held, whether individuals or corporations, the number of acres held,

the character of the cultivation, the nationality of the labor employed, and the rate of wages paid, whether daily, weekly, or semimonthly. In this way we can amass here information which would serve a fruitful purpose hereafter, in legislation relating to these islands.

Mr. GROSVENOR. Does this amendment propose to limit the amount of land which can be held by an individual?

Mr. NEWLANDS. This amendment does not, because it is an amendment to a section which relates to the organization of corporations, and if it included individuals it might be subject to a point of order. It provides that no corporation shall own exceeding 1,000 acres of land.

As I have stated already, my purpose is to furnish the basis for comprehensive action on this subject by the committee of conference. I do not think that here, in the short time afforded us for the consideration of this bill, we can map out and shape a measure that will meet every requirement.

In my remarks in reference to religious and church organizations, I pointed out the fact that the island of Puerto Rico is an island a hundred miles long and 40 miles wide, with a population of 900,000 people, the most thickly populated area in any civilized country. Now, shall we legislate with reference to these islands in such a way as to promote small holdings by people who have an interest in the soil, or shall we by inaction let these countries drift into conditions of land monopoly, which will only result as such systems have always resulted in conditions of unrest and disturbance leading to revolution? As I stated before, almost every war of any great extent, almost every revolution, has had its foundation in a revolt against the monopoly of land, whether that monopoly was held by the feudal barons or whether it was held by the nobility or by the church. Numerous revolts all over this continent and all over the European continent have taken place against the large holdings of the religious organizations, and it seems to me that it is wisdom now to put in this bill at the starting point comprehensive legislation upon this subject.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 36. An act granting an increase of pension to Emma G. Sargent;

S. 3788. An act granting an increase of pension to James Williams;

S. 2110. An act to restore John R. McCoy to the pension roll;

S. 1627. An act granting a pension to George B. Hayden;

S. 1207. An act granting a pension to Levi Chandler;

S. 3748. An act granting an increase of pension to Washington Baker;

S. 1734. An act granting a pension to Mary S. Belding;

S. 480. An act granting an increase of pension to Juliet Gregory;

S. 3154. An act granting an increase of pension to Kate Cadwell;

S. 1463. An act granting an increase of pension to Jasper Pitts;

S. 92. An act granting a pension to William M. Ferry;

S. 3079. An act granting an increase of pension to William Oliver;

S. 682. An act granting a pension to Wilhelmina Hippler;

S. 292. An act granting an increase of pension to Martha G. D. Lyster;

S. 3049. An act granting an increase of pension to Mary U. Wilmarth;

S. 306. An act granting an increase of pension to Warren L. Eaton;

S. 2994. An act granting a pension to Fanny F. Robertson;

S. 3502. An act granting a pension to Elizabeth Whisler;

S. 3630. An act granting an increase of pension to J. N. Smith;

S. 3293. An act granting a pension to Helen Harlow;

S. 3508. An act granting an increase of pension to Edward F. Phelps;

S. 2550. An act granting a pension to C. W. Hobart;

S. 1226. An act granting a pension to George G. Kemp;

S. 1822. An act granting an increase of pension to Isaac M. Shup;

S. 1907. An act granting an increase of pension to Rebecca Paulding Meade;

S. 1593. An act granting an increase of pension to Clara H. Inch;

S. 3206. An act granting an increase of pension to Moses King, jr.;

S. 3306. An act granting an increase of pension to Lucinda D. Dow;

S. 3536. An act restoring to the pension roll the name of Mary J. Calvin;

S. 3619. An act granting a pension to Mary A. Colhoun; and

S. 2053. An act to remove the charge of desertion from the name of Joseph McGraw.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4047. An act granting an increase of pension to James S. Jordan;

H. R. 6161. An act granting an increase of pension to John Landegan;

H. R. 5503. An act granting an increase of pension to Samuel Hanson;

H. R. 2681. An act granting an increase of pension to Calista F. Hall;

H. R. 2865. An act granting an increase of pension to Louis H. Gein;

H. R. 3167. An act granting an increase of pension to Thomas H. Cook;

H. R. 1890. An act to increase the pension to John Houk;

H. R. 434. An act granting an increase of pension to Jesse Smith;

H. R. 1754. An act granting a pension to Helen M. Hull;

H. R. 3694. An act granting an increase of pension to James Bottoms;

H. R. 4655. An act granting a pension to Elizabeth C. Rice;

H. R. 1458. An act granting an increase of pension to John E. Whinnery;

H. R. 1507. An act granting an increase of pension to William H. La Count;

H. R. 2809. An act granting an increase of pension to Moses F. Woods;

H. R. 7322. An act granting an increase of pension to Frederick E. Vance;

H. R. 5346. An act granting a pension to Elizabeth B. Norris;

H. R. 3640. An act granting a pension to Mary Pollock;

H. R. 205. An act granting an increase of pension to George C. Snyder.

H. R. 7594. An act granting a pension to Amelia Taylor;

H. R. 3268. An act granting an increase of pension to James W. Kessler;

H. R. 493. An act granting a pension to Fanny M. Hays;

H. R. 5209. An act granting an increase of pension to Samuel A. Greeley;

H. R. 6304. An act granting an increase of pension to James J. Lyons;

H. R. 2397. An act granting a pension to Eliza S. Redfield;

H. R. 3635. An act granting an increase of pension to Timothy B. Eastman;

H. R. 3085. An act granting an increase of pension to William Sheppard;

H. R. 5110. An act granting an increase of pension to Edward T. Kennedy;

H. R. 4828. An act granting a pension to Susie E. Johnson;

H. R. 240. An act granting an increase of pension to George W. Wakefield;

H. R. 5211. An act granting a pension to Lizzie M. Dixon;

H. R. 3021. An act granting a pension to Eliza H. Getchel;

H. R. 8120. An act granting an increase of pension to David L. Wentworth;

H. R. 6952. An act granting a pension to Carrie P. Dale;

H. R. 457. An act granting a pension to Clara L. Harriman;

H. R. 8395. An act granting an increase of pension to Henry Johns;

H. R. 7939. An act to amend an act, approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

H. R. 2203. An act granting an increase of pension to John M. Garrett;

H. R. 7445. An act granting a pension to Emma B. Reed;

H. R. 5169. An act granting an increase of pension to Charles Weed;

H. R. 3775. An act granting an increase of pension to Robert Boston;

H. R. 6885. An act granting an increase of pension to Horace B. Durant;

H. R. 1800. An act granting a pension to Lutheria H. Maynard;

H. R. 8610. An act granting an increase of pension to Abner S. Crawford;

H. R. 3863. An act granting an increase of pension to Alfred Dyer;

H. R. 6284. An act granting an increase of pension to James Crawley;

H. R. 5882. An act granting an increase of pension to John B. Fairchild;

H. R. 7488. An act granting a pension to John C. Ray;

H. R. 4681. An act granting an increase of pension to Elizabeth Keiff; and

H. J. Res. 216. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 6527. An act granting an increase of pension to George Myers;

H. R. 1201. An act granting a pension to James McNutt;

H. R. 2170. An act granting a pension to Angeline Eyestone; and

H. R. 7264. An act granting a pension to Hannah C. Smith.

GOVERNMENT FOR THE TERRITORY OF HAWAII.

The committee resumed its session.

Mr. RIDGELY. Mr. Chairman, I wish to add a word to the able argument of the gentleman from Nevada in favor of this amendment. He does not claim that the specific provisions of the amendment are the best that can be devised to prevent land monopoly in these islands; but he does insist that the principle of limiting the holdings of land shall be incorporated into this law, and by the time it shall get through conference we will have determined what will be the wisest specific provisions.

But I wish to call the attention of members here to the fact that this question of limiting land holdings is not entirely new to this country. Away back in the forties and early fifties we discovered that our lands were being centralized to such an extent as to threaten landlordism and tenants to the extent that we put into the national land laws provisions limiting the number of acres of the public lands that might thereafter go to any one purchaser. What was the purpose of this? Clearly the intent was to hold the lands in small holdings.

Now, we are legislating for the Hawaiian Islands and for a country that has many more people to the acre than we have in this country; and in our land policy, as we assume the responsibility of legislating for these people, it certainly is of vital importance that we take the proper steps or at least commit ourselves to the policy of limiting the centralization of land titles, which must of necessity, if permitted to go unrestrained, result in a population of serfs attached to the land owned by and necessarily contributing to the landlord's wealth, and thereby to his power to accumulate more acres and more serfs. So I insist that we should support this amendment and commit ourselves to this policy of limiting the possibility of monopolizing the titles to land. This is a grave question, and one we will soon have to act upon at home; in fact, we ought to at once take positive action to break up and forever prevent landlordism wherever our flag shall float.

I hope, Mr. Chairman, the pending amendment offered by the gentleman from Nevada [Mr. NEWLANDS], to limit land holdings, may prevail.

Mr. SPALDING. Mr. Chairman, in the desperate straits in which gentlemen on the other side found themselves on the day when Congress assembled, for an issue on which to stand before the people in the coming Presidential election, they improved every opportunity in this Chamber to introduce resolutions of inquiry directed against the different departments of the Government. They have investigated the Secretary of the Treasury and consuls in South Africa, and other matters.

Mr. UNDERWOOD. Mr. Chairman, the gentleman is not speaking to the bill. We have only fifty minutes more, and there are important amendments to be offered. I make the point of order that it is out of order for the gentleman to address his remarks to other matters than the amendment under discussion.

Mr. SPALDING. The gentleman has already taken as much time as I intended to take.

Mr. UNDERWOOD. It will take all the time we have to consider the amendments to the bill, and we ought to confine our discussion to the bill.

Mr. KNOX. I will say, Mr. Chairman, that it was the distinct understanding on both sides that the discussion was to be confined to the amendments that were being considered, and that we have no time to consider general matters.

The CHAIRMAN. If the rule is appealed to——

Mr. UNDERWOOD. I do appeal to the rule.

The CHAIRMAN. The gentleman from North Dakota will be obliged to confine his remarks to the pending amendment.

Mr. SPALDING. I was about to say, Mr. Chairman, that, among other things, they had raised their hands in holy horror because, as they claim, the use of intoxicating liquor has increased in our new insular possessions, and, as I understand, are seeking to investigate that subject also. Yet, Mr. Chairman, they come before this body at the first opportunity that is offered to vote on any proposition to limit its use there, and to my utter surprise there are found many men on that side who have the temerity to rise in their places and object to and vote against the very thing that they are seeking to denounce in connection with their charges against the Republican party and the effect of its government of our new possessions.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nevada [Mr. NEWLANDS].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. NEWLANDS. Division.

The committee divided; and there were—ayes 50, noes 58.

Mr. NEWLANDS. Tellers, Mr. Chairman.

Tellers were ordered.

Mr. GILBERT. Have the amendment reported, please.

The CHAIRMAN. Without objection, the amendment will be again reported to the committee.

The amendment was again reported.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KNOX and the gentleman from Nevada [Mr. NEWLANDS] will act as tellers.

The committee again divided; and the tellers reported—ayes 70, noes 67.

So the amendment was agreed to.

[Applause on the Democratic side].

The Clerk read as follows:

TOWN, CITY, AND COUNTY GOVERNMENT.

SEC. 56. That the legislature may create counties and towns and city municipalities within the Territory of Hawaii and provide for the government thereof.

Mr. McDOWELL. Mr. Chairman, in section 56, line 17, I move to strike out the word "may" and insert the word "shall." This would then read as the section reads in the Senate bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 72, line 17, strike out the word "may" and insert the word "shall;" so that it will read: "That the legislature shall create counties," etc.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. McDOWELL. Division.

The committee divided; and there were—ayes 50; noes 59.

So the amendment was rejected.

The Clerk read as follows:

Fifth. Prior to such registration have paid a poll tax of $1 for the current year, due by him to the Government.

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Strike out the first three lines on page 74.

Mr. WHITE. Mr. Chairman, there is absolutely no qualification as to that section, and it is a special section having reference to voters. The custom, as I understand, in most of the States, requires a poll tax on each male inhabitant from the time that he is 21 years of age until he reaches the age of 50, and then from that time on no more. There is no limitation provided in this section.

It matters not how old the man may be, how decrepit, how honorable, how well educated, this would deprive him of the right of the franchise in his old age, even after serving his country well, of the right to vote unless he paid this poll tax of a dollar a year. This is a matter that can be very easily acted upon by the local legislature, and I do not think, unless there was some qualification or restriction, that this sweeping statement should be made, that no man would be permitted to register and vote unless he has previously paid a poll tax from the time he is 21 years until he dies. I do not think there is a necessity, therefore, that such legislation should be enacted by the United States Congress, and I hope that this section will be stricken out and leave that part to be managed by the local legislation. However, if this Republican Congress, through its committee, desires to incorporate this and other sections of the Mississippi election law in this statute for the government of the Hawaiians, I wish to say that I shall feel it my duty to vote against the bill.

Mr. KNOX. Mr. Chairman, I will say in reply that while there were a number of Hawaiians before the committee, no objection whatever was made to this provision. Under the law of Hawaii there are other things included in what is considered as a personal tax than what we call a poll tax—for the support of education—making in all personal tax of about $5. We struck out every provision except the mere head tax of a dollar, and inserted it here. I will call the attention of the House also to the fact that it does not provide for back taxes that may be due, but that it simply provides for the payment of the tax for the current year.

It was thought it would be a very wholesome provision in reference to the suffrage of Hawaii; and I am sure it will not be taken as a precedent against the large class of citizens whom our friend so well represents.

The question was taken; and the amendment was rejected.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I wish to offer an amendment.

The Clerk read as follows:

In line 1, page 74, after the word "registration" and before the word "have," insert "and at least nine months prior to the election."

Mr. WILLIAMS of Mississippi. Mr. Chairman, in explanation of that amendment, I merely wish to say that it is the uniform experience of all States that have had poll-tax provisions that if the poll tax can be paid upon the day of election or the day before

the election, or even a few weeks or any short time prior to the election, politicians will use the privilege of paying it for the purpose of indirectly buying votes; in other words, parties or candidates for office will pay the poll tax of a great number of voters upon condition, express or implied, that the votes are to be cast for their party or for themselves. Wherever a poll-tax provision has existed without some limitation as to the time at which it shall be paid prior to the election that has been the case.

Mr. PARKER of New Jersey. May I ask the gentleman a question?

Mr. WILLIAMS of Mississippi. The provision of this bill is that the poll tax shall be paid "prior to registration," and the present Hawaiian law fixes the registration about four months prior to the election. But of course that law might be changed at any moment. Moreover, four months is not a long enough time. If you fix it at nine months—a period sufficiently short—then it will tempt no corruptionist in politics to pay the poll taxes of any voter, for the simple reason that the man who is willing to give his vote in consideration of payment of his poll tax is not a man that can be trusted for nine months. He may be bought by the other side after that.

We have a provision like that in Mississippi—that is, for the payment of the poll tax of the previous year—and the consequence is that nobody has ever paid the poll tax of anybody else with the hope of buying a vote, or indeed for any purpose.

Mr. PARKER of New Jersey. When is the election to be held? How would you make it applicable to elections in the current year?

Mr. WILLIAMS of Mississippi. It is the poll tax due nine months before. It makes the poll tax due nine months before payable. Of course no taxes not due at that time could be collectible, nor are they brought in question when the voter comes up to vote.

Mr. KNOX. The purpose of this provision was to extend to every citizen of Hawaii that could read and write and who resided in the proper district an opportunity to vote, with the sole condition that he shall have paid his poll tax. It was thought not right that a man who had a tax assessed against him, and who should offer to pay it at any time before the close of the registration, should be disfranchised. I suggest to the gentleman from Mississippi that in any State I know of the poll taxes for the current year are not assessed nine months previous to the election. Our taxes are assessed in May, for instance.

Mr. WILLIAMS of Mississippi. My amendment does not make the poll tax for the current year the test for his vote; he shall pay *the poll tax due* nine months before the election, and that would necessarily be the poll tax of the previous year.

Mr. KNOX. Then the other language in the section will have to be stricken out, as it refers to the payment of the poll tax for the current year. Now, we do not think that a man who has failed in the past year to pay his poll tax, the year for which they are assessed, is in any better condition; he may have been deprived by sickness or misfortune in the past year from paying his poll tax. Now, if for the very year that he is assessed the poll tax he pays it, I do not think it is just that he should be deprived of his vote.

Mr. WILLIAMS of Mississippi. Well, Mr. Chairman, I wish to modify my amendment. I will strike out the word "current," in line 2, page 74, and substitute the word "previous." I did not notice the word "current" in the section. That will cure the trouble.

Mr. KNOX. Now, Mr. Chairman, I call for a vote.

Mr. UNDERWOOD. Mr. Chairman, I wish to be recognized on the amendment. I think this is an important amendment and one that should be passed. The present bill before the House is virtually making a constitution for Hawaii as long as it remains under Territorial form of government, unless altered by Congress. I think it should be the effort of the Congress of the United States, whenever it is possible to do so, to raise the citizenship of this country, to raise the value of the American franchise, whether it is in Hawaii, New York, or Alabama. I think that only those persons should be entitled to vote who have shown themselves qualified to exercise the right of citizenship; and I believe that when a man is unable or unwilling to pay $1 to support the government that furnishes him protection, he is not qualified to properly exercise the elective franchise.

But you do not throw that protection around the citizens who are entitled to the ballot if you merely put it up as a premium for some one to come in and purchase their votes by paying their registration fee. You should place it in a way that when the registration is paid it is paid by the citizen because he appreciates the value and privileges of the American citizen, the privilege of voting as an American citizen, the privilege of being one of the governing body of his country. I say that if you limit this, if you merely put it before registration, the Hawaiian legislature may some day change the time of registration down to a week before the election, when those who have money will be able to pay the registration tax and thereby control their votes.

Now, in this constitution (for it is practically a constitution we are about to adopt for Hawaii) I say we ought to protect the elective franchise to that extent and adopt the amendment offered by the gentleman from Mississippi, and at least put it nine months in advance of the election.

The argument which my friend from Massachusetts makes, that the voter may be sick on that day or prevented by some reason from paying his registration nine months in advance, has no force, for the same rule may apply to four months or a week in advance. Not being obliged to pay it on any particular day, he has full opportunity. But I say, as the matter stands now, you have not properly guarded the bill against the corruption of the voter, and you should do it when you have the opportunity.

Mr. GROSVENOR. Mr. Chairman, if I had my way about this matter, I would strike out all reference to this poll tax. There is no greater outrage upon the institutions of the American people than to say that a man unable, in the language of the gentleman from Alabama, to pay a dollar shall not be permitted to vote for the men who are to be his governors during the succeeding year. Though, on a small scale, it still, in essence and fact, is a direct money power operating against the voter if he happens to be a poor man. [Applause.] But, Mr. Chairman, in the wisdom of this committee, this bill has been so framed that the individual voter who desires to vote must pay his taxes upon the first official notice to him or he can not vote. Let us see how well this machinery works in comparison with that.

The voter comes to the proper place to register. He wants to vote—that is an indication of it. Then it is suggested to him, "Have you paid this dollar?" and then possibly—and very likely for the first time—it comes to his knowledge, or at least to his recollection, that he owes a dollar to the State or to the Government. Now, is it not enough if he pays that dollar then and there, in order to avail himself of his right to vote? Is this a machine to prevent voting? Is it a machine to send Congressmen here with 1,700 votes? Is that the purpose?

Mr. UNDERWOOD. Does the gentleman desire to leave it open for somebody else to pay the taxes for the voter?

Mr. GROSVENOR. I care nothing about that. If the gentleman challenges me, I will say to him that I would rather have a thousand scattering bribed votes than a condition where there are no votes and the election is made by a caucus.

Now, Mr. Chairman, what is the proposition here? How many of us remember to pay promptly on the day that they fall due all the little obligations that we owe to societies to which we belong or even to the State that taxes our property and taxes us in various ways? Has not a citizen done his whole duty if, when reminded of it, he pays and discharges the obligation he owes to his government?

I say there ought to be no obstacles thrown in the way of the voter. There ought to be no deliberate purpose here to entangle and defeat the votes of this great body of men. I am willing to vote for the proposition as the committee has reported it, to require the payment of a capitation tax. I do not believe in it; it is a burden upon many people. But certainly if people discharge their duty in paying this tax at a time as far in advance of the election as when the registration is taken, that surely ought to be sufficient. We ought not to permit such an amendment as this to go into the bill.

Mr. LINNEY. I would like to occupy a minute or two.

Mr. KNOX. I trust the gentleman will remember that we are to vote at 4 o'clock.

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. LINNEY. I move to strike out the last word.

The CHAIRMAN. That would not be in order.

Mr. LINNEY. I hope the gentleman from Massachusetts will allow me two minutes.

Mr. KNOX. Very well; I yield the gentleman two minutes.

Mr. LINNEY. Mr. Chairman, I am opposed to this amendment. I believe in manhood suffrage. I believe that crime should disqualify a citizen from the exercise of the right to vote, but misfortune or even negligence should not do so. If I read history aright, Sheridan, one of the grandest characters in all history, had his blanket sold, two days before his death, from off the cot on which he lay, for a tax. Yes, Sheridan, of whom it has been said:

> Nature made but one such man,
> And broke the die in molding Sheridan.

The day before yesterday I had the honor of addressing an audience of 2,000 people in the State of North Carolina upon the proposition to put in our constitution a provision somewhat like this. And I put to the sheriff the question, "How many white men in Moore County (one of the richest counties in the State) have not paid their poll tax up to this date?" He replied, "Seven hundred."

Mr. KLUTTZ. I ask the gentleman whether that provision in

the constitutional amendment does not apply to the preceding year, not to the current year? Is not that so?

Mr. LINNEY. But it affects this year also, the year 1899, because the poll tax required to be paid is the tax due on the 1st day of March prior to the election and in the hands of the sheriff for collection.

Mr. KLUTTZ. Is it not so?

Mr. LINNEY. Let that be as it may——

Mr. KLUTTZ. Is not that so? I ask an answer.

Mr. LINNEY. That was the preceding year. The preceding year means the year for which the taxes were collectible prior to the election. But substantially it applies to this year (1899 taxes). If such a provision as that now under consideration here were enforced in North Carolina, 700 white men of that county would be disfranchised because of their misfortune. I am willing that crime may disfranchise, but not the failure to pay a tax of $1. Therefore, Mr. Chairman, I shall vote against this amendment; and I hope that the Republican side of this House will not vote to adopt it, because—mark my prediction—in any State where such a provision may be adopted the result will be the disfranchising of thousands of the best kind of men. If a man is poor and ignorant, the ballot in his hands is an educator. Take that from him, and he will never shake off either the poverty or ignorance that degrades him. No country can afford to withhold from the poor and ignorant the only power that can elevate them.

Mr. KNOX. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. WILLIAMS of Mississippi demanded a division.

The committee divided; and there were—ayes 55, noes 82.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 3, page 74, after the word "government," add "and the registration shall be held at least six months before the election."

Mr. WILLIAMS of Mississippi. Mr. Chairman, the amendment is simply this: To add, after the word "government," in line 3, this language:

And the registration shall be held at least six months before the election.

I offer the amendment in that form in order to obviate certain objections that were made to it in its other form, and for the purpose of making it the poll tax of the current year instead of the poll tax of the previous year, yet at the same time to prevent all temptation to election manipulators and political corruptionists to buy votes by paying the poll tax.

Mr. ROBINSON of Indiana. What does the gentleman say with reference to clothing the legislature of Hawaii with the power to regulate that domestic affair?

Mr. WILLIAMS of Mississippi. We are now fixing the suffrage qualifications for Hawaii. If you are going to leave it to Hawaii to fix them, why, then do that. If there is anybody here who wants to run the risk of Kanaka rule in the islands of Hawaii, to run the risk of those Kanakas overthrowing and overturning the white people in those islands, then let him leave the entire matter of the suffrage to the people of Hawaii, making everybody out there voters, as you have done in other Territories.

Now, I for one do not believe in that. I for one opposed the admission of Hawaii, and did not want its destinies committed to my charge; but since it is here, I want white civilization in Hawaii, and I do not want Kanaka rule. So much in answer to the gentleman's question.

Mr. ROBINSON of Indiana. I would suggest to the gentleman from Mississippi, however——

Mr. OLMSTED. Do you want that sort of a law in this Territory that will permit voting on the principle on which it is done in Mississippi, which sends seven Congressmen here with a total Congressional vote in the entire State of less than 25,000?

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have, perhaps, less respect for the ad hominem argument than almost any man, but since the gentleman has made it, I might reply that you have already given Hawaii the Mississippi constitution, with this difference, and this difference only, that in Mississippi, after we had adopted these clauses, we broadened the suffrage by another one, and you have not.

Now, this is not a question to be discussed in a partisan spirit. I am not here for the purpose of bringing Mississippi into the discussion. You did not adopt these provisions because Mississippi had adopted them. You adopted them by the unanimous voice of the committee, because, under the circumstances, they seemed wise provisions to be adopted. Your committee have acted wisely and well in adopting the educational qualification, and you are going to adopt it, and also the poll-tax provision with or without my amendment.

Mr. OLMSTED. Your amendment will not permit a man to be registered or to vote if he happens to move from one side of the street to the other into a new election precinct within six months preceding the election.

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon. I can not hear him and talk at the same time. Leaving him and his suggestions aside, which I have not heard, I say that the committee have acted wisely in adopting the educational qualification, in the first place, and also in adopting a qualification which will prevent, to a large extent, the votes of the thriftless and careless, and those who are indifferent to the sacredness of the suffrage as one of the most precious possessions of an American citizen. Any man who is willing to be bribed for a dollar not to vote is a man who does not attach sufficient weight to the franchise to be worthy to vote.

Mr. WHITE. What should be done with the man who offers the bribe?

Mr. WILLIAMS of Mississippi. You should give him no opportunity to offer it. That is what I am attempting to provide against. If you are going to adopt this provision of a poll tax, then, for heaven's sake, adopt it in such a way as that it may not become a mere piece of machinery for political corruption. If you want to have a poll tax, why should you leave it in such a condition that politicians can come upon election day, or a little time prior to that, and by paying the sum of $1 poll tax for each voter bribe those voters to cast their ballots? The amendment which I offer is a provision for the safeguarding or purification of the ballot. Either leave the poll-tax provision out or else let the poll tax be paid a sufficient time prior to the election to be certain of the fact that it shall not be an engine of corruption. Now, the amendment is simply that "the registration shall take place six months before the election." It takes place by Hawaiian law quite a while before the election now, but I fear present legal provisions might be changed later.

Mr. KNOX. Let us have a vote.

Mr. UNDERWOOD. I move to strike out the last word.

The CHAIRMAN. That motion would not be in order.

Mr. UNDERWOOD. Mr. Chairman, I believe this is a new amendment.

The CHAIRMAN. It would be open to five minutes' debate against the amendment. Does the gentleman desire to be recognized for that purpose?

Mr. UNDERWOOD. No; I wish to offer an amendment to the amendment.

The CHAIRMAN. The amendment is not amendable. The amendment itself is an amendment to an amendment.

Mr. ROBINSON of Indiana. I desire to be recognized in opposition to the amendment.

Mr. KNOX. Will the gentleman permit a statement which does not affect this pending question? As the time is getting so near when we are to take a vote that the probability is that we shall not finish the reading of the bill, I desire to say that there are committee amendments to one or two sections which there is no dispute about, which are desired by both sides of the House. One is upon the last section, to the provision requiring the Chinese to register. There has been an apprehension that under that law they would have the right to come into the United States, and it is not the purpose of the committee that they should. I ask unanimous consent that that amendment to section 102 may be offered now, and the other section passed over temporarily.

Mr. RICHARDSON. There are thirty-odd sections to the bill not yet read.

Mr. KNOX. We can agree, perhaps, upon the others, but why not let this be offered?

Mr. RICHARDSON. I think we should proceed in the regular way.

Mr. WILLIAMS of Mississippi. I call for a vote on the pending amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. ROBINSON] is recognized against the amendment.

Mr. ROBINSON of Indiana. Mr. Chairman, much that the gentleman from Mississippi has said with reference to the amendment he proposes I consider inapplicable in Hawaii. We have heard much of the missionaries there, much of the Dole family compact, and the difficulty is that if those in power there were clothed with more privileges, with more chances to take advantage of the rank and file of the people, it would prove disastrous to the people.

All of those who are here representing Hawaii are united as to the wisdom of these provisions which are presented by the committee. A condition prevails there that does not exist in this country, and I think if the situation was understood that the rank and file of the people there would be better subserved and their interests better protected by adopting the committee section.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. WILLIAMS of Mississippi demanded a division.

The committee divided; and there were—ayes 55, noes 78.

Accordingly the amendment was rejected.

Mr. HILL. It is perfectly evident that this bill is not to be read through, and I have two amendments which I attempted to offer yesterday, on page 89 and section 103. I ask that the amendments may be considered as pending.

Mr. WILLIAMS of Mississippi. What are the amendments?

Mr. HILL. The first strikes out the provision for the Territorial Delegate.

Mr. WILLIAMS of Mississippi. I object.

The CHAIRMAN. Objection is made.

Mr. HILL. Perhaps you will agree to the second amendment.

Mr. WILLIAMS of Mississippi. I object.

Mr. HILL. Do you object to the second amendment without hearing it?

Mr. WILLIAMS of Mississippi. What is the second amendment?

Mr. HILL. It is to provide that nothing in this bill shall be construed to pledge any future statehood.

Mr. WILLIAMS of Mississippi. I object to that.

Mr. HILL. I thought you would.

The CHAIRMAN. Objection is made.

The Clerk read as follows:

Sixth. Be able to speak, read, and write the English or Hawaiian language

Mr. PUGH. Mr. Chairman, the section which has just been read surely is even more obnoxious, if possible, than the one which we have just passed, that discriminates against the unfortunate poor. I think it will not be a credit to this committee. The section will disqualify one from voting providing that he is physically unable to read or write the English or the Hawaiian language. Now, I would like to know of the chairman of the committee if he wishes to impose that character of disqualification upon those people?

Mr. WILLIAMS of Mississippi. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS of Mississippi. To what is the gentleman from Kentucky speaking?

The CHAIRMAN. The Chair did not understand the gentleman.

Mr. WILLIAMS of Mississippi. To what is the gentleman from Kentucky speaking?

The CHAIRMAN. There is no motion before the committee, except the substitute pending offered by the Committee on Territories.

Mr. RICHARDSON. The section itself is pending, and the gentleman can speak to that.

Mr. PUGH. The section itself is pending, and it surely ought not to be indorsed by this committee. The section says that in order to be qualified the voter shall "be able to speak, read, and write the English or Hawaiian language." This may apply to a physical as well as a mental disability. An unfortunate without an arm could not vote, a man deaf and dumb could not vote. This is a bad piece of legislation, which we are rushing through without due consideration. There ought to be an extension of the time for the consideration of this bill by the Committee of the Whole. We ought to move along in lines that will commend our work to the people of this country and also to the people for whose government we are legislating. I therefore move to strike out that section in its present form, unless the committee is willing to amend it so that it will not apply to those people who are physically disabled.

The Clerk read as follows:

Strike out lines 4 and 5, as follows:
"Sixth. Be able to speak, read, and write the English or Hawaiian language."

Mr. UNDERWOOD. Mr. Chairman, I desire to be recognized in opposition. I see there is only about one minute left before the committee, under the rule, is required to rise; and I wish to say this: The gentleman from Massachusetts indicated a moment ago that he desired to offer other amendments, committee amendments, probably important committee amendments. I do not think there would be any objection to his doing it except this: That an appeal was made by this side of the House several days ago, when this bill was brought before the House, that we might have a reasonable time to consider this bill in Committee of the Whole in order that every section could be read and considered, where we could consider each section fairly and honestly; and the gentleman when he brought the bill before the House must have known that in the time between 12 o'clock to-day and 4 o'clock the bill could not be read through and thoroughly discussed——

The CHAIRMAN. Under the terms of the order made heretofore by the House, the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 222, with a substitute proposed by the Committee on the Territories, to which substitute sundry amendments had been agreed upon, and at the hour of 4 o'clock, in obedience to the order of the House, the committee rose, and the bill is reported to the House.

Mr. BARTHOLDT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTHOLDT. To a parliamentary inquiry. Will it be in order to ask a separate vote upon one amendment adopted in Committee of the Whole?

The SPEAKER. That was the very question that the Chair was about to put. The first question will be——

Mr. KNOX. Mr. Speaker——

Mr. RICHARDSON. Mr. Speaker, I give way to the gentleman from Massachusetts.

Mr. KNOX. I ask consent of the House that the time for debate in Committee of the Whole under the five-minute rule and for amendments be extended to 5 o'clock, and that the order heretofore adopted be in no other respect modified.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent of the House that the time for debate under the five-minute rule be extended until 5 o'clock this evening.

Mr. MUDD. I object.

The SPEAKER. Let the Chair state the question. And in no other respect shall the order governing the consideration of this bill be modified. Is there objection?

Mr. MUDD. I object.

The SPEAKER. Objection is made.

Mr. WILLIAMS of Mississippi. I want to suggest, as a substitute for that request, this: I will ask unanimous consent that the chairman of the committee present certain resolutions or amendments that he has in his hand, and request that they may be considered as pending in the House.

Mr. HILL. I object, Mr. Speaker.

Mr. KNOX. I will say to the gentleman that I will agree that his amendments may be pending.

Mr. HILL. I will withdraw my objection, then.

Mr. RICHARDSON. Mr. Speaker, I desire to make a request for unanimous consent in the interest of good legislation.

The SPEAKER. The Chair will hear the gentleman from Tennessee.

Mr. RICHARDSON. There has been no partisan debate, no time unnecessarily consumed, and it is not a partisan question, and I ask unanimous consent that the bill be returned to the Committee of the Whole House on the state of the Union and its consideration resumed there, and its consideration be concluded in the Committee of the Whole, and then it be reported to the House.

Mr. KNOX. I did not quite understand the request of the gentleman from Tennessee.

Mr. RICHARDSON. I ask unanimous consent that the bill be recommitted to the Committee of the Whole and consideration be concluded therein, the bill to be then reported to the House. More than 30 sections of this bill have not been touched. Many of them are very important. A number of gentlemen have amendments in their hands ready to offer, the committee have amendments that ought to be considered, and every gentleman who desires to offer an amendment to some of these thirty-odd sections ought to be permitted to do it. We have plenty of time; we can resume the consideration and conclude the consideration of this bill in Committee of the Whole, and it ought to be done.

The SPEAKER. The Chair will state the request. The gentleman from Tennessee asks unanimous consent that the House resolve itself again into the Committee of the Whole House on the state of the Union, to finish the consideration of this bill in that committee, and, when finished, to report it back to the House. The Chair assumes that the existing order will then be operative.

Mr. RICHARDSON. Yes; that the vote shall then be taken in the House.

The SPEAKER. Is there objection?

Mr. KNOX. I shall make no objection on my part——

Mr. HILL. Mr. Speaker, withholding objection for a moment, I do not understand that the request made by the gentleman from Tennessee is precisely as the Speaker puts it, but that we shall resolve ourselves into Committee of the Whole for one hour.

Mr. RICHARDSON. Oh, no.

Mr. HILL. If it is understood that we are to finish the reading of the bill, I have no objection.

The SPEAKER. That is the request of the gentleman from Tennessee. Is there objection? [After a pause.] The Chair hears none. Accordingly the House will resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 222, and the gentleman from Massachusetts, Mr. MOODY, will take the chair. [Applause.]

Accordingly the House resolved itself into Committee of the

Whole House on the state of the Union, with Mr. MOODY of Massachusetts in the chair, for the further consideration of Senate bill 222.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of Senate bill 222. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. PUGH].

Mr. LANE. Mr. Chairman, I ask to have the amendment again read.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment offered by Mr. PUGH was again read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was disagreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Sixth. Be able to speak, read, and write the English or Hawaiian language.

Mr. UNDERWOOD. Mr. Chairman, in the discussion that took place on the amendment to the first line of this page, as to the time in which a voter should pay his poll tax before registration took place, gentlemen on that side of the Chamber attempted to take the position that the Republican party, especially the gentleman from North Carolina [Mr. LINNEY], who last spoke, that the Republican party was not in favor of requiring the citizens of the Hawaiian Islands to pay a poll tax, and appealed to members on that side for that reason to vote down the amendment of the gentleman from Mississippi [Mr. WILLIAMS]. I am unwilling to let that assertion go unchallenged. I believe the Republican party in this House to-day voted right for once, when it voted against the amendment of the gentleman from North Carolina to strike out the provision requiring these people to pay a poll tax before they voted.

There were but two votes cast against that amendment on the floor of this House, and every other member who sat here either voted to require the poll tax to be paid or in silence allowed his vote to be cast. You can not throw this mantle away from you. It is your duty, as you know it, as it is the duty of the members on this side of the House, to properly protect the elective franchise in that new Territory. You have done it, and like men you should stand here and take your responsibility. Furthermore, this bill provides that each one of these citizens should be able to speak, read, and write the English language, and the Republican party on that side of the House, as well as the Democrats on this side of the House, have just cast a vote recognizing that that should be done without division. Without calling for a division, you on that side have recognized that this should be the constitutional law in Hawaii. I congratulate you.

Mr. OLMSTED. Mr. Chairman, the gentleman from Alabama, who raised his voice against gentlemen on this side of the House, raising the point of order that their remarks were not limited to the precise question at issue, seems to be discussing an amendment which has been already acted upon and not the amendment now pending.

The CHAIRMAN. The point of order is well taken.

Mr. KNOX. Mr. Chairman, inasmuch as the gentleman from Alabama has been of great assistance upon the other side in helping us along, I was willing to let him conclude his remarks.

Mr. UNDERWOOD. I thank the gentleman from Massachusetts, but I have concluded.

The Clerk read as follows:

SEC. 62. That in order to be qualified to vote for senators a person must possess all the qualifications and be subject to all the conditions required by this act of voters for representatives.

Mr. KNOX. I move to amend the section just read by inserting in line 15, after the word "senators," the words "and for voting in all other elections in the Territory of Hawaii."

The amendment was agreed to.

The Clerk read as follows.

SEC. 64. That the rules and regulations for administering oaths and holding elections set forth in Ballou's Compilation, Civil Laws, Appendix, and the list of registering districts and precincts appended, are continued in force with the following changes, to wit:

Strike out the preliminary proclamation and sections 1 to 26, inclusive, sections 30 and 39, the second and third paragraphs of section 48, the second paragraph of section 50, and sections 62, 63, and 65, second paragraph of section 100.

In section 29 strike out all after the word "Niihau" and in lieu thereof insert: "The boards of registration existing at the date of the approval of this act shall go out of office, and new boards, which shall consist of three members each, shall be appointed by the governor, by and with the advice and consent of the senate, whose terms of office shall be four years. Appointments made by the governor when the Senate is not in session shall be valid until the succeeding meeting of that body."

Mr. RICHARDSON. Mr. Chairman, I am not as familiar with this bill as possibly I should be or as members of the committee are. I would like to ask the gentleman in charge of the bill what is meant by "Ballou's Compilation?"

Mr. KNOX. That is defined in the first section of the bill.

Mr. RICHARDSON. What is section 29 of that compilation?

Mr. KNOX. Section 29 has reference to the registration, and reads as follows:

For the purpose of examining applicants for registration as voters and determining their eligibility, there shall be five boards of registration, one for that portion of the island of Hawaii known as Puna, Hilo, and Hamakua; one for that portion of the island of Hawaii known as Kau, Kona, and Kohala; one for the islands of Maui, Molokai, Lanai, and Kahoolawe; one for the island of Oahu, and one for the islands of Kauai and Niihau.

I trust I make myself intelligible. [Laughter.]

Then follows this language:

Such boards shall consist of three members each, who shall be appointed by the President, with the approval of the Senate.

That we have changed, substituting the governor for the President.

Mr. RICHARDSON. The point I wish to get at is this: This clause provides for the appointment of a board to consist of three members, to be appointed by the governor. It does not provide that this board shall be nonpartisan. All three members may be of the same political party. I take it for granted that we are going to have politics there, just as we have in the various States and Territories of our Union.

Yesterday we had a very learned discussion here, and my friend from Iowa—I am sorry I do not see him in his seat at present; perhaps he is listening to me, however—my friend from Iowa insisted that in no State or country subject to the jurisdiction of the United States would he ever consent that there should be a board with powers such as are conferred upon this board. He said that all such boards should be nonpartisan in their composition—that is, made up of members of the two great political parties.

I call attention to this provision in a nonpartisan spirit. I think it ought to be amended and that representation on the board ought to be accorded to both of the great political parties. I submit this consideration to the fair-minded gentleman from Massachusetts.

Mr. KNOX. I agree fully that all registration boards and all boards in charge of the conduct of elections ought to be nonpartisan; each party should be represented. Under the old provision these registers were appointed with the consent of the Hawaiian senate; they had a voice in the choice. The trouble about any amendment to this provision now is that there are no political parties in Hawaii, so far as I know.

Mr. RICHARDSON. How long does the gentleman think that state of felicity will continue?

Mr. KNOX. If you are going to organize a Democratic party there, I have no objection to inserting such a provision. We have no Republicans there yet, so far as I know.

Mr. RICHARDSON. We are not legislating for to-day merely; we are legislating perhaps for a long period. It has occurred to me that this board ought to embrace not more than two members of one political party. I do not know that there is going to be a Republican party or a Democratic party out there; I am not saying that. But in the interest of good legislation and fair elections, this board ought to be nonpartisan.

Mr. KNOX. If the gentleman will use his distinguished ability to draw an amendment to carry out his view, we on this side will support it unanimously.

[Here the hammer fell.]

Mr. BOREING obtained the floor.

Mr. RICHARDSON. I hope the gentleman from Iowa will offer an amendment.

Mr. LACEY. That is just what I am going to do. I desire to offer an amendment to line 12, to insert after the word "each"——

The CHAIRMAN. The gentleman from Kentucky [Mr. BOREING] has been recognized.

Mr. BOREING. Mr. Chairman, I very heartily agree with the gentleman from Tennessee [Mr. RICHARDSON]. I am very glad to know that he is so thoughtful and so fair-minded. I trust we shall incorporate his view into this law, and that it may be lived up to, and may be a precedent for the future.

Mr. RICHARDSON. I will offer an amendment, unless the gentleman from Iowa does so.

Mr. LACEY. I desire to offer this amendment: To insert, after the word "each," in line 12, page 75, the words "not more than two of whom shall be of the same political party."

The amendment of Mr. LACEY was agreed to.

Mr. ROBINSON of Indiana. I desire to ask the gentleman from Massachusetts in charge of the bill if there is any reason for designating the sheriff as "high sheriff?" My conference with the people over there resulted in the belief that there is no reason for this designation, even though it is "English, you know."

Mr. KNOX. I agree with the gentleman from Indiana that so far as I know the designation in this country has always been sheriff and deputy sheriff; but in Hawaii the custom has prevailed of having the head executive officer of each island called the sheriff, and in order to make a distinction we have called the principal officer the high sheriff.

Mr. ROBINSON of Indiana. I understand they have never had an officer designated as "high" sheriff heretofore. The designation has been "marshal."

Mr. KNOX. That is true, but we do it in order to preserve the title of "sheriff" on each of the islands.

Mr. ROBINSON of Indiana. I thank the gentleman for the explanation.

Mr. KNOX. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 77, section 64, line 12, add the following:

"*Provided, however*, That for the holding of a special election before the first general election the governor may prescribe the time during which the boards of registration shall meet and the registration be made.

The amendment was agreed to.

The Clerk read as follows:

COMMISSIONER OF PUBLIC LANDS.

SEC. 73. That the laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land-commission awards, except as changed by this act, shall continue in force until Congress shall otherwise provide: *Provided, however*, That all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, shall be reported in writing each month to the Secretary of the Interior, who shall have authority to confirm, reverse, modify, suspend, and annul any of said transactions. That all of said transactions so reported upon which no action shall be taken by the Secretary of the Interior within sixty days from the filing of such reports in his office shall thereupon and thereby be confirmed and ratified.

The Secretary of the Interior is hereby authorized and required to provide and promulgate the rules and regulations relative to all contests on the disposition of the public domain and appeals to him. That all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, and all franchises granted in good faith by the Hawaiian government in conformity with the laws of Hawaii between the 7th day of July, 1898, and the 28th day of September, 1899, are hereby ratified and confirmed. In said laws "land patent" shall be substituted for "royal patent;" "commissioner of public lands" for "minister of the interior," "agent of public lands," and "commissioners of public lands," or their equivalents; and the words "that I am a citizen of the United States," or "that I have declared my intention to become a citizen of the United States, as required by law," for the words "that I am a citizen by birth (or naturalization) of the republic of Hawaii," or "that I have received letters of denization under the republic of Hawaii," or "that I have received a certificate of special right of citizenship from the republic of Hawaii." And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct. All funds arising from the sale or lease or other disposal of such lands shall be appropriated by the laws of the government of the Territory of Hawaii and applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation, approved July 7, 1898.

Mr. KNOX. I offer the following amendment to section 73.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 82, section 73, line 16, after the word "eight," add the following:

"*And provided*, That there shall be excepted from the provisions of this section all lands heretofore set apart or reserved by Executive order or orders by the President of the United States."

Mr. KNOX. Mr. Chairman, I will simply state that this amendment was suggested by the Department as necessary. Certain lands, since July 7, have been appropriated, by order of the Executive, for naval stations and other governmental uses in Hawaii, and the purpose of this amendment is to exempt them from the operation of this section.

Mr. BARTLETT. Does that apply to any other lands?

Mr. KNOX. Not at all, except those that have been actually taken for Government purposes.

The amendment was agreed to.

Mr. LACEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Add to section 73 the following:

"*Provided*, That all bona fide occupants of public lands who have improved the same shall, in the disposition thereof, have the preferential right in acquiring the same under the land laws of Hawaii as modified in this act, but such preferential rights shall not exceed 50 acres to any one occupant, and such improvements shall be not less than the appraised price of such lands."

Mr. KNOX. Mr. Chairman, under the laws of Hawaii the acquisition of homestead rights is very carefully provided for by what are called homestead leases, running for ninety-nine years, which are open to all citizens of Hawaii or those who have letters of denization in Hawaii, and can not be alienated or taken for debt, the only requirement on the part of the homesteader being occupancy and improvement of the land.

Now, just pending this annexation resolution and about the time of it, a large number of persons, without any right whatever, without seeking any authority under the laws of Hawaii, which we continue in force and effect, forcibly entered upon valuable lands in Hawaii. They became, in other words, mere squatters. Now, it would be a very serious mistake to secure them any preferential rights by reason of mere occupancy of the land.

I think also that the gentleman's provision that the occupancy should be in good faith would not help the matter any. These homestead lands are valuable, and this bill seeks to preserve them to the real homesteaders. To confirm those titles in the hands of squatters who took possession of them, intentionally to violate or not to comply with the laws of Hawaii and the laws that should be enacted by the United States, would, in my opinion, be unwise legislation.

Mr. McRAE. I should like to ask the gentleman a question. Are the crown lands reserved for the benefit of Hawaii, or do they become public lands of the United States?

Mr. KNOX. All the proceeds from sales or leases of public lands under this bill are for the benefit of Hawaii.

Mr. McRAE. This Government gets no benefit?

Mr. KNOX. We get no benefit from those sales.

Mr. McRAE. There are no lands which will become lands of the United States?

Mr. KNOX. Not at all, except what we have the right to take for governmental purposes.

Mr. McRAE. Does this bill propose to dispose of these lands under the old Hawaiian law?

Mr. KNOX. Under the Hawaiian law, subject to the modifications in this bill, that all transfers, sales, and leases under the Hawaiian laws shall be sent here and receive the approval of our Secretary of the Interior.

Mr. McRAE. I do not think you can find a more objectionable land system anywhere than that which they have in Hawaii.

Mr. KNOX. That is quite a large subject to discuss. It is a complicated system.

Mr. LACEY. Under section 28 of the land laws of Hawaii there is a provision by which lands may be taken for homestead purposes from 1 acre up to 60 acres. My proposed amendment limits it, in all instances, not to exceed 50 acres, but it provides that the land shall be taken up under the Hawaiian law and that persons who are now occupying the lands shall have a preferential right.

The purpose of this amendment is to meet this state of facts: A good many men have gone into Hawaii from the homestead regions in the West.

Out there you can locate a homestead on unsurveyed lands and get a preferential right when the land is surveyed. These men who have been accustomed to this system have gone into Hawaii, have gone into the brush and located homesteads. Under the Hawaiian law, however, they have no preferential right, and the question is whether they shall be put out of the clearings that they have made and somebody else take the land or whether they shall have the first chance at it.

I think it is to the interest of Hawaii to have this country thoroughly settled, and settled by Americans as far as possible.

Mr. KNOX. They have the right under the Hawaiian law to go there and settle.

Mr. LACEY. But the persons who are clearing the lands, who have actually made improvements, would, under this amendment, have the preferential right over somebody who has made no improvements.

Mr. KNOX. There are no such cases in Hawaii except those who took possession in violation of the law.

Mr. MONDELL. Mr. Chairman, I hope this amendment will not carry. I believe that the actual settlers and cultivators who have improved the land are amply protected under the laws as they have existed for a number of years under the republic of Hawaii.

The effect of this amendment is simply to give some sort of claim to a few men who have gone upon valuable land in Hawaii, who are claiming there without any shadow of right, who went on tracts of land after they had been surveyed by the government, after the government had built macadamized roads through those tracts, and after the government had started the process of sale and disposition under their laws. These men went on there in violation of the laws, and so far as I know they are the only men in all Hawaii who are asking to have their squatters' rights protected.

Mr. WILLIAMS of Mississippi. They are "sooners," are they not?

Mr. MONDELL. They are "sooners." I have seen them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and the amendment was rejected.

Mr. MONDELL. I offer an amendment to section 73.

The Clerk read as follows:

Strike out the proviso of section 73, on page 81, and also lines 11, 12, and 13, and the words "and appeals to him," in line 14.

Mr. MONDELL. Mr. Chairman, the effect of my amendment will be to strike from the bill that provision which refers to the Secretary of the Interior all transactions under the land laws of Hawaii, and that portion of the bill which provides that the Secretary of the Interior shall make all needful rules and regulations concerning land contests, etc. In my opinion, this provision is neither wise nor necessary. After a very careful investigation of the Hawaiian land laws, on the ground, and some study of the subject, I believe the laws of those islands passed in 1895 are well calculated to settle, develop, and improve the lands, and to place them in the hands of small holders.

I believe that a people who were wise enough to pass these laws,

who for a number of years have wisely administered them, are fully competent to continue their administration. I believe that the land laws of Hawaii to-day are in many respects better laws, taking into consideration the conditions there, than the land laws of the United States are, taking into consideration the conditions here. The result of this proviso will simply be to refer to some clerk in the office of the Attorney-General here questions arising under the Hawaiian land laws. It will cause delays. It is not in the interest of the man who is seeking a home on public land in Hawaii.

This provision is not in the interest of the homesteader. It will give employment to a number of land attorneys here, and will simply tend to delay the settlement of land questions, and make it more difficult for the small holder, for the homesteader, for the man acquiring land under the land laws there, to have his matters settled promptly and without considerable cost to him. I believe this proviso should be stricken out, and I believe that Hawaiians should be left to administer their land laws in the future as they have in the past.

Mr. LANE. Mr. Chairman, this matter was discussed before the committee, and was specially brought to the committee's attention by the appearance before the committee of certain parties from Hawaii, who made the claim that the land laws as operated there were not satisfactory to the people who wanted small holdings, but were satisfactory to the people who wanted large holdings; and it was the object and intention of the committee in making this provision to meet the complaints of those who were here representing the small holders. We thought it was wise to leave the right of appeal to the Secretary of the Interior, and thus protect the small man against the advantages that the rich man and large owner might have down there. It was admitted that it was not possible to extend all our land laws down there, as they are not applicable, and the only objection that was made was delay.

But it does not make any delay, because the sale or lease or transfer stands confirmed unless some affirmative action is taken within sixty days. The committee was unanimous in reporting this measure as a protection to those parties who would want small holdings as against the large sugar interests, and that is the object of this provision. I hope the report of the committee will be sustained in this body.

Mr. ROBINSON of Indiana rose.

Mr. KNOX. Debate has been exhausted.

Mr. ROBINSON of Indiana. I move to strike out the last word.

The CHAIRMAN. That is not in order.

Mr. ROBINSON of Indiana. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBINSON of Indiana. I trust that this provision reported by the committee, and which cares for the small owners there, may be sustained, and the amendment proposed by the gentleman from Wyoming defeated. This check is a salutary one. I think it will prevent the abuses that might grow out of the conditions of Hawaii, and for that reason I sustain the provision as it is presented by the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SUPERINTENDENT OF PUBLIC WORKS.

SEC. 75. That there shall be a superintendent of public works, who shall have the powers and duties of the superintendent of public works and those of the powers and duties of the minister of the interior which relate to streets and highways, harbor improvements, wharves, landings, waterworks, railways, electric light and power, telephone lines, fences, pounds, brands, weights and measures, fires and fire-proof buildings, explosives, eminent domain, public works, markets, buildings, parks and cemeteries, and other grounds and lands now under the control and management of the minister of the interior, and those of the powers and duties of the minister of finance and collector-general which relate to pilots and harbor masters under the laws of Hawaii, except as changed by this act and subject to modification by the legislature. In said laws the word "legislature" shall be substituted for "councils" and the words "the circuit court" for "the Hawaiian Postal Savings Bank."

Mr. WILLIAMS of Mississippi. I rise in order to ask a question for information. I notice here, in lines 17 and 18 of page 88, these words:

In said laws the word "legislature" shall be substituted for "councils" and the words "the circuit court" for "the Hawaiian Postal Savings Bank."

Did the Hawaiian Postal Savings Bank have any judicial functions of any sort?

Mr. KNOX. I am unable to inform the gentleman. I think not. I think it was simply a proceeding about the deposit of public funds. The bill does away with the postal savings bank. That is entirely done away with in this bill.

Mr. WILLIAMS of Mississippi. I understand that.

Mr. KNOX. I am unable to answer the question directly at this moment, but my recollection is it refers to the deposit of public money.

Mr. WILLIAMS of Mississippi. I asked the question because I thought it a clerical error.

Mr. KNOX. No; it is material. I can get the information in a few minutes. I think it refers to the deposit of public money in the savings bank.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 80. That the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the judges of the circuit courts, the attorney-general, who shall have been for one year actual residents of the Territory of Hawaii, treasurer, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may for cause assigned, to be communicated to the senate, remove from office any of such officers except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the chief justice and justices of the supreme court, who shall hold office for nine years, and the judges of the circuit courts, who shall hold office for six years, and except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii.

Mr. SHAFROTH. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Strike out that part of section 80, on pages 84, 85, and 86, to line 7, inclusive, and insert the following:

"That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, who shall hold their respective offices for the term of four years, unless sooner removed by the President; and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney-general, treasurer, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may, by and with the advice and consent of the senate of the Territory of Hawaii, remove from office any of such officers. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii.

"The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

"The salaries of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the justices of the supreme court and judges of the circuit courts shall not be diminished during their term of office."

Mr. SHAFROTH. Mr. Chairman, the amendment which I have offered to this section is the language which has been adopted by the Senate as section 89, and its purposes and objects are three: First, the bill as reported by the House committee provides that the judges of the circuit court shall be appointed by the governor of the Territory. The amendment which I have offered provides that the judges of the circuit court shall be appointed by the President. I wish to submit a reason or two for this change. Under our theory of government the three branches of government—namely, the legislative, executive, and judicial—should be distinct and separate from each other, and one not dependent upon the other any more than is absolutely necessary.

This amendment provides that the judges of the circuit court shall be appointed by the President. The amendment which is offered by the committee provides that the judges of the circuit court shall be appointed by the governor. The governor often has questions coming before the circuit court in which his position and acts must be passed upon, and if the appointing power rests with the governor the inevitable result will be that there will not be preserved that independence which ought to exist in the judiciary. Consequently it seems to me wise and proper that this appointing power should be in the President instead of in the governor of the Territory.

It is often the case that when the judge is an appointee of an officer whose actions may be reviewed the judiciary becomes simply the mouthpiece of the party who appoints him, and inasmuch as no one wants that condition to exist, these circuit court judges ought to be selected and appointed by the President.

The other change I have suggested in this amendment is as to the tenure of office. The amendment offered by the committee provides that the judges of the supreme court of the Territory shall hold office for a period of nine years, and that the judges of the circuit court shall hold office for a period of six years. We have laws concerning the Territory of Arizona, New Mexico, and all other Territories that have been admitted as States into the Union, having a Territorial form of government before admission. We find that the general law is that the tenure of office shall be for a period of four years in each of the instances, and it seems that we ought to have uniformity of laws with respect to the appointment of judical officers of the Territory of Hawaii.

These are the changes which I have suggested, first, in regard to making the judiciary independent, and second, making the laws relating to the tenure of office uniform with our laws.

Mr. MONDELL. Does the gentleman's amendment provide that these officers shall be citizens?

Mr. SHAFROTH. I have put it in the language of the Senate bill. I am perfectly willing that they should be citizens, if the gentleman desires it. I adopted the same language that I found in the section of the Senate bill. The amendment offered is the exact language of the Senate bill as it comes here. It received very thorough consideration over there, and I understand was reported unanimously by the committee. I did not want to change any words relative to it.

Mr. MONDELL. Well, Mr. Chairman, I move to amend the amendment offered by the gentleman from Colorado.

Mr. SHAFROTH. I will accept the amendment.

Mr. KNOX. Mr. Chairman, I would say to the gentleman from Colorado that this provision received great consideration from the committee and very much more consideration than—if I may be permitted to speak of what has taken place at the other end of the Capitol—it did in the Senate. As the bill originally came from the commission appointed by the President, the provision was that the judges of the supreme court, as well as of the circuit courts, should be appointed by the governor, and that was supported upon the ground that the governor of these islands, 2,000 miles away from the shores of the United States, a man presumed to be acquainted with the members of the bar from whom the judges ought to be appointed, would be more fitted than another to decide who was best fitted to administer properly the laws of these islands.

Now, to meet the objection that was made against the appointment of the supreme court judges by the governor, and for an independent judiciary, the provision was made that the judges of the supreme court should be appointed by the President. The supreme court of Hawaii has final jurisdiction in all cases. There is no case in which the governor or any other citizen could be involved in Hawaiian litigation but what the questions arising could be saved by a bill of exceptions, to go to the supreme court, judges of which are appointed by the President, as the gentleman desires, for final adjudication.

Now, Mr. Chairman, what are the circuit judges? The supreme court of Hawaii is the supreme court of judicature of general jurisdiction, with power to hear appeals in civil cases, in equity, and in admiralty, and in all questions of maritime jurisdiction. There are five circuit courts in the island. Over these preside five circuit judges. They are simply nisi prius courts, which sit with juries and decide cases. To these circuit judges may come appeals from the district courts, which are simply justices' courts, with a limited jurisdiction of $300.

Questions of that kind may go to the circuit courts. They are not courts of last resort; all their proceedings may be reviewed by the supreme court on appeal or upon exceptions. They are local courts in every sense of the word, and they sit with local juries, which are drawn from the inhabitants of the island. Hence I think these judges would be much better selected by the governor, who is acquainted with the bar of the island, than by the President.

Mr. TERRY. Why do you give these judges so much longer terms than are given to judges in any other Territory of the United States?

Mr. KNOX. I was not now discussing the question of terms——

Mr. TERRY. That is involved here, however.

Mr. KNOX. I was not discussing that question. I will say, however, that our committee will propose an amendment as to the term of office.

Mr. SHAFROTH. One question upon the point on which you are now: Is it not a fact that these circuit courts are courts of general jurisdiction; that the appellate or supreme court is only a court of appeal, and, consequently, every question that may be presented to it must first arise in the circuit courts?

Mr. KNOX. In general, the questions going before the supreme court are questions arising on nisi prius trials. There are other questions, of course, such as questions in equity, matters of injunction, etc., that go in the first instance to the supreme court.

Mr. SHAFROTH. I understand that these are courts of general jurisdiction.

Mr. KNOX. So they are.

Mr. SHAFROTH. And that the supreme court is the court of appeals.

Now, the point I wanted to make was simply this: That every court of general jurisdiction has before it at some time questions involving the conduct or the policy of the governor——

The CHAIRMAN. The gentleman's time has expired.

Mr. KNOX. I ask a moment, with the indulgence of the committee. The gentleman from Colorado has had great experience in connection with Territorial governments and their operations—much greater than I have had—perhaps greater than that of any other member of the committee. I ask him whether, in the organization of any of our Territories heretofore, this power has been given to the President?

Mr. SHAFROTH. Oh, yes; in all instances.

Mr. KNOX. As to other judges than those of the supreme judges?

Mr. SHAFROTH. The supreme judges are the trial judges.

Mr. KNOX. That is not the question. Has the President appointed any judges in any of our Territories except judges of the supreme court?

Mr. SHAFROTH. There are no other judges in our Territories except probate judges elected by the people.

Mr. KNOX. Here we have these circuit judges, who are judges of probate; all such matters may come before them.

Mr. SHAFROTH. That might be; and if elected by the people, they would be an independent judiciary.

[Here the hammer fell.]

The CHAIRMAN. The Chair asks the attention of the gentleman from Colorado for a moment. He proposed an amendment to strike out a certain part of this section which has not yet been read. Without objection, the remainder of the section will be read; and then the motion of the gentleman will be in order.

There was no objection.

The Clerk read as follows:

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

The salaries of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the justices of the supreme court and judges of the circuit courts shall not be diminished during their term of office.

Mr. SHAFROTH. That is the part of the bill to which my amendment is offered.

The CHAIRMAN. Debate is exhausted on this amendment. The question is on agreeing to the amendment.

Mr. ROBINSON of Indiana. I move to amend by striking out the last word.

The CHAIRMAN. That would not be in order.

Mr. CANNON. I want to appeal to the gentleman from Massachusetts [Mr. KNOX] to move that the committee rise. Let the bill be finished to-morrow.

Mr. KNOX. If the gentleman will allow this section to be read through, I will not ask the indulgence of the committee any longer this afternoon.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Wyoming [Mr. MONDELL] rise?

Mr. MONDELL. I desire unanimous consent to discuss the pending question for three minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to address the Committee of the Whole for three minutes. Is there objection? The Chair hears none.

Mr. MONDELL. Mr. Chairman, I hope that the amendment of the gentleman from Colorado will be adopted. The provision of the bill which he proposes to amend is a departure from our past legislation for the Territories. I believe there are even stronger reasons why the judges in Hawaii should be appointed by the President than have existed with regard to the Territories heretofore formed.

The greatest danger in the new Territory, Mr. Chairman, is the danger of centralization of power, and this amendment is for the purpose of obviating, to that extent, that danger. I believe that whoever is appointed governor of the new Territory will thank this Congress to be relieved of the duty and responsibility of appointing judges.

I believe that we will have a better government there, a more satisfactory government, if we follow the rule which we have followed from the foundation of the Government, leaving the judicial appointments in the hands of the President.

Mr. KNOX. I ask for a vote.

The CHAIRMAN. The question is upon agreeing to the amendment offered by the gentleman from Colorado [Mr. SHAFROTH].

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. PARKER of New Jersey and Mr. FLETCHER demanded a division.

The CHAIRMAN. Did any gentleman demand a division?

Mr. PARKER of New Jersey. I demanded a division.

The committee divided; and there were—ayes 86, noes 27.

Mr. KNOX. Mr. Chairman, as many members of the House have engagements this evening, I do not feel like asking the House to remain longer in session. I would say in regard to this section 73 that the gentleman from Nevada [Mr. NEWLANDS] has an amendment which he desires to offer to-morrow. I will therefore ask unanimous consent that the section may be considered as still pending.

Mr. RICHARDSON. Will the gentleman from Massachusetts tell us the nature of the engagements of members this evening?

Mr. KNOX. I think the gentleman is informed as to that.

Mr. McRAE. I do not want to lose the right to offer an amendment to this section.

Mr. KNOX. I have just asked unanimous consent that this section may be considered as pending in the morning.

The CHAIRMAN. The section will be pending unless the bill is still further read.

Mr. KNOX. I move that the committee do now rise.

Mr. HEPBURN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. Under the order that the bill be recommitted to the committee to finish the reading of it, is it competent for the gentleman to make the motion that he has now made?

The CHAIRMAN. Does the gentleman from Iowa make the point of order against the motion?

Mr. HEPBURN. I make the point of order.

Mr. RICHARDSON. What is the point of order?

Mr. HEPBURN. The point of order is that under the order of the House it is not competent for the committee to rise until the reading of this bill is finished.

Mr. RICHARDSON. There was no such limitation as that in my request.

Mr. HEPBURN. It was made at the request of the gentleman.

Mr. RICHARDSON. Not at all.

Mr. HEPBURN. And I think the Speaker so explained it.

Mr. RICHARDSON. No; I think not.

Mr. HEPBURN. There was a proposition made to recommit the bill for one hour. That was disagreed to. Then the gentleman asked that it might be recommitted to finish the reading of the bill.

Mr. RICHARDSON. That is right. You can finish it this week or next. We certainly fixed no limit.

Mr. HEPBURN. I think that if the Chair will read the colloquies that were had and the request that was made he will come to the conclusion that it was the purpose of the House to require the finishing of the reading of the bill at this session.

Mr. WILLIAMS of Mississippi. That is what we ought to do.

Mr. MADDOX. The gentleman from Connecticut [Mr. HILL] asked that question, and said he would not object if that was the case, but that he would object if we were to close it in an hour.

The CHAIRMAN. The Clerk will report the agreement made.

The Clerk read as follows:

The SPEAKER. The Chair will state the request. The gentleman from Tennessee asks unanimous consent that the House resolve itself again into the Committee of the Whole House on the state of the Union to finish the consideration of this bill in that committee, and when finished, to report it back to the House. The Chair assumes that the existing order will then be operative.

Mr. RICHARDSON. Yes; that the vote shall then be taken in the House.

The SPEAKER. Is there objection?

Mr. KNOX. I shall make no objection on my part——

Mr. HILL. Mr. Speaker, withholding objection for a moment, I do not understand that the request made by the gentleman from Tennessee is precisely as the Speaker puts it, but that we shall resolve ourselves into Committee of the Whole for one hour.

Mr. RICHARDSON. Oh, no.

Mr. HILL. If it is understood that we are to finish the reading of the bill, I have no objection.

The SPEAKER. That is the request of the gentleman from Tennessee. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON. That was the agreement, to finish the reading of the bill, but no time was set within which it was to be finished.

Mr. STEELE. It was to go into the committee and finish the bill.

Mr. KNOX. With reference to the point made by the gentleman from Iowa [Mr. HEPBURN], I understand that under the order made, at the request of the gentleman from Tennessee [Mr. RICHARDSON], the Committee of the Whole House on the state of the Union are virtually directed to resume consideration of this bill until it is finished, but I do not understand that that in any way prevents the committee at any time rising, and that when the House meets again this is the unfinished business, upon which it is in order, under the general order previously adopted, that the House shall go into Committee of the Whole to consider it.

I myself would be very glad to sit and finish this bill to-night, but I do not feel like asking gentlemen who have signified their desire to go away to sit longer. I am willing to sit and finish the bill, but unless there is a general agreement to that I do not wish to insist upon it.

Mr. WILLIAMS of Mississippi. Let us finish it.

Mr. KNOX. But I do expect that this bill will be in order for to-morrow as unfinished business under the unanimous-consent agreement which we made this afternoon virtually carrying out the previous special order, which was not otherwise modified, that we shall go into Committee of the Whole to-morrow and finish this bill.

The CHAIRMAN. The point of order raised by the gentleman from Iowa [Mr. HEPBURN] is that the committee is bound to continue in session until it complies fully with the order of the House, which is to finish the consideration of the bill, and when finished to report it back to the House. The Chair is of the opinion that that order of the House to the committee is to finish the consideration of the bill in accordance with the rules applicable to this body; and in accordance with those rules the committee may at any time, upon motion and the will of the majority, rise, and at some other time resume consideration of the bill.

For that reason the Chair overrules the point of order and will put the motion of the gentleman from Massachusetts [Mr. KNOX] to the committee.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 222) to provide a government for the Territory of Hawaii, and had come to no resolution thereon.

Mr. KNOX. Mr. Speaker, I desire to make a parliamentary inquiry, merely for the purpose of furnishing information to the House. It is the understanding of those in charge of the bill, under the order adopted this afternoon by unanimous consent, recommitting this bill to the Committee of the Whole House on the state of the Union, to consider it until finished, in connection with the order of the House previously made under which we were acting, that this will be in order to-morrow, under these two orders, as unfinished business.

The SPEAKER. That would be the understanding of the Chair—that this will be a continuing order until disposed of.

Mr. STEELE. But that will not deprive us of the privilege of raising the question of consideration to-morrow morning.

Mr. GROSVENOR. The whole question is this: Suppose the House refuses to go into Committee of the Whole. In the first place, is it necessary to have a vote to-morrow to go into Committee of the Whole, or do we go into the Committee of the Whole under the order?

The SPEAKER. The Chair thinks the usual motion to go into Committee of the Whole will be necessary.

Mr. GROSVENOR. A vote will be necessary, then. Very well; the House can refuse to go into Committee of the Whole.

The SPEAKER. That is the privilege of the House.

Mr. KNOX. Mr. Speaker, I have been asked by members on both sides of the House to request a reprint of this bill, as no copies are now to be had and there has been a dearth in the House this afternoon.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for a reprint of the bill S. 222. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

PUERTO RICAN BILL.

Mr. PAYNE. Mr. Speaker, I ask for a reprint of the bill H. R. 8245, being the Puerto Rican tariff bill, as it came from the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent that there be a reprint of the Puerto Rican bill as it came from the Senate, with the amendments numbered. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 36. An act granting an increase of pension to Emma G. Sargent—to the Committee on Invalid Pensions.

S. 3788. An act granting an increase of pension to James Williams—to the Committee on Invalid Pensions.

S. 2110. An act to restore John R. McCoy to the pension roll—to the Committee on Invalid Pensions.

S. 1637. An act granting a pension to Geo ge B. Hayden—to the Committee on Invalid Pensions.

S. 1207. An act granting a pension to Levi Chandler—to the Committee on Invalid Pensions.

S. 3748. An act granting an increase of pension to Washington Baker—to the Committee on Invalid Pensions.

S. 1734. An act granting a pension to Mary S. Belding—to the Committee on Invalid Pensions.

S. 480. An act granting an increase of pension to Juliet Gregory—to the Committee on Invalid Pensions.

S. 3154. An act granting an increase of pension to Kate Cadwell—to the Committee on Invalid Pensions.

S. 1463. An act granting an increase of pension to Jasper Pitts—to the Committee on Invalid Pensions.

S. 92. An act granting a pension to William M. Ferry—to the Committee on Invalid Pensions.

S. 3079. An act granting an increase of pension to William Oliver—to the Committee on Invalid Pensions.

S. 682. An act granting a pension to Wilhelmina Hippler—to the Committee on Invalid Pensions.

S. 3049. An act granting an increase of pension to Mary U. Wilmarth—to the Committee on Invalid Pensions.

S. 306. An act granting an increase of pension to Warren L. Eaton—to the Committee on Invalid Pensions.

S. 3502. An act granting a pension to Elizabeth Whisler—to the Committee on Invalid Pensions.

S. 3630. An act granting an increase of pension to J. N. Smith—to the Committee on Invalid Pensions.

S. 3293. An act granting a pension to Helen Harlow—to the Committee on Invalid Pensions.

S. 3508. An act granting an increase of pension to Edward F. Phelps—to the Committee on Invalid Pensions.

S. 3550. An act granting a pension to C. W. Hobart—to the Committee on Invalid Pensions.

S. 1226. An act granting a pension to George G. Kemp—to the Committee on Invalid Pensions.

S. 1822. An act granting an increase of pension to Isaac M. Shup—to the Committee on Invalid Pensions.

S. 3206. An act granting an increase of pension to Moses King, jr.—to the Committee on Invalid Pensions.

S. 3306. An act granting an increase of pension to Lucinda D. Dow—to the Committee on Invalid Pensions.

S. 3536. An act restoring to the pension roll the name of Mary J. Calvin—to the Committee on Invalid Pensions.

S. 2053. An act to remove the charge of desertion from the name of Joseph McGraw—to the Committee on Military Affairs.

ADJUSTMENT OF RIGHTS OF SETTLERS IN THE NAVAJO INDIAN RESERVATION.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that the House may order a disagreement upon the amendments of the Senate to the bill H. R. 4001, and ask a conference. I do this by order of Committee on Indian Affairs.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 4001) authorizing an adjustment of the rights of settlers in the Navajo Indian Reservation in the Territory of Arizona, with Senate amendments.

The amendments of the Senate were read.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the Senate amendments be disagreed to and that a conference be asked for. Is there objection? [After a pause.] The Chair hears none.

The Chair will appoint the following conferees: Mr. LACEY, Mr. CURTIS, and Mr. STEPHENS of Texas.

VIEWS OF MINORITY ON POST-OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, in pursuance of the permission granted by the House a few days ago, I now submit the views of the minority of the Committee on Post-Office and Post-Roads on the Post-Office appropriation bill.

The SPEAKER. The gentleman from Tennessee submits the views of the minority on the Post-Office appropriation bill, in pursuance of an order heretofore made granting him that permission. They will go on the Union Calendar and be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SCUDDER, until Monday, on account of sickness.

To Mr. STEWART of New Jersey, for four days, on account of important business.

To Mr. SALMON, for ten days, on account of important business.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Interior, transmitting a copy of a communication from the Commissioner of Indian Affairs in response to a resolution of the House relating to the annuities of the Sac and Fox Indians, was taken from the Speaker's table, referred to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes, reported the same, accompanied by a report (No. 930); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the concurrent resolution of the Senate (S. Con. Res. No. 31) authorizing the printing of the general summary entitled Review of the World's Commerce, reported the same without amendment, accompanied by a report (No. 931); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 24), authorizing the printing of the report of the cruise of the United States revenue cutter *Bear* and the Overland Expedition for the Relief of the Whalers in the Arctic Ocean, reported the same with amendment, accompanied by a report (No. 932); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 33) authorizing the printing of the Third Report on the Investigations of the Agricultural Capabilities of Alaska, reported the same with amendment, accompanied by a report (No. 933); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 29) authorizing the printing of the National Banking Laws, reported the same without amendment, accompanied by a report (No. 934); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 77) authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for 1899, reported the same without amendment, accompanied by a report (No. 935); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 108) providing for the printing of the Report of the Governor of Arizona for 1899, reported the same without amendment, accompanied by a report (No. 936); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 5504) for the relief of Lincoln W. Tibbetts, reported the same adversely, accompanied by a report (No. 937); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10415) for the relief of the widow of Lemuel J. Draper, late assistant surgeon, United States Navy—Committee on Naval Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 8261) granting a pension to Mary A. O'Brien—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7855) to increase the pension of Sarah E. Jackson, widow of Richard H. Jackson, late brigadier-general of United States Volunteers, to $50 per month—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7856) to increase the pension of Matilda E. Lawton, widow of Elbridge Lawton, late chief engineer, United States Navy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10147) granting a pension to Delia A. Jones—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 10449) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes—ordered printed.

By Mr. FOSS, from the Committee on Naval Affairs: A bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes—to the Union Calendar.

By Mr. SHAFROTH: A bill (H. R. 10451) for the preservation of prehistoric monuments, ruins, and objects on public lands—to the Committee on the Public Lands.

By Mr. JETT: A bill (H. R. 10452) for the appointment of an additional United States commissioner in the Indian Territory—to the Committee on the Judiciary.

By Mr. GROSVENOR: A bill (H. R. 10453) to apply a portion of the proceeds of the sale of the public lands to the endowment, support, and maintenance of schools or departments of mining and metallurgy in the several States and Territories in connection with the colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of an act of Congress approved July 2, 1862—to the Committee on Mines and Mining.

By Mr. LANE: A bill (H. R. 10454) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes"—to the Committee on Banking and Currency.

By Mr. PEARRE: A bill (H. R. 10495) to erect a transparent Waters's weather case over the marble statue of George Washington—to the Committee on the Library.

By Mr. SMALL: A bill (H. R. 10496) to provide for the erection of a monument on the site of Fort Raleigh, on Roanoke Island, State of North Carolina—to the Committee on the Library.

By Mr. STEPHENS of Texas: A bill (H. R. 10497) providing for the erection of mail boxes on star-route mail lines, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. BENTON: A bill (H. R. 10498) to create a new division in the western judicial district of the State of Missouri—to the Committee on the Judiciary.

By Mr. RIDGELY (by request): A bill (H. R. 10499) to gradually exempt from tax all improvements in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PRINCE: A joint resolution (H. J. Res. 225) providing for a preliminary survey and estimate for the construction of a lock in the dam across Rock River at the head of the feeder for the Illinois and Mississippi Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of New York: Resolutions of the New York legislature, relative to the style of arms now in use by the National Guard of the several States—to the Committee on Militia.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 10455) granting an increase of pension to Bertha G. Kimball, widow of Frederick C. Kimball, late first lieutenant and regimental quartermaster Fifth United States Infantry—to the Committee on Pensions.

By Mr. BERRY: A bill (H. R. 10456) granting a pension to Peter Brown, of Brent, Campbell County, Ky.—to the Committee on Pensions.

By Mr. DRIGGS: A bill (H. R. 10457) granting a pension to Rachel McNaughton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10458) granting an increase of pension to Alonzo D. Brown—to the Committee on Invalid Pensions.

By Mr. GAMBLE: A bill (H. R. 10459) to grant a pension to Ann M. Potter, widow of Joel A. Potter, a veteran of the Mexican war—to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 10460) granting a pension to James Riley—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 10461) granting a pension to Mrs. M. E. Fish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10462) for the relief of James M. Clowers—to the Committee on War Claims.

By Mr. GILLETT of Massachusetts: A bill (H. R. 10463) granting a pension to Lucien H. Stone, of Orange, Mass., late captain Company F, Fifty-second Massachusetts Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10464) granting a pension to Charles A. Adams, of Palmer, Mass., late private Company C, Seventh New Hampshire Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 10465) granting a pension to James E. Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10466) granting a pension to John H. Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10467) granting a pension to Elizabeth Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10468) granting a pension to Susan Coho—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10469) granting an increase of pension to David R. Pringle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10470) granting an honorable discharge and a pension to W. Scott King—to the Committee on Military Affairs.

Also, a bill (H. R. 10471) to correct the military record of John B. Taylor—to the Committee on Military Affairs.

By Mr. KLEBERG: A bill (H. R. 10472) granting an increase of pension to Frank Blair—to the Committee on Pensions.

By Mr. LANE: A bill (H. R. 10473) granting an increase of pension to John M. Leydel—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 10474) to correct the military record of John J. Phelan, of Chicago, Ill.—to the Committee on Naval Affairs.

By Mr. McCULLOCH: A bill (H. R. 10475) to remove the charge of desertion standing against G. M. Roberts—to the Committee on Military Affairs.

By Mr. MERCER (by request): A bill (H. R. 10476) relinquishing the title of the United States to Genevieve Laighton to certain lands in the State of Arkansas—to the Committee on the Public Lands.

By Mr. MIERS of Indiana: A bill (H. R. 10477) granting a pension to James Deal—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: A bill (H. R. 10478) for the relief of Daniel M. Humer—to the Committee on Claims.

Also, a bill (H. R. 10479) granting a pension to Mary Reed—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 10480) granting an increase of pension to George P. Overton—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 10481) granting an increase of pension to Alexius J. Harbaugh—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 10482) granting a pension to Pattie D. McCown—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 10483) granting a pension to Alexander S. Patten—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 10484) granting increase of pension to Nicholas Moy—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 10485) for the relief of Simon Witkowski, of Ashton, La., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 10486) to correct the military record of Chauncy Blakesly—to the Committee on Military Affairs.

Also, a bill (H. R. 10487) to increase the pension of William Mileham—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 10488) granting an increase of pension to Ambrose R. Harrison—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 10489) granting a pension to Mastin W. Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10490) to increase the pension of Thomas Summers—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 10491) to correct the military record of James S. Vaughn—to the Committee on Military Affairs.

By Mr. FOSS: A bill (H. R. 10492) for the relief of James McCauley—to the Committee on War Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 10493) to increase the pension of Richard C. Ivory—to the Committee on Invalid Pensions.

By Mr. PIERCE of Tennessee: A bill (H. R. 10494) for the relief of the estate of William G. Harwood, deceased, late of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. CUSHMAN: A bill (H. R. 10500) granting an increase of pension to Hamlin B. Williams—to the Committee on Invalid Pensions.

By Mr. LATIMER: A bill (H. R. 10501) granting an increase of pension to Robert D. Walker—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 10502) for the relief of the estate of Thomas Clevenger, deceased, late of Frederick County, Va.—to the Committee on War Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 10503) for increase of pension of Sarah S. Willis—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of G. C. Farnsworth and 4 other citizens of Denver, Iowa, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, resolutions of the Republican Territorial convention of New Mexico, in opposition to bill in regard to McKinley County, N. Mex.—to the Committee on the Territories.

By Mr. BELL: Petitions of Winfield Scott Post, No. 49, of Aspen; G. B. McClellan Post, No. 76, of Delta; Thornburg Post, No. 2, of Georgetown, State of Colorado, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch

Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Granada, Colo., relating to the leasing of public lands, etc.—to the Committee on the Public Lands.

Also, petition of J. V. Davidson and other citizens of Lamar, Colo., favoring the Grout bill, relating to dairy products—to the Committee on Agriculture.

Also, petitions of James A. Kelly & Co. and others, of Montevista, Colo., and citizens of Hugo and Egeria Park, Colo., for the continuation of Government distribution of blackleg vaccine—to the Committee on Agriculture.

Also, petition of East Pueblo Woman's Christian Temperance Union, of Pueblo, Colo., favoring a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. BROWNLOW: Resolutions of Burnside Post, No. 8, of Greenville, Tenn.; Samuel Campbell Post, No. 31, of Allentown, Tenn., and Joe Hooker Post, No. 128, of Brooklyn, N. Y., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BROUSSARD: Papers relating to the claim of Cecelia E. Charleville, executrix, etc.—to the Committee on War Claims.

By Mr. BURKETT: Petition of H. Zimmerman, of Stella, Nebr., and Lillian M. Beach and several other members of the Epworth League and First Methodist Episcopal Church, of Syracuse, Nebr., asking for the passage of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. BURLEIGH: Petition of Bingham Grange, No. 237, Patrons of Husbandry, Maine, to prohibit the sale of intoxicating liquors in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. CANNON: Papers to accompany House bill to correct the military record of James T. Vaughn—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petition of citizens of Rock County, Wis., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of the Young People's Society of Christian Endeavor of the First Baptist Church of Racine, Wis., against the sale of intoxicants in the Army—to the Committee on Military Affairs.

By Mr. STANLEY W. DAVENPORT: Petition of citizens of Huntington Valley and Luzerne County, Pa., in favor of the Grout bill taxing oleomargarine—to the Committee on Ways and Means.

By Mr. DOVENER: Petition of J. W. Holliday Post, No. 12, of Wheeling, W. Va., Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Rachel Wilson, praying for compensation due her father, Benjamin Wilson, as colonel during the Revolutionary war—to the Committee on War Claims.

By Mr. ESCH: Petition of Ben Allen Post, No. 127, of Arkansaw, Wis., Grand Army of the Republic, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union of Monroe County, Wis., and Ladies' Missionary Society of the Congregational Church of Sparta, Wis., for a new code of laws for Hawaii forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. GAMBLE: Petition of H. L. Brown, W. Branner, and other citizens of Joubert and Harrison, S. Dak., in favor of the Grout bill taxing oleomargarine—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the Commercial Travelers' Mutual Accident Association, of Utica, for a trade treaty between the United States and Canada—to the Committee on the Judiciary.

Also, petition of the Pennsylvania Fish Protective Association, favoring House bill No. 7343, establishing a fish hatchery and fish station in Pennsylvania—to the Committee on the Merchant Marine and Fisheries.

By Mr. HITT: Petition of the Woman's Christian Temperance Union of Rockford, Ill., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, papers to accompany House bill No. 10334, granting an increase of pension to Nellie Powell Koehler—to the Committee on Pensions.

By Mr. JACK: Papers in support of House bill for the relief of Elizabeth Fisher—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 2738, to increase the pension of Charles W. Hoffman—to the Committee on Invalid Pensions.

Also (by request), petition of Frank T. May and other druggists of Apollo, Pa., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Petition of the Christian Endeavor Society of Shirley, N. J., for the passage of a bill to forbid liquor selling in canteens and in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Deerfield, Alloway, and Chansey, N. J., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. McALEER: Petition of the International Brotherhood of Bookbinders, Local Union No. 4, Washington, D. C., favoring the passage of House bill No. 6872, for the printing of the label of the Allied Printing Trades on all publications of the Government—to the Committee on Printing.

Also, petition of C. L. Comfort Company, of Philadelphia, Pa., favoring the enactment of the Russell bill respecting alcohol used in the arts—to the Committee on Ways and Means.

Also, petition of the Northwestern Pennsylvania Press Association, Towanda, Pa., urging the removal of the present tariff on white paper and wood pulp—to the Committee on Ways and Means.

Also, petitions of J. H. Zeilin & Co., Ab. Kirschenbaum & Co., Greenbaum Brothers, William Ayres & Sons, and Hance Bros. & White, of Philadelphia, Pa., for the improvement of Trinity River to the city of Dallas, Tex.—to the Committee on Rivers and Harbors.

Also, petition of the Philadelphia Maritime Exchange and the Grocers and Importers' Exchange of Philadelphia, Pa., protesting against the passage of Senate bills No. 3382 and No. 8531, and House bill No. 9243, regulating the length of tows at sea or in the harbors of the seacoast—to the Committee on the Merchant Marine and Fisheries.

By Mr. MIERS of Indiana: Papers to accompany House bill for the relief of James Deal—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: Petition of citizens of Tiro, Crawford County, Ohio, favoring the passage of a bill to regulate the sale of liquor in the Philippine Islands—to the Committee on Insular Affairs.

Also, papers to accompany House bill granting a pension to Mary Reed—to the Committee on Invalid Pensions.

By Mr. O'GRADY: Paper to accompany House bill No. 9325, granting a pension to James McNab—to the Committee on Invalid Pensions.

By Mr. PEARRE: Petition of Thoburn Post, No. 71, of Frostburg, Md., Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, paper to accompany House bill No. 10495—to the Committee on the Library.

By Mr. POWERS: Remonstrance of citizens of Ira, Vt., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Richardson Post, No. 92, of Fairfax, Vt., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. PRINCE: Petition of Walter Johnson and others, for an appropriation to construct a levee on the east bank of the Mississippi River from Drurys Landing to New Boston, Ill.—to the Committee on Rivers and Harbors.

Also, petition of John M. Brown and others, of Toulon, Ill., urging the passage of House bill No. 2583, giving veterans preference in employment—to the Committee on Reform in the Civil Service.

By Mr. PUGH: Papers to accompany House bill No. 9102, to increase the pension of James R. Chapman—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Memorial of the National Credit Men's Association, in favor of amendments to national bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Groton, N. Y., in favor of the passage of House bill No. 1060, known as the Grout bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. RYAN of New York: Petition of Lawrence G. Gebhard, A. J. Pancott, William Moore, and 273 other marine engineers, of Buffalo, N. Y., against the passage of the ship subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHOWALTER: Petition of 114 citizens of Wampum, Pa., for the passage of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. SPALDING: Petition of Mrs. S. E. Sherman and others,

of North Dakota, favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petitions of citizens of Pembina, Cando, Hallson, and Cass County, N. Dak., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Posts Nos. 2, 11, 21, 22, 33, and 41, Department of North Dakota, Grand Army of the Republic, indorsing the bill to establish a Branch Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of citizens of Rutland, Dell Rapids, and Ransom County, N. Dak., favoring the Grout bill relating to oleomargarine—to the Committee on Ways and Means.

Also, resolution of the Trades League of Philadelphia, Pa., approving the Senate amendments to the legislative bill respecting the Hydrographic Office, Navy Department—to the Committee on Appropriations.

By Mr. SPERRY: Petition of Merriam, No. 29, Woman's Relief Corps, of Meriden, Conn., urging the passage of House bill No. 5475, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Petition of the Shakespeare Club, of Minneapolis, Minn., in favor of the proposed national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. SULZER: Resolutions of a mass meeting of citizens of Coopertown, Wis., in favor of intervention in the interest of peace between Great Britain and the Orange Free State—to the Committee on Foreign Affairs.

By Mr. WACHTER: Petition of 126 druggists of Baltimore, Md., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. WARNER: Petitions of Methodist Episcopal churches of St. Joseph and Mayview, Ill., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill granting an increase of pension to Thomas Summers—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *April 6, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, and having read the following entry:

Mr. JONES of Arkansas presented the following credentials of Joseph C. S. Blackburn, being a transcript from the journals of the proceedings of the legislature of the State of Kentucky in joint assembly, showing the election of Mr. Blackburn as a Senator from that State for the term of six years, commencing March 4, 1901—

Mr. DEBOE. Mr. President, I was not aware of the fact yesterday morning when the Senator from Arkansas presented the credentials of Mr. Blackburn. I desire to know if they are now the subject of a reference. If so, I desire to move that they be referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. After the reading of the Journal is completed and it stands approved, the Chair is of opinion that a motion touching the credentials would be in order.

Mr. PENROSE. I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

Mr. JONES of Arkansas. I prefer that the reading of the record of the proceeding in relation to the credentials shall be completed.

The PRESIDENT pro tempore. Objection being made, the Secretary will proceed with the reading of the Journal.

The Secretary resumed the reading of the Journal, and was interrupted by

Mr. JONES of Arkansas. I have now no objection to the request of the Senator from Pennsylvania that the reading may be dispensed with.

Mr. PENROSE. I renew my request.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the further reading of the Journal be dispensed with. Is there objection? The Chair hears none, and it is so ordered. Without objection, the Journal stands approved.

SENATOR FROM KENTUCKY.

Mr. DEBOE. I now renew the motion that those papers be referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. The Senator from Kentucky moves that the papers filed in relation to the election of a Senator from the State of Kentucky be referred to the Committee on Privileges and Elections.

Mr. STEWART. I hope that motion will not be pressed this morning. I object to it now, if I have a right to object.

The PRESIDENT pro tempore. A single objection would not lie against the motion.

Mr. JONES of Arkansas. I presume the Senator from Kentucky would have no objection to allow the motion to lie over on the request of any Senator. I suppose he will not object to that course.

Mr. DEBOE. Let it go over, then, until to-morrow morning.

The PRESIDENT pro tempore. Does the Senator from Kentucky withdraw his motion?

Mr. DEBOE. I withdraw the motion for the present.

The PRESIDENT pro tempore. The motion is withdrawn.

FINDINGS OF COURT OF INQUIRY.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 30th ultimo, the original copy of the minutes, proceedings, and findings of the court of inquiry pursuant to the President's instructions of February 20, 1899, together with the final report of said court of inquiry and the action taken thereon. The accompanying papers are very voluminous. The communication will be printed, and, with the accompanying papers, referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. CURTIS, and Mr. STEPHENS of Texas, managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 10449) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 205) granting an increase of pension to George C. Snyder;

A bill (H. R. 240) granting an increase of pension to George W. Wakefield;

A bill (H. R. 434) granting an increase of pension to Jesse Smith;

A bill (H. R. 457) granting a pension to Clara L. Harriman;

A bill (H. R. 493) granting a pension to Fanny M. Hays;

A bill (H. R. 1458) granting an increase of pension to John E. Whinnery;

A bill (H. R. 1507) granting an increase of pension to William H. La Count;

A bill (H. R. 1754) granting a pension to Helen M. Hull;

A bill (H. R. 1800) granting a pension to Lutheria H. Maynard;

A bill (H. R. 1890) to increase the pension of John Houk;

A bill (H. R. 2203) granting an increase of pension to John M. Garrett;

A bill (H. R. 2397) granting a pension to Eliza S. Redfield;

A bill (H. R. 2681) granting an increase of pension to Calista F. Hall;

A bill (H. R. 2809) granting an increase of pension to Moses F. Woods;

A bill (H. R. 2865) granting an increase of pension to Louis H. Gein;

A bill (H. R. 2999) granting an increase of pension to George M. Brown;

A bill (H. R. 3021) granting a pension to Eliza H. Getchel;

A bill (H. R. 3085) granting an increase of pension to William Sheppard;

A bill (H. R. 3167) granting an increase of pension to Thomas H. Cook;

A bill (H. R. 3268) granting an increase of pension to James W. Kessler;

A bill (H. R. 3635) granting an increase of pension to Timothy B. Eastman;

A bill (H. R. 3640) granting a pension to Mary Pollock;

A bill (H. R. 3694) granting an increase of pension to James Bottoms;

A bill (H. R. 3775) granting an increase of pension to Robert Boston;

A bill (H. R. 3863) granting an increase of pension to Alfred Dyer;

A bill (H. R. 4047) granting an increase of pension to James S. Jordan;
A bill (H. R. 4655) granting a pension to Elizabeth C. Rice;
A bill (H. R. 4681) granting an increase of pension to Elizabeth Keiff;
A bill (H. R. 4828) granting a pension to Susie E. Johnson;
A bill (H. R. 5110) granting an increase of pension to Edward T. Kennedy;
A bill (H. R. 5169) granting an increase of pension to Charles Weed;
A bill (H. R. 5209) granting an increase of pension to Samuel A. Greeley;
A bill (H. R. 5211) granting a pension to Lizzie M. Dixon;
A bill (H. R. 5346) granting a pension to Elizabeth B. Norris;
A bill (H. R. 5503) granting an increase of pension to Samuel Hanson;
A bill (H. R. 5882) granting an increase of pension to John B. Fairchilds;
A bill (H. R. 6161) granting an increase of pension to John Landegan;
A bill (H. R. 6284) granting an increase of pension to James Crawley;
A bill (H. R. 6304) granting an increase of pension to James J. Lyons;
A bill (H. R. 6885) granting an increase of pension to Horace B. Durant;
A bill (H. R. 6952) granting a pension tc Carrie P. Dale;
A bill (H. R. 7322) granting an increase of pension to Frederick E. Vaner;
A bill (H. R. 7445) granting a pension to Emma B. Reed;
A bill (H. R. 7488) granting a pension to John C. Ray;
A bill (H. R. 7594) granting a pension to Amelia Taylor;
A bill (H. R. 7939) to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;
A bill (H. R. 8120) granting an increase of pension to David L. Wentworth;
A bill (H. R. 8395) granting an increase of pension to Henry Johns;
A bill (H. R. 8610) granting an increase of pension to Abner S. Crawford; and
A joint resolution (H. J. Res. 216) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of Bingham Grange, No. 237, Patrons of Husbandry, of Bingham, Me., and a petition of the Woman's Christian Temperance Union of Bartley, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

He also presented a memorial of Our Animal Protective League, of New York City, remonstrating against the adoption of certain amendments relative to the transportation of live cattle from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented the petition of J. W. Richmond, of Geneseo, Ill., praying for the enactment of legislation to provide rules and regulations governing the importation of trees, plants, shrubs, vines, cuttings, etc., into the United States; which was referred to the Committee on Agriculture and Forestry.

Mr. PENROSE presented a petition of sundry citizens of Adams County, Pa., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of East Liberty Church, of East End, Pittsburg, Pa., and a petition of sundry citizens of Carlisle, Pa., praying for the enactment of legislation to restrict American traders in the New Hebrides Islands from selling firearms and intoxicating liquors to the natives; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the continuance of the appropriation for the Hydrographic Office of the Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of the legislative committee of the Pennsylvania State Grange, Patrons of Husbandry, praying for the enactment of legislation making oleomargarine and kindred imitation products subject entirely to the laws of the State, etc.; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Lancaster, Pa., remonstrating against the enactment of legislation extending the time for confinement of live stock in their transportation from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the legislative committee of the Pennsylvania State Grange, remonstrating against the passage of the so-called ship-subsidy bill unless a corresponding bounty be provided for on the exports of the staples of agriculture; which was ordered to lie on the table.

He also presented petitions of the congregations of the First Presbyterian Church, the Methodist Episcopal Church, the First Baptist Church, and the First United Presbyterian Church, all of Oakmont; of the Methodist Episcopal Church and the Second United Presbyterian Church, of Verona; of the congregations of sundry churches of East Smithfield, and of the Young People's Society of Christian Endeavor of the Third United Presbyterian Church of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation prohibiting the importation, manufacture, and sale of intoxicating liquors, opium, etc., in Hawaii; which were ordered to lie on the table.

He also presented a memorial of the Federation of Trade Unions of York, Pa., remonstrating against the passage of Senate bill No. 3009, regulating electric wiring in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Coopers' International Union, No. 101, of Allegheny, Pa., remonstrating against the enactment of legislation abolishing the using of revenue stamps for one-eighth and one-sixth kegs containing brewed or malt liquors; which was referred to the Committee on Finance.

He also presented petitions of the Woman's Christian Temperance Union of Glen Campbell, the Woman's Christian Temperance Union of Smethport, the Epworth League of Smethport, of the pastors of sundry churches of Smethport, and of the congregation of the Central Presbyterian Church of New Castle, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. KYLE presented a petition of the Free Methodist Church of Wessington Springs, S. Dak., praying to place in the new code of laws for Hawaii a provision that the importation, manufacture, and sale of intoxicating liquors, the importation and sale of opium, and that gaming be prohibited; which was ordered to lie on the table.

Mr. BARD presented a memorial of the Woman's Christian Temperance Union of Los Angeles, Cal., and a memorial of the Woman's Christian Temperance Union of Linden, Cal., remonstrating against the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Whittier, Cal., and a petition of the congregation of the Christian Church of Whittier, Cal., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors in Hawaii; which were ordered to lie on the table.

Mr. TALIAFERRO presented the petition of Rev. J. E. Oates, Fannie L. Benson, and sundry other citizens, on behalf of the Woman Suffrage Association of Florida, praying for the adoption of a sixteenth amendment to the Constitution, prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. DANIEL presented the petition of Addison M. Davies, of New York City, relative to his displacement as an inspector of customs, and praying for such action as will secure him the payment continuously of his salary as such officer; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Wright's Chapel, Caroline County, Va., and a petition of the Woman's Christian Temperance Union of Concord, Va., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

Mr. SEWELL presented a petition of the Christian Endeavor Society of the Second Presbyterian Church of Rahway, N. J., and a petition of the Christian Endeavor Society of Shirley, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and in all Government buildings and premises; which were referred to the Committee on Military Affairs.

CIVIL GOVERNMENT FOR ALASKA.

Mr. STEWART. I present a memorial to the Senate of the United States in the matter of a civil government bill for Alaska, being a brief on behalf of Charles D. Lane and other American citizens, owners of mining claims in Alaska. I should like to have an order to print it, so that we can all have it. It is short.

The PRESIDENT pro tempore. Printed in the RECORD or as a document?

Mr. STEWART. Let it lie on the table.

The PRESIDENT pro tempore. Does the Senator wish to have it printed in the RECORD or as a document?

Mr. STEWART. Oh, as a document; not in the RECORD.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

Mr. HANSBROUGH subsequently said: Mr. President, this morning the Senator from Nevada [Mr. STEWART] secured unanimous consent of the Senate for the printing of a document—a memorial to the Senate of the United States in the matter of a civil government for Alaska. I desire to present a document, and ask unanimous consent that it may be printed in connection with the memorial presented by the Senator from Nevada. This document is a statement of the president of the Law and Order League at Council City, Alaska. It is a copy of a memorial addressed to the President of the United States, and contains some very interesting facts concerning affairs in that Territory. I ask that it be printed.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the paper which he sends to the desk may be printed with the memorial which was ordered printed at the request of the Senator from Nevada [Mr. STEWART]. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. KYLE. I am directed by the Committee on Indian Affairs to present a paper as a part of Senate Report No. 693, on the bill (S. 161) to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians, in the State of North Dakota, and to make appropriation for carrying the same into effect. It is an argument by John B. Bottineau, and is to be printed as a part of and attached to the report of the committee already printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEY, from the Committee on the District of Columbia, to whom was referred the bill (S. 2393) for the relief of Joseph S. Boss, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. THURSTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 3415) to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 2493) authorizing and directing the Secretary of the Interior to issue patents for land in certain cases, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 394) for the recognition of the military service of the officers and enlisted men of certain Pennsylvania military organizations, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SEWELL, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 881) for the relief of Henry Halteman; and

A bill (S. 3328) to authorize the President to appoint and retire Richard Henry Savage with the rank and grade of major.

Mr. ALLISON. I report back from the Committee on Appropriations with amendments the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes.

I desire at this time to give notice that at the earliest practicable moment I wish to call up the bill for consideration. I present with the bill a written report, which I ask may be printed.

The PRESIDENT pro tempore. Under the rule the report will be printed, and the bill will be placed on the Calendar.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 943) to provide for the erection of a public building in the city of Great Falls, Mont., reported it with an amendment, and submitted a report thereon.

NAMING OF A PRESIDING OFFICER.

Mr. SPOONER. I am instructed by the Committee on Rules to report an amendment to Rule I, and I ask unanimous consent that it be acted upon at this time.

The PRESIDENT pro tempore. The proposed amendment will be read to the Senate for its information.

The Secretary read as follows:

Reported by Mr. SPOONER, from the Committee on Rules, to the Standing Rules of the Senate.

RULE I.

ART. 4. In event of the death of the Vice-President the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the Chair during his absence; and the Senator so named shall have the right to name in open session, or in writing if absent, a Senator to perform the duties of the Chair, but such substitution shall not extend beyond adjournment, except by unanimous consent.

The PRESIDENT pro tempore. Is there objection to the present consideration of the proposed rule? The Chair hears none.

Mr. JONES of Arkansas. Wherein does the proposed rule differ from the present rule?

Mr. SPOONER. It differs in this respect, that under the present rule the President pro tempore has a right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair. That is a day appointment. The proposed rule provides that in the case of the death of the Vice-President the President pro tempore may in writing name a substitute presiding officer for so many days, and that Senator, if he is ill or absent, may make an appointment to hold one day, except by unanimous consent.

Mr. JONES of Arkansas. I think the change a wise one. This is the report of the committee?

Mr. SPOONER. Yes, sir.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

CORRECTIONS OF THE JOURNAL.

Mr. BACON. I am directed by the Committee on Rules to report back favorably the resolution relative to the correction of errors in the Journal. The resolution was introduced by the senior Senator from Massachusetts [Mr. HOAR], and I ask that it may lie on the table until his return, he now being absent.

The PRESIDENT pro tempore. The resolution will be read.

The resolution, submitted by Mr. HOAR February 16, 1900, was read, as follows:

Resolved, That when on any day the reading of the Journal or of any part thereof shall be dispensed with, it shall be in order for any Senator, when the Journal shall be read on any subsequent day, to call attention to any error therein, and to propose any correction thereto.

The PRESIDENT pro tempore. The resolution will be printed. The Senator from Georgia asks that it lie on the table?

Mr. BACON. Until the return of the senior Senator from Massachusetts.

The PRESIDENT pro tempore. The resolution will lie on the table.

BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 4041) granting a pension to J. Lavenia Childs; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4042) for the relief of M. L. Cline; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4043) to correct the military record of William Pritchard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PETTUS introduced a bill (S. 4044) to provide for the appointment of dental surgeons for service in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MONEY introduced a bill (S. 4045) for the relief of the estate of James C. Mosby, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 4046) to correct the military record of John Frederick; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FOSTER (by request) introduced a bill (S. 4047) for the protection of the public health; which was read twice by its title, and referred to the Committee on Manufactures.

Mr. MCMILLAN introduced a bill (S. 4048) to amend an act "Regulating the inspection of flour in the District of Columbia," approved December 21, 1898; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SHOUP (by request) introduced a bill (S. 4049) to authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River at or near the town of Alexandria, in the parish of Rapides, State of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DANIEL (by request) introduced a bill (S. 4050) for the relief of Mrs. Elizabeth E. Goodwin; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 4051) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment fixing the rank and pay of the Adjutant-General of the Army, intended to be proposed by

him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment fixing the rank and pay of the Commanding General of the Army, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $70,000 for continuing work of constructing quarters and other improvements at Fort D. A. Russell, Wyo., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SEWELL submitted an amendment proposing to increase the salary of the chief clerk at Army Headquarters to $1,800 per annum, intended to be proposed by him to the Army appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

THE FINANCIAL BILL.

On motion of Mr. COCKRELL, it was

Ordered, That there be printed for the use of the Senate 3,000 additional copies of the act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900, said copies to be delivered to the Senate document room.

READJUSTMENT OF POSTMASTERS' SALARIES IN PENNSYLVANIA.

Mr. PENROSE submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the State of Pennsylvania between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled Robert Peysert and others *vs.* The United States, No. 18115, each such stated account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884, and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in the said circular and publication in the newspapers, and in circular form No. 1223, the text of each of which, under date of November 8, 1897, was transmitted by the Postmaster-General to the Attorney-General for use in the case of Jane Yarrington and others *vs.* The United States, No. 16345.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore. Morning business is closed, and the Chair lays before the Senate a resolution which will be read.

The Secretary read the resolution submitted yesterday by Mr. GALLINGER, as follows:

Resolved, That the Committee on the District of Columbia be instructed to inquire and report to the Senate whether any teacher in the public schools of the District has been censured or taken to task by a superior officer on account of the testimony given by such teacher during the recent investigation of the public schools.

Mr. GALLINGER. Mr. President, while I should be very glad to have the resolution passed this morning, I observe that the Senator from Illinois [Mr. MASON], who objected to it yesterday, is not in the Chamber, and I ask unanimous consent that it may go over until to-morrow, not losing its place.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the resolution shall lie on the table without losing its place. Is there objection? The Chair hears none.

SENATOR FROM PENNSYLVANIA.

Mr. NELSON. If the morning business is closed——

The PRESIDENT pro tempore. The morning business is closed. The Chair will lay before the Senate a resolution and will then recognize the Senator from Minnesota. The resolution will be read.

The Secretary read the resolution reported from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. THURSTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator rise to morning business?

Mr. THURSTON. I desire to make a statement.

The PRESIDENT pro tempore. The Senator from Minnesota was recognized to make a request.

MISSISSIPPI RIVER DAM.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 9713) permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minn., across the Mississippi River.

Mr. THURSTON. I shall not object to the unanimous consent as to this bill, nor will I object to the Senator from Mississippi [Mr. SULLIVAN] proceeding with an argument in the Quay case, but I shall ask the Senate as soon as that is concluded to take up the Indian appropriation bill.

The PRESIDENT pro tempore. The bill indicated by the Senator from Minnesota will be read.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. LODGE. Mr. President——

Mr. THURSTON. I will yield in a moment to the Senator from Massachusetts, but I now move that the Senate proceed to the consideration of House bill 7433, the Indian appropriation bill.

Mr. PENROSE. I suggest to the Senator to ask unanimous consent for the consideration of the measure. There will be no opposition to that course.

Mr. THURSTON. Very well.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes. Is there objection? The Chair hears none.

Mr. THURSTON. Now I yield to the Senator from Massachusetts.

CAPE COD LIGHT, MASSACHUSETTS.

Mr. LODGE. I ask unanimous consent for the present consideration of a bill of only three lines, and it is very important to commerce. It is the bill (S. 2883) to change the characteristic of Cape Cod light, Massachusetts.

There being no objection, the bill was considered as in Committee of the Whole. It directs the Secretary of the Treasury to change the characteristic of Cape Cod light, situated at North Truro, Mass., from a fixed white to a flashing white light, at a cost not exceeding $15,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PERSONAL EXPLANATION.

Mr. PETTIGREW. Yesterday morning, Mr. President, I referred in some remarks which I made to an Associated Press dispatch, as I supposed, but I am credibly informed that the dispatch was not an Associated Press dispatch, which purported to come from Cuba, and therefore I make this correction. Neither did I in my remarks intend to cast any reflection upon the representatives of the Associated Press who report the proceedings of the Senate. I believe they are honorable men and undertake to and do ascertain the truth and report correctly.

However, the remainder of my remarks with regard to the Associated Press I reiterate, for I believe they are true; that is, that this association does employ irresponsible and untruthful men in many instances, where they make no effort to ascertain the truth of the statements which these people make; that this is prevalent in very many localities, and that it is a discredit to a very great extent to the news gathered by this great association. I believe also those representatives or reporters in many instances allow their opinions to be biased and their opinions to affect the news which they gather and give it a color and give it a tone which they think will satisfy their prejudices and the prejudices of the great newspapers that are in this combination, and it is a combination, and it is a combination largely to deceive the American people.

HOUSE BILL REFERRED.

The bill (H. R. 10449) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

SETTLERS ON NAVAJO INDIAN RESERVATION.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STEWART. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. STEWART, Mr. SHOUP, and Mr. MCLAURIN were appointed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 5th instant approved and signed the act (S. 739) for the relief of the estate of George W. Lawrence.

SIOUX CITY AND PACIFIC RAILWAY COMPANY.

Mr. THURSTON. I yield to the Senator from Iowa [Mr. GEAR] temporarily.

Mr. GEAR. I ask leave for the consideration of the bill (S. 1291) authorizing the settlement and adjustment with the Sioux City and Pacific Railway Company of its indebtedness to the United States.

The Secretary read the bill.

Mr. MORGAN. In the absence of the Senator from Kansas [Mr. HARRIS], I can not consent that the bill shall come up at this time.

The PRESIDENT pro tempore. Objection is made.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes, which had been reported from the Committee on Indian Affairs with amendments.

Mr. THURSTON. I understand that the Senator from Mississippi [Mr. SULLIVAN] desires to speak to the Quay resolution this morning, and if he does I am willing to yield to him for that purpose.

Before yielding to the Senator, I ask unanimous consent that the formal reading of the bill be dispensed with, and that on the reading of the bill the committee amendments be first considered and acted upon.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee be first acted upon. Is there objection? The Chair hears none, and it is so ordered.

SENATOR FROM PENNSYLVANIA.

The Senate resumed the consideration of the resolution reported from the Committee on Privileges and Elections, declaring that Hon. Matthew S. Quay is not entitled to a seat in the Senate from the State of Pennsylvania.

Mr. SULLIVAN. Mr. President, I desire to submit briefly my views on the present case. I have carefully read both the report of the majority and of the minority of the Committee on Privileges and Elections with respect to the seating of Senator Quay as a member of this body. I am absolutely clear in my mind as to the correct view—the one taken by the minority. The report of the majority rests almost entirely upon the precedents in such cases. The minority report criticises these precedents and rests upon the broader ground of a liberal and natural construction of the Constitution.

It seems to me that it was never intended by the framers of the Constitution that a State should be without full representation in the Senate. That is the only safeguard which a small State has as against the power and influence of a great State with many Representatives in Congress. Rhode Island, scarcely larger than a county, under the Constitution, is entitled to two Senators. The Empire State of New York and the great State of Texas are entitled to no more. In the very nature of the thing I do not believe it was contemplated that a vacancy should continue in the Senate from any one of the States. It is a very narrow construction of the Constitution which holds that if a vacancy happens during a session of the legislature, and the vacancy is not filled by the legislature, that the State must go unrepresented.

Suppose that at the very last hour of a session of the legislature a member of the Senate should die and the fact of such death was not known until after adjournment. Would it not be regarded as an extraordinary construction to hold that, because the death occurred in the last moments of the session of the legislature, the governor could not appoint and the vacancy must continue until the next session of the legislature? It may be said that this is an extreme way to put it. Still, if the argument of those adopting the narrow construction is true, then the governor would not have the power to appoint, and a vacancy would follow. There might be pending in the Senate of the United States questions of the most vital importance to that particular State where the vacancy had occurred, and yet that State would be unable to protect itself because of the narrow construction contended for.

I believe that whenever and however a vacancy in the Senate may occur, if the legislature of the State fails to elect, on adjournment of the legislature the governor could and should appoint (a vacancy then happens to exist during the vacation of the legislature), such appointment to hold until the meeting of the next legislature, and thus the rights and interests of the State would be protected. It has been said that the reason why the framers of the Constitution intended that the legislature only should fill vacancies, except where the vacancy happened between sessions of the legislature, is that the legislature more directly and closely represents the wishes of the people. I do not agree to this. The governor is elected by the people, just as are the members of the legislature, and generally both are elected at the same time and by practically the same vote. Both should be equally in touch with the sentiments of the people.

"Precedent," as was well said a few days since by the Senator from Nebraska, "is usually resorted to when there is no logic to sustain the contention of the person referring to the precedent. When neither reason nor logic sustain a position, one falls back upon precedent." While as a lawyer I understand the usual force and effect given to precedents, yet we even have cases where the same Supreme Court, upon similar states of fact, reverses itself—sets aside a precedent established for years. If the precedent is wrong, the sooner it is departed from the better. It should never have a controlling effect, but might be persuasive. I am of opinion that the proper construction of the Constitution is that which gives the governor the right to keep each State's quota of Senators filled when the legislature fails to elect. It has been said that if the legislature has had the opportunity the governor can not appoint. This is a curious position to take. If one of the two agencies of the people fails to discharge its duty, that that shall have the effect of completely destroying the interests of the people, which would be subserved by the exercise of the appointing power by the other agency.

Believing, as I do, that this broader construction of the Constitution is the proper one, I shall vote against the majority resolution and in favor of seating Senator Quay.

THE LA ABRA AWARDS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table and be printed.

To the Senate and House of Representatives:

By the act of Congress approved December 23, 1892, a copy of which is annexed, the Attorney-General of the United States "is authorized and directed to bring suit in the Court of Claims against La Abra Silver Mining Company, its successors and assigns, and all persons making any claim to the award or any part thereof in this act mentioned, to determine whether the award made by the United States and Mexican Mixed Commission in respect to the claim of the said La Abra Silver Mining Company was obtained, as to the whole sum included therein or as to any part thereof, by fraud effectuated by means of false swearing or other false and fraudulent practices on the part of the said La Abra Silver Mining Company, or its agents, attorneys, or assigns; and, in case it be so determined, to bar and foreclose all claim in law or equity on the part of said La Abra Silver Mining Company, its legal representatives or assigns, to the money, or any such part thereof, received from the Republic of Mexico for or on account of such award."

In pursuance of the provisions and powers of this act, the Attorney-General did, on behalf of the United States, bring suit in the Court of Claims against La Abra Silver Mining Company et al; and on June 24, 1897, that court decided that the award made by the United States and Mexican Mixed Commission in favor of said La Abra Silver Mining Company was obtained by fraud and a decree was rendered barring and foreclosing all claim on the part of said company, its agents, attorneys, or assigns, to the money received from the Republic of Mexico on account of said award. A copy of this decision is herewith transmitted.

The Supreme Court of the United States, on appeal, having affirmed in full the decision of the Court of Claims, the Secretary of State, in accordance with section 4 of the act referred to and the judicial proceedings above recited, and acting under my direction, on March 28, 1900, turned over to the ambassador of the Republic of Mexico at Washington the balance, amounting to $403,030.08, remaining under the control of the Department of State of the sum paid by the Government of Mexico on account of La Abra award.

I transmit a copy of the Secretary of State's note of transmittal, as well as a translation of the ambassador's cordial note of acknowledgment.

It affords me pleasure to communicate to Congress the accomplishment of this act of equity and good faith toward a friendly Republic.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, April 6, 1900.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, under the head of "Current and contingent expenses," on page 2, line 2, to reduce the number of agents of Indian affairs from 51 to 50.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert:

At the Mission Tule River Agency, Cal., $1,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert:

At the Nez Perces Agency, Idaho, $1,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 4, to strike out:

At the Quapaw Agency, Ind. T., $1,400.

The amendment was agreed to.

The next amendment was, on page 5, after line 8, to strike out:

At the Sac and Fox Agency, Iowa, $1,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to strike out:

At the Sisseton Agency, S. Dak., $1,500.

The amendment was agreed to.

The next amendment was, on page 6, line 16, to reduce the total appropriation for pay of 50 agents of Indian affairs at the different agencies from $79,100 to $78,600.

Mr. PETTIGREW. Mr. President, are the committee amendments being disposed of as we go along with the reading of the bill?

The PRESIDENT pro tempore. They are.

Mr. PETTIGREW. What was done with the amendment on page 5, lines 20 and 21, which I see are proposed to be stricken out? They read:

At the Sisseton Agency, S. Dak., $1,500.

Is that amendment simply passed over, or has it been disposed of?

The PRESIDENT pro tempore. It has been agreed to; but it will be regarded as an open question if the Senator so desires.

Mr. PETTIGREW. I think I should like to have that amendment go over for the present undisposed of, simply leaving it an open question; for I think I shall not be able to agree to that amendment proposed by the Committee on Indian Affairs. There is no good reason, so far as I know, why the Sisseton Agency should be abolished; at least, if there is, I want the committee to give the reason for doing it.

Mr. THURSTON. Mr. President, I am entirely willing that the amendment shall be passed over for the present, but the reason for dropping that agency was on the statement of the Commissioner of Indian Affairs that it was no longer necessary to have an agency at that point for those Indians.

The PRESIDENT pro tempore. Does the Chair understand that the amendment is to be passed over for the present?

Mr. THURSTON. I am entirely willing, as we go along, to pass over any of the amendments which will lead to discussion, so that they may be considered after the reading of the bill shall have been concluded.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW] asks that the amendment of the committee striking out lines 20 and 21, on page 5, may be passed over for the present.

Mr. JONES of Arkansas. What amendment is that?

The PRESIDENT pro tempore. The amendment striking out the appropriation for an agent for the Sisseton Indians.

Mr. PETTIGREW. I am perfectly willing to have the amendment disposed of now if the committee desire to do so. I simply want to know the reasons why this agency should be dropped out. I was a member of the subcommittee who had charge of the bill, but I was sick when this recommendation was made. I was present when the bill was afterwards called up in committee, but I am not satisfied with the reasons given for the proposed change.

Mr. JONES of Arkansas. The reason given by the Commissioner of Indian Affairs for striking out the provisions for agents at the Quapaw, the Sac and Fox, and the Sisseton agencies was that they were not needed; that the agents had no service to perform except to pay out certain money to be distributed under the treaties. That could be just as well done by any other officer of the Government as to keep agents at those agencies for that one purpose.

If one of these amendments is passed over, I think they all ought to be passed over, that they all ought to be treated alike, for the committee recommended the striking of them all out for the same reason.

Mr. PETTIGREW. I wish to say, in reply, that at the Sisseton Agency there are about 1,700 Indians, I think, that have lands in severalty, but we have laws which restrict the leasing of their lands; and those laws provide that if any lease is made, it must be approved by the agent. Who is going to approve a lease or to take charge of the leasing of six or eight hundred thousand acres of land if the agency is abolished? That is the question I want answered. The lands can not be leased without the leases being approved by the agent, who is supposed to be there to protect the Indians, as we have laws which prevent the Indians from conducting their own business. Unless that question is answered I can not see why that agency should be abolished.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. JONES of Arkansas. I thought the proposition was that the amendment should go over for the present. I think all three of these amendments ought to be treated alike. One ought not to be disposed of unless the others are; and if further information can be had before the Senate takes action on the amendments, it seems to me that would be the proper course.

Mr. PLATT of Connecticut. Let those three amendments be passed over for the present.

The PRESIDENT pro tempore. The three amendments, relating to the Quapaw Agency, the Sac and Fox Agency, and the Sisseton Agency, on page 5, without objection, will be passed over. There is another amendment, changing the footing——

Mr. PLATT of Connecticut. Where?

The PRESIDENT pro tempore. A change of the general result of the appropriations for agencies in line 16, on page 6.

Mr. PLATT of Connecticut. That will be dependent on the adoption of the amendments on page 5.

Mr. THURSTON. Mr. President, I ask that, after the completion of the bill, the Secretary may be authorized to correct the totals wherever it may be necessary.

The PRESIDENT pro tempore. Without objection, that order will be made.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 7, line 12, after the word "works," to strike out—

and one of whom may be located by the Secretary of the Interior in the Indian Territory, and under his direction and authority may perform any duties required by law of said Secretary in said Territory;

So as to make the clause read:

For pay of eight Indian inspectors, one of whom shall be an engineer competent in the location, construction, and maintenance of irrigation works, at $2,500 per annum each, $20,000.

The amendment was agreed to.

The next amendment was, on page 8, line 2, after the word "dollars," to insert the following proviso:

Provided, That the accounting officers of the Treasury are hereby authorized to allow per diem pay to the inspector who was located in the Indian Territory under orders and directions of the Secretary of the Interior during the fiscal years 1899 and 1900.

The amendment was agreed to.

The next amendment was, on page 10, line 21, after the word "dollars," to insert:

Of which sum an amount not to exceed $300 may be paid for the rent of an office for said commission; and the sums heretofore paid from annual appropriations for the expenses of the said commission for office rent, authorized by vote of the commission, are hereby legalized, and these payments, together with the payments for rent of an office in the current fiscal year, shall be allowed by the accounting officer of the Treasury Department;

So as to make the clause read:

For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the act of April 10, 1869, $1,000, of which sum an amount not to exceed $300 may be paid for the rent of an office for said commission; and the sums heretofore paid from annual appropriations for the expenses of the said commission for office rent, authorized by vote of the commission, are hereby legalized, and these payments, together with the payments for rent of an office in the current fiscal year, shall be allowed by the accounting officer of the Treasury Department.

The amendment was agreed to.

The next amendment was, on page 11, after line 4, to insert:

The accounting officers of the Treasury Department are hereby authorized and directed to allow, in the accounts of Charles D. Rakestraw, supervisor of Indian schools, for the fourth quarter of the fiscal year 1897, and for the first, second, and third quarters of the fiscal year 1898, the sum of $108 expended by him for sleeping-car fares while traveling under orders.

The amendment was agreed to.

The next amendment was, under the head of "Fulfilling treaty stipulations with and support of Indian tribes," on page 11, line 23, after the word "reservation," to strike out "during the pleasure of the President;" on page 12, line 1, after the word "sixty-seven," to insert "if directed by the President;" and in the same line, after the word "dollars," to strike out "in all, $5,000;" so as to make the clause read:

For support of a school or schools upon said reservation, in accordance with third article of treaty of March 19, 1867, if directed by the President, $4,000.

The amendment was agreed to.

The next amendment was, under the head of "Choctaws," on page 13, after line 11, to insert:

To carry out the provisions of section 29 of the act of Congress approved June 28, 1898, under the title "orphan lands," $2,696.40, the said sum to be placed to the credit of the Choctaw orphan fund in the Treasury of the United States, and to draw interest at 5 per cent per annum, this amount being the value of 2,157.12 acres of land, being the unsold Choctaw orphan lands in the State of Mississippi, which lands, under the provisions of said section 29, were taken by the United States at $1.25 per acre.

The amendment was agreed to.

The next amendment was, on page 15, after line 7, to strike out:

COLUMBIAS AND COLVILLES.

For employees, as provided in agreement of July 7, 1883, ratified by the act of July 4, 1884, $6,000.

Mr. TELLER. I want to ask the chairman of the committee why that amendment is proposed?

Mr. THURSTON. That amendment was proposed by the committee on the report of the Commissioner of Indian Affairs that that appropriation is no longer necessary; that any expenditures of that character which are necessary he can take care of out of funds otherwise appropriated in the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee, which has been stated.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of

the Committee on Indian Affairs was, under the head of "Crows," on page 17, after line 2, to strike out:

For pay of physician, per tenth article of same treaty, $1,200.

The amendment was agreed to.

The next amendment was, on page 17, after line 4, to strike out:

For pay of carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of same treaty, $3,300.

The amendment was agreed to.

The next amendment was, on page 17, after line 7, to strike out:

For pay of second blacksmith, and iron and steel, as per eighth article of same treaty, $1,500.

The amendment was agreed to.

The next amendment was, on page 17, line 12, before the word "furnish," to strike out "This amount, or so much thereof as may be necessary, to" and insert "To;" in line 14, before the word "thousand," to strike out "thirty" and insert "fifteen;" in the same line, after the word "dollars," to insert "but no part of this fund shall be available except by the direct order of the Secretary of the Interior;" and in line 16, before the word "thousand," to strike out "sixty-six" and insert "forty-five;" so as to make the clause read:

To furnish such articles of food as from time to time the condition and necessities of the Indians may require, $15,000; but no part of this fund shall be available except by the direct order of the Secretary of the Interior; in all, $45,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 24, on page 18.

Mr. THURSTON. I am directed by the committee to move an amendment to come in at the end of line 24, on page 18. I send the amendment to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "dollars," at the end of line 24, on page 18, it is proposed to insert:

And to enable the Secretary of the Interior to anticipate five installments, third series, same agreement, $12,000; in all, $15,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 19, after line 18, to strike out:

NEZ PERCES.

For salaries of two matrons to take charge of the boarding schools, two assistant teachers, one farmer, one carpenter, and two millers, per fifth article of treaty of June 9, 1863, $6,000.

The amendment was agreed to.

The next amendment was, under the head of "Northern Cheyennes and Arapahoes," on page 20, line 7, before the word "treaty," to strike out "same" and insert "the," and after the word "treaty," to insert "of May 10, 1868;" so as to make the clause read:

For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of the treaty of May 10, 1868, $9,000; in all, $99,000.

The amendment was agreed to.

The next amendment was, under the head of "Pottawatomies," on page 23, line 1, after the word "cents," to strike out the following proviso:

Provided, That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age, disability, or inability, any allottee of Indian lands can not personally, and with benefit to himself, occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years, for farming or grazing purposes.

Mr. TELLER. I should like to ask the chairman of the committee why that is proposed to be stricken out?

Mr. THURSTON. The committee very carefully considered the matter of leasing the allotted lands of the Indians. Our information leads us to believe that the effect upon the Indians of the leasing of their lands for agricultural purposes upon the whole has been bad. We feel that no extension of the right to lease or of the change of the terms for which leases may be made should be given. The law at the present time, in our judgment, authorizes leases as fully as we ought to permit.

Mr. PLATT of Connecticut. This is an extension of the term.

Mr. THURSTON. This is an extension of the term for which leases may be made.

Mr. TELLER. A provision like this has been in several appropriation bills, to my knowledge. I do not know whether exactly like this or not.

Mr. PLATT of Connecticut. Not for five years.

Mr. TELLER. Perhaps not for five years. I agree with the chairman and the committee that the general system of leasing Indian lands is bad, but this is a provision for those who have disabilities. I think if we would confine the leases to that class it would be all right. I do not wish to get into any controversy with the committee about it or to raise any particular objection. If the committee think this is the best thing to do, I will let it go, except to say that I believe myself in a few cases it is very important that there should be an opportunity to lease the land; for instance, an old man, an infant, or some one disabled. This seems to be confined to that.

By reason of age, disability, or inability.

Now, that, of course, means the disability or inability of the party himself to work the land. If the Department should construe it to apply to a disposition not to work the land, that would be a different thing.

Mr. PLATT of Connecticut. I believe this provision which is stricken out is a reenactment of the present law, word for word, except that it extends the term of three years to five years. That was the only object of the provision.

Mr. TELLER. Oh.

Mr. PLATT of Connecticut. That is the way I understand it.

Mr. TELLER. I was under the impression that in the Indian bills we had had that provision. If that is all, I certainly do not object.

Mr. THURSTON. The existing law permits leasing for three years.

Mr. TELLER. Three years?

Mr. PLATT of Connecticut. Three years.

Mr. TELLER. I do not object to the amendment.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 23, after line 8, to strike out:

QUAPAWS.

For education, during the pleasure of the President, per third article of treaty of May 13, 1833, $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, $500; in all, $1,500: *Provided*, That the $1,000 of this amount, or so much thereof as may be necessary, shall be expended, under the direction of the Secretary of the Interior, for the support and maintenance of three or more public schools on the Quapaw Reservation, at such place as may be provided by the Quapaw Nation: *And provided*, That the present industrial school on said reservation shall be consolidated with the Seneca Industrial School at Wyandotte, in the Quapaw Agency: *And provided*, That the building and furniture now used for school purposes at the present Industrial Quapaw School, except such as may be required for the consolidated school at Wyandotte, shall be turned over to the Quapaw Nation by the Secretary of the Interior for the use of schools on the Quapaw Reservation: *And provided*, That such of said buildings as may not be required for a public school, where they now stand, may be removed by said nation to suitable places on said reservation, and $500 of the amount hereby appropriated shall be turned over to the Quapaw Nation to pay for the removal and repairing of said buildings.

Mr. COCKRELL. I ask the Senator in charge of the bill to permit these provisions in regard to the Quapaw Agency to be passed over for the present without action.

Mr. PLATT of Connecticut. There is no objection to that.

Mr. THURSTON. There is no objection.

The PRESIDING OFFICER. The provision will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 24, line 24, after the word "Indians," to insert "in Oklahoma;" so as to make the proviso read:

Provided further, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to said Sac and Fox Indians in Oklahoma the sum of $50,000, to be immediately available, out of the amount of money now to the credit of said Indians in the United States Treasury.

The amendment was agreed to.

The next amendment was, under the head of "Sioux, Yankton Tribe," on page 30, line 16, before the words "Yankton Sioux," to strike out "two thousand;" so as to make the clause read:

For subsistence and civilization of Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," etc., $35,000; in all, $50,000.

The amendment was agreed to.

The next amendment was, under the head of "Alsea and Siletz Indians," on page 34, line 2, to insert the following proviso:

Provided, That such of said Indians as receive their pro rata share of said fund under this provision shall not hereafter participate in the payment of interest or principal on that portion of the fund that shall remain.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous supports," on page 37, line 3, before the word "support," to strike out "purchase of agricultural implements, and," and in line 5, before the word "thousand," to strike out "five" and insert "four;" so as to make the clause read:

For support and civilization of Joseph's band of Nez Perce Indians, $4,000.

The amendment was agreed to.

The next amendment was, on page 37, line 23, after the word "seeds," to strike out "$10,000" and insert "provisions, horses, horse feed, harness, and farm machinery, $20,000;" so as to make the clause read:

For support and civilization of Sioux of Devils Lake, N. Dak., including pay of employees, and for the purchase of seeds, provisions, horses, horse feed, harness, and farm machinery, $20,000.

Mr. THURSTON. I am directed by the committee to propose

an amendment to the amendment, to be inserted at the end of line 24, page 37.

The SECRETARY. After the word "dollars," in line 24, page 37, it is proposed to insert:

The same to be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "General incidental expenses of the Indian service," on page 38, line 22, to reduce the appropriation for general incidental expenses of the Indian service in Colorado, including traveling expenses of agents, from $1,500 to $1,000.

Mr. TELLER. I ask the Senator why they propose to strike out "five hundred" there? Had they any information from the Department in reference to it?

Mr. THURSTON. It was done on the recommendation of the Commissioner of Indian Affairs.

Mr. TELLER. It seems to me that $1,500 is a very small sum when we consider that there are practically two agencies in Colorado, at some distance apart. There is an agency at Navajo Springs, but fully one-half of the Indians are 150 miles east of that by the methods of travel, and the agent must go back and forth between those two points. It seems to me that $1,500 is not too large.

Mr. THURSTON. I will say that the committee did not go into the consideration of the facts upon which the Commissioner of Indian Affairs made his recommendations. We felt that he had those facts within his own knowledge and took his judgment upon it.

Mr. JONES of Arkansas. What is under consideration?

Mr. TELLER. The item on page 38, line 22.

Mr. THURSTON. My recollection now is that the Commissioner further stated to us that if there should be any deficiency in the appropriation of $1,000 he could take care of it out of his general appropriation.

Mr. TELLER. I will let it go, then, on that statement, without objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Indian Affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 39, line 1, after the word "Territory," to insert "For two additional clerks at the Union Agency, $2,000;" and in line 6, after the word "dollars," to insert "in all, $15,280;" so as to make the clause read:

Indian Territory: For two additional clerks at the Union Agency, $2,000; for general incidental expenses of the Indian service in the Indian Territory, including incidental expenses of the Indian inspector's office and for pay of employees, $13,280; in all, $15,280.

The amendment was agreed to.

Mr. JONES of Arkansas. I gave notice some days ago of my intention to offer an amendment, to follow line 7, on page 39, authorizing the payment of certain warrants by the Secretary of the Treasury, which I will read, unless the chairman of the committee desires that all individual amendments shall go over until the committee amendments are disposed of.

Mr. THURSTON. If it does not lead to any discussion I am entirely willing that the amendment shall be presented now.

Mr. JONES of Arkansas. I presume it will not. I will read the amendment. If there is any objection to it I will withdraw it and offer it after the committee amendments are disposed of. I propose to insert, after line 7, on page 39, the following:

The warrants issued by the principal chief of the Cherokee Nation under an act of the national council of said nation of December 16, 1899, making an appropriation for the compensation and expenses of the Cherokee delegates to Washington to formulate an agreement with the Commission to the Five Civilized Tribes, in behalf of the United States, shall be paid out of the funds of the nation the same as other warrants recognized by said nation.

The reason for this is that on the recommendation of the Secretary the President disapproved the act of the council of the Cherokee Nation providing for the expenditure. It was a mistake, as I understand it, on the part of the Secretary of the Interior. At any rate, the commissioners came here at the request of the Secretary of the Interior. They have been here for two or three weeks now, negotiating with the Dawes Commission, trying to make an agreement for the division of their lands in severalty, and this amendment is intended to authorize the payment of their vouchers issued to them by the chief of the Cherokee Nation.

Mr. THURSTON. If there is no objection from any other source, I am entirely willing to accept the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 39, line 10, after the word "agents," to insert "and pay of employees;" and in the same line, before the word "thousand," to strike out "two" and insert "eight;" so as to make the clause read:

Montana: For general incidental expenses of the Indian service in Montana, including traveling expenses of agents and pay of employees, $8,500.

The amendment was agreed to.

The next amendment was, on page 40, line 16, before the word "thousand," to strike out "support and civilization of Indians at Uintah Valley and Ouray agencies, three" and insert "one;" so as to make the clause read:

Utah: For general incidental expenses of the Indian service in Utah, including traveling expenses of agents, $1,000.

Mr. TELLER. I should like to inquire of the Senator in charge of the bill why that amendment is made; whether it is on the recommendation of the Department?

Mr. THURSTON. It is on the same basis that I stated with respect to the others. It is on the recommendation of the Commissioner, who has stated that the appropriation, in his judgment, is unnecessary, and that if any money is required he can take care of that matter out of his general appropriation.

Mr. TELLER. I wish to ask the Senator another question. I do not find, in the hasty manner in which I have examined this bill, any appropriation for the Indians at the Uintah Valley and Ouray agencies, in Utah. How are they to be taken care of? This is the only item on the subject I have been able to find in running over the bill hastily. I want to say that there are about twenty-six or twenty-eight hundred Indians there, and we are under treaty with them, and I suppose there must be, either in this bill or in the general fund, some provision for them.

Mr. THURSTON. There are, of course, numerous cases in the Indian service where there is no special appropriation made in this bill, and those cases are taken care of out of the general fund at the command of the Secretary of the Interior.

Mr. TELLER. I do not want these Indians left out entirely. They are Indians who went from Colorado over there some years ago, and some of them are very deserving Indians.

Mr. THURSTON. I am satisfied that the Commissioner has not overlooked these Indians or their care.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 40, line 21, to increase the appropriation for general incidental expenses of the Indian service in Washington, including traveling expenses of agents at seven agencies, etc., from $12,000 to $17,000.

The amendment was agreed to.

The next amendment was, on page 41, line 13, before the word "hundred," to strike out "two" and insert "six;" in the same line, before the word "thousand," to strike out "seventy-six" and insert "sixteen;" in the same line, after the word "dollars," to insert "to be immediately available;" in line 15, before the word "hundred," to strike out "three" and insert "six;" in line 16, before the word "thousand," to insert "and forty;" and in same line, after the word "dollars," to insert:

Provided further, That this appropriation may be used by said commission in the prosecution of all work to be done by or under its direction as required by statute—

So as to make the clause read:

MISCELLANEOUS.

For salaries of four commissioners, appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, $20,000: *Provided*, That the number of said commissioners is hereby fixed at four. For expenses of commissioners and necessary expenses of employees, and $3 per diem for expenses of a clerk detailed as special disbursing agent by Interior Department, while on duty with the commission, shall be paid therefrom; for clerical help, including secretary of the commission and interpreters, $616,000, to be immediately available; for contingent expenses of the commission, $4,000; in all, $640,000: *Provided further*, That this appropriation may be used by said commission in the prosecution of all work to be done by or under its direction as required by statute.

The amendment was agreed to.

The next amendment was, on page 41, line 21, after the word "law," to insert:

But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final; but this shall not in any manner affect the provisions of the act of Congress of June 28, 1898, respecting the Mississippi Choctaws—

So as to make the clause read:

That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, etc.

Mr. JONES of Arkansas. I remind the chairman of the committee that there is an amendment to be offered at this point.

Mr. THURSTON. I was about to offer it. I am directed by the committee to offer an amendment to the amendment.

The SECRETARY. After the word "final," line 2, page 42, it is proposed to insert:

When approved by the Secretary of the Interior.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. JONES of Arkansas. There is another amendment of which I have given no notice, and I do not know that it has been considered by the committee. I do not believe it has been, and I

suppose, perhaps, it would not be proper to offer it here. It relates to the Mississippi Choctaws. I will offer it later.

Mr. STEWART. Offer it.

Mr. JONES of Arkansas. By general consent I will read it, and if there is no objection it can be considered now, and if there is, it can go over until after the committee amendments are disposed of. I propose to add a proviso, as follows:

Provided, That any Mississippi Choctaw duly identified and enrolled as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement they shall be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment.

I think the law has always been that any of these Choctaws returning to the Choctaw country or going across to the Choctaw country shall be recognized as citizens and have their rights. The point made by the nation against the Mississippi Choctaws being considered as members of the tribe is the fact that they remain in Mississippi. This simply holds this right of theirs open until such time as the matter shall be finally disposed of. I suppose there will be no objection to this amendment, but if there is I will let it be passed over for the present.

Mr. STEWART. I do not think there is any objection.

Mr. PLATT of Connecticut. I think it had better be passed over for the present.

Mr. JONES of Arkansas. Let it be passed over.

Mr. PLATT of Connecticut. I would have no objection to allowing any Mississippi Choctaw who should go to the Indian country of his own accord to register.

Mr. JONES of Arkansas. That is what this amendment proposes.

Mr. PLATT of Connecticut. But I want to examine the amendment very carefully, in order that it may not be the foundation of a scheme for a syndicate to bring over Mississippi Choctaws and have them register, and so get the land, and the syndicate be reimbursed from the land which might thus be obtained by the Mississippi Choctaws who come over. I should want to examine it and see that it is not possible that that thing can be done under it.

Mr. JONES of Arkansas. I shall be very glad to have the Senator examine the amendment as proposed by me, which seems to be very carefully guarded; and I should like to have it printed, if there is an opportunity to have it done. I will send the amendment to the desk, with the request that it be printed and lie on the table.

The PRESIDING OFFICER. That order will be made.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 42, line 6, to strike out "town-site commissioners, Indian Territory" and insert:

To pay all expenses incident to the survey, platting, and appraisement of town sites in the Choctaw, Chickasaw, Creek, and Cherokee nations, Indian Territory, as required by sections 15 and 29 of an act entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1898, for the year ending June 30, 1901, $67,000, or so much as may be necessary.

Mr. THURSTON. At this point in the amendment, as directed by the committee, I offer an amendment to the amendment.

The PRESIDING OFFICER. The Chair would suggest that the amendment first be read through.

Mr. THURSTON. I was about to suggest that the Senator from Arkansas has an amendment he desires to offer, which, I think, applies only to the proviso of this amendment; and if that is the case, I should like to complete this amendment down to the proviso and leave the remainder for further action.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the words "eighteen hundred and ninety-eight," line 13, it is proposed to strike out:

For the year ending June 30, 1901—

And insert:

For the balance of the current year and for the year ending June 30, 1901, the same to be immediately available.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

The amendment as amended was agreed to.

Mr. THURSTON. I ask that that part of the committee amendment contained in the proviso be passed over for the present.

The PRESIDING OFFICER. That order will be made.

The reading of the bill was resumed, and the Secretary read lines 9 and 10, on page 43.

Mr. THURSTON. I am also directed by the committee to propose an amendment on page 43.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After line 10, page 43, insert:

For temporary support of the Pima Indians, Pima Agency, Ariz., $30,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War; in all, $31,500.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 43, line 11, before the word "portable," to strike out "two" and insert "one;" in the same line, after the word "steam," to strike out "sawmills" and insert "sawmill;" and in line 13, after the word "same," to strike out "three thousand" and insert "one thousand five hundred;" so as to make the clause read:

For operating one portable steam sawmill on the Nez Percé Indian Reservation, Idaho, and for necessary repairs to the same, $1,500.

The amendment was agreed to.

The next amendment was, on page 43, after line 14, to strike out:

For pay of physician, New York Agency, $600.

Mr. THURSTON. The item on page 43, line 15, which the committee has struck out is a matter in which the senior Senator from New York [Mr. PLATT] appears to be interested. He is not here to-day. He has presented the matter to me in such a light and has made such a good showing as to the services actually rendered by the physician at the New York Agency that I am inclined to believe that that appropriation of $600 should stand.

Mr. PLATT of Connecticut. Then let the Senate disagree to the amendment.

Mr. THURSTON. I ask that the amendment be disagreed to.

The PRESIDING OFFICER. Without objection, the amendment proposed by the committee striking out lines 15 and 16 will be disagreed to.

Mr. JONES of Arkansas. Did not the Commissioner of Indian Affairs state that there was no occasion for this appropriation?

Mr. THURSTON. I think he did. The Senator from New York [Mr. PLATT], as I stated, presented a detailed showing of the services actually rendered to those Indians by the physician at that point for the last year.

Mr. JONES of Arkansas. I have no further objection. Let the amendment be disagreed to.

The PRESIDING OFFICER. The amendment is disagreed to. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 44, line 15, before the word "thousand," to strike out "forty" and insert "seventy-five;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Interior may employ such number of superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed four, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner; and also one clerk in the Office of Indian Affairs, at a salary of $1,000 per annum.

So as to make the clause read:

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control, $75,000: *Provided*, That the Secretary of the Interior may employ such number of superintendents of irrigation, etc.

The amendment was agreed to.

The next amendment was, on page 45, after line 16, to strike out:

To enable the President to cause, under the provisions of the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," to be allotted the land in said separate reservations as provided in said act, including the necessary resurveys, $10,000. [Reimbursable.]

The amendment was agreed to.

The next amendment was, on page 45, after line 24, to insert:

For the survey of lands in the Pine Ridge, Rosebud, and Standing Rock Indian reservations, in South Dakota, and for examination in the field of the surveys, the sum of $22,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 46, after line 3, to insert:

For clerical work and stationery in the office of surveyor-general, required on surveys within the Cheyenne River, Pine Ridge, Rosebud, and Standing Rock Indian reservations, in South Dakota, the sum of $3,200.

The amendment was agreed to.

The next amendment was, on page 46, line 15, before the word "appropriated," to strike out "hereinbefore" and insert "heretofore;" in line 17, before the word "thousand," to strike out "fifteen" and insert "twenty;" and on page 47, line 2, before the word "thousand," to strike out "sixty" and insert "sixty-five;" so as to make the clause read:

For increasing the amount heretofore appropriated for the erection of said asylum for insane Indians at Canton, S. Dak., the sum of $20,000, the said sum being in addition to the amount appropriated for that purpose by the act entitled "An act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1900, and for other purposes," approved March 1, 1899, and the limit of cost for said asylum is fixed at the amount heretofore and herein appropriated, namely, $65,000.

The amendment was agreed to.

The next amendment was, on page 47, line 19, after the word "cents," to insert "as itemized and set forth in Senate Report No. 582, Forty-fourth Congress, second session, at page 39 thereof;" and in line 22, after the word "available," to strike out "and to be in full of all demands of said Indians under and by virtue of said treaty;" and on page 48, line 4, after the word "cents," to insert

"and interest thereon at 6 per cent per annum from May 6, 1899;" so as to make the clause read:

For this amount to enable the Secretary of the Interior to carry out the terms of the twenty-fourth article of the treaty of February 23, 1867, with the confederated tribes of Kaskaskia, Peoria, Piankeshaw, and Wea Indians, $25,504.96, as itemized and set forth in Senate Report No. 582, Forty-fourth Congress, second session, at page 39 thereof, to be immediately available, said sum to be paid per capita to said Indians by the Secretary of the Interior, or expended for their benefit in such manner and for such objects and purposes as he may direct: *Provided*, That before any payment shall be made to said Indians under this act the sum of $1,181.69 and interest thereon at 6 per cent per annum from May 6, 1891, shall be deducted and paid to T. F. Richardville, or his legal representatives, on account of money loaned to said Indians.

The amendment was agreed to.

The next amendment was, on page 48, after line 8, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized to pay the balance of awards made to the loyal Seminole Indians under the direction of the Secretary of the Interior, with interest thereon, as per articles 3 and 4 of the treaty of March 21, 1866, and paragraph 14 of the agreement of December 16, 1897; and the sum of $186,000 is hereby appropriated for the purpose: *Provided*, That if any of the said loyal Seminoles whose names are on the lists of awards as made up in pursuance of said treaty of 1866 shall have died, then the amount due such deceased persons, respectively, shall be paid to their legal heirs, and the acceptance of the sum hereby appropriated shall be in full settlement of said awards.

Mr. JONES of Arkansas. I should like to ask the chairman of the committee a question about the first part of that amendment—

That the Secretary of the Treasury be, and he is hereby, authorized to pay the balance of awards made to the loyal Seminole Indians under the direction of the Secretary of the Interior, with interest thereon, as per articles 3 and 4 of the treaty of March 21, 1866, and paragraph 14 of the agreement of December 16, 1897.

The question raised in my mind was whether this reference to articles 3 and 4 of that treaty might not hereafter raise a question as to what the amount of this award was, and whether this award ought not to be distinctly stated as being in satisfaction of those paragraphs of that treaty. If we open the question as to whether those awards may be opened hereafter, and interest charged from the time of the claim up to this time, it might amount to a good deal more than is now appropriated.

Mr. THURSTON. I see the force of the suggestion, and I will ask to have the amendment passed over. I will prepare an amendment to the amendment that I think will cover it.

Mr. PETTIGREW. I think the last line of the paragraph, line 23, perhaps covers the case; but, if it does not, it will be very proper to have some other language inserted in the beginning of the proviso:

And the acceptance of the sum hereby appropriated shall be in full settlement of said awards.

Mr. JONES of Arkansas. But that is at the end of the proviso, which proviso makes provision for the payment to certain deceased Seminoles, and this being in full might be held to apply to the claims of the families of the deceased Seminoles and not to others.

Mr. PETTIGREW. That is possible. It would be very proper to guard that point clearly.

The PRESIDENT pro tempore. The amendment, without objection, will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 48, after line 23, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay out and distribute in the following manner the sum of $216,679.48, which amount was appropriated by the act of June 28, 1898, and credited to the "incompetent fund" of the Chickasaw Indian Nation on the books of the United States Treasury, namely: First, there shall be paid to such survivors of the original beneficiaries of said fund and to such heirs of deceased beneficiaries as shall, in such manner and within one year from the passage of this act, satisfactorily establish their identity and also the amount of such fund to which they are severally entitled, their respective shares; and second, so much of said fund as is not paid out upon claims satisfactorily established as aforesaid shall be distributed per capita among the members of said Chickasaw Nation, and all claims of beneficiaries and their respective heirs for participation in said incompetent fund not presented within the period aforesaid shall be, and the same are hereby, barred.

Mr. JONES of Arkansas. It seems to me that there has been a clerical omission in the language of that paragraph beginning with line 6 on page 49:

First, there shall be paid to such survivors of the original beneficiaries of said fund and to such heirs of deceased benficiaries as shall, in such manner and within one year from the passage of this act.

It appears to me there must have been something left out after the word "manner;" that it should read, "in such manner as the Secretary of the Interior may prescribe," or "as may be prescribed," or some words like those. I am not sure about that; the expression may be just as it should be; but it does not strike me that it stands as it should read. It appears to me it would be better English as it stands now to strike out the words "in such manner and," so as to make it read, "and to such heirs of deceased beneficiaries as shall within one year from the passage of this act satisfactorily establish their identity." I believe that that would be better, and I suggest to the chairman that he amend the amendment by striking out the words "in such manner and" and let it read "as shall within one year."

Mr. THURSTON. The Senator's suggestion is to strike out the words, "in such manner and?"

Mr. JONES of Arkansas. Yes, sir.

Mr. THURSTON. I think that is proper, Mr. President, and I accept that.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 49, after line 18, to insert:

The Secretary of the Interior is hereby authorized to negotiate, through an Indian inspector, with any tribe or band of Indians now occupying reservations for the allotment of lands in severalty and the extinguishment of the Indian title. And for said purpose, and to enable the Secretary of the Interior to negotiate through an inspector with the Indians upon the Rosebud Reservation, S. Dak., for a cession of the unallotted lands in Gregory County, S. Dak., and to negotiate with the Indians upon the Fort Peck Indian Reservation in the State of Montana for a cession of their surplus lands, and to negotiate with the Indians upon the Devils Lake Reservation in North Dakota for a cession of their unallotted or surplus lands, and to negotiate with the Indians upon the Pyramid Lake and Walker River reservations in Nevada for a cession of their unallotted or surplus lands, the sum of $3,000, or so much thereof as may be necessary, is hereby appropriated, out of which sum the Secretary of the Interior may employ stenographers and necessary assistance.

Mr. PETTIGREW. I should like to ask whether, if that paragraph is adopted, after the bill has been reported to the Senate the paragraph would still be subject to amendment by the Senate?

The PRESIDENT pro tempore. It would.

Mr. PETTIGREW. Then I am perfectly willing that it shall be adopted. I may wish to offer an amendment to it, and I may wish to offer amendments to some other paragraphs that stand in the same relation after the bill goes into the Senate. I simply wanted to know if I would have that right.

Mr. THURSTON. I will say that, under the request I made for the consideration of the committee amendments, I shall not object to any amendment being proposed afterwards, either in Committee of the Whole or in the Senate, to the clauses of the bill not amended or to those that have been amended.

The PRESIDENT pro tempore. Amendments will be in order in the Senate.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. LODGE. Mr. President, that bill has come up every day. No one has yet appeared to be ready to speak upon it. I know of three or four Senators who desire to speak. There has been a good deal of debate already upon the subject. I have no desire to hurry the matter unduly, but I am anxious, of course, to get it disposed of, so as to make way for other business. I give notice that on Wednesday next I shall ask the Senate to take a vote or to fix a time for taking a vote, so that the bill may be disposed of. Now I ask that it be laid aside temporarily.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the unfinished business may be temporarily laid aside in order that further consideration may be given to the Indian appropriation bill. Is there objection?

Mr. BACON. What bill is that, I ask?

The PRESIDENT pro tempore. The Philippine government bill.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

The next amendment of the Committee on Indian Affairs was, on page 50, after line 13, to insert:

For payment to the Flambeau Lumber Company, $12,039.35, the same being balance due said company for improvements made on the Lac du Flambeau Reservation for school and reservation purposes under a proper authority of the Secretary of the Interior, to be paid for out of timber to be cut on school and swamp lands within said reservation, which timber was not cut on account of suit instituted by the State of Wisconsin against the lumber company, after the improvements authorized had been made, stopping the same.

The amendment was agreed to.

The next amendment was, on page 50, after line 23, to insert:

For making necessary repairs of the Big Wind River bridge, on the Shoshone Agency, Wyo., $750, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior; the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 51, after line 3, to insert:

For purchase and construction of one portable sawmill for the Klamath Agency, Oreg., $3,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 5, to insert:

For the construction and equipment of a telephone line from Chamberlain, S. Dak., to Crow Creek Indian Agency, Lower Brule Indian Agency, and Grace Mission, said telephone line to be constructed and equipped under the direction of the Secretary of the Interior, $5,000, or so much thereof as may be necessary; to be immediately available.

The amendment was agreed to.

The next amendment was, on page 51, after line 12, to insert:

That the sum of $20,000, or as much thereof as may be found necessary, is hereby appropriated for the purpose of paying the claims for subsistence and transportation money of all those Cherokee Indians who, under the treaty of 1828, known as the new Echota treaty, removed from the States of Tennessee, Alabama, Georgia, and other States to the present Cherokee Nation in the year 1835, and prior and subsequent thereto, their heirs and lineal descendants, and who have not received any part of the $20,000 appropriated for the same purpose in the year 1835. And the Secretary of the Interior is hereby authorized and directed to pay, out of the above sum of $20,000, the sum of $53 to each Cherokee Indian who, within one year from the passage of this act, shall file with the Commissioner of Indian Affairs his application, supported by proof satisfactory to the Secretary of the Interior that he removed from the State of Tennessee, Alabama, Georgia, or other State to the Cherokee Nation, under said above treaty, in the year 1835, or prior or subsequent thereto: *Provided*, That where the original Cherokee Indian who removed from Tennessee, Alabama, Georgia, or other State, is dead, the said above sum of $53 shall be paid to his heir or heirs, lineal descendant or descendants, pro rata, after he or they shall have furnished proof, to the satisfaction of the Secretary of the Interior, that he or they is or are the heir or heirs, lineal descendant or descendants, of the ancestor named in the application; and all claims for such subsistence and transportation money not presented to the Secretary of the Interior, supported by satisfactory proof, as aforesaid, within one year from the passage of this act, shall be, and the same are, barred.

The amendment was agreed to.

The next amendment was, on page 52, after line 20, to insert:

That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension to July 1, 1901, in which to make payments as now provided by law.

The amendment was agreed to.

The next amendment was, at the top of page 53, to insert:

Fifty thousand dollars, or so much thereof as may be necessary, to be immediately available, in payment of liabilities already incurred and for amount necessary to be expended in suppressing the spread of smallpox in the Indian Territory among those residents of said Territory not members of any Indian tribe or nation therein, all accounts to be first approved by the Secretary of the Interior as just and reasonable.

The amendment was agreed to.

The next amendment was, on page 53, after line 8, to insert:

To enable the United States Indian agent of the Pima Agency, Ariz., to pay the expenses incurred by the farmer in charge of the San Xavier Reservation in employing two attorneys to defend four Papago Indians tried on the charge of violating United States statute 5286, the sum of $200.

The amendment was agreed to.

The next amendment was, on page 53, after line 14, to insert:

To enable the Secretary of the Interior, on approval of agreements by him, to pay settlers for lands and improvements, to pay Indians residing east of Tongue River, Montana, for improvements, to construct a wire fence, to purchase bulls and heifers, to construct or repair buildings at Tongue River Agency, establish and build a subissue station, farmer's residence, and blacksmith shop at Tongue River, and to pay for certain lands, as recommended by United States Indian Inspector James McLaughlin in his three reports to the Secretary of the Interior dated, respectively, November 14, 1898, and February 3 and 16, 1900, upon investigations made under the provisions of section 10 of the Indian appropriation act approved July 1, 1898 (30 Stats., pages 596 and 597), $220,030.44.

The amendment was agreed to.

The next amendment was, on page 54, after line 6, to insert:

For the erection of additional buildings, fencing, means of locomotion, and other purposes necessary to complete the establishment of Leech Lake Agency, Minn., $5,000, to be immediately available.

The amendment was agreed to.

Mr. THURSTON. I am directed by the committee to offer an amendment to come in at the end of line 10, on page 54.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 10, page 54, add:

For printing and binding in two volumes not exceeding 2,000 copies of the digest of decisions relating to Indian affairs, authorized by Indian appropriation acts of June 10, 1896, and June 7, 1897, $5,000, or so much thereof as may be necessary: *Provided*, That the Secretary of the Interior is authorized to donate 30 copies to Kenneth S. Murchuson, the compiler of said digest, for complimentary distribution by him.

The amendment was agreed to.

Mr. THURSTON. I am directed by the committee to offer an amendment to come in at the end of the amendment just adopted.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of the amendment just adopted add:

To enable the Secretary of the Interior, on approval of agreements by him, to pay settlers for improvements, as recommended by United States Indian Inspector James McLaughlin in his report to the Secretary of the Interior, dated June 13, 1899, upon investigations made under instructions from the Secretary of the Interior, on March 14, 1899, $48,000, or so much thereof as may be necessary, the improvements being situated within the addition to the Navajo Indian Reservation made by Executive order dated January 8, 1900: *Provided*, That the Secretary of the Interior shall make no payment for any of said improvements unless, in his judgment, the valuation thereof as reported by said Inspector McLaughlin is fair and just: *And provided further*, That all of said improvements and the lands upon which they are situated in and near Tuba City, are hereby reserved for such school or other public purposes as may hereafter be decided upon by the Secretary of the Interior.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the head of "Support of schools," on page 54, line 14, before the word "hundred," to strike out "two" and insert "one;" in the same line, before the word "thousand," to strike out "and ninety-five;" and in line 54, after the word "dollars," to strike out "of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska;" so as to make the clause read:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $1,195,000.

Mr. TELLER. I wish to say to the chairman of the committee that this bill has contained for several years the provision:

Of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska.

I regret that the committee have seen fit to strike it out. I only want to call the attention of the chairman to the fact that the appropriation for Alaska is always very limited. There has been a demand greater than the appropriation for schools; and I am afraid if this is left out, they will be compelled to reduce some of the schools up there. I call the Senator's attention to it, and I hope he will look into it and, when the bill comes into conference, consider the matter.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 54, after line 17, to strike out:

The Secretary of the Interior is authorized and directed to issue rules and regulations governing schools in the Cherokee, Creek, Choctaw and Chickasaw nations, in the Indian Territory; to appoint such officers, teachers, and employees as in his judgment shall be necessary to the establishment and maintenance of good and efficient schools in said nations; and to pay said officers, teachers, and employees for their services and other necessary expenses of said schools from the funds of said nations: *Provided*, That in the selection of teachers merit only shall be considered.

The amendment was agreed to.

Mr. PETTIGREW. I shall offer an amendment, on page 54, in relation to the support of schools, after the committee amendments are disposed of, which will provide for taking care of the contract schools.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 55, line 7, before the word "in," to strike out "For purchase of horses, cattle, sheep, goats, swine, poultry, and so forth, for schools, $5,000;" and in line 9, before the word "thousand," to strike out "four hundred and eighty" and insert "three hundred and ninety-five;" so as to make the clause read:

In all, $1,395,000.

The amendment was agreed to.

The next amendment was, on page 55, line 21, before the word "plant," to strike out "electric light" and insert "a lighting;" and in line 23, after the word "dollars," to strike out "in all, $26,100," and insert "for the construction of a new dormitory, $10,000; in all, $36,100;" so as to make the clause read:

For the support and education of 100 Indian pupils at Chamberlain, S. Dak., $16,700; for pay of superintendent of said school, $1,200; for general repairs and improvements, $2,000; for erection of shops, $2,000; for a lighting plant, $1,200; for construction and extension of sewer, $3,000; for the construction of a new dormitory, $10,000; in all, $36,100.

The amendment was agreed to.

The reading of the bill was continued to the end of line 15, on page 56.

Mr. THURSTON. I am directed by the committee to offer the amendment which I send to the desk, to come in at the end of line 10, on page 56.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "school," at the end of line 10, on page 56, it is proposed to insert:

For the purchase of additional land, subject to the approval of the Secretary of the Interior.

So as to read:

For support of Indian industrial school at Carlisle, Pa., for transportation of pupils to and from said school, for the purchase of additional land, subject to the approval of the Secretary of the Interior, and for general repairs and improvements, etc.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 57, line 9, after the word "at," to insert "The Riggs Institute;" in line 13, before the word "hundred," to strike out "five" and insert "two;" in line 14, before the word "dollars," to insert "and fifty;" in line 14, after the word "dollars," to insert:

To be expended in the discretion of the Secretary of the Interior if contract can not be made with the village of Flandreau for adequate water supply at $1,250 per annum.

In line 19, before the word "hundred," to strike out "seven" and insert "five;" and in the same line, before the word "dollars," to strike out "and fifty;" so as to make the clause read:

For support and education of 350 Indian pupils at The Riggs Institute, Flandreau, S. Dak., $58,450; for general repairs and improvements, $2,000; for pay of superintendent of said school, $1,800; water rent, $1,250; for permanent water supply, $6,000, to be expended in the discretion of the Secretary

of the Interior if contract can not be made with the village of Flandreau for adequate water supply at $1,250 per annum; in all, $69,500.

Mr. PETTIGREW. I wish to call the attention of the chairman of the committee to the provision with regard to the Indian school at Flandreau, S. Dak. I wish to strike out in line 14 the words "for permanent water supply, $6,000;" then disagree to the committee amendment, and provide for $1,500 for rent of water in the city of Flandreau. That city has put in a water supply and connected it with this school at a very large expense. I am informed by the mayor of the town that $1,500 will not more than pay the cost of furnishing the water; and yet they wish to continue the service, because it helps this small town to carry on a better system and to have a larger plant than they would otherwise have.

Mr. THURSTON. I will say that the committee amendments were inserted on the advice of the Senator from South Dakota; but if he is now advised that the original provisions ought to stand, I have no objection to disagreeing to the committee amendments in that paragraph.

The PRESIDENT pro tempore. The amendment proposed by the Senator from South Dakota will be stated.

Mr. PETTIGREW. I wish to disagree to the amendments reported by the committee.

The PRESIDENT pro tempore. They will be disagreed to, without objection.

Mr. PETTIGREW. Now, I move to strike out the words "for permanent water supply, $6,000," in line 14.

The amendment was agreed to.

Mr. PETTIGREW. I think that is all. That will correct the paragraph.

The PRESIDENT pro tempore. Are the words "The Riggs Institute" to stand?

Mr. PETTIGREW. Those words are to stand.

Mr. THURSTON. All the other amendments in that paragraph are to be disagreed to but that.

Mr. PETTIGREW. With the amendment I have proposed the provision as to water rent will read: "For water rent, $1,500."

The PRESIDENT pro tempore. The Chair understands the amendment has been agreed to in line 14, on page 57, striking out the words "for permanent water supply, $6,000."

Mr. PETTIGREW. Yes; striking those words out.

Mr. THURSTON. And also striking out the committee amendment "to be expended in the discretion of the Secretary of the Interior," etc.

The PRESIDENT pro tempore. That amendment will be regarded as disagreed to, in the absence of objection.

Mr. PETTIGREW. And the total will have to be changed to correspond with the reduced appropriation.

Mr. THURSTON. The total should be changed.

The PRESIDENT pro tempore. The clerks have been authorized, by unanimous consent, to change the totals where necessary.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 57, line 24, before the word "plant," to strike out "gas" and insert "a lighting;" so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school, Fort Mojave, Ariz., $25,050; for pay of superintendent of said school, $1,500; for general repairs and improvements, $2,000; for a lighting plant, $3,500; in all, $32,050.

The amendment was agreed to.

The next amendment was, on page 58, after line 2, to insert:

For construction and equipment in connection with the Indian school at Fort Lewis, Colo.: For a boys' dormitory, $12,000; for industrial shops, $5,000; for laundry, $3,000; and for a lighting plant, $5,000; in all, $25,000.

The amendment was agreed to.

The next amendment was, on page 58, line 14, after the word "dollars," to insert:

For steam-heating system, $10,000, to be immediately available, this to be in addition to the sum of $5,000 heretofore appropriated for this purpose, which sum is hereby reappropriated; for a lighting plant, $1,200, this being in addition to the sum of $1,800 heretofore appropriated for this purpose, which sum is hereby reappropriated.

In line 22, before the word "thousand," to strike out "fifty" and insert "sixty-two;" and in the same line, before the word "and," to strike out "eight hundred;" so as to make the clause read:

For support and education of 250 Indian pupils at Indian school, Fort Totten, N. Dak., $41,750; for pay of superintendent at said school, $1,600; for sewerage system, $2,500; for general repairs and improvements, $5,000; for steam-heating system, $10,000, to be immediately available, this to be in addition to the sum of $5,000 heretofore appropriated for this purpose, which sum is hereby reappropriated; for a lighting plant, $1,200, this being in addition to the sum of $1,800 heretofore appropriated for this purpose, which sum is hereby reappropriated; in all, $62,050.

Mr. THURSTON. I call the attention of the Senator from North Dakota [Mr. HANSBROUGH] to the amendment just stated. I understand that he desires an additional amount appropriated to that recommended by the committee.

Mr. HANSBROUGH. I supposed we were first considering the committee amendments. However, if it is agreeable to the Senator, I will offer my amendment now.

Mr. THURSTON. I think perhaps we can dispose of it in a moment.

Mr. HANSBROUGH. I move to amend the amendment of the committee, on page 58, line 18, by striking out the word "one," before the word "thousand," and inserting "four;" and in line 19 by striking out the words "two hundred;" so as to read:

For a lighting plant, $4,000.

Mr. THURSTON. I see by the committee amendment that $1,800 has heretofore been appropriated for that purpose, together with an additional $1,200, making $3,000. Now, does the Senator ask for $4,000 in addition to the $1,800 heretofore appropriated?

Mr. HANSBROUGH. My amendment is in conformity with the recommendation made by the Commissioner of Indian Affairs. I have here a letter from the Commissioner in which he says:

As stated above, the plant is lighted with dangerous kerosene lamps. With the cheap fuel which they have an electric-light plant could be maintained economically. In the appropriation act for the present fiscal year there is an item of $1,800 for an electric-light plant. This, in the very first instance, was an inadequate estimate, and, since the enormous rise in the price of materials entering into electrical construction, is so far below the true amount that I have taken no steps to utilize it. I feel satisfied that this item of $1,800 should be reappropriated, and also an additional amount to increase the total for an electric-light plant to $4,000 would be eminently right and proper.

Mr. THURSTON. I call the Senator's attention to the fact that if he strikes out the word "one," in line 18, and inserts "two," he meets the recommendation of the Commissioner.

Mr. HANSBROUGH. Precisely.

The PRESIDENT pro tempore. The Senator from North Dakota modifies his amendment in the way in which it will be stated.

The SECRETARY. In line 18, after the word "plant," it is proposed to strike out "$1,200" and insert "$2,200;" so as to read:

For a light plant, $2,200.

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. THURSTON. The total should be changed to correspond.

The PRESIDENT pro tempore. The total will be amended by making the amount $63,000.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 58, after line 22, to strike out:

That the sum of $5,000 appropriated for steam heating and the sum of $1,800 appropriated for an electric-lighting plant at the Fort Totten, N. Dak., Indian school, by the Indian appropriation act for the fiscal year 1900, is hereby reappropriated and made available during the fiscal year 1901.

The amendment was agreed to.

The next amendment was, on page 59, line 9, after the word "dollars," to strike out "for employees' cottage, $3,000" and insert:

For construction and completion of new school building, $25,000; for construction and completion of new hospital building, $5,000; for construction of barn, $1,500.

In line 15, before the word "thousand," to strike out "fifty-seven" and insert "eighty-five;" and in the same line, before the word "hundred," to strike out "three" and insert "eight;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., $50,100; for general repairs and improvements, $2,500; for pay of superintendent of said school, $1,700; for construction and completion of new school building, $25,000; for construction and completion of new hospital building, $5,000; for construction of barn, $1,500; in all, $85,800.

The amendment was agreed to.

The next amendment was, on page 59, line 21, after the word "dollars," to strike out "for the completion of a new school building, $15,000" and insert:

For increasing the amount heretofore appropriated for the erection of a new school building at Hayward, Wis., the sum of $15,000, the said sum being in addition to the amount appropriated for that purpose by the act approved March 1, 1899; and the limit of cost for said school building is fixed at the amount heretofore and herein appropriated, namely, $75,000, the same to be immediately available.

So as to make the clause read:

For the support and education of 125 pupils at the Indian school at Hayward, Wis., $20,875; pay of superintendent, $1,300; general repairs and improvements, $1,500; for increasing the amount heretofore appropriated for the erection of a new school building at Hayward, Wis., the sum of $15,000, the said sum being in addition to the amount appropriated for that purpose by the act approved March 1, 1899; and the limit of cost for said school building is fixed at the amount heretofore and herein appropriated, namely, $75,000, the same to be immediately available; in all, $38,675.

The amendment was agreed to.

The next amendment was, on page 60, line 9, before the word "thousand," to strike out "thirty" and insert "twenty-nine;" in the same line, before the word "hundred," to strike out "four" and insert "two;" in line 12, after the word "dollars," to insert "for dormitory building, $20,000," and in line 13, after the word "all," to strike out "thirty-four" and insert "fifty-four;" so as to make the clause read:

For support and education of 175 Indian pupils at the Indian school at Grand Junction, Colo., $29,225; for pay of superintendent at said school, $1,500; for

general repairs and improvements, $3,000; for dormitory building, $20,000; in all, $54,025.

The amendment was agreed to.

Mr. TELLER. I wish to offer an amendment. I inquire of the chairman of the committee if I may do so now?

Mr. THURSTON. I am willing to have amendments now offered to the school provisions.

Mr. TELLER. On page 60, line 13, after the word "dollars," I move to insert:

For the purchase of not exceeding 10 acres of land for the purpose of sewerage deposit, to be immediately available, $600.

Mr. THURSTON. The Senator has submitted to me the necessity for this amendment of $600 for the purchase of land, and I am willing to accept it.

Mr. TELLER. I have a letter here from the Commissioner of Indian Affairs, which I desire to have printed, so that the committee may have it before them when the bill goes into conference, asking for this appropriation, which came to me too late to be presented to the committee.

The PRESIDENT pro tempore Does the Senator desire to have the letter printed in the RECORD?

Mr. TELLER. Yes, sir; so that it will go in with the proceedings.

The PRESIDENT pro tempore. The letter will be printed in the RECORD, in the absence of objection.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 23, 1900.

SIR: Knowing the interest which you have taken in the Indian school at Grand Junction, Colo., I have the honor to bring to your attention a matter which it is possible may require Congressional action. In the Indian appropriation act for the present fiscal year there appears an item of $5,500 for sewerage system. For some time I have endeavored to have the necessary plans and specifications for an adequate system prepared. On several occasions the superintendent has reported that it is impossible for him to get a proper system, or such a system as the school actually needs, for the $5,500.

He has finally, therefore, submitted plans and estimates for the same which contemplate the deposition of the sewage matter upon a 10-acre field, which he estimates will cost about $500 or $600. Although the engineer seems to think that his plant can be installed for the amount available, yet there is an air of doubt about the same, and also upon the part of this office. If an additional appropriation could be secured for, say, $1,000, for supplementing the present appropriation of $5,500 for this purpose, and also not exceeding $600 for the purchase of a sufficient amount of land to be utilized as a deposit bed for the sewage, it would materially help the matter. On account of the local conditions, of which you are probably better aware than I am, this sewage matter can not be emptied into either the Grand or the Gunnison River; and, on the other hand, if the proposed plan can be made successful, it will utilize the waste matter of the school in the irrigation and growing of crops on the land on which the sewage is emptied, rather than to pollute a running stream with it. The superintendent has not suggested this course, but in view of all the contingencies surrounding the same I am satisfied that without some additional help in this matter the best plans I can secure will only inadequately meet existing conditions. Should the above suggestion be crystallized into action, whatever amounts are given should be made immediately available in order that they may supplement the present system.

Very respectfully,

W. A. JONES, *Commissioner.*

Hon. H. M. TELLER,
United States Senate.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Colorado [Mr. TELLER].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 61, after line 2, to insert:

For improvements at the Klamath Agency Boarding School, Oregon, as follows: For waterworks and sewerage system, $3,300; for construction of one barn, $1,043; for lighting system, $3,000; in all, $7,343.

The amendment was agreed to.

The next amendment was, on page 61, line 10, after the word "Kansas," to strike out "for transportation of pupils to and from said school;" in line 13, before the word "thousand," to strike out "and five;" in line 15, after the word "available," to insert:

For increasing the amount heretofore appropriated for the erection of a new school building at Haskell Institute, Lawrence, Kans., the sum of $10,000; the said sum being in addition to the amount appropriated for that purpose by the act approved March 1, 1899, and the limit of cost of said school building is fixed at the amount heretofore and herein appropriated, namely, $25,000, the same to be immediately available.

And in line 24, before the word "thousand," to strike out "seventeen" and insert "twenty-seven;" so as to make the clause read:

For support and education of 600 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for general repairs and improvements, $100,340; for pay of superintendent at said school, $2,000; for extending steam plant, $10,000, to be immediately available; for increasing the amount heretofore appropriated for the erection of a new school building at Haskell Institute, Lawrence, Kans., the sum of $10,000; the said sum being in addition to the amount appropriated for that purpose by the act approved March 1, 1899, and the limit of cost of said school building is fixed at the amount heretofore and herein appropriated, namely, $25,000, the same to be immediately available; in all, $127,200.

The amendment was agreed to.

The next amendment was, at the top of page 62, to insert:

For the construction of a new schoolhouse, with girls' dormitory and sitting room attached, at the Lemhi Agency, Idaho, $5,000.

The amendment was agreed to.

The next amendment was, on page 62, line 9, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Mount Pleasant, Mich., $50,100; for pay of superintendent of said school, $1,700; for general repairs and improvements, $1,500; for erecting girls' dormitory, $20,000, to be immediately available; in all, $73,300.

The amendment was agreed to.

The next amendment was, on page 62, line 17, to strike out:

For the purpose of removing the Indian school now located at Perris, Cal., to a new and more suitable site at or near Riverside, Cal.

And insert:

For the establishment of an Indian school at or near Riverside, Cal.

The amendment was agreed to.

The next amendment was, on page 63, line 6, after the word "dollars," to insert "for the erection of an auditorium, $15,000;" and in line 8, before the word "thousand," to strike out "two" and insert "seventeen;" so as to make the clause read:

For support and education of 600 Indian pupils at the Indian school at Phoenix, Ariz., and for general repairs and improvements, $100,200; for pay of superintendent at said school, $2,000; for the erection of an auditorium, $15,000; in all, $117,200.

The amendment was agreed to.

The reading of the bill was continued to the end of line 9, on page 64.

Mr. NELSON. I offer an amendment to come in after the word "dollars," in line 8, on page 64. It is an amendment recommended by the Commissioner of Indian Affairs. I have his letter here, and ask that it be inserted in the RECORD.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. THURSTON. Certainly.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 64, line 8, after the word "dollars," it is proposed to insert:

For the purchase of a farm of 160 acres, $6,400, to be immediately available.

So as to make the clause read:

For the support and education of 150 Indian pupils at the Indian school at Morris, Minn., $25,050; for pay of superintendent, $1,500; for general repairs and improvements, $1,500; for the purchase of a farm of 160 acres, $6,400, to be immediately available.

Mr. THURSTON. I have seen the recommendation of the Commissioner of Indian Affairs as to the amendment, and I make no objection to it.

The amendment was agreed to.

Mr. NELSON. I suggest another amendment to change the total from $28,050 to $34,450, in line 9.

The PRESIDENT pro tempore. The footing will be so changed under the order which has been already made.

Without objection, the letter referred to by the Senator from Minnesota will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 23, 1900.

SIR: I have the honor to acknowledge the receipt, by your reference, of a letter from the superintendent of the Indian school at Morris, Minn., relative to the advisability of securing additional land for use of said school, and in reply to your request for my views on this subject, and if I favor this plan, you desire me to send you an amendment which could be inserted in the Indian appropriation bill.

In reply you are advised that the Indian school at Morris, Minn., was purchased by the Government from Mother Joseph in 1897 for $14,519. The original proposition was for $15,919, which was for 80 acres on which the building was situated and 160 acres situated at a distance. During the pendency of the negotiations it developed that a clear title could not be given to the 160 acres. It was therefore eliminated, being valued at $1,400 and said to be not very good land. In view of the statements made by the superintendent that they have now only about 60 acres available for cultivation and this school is for an agricultural section of the country, including stock raising and dairying; that he has not adequate facilities for carrying out these ideas, he therefore thinks it necessary for an addition of at least 250 acres of land at a cost of $10,000.

The superintendent in his letter also refers to the act under which the Clontarf property was sold for $4,600, and desires this money utilized in the purchase of additional land. United States Indian Inspector Duncan has recently made an inspection of this school and refers to this subject as follows: That 80 acres originally purchased are not sufficient for the school and 80 more should be secured for gardening and the keeping of stock.

I am not prepared to recommend the number of acres proposed and the amount $10,000 recommended by the superintendent, but, in view of all the circumstances surrounding this school, feel satisfied that as originally contemplated at least 160 acres more should be given the school in order to round out its facilities and make it an industrial school suited to the environment of the pupils from which it must of necessity draw its support.

Carrying out your suggestion I would submit the following as an amendment:

Amendment proposed to appropriation act, H. R. 7433, Calendar No. 590: On page 64, line 8, after "dollars," insert: "for the purchase of a farm of 160 acres, $6,400, to be immediately available."

Very respectfully,

W. A. JONES,
Commissioner.

Hon. KNUTE NELSON,
United States Senate.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 64, line 20, after the word "dollars," to insert "for the erection and completion of

a brick dormitory, $20,000;" and on page 65, line 2, before the word "thousand," to strike out "ninety-five" and insert "one hundred and fifteen;" so as to make the clause read:

For support and education of 500 pupils at the Indian school, Salem, Oreg., $83,500; for pay of superintendent at said school, $1,800; for erection of an industrial building, $6,000; for the erection and completion of a brick dormitory, $20,000; for general repairs and improvements, $3,000; for purchase of 12.27 acres of land at $100 per acre, $1,227; in all, $115,527.

The amendment was agreed to.

The next amendment was, on page 65, line 16, before the word "lighting," to strike out "electric" and insert the article "a;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., $50,100; for pay of superintendent at said school, $1,700; for water supply and sewerage, $2,000; for general repairs and improvements, $3,000; for extension to school building, $6,600; or addition to warehouse, $2,000; for a lighting system, $4,500; in all, $69,900.

The amendment was agreed to.

The next amendment was, on page 66, line 10, after the word "hospital," to insert "to be immediately available;" and in line 12, after the word "superintendent," to insert "to be immediately available;" so as to make the clause read:

For the support and education of 175 Indian pupils at the Indian school, Tomah, Wis., $29,225; for pay of superintendent at said school, $1,500; for general repairs and improvements, $3,000; for equipment of girls' dormitory, dining hall, kitchen, and hospital, to be immediately available, $1,500; for construction of suitable quarters for superintendent, to be immediately available, $3,500; in all, $38,725.

The amendment was agreed to.

The next amendment was, on page 66, after line 19, to insert:

For rebuilding and equipping the Winnebago School, at the Winnebago Indian Agency, Nebr., $40,000, the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 67, line 5, to increase the appropriation for collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, etc., from $35,000 to $40,000.

The amendment was agreed to.

The next amendment was, on page 68, line 12, after the word "purchase," to strike out:

Provided, That funds herein and heretofore appropriated for construction of artesian wells, ditches, and other works for irrigating may, in the discretion of the Secretary of the Interior, be expended in open market: *Provided further*, That purchase in open market shall, as far as practicable, be made from Indians, under the direction of the Secretary of the Interior.

And insert:

Provided, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *Provided further*, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 69, line 2, after the words "upon the," to strike out "reservation" and insert "reservations, or at industrial schools;" and in line 5, after the word "advisable," to strike out:

Provided further, That the Indians to whom lands have been allotted on the Yakima Reservation in the State of Washington shall be permitted to lease such allotted lands for any term not exceeding ten years upon such terms and conditions as may be prescribed by the Secretary of the Interior.

And insert:

And the sum of $10,000 is hereby appropriated to enable the Secretary of the Interior to carry this provision into effect.

So as to make the clause read:

Provided further, That the Secretary of the Interior may, when practicable, arrange for the manufacture, by Indians upon the reservations, or at industrial schools, of shoes, clothing, leather, harness, and wagons, and such other articles as the Secretary of the Interior may deem advisable, and the sum of $10,000 is hereby appropriated to enable the Secretary of the Interior to carry this provision into effect.

The amendment was agreed to.

The next amendment was, on page 71, after line 20, to strike out section 7, as follows:

SEC. 7. That the proviso to the act approved August 15, 1894, permitting the sale of allotted lands by members of the Citizen band of Pottawatomie Indians and of the Absentee Shawnee Indians of Oklahoma is hereby extended so as to permit the adult heirs of a deceased allottee to sell and convey the lands inherited from such decedent; and if there be both adult and minor owners of such inherited lands, then such minors may join in a sale thereof by a guardian, duly appointed by the proper court, upon an order of such court made upon petition filed by such guardian, all conveyances made under this provision to be subject to the approval of the Secretary of the Interior; and any Citizen Pottawatomie or Absentee Shawnee not residing upon his allotment, but being an actual resident of another State or Territory, may in like manner sell and convey all the land allotted to him.

That such proviso of the act approved August 15, 1894, as herein enlarged, is hereby extended to those members of the Citizen band of Pottawatomie Indians and the Absentee Shawnee Indians who were given allotments under the act approved the 23d day of May, 1872, and to their heirs; and any purchasers of Indian blood of lands sold under the provisions of the act last named, or their heirs, who may own other allotted lands under any act of Congress, may sell all the lands so owned by them in excess of 80 acres, the restrictions against sales by allottees under the act last named to others than the United States or persons of Indian blood being hereby removed; and all such conveyances shall hereafter be subject to the approval of the Secretary of the Interior.

That the provisions hereof as to the sale of inherited lands by heirs of deceased allottees of the Citizen band of Pottawatomie Indians and Absentee Shawnee Indians are hereby extended and made applicable to the heirs of allottees of the Peoria and Miami Indians, who were authorized by the act approved June 7, 1897, to sell a portion of their lands.

Mr. COCKRELL. I should like to have section 7 reserved for the present.

Mr. THURSTON. The question of striking out section 7 the Senator desires to have reserved for the present. I have no objection to that.

The PRESIDENT pro tempore. It will be passed over. The reading of the bill has been concluded. Does the Senator desire to go back to the committee amendments which have been passed over?

Mr. COCKRELL. Are there any more committee amendments?

Mr. THURSTON. I believe that concludes all of the recommendations of the committee in the way of amendments.

The PRESIDENT pro tempore. The committee amendments on page 5 were reserved.

Mr. THURSTON. Yes.

Mr. COCKRELL. I wish to recur to the committee amendment on page 23, which was reserved. From line 9, on page 23, down to the bottom of the page and over on page 24, down to the end of line 9, is the House provision. The Senate committee has recommended that it be stricken out, and I hope it will not be agreed to. I suppose the better way would be for me to offer my amendment to the text. I want a part of the text to stand. I move to strike out all after the word "*Provided*," in line 15, page 23, to the end of that clause, at the end of line 9, on page 24.

Mr. THURSTON. Do I understand the Senator desires that we disagree to the committee recommendation as to striking out down to the proviso? The Senator wishes it to stand down to the proviso?

Mr. COCKRELL. Yes; down to the proviso. Whichever is the more formal way. I thought I would offer an amendment to strike out that part and substitute for it and then disagree to the first part. The amendment I offer is the law of last year. It strikes me that the way I have suggested is the better way.

The PRESIDENT pro tempore. It is entirely in order. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to strike out, beginning with the first proviso, in line 15 on page 23, all of the bill down to and including the word "buildings," in line 9 on page 24, and insert:

That all chattel mortgages executed in the Quapaw Agency, in the northern district of the Indian Territory, shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory or his duly appointed deputy in a book or books kept for the purpose: *Provided*, That the amout of money appropriated for pay of a physician and to maintain the schools in the Quapaw Reservation shall not be diminished during the fiscal year 1901.

Mr. COCKRELL. That simply provides a place which has heretofore been provided where chattel mortgages can be recorded and be a notice to subsequent purchasers, and then the provision is that the pay for the physician and the schools shall not be diminished.

Mr. PLATT of Connecticut. Is there a clause in this bill to pay for a physician and the schools?

Mr. COCKRELL. Yes; it is in the general provision. This provides that it shall not be diminished. That is the only proviso there.

Mr. PLATT of Connecticut. I do not understand this. Where in the bill is the provision for the pay of a physician to the Quapaws?

Mr. COCKRELL. There is a physician to almost every Indian agency. There has been one there ever since I have known anything about it. The provision is in the existing bill, and all that this does is to provide that the amount shall not be diminished for that and for the education there.

Mr. JONES of Arkansas. What is that?

Mr. COCKRELL. I was just simply stating that there is a physician at almost every reservation.

Mr. PLATT of Connecticut. I do not think there is any provision in this bill for the pay of a physician there. There may be.

Mr. COCKRELL. I tell the Senator, and the records will show, that in the very language of this bill there will not be less than thirty physicians to Indian agencies. They have been from time immemorial, and they are paid for in this way.

Mr. PLATT of Connecticut. The Senator does not understand me. I think there is no specific provision in this bill as it stands for the pay of a physician to the Quapaw Agency. Is there?

Mr. COCKRELL. There is not in this bill; but it is already regulated and they have a fixed salary, and this simply leaves that salary so that there shall be no diminution of the provision for it at that agency. I think it is about a thousand dollars. My recollection is not clear. I do not think any physician gets over $1,200. That is my recollection.

Mr. GALLINGER. They average about a thousand dollars a year I should say.

Mr. COCKRELL. They average about a thousand dollars. I do not think anyone gets over $1,200, unless it has been increased recently.

Mr. PLATT of Connecticut. I am not going to say very much about this amendment, because it brings up a matter which the committee has had no opportunity to consider; but this is true: I think that at this Quapaw Agency the Indians are just as thoroughly civilized as any American citizens are, and are living like American citizens, and they ought to be able to take care of themselves, and are able to take care of themselves just as much as white people in any portion of the rural or agricultural part of the United States. The committee, as I understood, thought there was no longer any necessity for treating them as Indians.

Mr. JONES of Arkansas. My recollection of what the Commissioner stated—I do not think I am mistaken about it—is that there is no occasion for maintaining the agent at the Quapaw Agency. These people all have their lands in severalty. They live on their several homes, just as people in other sections of the country do, but there are certain treaty agreements which we, at least for the time being, must carry out; for instance, keeping a blacksmith and carpenter in that country. There may be also a provision about the physician. I am not so sure about that. But the statement made by the Commissioner to the committee was that of the general fund—they having a large general fund for educational purposes and a large general fund for employees—provision could be made for these schools, just as it would be if this special provision were made; that there would be no difference whatever in any of the employees on the Quapaw Reservation and no difference whatever in the schools, both being provided for out of the general fund instead of a specific fund.

This is the only change made, except that he proposes to discontinue the agent. He said there is no occasion whatever for keeping an agent there; that the duties performed by him could be just as well and better and more cheaply performed by a special agent of the Indian Office. There is to be no diminution in the number of offices. There is to be no diminution in the amount of money used for schools, the only change being instead of there being a special appropriation in the bill for these two things they are provided for out of the two general items of employees for the Department and the general provision for schools.

I was sure this was the fact. My recollection was the same, and since this debate came up I went to the telephone and called up the Commissioner of Indian Affairs, and was assured by him within a very few minutes that that was what he stated to the committee and what would be done by the Department.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri. [Putting the question.] The noes appear to have it.

Mr. COCKRELL. I shall have to ask for the yeas and nays on the amendment.

Mr. JONES of Arkansas. What is the amendment?

Mr. ALLISON. Will not the Senator from Missouri——

Mr. COCKRELL. I want to have it decided now. It may as well be decided at one time as at another. Let the amendment be read. The Senator from Arkansas wants to know what it is.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. After the word "dollars," in line 15, page 23, it is proposed to agree to the committee amendment striking out all of the bill down to the end of the paragraph, in line 9, page 24, and to insert in lieu thereof the following:

That all chattel mortgages executed in the Quapaw Agency in the northern district of the Indian Territory shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory or his duly appointed deputy in a book or books kept for the purpose: *Provided*, That the amount of money appropriated for pay of a physician and to maintain the schools in the Quapaw Reservation shall not be diminished during the fiscal year 1901.

Mr. COCKRELL. That provision is recommended and indorsed by the Commissioner of Indian Affairs, as has just been stated by the Senator from Arkansas. The latter part of it is exactly the provision that was in the act last year.

Mr. PLATT of Connecticut. Is not that the law now without reenactment?

Mr. COCKRELL. No, sir; it is not.

Mr. PLATT of Connecticut. Why not?

Mr. COCKRELL. Because the provisions contained in an appropriation act expire with the expiration of the year for which they are made unless you put the word "hereafter" in the provision.

Mr. PLATT of Connecticut. Sometimes they do——

Mr. COCKRELL. That is the universal rule.

Mr. PLATT of Connecticut. And sometimes they do not.

Mr. COCKRELL. Unless you insert in the provision the word "hereafter," the provisions all expire with the expiration of the fiscal year for which they are made.

Mr. PLATT of Connecticut. It is not worth contending about; but if a piece of legislation is put into an appropriation bill which has not anything to do with the appropriation of money, in my judgment it does not expire with the end of the year. But it is not worth contending about.

Mr. COCKRELL. My proposition is—turning to page 23—to strike out after the words "five hundred dollars," in line 15. Leave the prior provision in the bill. Then that provision and the amendment I propose will read as follows:

QUAPAWS.

For education, during the pleasure of the President, per third article of treaty of May 13, 1833, $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, $500; in all, $1,500.

Now, that is verbatim the language of the law of March 1, 1899. The act of 1899 has in it this further provision as it is in my amendment:

That all chattel mortgages executed in the Quapaw Agency in the northern district of the Indian Territory shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose.

That is the exact language of the amendment I have offered, and I therefore simply move to reinstate the exact language that was used in the last appropriation act and then to add to it the words which will be read from the desk.

Mr. PLATT of Connecticut. So far as the amendment is concerned reenacting the language of the last appropriation act, we could agree, although I think it is entirely unnecessary. So far as that is concerned, if the amendment could be divided, I should have no objection to it, although I think it is unnecessary.

Mr. COCKRELL. Now let the other proviso be read.

The Secretary read as follows:

Provided, That the amount of money appropriated for pay of a physician and to maintain the schools in the Quapaw Reservation shall not be diminished during the the fiscal year 1901.

Mr. COCKRELL. That is simply to do just exactly what the Commissioner of Indian Affairs says should be done.

Mr. JONES of Arkansas. I do not know whether or not there is a physician there.

Mr. COCKRELL. If there is none, he will get no pay. This does not create the office of physician there in any shape, manner, or form. It says that the expenditure for the physician shall not be decreased and that the expenditure for the schools shall not be decreased. That is all there is about it.

Mr. PLATT of Connecticut. Will the Secretary again read the latter portion of the amendment?

The Secretary read as follows:

Provided, That the amount of money appropriated for pay of a physician and to maintain the schools in the Quapaw Reservation shall not be diminished during the fiscal year 1901.

Mr. PLATT of Connecticut. I do not understand that there is any appropriation in this bill or that there was in the last act for the pay of a physician at that agency. There may be, but if there is, I do not know where it is; and therefore that is entirely unnecessary. By the treaty of 1833 it is provided:

The United States also agrees to appropriate $1,000 per year for education purposes, to be expended under the direction of the President of the United States.

And it also provides:

That the farmer and the blacksmith and the above appropriation for education purposes be continued only as long as the President of the United States deems necessary for the best interests of the Indians.

We propose to strike out all of the provision about——

Mr. COCKRELL. About what? It is all in the discretion of the President.

Mr. PLATT of Connecticut. "Blacksmith and assistants, and tools, iron, and steel for blacksmith shop," and "for education during the pleasure of the President." Those appropriations, in the judgment of the committee and the judgment of the Commissioner, have become unnecessary. These people are just as well able to take care of themselves as people in the town of Little Rock or any town in the State of Connecticut or in the United States, and there is really no reason why this gratuity to them should go on any longer.

Mr. COCKRELL. Just one word. I do happen to know a little about this Indian agency. Here is the southern boundary of Arkansas, and here comes the western boundary of Missouri, and that agency is right in the angle adjoining Kansas on the north and Missouri on the east. The agency at the Quapaw Reservation has been practically at Seneca, a town in Missouri, just at the line.

There are nine tribes of Indians in that reservation. They are small bands of Indians; some of them are very intelligent and capable of taking care of themselves, and others are not. The agent at that agency for years and years has had the supervision of the contracts, and he has repudiated or rejected or refused to confirm a number of contracts for the sale of land. Only recently we had a case. One of my constituents there thought he had been mistreated by this Indian agent, and made complaints against him. He had an interest in land, and there was a controversy

about who should get the contract, and the Indian agent had disapproved of the lease of the Missourian and he had also disapproved of the lease of another man who was contesting the claim. Upon application he sent an agent there. That agent investigated and returned and reported that both of the leases should be rejected, and that one of them had been obtained by the party going to the Indian chiefs and representatives and giving them $2.50 and $5, and getting the lease in that way—a valuable mineral lease.

Now, if that agent had not been there and those facts developed, those Indian lands would have been taken for a mere song, simply by purchase; and yet the Senator says they are as capable of taking care of themselves as anybody else. If he knew the conditions existing there, and how already some of these Indians have been swindled out of their lands—lands worth fifteen or twenty dollars an acre, being bought at five and eight and ten dollars an acre—he would not think that they were just as capable of taking care of themselves as he is of taking care of himself.

The Senator, if he will take any of the reports of the Commissioner of Indian Affairs, will see, and I am astonished that the Senator did not perceive that point, that they have had Indian agents from time immemorial, and he can not find in any Indian bill a mention of it, and yet the money has been appropriated. As every Senator living near where Indian nations are knows, there is a general appropriation from which the salaries are paid, and they are fixed from year to year by the Commissioner of Indian Affairs. There is a physician at the Quapaw Indian Agency, and there has been for years. The Senator can not deny it. If he will look at the list he will see that there has been a physician there at $1,000 for years and years, as there have been at many other agencies.

All we ask in this matter is that the law of 1899, for the fiscal year 1900, may be reenacted in this clause and that there shall be no diminution of the amount paid the physician. If nothing is paid him, there will be nothing paid to him. The provision does not authorize anything to be paid to him. There is not an appropriation in the provision at all. It simply provides that there shall be no diminution of it. I ask that the amendment may be agreed to.

Mr. JONES of Arkansas. It seems to me the committee had better recede from its amendment and take the law as it stood before than to agree to the amendment proposed by the Senator from Missouri. In the treaty made with the Quapaws some years ago there is a provision that, at the pleasure of the President, certain things should be done among the Quapaws. That has been repeated time and again. The Senator from Missouri now proposes, if I understand his amendment properly, to forbid that there shall be any reduction at all of this amount that we are paying at the pleasure of the President. The President may conclude there is no necessity for paying this money; he may conclude that there is no occasion for any of this appropriation to be used; but if the amendment of the Senator from Missouri is adopted, he must pay the money anyway, whether he thinks it is unwise or not.

I think it is much better to get back to the old law and leave the matter absolutely within the discretion of the President than to go a step further than any other Indian appropriation bill has ever gone and provide positively that these sums of money shall be paid.

Mr. COCKRELL. I will amend the amendment by leaving out the proviso.

The PRESIDENT pro tempore. The Senator from Missouri modifies his amendment. It will be stated as modified.

The Secretary read as follows:

That all chattel mortgages executed in the Quapaw Agency in the northern district of the Indian Territory shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose.

Mr. COCKRELL. That will come in after the word "dollars," in line 15, page 23. Now read the clause as it will read if the amendment is agreed to and the pending committee amendment rejected.

The Secretary read as follows:

QUAPAWS.

For education, during the pleasure of the President, per third article of treaty of May 13, 1833, $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, $500; in all, $1,500. That all chattel mortgages executed in the Quapaw Agency in the northern district of the Indian Territory shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose.

Mr. THURSTON. If that amendment is to prevail, I desire to have it amended in line 10, in accordance with the language which we have used in other similar cases in the bill, by striking out "during the pleasure of" and inserting "if directed by;" so that it will read:

For education, if directed by the President of the United States.

I will say to the Senator that we have changed this language all through the bill in the case of appropriations carrying out similar provisions; and for this reason: If we leave the language "during the pleasure of the President," the matter will be overlooked and many of these appropriations may continue for years and years after all necessity for them has passed, while if we require the President to take affirmative action before the appropriations are expended, the matter will be considered and investigated and passed upon by him.

Mr. COCKRELL. I had not observed that language in any other provision.

Mr. JONES of Arkansas. It is in all of them.

Mr. THURSTON. I will state to the Senator that we have changed the House provision in that respect in all places where that phraseology occurs.

Mr. JONES of Arkansas. Every one of them.

Mr. THURSTON. I will call the Senator's attention to one or two in a moment.

Mr. PERKINS. There is one at the top of page 12.

Mr. THURSTON. At the bottom of page 11 we strike out, in the appropriation for the Chippewas, "during the pleasure of the President" and at the top of page 12 we insert "if directed by the President." There are one or two other amendments of the same character in the bill.

Mr. COCKRELL. The Senator moves that as an amendment?

Mr. THURSTON. Yes.

Mr. COCKRELL. Let the amendment be acted upon, then.

The PRESIDENT pro tempore. The Senator from Nebraska moves to amend the amendment offered by the Senator from Missouri as will be read by the Secretary.

The SECRETARY. By striking out, in line 10, on page 23, the words "during the pleasure of" and inserting "if directed by;" so as to read:

For education, if directed by the President, per third article of treaty, etc.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is on the amendment offered by the Senator from Missouri to the clause.

Mr. PLATT of Connecticut. I understand that the proposed amendment is to strike out all after the first paragraph.

Mr. COCKRELL. The proviso.

Mr. PLATT of Connecticut. And to insert what the Secretary last read.

Mr. COCKRELL. To insert that one provision about the recording of deeds.

Mr. PLATT of Connecticut. I have no objection.

Mr. COCKRELL. And then to disagree to the first part of the amendment as amended on the motion of the Senator from Nebraska.

Mr. JONES of Arkansas. If the Senator wishes to insert that, why not put such language in it as will make it permanent? I understand this enactment of law is made from year to year by this appropriation bill. It seems to me it ought not to be kept always in the Indian appropriation bill, and if we are going to provide for the recording of deeds in the Quapaw Agency, why not put it in such shape as not to make it necessary to insert the provision in every appropriation bill that comes hereafter?

Mr. COCKRELL. The only reason was that the Committee on Indian Affairs had, I understood, made a rule that they would exclude all legislation, and therefore we had to be content with the annual provision. I got that information from the distinguished Senator from Arkansas.

Mr. JONES of Arkansas. The rules of the Senate exclude all legislation from appropriation bills. I thought my learned friend from Missouri had known that for a great many years.

It was simply proposed in the Indian Affairs Committee to follow the rules of the Senate and to keep legislation off of this appropriation bill; but when the Senator from Missouri insists that we shall violate the rules of the Senate and the order of the committee and put legislation in the appropriation bill, I think it had better be made so as to make it permanent and not have to repeat it every time we pass an Indian appropriation bill.

Mr. COCKRELL. I have no objection to putting it in. I think that is a very good suggestion on the part of the Senator.

Mr. PLATT of Connecticut. Let the proviso proposed to be inserted be read again.

The PRESIDENT pro tempore. The proviso will be again read.

The SECRETARY. Insert after the word "dollars," in line 15, page 23——

Mr. THURSTON. Let us first strike out the proviso in the bill and get rid of that, and then let us disagree to the committee amendment striking out the first part of the paragraph. Then we can act on the amendment of the Senator from Missouri.

Mr. JONES of Arkansas (to Mr. COCKRELL). That is what you want to do.

Mr. COCKRELL. That is exactly what I want to do. The other, I thought, was the more correct way, but I have no objection to the course proposed. I ask, then, that we strike out all after the word "*Provided*," including the word "*Provided*."

The PRESIDENT pro tempore. The question, then, is on agreeing to the committee amendment striking out all of the paragraph from the word "*Provided*," in line 15.

Mr. COCKRELL. Yes.

The amendment was agreed to.

Mr. COCKRELL. Now, I move to amend the other provision by the insertion of the clause which has been read.

Mr. THURSTON. Now, let the committee amendment be disagreed to, striking out the first part.

Mr. COCKRELL. Well, let the committee amendment be disagreed to.

The PRESIDENT pro tempore. Without objection, the committee amendment from line 10, striking out the words down to and including the word "*Provided*," in line 15, is disagreed to.

Mr. JONES of Arkansas. Not including the word "*Provided*."

Mr. PLATT of Connecticut. Not including the word "*Provided*."

Mr. THURSTON. The first lines of the section.

Mr. JONES of Arkansas. Down to and including the word "dollars," in line 15.

Mr. THURSTON. The first clause of the paragraph will now stand as amended by me in the first line.

The PRESIDENT pro tempore. The amendment has already been made which the Senator offered touching the President.

Mr. THURSTON. Now, as far as the amendment of the Senator from Missouri is concerned, I have no especial objection to its being adopted, although I must insist upon the proposition that a matter of general legislation, whether included in an appropriation bill or found in any other act of Congress, is a continuing act and requires no reenactment, and it lasts until it is repealed.

Mr. COCKRELL. Unfortunately, we have thought that in many instances in the Appropriations Committee, and the courts of the country have decided that the provision fell with the expenditure of the money. There have been recent cases of that kind. That is the reason why I wanted this put so that there would be no uncertainty about it.

Mr. THURSTON. That would be true with respect to any provision coupled with the appropriation of money; but this is a separate and distinct piece of legislation, having no relation whatever to any item of appropriation.

Mr. COCKRELL. Let it go in now and then there can be no question. If the Senator is right, no harm will be done.

Mr. PLATT of Connecticut. And let the word "hereafter" be inserted, so that we shall not have any further trouble with it.

The PRESIDENT pro tempore. The Senator from Connecticut moves to amend the amendment offered by the Senator from Missouri by inserting the word "hereafter." The amendment to the amendment will be stated.

The SECRETARY. Insert, after the word "that," the word "hereafter;" so as to read:

That hereafter all chattel mortgages executed in the Quapaw agency, etc.

The PRESIDENT pro tempore. Will the Senate agree to the same?

The amendment to the amendment was agreed to.

Mr. PLATT of Connecticut. I understand that the text of the first portion of this article or section or paragraph has been amended upon the motion of the Senator from Nebraska.

Mr. THURSTON. It has.

Mr. PLATT of Connecticut. I understand that we disagreed to the committee recommendation striking out that clause. I do not know whether that question has been put.

The PRESIDENT pro tempore. Perhaps it would be as well for the Secretary to read to the Senate the section or clause as it now stands.

Mr. PLATT of Connecticut. Very well, beginning in line 10.

The PRESIDENT pro tempore. Beginning in line 10.

The Secretary read as follows:

For education, if directed by the President, per third article of the treaty of May 13, 1833, $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty $500; in all, $1,500.

Mr. PLATT of Connecticut. I should like to insert, after the word "treaty," in line 14, the words "if approved by the President," or "if directed by the President;" otherwise what is already in will apply only to education.

Mr. THURSTON. I think that is proper.

The PRESIDENT pro tempore. The Senator from Connecticut moves to insert words which will be read.

Mr. COCKRELL. Does not the clause that the Senator has already inserted apply to the whole provision? I understood the Senator from Connecticut to take that position a few moments ago.

Mr. PLATT of Connecticut. Apparently it does not.

Mr. COCKRELL. I supposed the whole thing was in the discretion of the President, to be done as the President directed.

Mr. THURSTON. The Senator's amendment is to make it clear that the action of the President applies to the whole clause.

Mr. COCKRELL. Then I shall move to insert it at every other place. We ought to treat all alike. If it is necessary here, it is necessary in all other places. If it has got to go in here, I want it to go in other places.

Mr. PLATT of Connecticut. We have put it in in other places, wherever it depends on the pleasure of the President.

Mr. COCKRELL. I do not find that in any of these places. It is all to be done if directed by the President. Now, let us have "if directed by the President," and "if approved by the President," put in all of them.

Mr. PLATT of Connecticut. That is not my motion.

Mr. COCKRELL. That is the effect of your motion. You put in, in the beginning, "if directed by the President," and then you propose to put at the end "if approved by the President."

Mr. PLATT of Connecticut. The Senator is mistaken.

Mr. COCKRELL. What amendment did the Senator offer?

Mr. PLATT of Connecticut. "If directed by the President" is what I proposed.

Mr. COCKRELL. That is already in.

Mr. PLATT of Connecticut. Not as to blacksmiths; not as to tools and iron and steel and the blacksmith shop. If the Senator will read the language he will see that it refers only to education, when it ought to refer to the whole matter.

Mr. COCKRELL. I have no objection if you put that in like it was at the other places instead of putting it right after the words "for education." I do not remember the treaty. I should like to ask the Senator from Arkansas as to whether those things depend on the President.

Mr. PLATT of Connecticut. Here is the treaty; I read it a little while ago.

Mr. JONES of Arkansas. That is the language of the treaty.

Mr. PLATT of Connecticut. The treaty provides that—

The United States also agrees to appropriate $1,000 a year for educational purposes, to be expended under the direction of the President.

That is after the provision for the farmer and blacksmith, etc. Then it proceeds:

And the above appropriation for educational purposes to be continued only so long as the President of the United States deems necessary for the best interests of the Indians.

Mr. COCKRELL. Then transpose the words "if directed by the President," inserted by the Senator from Nebraska, and put them after the word "dollars," so that it will apply to the whole provision.

Mr. PLATT of Connecticut. All right.

Mr. THURSTON. That will be all right.

Mr. COCKRELL. That makes it all right.

The PRESIDENT pro tempore. The Secretary will read the clause as now modified.

The Secretary read as follows:

For education, per third article of treaty of May 13, 1833, $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, $500, in all, $1,500, if directed by the President.

Mr. THURSTON. That is right.

Mr. ALLISON. Mr. President, I ask the Senator from Nebraska in charge of the bill——

Mr. COCKRELL. The word "hereafter" is inserted in the other provision?

The PRESIDENT pro tempore. It is. Without objection, the amendment will be agreed to as modified.

Mr. ALLISON. If this particular amendment is disposed of, I ask the Senator in charge of the bill, the chairman of the committee, to turn to page 5, that I may ask that the amendment in line 9 on that page may be disposed of.

Mr. THURSTON. That amendment was passed over. It has not been acted on.

Mr. ALLISON. It is one of the amendments passed over. I ask that it may be disposed of now and disagreed to. That agency, to my knowledge, is a very important one and essential to the Indians.

Mr. COCKRELL. At what page is that?

Mr. ALLISON. On page 5, line 9.

The PRESIDENT pro tempore. The Secretary will read the amendment of the committee.

The SECRETARY. The committee report, on page 5, to strike out line 9, in the following words:

At the Sac and Fox Agency, Iowa, $1,000.

Mr. PLATT of Connecticut. I suppose that that is going to be done with all these amendments where we tried to diminish——

Mr. TELLER. That is what I am going to move to do.

Mr. PLATT of Connecticut. We tried to diminish the agencies where we thought they were no longer necessary. I suppose they might as well be all treated alike. If you get an Indian agency and an Indian agent, it is just next to impossible ever to dispense with one.

Mr. ALLISON. I am glad that the Senator from Connecticut concurs with my view respecting this particular agency; but I wish to say to those in charge of the bill that there is no agency provided for in the bill of more importance than the one I ask may be retained.

Mr. THURSTON. Mr. President, I should like to say upon this subject that the three agencies which the committee propose to dispense with are proposed to be dispensed with upon the statement of the Commissioner of Indian Affairs that agents at those points are no longer necessary; but so far as I am concerned, when a Senator of the State where an agency is located stands upon the floor of the Senate and, in view of the information he ought to be in possession of locally, states that in his judgment the agency is necessary, I certainly shall not stand in the way of continuing the appropriation.

Mr. TELLER. I was about to move what the Senator from Connecticut [Mr. PLATT] agrees must take place, that all these agencies shall be retained. I should like to have any Senator take up the report of the Indian agent in the Quapaw Agency. I do not believe any Senator here after reading it will agree with the Commissioner that there is a condition at the Quapaw Agency that justifies the abandonment of the agent.

He is needed there. He is needed at every agency wherever we have had an agent, unless the Indians have died out. You still need Indian agents They deal directly with the Government. It is the only way that the Indian has to reach the Government proper, and particularly in sections of the country like the Quapaw Agency, where they are selling their land, I am sorry to say, and are allowed to do so when the Government approves of the sale. The only way the Secretary of the Interior will get any information is through some resident agent that will justify him in either approving or disapproving of an attempted sale of land. I think it is very important, and it is worth a great deal more than the small amount paid to the agent. I do not know myself of any agency in the United States that I think ought to be discontinued at the present time, and I am sorry to say that I do not believe you can discontinue them for a good many years to come.

Mr. JONES of Arkansas. The Commissioner of Indian Affairs was before the committee and stated that there was no earthly use for these three agencies; that there was nothing for the agents to do except to pay out the small amount of money sometimes, which could be better paid by an agent sent specially for the purpose, and which could be paid out more economically to the Government in that way; and that there was no reason why these agencies should be continued. That is the reason why I, on the committee, voted that these agents should be dropped out, and that is the reason why I would like to see it done now.

So far as the sale of land at the Quapaw Agency is concerned, I confess I know nothing about the facts. I suppose those sales can only take place with the approval of the Secretary of the Interior. I do not know.

Mr. TELLER. That is the fact.

Mr. JONES of Arkansas. Then it would be the duty of the Secretary of the Interior to have a matter of that sort fairly investigated whenever a proposition is made to sell land, and I see no reason why we should have a man present to facilitate the Indians in getting rid of their lands. It would make no difference to me if there was a considerable amount of delay and embarrassment in every application on the part of an Indian to sell a part of his homestead. If it took a special application made to the Interior Department and a man had to be sent down to look after it before it could be done, I think that the delay would be more likely to be productive of justice than injustice; and that it is not necessary to keep a man with a salary down there for the purpose of recommending to the Secretary of the Interior that he shall approve the sales that are contemplated by certain Indians. There seems to be nothing else for the Indian agent to do except that.

Mr. TELLER. The Senator from Arkansas assumes that I want to facilitate the disposal of land. Mr. President, I want to keep that agent there to prevent that very thing from being done. That is what I want the agent there for. If he is the right kind of a man, he will prevent it to a large extent; and he will see that the Indian who is going to sell his land gets what it is worth, which in ninety-nine cases out of a hundred he never does, unless there is some one there. You may send just as many special agents as you please; they have no interest in the Indian. A proper agent gets to have an interest in those people, if he is the right man. I think if the Senator will read the report of the agent at the Quapaw Agency, he will see that the agent is a desirable man to keep there, and that there is as much necessity for him now as there was ten or fifteen years ago.

Now, Mr. President, $1,400 is what we pay to the Quapaw agent. If there were 40 or 50 deeds sent up to the Department and every time a deed came to the Department a special agent had to be sent, it would cost five times that amount before we get through with it. The cheapest thing possible is to keep an agent there, and if the right men are appointed, which I am sorry to say is not always the case, the agent will be a protection to the Indian not only in that particular but in many others.

Mr. PLATT of Connecticut. Now, Mr. President, all that necessary work for the Indian, if this agent is dispensed with, will be performed by the superintendent of the school there. That is in the bill; and that is why the Commissioner of Indian Affairs says that he can dispense with agents at these agencies. It is because the duties of the agents can as well be performed by the superintendent. It is provided here in the bill—

That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency upon the superintendent of the Indian training school located at such agency whenever, in his judgment, such superintendent can properly perform the duties of such agency.

Mr. ALLISON. On what page is that found?

Mr. PLATT of Connecticut. That is on page 6. We have a training school here in this agency; I think there are two or three industrial schools; and while, of course, I do not propose to contend when Senators come and insist that the agents must be retained, I do want to justify, as far as I may, the opinion of the Commissioner of Indian Affairs that there is no earthly use in keeping them.

Mr. ALLISON. I have no doubt the Commissioner of Indian Affairs in his testimony before the committee suggested that the agent for the Sac and Fox Indians in Iowa could be dispensed with and that the duties of that agent could be transferred to the superintendent of schools there.

Mr. COCKRELL. I should like to find it. I find here "Indian appropriation bill, Senate Document 227," report of hearings before the subcommittee of the Committee on Indian Affairs of the United States Senate in the consideration of this bill. I can not find any recommendation in the testimony by the Commissioner of Indian Affairs for the discontinuance of any one of these agents.

Mr. THURSTON. There were many matters upon which we asked the personal advice of the Commissioner of Indian Affairs, who was with us at our sittings, that were not in any manner reported and do not appear in the hearings.

Mr. ALLISON. The Commissioner of Indian Affairs had that opinion, I have no doubt, when he appeared before the committee; but I am able to state that on further investigation the Commissioner of Indian Affairs has changed his mind upon that subject. I will not detain the Senate by stating the condition of the Sac and Fox Indians in Iowa. I hope the amendment will be disagreed to, and then I desire to offer another amendment relating to the same Indians. Has the amendment been agreed to?

The PRESIDENT pro tempore. The question is on agreeing to the committee's amendment striking out line 9.

Mr. ALLISON. I hope it will be disagreed to.

The amendment was rejected.

Mr. ALLISON. Now I am going to offer another amendment.

Mr. PETTIGREW. Let us dispose of the other two agencies.

Mr. THURSTON. Mr. President, the same argument needs to be made in favor of all three Indian agencies that has been made in regard to the one in Iowa, and I believe in being fair all around.

Mr. ALLISON. I quite agree with the Senator.

Mr. THURSTON. Having disagreed to the committee amendment as to one, as far as I am concerned, I do not intend to insist on the other provisions being stricken from the bill.

Mr. JONES of Arkansas. I hope, Mr. President, if it is established, as it seems to be by the action of the Senate, that the fact that an Indian agent has nothing to do is not a sufficient reason for abolishing an agency, that the same rule shall apply to all and that all shall be treated alike.

Mr. ALLISON. That fact has not yet been established; and if it is to be discussed here, it will take some time to establish it.

Mr. JONES of Arkansas. The Commissioner of Indian Affairs did state——

Mr. TELLER. I want to say——

Mr. CULLOM. I should like to ask the Senator from Iowa——

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. JONES] has the floor.

Mr. JONES of Arkansas. I yield to the Senator from Illinois.

Mr. CULLOM. I simply wanted to inquire of the Senator from Iowa, who states that he has seen the Commissioner of Indian Affairs since this testimony was given——

Mr. ALLISON. I have not seen him, and I have not made that statement.

Mr. CULLOM. But you have heard from him.

Mr. ALLISON. I have heard from him, but I have not seen him.

Mr. CULLOM. What I want to know is whether he thinks the provision should be reinstated in the bill?

Mr. ALLISON. I do not know what his view is as respects that.

Mr. CULLOM. We ought to get rid of officials who are not needed.

Mr. ALLISON. I ask that this amendment may be disagreed to.

Mr. THURSTON. I think all of these three agencies ought to stand on the same footing. From what we heard in committee, I believe there is just as much reason for retaining all three as for retaining any one. Therefore I am willing now that the committee amendment as to the Quapaw Agency and Sisseton Agency may be disagreed to.

The PRESIDENT pro tempore. Will the Senate agree to the amendment on page 5, striking out the provision for the Quapaw Agency, Ind. T.?

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. The amendment is disagreed to.

Will the Senate agree to the committee amendment on page 5, striking out lines 20 and 21, providing for the Sisseton Agency, S. Dak., at $1,500?

The amendment was rejected.

Mr. TELLER. Is there another amendment relating to the subject of Indian agencies?

The PRESIDENT pro tempore. The three amendments on this subject have been disagreed to.

Mr. TELLER. I merely want to say a word in reply to the Senator from Arkansas [Mr. JONES].

Mr. THURSTON. Will the Senator permit me a moment?

Mr. TELLER. In one minute.

The Senator from Arkansas said, when it is proved that there is nothing for an agent to do, we ought to get rid of him. I understand that. I do not care anything about the personnel of these officials. There are none of them in whom I am interested. They do not even belong to my political party.

Mr. JONES of Arkansas. I am sorry, Mr. President——

Mr. TELLER. I know as much about this question, perhaps, as the Commissioner of Indian Affairs; I think I do, after my long service and my somewhat intimate acquaintance with those people. I know enough about the Indians of this country to know that there is no considerable body of them that do not need the kindly care of this Government, and who do not need somebody to see that they are not defrauded of their rights and imposed upon. There is not a single tribe of them that does not need such a relation between them and the Government as a decent agent furnishes.

I do not take this position, Mr. President, because I want to give somebody a place, but because I am familiar with what has happened under a system that I stood here day after day and protested against fifteen or eighteen years ago when it was entered upon—a system of allotment giving to these people lands in fee. I knew then, as I said then, and I know now, that unless the Government gives careful attention to it, just as soon as the Indians can get rid of their lands they will be landless tribes, no matter where they live.

Mr. JONES of Arkansas. I am sorry the Senator from Colorado took offense at what I stated. The Commissioner of Indian Affairs came before the Committee on Indian Affairs and stated that no agents were needed at these three agencies, and he stated the reasons why they were not needed.

Mr. ALLISON. Did not the Commissioner of Indian Affairs expect that the duties of the agents would be performed by the superintendents of the schools?

Mr. JONES of Arkansas. Certain duties.

Mr. ALLISON. And was not that the reason he gave why there was no necessity for these agents?

Mr. JONES of Arkansas. Yes, sir; certain duties that were required, which would take but little time, were to be performed by the superintendent of the school, as, for instance, the recommendation as to whether a sale of land should be ratified or not. It seems to me to be hardly necessary to keep a man on an annual salary at the Quapaw Agency to report to the Secretary of the Interior occasionally as to the price of land which might be disposed of now and then; but still, I am perfectly willing the Senate shall settle the matter as it pleases.

Mr. THURSTON. The number of agents should be changed in the bill. I move, on page 2, line 2, to strike out the word "fifty" and insert "fifty-three;" so as to read:

For pay of 53 agents of Indian affairs, etc.

The amendment was agreed to.

Mr. ALLISON. I offer the amendment which I send to the desk, to be inserted after line 8, on page 65.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 65, line 8, after the word "dollars," it is proposed to add the following proviso:

Provided, That the Commissioner of Indian Affairs is hereby authorized and directed to place in said school, established for their benefit, such children of the Sax and Fox tribe of Indians in Iowa, without the consent of parents or other persons, as in his discretion should be compelled to attend school: *And provided further*, That the Secretary of the Interior is directed to pay to Push e ten neke que, head chief of the Sacs and Foxes of the Mississippi Indians, located in the State of Iowa, $500 per annum during the remainder of his natural life, beginning with and including the fiscal year 1900, in accordance with the terms of Article IV of the treaty proclaimed March 23, 1843.

Mr. ALLISON. The latter portion of the amendment relates to the chief of the Sacs and Foxes now with that portion of the tribe residing in Iowa. I have the article of the treaty before me, which I shall not take the time to read.

Mr. COCKRELL. If there is any agreement, I should like to hear it read.

Mr. ALLISON. Article IV is as follows:

It is agreed that each of the principal chiefs of the Sacs and Foxes shall hereafter receive the sum of $500 annually out of the annuities payable to the tribe, to be used and expended by them for such purposes as they may think proper, with the approbation of the agent.

Mr. COCKRELL. Has that ever been done heretofore?

Mr. ALLISON. It is being done now as to two principal chiefs residing in the Indian Territory, but it has not been done hitherto as to the chief residing in Iowa.

Mr. PLATT of Connecticut. I should like to hear the amendment again read.

The PRESIDENT pro tempore. The amendment will be again stated.

The Secretary again read the amendment proposed by Mr. ALLISON.

Mr. PLATT of Connecticut. If that amendment is divisible, I wish to raise a point of order to the first part of it. The first part of it provides for compulsory Indian education; that the agent at a particular school shall be permitted to compel children to attend the school without the consent of their parents.

Mr. ALLISON. It does not give any power to the agent.

Mr. PLATT of Connecticut. I think it gives the power to the Commissioner of Indian Affairs. It is pure legislation, as it seems to me, and is open to a point of order. If it is, I wish to make it. I do not think the remaining portion of the amendment, which is for the fulfilling of a treaty stipulation, is open to a point of order.

The PRESIDENT pro tempore. The amendment is clearly divisible. On the point of order——

Mr. ALLISON. Before the Chair decides, I hope the Senator from Connecticut will withhold his point of order until I can have read a letter from the Commissioner of Indian Affairs. The amendment was prepared at the Indian Office and sent to me. After the letter has been read, if the point of order is insisted upon, I will yield to it.

Mr. THURSTON. I will say, in reference to the point of order against the proposed amendment, that the committee were unanimous in insisting that points of order should be made to any proposed legislation sought to be attached to this bill by amendment, and the members of the committee on the floor of the Senate feel in duty bound to interpose the point of order wherever it can properly be made.

Mr. ALLISON. I am very much obliged to the committee for suggesting that no legislation shall go upon this bill, but I do not understand this to be legislation. The paragraph to which I propose to attach this amendment is a paragraph appropriating $14,025 for the support and education of children at the Sac and Fox Agency. I understand it to be not only a limit upon the appropriation, but a direction as respects the method of the appropriation. It is not a permanent statute, but simply a regulation respecting the Indians at a particular school.

Now I ask that that letter of the Commissioner of Indian Affairs may be read, and then if the committee make the point of order, and if the Senate shall rule that an amendment of this character is not in order, of course I shall submit to it.

The PRESIDENT pro tempore. The letter will be read in the absence of objection.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 30, 1900.

Hon. WILLIAM B. ALLISON,
United States Senate.

SIR: In the Indian appropriation act for the fiscal year 1897 there appeared an item of $35,000 for the purchase of a site and the erection of the necessary buildings for an Indian school for the Sac and Fox Indians located near the city of Toledo, in Iowa. In pursuance of that authority, a site was secured near the city of Toledo and 4 or 5 miles distant from the reservation. The necessary buildings have been erected and are admirably adapted for a school of 75 to 100 pupils—about the scholastic population of the Iowa Sac and Fox Indians. The school was opened in October, 1898. The enrollment during the fiscal year 1899 was 49 pupils, with an average attendance of 30. The enrollment for the first two quarters of the present fiscal year was 48; average attendance, 42. The monthly report for February shows enrollment, 37; average attendance, 31.

As you are aware, the Indians living on the Iowa Sac and Fox Reservation are in as backward a state as when Columbus discovered America. They are doubtless further removed from civilization in habits, manners, and customs than any other tribe under the jurisdiction of this office. Their chiefs and headmen are bitterly opposed to the education of their children, knowing that education means the taking away of many of their own rights and privileges. The Superintendent of Indian Schools recently made a visit to this reservation, and she reports them to be in a state of squalor and savagery. This reservation is surrounded by the highest types of American civilization, almost in sight of two of the most thriving cities in the great State of Iowa. This office has made through its agent and superintendent the most strenuous efforts to induce these benighted Indians to patronize the school established by Congress for their own peculiar benefit.

Inspector McLaughlin was sent by the Secretary of the Interior for the purpose of persuading them to send their children to school, but his report indicates that he made no progress whatever in that direction. Both the present agent and his predecessor offered every legitimate inducement to persuade the parents and others to abandon their old-time prejudices and adopt the civilizing influences of a school for their children. After two years' efforts it seems that this Department is no nearer a solution of the problem than it was at the outset. And to complicate matters further, on December 29, 1899, in the matter of habeas corpus proceedings with reference

to an Indian girl who had been placed in this school, it was decided by the Federal court that this office was powerless through its representatives to continue this girl in the Sac and Fox school. The result of this decision has been to intensify the feeling of the nonprogressive element against the school.

Under the present policy of the Department and of Congress, as soon as the Indian has arrived at that state of advancement when he can be trusted, although partially, with his own material interests, he is urged to accept an allotment. The difficulty of teaching the old Indian, naturally conservative and averse to the white man's ways, the value of education with reference to that allotment is readily apparent. On the other hand, such a difficulty is not met with in the preparation of his child, and therefore I consider it as axiomatic that the duty of the Government requires, if necessary, its strong hand to force an ignorant parent to allow his child those advantages which will be not only of absolute benefit to himself, but also an element of safety to the perpetuity of its own institutions.

Many of the most enlightened States of this Union are required by the necessities of ignorant parents to enact compulsory school legislation. If such a course is necessary for the white parents, of how much more importance is it when dealing with a race of people sunk in savagery and hostile to their own best interests? Therefore I am of opinion that the Government can not prove recreant in its duty by permitting such a blot upon the State of Iowa as that which is comprised within the limits of this reservation, situated amidst civilization, enlightenment, and refinement. I am unable, therefore, to find a place where remedial measures are more absolutely necessary than in the case in point.

In relation to the Sac and Fox of Mississippi Indians in Iowa, and their attitude as above outlined toward the school at that place, the propriety of paying the head chief a pension of $500 has been suggested. I find that the treaty with the Sacs and Foxes proclaimed March 23, 1843 (7 Stats., 597), has the following article.

Mr. ALLISON. Mr. President, I have already read the treaty provision, and it need not be again read. The Secretary has read the important portion of the letter.

From that letter will be seen the real position of the Indian children at the Sac and Fox Agency, numbering of the school age about 100. Those Indians, 400 in all, are in the midst of a densely populated region in my State, where they formerly roamed and had their chief station. They were removed by the United States first to Kansas and afterwards to the Indian Territory. A portion of them, with one of their principal chiefs, returned from Kansas to their old home in Iowa, and used a large portion of their annuities for the purpose of purchasing land in that State. They have lived there now for nearly forty years, certainly for thirty-five years, in their old home in Iowa. They purchased this land, amounting to 4,000 acres, in the midst of a rich agricultural country.

Their living there has been recognized not only by the Indian Department of the Government, but for many years they have received their per capita portion of the annuities granted to the Sacs and Foxes under the various treaties. They have had during all these years an agent. From the letter which has been read it will be seen that they are in need of an agent, if any Indian tribe in the United States is in need of one. The State of Iowa has no authority or control over them, having, at the request of the General Government, ceded to the United States its authority over that portion of the reservation of which these Indians have possession.

Mr. President, the Commissioner of Indian Affairs has stated the conditions there. The Government of the United States is the only Government that has any control over those Indians. As is stated in the letter which has been read, the district judge of the United States court, under a writ of habeas corpus, has declared that these Indians can do as they will without further legislation of Congress. Therefore, the Commissioner of Indian Affairs has asked that this legislation may be agreed to; it is legislation which will be executed in the discretion of the Commissioner of Indian Affairs, who is not likely to exercise it arbitrarily or unjustly.

I submit the matter to the Senate, if it is in order, and hope that it will be adopted so that we may see if it is possible to exert this mild influence over these Indians in the midst of this civilized region of Iowa to induce them to attend a school which has been prepared for them.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. PLATT] demanded a division of the amendment, and the Chair held that it was divisible.

Mr. ALLISON. I have no objection to that.

The PRESIDENT pro tempore. The Senator from Connecticut makes the point of order against the first clause of the amendment. Will the Senator state his point of order?

Mr. PLATT of Connecticut. The point of order is that the amendment is legislation.

Mr. ALLISON. Then I will modify the amendment by saying in the beginning of it "in the expenditure of the foregoing appropriation."

Mr. PLATT of Connecticut. I should like to know what the amendment now is.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. It is proposed, after the word "dollars," in line 8, on page 65, to insert the following:

Provided, That in the expenditure of the foregoing appropriation the Commissioner of Indian Affairs is hereby authorized and directed to place in said school, established for their benefit, such children of the Sac and Fox tribe of Indians in Iowa, without the consent of parents or other persons, as, in his discretion, should be compelled to attend school.

Mr. PLATT of Connecticut. Mr. President, I do not think that that relieves the amendment from the point of order. It is not a condition or a limitation; it is not a condition under which the money is to be expended, nor a limitation upon the expenditure of the money. It does not provide that if the children do not attend the school the money is not to be paid. I think it is stretching very far what we have sometimes allowed to be done, putting conditions and limitations upon the expenditure of money. It is, not to use any offensive words, trying to get around the point of order by something that looks very much like a subterfuge.

But while I am on my feet I think I ought to say one word about the proposition that is contained here. This question of compulsory Indian education is a very large question. It has created a great deal of discussion and a good deal of disturbance among the Indian agencies of the country. If we are going to enact legislation providing for the compulsory education of the Indian children, we ought to do it with reference to the whole country and not with reference to a single school. This legislation is for a single school.

The PRESIDENT pro tempore rapped with his gavel.

Mr. PLATT of Connecticut. I am very much obliged to the President of the Senate for requiring order in the Chamber. I know the subject which I am speaking of now is not one in which Senators are interested——

Mr. JONES of Arkansas. It is impossible to hear what is going on in the Senate.

Mr. PLATT of Connecticut. Mr. President, I do not blame Senators for not being interested in this subject, although I wish they were interested in it.

As I was saying, this matter of compulsory Indian education is a very large subject. It has been claimed by some who have the interest of the Indians at heart that we ought to provide by general enactment that the Commissioner should have power to compel the Indian pupils to attend the Government schools without the consent of their parents. There have been some efforts made in that direction without law, and those efforts have resulted in serious disturbances, in which it has been found necessary, I think, to call out soldiers to repress the disturbances. Certainly a matter of this magnitude, and about which there is this division of opinion in the country, ought not to be applied to one single school in the United States, even if the amendment be in order.

There is one other view of this case that I should like to allude to. This is the first time that these appropriation bills have been considered by any committee except the Committee on Appropriations. Until this session all appropriation bills, including the Indian appropriation bill, have been considered by one committee; and you will remember, Mr. President, and other Senators will remember, the strenuous objection that has been made heretofore in this Chamber to taking away any of the appropriation bills from the Committee on Appropriations and giving them to the committees that have had charge of the particular subjects, like the Committee on Indian Affairs or the Committee on Military Affairs or the Committee on Naval Affairs, etc. The argument has always been that the other committees would not guard so carefully the appropriation bills as would the Committee on Appropriations, with its great experience and its great disposition to keep the appropriation bills within the limit of the rules; and I must confess, Mr. President, that it comes to me as a surprise, when this committee has insisted that nothing should go on the Indian appropriation bill except for the purpose of fulfilling treaty stipulations and carrying out the law, and it has managed to prune it so that practically no money is appropriated except for that purpose, that it should be the chairman of the Committee on Appropriations, who, without submitting his proposed amendment to the Committee on Indian Affairs, should come here and propose an amendment which I think is legislation upon an appropriation bill. I trust that the effort of this committee to keep legislation off of this bill will be seconded by the Senate, that we may not open the doors through which all kinds of legislation can find a place upon the Indian appropriation bill as they have in times past.

Now, recurring to the question, I say again that I do not think the modification of the amendment in any way relieves it from the point of order that it is general legislation.

I make another point of order, Mr. President, that no amendment shall be received to an appropriation bill——

The PRESIDENT pro tempore. The Chair sustains the first point of order.

Mr. PLATT of Connecticut. Then I do not need to make another, though it is open to another point of order.

Mr. ALLISON. I hope the Senator will be able to show on two, three, or four grounds that the amendment is not admissible. I want to say one word, the Chair having ruled out the amendment, as I understand

The PRESIDENT pro tempore. The first clause of the amendment has been ruled out.

Mr. ALLISON. I wish to say a word, if the Senator from Connecticut will allow me. The Senator will bear in mind that for two weeks he has been absent on a great public service, in the discharge of a great public duty, and that it was impossible for me to consult him personally. I did consult the chairman of the Committee on Indian Affairs on this amendment, and he said he preferred that I should offer it on the floor rather than that it should be taken charge of by the committee. I, of course, offered it in the best of faith, with a view of trying in a way to relieve the situation in my State, which is very grievous, I assure Senators.

If the Senator from Connecticut will allow me, I regret, feeling as he does as respects these Indians and desiring as he does to promote their civilization, if that civilization can be secured, that now by a point of order he interposes an impediment to the civilization of these four or five hundred Indians who reside in my State and who are under the exclusive guardianship of the Government of the United States. I ask that the latter part of the amendment may be voted on.

Mr. PLATT of Connecticut. I should like to say just one word in reply to the Senator from Iowa. I certainly had no intention of saying anything which would in any way ruffle his feelings, but this amendment ought to have been submitted to the Committee on Indian Affairs.

Mr. ALLISON. I make no point about that.

Mr. PLATT of Connecticut. I certainly never heard of it before. If it had been submitted to the Committee on Indian Affairs and we had had an opportunity to consider it, it is possible that I might not have made the point of order. But I do think that in the consideration of the appropriation bills it is of the utmost consequence that the rules should be observed. It is of consequence in order that imprudent and improvident and improper appropriations should not be made and that legislation should not creep into appropriation bills; and when an amendment was proposed here of which the committee had never heard, of which I had never heard, I certainly felt it to be my duty to interpose the point of order.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. After the word "dollars," in line 8, page 65, it is proposed to insert:

Provided, That the Secretary of the Interior is hereby directed to pay to Push e ten neke que, head chief of the Sac and Fox of Mississippi Indians located in the State of Iowa, $500 per annum during the remainder of his natural life, beginning with and including the fiscal year 1900, in accordance with the terms of Article IV of the treaty proclaimed March 23, 1843.

Mr. PLATT of Connecticut. I suppose that will be paid out of the funds of the tribe, although it does not say so. It says in accordance with the article of the treaty, and the treaty provides that it shall be paid out of the funds of the Indians.

Mr. PETTIGREW. I should like to know more about the amendment. It appears that this treaty was made in 1843 and that under its provisions we have been paying the chiefs of this tribe ever since.

Mr. ALLISON. Not all of them.

Mr. PETTIGREW. Now we have a new chief, who has been discovered fifty years or more than fifty years after the treaty was made. It seems to me it is rather a dangerous precedent to be putting men upon the rolls in this way with the little information that the Senate has. We might perhaps extend it to a great many other tribes of Indians. If we hunted up all the old treaties, we would find provisions for paying chiefs in almost all of them, and I should like to know more about it.

Mr. JONES of Arkansas. In addition to what has been suggested by the Senator from South Dakota, I wish to call attention to the fact that the treaty provides that the $500 shall be paid to the chief out of the annuity paid to the Indians. We have been paying the annuities right along. We have paid all we are under obligation to under the treaty, I presume, and this is a provision that the Treasury of the United States shall proceed to pay it now, when there is nothing in the treaty which says it shall be paid out of the Treasury of the United States.

Mr. PLATT of Connecticut. I think the amendment fairly provides for that.

Mr. ALLISON. I will say to the Senator from Arkansas that the Commissioner of Indian Affairs wrote a letter to the Senate stating what was due and that the other chiefs were being paid out of the annuities of the tribes.

Now, this chief has not been paid for the reason that he resides in Iowa. I think that ought not to be a special objection to him, in view of the fact that he has one portion of the tribe with him in our State.

Mr. JONES of Arkansas. Why has he remained silent for fifty years and not asked for it until now?

Mr. ALLISON. The Senator from Wisconsin [Mr. SPOONER] suggests to me, Why did he remain in Iowa? I do not think this chief has remained silent. He has insisted from time to time that this money should be paid, but it has not hitherto been paid. I have insisted several times that it was the duty of the Secretary of the Interior to pay this chief out of the annuities.

Mr. JONES of Arkansas. And he has refused to do so?

Mr. ALLISON. He has never done so.

Mr. JONES of Arkansas. He certainly had some reason for it.

Mr. ALLISON. I think he may perhaps have had some reason for it, but I can not see what reason he could have, in view of the fourth section of the treaty, which has been twice read.

Mr. JONES of Arkansas. It may be that the Secretary does not believe this man is one of the chiefs included in the treaty. The Senate certainly ought to be informed about the facts in the case before it adopts the amendment.

Mr. ALLISON. I think so. Undoubtedly the Commissioner of Indian Affairs has made or will make an investigation of this matter. He has named the principal chief, who I happen to know is the principal chief of these Indians in Iowa. Of course this is not a matter that should occupy the Senate for a great length of time; and inasmuch as Senators desire further information, if they see fit to vote down the amendment, they may do so.

Mr. PETTIGREW. I should like to know how this man came to be chief, when he was elected chief, and how he came under the provisions of the treaty of 1843, made fifty-six or fifty-seven years ago. There are a great many chiefs in the State of South Dakota among the Sioux who would like to be put upon the pay roll of the Government, at $500 a year. In fact, I do not suppose there are many people anywhere who would not like to be placed on the pay roll of the Government. There certainly has been nothing stated that justifies our paying out of the funds of these Indians $500 to this particular Indian. It seems to me that question ought to be answered before we put him upon the pay roll.

Mr. THURSTON. In waiving any objection to this amendment, I think it is only fair to say that if it goes upon the bill, I believe the committee of conference ought to consult with the Department of the Interior as to the underlying facts in the matter before passing upon it finally in the bill.

Mr. ALLISON. If the Senator will allow me a moment, I proposed this amendment because it was sent to me from the Indian Office by the Commissioner of Indian Affairs, who has spoken to me several times about the importance of this particular amendment. I assure the Senator that I have no interest in it other than the public good.

Mr. THURSTON. I understand that perfectly.

Mr. ALLISON. And in order to secure what they consider a peaceable disposition of these Indians in Iowa, who complain because this principal chief, who is recognized and known as one of the principal chiefs of the tribe, and who is now, I think, about 78 years of age, does not receive this sum. I am perfectly willing, of course, that this matter shall be thoroughly investigated and that it shall be disagreed to in conference unless it is satisfactory, and I am willing, more than that, if Senators have any doubt as respects the facts which I have stated, that the matter may be rejected now. I do not wish to impose upon this bill an unjust provision. Senators seem to doubt the recommendations of the Committee on Indian Affairs and the suggestions of the Secretary of the Interior. Of course I have no particular desire——

Mr. JONES of Arkansas. I wish to say for one that I have no doubt of the statements made by the Senator from Iowa. But I do think the Senate has a right to look into and understand the facts of any proposition here to put an Indian or anyone else on the pay rolls of the Government. It seems, according to the contention of the Senator from Iowa, that it has been the duty of the Secretary of the Interior for a great many years to pay this man out of the annuities of these Indians $500 per annum, as he has paid it to other Indians; and the reason why he has not done so the Senator does not know. Now, the recommendation comes from the Interior Department that there shall be a special provision put in the bill here to pay this man $500. If it is to come out of the annuities of these Indians, then the Secretary has full power to act, and I do not see the necessity for the amendment. I have no objection to its going into the bill and going into conference, to be taken up and considered, that all the facts may be understood, but I do not want to be understood as criticising the Senator from Iowa in anything I have said.

There is one thing, in connection with this entire amendment, to which I wish to call attention. I refer to that part of the amendment which has already gone out and which is not now before the Senate. The fact seems to be that Congress appropriated $35,000 to build a schoolhouse for some Indians somewhere in Iowa, and the attendance was 30 pupils a year. I have for a long time been impressed that we were making large appropriations to put up school buildings for Indians in many places where they were not needed; that the vigilance and the activity of gentlemen interested in the localities had brought about very large appropriations to build schoolhouses in a good many places where it would be better not to have built them at all, in my opinion.

Now, having spent $35,000 for building a schoolhouse and being unable to get more than 30 pupils in attendance, seems to me, ought to be a reason why we should hereafter look a little more narrowly into propositions of that kind when they come before the Senate. I am not willing for one, and I hope the time will be far distant in the future when the Senate of the United States will be willing to undertake, contrary to the wishes of the parents, to compel children to attend school simply because we build a schoolhouse, where, probably, it would have been better not to have built one.

Mr. TELLER. Mr. President, it does not seem to me that it would be any great offense if we should apply to the Indians exactly the same rule we apply to our own children. We have in the State of Colorado—and I know there are in many other States—what we call a compulsory school system by which the parents are required to send their children to school, or they are subject to a penalty if they do not. That can not be any worse for an Indian than it is for a white man, and it is very much more needed for Indians, as a rule, than for white men.

Mr. BERRY. Will the Senator from Colorado permit me to ask him a question?

Mr. TELLER. Certainly.

Mr. BERRY. Is there any provision in the Colorado law which will take a child by force, contrary to the will of the parents, and force him to attend school?

Mr. TELLER. We have never had to do that.

Mr. BERRY. There is no law of that character on the statute book.

Mr. TELLER. No; there is not.

Mr. BERRY. I should think not.

Mr. TELLER. But in a good many countries there is such a law. They take up the vagrant boys and vagrant girls and put them into schools.

Mr. BERRY. Is there any law in any State in the United States that takes the child by force, contrary to the will of the parents, and forces him into school? I have never heard of a case of that kind in the United States.

Mr. TELLER. There are an abundance of cases where they arrest children who are found out of school hours and put them into school.

Mr. SPOONER. If the parent does not do it.

Mr. TELLER. As the Senator from Wisconsin says, if the parent does not do it. I do not suppose we have in Colorado any occasion to do that, because we have sent our children to school.

Mr. THURSTON. Let me make a suggestion in that line. I think there are laws in many States providing for compulsory education, but in regard to the Indians there are two propositions to be considered. One is the possibility of educating them at their own agencies, and the other is of taking them from their parents and sending them to a distance. I know of no law that has ever been proposed in the United States with respect to American children that would take a child away from the home of its parents and send it to school.

Mr. TELLER. I do not understand that there is any proposition of that kind here.

Mr. ALLISON. This school is at the agency.

Mr. TELLER. This school is where the children live. This agency consists of about 2,800 acres of land, and it is small enough so that they can all get to one school if they want to. These Indians belong to the once very famous tribe of Sac and Fox of Mississippi. We made treaties with them very early in the history of Indian affairs in this country, long before anybody here was born. These Indians went to Iowa in 1857, abandoning the home tribe, which was then located in what is now Kansas. They declined to remain in Kansas. They first bought 80 acres of land themselves and established themselves on that small piece of land, and from time to time they have added to it until they now have 2,800 acres of land. They are wild Indians. They are blanket Indians to-day.

I do not care what the Commissioner says about their being able to live without an agent. They live in wigwams and wickiups, and they live just as their ancestors did fifty years ago. They have made practically no progress although living in the midst of civilization. They are somewhat independent. From 1853 to 1867 they never had any annuities or help from the Government at all. They took care of themselves the best way they could. Of course Iowa was a new country then, and I suppose there were some opportunities, in the way of hunting, etc., that are denied to them now. But if any people in the United States need an agent more than any other tribe it is this tribe.

The committee complain because we are unwilling to accept their suggestion, which they admit they got from the Commissioner of Indian Affairs, without any examination whatever into the facts. I do not desire to do anything that is offensive to the committee. This is a very excellent bill, in my judgment. I approve of everything in it except these things, I believe; but I think we all of us who have been giving some attention to the Indian question, and know something about these matters, are entitled, if we choose to differ with the Commissioner of Indian Affairs, to differ with him. I do not think the Commissioner needs to find fault, and I do not think the committee need to find fault.

It seems to me there has been a little feeling or irritation because we do not agree that these three agents should be dispensed with. The Senator from South Dakota who represents one of the agencies, it being within his State, stated that it was necessary to keep the agent there. You can not read the report of the agent in either of these two cases without admitting and being compelled to admit that there is an absolute necessity and there will be for years to come for an agent, unless you are to abandon the agent system entirely. It is not enough to say you will turn it over to the superintendent of schools. He is an entirely different officer, with different duties; and the agent should be selected from a different class from those who preside over the schools. He should be an executive man. It is not necessary that he should be a scholarly man always. He should be an honest man and of executive ability and with some tact.

The agent is needed. I will not take the time to read the report of that agent, which is here on our tables, which shows that these people need the fostering and kindly care of the Government, and are likely to for many years to come. I think they need a compulsory school law myself, although I would not be in favor of taking the children and carrying them off to a distant place. But I would provide a school in their neighborhood, and I would compel parents to send their children there. That is what we ought to do.

Mr. BERRY. Mr. President, I wish to say only a word. I of course knew that in a number of States of the Union compulsory education is required—that is, if parents fail to send their children to school, a penalty attaches. But I do not think any law has ever been passed in this country which goes to the extent of the amendment offered, which says:

> That the Commissioner of Indian Affairs is hereby authorized and directed to place in said school established for their benefit such children of the Sac and Fox tribe of Indians in Iowa, without the consent of parents or other persons, as in his discretion should be compelled to attend school.

I think such a provision would be oppressive and tyrannical, and could not be justified or excused by any State or by the National Government. The idea that this Commissioner in his discretion, and his only, shall go to a man's house and contrary to his will take his child and force him off into school! I am glad that it went out upon the point of order, and I hope no such proposition will ever pass the Senate.

Mr. GALLINGER. Mr. President, just a word. There are two things that I have listened to in this discussion which have impressed me. One is the fact that we have Indian children, a hundred and fifty or more years since we have been endeavoring to educate and civilize them, who are still wild barbarians, apparently without much hope of ever making them useful citizens. If such is the fact, it seems to me we ought to throw around them every possible safeguard that we can by legislation, and if an Indian agent will help out these children, unquestionably an Indian agent ought to be provided for.

Mr. THURSTON. Perhaps I ought to state to the Senator that we have already passed the amendment restoring the agency.

Mr. GALLINGER. I understand that.

Mr. THURSTON. And we have also ruled out, on a point of order, the amendment as to compulsory education.

Mr. GALLINGER. That being the case, I am going to speak to something that the Senate, I think, unwisely did.

I am very strongly of the opinion, Mr. President, that in treating with Indian tribes and undertaking to educate and Christianize Indian children we ought to have compulsory education in every State of the American Union where there are Indian children. I come from a State which has a compulsory education law. We have in the little city in which I happen to live a truant officer, whose duty it is to ascertain what children of school age do not go to our public schools. I am not sure of the extent to which his power goes, or as to whether or not those children can be forcibly placed in school, but I know that the parents can be held to very strict accountability if they do not see that their children attend the public schools. That being found necessary for the State of New Hampshire, I think it is infinitely more necessary for these barbarian children who are on our Western plains, and who have not seemed to be impressed by education or Christianity during the last couple hundred years.

I am sorry I was absent from the Chamber when the amendment went out on a point of order, and I am extremely sorry it was obnoxious to the rule. I wish it might have been put upon the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. THURSTON. We passed over page 48 of the bill for further amendment. I propose to amend the amendment by adding what I send to the desk.

The PRESIDENT pro tempore. The Senator from Nebraska proposes an amendment to the amendment on page 48 of the bill, which will be stated.

The SECRETARY. After the word "ninety-seven," on page 48, line 15, it is proposed to insert:

Such payment to be in full settlement and satisfaction of all claims under said articles and paragraph.

Mr. COCKRELL. Let the amendment be again read.

The Secretary again read the amendment.

Mr. ALLISON. I should like to ask what rate of interest is being paid under this amendment and for how long a period.

Mr. THURSTON. There is no interest to be paid under this section. The use of the term interest is simply to cover the purposes for which the award is made. The treaty with the Indians provided that their certain claims should be determined by the Senate of the United States. At a previous session of Congress the committee had the claim under consideration, which amounted to very much more than the award made in this bill. The committee took under consideration the question of the claim and interest thereon, and we reached a conclusion to allow the sum herein stated, a hundred and eighty-six thousand dollars, in full payment for the claims and interest thereon, being but about half, I believe, of what the total amount of the claims and interest thereon would have amounted to—about 45 per cent.

The action of the committee was ratified by the Senate in passing a bill to pay the amount; and at this session of Congress in committee we felt constrained to hold that the action of the Senate heretofore taken was a determination of the award and a fixing of the amount under the terms of the treaty. We have therefore included an appropriation in full for payment of these claims and interest in the amount named in the section.

Mr. ALLISON. That is to say, the whole amount is in execution of a decision of the Senate.

Mr. THURSTON. Of the Senate.

Mr. ALLISON. As respects the amount due under the treaty.

Mr. THURSTON. Under the treaty.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment proposed by the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHOUP. I offer an amendment, which I send to the desk.

The SECRETARY. On page 37, line 7, after the word "physician," it is proposed to insert "and two clerks;" so as to read:

For support and civilization of Nez Perce Indians in Idaho, including pay of physician and two clerks, $1,000.

Mr. THURSTON. I should like to hear the Senator from Idaho upon that point. I do not recall that this proposed amendment has been submitted to the committee or passed upon.

Mr. SHOUP. I will say to the Senator that it was presented to the committee in the House and overlooked.

Mr. JONES of Arkansas. Before the Senator from Idaho proceeds, let me call attention to the fact that an amendment was put on the bill on page 4 providing for a new agency. We seem to have made a new agency—the Nez Perce Agency, $1,600. This is an addition to the bill as it came from the House.

Mr. SHOUP. I will state for the information of the Senator that this agency has been in existence for a great many years. It is a large agency, and the House left out this item. The estimate was made by the Interior Department for the payment of an agent, and for some reason or other this item was left out in the House. The Commissioner of Indian Affairs concurred in the view as to the importance of the agency. An appropriation of $1,000 was inserted heretofore. This provides for two clerks. The agents have clerks, and in reinstating the agency it is necessary that the agent shall have clerks.

Mr. KYLE. What provision is made for the payment of these clerks?

Mr. ALLISON. The Senator from Idaho proposes to make no addition to the appropriation.

Mr. SHOUP. To pay a physician and two clerks, $2,800. That is the way the amendment reads.

Mr. THURSTON. It does not seem to me that the amendment is at all necessary. Clerks are provided for these agencies under the general appropriation. We do not provide in any of our bills the legislation for clerks at the agencies. It seems to me that the Senator will have the clerks at that agency without any provision of this kind.

Mr. JONES of Arkansas. If the clerks are there now the general appropriation for employees of the Department covers this item. There is no doubt the Department will continue the clerks if they are there now. If it is a provision for two new clerks, however, then it presents another question.

Mr. THURSTON. I have no particular objection to the amendment, if the Senator thinks it is necessary.

Mr. SHOUP. I have doubt as to its being covered under any other clause in the bill.

Mr. JONES of Arkansas. I will ask the Senator to state whether the clerks are there now at that agency.

Mr. SHOUP. I can not state with certainty. I know that one is there now, and I think both. That is my judgment.

Mr. JONES of Arkansas. I think there ought not to be any change of the law, because if the agency has been in existence for years and the force has been sufficient to transact the business there certainly ought to be some reason shown here why there should be an increase in the force. The general appropriation for employees in the Department provides for carrying on all the force which is now employed in the Indian service everywhere.

Mr. SHOUP. One reason why we need two clerks is because we have a mill there, and the agent will certainly select a man who is a miller as well as a useful person as a clerk. Those clerks are needed all the time. The Government owns a flouring mill there, and there is no provision for the payment.

Mr. TELLER. If the Senator will yield to me a moment, I will state that the Secretary of the Interior can select a miller and a clerk if he chooses, if he has money enough to pay him from the general appropriation.

Mr. JONES of Arkansas. He has a general fund for that purpose.

Mr. TELLER. He can do it if he has money enough. It is only a question how much money he has. He has the power to select a clerk and a miller, and all that.

Mr. PLATT of Connecticut. I do not think we have a provision in this bill for the employment of a clerk of an Indian agent.

Mr. THURSTON. We have no such provision at all.

Mr. JONES of Arkansas. Not one.

Mr. THURSTON. The Idaho Agency will be left the same as all the others.

Mr. TELLER. I do not think you will need the provision.

The PRESIDING OFFICER. The proposed amendments will be read. The Secretary omitted to state the increased amount.

The SECRETARY. On page 37, line 7, after the word "physician" strike out "$1,000" and insert "and 2 clerks, $2,800," so that the paragraph, if amended, would read:

For support and civilization of the Nez Perce Indians in Idaho, including pay of physician and 2 clerks, $2,800.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Idaho.

The amendment was rejected.

Mr. TELLER. I gave notice of two amendments that I would propose. I heard the chairman say that he was instructed by the committee not to allow anything savoring of legislation to go on the bill. I have two amendments of considerable importance, in which some people in my State are particularly interested. They are both practically the same thing, proposing to amend the act of 1880, so as to insert the name of Mrs. Sarah R. Dresser in the place of George Dresser, and to insert the name of Mrs. Arivella D. Meeker in the place of her daughter, Miss Josephine Meeker. I am clearly of the opinion that it is legislation, and therefore I do not offer the amendments. I have a bill pending of the same kind, and I shall have to rely upon the passage of that bill.

The PRESIDENT pro tempore. There are one or two amendments which have been passed over. The Chair would suggest that there is one on page 42, and another on page 71.

Mr. THURSTON. The Senator from Arkansas has an amendment which he desires to submit to the amendment on page 42.

Mr. JONES of Arkansas. I am ready to present it now if there is no objection. I move to strike out, in line 2, on page 42, after the word "final" down to the end of the paragraph, in line 5. The words I propose to strike out are the following:

But this shall not in any manner affect the provisions of the act of Congress of June 28, 1898, respecting the Mississippi Choctaws.

The foregoing provision is one regulating the question of the enrollment of the Choctaws. This provision was put into the bill with the understanding that it would save the rights of the Mississippi Choctaws in the Choctaw Nation under the law as it now stands. Further consideration has satisfied the people in interest that it does not do so, and they want the language I now propose substituted for the language which I propose to strike out and to insert the following:

Provided,—

Mr. PLATT of Connecticut. Where does that come in?

Mr. THURSTON. After the word "final," line 2, page 42.

Mr. JONES of Arkansas. After the word "final." I move to strike out all after the word "final," in line 2, on page 42, and insert another form of amendment which I send to the desk, and

which I believe more clearly carries out the purpose of this amendment than the language in the bill. The Secretary has the amendment. I sent it up. I have another copy, and I shall read it.

Mr. THURSTON. I suggest that should be after the amendment already made. We inserted a few words after the word "final."

Mr. JONES of Arkansas. I did not remember that.

Mr. THURSTON. We inserted, "when approved by the Secretary of the Interior."

Mr. JONES of Arkansas. That is correct. Let my amendment come in after those words.

Mr. GALLINGER. I do not want to be technical, Mr. President, and if the Senator in charge of this bill wishes to go along in this way I certainly shall not object, but I call attention to the rule that an amendment having been adopted as in Committee of the Whole it is not amendable until it reaches the Senate. Still, if the chairman cares to have the amendment further amended now, I shall not object.

Mr. THURSTON. I will say that the Senator from New Hampshire was not here when the bill was taken up. It was the understanding, in which I concurred, that amendments might be offered either as in Committee of the Whole or in the Senate, notwithstanding that we had acted upon the bill as we went along.

Mr. GALLINGER. Of course I yield to that.

Mr. JONES of Arkansas. In addition to that, when this amendment was up at the time the other was adopted, I offered this amendment to it, and by unanimous consent it was passed over until the committee amendments were disposed of.

The PRESIDENT pro tempore. The Senator from Arkansas offers an amendment. The Secretary will read it.

The SECRETARY. After the amendment inserted after the word "final," line 2, page 42, insert the following proviso:

Mr. JONES of Arkansas. There is an amendment that comes after the word "final" and this proviso comes after that amendment.

The Secretary read as follows:

Provided, That any Mississippi Choctaw duly identified and enrolled as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement they shall be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment.

The PRESIDENT pro tempore. The proviso which has just been read is proposed to be inserted after the words "the Interior" instead of the word "final."

Mr. JONES of Arkansas. Yes, sir.

Mr. ALLISON. Mr. President, I do not wish to make any point about this amendment, but I call the attention of the Senator from Arkansas to the fact that this is legislation, making Choctaws of people who are not now Choctaws.

Mr. GALLINGER. It is legislation pure and simple.

Mr. JONES of Arkansas. Mr. President, this whole section is a provision for the enrollment of these Indians. The present Dawes Commission has already enrolled all of the Mississippi Choctaws. The provision is that in making the enrollment of the balance of the Choctaws so many of the Mississippi Choctaws as shall in good faith move to the Choctaw country before the final settlement under the laws, as they exist now, shall be enrolled as Choctaws; and so far from being any violation of the rules in any sense it is in exact compliance with what the bill is doing.

Mr. ALLISON. Mr. President, this is legislation amending legislation. Through the persuasion of the Indian Affairs Committee a year or two ago we put some legislation upon the Indian appropriation bill at that time authorizing the enumeration of the Choctaws in Mississippi, without in any sense providing for their status when enumerated.

It is well known that these Choctaws have a large estate which is either a tribal estate or at some time, if the tribe is abolished, will become the individual estate of the Choctaws in the Indian Territory. The Choctaws who have lived in Mississippi, by no law that I know of, are now entitled to become part owners and holders of that tribal estate, either individually or collectively.

If I understand the amendment proposed by the Senator from Arkansas, it is an amendment to allow people who are Choctaws, or of the Choctaw tribe, to remove from Mississippi now, and it authorizes this commission, after they have moved there, to enroll them as though they had always lived there under the treaty, and thus entitle them to a participation in this tribal estate.

I may be mistaken as to the purport and effect of this amendment, but if that is not the purport and effect of it, why is it that the Senator proposes now to put upon the roll of the tribes in the Indian Territory Choctaws who have not been there for the last fifty years, or thirty years, and who have now no right to participate in the property of the Choctaw tribe of Indians?

Mr. JONES of Arkansas. Mr. President, the Senator from Iowa has been so much absorbed in great political questions which necessarily come before him for consideration in the Committee on Appropriations that many little things have escaped him, among others the facts relating to the Mississippi Choctaws.

This section which I propose to amend is a provision directing how the Dawes Commission shall enroll the Choctaws. Under the Choctaw law as it stands now any Mississippi Choctaw who removes from Mississippi to the Choctaw country may become a citizen of the Choctaw tribe. He has that right now under the law.

It was suggested that when this bill was passed all Indians who were not enrolled would be barred. The question was, if the Mississippi Choctaws under the law should between now and the completion of this work go to the Territory, would they be barred from their rights under the Choctaw law? and this amendment is simply to save their rights in case they go. It is simply to prevent the section as we have framed it from cutting out the Mississippi Choctaws from the right they would otherwise have.

The language which I propose to strike out was put in by the committee because it was understood by the committee to save the rights of the Choctaws. I understand that the persons in interest believe that there was some doubt about whether the language proposed by the committee would save the rights of these Mississippi Choctaws, and in the form in which I have put it there is no doubt but that it will reserve their rights. That is all there is of it. There is no legislation in it except the limitation on what the Dawes Commission is to do in the expenditure of the money that we appropriate, and it is in no sense amenable to any criticism.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. THURSTON. I believe the Senator from Arkansas has an amendment which he desires to present in lieu of the proviso on the same page about town-site appraisers.

Mr. JONES of Arkansas. Yes, sir; I am going to propose that amendment now. I move, on page 42, to strike out all after the word "be," in line 16, and to insert what I send to the desk.

The PRESIDENT pro tempore. The Senator from Arkansas presents an amendment which will be read.

The SECRETARY. It is proposed to strike out all after the word "be," in line 16, page 42, down to the word "Secretary," in line 8, page 43, and to insert:

A commission for each town in said Choctaw, Chickasaw, Creek, and Cherokee nations, to consist of one member to be appointed by the executive of such nation, who shall not be interested in town property other than his home, one member to be appointed by the Secretary of the Interior; and if the executive of the nation fails to select members as aforesaid, he may be selected and appointed by the Secretary of the Interior. The agreement of any two members of said commission as to the market value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two of said members are able to agree the matter in dispute shall then be determined by such Secretary: *Provided, further*, That the council of any city or town in either of said nations may, in its discretion, and at the expense of such city or town, proceed itself to cause such city or town to be surveyed and platted as contemplated in said sections 15 and 29 of said act approved June 28, 1898, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," and file the plat thereof as therein directed, which shall be subject to the approval of the Secretary of the Interior.

As soon as the survey and plat of any town is approved the commission for such town shall, with all proper dispatch, proceed to make the appraisements of the lots and the improvements thereon in manner as provided and prescribed in said sections 15 and 29 of said act approved June 28, 1898, and file their report with the Secretary of the Interior: *Provided, further*, That if, at the expiration of six months from the approval of this act, being the time allowed for the city or town council to exercise the option to survey and plat, any town has not been surveyed and platted as herein provided, the authority of the town or city council to survey and plat the same shall then cease, and the powers in relation thereto shall devolve upon the commission for such town, who shall cause the same to be surveyed and platted, and make their report thereon, as well as the report of the appraisement thereof, through the United States Indian inspector for the Indian Territory, to the Secretary of the Interior for his approval. The commissioners for unincorporated towns shall proceed with due diligence to survey, plat, and appraise such towns, and make their reports thereon as herein contemplated.

All towns and villages which at the approval of this act, or that may, prior to the allotment of the land on which the same may be situated, have a population of 100 or more, shall, for the purposes of this act, constitute a town.

That the Commission to the Five Civilized Tribes is hereby authorized, upon application by any interested parties, to set aside and reserve from allotments to individual citizens of the Five Civilized Tribes any lands in the Choctaw, Chickasaw, Seminole, Creek, or Cherokee nations, in the Indian Territory, not exceeding 160 acres in any one tract, at such points as may be found necessary and desirable for town-site purposes, on the line of any railroad which shall be constructed in the Indian Territory prior to allotment. Such town sites shall be selected, surveyed, and platted, and lots disposed of for the benefit of the tribe, under rules and regulations prescribed by the Secretary of the Interior.

It shall be unlawful for any person to sell or attempt to sell occupancy rights to lots in any town of said nations which may be reserved from allotment under the provisions of this act, or to settle or attempt to settle any lands as towns until the same shall have been set apart for town-site purposes as hereinbefore provided, or as otherwise expressly provided by law.

Nothing in the said act of June 28, 1898, or in this act, shall be held to require that town-site limits established in the course of laying out and disposing of town lots and the corporate limits of towns, if incorporated, shall be coextensive, and such town-site limits and corporate limits, respectively, shall be so established as to best subserve the then present needs and the reasonable prospective growth as the same may appear at the times when such limits are respectively established.

In the disposition of unimproved lots under the town-site laws in said

Territory the cash payment of 25 per cent of the purchase price shall be required in all instances at the time of sale, and the balance shall be required to be paid in equal annual installments.

Mr. THURSTON. Mr. President, this amendment, and perhaps one or two others that will be proposed, may lead to some discussion. I feel that we have made good progress with this bill. I was about to suggest that if there was no other business of importance before the Senate I would move to adjourn.

Mr. ALLISON. Before that motion is put, I desire to reserve the right to make the point of order on the amendment which has just been read.

Mr. GALLINGER. The Senator yields to me before making his motion, I understood him to say.

Mr. THURSTON. Certainly.

MARIE J. BLAISDELL.

Mr. GALLINGER. I ask unanimous consent for the consideration at this time of the bill (S. 3075) granting an increase of pension to Marie J. Blaisdell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, in line 6, after the word "nurse," to insert "Medical Department, United States Volunteers;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie J. Blaisdell, late army nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I offer the amendment which I send to the desk, to the Indian appropriation bill, and ask that it may be printed and lie upon the table.

Mr. PLATT of Connecticut. Let the proposed amendment be read.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. On page 52, line 23, strike out all of line 23 after the word "hereby," and all of lines 24 and 25, and insert:

Granted the right to a patent to the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry.

All sums due any Indian tribe shall be paid by the United States.

That if the funds derived from the sale of public lands shall not be sufficient to meet the payments heretofore provided by an act of Congress approved August 30, 1890, for the more complete endowment and support of the college for the benefit of agriculture and mechanical arts as per act of Congress of July 2, 1862, such deficiencies shall be paid by the United States.

The PRESIDENT pro tempore. The amendment will be printed and lie upon the table.

Mr. JONES of Arkansas. I present an amendment intended to be offered to the Indian appropriation bill, which I ask to have printed and lie upon the table.

The PRESIDENT pro tempore. The amendment will be received, ordered to be printed, and lie upon the table.

EXECUTIVE SESSION.

Mr. THURSTON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 7, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 6, 1900.

SECRETARY TO EMBASSY.

Philip M. Hoefele, of Missouri, to be third secretary of the embassy of the United States at the City of Mexico, Mexico, to fill an original vacancy.

POSTMASTERS.

Walter M. Burckhalter, to be postmaster at Truckee, in the county of Nevada and State of California, in the place of W. A. Bucknam, whose commission expired March 27, 1900.

John Lemasters, to be postmaster at Kern, in the county of Kern and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

George P. Edwards, to be postmaster at Collinsville, in the county of Hartford and State of Connecticut, in the place of S. J. Lyon, whose commission expired March 27, 1900.

Charles T. Welch, to be postmaster at Windsor, in the county of Hartford and State of Connecticut, in the place of S. E. Phelps, whose commission expired January 15, 1900.

Frank M. Cauger, to be postmaster at Granite, in the county of Madison and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Elmer E. Smith, to be postmaster at Clayton, in the county of Adams and State of Illinois, in the place of J. B. Coe, whose commission expired December 11, 1898.

John R. Snook, to be postmaster at Altamont, in the county of Effingham and State of Illinois, in the place of T. G. Boyer, whose commission expired April 2, 1900.

Hugh S. Espey, to be postmaster at Rising Sun, in the county of Ohio and State of Indiana, in the place of David S. Wilber, removed.

Winfield S. Hunter, to be postmaster at Jasper, in the county of Dubois and State of Indiana, in the place of Sebastian Anderson, removed.

Henry Frank Radcliff, to be postmaster at Pierceton, in the county of Kosciusko and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Victor Nelson, to be postmaster at Gowrie, in the county of Webster and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Fredrick L. Wellman, to be postmaster at Monona, in the county of Clayton and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Henry A. Pope, to be postmaster at Milton, in the county of Norfolk and State of Massachusetts, in the place of Henry A. Pope, whose commission expires April 23, 1900. (Reappointed.)

William J. Ingersoll, to be postmaster at Mayville, in the county of Tuscola and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Carlton Graves, to be postmaster at Aitkin, in the county of Aitkin and State of Minnesota, in the place of William B. Gwathmey, whose commission expires April 25, 1900.

Eugene S. Wooldridge, to be postmaster at Stewartville, in the county of Olmsted and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Charles L. Dix, to be postmaster at Forestville, in the county of Chautauqua and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Charles H. Parker, to be postmaster at Macedon, in the county of Wayne and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

James H. Smith, to be postmaster at Franklinville, in the county of Cattaraugus and State of New York, in the place of Christopher Whitney, whose commission expired March 3, 1900.

Martin B. Allen, to be postmaster at Honesdale, in the county of Wayne and State of Pennsylvania, in the place of Mary E. Gerety, whose commission expires April 25, 1900.

William E. Scott, to be postmaster at Jeannette, in the county of Westmoreland and State of Pennsylvania, in the place of Joseph A. Bing, whose commission expired March 23, 1900.

E. H. Clark, to be postmaster at Victoria, in the county of Victoria and State of Texas, in the place of F. C. Grothaus, deceased.

Walter G. Shaw, to be postmaster at North Bennington, in the county of Bennington and State of Vermont, in the place of P. H. McCarthy, whose commission expired January 15, 1900.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 6, 1900.

APPOINTMENT IN THE VOLUNTEER ARMY.

To be assistant surgeon with the rank of first lieutenant.

Gustave Moret, of Porto Rico (late acting assistant surgeon, United States Army), March 30, 1900, Porto Rico Regiment, United States Volunteer Infantry.

PROMOTIONS IN THE ARMY—INFANTRY ARM.

To be captains.

First Lieut. Charles Miller, Sixteenth Infantry, February 2, 1900.

First Lieut. John R. Seyburn, Eighth Infantry, February 3, 1900.

First Lieut. Truman O. Murphy, Tenth Infantry, February 5, 1900.

To be first lieutenants.

Second Lieut. Charles E. Morton, Twenty-second Infantry, February 2, 1900.

Second Lieut. Van Leer Wills, Twelfth Infantry, February 3, 1900.

Second Lieut. Ethelbert L. D. Breckinridge, Seventh Infantry, February 5, 1900.

Second Lieut. Garrison McCaskey, Twenty-fifth Infantry, February 11, 1900.

POSTMASTER.

William W. Lowry, to be postmaster at Auburn, in the county of Sangamon and State of Illinois.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 6, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. H. N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

GOVERNMENT FOR HAWAII.

Mr. KNOX. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 222, to provide a government for the Territory of Hawaii.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOODY of Massachusetts in the chair, for the further consideration of the bill S. 222.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of Senate bill 222.

Mr. McRAE. Mr. Chairman, I move to strike out of section 80, lines 13, 14, and 15, beginning with the word "except," in line 13, and ending with the word "only," in line 15.

Mr. SHAFROTH. That section has been stricken out.

The CHAIRMAN. The effect of the proposed amendment by the gentleman from Arkansas could not be heard at the desk.

Mr. McRAE. It is to strike out, in lines 13, 14, and 15, on page 85, of section 80, beginning with the word "except," in line 13, and ending with the word "only," in line 15.

Mr. ROBINSON of Indiana. That section has been defeated.

The CHAIRMAN. The Chair is informed that that section has been stricken out of the bill by an amendment heretofore adopted.

Mr. McRAE. The whole section?

Mr. SHAFROTH. All except the last paragraph, and in lieu thereof the Senate section has been adopted.

Mr. KNOX. That was done last night.

Mr. McRAE. Did the amendment of the gentleman from Colorado cover all of the section?

Mr. SHAFROTH. It took in all of section 80 down to the eighth line of page 86, and in lieu thereof it inserted the Senate section.

Mr. McRAE. Then, Mr. Chairman, I withdraw my amendment.

Mr. MONDELL. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Insert, before the word "all" in the eighth line of page 86, the following: "All officers appointed under the provisions of this section shall be citizens of the Territory of Hawaii."

Mr. MONDELL. Mr. Chairman, the proposed amendment follows the amendment made last evening on motion of the gentleman from Colorado for the appointment of certain officers, and provides in effect that the judges of the supreme court, the circuit courts, the attorney-general, the treasurer, the commissioner of public lands, the superintendent of agriculture, the superintendent of public works, the superintendent of public construction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioner of public instruction, board of prison inspectors, board of registration, inspectors of election, and other boards shall be citizens of the Territory of Hawaii.

Mr. ROBINSON of Indiana. Does it provide that the circuit-court judges shall be citizens of Hawaii?

Mr. MONDELL. It does. It provides that all the officers mentioned in the amendment adopted yesterday afternoon shall be citizens of the Territory of Hawaii.

Mr. KNOX. Mr. Chairman, I will state that the committee has no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

All persons holding office in the Hawaiian Islands at the time this act takes effect shall, except as herein otherwise provided, continue to hold their respective offices until such offices become vacant, but not beyond the end of the first session of the senate of the Territory of Hawaii unless reappointed as herein provided.

Mr. ROBINSON of Indiana. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out lines 8, 9, 10, 11, 12, and 13, on page 86, and insert: "All persons holding office in the Hawaiian Islands at the time that this act takes effect shall continue to hold their respective offices until their successors are appointed and qualified, but not beyond the end of the first session of the senate of the Territory of Hawaii unless reappointed as hereinafter provided."

Mr. ROBINSON of Indiana. The only purpose of the amendment is to provide that the officers shall hold until the expiration of the first term of the senate, and, as I think, is in better language and less open to misinterpretation than the language of the bill.

Mr. KNOX. I think that is already covered by the language of the bill.

Mr. ROBINSON of Indiana. But the chairman of the committee will see that the language used in the section might be open to some misinterpretation, and it is only to prevent that that this amendment is proposed. It has been submitted to the members of the committee on the other side and is satisfactory to them.

The amendment was agreed to.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 80 by adding:

"It shall be the duty of the surveyor to report annually to the Department of Labor and to the governor of Hawaii and legislature, the area in acres of all holdings not less than 100 acres in extent, whether by grant, lease, or otherwise, of agricultural land in Hawaii; by whom owned or held, the character of the cultivation, the number of laborers employed on each holding, the nationality of the laborers, the daily, weekly or monthly wages paid, and such other information as the Department of Labor may prescribe. And it shall be his duty to call on all such holders of agricultural lands for such written statements as may be prescribed by the Department of Labor. Any failure to make such a statement by any person or corporation shall subject such person or corporation to a penalty of $100 for each and every refusal; to be collected and enforced by the government of the Territory of Hawaii in the courts of Hawaii."

Mr. NEWLANDS. Mr. Chairman, the purpose of this amendment is to obtain statistical information relating to the agricultural lands in Hawaii and the labor employed upon those lands. The population of those islands consists of 60,000 Asiatics, 40,000 Kanakas, 15,000 Portuguese, and about 8,000 other whites. We can readily understand that if the entire legislation of those islands drifts into the hands of the landed class, we shall have there a republic in name only.

I take it, the purpose and aim of our legislation is to increase the immigration of free white persons to those islands; and our duty is to obtain such statistical information upon this subject as will enable us to legislate upon it intelligently hereafter. At present the labor there is mainly the labor of Asiatics. There is no reason why white labor should not be employed in those islands. The Portuguese and the Italians are excellent laborers in a climate of that kind.

We have had a large experience with both these classes of laborers upon the Pacific coast, and we have found them exceedingly efficient. Most of these people who come to this country are poorly educated, but their children under our free-school system acquire an education and become intelligent citizens, exercising the duties of citizenship consistently with the spirit of our institutions. Now, it seems to me that if we can encourage that kind of immigration and discourage Asiatic immigration, we shall march a long ways in the line of making the Hawaiian government a republic in spirit and essence as well as in form.

Of course we do not want to interfere with vested rights there. Nor do we wish to interfere ignorantly with the conduct of business there. But the purpose of this amendment is to secure this statistical information which will enable the legislature of Hawaii to act, and if it does not act wisely, will enable Congress itself to act on this subject.

Mr. WHEELER of Kentucky. Allow me to say to my friend from Nevada that if I correctly caught the reading of this amendment, I do not think that under it the government of Hawaii would be enabled to collect the penalty prescribed. Unless we shall more definitely define the violation of law and prescribe the mode of collecting the penalty, I think the surveyor might ignore this provision and there could be no recourse to the courts.

Mr. NEWLANDS. The amendment provides that the Department of Labor shall prescribe the form of statement required from those holding agricultural lands; and it is made the duty of the surveyor to exact such a statement; and any failure or refusal on the part of a holder of agricultural lands to make such a

statement subjects him to a penalty of $100, to be collected in the courts of Hawaii by the government of Hawaii.

Mr. WHEELER of Kentucky. In my humble opinion, in order to enforce the penalty you must make it a misdemeanor or a crime to refuse to furnish this information. To say simply that a failure to return the prescribed statement shall subject the person failing to a certain penalty is so indefinite that no court would support a declaration founded upon such a provision. You must specifically define as an offense the act which the law undertakes to make punishable.

Mr. NEWLANDS. I shall be very glad to accept any amendment which the gentleman from Kentucky [Mr. WHEELER] may frame in order to make this provision more efficient. All I want is to have some provision of this kind incorporated in the bill. I have no doubt that the committee of conference, if we give them a basis of action, will shape the provision properly. Of course our amendments hastily offered here are sometimes quite crude.

Mr. KNOX. I desire to say that if I have understood correctly this amendment and its purpose, it is in the direction of securing very valuable and necessary information; and I think I may say on behalf of the committee that we have no objection whatever to its being adopted.

Mr. HITT. The gentleman from Nevada [Mr. NEWLANDS] will allow me to say that the machinery of the government now in operation in Hawaii provides for the accomplishment of the very purpose which he aims at. Anyone who cares to examine into the matter will find a synopsis of such statistics in the report of the commission and a supplemental report. But this provision will do no harm.

Mr. NEWLANDS. As I understand, it can do no harm; and in addition we shall have under its terms a report to the Department of Labor, which would be published, so that Congress will have such information to guide its action.

The question being taken on the amendment of Mr. NEWLANDS, it was adopted.

The Clerk read as follows:

CHAPTER IV.

THE JUDICIARY.

SEC. 81. That the judicial power of the Territory shall be vested in one supreme court and in such inferior courts as the legislature may from time to time establish. And until the legislature shall otherwise provide, the laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

Mr. ROBINSON of Indiana. I desire to call the attention of the chairman of the committee [Mr. KNOX] to the first section, which provides that the judicial power of the Territory shall be vested in a supreme court, but there is a failure to mention the five circuit courts, which are the present establishment, and the language which follows is not sufficiently clear. If the gentleman concurs with me, I will send to the desk an amendment to insert the words "and five circuit courts."

Mr. KNOX. The general provision of law puts the Territorial judicial power into one supreme court and such inferior courts as shall be established by the legislature of Hawaii.

Mr. ROBINSON of Indiana. But I do not suppose the circuit courts would be styled inferior courts.

Mr. KNOX. Oh, yes; they have not final jurisdiction. Those courts will be established by the legislature of Hawaii.

Mr. ROBINSON of Indiana. I do not understand that a circuit court which has general jurisdiction is an inferior court under the decisions.

Mr. KNOX. This is not a United States circuit court.

Mr. ROBINSON of Indiana. That is true.

Mr. KNOX. We allow the establishment of circuit courts when we say "inferior courts."

Mr. ROBINSON of Indiana. It is thought by some that the paragraph should read:

That the judicial power of the Territory shall be vested in one supreme court and five circuit courts.

With the gentleman's consent, I will send the amendment up.

Mr. KNOX. We would not like to put the judicial power of the Territory into the hands of the circuit courts. The judicial power is put into the hands of the supreme court, and then the legislature will have the power to establish inferior courts. I think this is the language which is used with reference to every Territory.

Mr. ROBINSON of Indiana. But there are now five circuit courts.

Mr. KNOX. It is expected we shall have to have more than five within the present year.

Mr. ROBINSON of Indiana. Do you say that there is a desire to increase the number?

Mr. KNOX. It will be necessary, probably. That is the general impression.

Mr. ROBINSON of Indiana. The fear is that they will reduce the number.

Mr. KNOX. Oh, no.

Mr. ROBINSON of Indiana. Then upon the statement of the gentleman I will not offer the amendment.

Mr. BELL. I wish to suggest to the committee that we strike out the word "inferior." The gentleman from Indiana [Mr. ROBINSON] in giving the distinction between superior and inferior courts has the correct idea.

There is a long line of decisions to the effect that no court of general jurisdiction can be said to be inferior, and they make the distinction between a court of limited jurisdiction and a court of general jurisdiction.

Mr. KNOX. There is no objection to the amendment suggested by the gentleman.

Mr. BELL. I move to strike out the word "inferior."

Mr. KNOX. There is no objection to that.

Mr. LANE. Substitute the word "other."

Mr. KNOX. Yes; strike out the word "inferior" and substitute "other."

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

In section 81, line 16, strike out the word "inferior" and substitute the word "other."

Mr. BRICK. I would like to be heard upon that. If you say, "such other courts," that would give the power in the legislature to provide for other appellate courts. It might provide for that and might be so construed. It is not the intention that the legislature shall provide for any other appellate court than a supreme court; so that if you strike out the distinctive qualification of inferior courts, then it should read "such other circuit courts and inferior courts" as the legislature may establish.

Mr. ROBINSON of Indiana. I agree with the gentleman that the words "circuit courts" ought to be in there. Is that the gentleman's contention?

Mr. BRICK. Yes.

Mr. ROBINSON of Indiana. Then I hope the gentleman from Colorado [Mr. BELL] will so frame his amendment.

Mr. BRICK. That will obviate the difficulty.

Mr. ROBINSON of Indiana. I trust the gentleman from Colorado will so frame his amendment as to cover that proposition.

Mr. BELL. I have no objection. My only object was to remove a word that was subject to misconstruction.

Mr. DENNY. Why not say "such other circuit courts?"

Mr. ROBINSON of Indiana. Substitute "other circuit courts and such inferior courts."

Mr. BELL. Very well.

The CHAIRMAN. The Chair understands the gentleman to withdraw the amendment, and the gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "such," in line 17, insert the words "other circuit courts and."

So that it will read:

That the judicial power of the Territory shall be vested in one supreme court and in such other circuit courts and inferior courts as the legislature may from time to time establish.

The amendment was agreed to.

The Clerk read as follows:

SUPREME COURT.

SEC. 82. That the supreme court shall consist of a chief justice and two associate justices, who shall be citizens of the Territory of Hawaii and shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States, and may be removed by the President: *Provided, however*, That in case of the disqualification or absence of any justice thereof, in any cause pending before the court, on the trial and determination of said cause his place shall be filled as provided by law.

Mr. KNOX. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 36, section 82, line 25, after the word "and," insert the words "not less than."

Mr. KNOX. This section provides for a supreme court, to consist of a chief justice and two associate justices. The purpose is that there shall not be less than two associate justices.

The amendment was agreed to.

Mr. CORLISS. I should like to inquire of the gentleman in charge of the measure whether there is any limitation of the terms of the judges of that court?

Mr. LANE. That is fixed in section 80 by an amendment which was offered yesterday, fixing the term for four years.

Mr. CORLISS. The length of the judicial term is limited to four years?

Mr. LANE. Yes.

The Clerk read as follows:

DISQUALIFICATION BY RELATIONSHIP, PECUNIARY INTEREST, OR PREVIOUS JUDGMENT.

SEC. 84. That no person shall sit as a judge or juror in any case in which his relative by affinity or by consanguinity within the third degree is interested, either as a plaintiff or defendant, or in the issue of which the said judge or juror may have, either directly or through such relative, any pecuniary interest.

Mr. KNOX. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 88, section 84, line 21, add the following after the word "interest:" "No judge shall sit on an appeal or new trial in any case in which he may have given a previous judgment."

The amendment was agreed to.

Mr. ROBINSON of Indiana. I desire to call the attention of the chairman of the committee to the next section to be read, providing for impeachments. In view of the fact that the House by a pronounced vote has provided that the President shall appoint the judges, I will ask the gentleman to give his attention to that paragraph, and will ask whether it should not be stricken out?

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

IMPEACHMENT.

SEC. 85. That the judges of the circuit court of the Territory shall be liable to removal from office on impeachment by the house of representatives upon any of the following grounds, namely: Any act or negligence involving moral turpitude punishable by law as an offense and committed while in office, incapacity for the due performance of official duty, or maladministration in office.

The senate shall be a court with full and sole authority to hear and determine all impeachments made by the house of representatives.

The chief justice of the supreme court shall be ex officio president of the senate in all cases of impeachment.

Previous to the trial of any impeachment the senators shall, respectively, be sworn truly and impartially to try and determine the charge in question according to law and the evidence.

The judgment of the senate, in case of the conviction of the person impeached, shall not extend further than to removal from office and disqualification to hold any place of honor, trust, or profit under the government; but the person so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment according to law.

Mr. KNOX. I think, as the circuit judges are to be appointed by the President, that they should not be subject to impeachment by the local legislature. I agree with what the gentleman says, and I move to strike out the section.

The CHAIRMAN. The gentleman from Massachusetts moves an amendment which the Clerk will report.

The Clerk read as follows:

Strike out all of section 85.

Mr. COX. I should like to call my friend's attention to the fact that we may be acting too hastily. We have conferred on the President the power to appoint the judges and the power to remove; but suppose a judge is guilty of misconduct and the President neither removes him nor takes any action in the case. I think he ought to be impeached.

Mr. ROBINSON of Indiana. I would very much sooner trust it to the President than to the Territorial organization of the legislature; and it would not do to bring them into conflict upon that line.

Mr. COX. That is all right, if you want to take it out; but you will have a judge, if he runs with the President, that is in for all time.

Mr. ROBINSON of Indiana. This was provided so the appointment could not be made by the governor of the Territory, and it would be a check.

Mr. KNOX. I can not hear a word, Mr. Chairman.

Mr. BELL. I want to ask the chairman of the committee how you get rid of the circuit judge?

Mr. KNOX. He is appointed by the governor.

Mr. BELL. He is appointed by the President; not the district judge.

Mr. KNOX. You mean the United States district judge. We have not come to that.

Mr. BELL. This is the judge of the Territory. After the governor makes the appointment, can he withdraw him?

Mr. ROBINSON of Indiana. The circuit judges are not appointed by the President.

Mr. BELL. How can you get rid of them?

Mr. KNOX. The President can remove them.

Mr. ROBINSON of Indiana. It would not do to bring in conflict the legislature and the President.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

DELEGATE TO CONGRESS.

SEC. 86. That a Delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature; such Delegate shall possess the qualifications necessary for membership of the house of representatives of the legislature of Hawaii. The times, places, and manner of holding elections shall be as fixed by law. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting.

Mr. HILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Strike out, on page 89, from and including line 20 to and including line 9, on page 90, and insert the following:

"TERRITORIAL COMMISSIONER.

"In lieu of a Territorial Delegate, the governor may nominate and, by and with the advice and consent of the senate of the said Territory of Hawaii, appoint a commissioner of said Territory, to reside at the capital of the United States, and to represent the interests of said Territory of Hawaii in its relations with the United States. Said commissioner shall, when appointed, be a citizen and bona fide resident of said Territory; his term of office shall be two years; his salary shall be $5,000 per annum, which, with his actual, necessary traveling expenses in coming from said Territory and returning thereto, shall be paid by the United States."

Mr. HILL. Mr. Chairman, I voted for the annexation of Hawaii. During that discussion a very remarkable speech was made by the gentleman from Missouri [Mr. CLARK] upon the annexation of Hawaii. I want to read a portion of that speech:

If we annex Hawaii and you, Mr. Speaker, should preside here twenty years hence, it may be that you will have a polyglot House, and it will be your painful duty to recognize "the gentleman from Patagonia," "the gentleman from Cuba," "the gentleman from Santo Domingo," "the gentleman from Korea," "the gentleman from Hongkong."

And so on. I will not quote further from that remarkable speech, but the quotation which I have now read, when it was uttered, was received with loud laughter and derision in this House; but it seems to me that the presentation of this bill, for a Delegate from a Territory with the small population of Hawaii, has made that speech partially fulfilled prophecy. Now, I object to a Delegate from the Hawaiian Islands to the Congress of the United States. I object to it because since the adjournment of the last session of Congress on the 4th of March, after the most careful and intelligent inquiry, I have failed to find a citizen of the United States who believes in a political union with any of these insular possessions, with the right of representation in the American Congress at this time. Therefore I move to strike it out; and I want to call the attention of the House to the successive steps that have been taken which have brought us to this position.

It was not intended or expected by the Hawaiian people when annexation was asked for with the United States that it was to be a Territory of the United States; and when the measure was presented by the distinguished chairman of the Committee on Foreign Affairs, standing in the aisle near where he is now sitting, he made a most excellent address upon that subject; but he was asked by a gentleman on the other side of the House, "What form of government do you think will be recommended for the Hawaiian Islands?" And the gentleman made this reply: "I am not prepared to answer that question; but in my judgment"—I am not giving the exact language, but the substance—"it should be made a county of the State of California or Oregon." It was with such understanding and with such expectation that I voted for the annexation of Hawaii. To-day a bill comes in here for a full-fledged Territory, asking for a right of representation by a Delegate in the American Congress.

Mr. FITZGERALD of Massachusetts. I would like to ask the gentleman a question.

Mr. HILL. I have but five minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. HILL. Now, I claim the people of Hawaii themselves did not expect, neither do they now, neither did they want nor do they want now, practically universal suffrage.

Mr. MONDELL. I would like to ask the gentleman where he got his information that they do not desire it?

Mr. HILL. The Hawaiian republic was organized as a protest against Kanaka rule. I have the facts here before me.

Mr. MONDELL. What has that to do with this?

Mr. HILL. It was as a protest against Kanaka rule that Liliuokalani was deposed from the throne, and in order to control the Territory those who were looked upon as citizens of Hawaii at that time were compelled to enforce a restricted suffrage. They did it. I am not in favor of the property qualification under which that was done; but I am in favor of stopping Kanaka control over these islands, and opposed to voting to give a Kanaka representative a seat in the House of Representatives or a Kanaka representation in the House of Representatives of the American Congress.

Now, I have said they were not in favor of it themselves. Their own action is the best comment on this bill. Their manner of controlling this was by making a property qualification. The report of the Committee on Territories in the Fifty-fifth Congress says:

The amendment recommended in section 34, which prescribes the qualifications of members of the senate, strikes out the property qualification therein provided and makes the qualification that of an elector for members of the senate, which, by section 62, is the ownership of real estate of the value

of $1,000 or the receipt of an income of $600 for the year preceding registration. This requirement of property ownership is somewhat less than that of the constitution of the republic of Hawaii, which, by article 76, is made the ownership of real estate, above incumbrances, of the value of $1,500, or of personal property of the value of $3,000 above incumbrances, or the receipt of a money income of $600 for the year preceding registration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAPRON. Mr. Chairman, I ask that the gentleman's time be extended for ten minutes.

The CHAIRMAN. The gentleman from Rhode Island asks that the time of the gentleman from Connecticut be extended for ten minutes? Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD of Massachusetts. Will the gentleman answer a question?

Mr. HILL. I will answer the gentleman.

Mr. FITZGERALD of Massachusetts. Does the gentleman believe in taxation without representation?

Mr. HILL. There are 100,000 people in the Hawaiian Islands; there are 300,000 in the District of Columbia that are taxed without representation. There are 100,000 in the Territory of Alaska to-day that are taxed without representation.

Mr. FITZGERALD of Massachusetts. But does the gentleman believe in that principle?

Mr. HILL. I believe the best government on earth to-day is that of the city of Washington in the District of Columbia.

Mr. FITZGERALD of Massachusetts. But does the gentleman believe in the principle of taxation without representation?

Mr. DRIGGS. I would like to ask the gentleman a question.

Mr. HILL. I have but ten minutes. The people of Hawaii do not ask for this. They ask for a restricted suffrage and wish to be controlled and governed by the educated and intelligent portion of the people of the islands of Hawaii.

The report further says:

The question of a property qualification of any kind for a voter or member of the senate is an important one and is calculated to excite antagonism in the United States, but such a qualification has long prevailed in Hawaii, and, as far as can be ascertained, meets the approval of the people.

Now, Mr. Chairman, what else did we do? After annexing Hawaii we sent an able and distinguished commission to those islands. They went there and examined the conditions, a commission of which the gentleman the chairman of the Committee on Foreign Affairs was a member, and came back and reported in favor of this restricted suffrage, by which the Caucasian race should have and continue in the unrestricted control of those islands. This committee has utterly ignored the recommendation of that commission which we sent to investigate the matter. That is not all; that restriction was so severe that out of 14,000 eligible voters, under the terms of this bill, the republic of Hawaii itself only allowed 2,800 to be registered—less than one-quarter—and it was absolutely necessary that they should do it, or else the Kanaka control would sweep them out of the island. Now, Mr. Chairman, that is not all.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. HILL. I can not now; perhaps I will later. Not only did the commission report in favor of this, but this very committee which now brings in this bill brought in a bill last year in favor of a restricted representation.

Mr. LITTLEFIELD. And with a property qualification.

Mr. HILL. Yes; with a property qualification; but that is a matter of no importance, because it was not put there for the purpose of a property qualification, but as the best method of preventing the Kanaka control of these islands. It was put there because there was a population there which the gentleman himself [Mr. LITTLEFIELD] likened to the tribes of Africa yesterday, which was unjust, when the question was up on the saloon amendment. It was this Kanaka control that they desired to prevent. Not only did the committees of both Houses last year make this recommendation, but the chairman of that commission, representing the chairman of the committee in the Senate, this year brought in a similar bill, and it was only for the first time since this question has been considered that this committee now brings in a bill sweeping away all restrictions and admitting to suffrage everyone in these islands who can read.

Now, what is the nationality of these people? I want to give it to you. There is a total population of 109,000, according to the census of 1896. There are of voters about 3,000 Americans, Germans, French, and English; about 3,000 Portuguese, and, according to the statement of the gentleman from Michigan, there are 9,000 Kanaka votes, so that according to his own statement on the question of elections the American, German, French, and English voters will be simply buried under a vote of 4 to 1.

The amendment I have offered proposes a commissioner appointed by the governor of the islands, who himself is appointed by the President of the United States, and makes a business proposition of what this bill, as it now stands, makes a political proposition, and it is the political feature of it that I object to.

Mr. Chairman, I do not believe that the people of the United States are yet ready to take the first step toward statehood for these insular possessions. It may be said that it makes no difference in this respect whether this man is elected by the people of Hawaii or whether he is appointed by the appointee of the President of the United States. The sentiment is there that if you make the islands of Hawaii a full-fledged Territory, but one more step, and that a short one, is necessary to be taken under the political exigencies that might arise with either party, Republican or Democratic, that would thereby get control and help to maintain control of the United States Senate, if this island and Puerto Rico should be swept in as States in the Union. I for one am utterly opposed to taking the first step until we have more and better knowledge as to the characteristics and the peculiar traits and the capacity of these people than we possess to-day.

Now, am I right about that? I want to call attention for just a moment to the report made by this committee last year. It was not a unanimous report; the report this year is unanimous. Now, why was it not unanimous last year? Because the Democratic members on that committee said last year:

We can not agree to the majority report of the committee for the reason that it indicates an intention on their part to make a new departure from our well-established custom of governing Territories. We believe that the newly acquired Territories should be governed as other Territories of the United States have been governed from the foundation of our Government, with a view that they may be ultimately admitted into the Union of States.

This year that objection is all swept away; Democrats and Republicans alike on that committee come up here and ask for the admission of Hawaii as a Territory of this Union.

Gentlemen, I want you to recall an incident which occurred here in this Chamber yesterday afternoon. To the proposition granting unrestricted suffrage to the Kanakas and the foreigners in Hawaii no opposition was made on the other side of the House; but the moment the question of the qualifications of voters comes up, the Mississippi plan, the plan of the Southern States, of restricting votes under an unrestricted representation, is again endeavored to be fastened upon this bill.

That is the proposition. I did not vote with my friend from Mississippi. I do not criticise his action. I did not so vote, because I would not attempt by a device to take away that which I was willing to grant by law. I would not vote for unrestricted, uneducated, unintelligent suffrage and then attempt to take it away by a device. I refused on that ground to vote for the proposition. I have no criticism to make upon the action of other gentlemen.

I refused on the same ground to vote for the proposition of the committee. I have no criticism to make upon the action of the gentlemen on the other side of the House. Perhaps I would do as they do, if I were in similar circumstances. I am not prepared to discuss that question; but as a New Englander who believes in a fair suffrage, an honest suffrage, an intelligent suffrage, I stand here now to say that neither in Puerto Rico, nor in the Philippines, nor in Hawaii, nor anywhere else, will I vote to put a Representative upon the floor of this House who is not elected by a constituency that knows what it is doing. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. I will take further time on the other amendment.

Mr. HITT. Mr. Chairman, the section giving Hawaii a Delegate in Congress, which is objected to, is one for the insertion of which in the bill reported by the commission I am in part responsible, as I was the sole person on the Hawaiian commission representing or in any way related to the House of Representatives. I asked on behalf of the House, as I believed its interests and the interests of Hawaii required that such a provision be inserted. The country we were providing for was of enormous wealth, of great energy, of contending interests, for which Congress would have to legislate.

I desired that in the case of this Territory, as in all instances that have preceded, we should have upon the floor of this House a representative man who was responsible, a man who could speak for those people, who could be questioned at any instant on aught that concerned them, a man who could be held accountable by the House, and who, if he stated aught that his constituents disapproved, could be visited by the reprobation of his own constituency—that public scorn which is the most dreaded punishment of public men. If Hawaii is denied a Delegate on the floor, we are certain to have here instead abundant delegates in the lobby, paid by private interests in that Territory to secure favors in legislation, as we have often seen in our experience here in other matters. [Applause.]

Mr. HILL. I should like to ask the gentleman a question at his convenience.

Mr. HITT. I have only five minutes, and then I will yield the floor to anyone else who wants to talk.

Mr. HILL. I will seek an opportunity to ask my question before the gentleman sits down.

Mr. HITT. We know that when a person is here representing special interests he is selected for experience, ability, adroitness,

plausibility. He comes here in the pay of private interests to obtain special rights and privileges, always under pretense of the public good, but always at the expense of the general community; otherwise he would not be here. We want some one here who represents all the people of the Territory. [Applause.] We want some one here who has a representative character determined by the people themselves, who choose and send him, and to whom he must answer.

The gentleman who has just spoken [Mr. HILL] feared that we would have a disreputable or incompetent representative of an inferior class—the Kanakas. Why, sir, we had here constantly for many years a representative of the Kanaka kings and queens of the purely Kanaka government. Every old member here will recall with esteem the character of the ministers from Hawaii. Mr. Allen, who for many years sat on this floor representing with distinction a district of the State of Maine, went to those islands and afterwards came back here as minister, representing the Kanaka people and his royal master, a Kanaka. He was diligent, honest, zealous, a fit representative of the population of the Hawaiian Islands.

He was followed by Mr. Carter, whom many of us knew well, a distinguished, a most honorable and excellent man; then Mr. Mott Smith. All these had the privilege of this floor. Then there was Mr. Thurston more recently, whom a great many of you knew personally; and Mr. Hatch, one of the ablest members of the bar, who was recognized here for his integrity and ability; and Mr. Hastings, whose sudden and tragic death at the White House many of us remember—these delegates were often on this floor, but without the right of speech. They were chosen, some of them by the government under white domination, some of them by the Kanaka native government; but all were fit men.

There was also a Hawaiian lobby here from time to time, but always for special selfish objects. Every member knows by experience what a lobby is, and what the aim of a lobby agent is. Whether he is a distinguished gentleman, an ex-governor, an ex-judge, or a poor hireling picked up here in Washington, he is essentially a lobby agent, paid to look after a special interest. And representing this House on the commission, I believed we ought to have here upon this floor a man whom we could question, from whom we could derive direct information, who would have a representative character, a Delegate who would be responsible to the House and to a constituency. [Applause.]

Mr. BREWER. May I interrupt the gentleman?

Mr. HITT. I will only take one moment as to the other subject which the gentleman raised.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KNOX. I move that the time of the gentleman from Illinois be extended.

Mr. HILL. I ask that the time of the gentleman from Illinois be extended to allow him to complete his remarks.

The CHAIRMAN. The request is made by several gentlemen that the time of the gentleman from Illinois be extended to conclude his remarks. Is there objection?

There was no objection.

Mr. HILL. Now, may I ask the gentleman a question?

Mr. HITT. Certainly.

Mr. HILL. Every person whose name the gentleman has mentioned was appointed, not elected—every representative of that country.

Now, I want to ask the gentleman if he does not believe that a commissioner appointed by Hawaii to the United States, to represent their business interests, appointed by the governor of Hawaii, who is himself appointed by the President of the United States, would be more likely, under that system of appointment, and that that would be a better guaranty of getting a good representative than you could have by a general vote of the people of the Hawaiian Islands?

Mr. HITT. The difference would simply be that in the one case we would have the Delegate here in our presence whom we could interrogate, and in the other a commissioner going about the Departments, corridors, and committee rooms, with no voice on this floor, reduced to the likeness of an official lobbyist.

Mr. HILL. I should like to ask just one more question, and then I will not trouble the gentleman any further. He has had a very large experience in diplomatic affairs. He is familiar with all the insular systems of the world. Does he know of a single insular government in the world, either in the system of Great Britain, France, Germany, or any other European power, that has a representative in the parliament of any of those countries?

Mr. HITT. The answer to that is ours is essentially a popular, republican, representative government, and a republic does not need always to take lessons from monarchies in the application of our own system. [Applause.]

Mr. BREWER. I want to ask the gentleman if he is willing that the people of Puerto Rico shall have a Delegate here in this House?

Mr. HITT. I will answer questions about Puerto Rico or Kamchatka and any other country when they are before the House. [Applause.] I do not want to be diverted to politics. The gentleman's question is political. I am talking now about the business that is immediately before the House.

I sympathize with much that the gentleman from Connecticut [Mr. HILL] has said in apprehension of doing something to-day that would involve statehood hereafter for Hawaii. The gentleman referred to what I said on this floor years ago about Hawaiian statehood—that I was averse to the prospect and thought well of the proposition to make it a county of California.

I am sorry to add to what I said then that upon inquiry I found in California that there would be unanimous opposition in that State to the incorporation of Hawaii, with its population of an Asiatic character; and in the Hawaiian Islands there was not a soul who ever expressed approval to me of the suggestion made here of its becoming a county of California.

Mr. HILL. May I ask the gentleman—do I understand that he wishes a population which the State of California was unwilling to accept as a county to have from us representation as a full-fledged Territory in our Congress?

Mr. HITT. Well, that is argumentative. I merely stated what the sentiment was in California. We know the Chinaphobia that prevails in California, and it determined this question among Californians apparently at once. Gentlemen on the floor who represent California can contradict or confirm me.

Now, nothing that we might say to-day against Hawaiian statehood, no resolution or enactment or eloquent speech, can prevent this very Congress to-morrow or another Congress two years hence or a hundred years hence from undoing anything and everything that we now do.

We can not prevent another Congress from doing foolish or wise things. They can admit it as a State if they will. We can, after passing this bill to-day and in it passing the gentleman's proposition pledging impliedly that there shall be no statehood for Hawaii, to-morrow pass an enabling act. We can not bind our successors. We have no such faculty, no such approach to omnipotence, no command of the future. We legislate for to-day. I would gladly do anything I could to carry out the view expressed by the gentleman from Connecticut as to that part of his proposition, for I think it is at least harmless; but as to the Delegate, we want him right here on this floor. [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, if the gentleman from Connecticut [Mr. HILL] thinks that he can call from me, by his references this morning, words or tone apologetic in their character, the gentleman from Connecticut is mistaken.

The laws of the United States provide that every organized Territory of the United States shall have a Delegate upon this floor.

Mr. HILL. I wish the gentleman would show that to me in the Constitution.

Mr. WILLIAMS of Mississippi. I believe the gentleman has complied with the Mississippi and Connecticut requisition for voting, and he can read for himself. [Laughter.]

Mr. HILL. That provision is not in the Constitution.

Mr. WILLIAMS of Mississippi. There is no doubt about the fact that every Territory organized as a Territory of the United States is entitled to a Delegate upon this floor, and that that Delegate is, under the laws of the United States—I will amend my statement that far, if I said Constitution, I meant laws—entitled to the same salary and the same mileage as a member of Congress and entitled to every privilege of a member of Congress, except that of voting, on this floor.

Now, Mr. Chairman, I stood here in my place and made the first Democratic speech in either House in opposition to the admission of Hawaii as a part of the United States, and I stated at that time the grounds of my opposition. I said, when discussing the admission of that country, that we must do one of two things: We must either permit it to take its part and parcel with us as an equal Territory of the United States, with the constitutional privilege of becoming, when Congress saw fit, a State of the United States, or else we must leave it outside of the United States.

I then stated upon this floor that when we were called upon to face Hawaiian problems, we should be called upon to face a colored race problem in Hawaii, and that when we were called upon to face it, we were going out of our way several thousand miles to hunt a new problem to add to other problems of that character that we already had and that were already too much for our management. Does the gentleman imagine that we of the South take any pride in the fact that we have been compelled to restrict suffrage in order to preserve civilization?

Mr. HILL. I do not. I am amazed at the fact, however, that you will vote, in insular possessions of the United States, to do the same thing over again.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the same necessity exists. I stated in the Hawaiian debate that whenever I was faced with that problem that, if I were the only Democrat in the United States to do so, I would stand for white supremacy

in Hawaii just as I had stood for it in Mississippi, and I will. The gentleman speaks of restricted suffrage, as if restricted suffrage were dishonest or unfair suffrage. He knows better. There is nobody in the United States that ought to know better than a Connecticut man about that. I do not know of a better State government in the Union to-day than that of Connecticut, with the possible exception of that of the State of Mississippi, speaking politically, and yet in the State of Connecticut the town of New Haven and other cities are represented in the State legislature, under old antediluvian charters of the kings of England, by a few representatives, and many superannuated villages are represented by two or three times as many representatives.

Mr. HENRY of Connecticut rose.

Mr. WILLIAMS of Mississippi. Now, why? The gentleman speaks of restricted suffrage and I speak of restricted representation, and the two things go together.

Mr. HILL. Will the gentleman pardon me a moment? I spoke of unrestricted representation and a restriction of votes.

Mr. WILLIAMS of Mississippi. I am speaking of that, too, and Connecticut is with unrestricted representation upon this floor, with a restricted representation in the State of Connecticut of your cities compared with your rural districts. And, by the way, that you are right in having it just as you have it I do not dispute. It is your affair, and I have nothing to do with it, and I am not quarreling with it.

Mr. HENRY of Connecticut. Will the gentleman allow me to correct him?

Mr. WILLIAMS of Mississippi Certainly.

Mr. HENRY of Connecticut. We have no restricted suffrage in Connecticut.

Mr. WILLIAMS of Mississippi. I am speaking of restricted representation.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. KNOX. I ask unanimous consent that the gentleman's time be extended, and that he be given such time as he desires.

The CHAIRMAN. The gentleman from Massachusetts asks that the time of the gentleman from Mississippi be extended without limit. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. The gentleman has misunderstood me.

Mr. HENRY of Connecticut. There is no restriction as to that. Every qualified voter may cast a vote for Representatives in Congress, for State officers, and members of the general assembly.

Mr. WILLIAMS of Mississippi. I understand you think I have said restricted suffrage. I meant restricted representation.

Mr. HENRY of Connecticut. We have unrestricted representation and we have unrestricted suffrage. Our system of representation in our State legislature is two hundred and fifty years old. We elect our Representatives in Congress by an unrestricted suffrage.

Mr. WILLIAMS of Mississippi. I know it is over two hundred years old.

Mr. HENRY of Connecticut. But everybody votes. There is no disqualification except for crime.

Mr. WILLIAMS of Mississippi. I understand the gentleman from Connecticut. But there is also in Connecticut, if I have learned its system right, an educational qualification.

Mr. Chairman, in expressing myself if I used the phrase "restricted suffrage" with regard to Connecticut, I meant to use the phrase "restricted representation." What I meant to say was that "restricted representation" is essentially the same as "restricted suffrage," and unequal representation is essentially the same thing as unequal suffrage.

Now, we might just as well be honest with one another, my friends, upon both sides of this House. Let us lay aside for a moment the fact that I am a Democrat and you are Republicans, and let us talk as men who have had forced upon us, and also in your case forced upon yourselves by your own action, a problem which we must solve, and which we must solve as wise men, as statesmen, as men with some view to the future, as men with common sense, and not merely as Republicans and as Democrats.

Now, taking that view of it, I am prepared to say that the very worst thing that can happen to the Hawaiian Islands to-day or to-morrow would be to have Kanaka rule or colored-race rule in Hawaii. I speak advisedly, not only with my own personal observation and experience, but with all history behind me. Now, then, how are you going to avoid it? You must avoid it by restricted suffrage.

I am not talking to you as Republicans or Democrats. And what sort of restricted suffrage must you have? Something which, while it is not based upon an express discrimination on account of race or color, is based upon something which actually discriminates against color and race. Else you must have Kanaka rule. Take your choice. For my part I have taken mine long since. I asked you, in God's name, to relieve me, as one of the representatives of the American people, of this additional problem; but you annexed Hawaii.

Do you imagine that I do not recognize that the symmetry, the rounded proportions of a Democratic system are marred by the necessity of a restricted or qualified suffrage, even though the end and purpose, the aim and object, be the preservation of civilization itself? No wonder California did not want Hawaii as a county in California and part of it. Why? Because California has had some little experience with race problems, too.

Soon after I came to the Congress of the United States I said to the Representatives of California and the Pacific slope, from my place upon this floor, that I was willing to leave to the white people of the Pacific slope the business of attending to their Chinese race problem, and was willing to vote with them with that aim in any measure they desired enacted here—believing that, while they had the strength of a giant, they would not be brutish or foolish enough to use it like a giant; and that I arrogated to myself and my own people the claim that, when faced with a problem of the same kind, we would not use the power intrusted by circumstances to us with the force of brutish giants.

I say now, as I said then, that it is the duty of the white race everywhere to lift up those below them so far as they can, but that there is no injunction in sacred or in human law calling upon me or calling upon you to "herd with narrow foreheads, ignorant of our race's gains." They will progress as time passes, and so will we; and as we mount one rung higher on the ladder of civilization we will hold our hands down to them and raise them to the rung next below. I have no idea on my own part that they will ever be on the same rung; and I have no hypocrisy about it.

Now, then, having taken the position that there must be restricted suffrage in Hawaii, I come to the question of whether representation ought to be restricted. It ought not. Why, it is bad enough to be compelled by the exigencies of the situation to deprive the people there of an equal partnership in the destinies of their own country. For remember that it is not a problem of governing a white man's country with white supremacy, as it is here, but there you have carried yourselves over to a colored man's country. You have superimposed yourselves there until as a matter of necessity you must now govern them in accordance with your ideas, and your ideas are those of Caucasian civilization.

It is bad enough to be compelled by the exigency of the situation, I say, to restrict the suffrage. It would be absolutely mean to deprive them of a representation, merely by speech in your presence; to refuse even the poor right of petition to somebody standing here speaking for these people, saying, as such an one will have the right to say, "I represent not only the white people of Hawaii, but I represent Hawaii. I know the conditions of whites and Kanakas alike and have authority of knowledge to call your attention to them."

Why, does the gentleman imagine that because New Haven has not a proper representation in the Connecticut legislature that therefore New Haven ought to have no representation in the Connecticut legislature at all?

Mr. HILL. I will answer the gentleman that he fails to comprehend the state of representation in the State of Connecticut.

Mr. WILLIAMS of Mississippi. How many representatives has the city of New Haven?

Mr. HILL. We have two representatives. The senate is the popular body in the State of Connecticut, and the house of representatives is the representation of towns. It is precisely the reverse of the Congress of the United States, and when the gentleman makes the statement that there is no popular body in the general assembly in the State of Connecticut, he states that which gives a false impression; and I will say further, that if there are any inequalities in the popular body it is due to Democratic legislation.

Mr. WILLIAMS of Mississippi. I have not made the statement that there is no popular body in your general assembly, but I do state that your general assembly as a whole is not a body of either popular or equal representation. I am not quarreling with the fact that Connecticut manages her own affairs to suit herself. I think as a rule she has managed them wisely and well. I differ with the gentleman in politics, but I do believe that Connecticut has had one of the most honest and one of the most incorrupt State governments in the nation, mainly owing to the fact, perhaps, that her rural vote and country gentlemen have dominated her politics.

Understand me, I am not quarreling about that, but I am merely illustrating the idea that you, of all men, can not stand upon this floor and contend for the idea that the people ought to have no representation, because you are unwilling to give your own people equal representation.

Mr. SPERRY. Mr. Chairman——

Mr. WILLIAMS of Mississippi. I will yield to the gentleman.

Mr. SPERRY. Mr. Chairman, as my distinguished friend from

Mississippi has alluded to Connecticut and to New Haven, I wish to say this in reference to that matter. The State of Connecticut was organized on a different plan from any other State in the nation——

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon. I do not want to seem to be in the slightest degree discourteous. The gentleman knows that it has always been my habit to yield whenever interrupted, and I thought I was yielding to the gentleman for a question.

Mr. SPERRY. No, sir; I rose for the purpose of making some remarks.

Mr. WILLIAMS of Mississippi. I can not yield for that purpose. The gentleman can get time of the House subsequently. I can not yield for the purpose of allowing him to inject a speech into my remarks.

Now, Mr. Chairman, either Hawaii is a part of the United States or Hawaii is not a part of the United States. Gentlemen have contended in the case of the Philippine Islands and Puerto Rico, which are in military occupancy and which were taken by conquest, that they are not a part of the United States until Congress expressly declares them to be. But that contention, sound or unsound, can not have sway in the case of Hawaii, because Hawaii was admitted into the Union by her own petition, upon her own request, and by our consent. She has become a part of the United States. Whatever the constitutional situation may be or may not be in connection with the Philippines and Puerto Rico, based upon the idea that they are in military occupancy, that sort of argument can not apply to Hawaii.

Now, then, if Hawaii is a part of the United States, she is entitled to all the rights of every other Territory in the United States, and one of those rights is to be represented, by the power of speech at any rate, upon this floor. [Applause.] Now, I thank the House for its courtesy and attention and for waiving in my behalf its rule of procedure for the moment.

Mr. HILL. Will the gentleman answer me a question? How about Alaska and the District of Columbia?

Mr. WILLIAMS of Mississippi. I would to-morrow organize a Territorial government for Alaska, and give Alaska a representative upon this floor, and it ought to be done at the very earliest practicable moment. I would do the same thing for the District of Columbia, and in both cases I would have a restricted suffrage. [Applause.]

Mr. KNOX. Mr. Chairman, the debate on this matter has been exhausted, and I ask for a vote.

Mr. CLARK of Missouri. Mr. Chairman, I would like to make a remark or two, by unanimous consent.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. Now, Mr. Chairman, originally I was opposed to taking in the Sandwich Islands.

Mr. KNOX. Will the gentleman from Missouri pardon me a suggestion? I will not take up any of his time.

Mr. CLARK of Missouri. Yes.

Mr. KNOX. Mr. Chairman, I move that the debate on this section close with six minutes to the gentleman from Missouri and five minutes to the gentleman from Connecticut.

Mr. CLARK of Missouri. I wish you would make it ten. I may not be able to close my remarks in six minutes.

Mr. KNOX. Ten minutes to the gentleman from Missouri and five minutes to the gentleman from Connecticut [Mr. SPERRY].

The CHAIRMAN. The gentleman from Massachusetts moves that the debate on this section be closed at the expiration of fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. Mr. Chairman, originally I was opposed to taking in the Sandwich Islands. If that were still an open question, I would be just as much opposed to it as ever, but the incident of annexation is closed. We have them for better or for worse, and it is our duty both to ourselves and to them to do the best we can in a difficult situation.

Therefore I am in favor of giving these people a Delegate upon this floor of the character they see fit to send hither to explain their situation and their wants. If they wish to send a white man, all well and good. I hope they will. If they want to send a Kanaka—if that is the proper name—all well and good. That is their business, not ours.

I am teetotally opposed to any portion of the people of the United States being taxed without having representation. That is the principle for which we waged the Revolutionary war, and it was well worth fighting for. Now, I wish to reenforce what my friend from Mississippi [Mr. WILLIAMS] said. It does not lie in the mouth of the people of New England to come here and taunt Southerners about their methods of running elections.

In Missouri every man, great or small, rich or poor, white or black, has the right to vote once and to have his vote counted; but I am a Southern man in feeling and in thought, and I know that what they do down there they do under an impulse of self-preservation too strong to be resisted.

The gentleman from Connecticut [Mr. HILL] quoted approvingly part of my speech, delivered here in the summer of 1898, against the annexation of the Hawaiian Islands. He describes it as "a remarkable and prophetic speech." I am obliged to him for his flattering indorsement; I wish he had quoted it all. I am willing to rest my fame not only as an orator but as a prophet upon that speech. [Laughter.]

The same gentleman asks: "Do you want a Congressional Delegate from the District of Columbia?" Nobody has yet answered his query, so I will proceed to do so myself. Yes; I want a Delegate in Congress from the District of Columbia. Not only that, but I introduced a bill in the last Congress, also one in this, erecting this District into a Territory and reenfranchising the people thereof, conferring upon them the right of self-government, and authorizing them, inter alia, to elect a common council and a Delegate to this House; but I have never been able to get a report on the bill.

In the next Congress the Democrats will have the House, and I will have a favorable report on that bill or worry the committee into insanity or the apoplexy. [Laughter.]

Mr. HILL. Why did you not present and urge your bill when your party had the House?

Mr. CLARK of Missouri. Because I was a green hand in Congressional legislation; but I am "green" in that respect no longer.

I will print my bill as part of my remarks, so as to set members to thinking seriously about it. Here it is:

A bill to create a Territory of the District of Columbia by the name of the Territory of Columbia and to grant Territorial government to the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia is hereby created a Territory by the name of the Territory of Columbia.

SEC. 2. That all male citizens of said Territory over 21 years of age, who have not been convicted of a felony and who have resided within said District one whole year prior to the first Tuesday after the first Monday of November, A. D. 1900, are qualified electors to vote for all Territorial officers and upon all Territorial questions.

SEC. 3. That the existing District government shall continue until January 1, 1901, and the laws now in force shall continue in force until changed or repealed by the Territorial legislature.

SEC. 4. That prior to January 1, 1901, the President of the United States shall appoint a governor, secretary, and marshal for said Territory from among the qualified voters thereof, who shall hold their offices for a term of four years from said 1st day of January, A. D. 1901, unless sooner removed for good and sufficient cause.

SEC. 5. That the legislature of said Territory shall consist of a senate and house of representatives. The senate shall be composed of 11 members, who shall be qualified voters of said Territory at least 30 years of age, whose term shall be four years. The house shall be composed of 22 members, who shall be qualified voters at least 25 years old, and whose term shall be two years.

SEC. 6. That the said Territory shall be entitled to a Delegate to the House of Representatives in the Congress of the United States.

SEC. 7. That it shall be the duty of the present Commissioners of the District forthwith to divide the said Territory into 11 legislative districts, as nearly equal in population as possible, each of which shall be entitled to 1 senator and 2 representatives in the Territorial legislature.

SEC. 8. That on the first Tuesday after the first Monday in November, 1900, an election shall be held within said Territory for the purpose of electing senators and representatives in said Territorial legislature and a Delegate to the Congress of the United States.

SEC. 9. That it is hereby made the duty of said Commissioners to provide polling booths, poll books, tally sheets, printed ballots, and other appliances necessary for said election, and to appoint judges and clerks for the same in such numbers as to them shall seem best: *Provided, however*, That not more than one-half of such judges and clerks shall be appointed from one political party.

SEC. 10. That election returns shall be certified to said Commissioners, and they shall canvass the same and issue certificates of election to those elected.

SEC. 11. That each house of said legislature shall be the sole judge of the election and qualifications of its members.

SEC. 12. That at high noon January 1, 1901, both houses of said legislature shall meet at places prepared by said Commissioners and shall organize for business by electing such officers as shall be necessary, and may continue in session for ninety days and no more.

SEC. 13. That senators and representatives in said legislature shall receive $10 per day during the session, to be paid out of the revenues of said Territory.

SEC. 14. That said legislature shall have power to enact all necessary laws, to levy taxes, to disburse the revenues, to do all things usually done by Territorial legislatures, and to provide for the election and appointment of all subordinate officers and to fix their compensation.

Last Saturday night, while delivering a lecture before the faculty and students of the University of Michigan, at Ann Arbor, I received a telegraphic order from Senator JAMES K. JONES, of Arkansas, chairman of the Democratic national committee, directing me to go to Rhode Island and make two Democratic speeches. I went, and I learned a great deal.

I found a state of affairs which utterly amazed me. They have such an outrageous apportionment there that the great city of Providence has only 1 State senator out of 37 and 12 representatives out of 72 in the lower house of the legislature.

Ex-Governor Davis told me of some town with only 267 voters which elects a senator.

Mr. CAPRON. Will the gentleman allow me?

Mr. CLARK of Missouri. I yield for a question only.

Mr. CAPRON. What the gentleman speaks of is the result of a provision of our State constitution which we have attempted

several times to change, but our efforts have been defeated by the Democrats.

Mr. CLARK of Missouri. I will tell you about that, too, a little later on.

Mr. CAPRON. That was repealed years ago.

Mr. CLARK of Missouri. Wait; I am making this speech. I yielded for a question; not for a speech.

Governor Davis stated further that under the present unfair and un-American arrangement it could be shown by mathematical demonstration that about 36,000 people out of over 400,000 elect a majority of both branches of the legislature, and thereby absolutely control the political affairs of the State.

Yet, we hear loud lamentations about unfair election laws in the South.

In Rhode Island they still have that relic of barbarism known as a "property qualification."

If a man owns $134 worth of real estate, he is a voter for all purposes.

If he does not own that much realty, but owns and pays taxes on $134 worth of personal property, he is a voter for all purposes.

The almighty dollar and not intelligence is the qualification for full suffrage.

Then they have what they call registered voters, who are voters for certain purposes and are not voters for certain other purposes.

Yet we hear a great deal of hypocritical whining about the suppression of voters down South.

I commend to these philanthropic doctors the Scripture, which says, "Physician, heal thyself."

Under this outrageous Rhode Island apportionment for legislative purposes the Democrats would have to carry the State by 25,000 or 30,000 majority in order to have a majority on joint ballot in the legislature, whereby they could elect a Senator of the United States, and by a much larger majority in order to control both houses of the State legislature.

I was told by Mr. Green, chairman of the State Democratic committee, that the Republican supreme court judges had given the Republican governor an opinion to the effect that there is no power lodged anywhere to authorize the people of Rhode Island to hold a constitutional convention to frame a new constitution to cure this outrageous apportionment and other ills and oppressions from which the people of Rhode Island now suffer!

The only way they can secure a constitutional convention to form a new constitution is first to submit and adopt an amendment authorizing the calling of such a convention!

Here is the peculiar modus operandi of adopting a constitutional amendment: The proposed amendment must be passed by a majority of each house of two different legislatures and then be adopted at the polls!

As the little towns now elect a large majority of each house of the legislature, and as such amendment would deprive the small towns of a large portion of their present unjust power and unfair representation, the chances are that no such amendment can be passed through each house of two succeeding legislatures. It looks like nothing short of a revolution would give Republican Rhode Island a fair and modern system of voting—such as we have in Democratic Missouri.

I was told that in the city of Woonsocket 400 men begged the assessor to put them on the tax list, offering to swear and to prove that they possessed the $134 of property necessary to entitle them to vote under Rhode Island's mediæval constitution. The assessor, who was a Republican, refused to put them on the tax list. They were Democrats and undertook to mandamus the assessor and compel him to do so, but the judge, a Republican, decided that they were too late in their application, as the tax lists had already been made up! [Laughter.]

The next time they endeavored to compel the assessor by mandamus to put them on before he completed his lists; but the judge decided that the assessor was not required to put them on on any particular day of the designated time, and that he might intend to put them on the next day or the next, and again denied them the prayer of their petition—the right to be taxed and to vote. Once they were too late. Next time they were too early. [Laughter.]

I guess that that is the only instance in the entire history of the human race where men asked, begged, and instituted a lawsuit to be permitted to be taxed.

The gentleman from Connecticut says that the government of the District of Columbia, where nobody can vote, is a model government—the best in the United States, as I understood him. I deny that proposition. It is a carpetbag government, for the most part. I am not criticising the individuals who compose it. They may be good and efficient men, or they may be the reverse; but the people who fill the District of Columbia offices—not the Federal offices, but the local offices—ought to be bona fide citizens of the District and not broken-down politicians from the States fastened upon this people to eat up their substance.

Congress sits here two days in the week as a common council for the city of Washington—a duty for which it is unfit by reason of ignorance of the wants of the people and of the proper relation of one thing to another.

The fact that under the shadow of the nation's Capitol 300,000 American citizens, white and black, are completely disfranchised, not permitted to vote on any proposition under the sun, are reduced to the low estate of being the nation's wards, have no more voice in the government under which they live than have the inhabitants of Africa, is the saddest commentary to be found anywhere on the theory of representative government.

Why should they not vote? It is a manly, invigorating exercise. I would like to be here the day they elect the first Delegate to Congress. It would double discount a Donnybrook fair. There would be 300 candidates at least. [Laughter.]

During the Fifty-third Congress there was to be a meeting downtown to agitate for the restoration of self-government. I was invited to speak. I accepted the invitation. It was so announced in some of the papers. A delegation composed of Democrats and Republicans waited on me to protest. I asked them why the people of the District should not enjoy the right of suffrage. A Republican answered: "The damned niggers and poor whites would vote us into bankruptcy!"

A MEMBER. Do you say that a Republican said "damned niggers?"

Mr. CLARK of Missouri. Yes; I was told by one who claimed to know that he was a Republican.

It appears to me that it is rather late in our history to give color to the absurd and unjust proposition that a poor white is not fit to vote by disfranchising a whole populous city and district.

The refusal of the right of suffrage to the people of this District turns back the hands of the clock more than a century. It is a dangerous performance, because the plan may be copied in some other part of the Union and in every other part. It is an open confession in the face of the world that pro tanto our experiment in representative government is a failure.

I want to say here and now that if a colored man is good enough to vote in the Ninth Congressional district of Missouri, he is good enough to vote in the District of Columbia and to say how his taxes shall be levied and disbursed—to take a hand in running his own government.

I am not in favor of making an experimental governmental political station of the Sandwich Islands, as you are making one out of the District of Columbia. The truth is that for sixty years every bad piece of legislation that Congress wanted to adopt was first tried on the helpless people of this District.

If it did not destroy them, then they extended the experiment to the rest of us. [Laughter.] I agree fully with my distinguished friend from Illinois [Mr. HITT] that we can not bind the future. I wanted to bind the future when we annexed the Hawaiian Islands. We can not bind future Congresses by saying that we will not make a State out of them; but we can say that those people, being ours now, shall have a chance to educate themselves in the difficult art of self-government, and that we will not treat them in the outrageous manner in which we treat the people of this District.

I want to say further that every time we take in a new island, so far as I am concerned, you will have to extend to it the Constitution of the United States and the liberties that we enjoy. [Applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] asks unanimous consent to print as a part of his remarks the bill in regard to the District of Columbia and to extend his remarks in the RECORD. Without objection, it will be so ordered.

There was no objection.

Mr. SPERRY. Mr. Chairman, I should not arise at this time to say anything concerning this matter, but I want to set one thing right which has been said by the gentleman from Mississippi [Mr. WILLIAMS] about the State of Connecticut.

The State of Connecticut has been alluded to here, and so has the city of New Haven. When the State of Connecticut was formed, it was formed of the little towns which made up the State. Those little towns were unlike any other towns that I know of in the United States. Those little towns were little republics of themselves, and when the constitution of 1818 was formed a provision was inserted in the preamble that all the rights, privileges, and immunities which the people of Connecticut had received from their ancestors were vouchsafed to them under the new constitution, besides all of the original towns were given two representatives.

Now, some towns have increased largely in population. At the time our constitution was formed the towns were substantially equal in population. There was but little difference; but since then a town here and there has arisen, like New Haven, like Hartford, like the towns up through the valley of Naugatuck. Those towns have increased, but the original towns have their two representatives in the general assembly. The small original towns which have not greatly increased in population still have their

two representatives. It is a constitutional provision; it is a right which they received from their ancestors, and the reason why the representation is not changed in Connecticut to-day is as I have stated. The city of New Haven has 125,000 population, and the city of Hartford probably 80,000, but they are only entitled to two representatives under the constitution.

Now, we should not care to change places with the other towns in the State. New Haven has grown, and Hartford has grown, and yet they have only their two representatives. Now, when an attempt is made to amend the constitution, or if an amendment is offered to the constitution, the little towns largely outnumber the large towns, and the little towns are jealous of their rights, for which I do not blame them, and they do not propose to give to the cities any more representation in the general assembly than they originally had, to wit, two from each town, and only two. That is the situation in Connecticut, and I thought it was but right that I should have you understand our position, and how we have come into the situation that we are in, and how it is impossible, in my judgment, to change that system of representation. Yet the good old State of Connecticut has a history that she may well be proud of. Connecticut was the first State to give civil liberty to man by a written constitution. The Newman barn constitution at New Haven, and the Hartford, Windsor, and Wethersfield constitution will remain for all time a monument to the judgment, the wisdom, and the patriotism of the early settlers of Connecticut. [Great applause.]

Mr. KNOX. I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Connecticut.

The amendment was rejected.

The Clerk read as follows:

FEDERAL COURT.

SEC. 87. That a judicial district of the United States is established for the Territory of Hawaii, to be called the district of Hawaii, which shall be included in the ninth judicial circuit of the United States. The President of the United States, by and with the advice and consent of the Senate of the United States, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district. The district court for the said district shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said courts shall be held at Honolulu on the second Monday in April and October and at Hilo on the last Wednesday in January of each year; and special terms may be held at such times and places in said district as the said judge may deem expedient.

Mr. LANE. Mr. Chairman, I have an amendment to that section which I wish to offer.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Section 87, page 91, line 7, add the following:

"The said district judge shall appoint a clerk for said court at a salary of $3,000 per annum, and shall appoint a reporter of said court at a salary of $1,200 per annum."

The amendment was agreed to.

Mr. ROBINSON of Indiana. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out section 87 and insert the following:

"FEDERAL COURT.

"That there shall be established in said Territory a district court to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district, and said judge, attorney, and marshal shall hold office for six years unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court, and said judge shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges of district and circuit courts of the United States. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said court shall be held at Honolulu on the second Monday in April and October and at Hilo on the last Wednesday in January of each year; and special terms may be held at such times and places in said district as the said judge may deem expedient."

Mr. ROBINSON of Indiana. I will state to the chairman of the committee and to the members of the House that this provision is a Senate provision. I desire to call the attention of members to the further fact that by the section read in the House bill no term is fixed for the judge, the marshal, or the district attorney, nor is any reference made as to how long they shall hold.

Mr. KNOX. The court established by the House bill is a constitutional court, and the terms of its officers are regulated by law—the judge for life and the marshal for four years.

Mr. ROBINSON of Indiana. The Senate provision is to limit the terms of these three officers to six years. I think that accords with the vote of the House the other day in limiting the terms of the circuit judges to four years. There has been a theory that these officers ought to hold for a long time. In my judgment, we ought to limit the time. The amendment I offer, which is a Senate provision, limits the term of each of these officers to six years. The Senate provision also says that they shall reside in the Territory. That provision is absent in the section that I desire to have stricken out.

This provision was well considered by the Senate, and in my judgment, after carefully looking over both sections, the Senate provision which I have offered as an amendment is the better of the two.

Mr. KNOX. Mr. Chairman, the gentleman does not seem to take in the broad distinction which there is in the bill of the House from that of the Senate bill. He picks out different items without considering the broad distinction. The Senate creates a legislative court under the general power of the Constitution that Congress has authority to regulate and provide for the Territory and other property of the United States. If I may be permitted to refer to the discussion in the Senate, it turned, not upon the wisdom or desirability of a Federal court, but upon the constitutional power of Congress to create a Federal court in a Territory. Now, this provides for a Federal court, a constitutional court. If it is a constitutional court, then the tenure of its officers is regulated by the Constitution, and there is no power in this House to change it. If, on the other hand, it is changed and made a legislative court, then, of course, all its provisions are entirely within the jurisdiction of the House to change.

Now, the desirability of establishing a constitutional court is for the purpose of entirely separating the local and Territorial litigation from the Federal litigation. We make a Federal court having strictly Federal jurisdiction, from which appeals and writs of error lie to the Supreme Court and circuit court of appeals. The Senate, on the other hand, creates a district court with some Federal jurisdiction, at the same time providing that appeals and writs of error from the supreme court of the Territory shall lie to the Ninth judical circuit. We have there a court of mixed jurisdiction, from which confusion will inevitably result. A great deal of time was spent upon the consideration of this provision and the House provision was unanimously agreed to by the committee.

Let me suggest that we will have trouble if we legislate according to the gentleman's provision. Suppose a judge is sick and that he has to go away; perhaps the President would not like to remove him, and, not being a constitutional court, the judge of the district of California could not go there to preside. I think the only fear that there was when this question was first mooted among lawyers as to Hawaii courts and the establishment of a Federal court in the Territory has passed away upon reflection and consultation, and it is for the benefit of Hawaii as a Territory that this jurisdiction be kept separate, and that they have a regular Federal court of Hawaii.

Mr. ROBINSON of Indiana. The suggestion of the amendment is that they might have an appeal to the Ninth or California district.

Mr. KNOX. Of course it does, and if that court is established they may appeal from the supreme court of the Territory, because you have a double jurisdiction. It is our purpose to entirely separate them; and I would say to the gentleman that if there is any doubt about the constitutionality of this question in conference, why, then, of course, a special provision will be adopted. I wish that the gentleman would not offer the amendment.

Mr. ROBINSON of Indiana. Upon the suggestion that this matter will go into conference anyway, I will not insist upon it.

The CHAIRMAN. The amendment is withdrawn.

Mr. LANE. What about my amendment?

The CHAIRMAN. It is adopted.

The Clerk read as follows:

SEC. 92. That the public property ceded and transferred to the United States by the republic of Hawaii under the joint resolution of annexation, approved July 7, 1898, shall be and remain in the possession, use, and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii.

Mr. KNOX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 93, section 92, line 2, add the following:

"And all moneys in the Hawaiian treasury and all the revenues and other property acquired by the republic of Hawaii since said cession shall be and remain the property of the Territory of Hawaii."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 93. That the following officers shall receive the following annual salaries, to be paid by the United States: The governor, $5,000; the secretary of

the Territory, $3,000; the United States district judge, $5,000; the United States marshal, $2,000; the United States district attorney, $2,000. And the governor shall receive annually, in addition to his salary, the sum of $500 for stationery, postage, and incidentals; also his traveling expenses while absent from the capital on official business, and the sum of $2,000 annually for his private secretary.

Mr. KNOX. Mr. Chairman, I have an amendment I desire to offer to that section.

The Clerk read as follows:

On page 93, section 93, in line 6, after the word "dollars," add the words "and the chief justice of the supreme court of the Territory, $5,500, and associate justices, $5,000."

The question was taken, and the amendment was agreed to.

Mr. ROBINSON of Indiana. I offer an amendment to follow the last amendment. I would like to have the attention of the gentleman from Massachusetts to this amendment.

The Clerk read as follows:

Add, after the word "judge" of the last amendment, "salaries of the said chief justice and associates of the supreme court and the judges of the circuit court, as above provided for, shall be paid by the Territory of Hawaii."

Mr. ROBINSON of Indiana. That provides that the salaries of the United States courts, the stenographer, and clerk shall be paid by the United States, and the salaries of the Territorial judges shall be paid by the Territory of Hawaii.

Mr. KNOX. What salaries?

Mr. ROBINSON of Indiana. The salaries of the Territorial judges shall be paid by the Territory.

Mr. KNOX. The circuit court judges?

Mr. ROBINSON of Indiana. And the judges of the supreme court of Hawaii.

Mr. KNOX. Well.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

PROCEEDINGS FOR OPENING FISHERIES TO CITIZENS.

SEC. 97. That any person who claims a private right to any such fishery shall, within two years after the taking effect of this act, file his petition in a circuit court of the Territory of Hawaii, setting forth his claim to such fishing right, service of which petition shall be made upon the attorney-general, who shall conduct the case for the Territory, and such case shall be conducted as an ordinary action at law.

That if such fishing right be established, the governor of the Territory of Hawaii may proceed, in a manner provided by law for the condemnation of property for public use, to condemn such private right of fishing to the use of the citizens of the United States upon making just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the Territory of Hawaii not otherwise appropriated.

Mr. GILBERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend section 97 by striking out the last five words, to wit——

Mr. GILBERT. Mr. Chairman, I withdraw it. There was a break in the section. When I drafted the amendment it occurred to me that that was not the section. What I meant to offer as an amendment is this: In line 23, section 97, the last five words are, "an ordinary action at law." I want to insert in lieu of those words "ordinary actions at law or in equity." The committee seem to assume that——

The CHAIRMAN. The gentleman will please suspend and send the amendment to the desk. It will then be reported to the committee.

The Clerk read as follows:

Amend section 97 by striking out the last five words in line 23, to wit, "an ordinary action at law," and substitute these words: "ordinary actions at law or in equity."

Mr. GILBERT. Now, Mr. Chairman, as I said, the amendment is not very material, but it ought to be inserted, because the report of the committee seems to assume that in settling controversies in the court upon questions of that sort it is always a purely legal issue. Lawyers know that that sort of question is very frequently by equity suit, and it ought to be ordinary actions at law and actions in equity.

Mr. FINLEY. Will the gentleman permit me to ask him a question?

Mr. GILBERT. Certainly.

Mr. FINLEY. If I understood the gentleman's amendment, it is this: If in the settlement of property rights condemnation proceedings were necessary, it should be in courts of law or in courts of equity. Is that correct?

Mr. GILBERT. It is.

Mr. FINLEY. I would like to ask the gentleman this question: Does he not think that the provision of the Constitution of the United States providing that no property shall be taken for public use without due process of law means a trial by jury, and therefore is an action at law?

Mr. GILBERT. In the Kentucky practice in a proceeding for the condemnation of property for public uses we do not necessarily have a jury. I think this means process by due course of law in the courts. We do not necessarily have a jury trial.

Mr. KNOX. I wish to say that this question does not deal with the right but with the method of procedure. Some method of procedure must be provided, in the same way as taking lands for a public highway. When you condemn property for a public use and compensation is made according to a certain method of procedure, we provide the method by which it shall be done, the same as an action at law. If you include equity in it, then no method of procedure is provided.

Mr. GILBERT. The gentleman does not catch the force of my amendment. The bill restricts the procedure to common-law cases. By the terms of your bill the vested right is destroyed unless the party can vindicate it in court by a common-law issue, by a trial by ordinary proceedings at common law. Now, by this amendment I merely broaden the rights of the man who is claiming the vested right, so that if he can show the courts that he has a vested right in the property, as the issue is an equitable one, he can maintain it. His right to property is none the less if it is an equitable one, but upon the terms of this bill he is confined to a common-law action as contradistinguished from an equitable proceeding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. GILBERT].

The amendment was disagreed to.

Mr. KNOX. Mr. Chairman, I have an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

On page 94, section 97, line 34, strike out the words "the governor" and insert in lieu thereof "the attorney-general."

The amendment was agreed to.

Mr. ROBINSON of Indiana. Mr. Chairman, I will ask unanimous consent to return to the amendment adopted on the question of salaries of judges being paid by the Territory of Hawaii, and ask to add an amendment.

Mr. KNOX. What section is it?

Mr. ROBINSON of Indiana. I will ask the Clerk to read the original amendment.

The Clerk read as follows:

The salaries of said chief justice and associate justices of the supreme court and the judges of the circuit court as above provided shall be paid by the Territory of Hawaii.

Mr. ROBINSON of Indiana. That was the amendment adopted. Now, I propose an amendment to that.

The CHAIRMAN. The gentleman asks unanimous consent to return to section 93 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

The judges of the circuit courts, of whom the two judges for the first circuit shall each receive an annual salary of $4,000, and the judges for the second, third, fourth, and fifth circuits, respectively, an annual salary of $3,000 each.

The amendment was disagreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 99. That all vessels carrying Hawaiian registers, permanent or temporary, on August 12, 1898, together with the following-named vessels claiming Hawaiian register, *Star of France*, *Euterpe*, *Star of Russia*, *Falls of Clyde*, and *Wilscott*, shall be entitled to be registered as American vessels, with the benefits and privileges appertaining thereto.

Mr. GROSVENOR. Mr. Chairman, I want to hear from the chairman of the committee some explanation of this section of the bill, which, in my judgment, ought not to be in the bill at all, because of the superior jurisdiction of the maritime laws of the United States over the Territorial law, and particularly because of certain dangerous provisions in the bill, or rather the lack of a careful provision, in my judgment.

Mr. KNOX. Mr. Chairman, this section provides that Hawaiian ships—ships that had a Hawaiian register at the time of annexation—are given a United States register. They could have no other register; they would be sailing without a flag and without a nationality. The Hawaiian flag went down upon the government building in Hawaii on August 12, 1898, and the American flag was raised with proper ceremonies. No flag of Hawaii from that moment means anything, and a vessel sailing under a Hawaiian flag is sailing under no flag and no nationality.

Now, there were brought to the attention of the committee by many gentlemen claims that there were other vessels than those which had a Hawaiian register that were entitled to a Hawaiian register upon this ground; that they had been bought in good faith by Hawaiians and intended for a Hawaiian register, but sailing under a temporary register, or sea letter, and without any notice of this transfer of sovereignty or of the annexation resolution. Now, if that were so, then they should be entitled to the benefits of this register; but there were statements made that there were very many vessels that would claim the benefit of this American register, and you can see that it would be a matter of thousands of dollars in the pockets of anyone who could obtain an American register by claiming that they were purchased and intended for a Hawaiian register.

So the committee, fearing the result of a general provision, and the number who would claim that they owned vessels intended

for a Hawaiian register, heard and voted upon the particular cases presented in order to determine as a question of fact whether these vessels were purchased in good faith, purchased without the knowledge of a transfer of Hawaii to the United States. And the committee, having heard these cases, named these vessels in this section, so that there might be no mistake whatever, and no claim made hereafter by men seeking to get in and get a United States register by claiming that they were intended for the Hawaiian register.

Mr. GROSVENOR. Mr. Chairman, I move to amend by inserting, after the word "eight," in line 5 of section 99, these words:

And which were owned bona fide by citizens of the United States or citizens of Hawaii.

Mr. Chairman——

Mr. KNOX. I make no objection to that amendment.

Mr. GROSVENOR. But I want to say a few words upon it.

Mr. KNOX. All right.

Mr. GROSVENOR. This provision of the bill is an attempt to legislate about matters that do not belong to any Territorial organization; but to that I shall not make any strong objection. A bill is already pending, and will no doubt be passed, with the proper limitations and restrictions, admitting to American registry all vessels that ought to be covered by any act of the United States. In the investigation which the Committee on the Merchant Marine and Fisheries has made it appears that following the annexation of these islands a very loose system of registry was in vogue, and a great many ships suddenly took on Hawaiian registries, so as to get into our coastwise trade by this loose system of registry, when they could not have gotten in in any other way. These registries were issued to foreign ships, strictly foreign ships, that had no possible connection with our merchant marine.

Now, the purpose of this amendment is to minimize, at least, the injury which I think this bill is liable to do, by providing that at the time of registry these ships must have been owned by American citizens or citizens of Hawaii. As the bill stands now, anybody who during that period of time secured surreptitiously an American register can come right in under the provisions of the bill.

Mr. KNOX. Mr. Chairman, only a word. As to our committee usurping any jurisdiction, let me say that this bill, with the provision to which the gentleman objects, was recommended by the commission which Congress authorized and the President appointed and which visited Hawaii. We took the bill as we found it, with this provision.

The question being taken on the amendment of Mr. GROSVENOR, it was agreed to.

Mr. CUSHMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Immediately after section 99 add the following:

"SEC. —. At the expiration of one year after the passage and approval of this act the coasting trade between the islands aforesaid and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two coasting districts, except those provisions relating to license and enrollment: *And provided*, That such vessels must sail under a register."

Mr. CUSHMAN. Mr. Chairman, the amendment which I have offered and which has just been read is one that was adopted upon my suggestion by the committee, and has the unanimous indorsement of that committee.

This amendment, in substance, simply provides that the shipping laws of the United States governing the coasting trade shall be extended to and include the Territory of Hawaii; provided that such law shall not be in force and effect until one year from and after the passage and approval of this act.

It may be said by some that this amendment of mine is not in favor of American shipping interests, because it will leave this field open to foreign vessels for the period of the next year. However, in truth and in fact, my amendment is designed for the benefit and encouragement of American shipping interests.

Let me illustrate briefly the practical application of this amendment of mine. At the present time there are not anywhere near a sufficient number of vessels engaged in the trade between the United States and Hawaii, either to carry into Hawaii the products of this country or to carry from Hawaii her products. This present scarcity of vessels will be greatly increased during this summer, when every available vessel on the Pacific coast will be engaged in the Alaskan trade. The great gold excitement at Nome, Alaska, will take every available vessel on the coast, because the profits of the Alaskan run are much greater than those of the Hawaiian run. Then that will leave us with not enough American vessels to carry on this trade. If the coasting laws are now extended to this Territory of Hawaii, this extension to take effect upon the passage of this act, then all foreign vessels—which are now carrying our Puget Sound trade with Hawaii—will be driven out. Then we will have neither foreign vessels to carry the trade nor American ships to take the place of the foreign ships.

There is no man in this House who is more anxious to build up American shipping than I am and who will go further with his vote to favor American shipping; but I do not want this bill passed without my amendment, for in effect it would destroy our traffic with Hawaii by taking away our foreign ships without giving us anything in their place. Do not let us destroy what we now have until we are ready to replace it with something else equally as good.

It will take at least a year for any shipyard to build a ship suitable for the trade between the Pacific coast and Hawaii. If my amendment shall prevail, this will be notice to every Hawaiian transportation line that within a year after the passage of this act, if they expect to continue in this trade, they must have American ships to do the carrying trade. Hence they will at once place their orders for ships for this traffic, and thus will my amendment offer encouragement for the upbuilding of American shipping.

If the amendment shall not prevail, we of the Pacific Northwest will be left for the next year with no carrying trade to and from Hawaii, and the transportation companies, who have at great expense been the pioneers in building up this trade, will lose the money they have spent in building it up, and neither the American people nor the Hawaiian people will benefit thereby, but the products of each country will lie rotting for a year waiting for a market.

Mr. Chairman, I trust my amendment will prevail.

The question being taken, the amendment of Mr. CUSHMAN was adopted.

The Clerk read as follows:

SEC. 100. That the portion of the public domain heretofore known as crown land is hereby declared to have been on August 12, 1898, and prior thereto, the property of the Hawaiian government, and to be free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever upon the rents, issues, and profits thereof. It shall be subject to alienation and other uses as may be provided by law.

Mr. MCRAE. I move to amend the paragraph just read by striking out, in line 17, the words "alienation and other uses" and inserting in lieu thereof the words "such disposal;" so as to read: "It shall be subject to such disposal as may be provided by law."

Mr. KNOX. It seems to me that the change of language does not make any difference whatever in the effect of the provision.

Mr. MCRAE. I submit that the words proposed in my amendment are the proper words to be used in reference to the public domain.

The question being taken on the amendment; there were—ayes 46, noes 60.

So the amendment was rejected.

The Clerk read as follows:

SEC. 102. That Chinese in the Hawaiian Islands when this act takes effect may within one year thereafter obtain certificates of residence as required by "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, as amended by an act approved November 3, 1893, entitled "An act to amend an act entitled 'An act to prohibit the coming of Chinese persons into the United States,' approved May 5, 1892," and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates.

Mr. KNOX. I move to amend by adding at the end of the section just read the following:

Provided, however, That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or district of the United States from the Hawaiian Islands.

The amendment was agreed to.

Mr. DE ARMOND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend by striking out all of section 102 and inserting in lieu thereof the following:

"SEC. 102. All Chinese and other Asiatics who came or were brought into Hawaii since August 12, 1898, under any contracts or contract whereby they bound themselves or are or were bound to any term of service, shall depart therefrom and from the United States within one year from the taking effect of this act; and any such persons being in Hawaii or elsewhere within the United States after the expiration of such period shall be dealt with as if found within the United States in violation of the Chinese exclusion act."

Mr. DE ARMOND. Mr. Chairman, the object of that amendment is plainly apparent from the reading of it. Since August 12, 1898, many thousand Chinese and other Asiatics have been brought to the Hawaiian Islands under labor contracts, and they are there now. If this amendment be adopted these people will have to take themselves away or be taken away within a year after the taking effect of this act, and such of them as may fail to go at the expiration of that time will be there in violation of the laws for the exclusion of Chinese, and will be deported or otherwise dealt with, as other Chinamen violating the Chinese-exclusion act.

Mr. BARHAM. Will the gentleman allow me there?

Mr. DE ARMOND. Yes.

Mr. BARHAM. This is a substitute for section 102?

Mr. DE ARMOND. Yes.

Mr. BARHAM. Now, if your amendment is adopted, it will let into the United States all of the Chinese that are not there under

labor contracts, and you certainly do not want that. You certainly do not want this section stricken out. It would let them all into the United States. The section as amended by the amendment offered by the chairman of the committee [Mr. KNOX] brings the Chinese in that island all under the exclusion act and prohibits them from coming to the United States from that island. If you add this to the section as amended by the chairman, then it would have force and effect, but you ought not to offer your amendment in lieu of that.

Mr. DE ARMOND. It did not seem to me from the reading of the amendment that the proposition I offer would have that effect; but it may have, and in order to obviate that I will offer it as a new provision, a new paragraph. My amendment was drawn for the section as it was before any amendment to it had been adopted.

The CHAIRMAN. Without objection, the amendment will be considered as offered in that way.

Mr. KNOX. I did not hear the gentleman's remark. This amendment would leave all the Chinese and Japanese in the island who were there previous to that time. If the gentleman's amendment is to be offered, it should be offered as a new paragraph.

Mr. DE ARMOND. I offer it as a new paragraph.

The CHAIRMAN. Without objection, that course will be pursued.

Mr. SNODGRASS. I should like to ask the gentleman a question. You say that all Chinese and Asiatics that have been brought into those islands under contracts shall depart in one year or be dealt with in accordance with the provisions of the Chinese-exclusion act. What are the provisions of that act?

Mr. DE ARMOND. Oh, I have not time to go into that.

Mr. SNODGRASS. If those people have been brought to those islands——

Mr. DE ARMOND. I can not yield to the gentleman for a speech in my time, nor could I read the provisions of the Chinese-exclusion act in twice five minutes.

Mr. SNODGRASS. I wish to be heard in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. DE ARMOND] has the floor.

Mr. DE ARMOND. The object of the amendment is to prevent the coming into the United States and to take away from Hawaii those Asiatic laborers who came in under contract—some twenty-five or thirty thousand of them. It is not enough that the amendment offered by the gentleman from Massachusetts [Mr. KNOX] may exclude them from the United States proper. Whether it does it I can not tell, because I merely heard the amendment as it was read in the confusion of the House; but granting that it does, that, to my mind, is not sufficient. They ought not to remain in Hawaii. The contract system ought not to be maintained there, but they should be deported and should be dealt with in Hawaii, as well as in other parts of the United States, as are Chinese here against the provisions of our law, made, I suppose, for due reason and sufficient cause for the exclusion of the Chinese. I would like to have these contract laborers taken out of the Hawaiian Islands as well as prevented from coming to any other part of the United States. The amendment now pending, I think, will have that effect.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. KNOX. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. DE ARMOND. I do not care for that much time. I only want a moment.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. DE ARMOND. It will supplement that which the gentleman from Massachusetts sought to accomplish by the amendment offered by him to the section. As I caught the reading of his amendment, I think that the two provisions are in harmony and not at all in conflict.

I think it is entirely right to prevent any and all of the Chinamen in the Hawaiian Islands from coming to any other part of the domain of the United States of America and that it is also proper and right and highly desirable to have all of the Chinese who are there under this contract-labor system taken hence as soon as possible. A year is a reasonable time in which to quit our domain without hardship to them.

Mr. BARHAM. The gentleman's amendment does not now propose to strike out the other, as I understand it.

Mr. DE ARMOND. This is a new proposition.

Mr. BARHAM. I should like to have the amendment reported.

The CHAIRMAN. Without objection, the amendment will be reported in its present form.

The Clerk read as follows:

Amend by inserting the following at the end of section 102:

"All Chinese and other Asiatics who came or were brought into Hawaii since August 12, 1898, under any contracts or contract whereby they bound themselves, or were or are bound to any term of service, shall depart therefrom and from the United States within one year from the date of the taking effect of this act, and any such person being in Hawaii or elsewhere in the United States after the expiration of said period shall be dealt with as if found within the United States in violation of the Chinese-exclusion act."

Mr. SNODGRASS. Mr. Chairman, the people affected by this provision are poor people. They may not be able to get away at the end of the time mentioned; and I think if that amendment is adopted, there ought to be some provision requiring the persons who brought them into those islands under labor contracts to aid them to get away. If we are going to deal with them thus summarily, we ought to provide some way that they may be carried back.

Mr. ROBINSON of Indiana. That is provided for in the Chinese-exclusion act.

Mr. SNODGRASS. That is what I wished to ask the gentleman from Missouri when I addressed an inquiry to him, with reference to the provisions of the exclusion act. Is that a provision of that act?

Mr. ROBINSON of Indiana. It is.

Mr. SNODGRASS. Then I withdraw all opposition to the amendment.

The amendment offered by Mr. DE ARMOND was agreed to.

Mr. NEWLANDS. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Nevada offers an amendment which will be reported by the Clerk.

The amendment was read, as follows:

Amend section 102 by adding:

"That there shall be a commissioner of labor, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall hold his office for four years, unless sooner removed, whose duty shall be to acquire and diffuse among the people of Hawaii useful information on subjects connected with labor, and especially upon its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity.

"It shall be his duty to make annual reports to the governor and legislature of the Territory of Hawaii, and also to the Department of Labor in the United States. The commissioner of labor is also specially charged to investigate the causes of and facts relating to all controversies and disputes between employers and employees as they may occur, and which may tend to interfere with the welfare of the people of Hawaii, and to report thereon to the legislature of Hawaii and to the Department of Labor in the United States. The commissioner of labor shall annually make a report in writing to the governor and legislature of the Territory of Hawaii, as well as to the Department of Labor in the United States, of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the Department. He shall require such statements as may be prescribed by the Department of Labor in the United States, from all employers of labor, as to the number of laborers employed, the nationality of the laborers, the daily, weekly, and monthly wages paid, and such other information as the Department of Labor may require. Any failure to make such a statement by any person or corporation shall subject such person or corporation to a penalty of $100 for each and every refusal, to be collected and enforced by the government of the Territory of Hawaii in the courts of Hawaii, and to such other additional penalties as may be prescribed by the legislature of the Territory of Hawaii. The legislature of Hawaii may add to the powers and duties of the commissioner of labor as herein prescribed, and may prescribe additional penalties."

Mr. NEWLANDS. Mr. Chairman, the purpose of this amendment is to provide for the appointment of an official whose special duty it shall be to inquire into all questions relating to labor in the Hawaiian Islands, to collect and present statistics both to the governor of Hawaii, the legislature of Hawaii, and the Department of Labor at Washington. It provides that this commissioner shall be appointed by the President, for the reason that I deem it unwise that this appointment should be given to the governor of the Territory, or that the labor commissioner should be elected by the people there. The great danger to Republican institutions in those islands arises from their system of land tenure, which means centralization of land ownership in corporations of large capital, for the plantations are almost universally held and owned by corporations, and from the labor system that has prevailed there.

Mr. COX. Will the gentleman allow me to ask him one question there?

Mr. NEWLANDS. Very well.

Mr. COX. I could not determine from your amendment what term of office is fixed or the salary?

Mr. NEWLANDS. The term is fixed at four years. I have not provided for the salary. This commissioner should be appointed by the President of the United States, because we should see to it that a republican government is maintained there; and the danger to republican government largely arises from the system of labor which the governing class there seek to maintain. Reports are to be made not only to the governor and the legislature of those islands, but to the Department of Labor in the United States, so that his reports to us annually may present all the statistical information. Now, it has been the custom in almost every State in the Union to appoint such commissioners of labor and to organize such departments of labor.

They have done great and efficient work. We have a Commissioner of Labor of the United States and a United States Department of Labor, and the work of that department has been most

beneficial. It seems to me that we can not properly organize the government of Hawaii unless we provide for a department whose special function it is to collect statistical information in relation to the labor conditions of that country and to present it to the local governing body and the supervising and controlling Government of the United States.

Mr. KNOX. Will the gentleman permit me to ask him a question?

Mr. NEWLANDS. Certainly.

Mr. KNOX. Does not the jurisdiction of our Labor Commissioner extend to-day to the Territories?

Mr. NEWLANDS. No; I do not so understand. I present this amendment after consultation with the Labor Commissioner to-day.

Mr. KNOX. Mr. Wright. Does he approve it?

Mr. NEWLANDS. There are some additions made; but nothing at all that antagonizes his recommendation.

Mr. McRAE. I would like to ask the gentleman a question.

Mr. NEWLANDS. Certainly.

Mr. McRAE. Can not he so modify his amendment as to impose these duties upon the commissioner of agriculture and forestry there?

Mr. NEWLANDS. The commissioner of agriculture and forestry there is elected by the people.

Mr. McRAE. If you require him to perform this duty, I think it will be a saving to the government.

Mr. NEWLANDS. I do not want this duty to be performed by any official who will be a representative of the very land system which is interested in maintaining and preserving this system of labor. I wish this commissioner to be appointed by the President of the United States.

Mr. McRAE. The objection I see to it is that he has very little to do, and this other officer has very little to do, and these are two big salaries.

Mr. NEWLANDS. That can be taken in hand by the conferees and disposed of.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Nevada.

The question was taken; and the Chairman announced that the "noes" appeared to have it.

Mr. NEWLANDS. I call for a division.

The committee divided; and there were—ayes 39, noes 82.

So the amendment was rejected.

Mr. NEWLANDS. I offer the following amendment.

The Clerk read as follows:

Amend section 102 by adding:

"That it is hereby declared to be the purpose of the United States to promote the increase of free white labor in the Territory of Hawaii and to discourage the employment of Asiatics, and to that end it is enacted that every corporation employing labor in Hawaii shall, within one year from the passage of this act, employ at least one-tenth of its laborers from citizens of the United States, citizens of the Territory of Hawaii, and other free white persons, and that such corporations shall increase the number of such laborers one-tenth annually, until at least three-fourths of their laborers shall be citizens of the United States, citizens of the Territory of Hawaii, or other free white persons. Any violation of this provision shall subject the corporation guilty of such violation to the forfeiture of its franchise and to such other penalties as may be prescribed by the legislature of Hawaii."

Mr. NEWLANDS. Mr. Chairman, the purpose of this amendment is to gradually relieve Hawaii of the intolerable conditions arising from the employment of Asiatic labor. As it stands to-day these islands are almost entirely devoted to the production of sugar, a production which has been made vastly profitable by the markets which this country has afforded. Lands have risen to fabulous values. The prices received for their products and the profits made have been such as to warrant the employment of a higher class of laborers and a much more expensive system of labor.

Notwithstanding that fact, these corporations which own or control almost all the sugar lands and whose influence is potential in government have steadily encouraged Asiatic immigration to those islands, instead of endeavoring to increase white immigration to those islands. Their contention has been that the climate is unsuited to white labor. I have it from those who are informed as to the climate that it is not unsuited to white labor, and especially not unsuited to those white laborers who live in semitropical countries and semitropical climates, such as the Portuguese and Italians, who constitute a most useful portion of our population, whose children are educated in our schools, and who soon become, as citizens of a republican government, devoted to its institutions and its principles.

Now, the question is, How can we relieve these islands from the incubus that has been fastened upon them by a false labor system without injustice to existing rights and without the destruction of the business now conducted there? It is obvious that it must be gradually done. We can accomplish it by the control which the State has over the corporations which it creates. The Government can determine the class of labor which these corporations shall employ, and it can subject them to the penalty of forfeiture of their franchises if they violate the injunction of the law.

These corporations control all the sugar lands of Hawaii; and as that is the occupation which employs almost all the laborers in that country, by controlling the corporations in the employment of Asiatic labor you regulate the evil complained of.

Now, I provide in this amendment for the gradual increase in the white labor employed by these corporations. The amendment provides for the employment of one-tenth within the first year and an increase of one-tenth every year, until at least three-quarters of the employees of these corporations shall be citizens of the United States, which includes white and black citizens of the United States, citizens of the Territory of Hawaii, which includes the Kanakas and other white people, such as Italians and Portuguese, who can migrate to these islands, and thus gradually three-quarters of the now Asiatic population of these islands will increase by the addition of such persons, white or black, as are now citizens of the United States and by the immigration of laborers of the white race who are accustomed to a semitropical climate.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. NEWLANDS. I ask an extension of five minutes.

The CHAIRMAN. The gentleman from Nevada asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. Now, will the gentleman yield to me for a question?

Mr. NEWLANDS. Just for a question.

Mr. COX. Why do you exclude the negro there?

Mr. NEWLANDS. I do not.

Mr. COX. You say free white people.

Mr. NEWLANDS. No, I do not; I say citizens of the United States, citizens of the Territory of Hawaii and other free white persons. Now, citizens of the United States includes the negroes that are in the United States.

Mr. COX. Well, put my nigger in, and that is all I want. [Laughter.]

Mr. NEWLANDS. Negroes of the United States can go to these islands. The plan which I advocate will not work any violent change in the existing system of labor, nor will it operate in the end to the disadvantage of the capital employed there. I am as anxious as anyone to avoid that. The process is merely one which reaches out for corporations which are creatures of the State and whose franchises are subject to the control of the State. It exercises a reasonable control over their employment of labor, to the advantage of the Government and to the advantage of the republican institutions.

Nor will it work an injustice to the Asiatic labor now employed there. The change will be gradual; and as these islands grow in business, as they are bound to do, it is probable that the Asiatic laborers now employed there and displaced by the gradual system which this amendment provides for will be absorbed by new enterprises, or will be glad to return to their homes with the accumulations which most of them acquire.

Mr. KNOX. Mr. Chairman, I have only one word to say in regard to this amendment, and that is, I trust that it will not prevail. The labor problem in Hawaii is a very difficult one and a very uncertain one, and what the future result is going to be there no one can foresee. The hope is, and the best hope is, that as these valuable lands which are now leased on long terms of years expire, and as they become a part of the public domain, inasmuch as under this bill no future leases but for a short term can be made except by an act of Congress, it is the hope that these lands will be taken, not by men who my friend says work for corporations, but that they will be taken by individuals who go to Hawaii in good faith to take these lands as homesteaders.

Mr. NEWLANDS. The gentleman has reference to the crown lands.

Mr. KNOX. I refer to all public lands. This is the best hope for Hawaii. Now, the great corporations that are there, which own the great sugar plantations and great rice fields, I do not believe with reference to them that any Americans are going there to work in the rice fields. I do not believe that citizens of the United States, the men who have the enterprise to-day, who go to Alaska, are going to Hawaii to work on a sugar plantation.

I believe the best hope for the Asiatics, the Japanese, and the Chinese is that they may acquire sufficient of their own means to buy these lands and own small plantations and have families there. I do not believe in opening the door and saying that these Chinese and Japanese shall ever be citizens of the United States; and I do not believe that anyone will ever work in the rice fields in Hawaii or in a tropical country unless he be a Chinaman or a Japanese or some native of a tropical country.

Mr. NEWLANDS. Are there any rice fields in Hawaii?

Mr. KNOX. Oh, yes.

Mr. NEWLANDS. How extensive?

Mr. KNOX. I do not know, but the report will give you the information.

Mr. HITT. It is the third export of the island.

Mr. FINLEY. I think it is the second industry in the island.

Mr. KNOX. Yes; I think it is the second. These great products will never be produced by American workmen.

The CHAIRMAN. Debate on this amendment is exhausted. The question is on agreeing to the amendment offered by the gentleman from Nevada [Mr. NEWLANDS].

The question was taken; and on a division (demanded by Mr. NEWLANDS) there were 34 ayes and 77 noes.

So the amendment was disagreed to.

Mr. KNOX. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 16, page 97, insert two new sections, numbered 104 and 105, as follows:

"SEC. 104. That the laws of Hawaii relating to the establishment and conduct of any postal savings bank or institution are hereby abolished. And the Secretary of the Treasury, in the execution of the agreement of the United States as expressed in an act entitled 'A joint resolution to provide for annexing the Hawaiian Islands to the United States,' approved July 7, 1898, shall pay the amounts on deposit in Hawaiian Postal Savings Bank to the persons entitled thereto, according to their respective rights, and he shall make all needful orders, rules, and regulations for paying such persons and for notifying such persons to present their demands for payment. So much money as is necessary to pay said demands is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available on and after the 1st day of July, 1900, when such payments shall begin, and none of said demands shall bear interest after said date and no deposit shall be made in said bank after said date. Said demands of such persons shall be certified to by the chief executive of Hawaii as being genuine and due to the persons presenting the same, and his certificate shall be sealed with the official seal of the Territory and countersigned by its secretary, and shall be approved by the Secretary of the Interior, who shall draw his warrant for the amount due upon the Treasurer of the United States, and when the same are so paid no further liabilities shall exist in respect of the same against the Government of the United States or of Hawaii.

"SEC. 105. That any money of the Hawaiian Postal Savings Bank that shall remain unpaid to the persons entitled thereto on the 1st day of July, 1900, and any assets of said bank, shall be turned over by the government of Hawaii to the Treasurer of the United States, and the Secretary of the Treasury shall cause an account to be started, as of said date, between such government of Hawaii and the United States in respect to said Hawaiian Postal Savings Bank."

Mr. KNOX. Mr. Chairman, this amendment simply carries out the provisions of the annexation resolution for closing up the Hawaiian Postal Savings Bank. It is in the exact language recommended by the commission and adopted by the Senate.

The amendment was agreed to.

Mr. HILL. I move to add as a new section the paragraph which I send to the desk.

The Clerk read as follows:

SEC. 105. Nothing in this act shall be construed, taken, or held to imply a pledge or promise that the Territory of Hawaii will at any future time be admitted as a State or attached to any State.

Mr. KNOX. I reserve a point of order on that amendment.

Mr. HILL. Mr. Chairman, the number of eligible voters in the republic of Hawaii to-day is 2,800. If this bill should become a law now, there would be to-morrow 15,000 such voters. I submit that this is rather a sudden absorption of the privileges and responsibilities of American citizenship. I submit, furthermore, that the committee itself feels precisely in the same way in regard to this matter; for I wish to read a clause in their report in regard to the qualifications of voters for senators, being a property qualification which I do not approve. The committee say:

The amendment striking out all property qualifications for electors of senators was made on account of great opposition made to this provision, both in the committee and by other Representatives. It appeared that such a qualification had heretofore existed in Hawaii, and this fact had been salutary, and it is hoped—

A hope in which "the gentleman from Connecticut" most heartily joins—

and it is hoped that this amendment will not unfavorably affect either the character of so important a body as the senate of Hawaii or ever be the means of vicious legislation.

I regret that this legislation should be framed in so hasty and inconsiderate a manner that the committee itself feels called upon to apologize when the bill is here for the organization of this Territory.

No harm whatever can come from the passage of the amendment I have just offered. It commits Congress to nothing. It simply says that this bill and the admission of this Territory shall not be taken or construed as a pledge for the admission of the Territory to statehood either in the immediate or the distant future.

Mr. CANNON. Whether the amendment be adopted or not, is there anything in this bill which commits the Congress of the United States or the people of the country to admit this Territory to statehood?

Mr. HILL. I think there is, so far as the sentimental side of the question is concerned. The American people look upon the authorization and full organization of a Territory as the first step toward statehood. It has always been so construed; it always will be so construed. By the adoption of this amendment we shall simply put ourselves on record as declaring that this legislation is not adopted with that end in view.

Allow me a moment——

The CHAIRMAN. The committee will be in order. Debate upon this amendment is exhausted except by unanimous consent.

[Cries of "Vote!" "Vote!"]

Mr. HILL. I ask unanimous consent——

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] asks unanimous consent to address the committee. Is there objection? The Chair hears none.

Mr. HILL. Mr. Chairman, I would state in reply to the elegant remark of the chairman of the Committee on Territories that the amendment offered by me is the precise amendment which the junior Senator from the State of Massachusetts was reported in the papers to have stated that he would have offered if he had had an opportunity.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message in writing was received from the President of the United States, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On April 2, 1900:

H. R. 541. An act granting a pension to Ellen Norwood;

H. R. 589. An act granting a pension to Louisa S. Wilson;

H. R. 1989. An act granting a pension to Marie Wiersang;

H. R. 2792. An act granting a pension to Peter Cummings;

H. R. 4854. An act granting a pension to James L. Whidden;

H. R. 5229. An act granting a pension to Sarah Potter;

H. R. 5949. An act granting a pension to Frederick Weber;

H. R. 5544. An act granting a pension to Lona A. Morgan;

H. R. 6092. An act granting a pension to Louisa Stearns;

H. R. 6028. An act granting a pension to John H. Meeker;

H. R. 6139. An act granting a pension to Lucinda Haggard;

H. R. 206. An act granting an increase of pension to Isaac D. Smith;

H. R. 1944. An act granting an increase of pension to Eli C. Walton;

H. R. 3809. An act granting an increase of pension to Elisha B. Seaman;

H. R. 2389. An act granting an increase of pension to Edward Boyle;

H. R. 2382. An act granting an increase of pension to Eli Overhultz;

H. R. 3966. An act granting an increase of pension to David Talmon;

H. R. 3470. An act granting an increase of pension to George W. Weeden;

H. R. 2802. An act granting an increase of pension to John W. Brisbois;

H. R. 4441. An act granting an increase of pension to Samuel C. Krickbaum;

H. R. 4298. An act granting an increase of pension to John M. McCord;

H. R. 5126. An act granting an increase of pension to James J. McManis;

H. R. 5180. An act granting an increase of pension to Thomas Adams;

H. R. 4961. An act granting an increase of pension to Margaret Gangloff;

H. R. 5546. An act granting an increase of pension to George White;

H. R. 6031. An act granting an increase of pension to James W. Carmody;

H. R. 6144. An act granting an increase of pension to Margaret A. Porter;

H. R. 6911. An act granting an increase of pension to James R. Sawtell;

H. R. 7114. An act granting an increase of pension to John S. Parker;

H. R. 7368. An act granting an increase of pension to Sherman D. Plues;

H. R. 7622. An act granting an increase of pension to Peter M. Heaton; and

H. R. 7896. An act granting an increase of pension to Samuel Lybarger.

On April 3, 1900:

H. R. 5139. An act for the relief of Joseph Bacigaluppi and others.

On April 4, 1900:

H. R. 6627. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes;

H. R. 7941. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901;

H. R. 99. An act to establish a military post at or near Des Moines, Iowa;

H. R. 1763. An act granting a pension to Ella F. Sydnor;

H. R. 3012. An act granting a pension to Sarah Claggett;

H. R. 470. An act granting a pension to Jane Dykes;
H. R. 6701. An act granting a pension to Sereida C. McGrew;
H. R. 6700. An act granting an increase of pension to Maria Andrews;
H. R. 3538. An act granting an increase of pension to Charles Ross; and
H. R. 2507. An act granting an increase of pension to Charles Kauffung.

On April 5, 1900:

H. R. 8128. An act to establish light and fog signal at Browns Point, in Puget Sound.

GOVERNMENT FOR HAWAII.

The committee resumed its session.

Mr. WILLIAMS of Mississippi. I ask unanimous consent to address the committee.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to address the committee. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Chairman, there are two opinions as to the legal status of Territories of the United States. One is that under the Constitution every Territory is necessarily in process of formation for statehood. The other is that this view is a mere dictum of a court and is not law.

Now, let us take both sides of that proposition. If the announcement of the court be a decision, then the amendment of the gentleman from Connecticut [Mr. HILL] would place upon the statute books an unconstitutional pronouncement. If, upon the other hand, the contention of the other side is correct and the announcement of the court be mere obiter dictum and it be not true that a Territory is necessarily a country in process of formation for statehood, then the gentleman's amendment is unnecessary.

Now, why is it unnecessary? For two reasons: First, if Congress desires to prevent Hawaii from becoming a State it has a very easy method of preventing it, and that is simply never to vote to make Hawaii a State. And then there is another reason why it is unnecessary. Even if this Congress could bind all successive Congresses, as far as any Congress can possibly bind another, by an utterance to the effect that Hawaii should never become a State, that act of this Congress could be repealed by the very next Congress, or the very next Congress after that, if that Congress chose. Therefore I think I agree with the gentleman who is chairman of the committee, without repeating the language of my old friend Mr. Walker, that this thing is "demnition nonsense," either because it is unconstitutional or else because it is unnecessary. [Applause.]

Mr. RIDGELY. Let us have the reading of the amendment again.

The amendment was again reported.

Mr. RIDGELY. I move to amend by striking out the last word of the amendment.

The CHAIRMAN. That motion is not in order, this being an amendment to an amendment. The question is on the amendment offered by the gentleman from Connecticut.

The amendment of Mr. HILL was rejected.

Mr. KNOX. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

In place of section 103 of the bill insert a new section, to be numbered 105, and to read as follows:
"SEC. 105. This act shall take effect sixty days from and after the date of the approval thereof, excepting only as to section 82, relating to appropriations, which shall take effect upon such approval."

Mr. RIDGELY. Mr. Chairman, I will not take the full time apportioned to me, but I wish at this stage of our proceedings to call the attention of members here to the fact that while we are claiming that these new possessions are to give us an outlet for our labor element, we have by our action here refused the very conservative provision offered by the gentleman from Nevada [Mr. NEWLANDS], providing that the people in Hawaii employing labor shall gradually give preference to our people by requiring that at least 10 per cent of their employees shall be citizens, adding to this 10 per cent each year until all employees are citizens, allowing them to take the colored people from this country to displace the Asiatics if they so desire.

In opposition to this, the chairman of this committee calls attention to the fact that the peculiar conditions and kinds of work in that country may demand the employment of the Asiatics, who by the bill are denied the right of citizenship. I simply call attention to the fact that we, by our action here, are admitting that we at least hold it to be a matter of grave doubt whether we have any laborers that are adapted to the chief industries of our new possessions.

Another thing I earnestly condemn. We have just passed an amendment to this bill which directly destroys the postal savings bank that the government of Hawaii had established without offering anything in its place. Thus we drive all deposits to private banks, which too often fail. We are really carrying those people backward instead of forward in this, while we boast of our superior civilization.

I will not take up any more time now, but I will extend my remarks in the RECORD.

Mr. KNOX. Mr. Chairman——

The CHAIRMAN. The gentleman's amendment is still pending.

Mr. MCRAE. I hope the gentleman will modify that by also excepting section 10 and let that go into operation at once.

Mr. KNOX. We could not do that.

The amendment of Mr. KNOX was agreed to.

Mr. NEWLANDS. Mr. Chairman, with the permission of the chairman of the committee, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

1. Insert on page 83, after section 76, a new section, to read as follows:
"There shall be a commissioner of labor, whose duty it shall be to collect, assort, arrange, and present in annual reports to the governor and to the legislature and to the Department of Labor of the United States statistical details relating to all departments of labor in the Territory, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as the legislature may by law direct. The said commissioner is specially charged to ascertain, at as early a date as possible and as often thereafter as such information may be required, the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to the United States Commissioner of Labor."
2. Insert in section 80, on page 85, line 2, after the word "forestry," the words "commissioner of labor."

The CHAIRMAN. The gentleman from Nevada [Mr. NEWLANDS] asks unanimous consent to return to the section referred to in his amendment for the purpose of offering an amendment. Is there objection?

There was no objection.

[Mr. NEWLANDS addressed the committee. See Appendix.]

Mr. KNOX. Mr. Chairman, this amendment is general in its provisions, and I was induced to say that I would not object to it, because it was drawn by the Commissioner of Labor, Mr. Wright, whom we all know to be an able man, and who has thoroughly investigated these questions, and is better able to judge of what is necessary and proper than I am. Therefore I agreed to offer no objection to the amendment.

Mr. HITT. Does this provide any salary for the commissioner?

Mr. NEWLANDS. No.

The amendment was agreed to.

Mr. KNOX. Inasmuch as one section of the bill has been stricken out, I ask unanimous consent that the sections may be renumbered, to make them consecutive.

The CHAIRMAN. The Clerk will perform that duty.

Mr. KNOX. Mr. Chairman, inasmuch as this whole House bill is an amendment to the Senate bill, striking out the enacting clause and inserting the bill that we have been considering, I move that this amendment be now adopted.

The CHAIRMAN. The gentleman from Massachusetts moves that the amendment in the nature of a substitute proposed by the Committee on Territories, as amended, be agreed to.

Mr. BARTLETT. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. If this motion prevails, does it prevent the voting in the House upon amendments to this amendment?

The CHAIRMAN. That question will arise in the House and there be disposed of.

Mr. BARTLETT. We should like to know before we vote.

The CHAIRMAN. The Chair has no authority to express an opinion upon what will arise in the House.

Mr. ROBINSON of Indiana. I should like to ask the chairman of the Committee on Territories——

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The gentleman from Georgia still holds the floor.

Mr. ROBINSON of Indiana. Excuse me.

Mr. BARTLETT. I desire to know whether this is a request for unanimous consent or whether it is a motion?

The CHAIRMAN. It is a motion in order.

Mr. KNOX. It is the usual motion that is made in such cases.

Mr. BARTLETT. I am not proposing to object to it.

Mr. ROBINSON of Indiana. Pending that, I would like to ask the privilege of submitting an amendment to the last section, or an amendment to the amendment that the Committee on Territories proposed a moment ago.

Mr. KNOX. What is it?

Mr. ROBINSON of Indiana. It is a change from thirty to sixty days in the time at which the bill should take effect.

Mr. KNOX. I am informed by the Department that the time we have already fixed for this bill to take effect is too short. It takes—I do not know how long for the bill to get to San Francisco, and we have no cable to Hawaii.

Mr. ROBINSON of Indiana. I am sorry for that, as there are some matters on which it ought to take effect early.

Mr. KNOX. We have provided that some provisions take effect at once.

Mr. ROBINSON of Indiana. Does that include section 10—the labor provision?

Mr. KNOX. No; it does not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts, in the nature of a substitute.

The question was taken; and the substitute was agreed to.

Mr. KNOX. I move that the committee now rise and report the bill and amendment to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 222, and had directed him to report the same with an amendment in the nature of a substitute, with the recommendation that the bill as thus amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. BARTHOLDT. Mr. Speaker, since the parliamentary status of the bill is such that no amendment can be voted upon separately, and the only opportunity to offer an amendment is by a motion to recommit to the Committee on Territories, I desire to offer such a motion.

The SPEAKER. The gentleman from Missouri submits a motion to recommit, which the Clerk will report.

The Clerk read as follows:

That the bill be recommitted to the Committee on Territories with instructions to strike out of page 71, line 7, after the word "allowed," the words "nor shall saloons for the sale of intoxicating liquors be allowed," and that the bill be reported back forthwith.

Mr. CANNON. Mr. Speaker, I desire to make a parliamentary inquiry. Suppose that motion is adopted. I desire to know whether it would be the duty of the gentleman in charge of the bill at once on its adoption to report back the bill as instructed.

The SPEAKER. The Chair will state, in reply to the parliamentary inquiry of the gentleman from Illinois, that it has been held repeatedly that the chairman of the committee who reports the bill, if this motion should prevail, should report it back forthwith, without leaving his seat or consulting his committee; and the Chair will further state that in the recollection of the Chair, on a motion made by the gentleman from Illinois who makes the parliamentary inquiry, that ruling was made. The question is on agreeing to the motion.

Mr. LITTLEFIELD. I call for the yeas and nays. [Cries of "Oh, no!"]

Mr. FINLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FINLEY. For a parliamentary inquiry. I wish to know whether or not unanimous consent is necessary on that motion?

The SPEAKER. On this motion; not at all. It is a privilege the gentleman has. The question is on agreeing to the motion.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Several MEMBERS. Division!

The House divided; and there were—ayes 50, noes 83.

Mr. PARKER of New Jersey and Mr. BARTHOLDT. The yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Eighteen gentlemen have arisen—not a sufficient number; the yeas and nays are refused. The noes have it, and the motion is lost. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KLEBERG and others. Division!

The House divided; and there were—ayes 120, noes 28.

Mr. KLEBERG. The yeas and nays, Mr. Speaker.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twelve gentlemen have arisen—not a sufficient number; the yeas and nays are refused. The ayes have it, and the bill is passed.

On motion of Mr. KNOX, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS RED RIVER AT ALEXANDRIA, LA.

Mr. BREAZEALE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10911) to authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River, at or near the town of Alexandria, in the parish of Rapides, State of Louisiana.

The bill was read at length.

The amendment recommended by the committee was read.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BREAZEALE, a motion to reconsider the vote by which the bill was passed was laid on the table.

NORTHERN JUDICIAL DISTRICT OF GEORGIA.

Mr. FLEMING. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 60, which simply provides for a subdivision of the northern district of Georgia, in order that the court may be held at a more central point for carrying on the business. It is unanimously reported.

The Clerk read as follows:

A bill (H. R. 60) to create the northwestern division of the northern district of Georgia for judicial purposes and to fix the time and place for holding court therein.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Dade, Walker, Catoosa, Whitfield, Murray, Chattooga, Gordon, Floyd, Bartow, Polk, Paulding, Haralson, and Carroll, in the State of Georgia, shall constitute the northwestern division of the northern judicial district of Georgia, and a term of the circuit and district courts for said district shall be held in said division hereby created at the city of Rome on the third Monday of May and the third Monday of November of each year. Each of said terms to continue two weeks or longer, if necessary, to dispose of the business at any time pending in said court.

SEC. 2. That all civil suits which shall hereafter be brought against a defendant or defendants who reside in said northwestern division of said district shall be brought in said northwestern division; but if there are two or more defendants residing in different divisions of said district, such suit may be brought in either division of said district in which any defendant or defendants reside, and all mesne and final process subject to the provisions of this act issued in either of the divisions of the northern district of Georgia may be served and executed in either or all of the divisions.

SEC. 3. That all crimes and offenses against the laws of the United States hereafter committed within the counties comprising the northwestern division of said district shall be prosecuted, tried, and determined at the terms of the circuit and district courts herein provided for: *Provided, however*, That all such crimes and offenses heretofore committed within said district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 4. That the clerks of the circuit and district courts for said northern district and the marshal of said district shall each appoint a deputy, who shall reside and maintain an office at the city of Rome, each of whom, in the absence of the clerks and marshal, shall exercise all the powers and perform all the duties of his principal within the division for which he shall be appointed: *Provided*, That the appointment of such deputies shall be approved by the court for which they shall be respectively appointed, and they may be removed by such court at pleasure; and the clerk and marshal shall be responsible for the official acts and neglects of all their deputies.

SEC. 5. That all the grand jurors and all jurors for the trial of civil and criminal courts in the division hereby created shall be selected from citizens residing in the division created by this act.

The amendments recommended by the committee were read, as follows:

Page 1, from lines 10, 11, and 12, strike out the following: "Each of said terms to continue two weeks or longer, if necessary to dispose of the business at any time pending in said court" and insert in lieu thereof the following: "*Provided, however*, That suitable rooms and accommodations are furnished for the holding of said courts free of expense to the Government of the United States."

Page 2, line 11, strike out the word "Hereafter."

Page 2, strike out all of lines 15, 16, 17, and 18, and insert in lieu thereof the following: "that all prosecutions begun and pending at the taking effect of this act shall be proceeded with and finally determined as if this act were not passed."

Page 2, line 20, strike out the words "and the marshal of said district."

Page 2, line 23, strike out the words "and marshal."

Page 3, from lines 3, 4, and 5, strike out the following: "and the clerk and marshal shall be responsible for the official acts and neglects of all their deputies."

Page 3, line 7, strike out the word "courts" and insert in lieu thereof the word "causes."

Page 3, after line 9, insert the following:

"SEC. 6. That this act shall take effect from and after the 30th day of June, A. D. 1900, and all acts and parts of acts so far as inconsistent herewith are hereby repealed."

Mr. PAYNE. I would like to ask the gentleman from Georgia if this bill makes any extra charge on the Treasury?

Mr. FLEMING. It does not.

Mr. PAYNE. And is it the unanimous report of the committee?

Mr. FLEMING. It is; and it creates no additional charge on the Treasury. The city of Rome furnishes the building free.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. FLEMING, a motion to reconsider the last vote was laid on the table.

REPRINT.

Mr. HITT. Mr. Speaker, I desire to ask unanimous consent of the House to order a reprint of the Senate Document 239, second

session Fifty-fifth Congress, there being a bill now pending before the Committee on Foreign Affairs for the equitable distribution of the waters of the Rio Grande, and the document is exhausted. I have submitted this to the chairman and the Committee on Printing, and they say they have no objection.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the reprint of Senate Document No. 229, second session Fifty-fifth Congress. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. STEELE. Mr. Speaker, I move that the House do now adjourn.

MESSAGE FROM THE PRESIDENT.

The SPEAKER. Pending that motion, the Chair will submit a message from the President of the United States.

The message from the President of the United States was read, as follows, ordered to be printed, and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

By the act of Congress approved December 28, 1892, a copy of which is annexed, the Attorney-General of the United States "is authorized and directed to bring suit in the Court of Claims against La Abra Silver Mining Company, its successors and assigns, and all persons making any claim to the award or any part thereof in this act mentioned, to determine whether the award made by the United States and Mexican Mixed Commission in respect to the claim of the said La Abra Silver Mining Company was obtained, as to the whole sum included therein or as to any part thereof, by fraud effectuated by means of false swearing or other false and fraudulent practices on the part of the said La Abra Silver Mining Company, or its agents, attorneys, or assigns; and, in case it be so determined, to bar and foreclose all claim in law or equity on the part of said La Abra Silver Mining Company, its legal representatives or assigns, to the money, or any such part thereof, received from the Republic of Mexico for or on account of such award."

In pursuance of the provisions and powers of this act, the Attorney-General did, on behalf of the United States, bring suit in the Court of Claims against La Abra Silver Mining Company et al.; and on June 24, 1897, that court decided that the award made by the United States and Mexican Mixed Commission in favor of said La Abra Silver Mining Company was obtained by fraud, and a decree was rendered barring and foreclosing all claim on the part of said company, its agents, attorneys, or assigns, to the money received from the Republic of Mexico on account of said award. A copy of this decision is herewith transmitted.

The Supreme Court of the United States, on appeal, having affirmed in full the decision of the Court of Claims, the Secretary of State, in accordance with section 4 of the act referred to and the judicial proceedings above recited, and acting under my direction, on March 28, 1900, turned over to the ambassador of the Republic of Mexico at Washington the balance, amounting to $403,030.08, remaining under the control of the Department of State of the sum paid by the Government of Mexico on account of La Abra award.

I transmit a copy of the Secretary of State's note of transmittal, as well as a translation of the ambassador's cordial note of acknowledgment.

It affords me pleasure to communicate to Congress the accomplishment of this act of equity and good faith toward a friendly Republic.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, April 6, 1900.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 4047. An act granting an increase of pension to James S. Jordan;

H. R. 3775. An act granting an increase of pension to Robert Boston;

H. R. 3694. An act granting an increase of pension to James Bottoms;

H. R. 3640. An act granting a pension to Mary Pollock;

H. R. 3635. An act granting an increase of pension to Timothy B. Eastman;

H. R. 3268. An act granting an increase of pension to James W. Kessler;

H. R. 3085. An act granting an increase of pension to William Sheppard;

H. R. 3021. An act granting a pension to Eliza H. Getchel;

H. R. 6885. An act granting an increase of pension to Horace B. Durant;

H. R. 493. An act granting a pension to Fanny M. Hays;

H. R. 1754. An act granting a pension to Helen M. Hull;

H. R. 1507. An act granting an increase of pension to William H. La Count;

H. R. 1458. An act granting an increase of pension to John E. Whinnery;

H. R. 3863. An act granting an increase of pension to Alfred Dyer;

H. R. 4681. An act granting an increase of pension to Elizabeth Keiff;

H. R. 5882. An act granting an increase of pension to John B. Fairchilds;

H. R. 3167. An act granting an increase of pension to Thomas H. Cook;

H. R. 205. An act granting an increase of pension to George C. Snyder;

H. R. 8610. An act granting an increase of pension to Abner S. Crawford;

H. R. 434. An act granting an increase of pension to Jessie Smith;

H. R. 8120. An act granting an increase of pension to David L. Wentworth;

H. R. 7594. An act granting a pension to Amelia Taylor;

H. R. 7488. An act granting a pension to John C. Ray;

H. R. 7445. An act granting a pension to Emma B. Reed;

H. R. 7322. An act granting an increase of pension to Frederick E. Vance;

H. R. 8395. An act granting an increase of pension to Henry Johns;

H. R. 457. An act granting a pension to Clara L. Harriman;

H. R. 240. An act granting an increase of pension to George W. Wakefield;

H. R. 6304. An act granting an increase of pension to James J. Lyons;

H. R. 6284. An act granting an increase of pension to James Crawley;

H. R. 6161. An act granting an increase of pension to John Landegan;

H. R. 5503. An act granting an increase of pension to Samuel Hanson;

H. R. 5346. An act granting a pension to Elizabeth B. Norris;

H. R. 5211. An act granting a pension to Lizzie M. Dixon;

H. R. 5169. An act granting an increase of pension to Charles Weed;

H. R. 5110. An act granting an increase of pension to Edward T. Kennedy;

H. R. 5209. An act granting an increase of pension to Samuel A. Greeley;

H. R. 4828. An act granting a pension to Susie E. Johnson;

H. R. 4655. An act granting a pension to Elizabeth C. Rice;

H. R. 2999. An act granting an increase of pension to George M. Brown;

H. R. 2865. An act granting an increase of pension to Louis H. Gein;

H. R. 2809. An act granting an increase of pension to Moses F. Woods;

H. R. 2681. An act granting an increase of pension to Calista F. Hall;

H. R. 2397. An act granting a pension to Eliza S. Redfield;

H. R. 2203. An act granting an increase of pension to John M. Garrett;

H. R. 1890. An act to increase the pension of John Houk;

H. R. 1800. An act granting a pension to Lutheria H. Maynard;

H. R. 6953. An act granting a pension to Carrie P. Dale;

H. R. 7939. An act to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement; and

H. J. Res. 316. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

CHANGE OF REFERENCE.

The SPEAKER. The Chair will lay before the House a change of reference of two bills: H. R. 10223, for improvement of navy-yard bridge at Washington, D. C., and H. R. 10222, providing for the erection of engine house and the purchase of a chemical engine at Congress Heights, D. C., from the Committee on the District of Columbia to the Committee on Appropriations. Without objection, this change of reference will be made.

There was no objection.

REPRINT OF A BILL.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the reprint of House bill 64, known as the shipping bill.

The SPEAKER. The gentleman from Ohio asks for a reprint of House bill 64. Is there objection?

Mr. RICHARDSON. Let us have the title of the bill read, Mr. Speaker.

Mr. GROSVENOR. It is the shipping bill.

The SPEAKER. Is there objection? [After a pause.] The chair hears none, and it is so ordered.

Mr. STEELE. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn.

Mr. LACEY. The gentleman calls for the regular order, and to adjourn is not the regular order. It is the call of committees.

The SPEAKER. The gentleman from Illinois moved to adjourn, and the Chair submitted some papers upon the Speaker's table. The motion of the gentleman from Illinois must be put by the Chair.

The question was taken; and on a division (demanded by Mr. LACEY) there were—52 ayes and 38 noes.

So the motion was agreed to; and accordingly (at 3 o'clock and 50 minutes p. m.) the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Clinch River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the brig *Pilgrim*, John Thissel, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. Q. Roberts, administrator of estate of Henry M. Roberts, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and fact in the case of the schooner *Betsey*, Lemuel Moody, master, against the United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9559) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak., reported the same with amendment, accompanied by a report (No. 938); which said bill and report were referred to the House Calendar.

Mr. DOLLIVER, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 428) to amend the law establishing a port of delivery at Des Moines, Iowa, reported the same with amendment, accompanied by a report (No. 939); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUDENSLAGER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10327) authorizing the President to appoint an inspector to be attached to the office of the Secretary of the Navy, reported the same without amendment, accompanied by a report (No. 941); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 2551) to provide for the further distribution of the Reports of the Supreme Court, reported the same with amendment, accompanied by a report (No. 942); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 1926) revoking and annulling the subdivision of Pencote Heights, in the District of Columbia, reported the same without amendment, accompanied by a report (No. 943); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. NEEDHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 227) for the relief of the Continental Fire Insurance Company and others, reported the same without amendment, accompanied by a report (No. 940); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9362) granting a pension to James R. Keary—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10503) for increase of pension to Sarah S. Willis—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10416) for the relief of Elizabeth L. W. Bailey, administratrix, etc.—Committee on the District of Columbia discharged, and referred to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS: A bill (H. R. 10504) to authorize the construction and maintenance of a dam or dams across the Kansas River, within Shawnee County, in the State of Kansas—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: A bill (H. R. 10505) to establish permanent camp grounds in the North, East, South, and West, and for other purposes—to the Committee on Military Affairs.

By Mr. JOHNSTON: A bill (H. R. 10506) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River, from Kenova, W. Va., to Catlettsburg, Ky.—to the Committee on Interstate and Foreign Commerce.

By Mr. SHAFROTH: A bill (H. R. 10507) to establish a soldiers' home near Denver, Colo.—to the Committee on Military Affairs.

By Mr. MARSH: A bill (H. R. 10508) for the rearming of the National Guard of the several States and Territories—to the Committee on Military Affairs.

By Mr. JENKINS: A joint resolution (H. J. Res. 226) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BURTON: A joint resolution (H. J. Res. 227) for a preliminary examination and survey of Cleveland Harbor, with a view to the further improvement thereof—to the Committee on Rivers and Harbors.

By Mr. McCLELLAN: A resolution (H. Res. 213) directing the Secretary of the Treasury to transmit to the House of Representatives a statement of the action of the Treasury Department in the case of Jorge Cruz, a resident of Puerto Rico, brought to New York under contract to labor in the United States, and all other facts regarding the case—to the Committee on Immigration and Naturalization.

By Mr. NAPHEN: Resolutions of the Massachusetts legislature, in favor of the establishment of a harbor of refuge at Pleasant Bay, on the eastern shore of Cape Cod, Massachusetts—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARNEY: A bill (H. R. 10509) granting a pension to Frederick A. Becker—to the Committee on Invalid Pensions.

By Mr. BOUTELLE of Maine: A bill (H. R. 10510) granting pension to Dominicus J. Wardwell—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 10511) for the relief of John Smith, of Arkansas—to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 10512) granting a pension to Mrs. Martha M. Hawkins, widow of Preston Hawkins, late of Company C, First Regiment Alabama Volunteer Cavalry—to the Committee on Pensions.

Also, a bill (H. R. 10513) granting a pension to William J. Jackson, a veteran of the Mexican war—to the Committee on Pensions.

By Mr. CURTIS: A bill (H. R. 10514) to collect $450 due Mrs. Mary F. Allen, as the daughter of Dr. James W. Butler—to the Committee on War Claims.

By Mr. ELLIOTT: A bill (H. R. 10515) for the relief of Mrs. Sabina O'Callaghan, administratrix of the estate of Denis O'Callaghan, deceased—to the Committee on War Claims.

By Mr. GILBERT: A bill (H. R. 10516) granting a pension to James W. Poor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10517) granting a pension to Levi Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10518) for the relief of David Huddleson—to the Committee on Military Affairs.

Also, a bill (H. R. 10519) for the relief of Jonathan Jacobs—to the Committee on Military Affairs.

Also, a bill (H. R. 10520) for the relief of John Nolan—to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 10521) granting a pension to Charlotte W. Drew—to the Committee on Pensions.

By Mr. HITT: A bill (H. R. 10522) granting a pension to Mary J. Wilson—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 10523) to correct the military record of John H. Campbell—to the Committee on Military Affairs.

By Mr. LANHAM: A bill (H. R. 10524) granting an increase of pension to Lewis H. Riden—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 10525) for the relief of the Methodist Episcopal Church at Macon, Mo.—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 10526) granting a pension to Eliza J. Houch—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 10527) to correct the military record of Capt. Daniel H. Powers—to the Committee on Military Affairs.

Also, a bill (H. R. 10528) for the relief of James Conway—to the Committee on Military Affairs.

By Mr. SPIGHT: A bill (H. R. 10529) for the relief of the estate of John Caruth, deceased, late of Marshall County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10530) for the relief of Jacob Joiner, of De Soto County, Miss.—to the Committee on War Claims.

By Mr. STALLINGS: A bill (H. R. 10531) for the relief of Sarah Antrey, of Conecuh County, Ala.—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 10532) granting a pension to Charles A. Brighton, alias Thomas Anfinson—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 10533) for relief of Milton Holt—to the Committee on Military Affairs.

Also, a bill (H. R. 10534) for relief of Valina S. Hutchinson—to the Committee on Invalid Pensions.

By Mr. TERRY (by request): A bill (H. R. 10535) for the relief of Eleazor Davis, of Pulaski County, Ark., late private of Company A, Fifty-fourth Regiment Pennsylvania Infantry Volunteers—to the Committee on Military Affairs.

By Mr. WISE: A bill (H. R. 10536) for the relief of A. O. Tucker—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of David Moore, J. B. Cousin, and other citizens of Baraboo, also James Pinch and others, of Grant County, Wis., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. BAILEY of Kansas: Remonstrance of Frank Marvin and other business men of Seneca, Kans., against a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE of Maine: Papers to accompany House bill granting a pension to Dominicus J. Wardwell—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Petition of the Lawrence Drug Company and other druggists of Lawrence, Kans., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of the Commercial Travelers' Mutual Accident Association, for a trade treaty between the United States and Canada—to the Committee on the Judiciary.

By Mr. BURNETT: Papers to accompany House bill granting a pension to Mrs. Martha M. Hawkins, widow of Preston Hawkins—to the Committee on Invalid Pensions.

By Mr. BUTLER: Petition of the Fairmont Creamery Association, of Chester County, Pa., in favor of the Grout bill taxing oleomargarine—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Media, Pa., to prohibit the sale of intoxicating liquors in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. CANNON: Petition of citizens of Manhattan and vicinity, in Will County, Ill., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. CHANLER: Petition of Association of American Advertisers of New York, favoring the passage of House bill No. 9632, for the issuance of postal check notes—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Pennsylvania Fish Protective Association, for the passage of House bill No. 7343, establishing a fish hatchery and fish station in Pennsylvania—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Boorum & Pease Company, of New York City, N. Y., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fairchild Bros. & Foster, of New York City, N. Y., urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

By Mr. DALZELL: Resolutions of the Young Peoples' Society of Christian Endeavor of the Third United Presbyterian Church of Pittsburg, Pa., against saloons in Territories, canteens in the Army, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. DE VRIES: Petition of the Woman's Christian Temperance Union of Linden, Cal., against the sale of intoxicants in the Army—to the Committee on Military Affairs.

By Mr. ELLIOTT: Resolutions of the Woman's Christian Temperance Union of Anderson, S. C., favoring the passage of the bill to prohibit the sale of intoxicants in the Philippines—to the Committee on Insular Affairs.

By Mr. FITZGERALD of Massachusetts: Resolutions of the board of aldermen of Boston, Mass., protesting against the action of the trustees of the Boston Terminal Company in sending a protest to Secretary of War Root against the Cove street bridge—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of the Free Methodist Church of Wessington Springs, S. Dak., favoring a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of the Woman's Christian Temperance Union of Erwin, S. Dak., relative to the sale of liquors in the new possessions—to the Committee on Insular Affairs.

Also, petition of faculty and members of the Lutheran Normal School of Sioux Falls, S. Dak., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of M. Brusveen and others, of Valley Springs and county of Minnehaha, S. Dak., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. HOPKINS: Petition of J. B. Atherton and other citizens of Hawaii, and Young People's Society of Christian Endeavor, of Marengo, Ill., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of Bradford Smith and other citizens of McHenry, Ill., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. HOWELL: Petition of D. B. Birney Post, No. 95, of Red Bank, N. J., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. JACK: Petition of John A. Hunter Post, No. 123, of Leechburg, Pa., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KAHN: Petition of the California State Dental Association, in favor of House bill No. 7017, amending the statutes relating to patents, relieving medical and dental practitioners from unjust burdens imposed by patentees holding patents covering methods and devices for treating ailments and disabilities—to the Committee on Patents.

By Mr. KERR: Petition of the Woman's Christian Temperance Union of Norwalk, Ohio, favoring the enactment of a bill limiting immigration to such as are able to read and write—to the Committee on Immigration and Naturalization.

Also, petition of the National Hay Association, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. KETCHAM: Petition of Lefevre Post, No. 168, of Highland, N. Y., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KLUTTZ: Petition of L. C. Arrowood and others, of Bessemer City, N. C., in favor of the Grout bill taxing oleomargarine—to the Committee on Ways and Means.

By Mr. LANE: Petition of N. B. Howard Post, No. 92, of Dewitt, Iowa, Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LLOYD: Affidavits to accompany House bill for the relief of the Methodist Episcopal Church at Macon, Mo.—to the Committee on War Claims.

By Mr. LONG: Petition of John Fisher and 124 citizens of Wichita, Kans., asking for the passage of the bill to recompense ex-prisoners of war—to the Committee on Military Affairs.

By Mr. McCALL: Petition of the Walker-Rintels Drug Company, of Boston, Mass., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. MERCER: Petition of 100 citizens of Blair, Nebr., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Papers to accompany House bill for the relief of Eliza J. Houck—to the Committee on Invalid Pensions.

By Mr. MOON: Resolution of Lewis Collins Post, No. 88, of Pikeville, Tenn., Grand Army of the Republic, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 2137, to correct the military record of Jesse C. Allen, of Benton, Tenn.—to the Committee on Military Affairs.

By Mr. NAPHEN: Petition of the stock fire-insurance companies of Massachusetts, for the repeal of the war-revenue tax relating to insurance—to the Committee on Ways and Means.

Also, resolution of Frederick Hecker Post, No. 21, Department of Massachusetts, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the Transvaal Committee of California, expressing sympathy for the people of the South African and Orange Free State Republics—to the Committee on Foreign Affairs.

Also, resolutions of a mass meeting of citizens of Charlestown, Mass., for the construction of gunboats and cruisers in the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. NORTON of South Carolina: Resolutions of the Woman's Christian Temperance Union of Anderson County, S. C., against the sale of intoxicating liquors in the Philippines and Hawaii—to the Committee on Insular Affairs.

By Mr. RIORDAN: Petition of Harry G. Nast and others, of New York City, N. Y., in favor of the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Indiana: Petition of Modern Woodmen's Society of Orland, Ind., in favor of an amendment to the Loud bill so as to admit fraternal papers at second-class rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Commercial Club of Fort Wayne, Ind., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Simonson Post, No. 151, of Churubusco, Ind., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Thomas R. Marshall and 25 citizens of Wolcottville, Ind., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. SHATTUC: Resolutions of the Ohio Commandery of the Military Order of the Loyal Legion, Cincinnati, Ohio, favoring action by the Government for acquiring additional grounds for use of Fort Thomas, Ky.—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky (by request): Petition of B. F. Wilson, to accompany House bill for his relief—to the Committee on Invalid Pensions.

By Mr. SPALDING: Petition of Post No. 9, Department of North Dakota, Grand Army of the Republic, in support of House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: Petition of Emmett Crawford Post, No. 19, El Paso, Tex., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. TAWNEY: Petitions of the Evangelical Association, also of churches, of Preston, Minn., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. TERRY: Papers to accompany House bill to correct the military record of Eleazar Davis—to the Committee on Military Affairs.

By Mr. UNDERHILL: Petition of the Woman's Christian Temperance Union of Yonkers, N. Y., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. VREELAND: Petitions of the Evangelical Association and the Independent Congregation of Dunkirk, Christian Endeavor Society of Magnolia, Baptist and Methodist churches of Forestville, Christian Endeavor Society of Lakewood, Woman's Christian Temperance Union of Gerry, and Villenova Grange Hamlet, State of New York, to prohibit the sale of intoxicating liquors in Army canteens, etc.—to the Committee on Military Affairs.

Also, petition of J. F. Multrus, of Allegany, N. Y., in relation to the passage of House bill No. 8717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. WADSWORTH: Petition of Samuel D. Hood Post, No. 91, Department of New York, Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WILSON of New York: Resolutions of the Real Estate Board of Brokers, against stamp taxation—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of the Pennsylvania Mycological Society, Academy of Natural Sciences, Philadelphia, Pa., in favor of a national park being made of the Calaveras grove of sequoias in the State of California—to the Committee on the Public Lands.

Also, resolution of the Keystone Association, Philadelphia, Pa., favoring the passage of House bill No. 6872, providing that the Allied Printing Trades label be used on all Government publications—to the Committee on Printing.

Also, petition of the executive committee of the Temperance Association of Friends of Philadelphia Yearly Meeting, for the passage of the anti-canteen bill—to the Committee on Military Affairs.

SENATE.

SATURDAY, *April 7, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. KEAN. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. JONES of Arkansas. I believe the practice of dispensing with the reading of the Journal is a very pernicious one. I think in emergencies, where there is any reason why the time of the Senate should not be taken in this way, the reading may be dispensed with, but ordinarily the Senate ought to know, and it is the only time the Senate has any means of knowing, what is the official record of the proceedings of the day before. I hope the practice of dispensing with the reading will not be indulged in to the extent it has been done heretofore. I shall not object at this time, but hereafter I shall object to dispensing with the reading of the Journal unless there is some reason for it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Jersey? The Chair hears none. Without objection, the Journal stands approved.

PRINTING AND BINDING, TREASURY DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the chief of the Division of Stationery, Printing, and Blanks, in relation to the necessity for an additional appropriation of $60,000 for printing and binding for the Treasury Department for the remainder of the current fiscal year; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

AGES OF EMPLOYEES IN EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 16th ultimo, a statement showing by specified ages the number of regular employees in the War Department, etc.; which, with the accompanying papers, was ordered to lie on the table and be printed.

ACTING ASSISTANT SURGEONS, UNITED STATES NAVY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army inclosing draft of a bill conferring upon acting assistant surgeons of the Army the same rights and privileges as regards leaves of absence as commissioned officers of the Army; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 60) to create the northwestern division of the northen district of Georgia for judicial purposes, and to fix the time and place for holding court therein; and

A bill (H. R. 10311) to authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River at or near the town of Alexandria, in the parish of Rapides, State of Louisiana.

PETITIONS AND MEMORIALS.

Mr. KENNEY presented a petition of sundry citizens of Kent County, Del., praying that an appropriation be made for cutting a channel through the sand bar at the mouth of the St. Jones River in that State; which was referred to the Committee on Commerce.

Mr. BURROWS presented the memorials of F. H. Gage, of Olivet; of M. A. Hanse, of Olivet, and A. E. Putnam, of Milan, all in the State of Michigan, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Trades Council of Sault Ste. Marie; of Local Union No. 100, United Brotherhood of Carpenters and Joiners, of Muskegon; of the Central Labor Union of

Saginaw; of the International Association of Machinists of Grand Rapids, and of Cigar Makers' Union No. 69, of Three Rivers, all in the State of Michigan, remonstrating against the proposed cession of public lands to the several States and Territories; which were referred to the Committee on Public Lands.

He also presented petitions of Typographical Union, No. 154, of Ann Harbor; of Local Union No. 226, United Brotherhood of Carpenters and Joiners of America, of Traverse City; of Cigar Makers' Union, No. 272, of Lansing; of the Metal Polishers, Buffers, Platers, and Brass Workers' International Union, of Grand Rapids; of Lodge No. 82, International Association of Machinists, of Detroit; of Local Union No. 67, Coopers' International Union, of Grand Rapids; of the committee of Trades Council of labor organizations of Traverse City; of the Musicians' Protective Union, American Federation of Musicians, of Saginaw; of Iron Molders' Union, No. 104, of Albion, and of the Central Labor Union of Saginaw, all in the State of Michigan, praying for the enactment of legislation to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States; which were referred to the Committee on Education and Labor.

He also presented memorials of Rev. F. W. Goodkin and sundry other citizens of Highland, of the Woman's Christian Temperance Union of Salem, and the Woman's Christain Union of Capac, all in the State of Michigan, remonstrating against the importation, manufacture, and sale of intoxicating liquors in the islands acquired by the United States, and also against the further sale of liquor by the Government to members of the Army, Navy, or other employees; which were ordered to lie on the table.

He also presented petitions of C. H. Hills, of Jackson; of the Board of Trade of Detroit; of G. E. Bardeen, of Otsego, and of the Kalamazoo Spring and Axle Company, of Kalamazoo, all in the State of Michigan, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Modern Woodmen's Society of Cassopolis, Mich., praying for the adoption of an amendment to paragraph 4, section 5, of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented a petition of 127 citizens of Pennsylvania, praying for the enactment of legislation to provide for the classification of railway mail clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Federation of Trade Unions of York, Pa., praying for the enactment of legislation to increase the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of East Lemon Grange, No. 400, Patrons of Husbandry, of East Lemon, Pa., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry druggists of Millhall, Pa., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a memorial of Local Grange No. 365, Patrons of Husbandry, of Colley, Pa., remonstrating against the construction of reservoirs or irrigating canals by the Government for the irrigation of arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of Local Grange No. 365, Patrons of Husbandry, of Colley, Pa., praying for the enactment of legislation to prohibit the use of shoddy in the manufacture of goods; which was referred to the Committee on Manufactures.

He also presented a petition of Local Grange No. 365, Patrons of Husbandry, of Colley, Pa., praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Young People's Society of Christian Endeavor of Pleasantville, Pa., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors in the new island possessions; which was ordered to lie on the table.

He also presented petitions of 80 citizens of Osceola, of the Woman's Christian Temperance Union of New Wilmington, and of the Young People's Society of Christian Endeavor of Pleasantville, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

Mr. CARTER presented a memorial of sundry citizens of Montana, remonstrating against the leasing of the public lands to private individuals and local corporations; which was referred to the Committee on Agriculture and Forestry.

Mr. TELLER presented memorials of the Lake County Medical Association of Lake County, of the Colorado State Medical Society, and of the Larimer County Medical Society, of Fort Collins, all in the State of Colorado, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Denver Chemical Manufacturing Company, of Denver, Colo., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of sundry letter carriers of Denver, Colo., praying for the enactment of legislation to provide for the grading of substitute letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 129, Cigar Makers' International Union, of Denver, Colo., praying that all the remaining public lands be held for the benefit of the whole people, and that no grants of title to the same be given to any but actual settlers and home builders thereon; which was referred to the Committee on Public Lands.

He also presented memorials of the Gilpin Observer, of Central City; of the Medical Times, of Denver; of H. J. Johnson, of Glenwood Springs; of the Park County Bulletin, of Alma; of the Phonograph, of Lake City; of the Creede Candle, of Creede; of the Silver Star, of Dolores; of the Times, of Woodland Park; of the Advertiser, of Fort Lupton; of the Daily Stockman, of Denver, and of the Mail, of Ophir, all in the State of Colorado, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the congregations of the Presbyterian Church of Monte Vista; of the Methodist Episcopal Church of Monte Vista; of the First Baptist Church of Sterling; of the Central Presbyterian Church, of Sterling; of the Congregational Church of Fruita; of the Methodist Episcopal Church of Fruita, and of the Woman's Christian Temperance Unions of Pueblo and Silver Plume, all in the State of Colorado, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and continue the prohibition of gambling and the opium trade in Hawaii; which were ordered to lie on the table.

He also presented petitions of the Stock Growers' Association of Saguache, of the Stock Growers' Association of La Plata County, and of the Live Stock Association of Yuma and eastern Arapahoe County, all in the State of Colorado, praying for a continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 264, United Brotherhood of Carpenters and Joiners, of Boulder, Colo., praying for the enactment of legislation to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 1, Job Pressmen's Union, of Denver, Colo., praying for the enactment of legislation providing for the printing of the Allied Trades label on all publications issued by the Government; which was referred to the Committee on Printing.

He also presented a petition of the North Side Woman's Club, of Denver, Colo., praying for the employment of women nurses in the hospitals of the Army; which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Colorado, remonstrating against the enactment of legislation to regulate the transportation of wild game from one State to another; which was referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented petitions of the Journal, the News, the Press, the Sentinel, the Sun, and of Eli Lilly & Co., all of Indianapolis; of the Demokrat, the Journal Company, and the Courier Company, all of Evansville, and the Keefer Pharmaceutical Company, of South Bend, all in the State of Indiana, praying for the enactment of legislation to protect manufacturers in the use of alcohol in the arts; which were referred to the Committee on Finance.

Mr. KEAN presented a petition of the Veterinary Medical Association of New Jersey, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented memorials of 35 members of the District Medical Society of Mercer County, N. J., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. VEST presented a petition of the board of directors of the Missouri and Kansas Association of Lumber Dealers, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of J. W. Bailey, secretary of the Pacific Northwest Wool Growers' Association, remonstrating against the leasing of public lands for grazing purposes; which was referred to the Committee on Agriculture and Forestry.

Mr. PLATT of Connecticut presented petitions of Madison Grange, No. 122; Colchester Grange, No. 78; Hope Grange, No. 20, and Webutuck Grange, No. 86, all Patrons of Husbandry, in the State of Connecticut, praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Webutuck Grange, No. 86; Hope Grange, No. 20; Colchester Grange, No. 78, and Madison Grange, No. 120, all Patrons of Husbandry, in the State of Connecticut, praying for the extension of free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the congregations of the Methodist Episcopal Church of South Meriden; the Trinity Methodist Episcopal Church, of Meriden; the Methodist Episcopal Church of Galesville; the Main Street Baptist Church, of Meriden; the First Methodist Episcopal Church, of Meriden, and of the Woman's Christian Temperance Union of Meriden, all in the State of Connecticut, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

He also presented petitions of East Canaan Grange, No. 136; Hope Grange, No. 20; Plymouth Grange, No. 72; Manchester Grange, No. 131; Westport Grange, No. 149, and Mattabesett Grange, No. 72, all Patrons of Husbandry, in the State of Connecticut, praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented memorials of Madison Grange, No. 120; Colchester Grange, No. 78, and Hope Grange, No. 20, all Patrons of Husbandry, in the State of Connecticut, remonstrating against the construction of irrigating reservoirs and canals by the Government for the irrigation of public lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Manchester Grange, No. 41; Westport Grange, No. 47; Mattabesett Grange, No. 42; Hope Grange, No. 20; Plymouth Grange, No. 72, and East Canaan Grange, No. 136, all Patrons of Husbandry, in the State of Connecticut, praying for the election of Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Colchester Grange, No. 78; Madison Grange, No. 120; Webuteck Grange, No. 86, and Hope Grange, No. 20, all Patrons of Husbandry, in the State of Connecticut, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented petitions of Madison Grange, No. 120; Hope Grange, No. 26; Colchester Grange, No. 78, and Webutuck Grange, No. 86, all Patrons of Husbandry, in the State of Connecticut, praying for the enactment of legislation to prohibit the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented petitions of Plymouth Grange, No. 72; Manchester Grange, No. 30; Westport Grange, No. 148; Mattabesett Grange, No. 42; East Canaan Grange, No. 136, and Webutuck Grange, No. 86, all Patrons of Husbandry, in the State of Connecticut, praying for the enactment of more adequate anti-trust laws; which were referred to the Committee on the Judiciary.

Mr. FRYE presented petitions of the Young People's Christian Union of the Church of the Messiah, of Portland, Me.; of the Woman's Christian Temperance Union of Onsted; the congregations of the Methodist Episcopal Church of Sturgis; the United Brethren in Christ, the Methodist Episcopal Church, the Baptist Church, and the Presbyterian Church, of Hastings, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. TILLMAN. I am directed by the Committee on Mines and Mining, to whom was referred the bill (S. 3982) to apply a portion of the proceeds of the sale of the public lands to the endowment, support, and maintenance of schools or departments of mining and metallurgy in the several States and Territories in connection with the colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of an act of Congress approved July 2, 1862, to report it with amendments, and to submit a report thereon.

I ask that 500 copies in addition to the usual number of the bill and report be printed for the use of the Senate.

Mr. STEWART. I suggest that a thousand extra copies be printed. There will be a great demand for it.

Mr. TILLMAN. Very well; let 1,000 copies be printed.

The PRESIDENT pro tempore. The Senator from South Carolina requests that 1,000 additional copies of the bill and report be printed for the use of the Senate. Is there objection? The Chair hears none, and it is so ordered.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1982) for the erection of a public building at Allentown, Pa., reported it with an amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3208) for the erection of a public building at Green Bay, Wis., reported it with an amendment.

Mr. SPOONER, from the Committee on Rules, reported an amendment proposing an appropriation of $1,000 to pay Horace C. Reed for preparing an edition of the Senate Manual, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FAIRBANKS. On March 16 I reported from the Committee on Public Buildings and Grounds the bill (S. 3211) to authorize the construction of an addition to the public building at Hartford, Conn., and submitted a report thereon. I now beg leave to submit a supplemental report, and I move that it be printed as part 2, to accompany the report already made by me.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4052) to correct the military record of Peter Philip Jackson Anderson, alias Philip Jackson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PETTUS introduced a bill (S. 4053) to abolish all duties on printing paper suitable for books and newspapers; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 4054) granting an increase of pension to Elizabeth W. Eldridge; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McLAURIN (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4055) for the relief of Jeff. Smith;
A bill (S. 4056) for the relief of R. M. Patrick;
A bill (S. 4057) for the relief of Sallie Smith;
A bill (S. 4058) for the relief of Peyton B. Love;
A bill (S. 4059) for the relief of John Service;
A bill (S. 4060) for the relief of Dr. Joseph Gaffny;
A bill (S. 4061) for the relief of John Smith;
A bill (S. 4062) for the relief of the estate of Isaac Peeler, deceased;
A bill (S. 4063) for the relief of William Lockhart;
A bill (S. 4064) for the relief of R. D. Alexander; and
A bill (S. 4065) for the relief of Columbus Roberts.

Mr. DEPEW introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4066) for the relief of Thomas Stack; and
A bill (S. 4067) for the relief of Frank G. Osborn (with an accompanying paper).

Mr. DEPEW introduced a bill (S. 4068) for the relief of Francis E. Berler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4069) granting a pension to Harriet Osgood Clendenin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 4070) granting a pension to Helen C. Wallace; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas (by request) introduced a bill (S. 4071) for the relief of the estate of August Heberlein; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS (by request) introduced a bill (S. 4072) to amend sections 190 and 5498 of the Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KENNEY introduced a bill (S. 4073) granting an increase of pension to Robert A. Edwards, jr.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4074) granting a pension to Georgianna McNatt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEITFELD introduced a bill (S. 4075) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and so forth; which was read twice by its title, and referred to the Committee on Territories.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FOSTER submitted an amendment proposing to appropriate $38,000 for topographical and geological surveys by the United States Geological Survey on the islands of Porto Rico and Hawaii, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Coast and Insular Survey, and ordered to be printed.

Mr. McBRIDE submitted an amendment proposing to appropriate $2,531,140.51 for the extension of the jetty at the mouth of

the Columbia River, Oregon and Washington, including repairs and additions to the wharves, approaches, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

TRAVEL PAY AND ALLOWANCES.

On motion of Mr. WARREN, it was

Ordered, That 1,500 copies of Senate Report, No. 813, Fifty-sixth Congress, first session, on the bill (S. 3616) to authorize the payment of traveling allowances to enlisted men of the regular and volunteer forces when discharged by order of the Secretary of War and stated by him as entitled to travel pay, be printed for the use of the Senate.

NATIONAL GALLERY OF HISTORY AND ART.

On motion of Mr. GALLINGER, it was

Ordered, That leave be granted to insert certain cuts and accompanying text in the publication of Franklin Webster Smith praying an appropriation of land for a site for a national gallery of history and art and for aid in the establishment thereof in the city of Washington, D. C., the petition for which was referred to the Committee on the District of Columbia, and ordered to be printed, on the 12th day of February, 1900.

JORGE CRUZ.

Mr. JONES of Arkansas. I submit a resolution, for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a statement of the action of the Treasury Department in the case of Jorge Cruz, a resident of Porto Rico, brought to New York under contract to labor in the United States, together with all copies of all correspondence in the case; and that he be further directed to inform the Senate what steps, if any, have been taken to prosecute, for violating the alien contract labor law, the person, firm, or corporation entering into contract with said Cruz.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. CHANDLER. The resolution, I think, recites that this man was brought under a contract to labor.

Mr. JONES of Arkansas. I am willing to change the resolution so as to let it state that he was alleged or charged to have been brought here under contract.

Mr. CHANDLER. Let it read "alleged to have been brought." The Senate does not know the fact that he was brought. The Senator from Arkansas may know it.

Mr. JONES of Arkansas. I agree to the modification.

The PRESIDENT pro tempore. The modification will be stated.

The SECRETARY. After the words "Porto Rico" insert the words "alleged to have been."

The PRESIDENT pro tempore. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

SANTEE SIOUX INDIAN LANDS.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate how many acres were originally contained in the reservation set apart for the Santee Sioux Indians under and by virtue of Article III of the treaty of August 5, 1851, as modified by the Senate resolution in executive session June 23, 1851, and also Senate resolution of June 22, 1860; how many acres of said reservation were actually sold under the act of March 3, 1863, at what price per acre the same was sold, and if any, and what part thereof, was sold higher than $1.25 per acre; if any portion of said reservation is left unsold and the number of acres thereof, and whether the proceeds of the portion sold thereof is recognized as belonging to the Indians; and he is directed to furnish an itemized account of the proceeds of the sale of said lands each year from the passage of the act of March 3, 1863, to the present time; how the proceeds were expended to June 5, 1870, for the four bands of Indians, namely, the Medawakanton, the Wahpakoota, the Sisseton, and the Wahpeton, now confederated and known as the Santee Sioux Indians, and what proportion the Santee Sioux Indians would have if recognized under their former tribal names; the purpose or purposes for which said money or moneys were expended since June 15, 1870, and if any sum or sums derived from the sale of any said lands were used to fulfill treaty obligation; and if so, to specify the same and what sum each of said tribes would be entitled from the proceeds of said lands if the act of June 15, 1870, had not been passed and the lands had been sold at $1.25 per acre, according to section 3 of the act of March 3, 1863.

READJUSTED SALARIES OF POSTMASTERS IN IOWA.

Mr. GEAR. I submit, by request, a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the State of Iowa between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled Ebenezer H. Swinney and others against The United States, No. 18213, each such stated account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884; and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in the said circular and publication in the newspapers and in circular form No. 1223, the text of each of which, under date of November 8, 1897, was transmitted by the Postmaster-General to the Attorney-General for use in the case of Jane Yarrington and others against The United States, No. 16345.

Mr. WOLCOTT. What is the request concerning the resolution?

The PRESIDENT pro tempore. The Senator from Iowa requests present consideration.

Mr. WOLCOTT. Mr. President, I wish to say that that is one of the Spalding resolutions that has been handed to the Senators from each State in a typewritten copy asking presentation by them respecting the State represented by different Senators, and that one has been introduced for all the States, which was referred to the Post-Office Committee, and I suggest the reference of this resolution to the Post-Office Committee.

The PRESIDENT pro tempore. If there be no objection, the resolution will be referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN. Before the resolution is referred, I should like to have it amended so as to take in the entire United States.

Mr. WOLCOTT. I will state to the Senator from Nebraska that the resolution introduced by the Senator from Alabama [Mr. MORGAN] does contemplate a return from the Postmaster-General of the reports as to fourth-class postmasters throughout the United States.

Mr. ALLEN. Very well; then I have no objection to the reference.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Post-Offices and Post-Roads.

READJUSTED SALARIES OF POSTMASTERS IN NEW YORK.

Mr. PLATT of New York submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the State of New York between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled Bryant S. Palmer and others against The United States, No. 18280, each such stated account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884; and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in the said circular and publication in the newspapers and in circular form, No. 1223, the text of each of which, under date of November 8, 1897, was transmitted by the Postmaster-General to the Attorney-General for use in the case of Jane Yarrington and others against The United States, No. 16345.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 1475) to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, and making appropriation therefor.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore. If there is no further morning business, the Chair lays before the Senate the resolution coming over from a previous day.

The Secretary read the resolution submitted by Mr. GALLINGER on the 5th instant, as follows:

Resolved, That the Committee on the District of Columbia be instructed to inquire and report to the Senate whether any teacher in the public schools of the District has been censured or taken to task by a superior officer on account of the testimony given by such teacher during the recent investigation of the public schools.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 60) to create the northwestern division of the northern district of Georgia for judicial purposes and to fix the time and place for holding court therein was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 10311) to authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River at or near the town of Alexandria, in the parish of Rapides, State of Louisiana, was read twice by its title.

Mr. CULLOM. I ask that the bill be referred to the Committee on Commerce; and I desire to call the attention of the Senator from Missouri [Mr. VEST] to it. I hope it may be reported back to-day.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Commerce.

SENATOR FROM PENNSYLVANIA.

Mr. THURSTON. The morning business being concluded, I ask unanimous consent to proceed to the consideration of the Indian appropriation bill.

The PRESIDENT pro tempore. The Senator from Nebraska asks consent to proceed to the consideration of House bill 7433. Is there objection?

Mr. CHANDLER. I object, and ask the Chair to lay the resolution with reference to the vacant seat from Pennsylvania before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution, under the unanimous agreement.

The Secretary read the resolution reported by the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. BERRY. Mr. President, I should like to make an appeal to the Senator from Nebraska. There is a bill on the Calendar in regard to a bridge in the State of Mississippi, and it is peculiarly important that the bill should be passed at once. There is no objection to it. The matter has been tied up in the courts, and it has been very inconvenient to a large number of people. The Committee on Commerce has unanimously reported the bill, and I should like very much if the Senator would yield to me and let me have the bill passed. It will not take exceeding five minutes at the outside.

Mr. THURSTON. I have no objection to that. I believe we can finish the Indian appropriation bill in an hour.

Mr. BERRY. If the Senator will allow me to have that bill passed, I will then help him to get the appropriation bill through.

The PRESIDENT pro tempore. The appropriation bill is not before the Senate.

Mr. THURSTON. I understand that. I ask that the resolution concerning Mr. Quay be informally laid aside and that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. CHANDLER. I object to that if anyone is ready to speak on the Pennsylvania resolution. I had supposed some Senator would be ready to speak after the notice which I gave the other day, and that Senators who intended to speak might properly be asked to be ready and not to longer delay the Senate in the consideration of this resolution. I will ask the Senator from Michigan if he is ready to proceed this morning?

Mr. BURROWS. I will say to the Senator from New Hampshire that I am not, and I do not know of anyone who is prepared this morning to proceed. We shall be ready next week, probably on Monday, to go on with the consideration of the resolution.

Mr. CHANDLER. If no one desires to speak at this time, I certainly shall not object to having the resolution go over until Monday morning, but I do insist that Senators who are ready to speak shall go on at that time, and I also insist that Senators who intend to speak shall get ready to submit their views to the Senate on that question, and some time next week, possibly on Monday, I shall ask to have a day fixed when the Senate will vote upon the resolution.

The PRESIDENT pro tempore. Without objection, the Indian appropriation bill is before the Senate.

Mr. BERRY. Does the Senator from Nebraska yield to me?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. THURSTON. I yield to the Senator from Arkansas.

PEARL RIVER (MISSISSIPPI) BRIDGE.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (H. R. 8063) to legalize and maintain the iron bridge across Pearl River at Rockport, Miss.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

LANDS AT YANKTON AGENCY, S. DAK.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 2493) authorizing and directing the Secretary of the Interior to issue patents for land in certain cases. It is a very short bill, and it will take but a moment.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Is the bill reported from a committee?

Mr. PETTIGREW. It is reported from the Committee on Indian Affairs unanimously.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to issue patents to Thomas H. Aungie, Matilda Lyman, and Harriet L. Aungie, members of the Yankton tribe of Sioux Indians, for not to exceed 1 acre of land each, so as to embrace their houses, near the agency buildings at Yankton Agency, S. Dak., but not to embrace any buildings owned by the Government, upon payment by each of those persons of the sum of $3.75.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT COLORADO SPRINGS, COLO.

Mr. WOLCOTT. I ask unanimous consent for the consideration of the bill (S. 2924) to provide for the purchase of a site and the erection of a public building thereon at Colorado Springs, in the State of Colorado.

The Secretary read the bill; and the Senate, by unanimous consent, proceeded to its consideration as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in line 11, page 1, after the word "apparatus," to strike out the word "elevators;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Colorado Springs and State of Colorado, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $150,000.

The amendment was agreed to.

The next amendment was, on page 3, to strike out lines 15 to 21, inclusive, in the following words:

No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Colorado shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RED RIVER (LOUISIANA) BRIDGE.

Mr. VEST. I ask leave to submit a report from the Committee on Commerce. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 10311) to authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River at or near the town of Alexandria, in the parish of Rapides, State of Louisiana, to report it favorably without amendment.

Mr. CULLOM. There is quite an emergency in reference to that bill, and I ask that it may be immediately put upon its passage.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the concurrent resolution of the Senate to print 4,500 copies of the report transmitted by the Secretary of State of the commissioner for the United States on the International Prison Commission on "crimes, misdemeanors, and penalties" in the United States.

The message also announced that the House had passed the bill (S. 2679) declaring certain trestles of the Washington County Railroad Company to be lawful structures.

The message further announced that the House had passed, with amendments, the bill (S. 222) to provide a government for the Territory of Hawaii, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print 6,000 additional copies of the report of the Director of the Mint on the production of precious metals for the calendar year 1898, etc.; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution to print 8,000 copies of any matter furnished by the Director of the Bureau of American Ethnology relating to researches and discoveries connected with the study of the American aborigines, etc.; in which it requested the concurrence of the Senate.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

Mr. THURSTON. Mr. President, when, on yesterday, the Senate proceeded to the consideration of executive business, the amendment proposed by the Senator from Arkansas [Mr. JONES], on page 42, was under consideration.

Mr. JONES of Arkansas. The amendment has been read, I believe.

The PRESIDENT pro tempore. It has been read.

Mr. PLATT of Connecticut. Mr. President, I rise for the purpose of asking the Senator from Arkansas if he will not withdraw his amendment? The subject of commissions for town sites in the Creek and Cherokee nations was considered by the committee,

and provided for on page 42, in the proviso commencing in line 15, and running on to page 43. That proviso represents the opinion of the committee, as I understood it at the time, but during my absence there was a delegation here from the Indian Territory who wanted to change it. I have had no opportunity to examine the question. I am not satisfied that the plan now proposed by the amendment of the Senator from Arkansas is preferable to the one which was agreed upon by the committee when the bill was reported; and as the whole subject-matter is in the bill and will go before the committee of conference, where a change could be made if it were found desirable. I hope the Senator from Arkansas will not press his amendment at this time.

Mr. JONES of Arkansas. Mr. President, I have no disposition to press this amendment, especially if the Senator from Connecticut has any doubt about the propriety of it. At the time it was proposed, as just stated by the Senator from Connecticut, he was absent from the city, which I then very much regretted. That there is an evil existing in the Indian Territory at this time which ought to be corrected there can be no doubt. A subcommittee was appointed by the Committee on Indian Affairs to investigate the complaints made about the management of the town-site commissioners in the Indian Territory. A number of complaints had come in public and private ways to me, and I presented a resolution to the Senate, which was adopted, directing the Committee on Indian Affairs to inquire into those complaints. A subcommittee was appointed and directed to take this matter up.

After an investigation made by the subcommittee, most of the members of the committee were satisfied that there should be something done, and the amendment offered by me was prepared and sent to the Secretary of the Interior for his opinion. I have in my hand a letter from the Secretary of the Interior recommending the adoption of the amendment, which I will, without objection, place in the RECORD for the information of Senators who are interested in the subject.

Mr. PLATT of Connecticut. I wish the Senator would also place in the RECORD the letter of the Commissioner of Indian Affairs, which I have not yet had an opportunity to read. I believe he has written a letter on the subject.

Mr. JONES of Arkansas. There is another letter from the Department, which I will also ask to have inserted in the RECORD, showing the progress of the work done by the town-site commissioners, the amount of work done, and the expense. It shows that in the twelve months in which this work has been in progress, with one town-site commission in the Chickasaw Nation and one in the Choctaw Nation, there have been three town sites surveyed in the Choctaw Nation and two surveyed in the Chickasaw Nation.

From the statements of the witnesses who were before the committee, I think there are from 40 to 50 towns in each of these nations, which would seem to indicate that one commission can not possibly make all the surveys for a great many years to come.

There is another consideration which we thought ought to have some influence in this matter, and that was the advantage which one town would get in being surveyed now, opened for settlement, and titles thereby being conveyed to persons who were residents of that town, in comparison with other towns where a survey can not take place under the present management for five or ten years to come. It would be unfair in its operation; it would operate inequitably and unjustly.

I will place in the RECORD, by unanimous consent, first, the letter of the Secretary of the Interior recommending the adoption of the amendment proposed by me; then the letter of transmittal of the Secretary, together with the report of the Commissioner of Indian Affairs, which shows the work done by the town-site commissions.

The PRESIDENT pro tempore. Without objection, the letters referred to will be printed in the RECORD.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 23, 1900.

DEAR SIR: I am in receipt of your letter of even date, inclosing a proposed amendment to the Indian appropriation bill (page 42) and asking my opinion as to the advisability of incorporating the same in the bill.

In reply I have to say that the amendment has my entire approval, and I trust it will receive favorable action on the part of the Senate and be incorporated in the bill. The amendment is herewith returned.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Hon. JAMES K. JONES,
United States Senate.

DEPARTMENT OF THE INTERIOR, *Washington, March 27, 1900.*

SIR: Referring to your letter of the 17th instant, requesting a statement of the amount of money it has cost to survey and appraise each of the towns surveyed and appraised by town-site commissions in the Indian Territory, the amount of the sale of lots in each case, the total amount of money expended by the Department for this purpose, the number of surveys and appraisements completed, and the condition of the work in the other towns where not completed, you are advised that the Commissioner of Indian Affairs was directed to make report concerning the inquiries above set forth, and I am now in receipt of his report, dated the 26th instant, which gives the information desired.

I have the honor to inclose a copy of said report herewith.

Respectfully,

E. A. HITCHCOCK, *Secretary.*

Hon. JAMES K. JONES,
United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 26, 1900

SIR: I am in receipt, by Department reference of March 17, 1900, for report, of a communication dated March 17, 1900, from Hon. JAMES K. JONES, in which he requests to be advised as soon as possible of "the amount of money it has cost to survey and appraise each of the towns which have been appraised and surveyed by town-site commissioners in the Indian Territory, and what the sale of lots under such appraisement in each case has amounted to; the total amount of money expended by your Department under this head, and the number of surveys and appraisements completed, and the condition of the work in other towns where not completed."

In reply, I have the honor to report that from the records on file in this office, it can not be definitely ascertained what it has cost to survey, plat, appraise, and sell the lots in any particular town in the Choctaw and Chickasaw nations.

However, from an examination of the quarterly cash accounts and the weekly reports rendered by Dr. Sterrett, the disbursing officer of the Choctaw town-site commission, it is ascertained that the expenses of this commission from March 13 to May 23, 1899, was approximately $321.80. This covers the period from the time Dr. Sterrett entered on duty, March 13, 1899, to the date the commission commenced the survey of the town of Sterrett, which was about May 23, 1899, and includes Dr. Sterrett's salary and the expenses incurred by him while he was in Washington receiving instructions relative to town-site matters, which covered the period from March 13 to April 6, 1899, and also the expenses of the commission while at Muscogee, Ind. T., preparing, in connection with the Chickasaw and Muscogee town-site commissions, forms from which to have record books, blanks, etc., printed. The commission was engaged in this work from April 17 to May 23, 1899.

The Choctaw town-site commission commenced work at Sterrett, Choctaw Nation, about May 24, 1899, and completed its duties at said town about September 2, 1899, and the plat of said town prepared by said commission was approved by the Department August 28, 1899.

The total expense incurred by this commission in surveying, platting, appraising, and selling the lots in the town of Sterrett was, as shown by the quarterly cash accounts and weekly reports of the disbursing officer of the commission, approximately $3,059.48. In the items of expense above mentioned is also probably included the cost of office furniture, surveyors' instruments, drafting material, etc. The lots in the town of Sterrett sold for an aggregate of $19,188.76.

This commission commenced the survey of Atoka, Choctaw Nation, about September 3, 1899, and completed the survey and platting of said town of Atoka about November 6, 1899, at an aggregate expense of about $1,841.17, as shown by the quarterly cash accounts and weekly reports of the disbursing officer of the commission on file in this office. The plat of Atoka prepared by this commission was approved by the Department February 23, 1900. The lots in said town, so far as this office is advised, have not yet been appraised and sold.

This commission commenced the survey of South McAlester November 7, 1899, and its expenditures since said date up to and including March 17, 1900, as shown by the quarterly cash accounts and weekly reports of the disbursing officer of the commission, have been, approximately, $4,638.47. It is expected that the plat of South McAlester now being prepared by said commission will be received in this office by May 1, 1900. Certain sundry expenses, such as typewriter, stationery, etc., incurred by this commission have been paid through the Treasury Department, amounting in all to the sum of $139.30.

The expenses of the Chickasaw town-site commission from March 25, 1899, the date Samuel N. Johnson, chairman of the commission, entered on duty, to about May 27, 1899, the approximate date said commission commenced work at Colbert, Chickasaw Nation, as shown by the quarterly cash accounts and weekly reports of Mr. Johnson, the disbursing officer of the commission, were about $857.41. This item of expense seems to include Mr. Johnson's salary and expenses while in Washington receiving instructions relative to his duties, and the salaries of the commissioners and expenses incurred by them while at Muscogee, Ind. T., which was approximately from March 13 to May 26, 1899. During this time said commission was assisting the Choctaw and Muscogee town-site commissions in the matter of preparing forms from which to have record books, blanks, etc., printed.

The commission commenced the survey of Colbert, Chickasaw Nation, about May 27, 1899, and completed its duties there about August 31, 1899. The aggregate expense incurred by this commission in surveying, platting, appraising, and selling the lots in the town of Colbert, Chickasaw Nation, as shown by the quarterly cash accounts and weekly reports of the disbursing officer of the commission on file in this office was approximately $3,472.80.

There is also probably included in the items of expense above mentioned the cost of office furniture, surveyor's instruments, drafting material, etc. The plat of Colbert prepared by this commission was approved by the Department August 14, 1899. The lots in Colbert, Chickasaw Nation, were sold for an aggregate of $5,072.25.

This commission commenced work at Ardmore, Chickasaw Nation, September 1, 1899. The aggregate expense incurred by it from said date up to and including March 10, 1900, as shown by the quarterly cash accounts and weekly reports of the disbursing officer of the commission on file in this office, is approximately $7,121.77. It is expected that the plat of Ardmore will be received in this office by May 1, 1900. Certain sundry expenses of this commission, such as typewriter, stationery, etc., were paid through the Treasury Department, amounting in the aggregate to $117.77.

The expense of the Muscogee town-site commission from April 6, 1899, the date the chairman, Mr. D. W. Tuttle, entered on duty, up to and including March 17, 1900, as shown by the quarterly cash accounts and weekly reports of the disbursing officer of the commission on file in this office, has been approximately $11,667.33.

In the expenditure above mentioned there is included Mr. Tuttle's salary and expenses while in Washington receiving instructions relative to his duties, and that of the commission while assisting the other commissions in the preparation of forms from which to have record books, blanks, etc., printed.

However, it can not be ascertained from the quarterly cash accounts and weekly reports rendered by the disbursing officer of the commission the amount of such expenses. One typewriter for the use of this commission, at a cost of $85, was paid for through the Treasury Department. It is expected that the plat of Muscogee, prepared by this commission, will be received in this office not later than April 1, 1900.

The commission is now engaged in appraising the town of Muscogee, Creek

Nation, and it is thought that such appraisement will have been completed by May 1, 1900.

The expenses of the Wagoner town-site commission from August 8, 1899, to the date Mr. H. C. Linn, chairman of the commission, entered upon duty, up to and including December 31, 1899, as shown by the quarterly cash accounts of the disbursing officer of the commission, Mr. Linn, have been about $4,340.28.

The expense of this commission subsequent to December 31, 1899, can not be ascertained, for the reason that the disbursing officer has never rendered any weekly reports to the office, and his quarterly cash account for the present quarter will not be received until after the termination thereof, which is March 31, 1900.

The Wagoner town-site commission is now engaged in appraising the town lots of Wagoner, Creek Nation. The plat prepared by said commission has been received in this office and has been transmitted for departmental action. It is expected that the appraisement of the lots in Wagoner will be completed by about April 20, 1900.

From the foregoing it will be seen that the amount it has cost to survey, plat, appraise, and sell any particular town in the Choctaw or Chickasaw nation can not be definitely ascertained from the records on file in this office; that the Choctaw town-site commission has surveyed, platted, appraised, and sold the lots in one town in the Choctaw Nation, viz, Sterrett; that the plat of said town prepared by said commission was approved by the Department August 28, 1899; that the lots in said town sold for an aggregate of $19,188.76; that the approximate expenses incident to said work were $3,659.48; that said commission has surveyed and platted the town of Atoka, Choctaw Nation, at an aggregate approximate cost of $1,841.17; that, so far as this office is advised, the lots in said town of Atoka have not been appraised and sold; that the plat of said town of Atoka, prepared by said commission, was approved by the Department February 23, 1900; that said commission commenced the survey and plat of the town of South McAlester, Choctaw Nation, about November 7, 1899, and has been engaged in surveying and platting said town up to and including this date; that the cost of the work up to and including March 17, 1900, has been approximately $4,636.47; that it is expected the plat of said town, presumed to be in course of preparation by said commission, will be received in this office by May 1, 1900; that the Chickasaw town-site commission has surveyed, platted, appraised, and sold the lots in one town in the Chickasaw Nation, viz, Colbert; that the plat thereof prepared by said commission was approved by the Department August 14, 1899; that the lots in said town sold for an aggregate of $5,072.25; that the approximated cost of surveying, platting, appraising, and selling the lots in said town was $3,472.80; that said commission is now and has been since about September 1, 1899, engaged in surveying and platting the town of Ardmore, Chickasaw Nation; that the expense incurred by said commission since the date last above mentioned up to and including March 10, 1900, has been, approximately, $7,121.77; that it is expected the plat of said town now being prepared by said commission will be received in this office not later than May 1, 1900; that the Muscogee town-site commission is now, and has been since about May 20, 1899, engaged in surveying and platting the town of Muscogee, Creek Nation; that the total expense of this commission up to, and including March 17, 1900, has been approximately $11,667.33; that the plat of said town will probably be received in this office by April 1, 1900; that it is understood said commission is appraising the lots in said town; that said appraisement will probably be completed by May 1, 1900; that the Wagoner town-site commission has surveyed and platted the town of Wagoner, Creek Nation; that the plat prepared by said commission is now before the Department; that the total expense incurred by said commission from August 8, 1899, the date the chairman entered on duty up to and including December 31, 1899, has been approximately $4,340.28; that said commission is now engaged in appraising the lots in said town, and that it is expected such appraisement will be completed by April 20, 1900.

RECAPITULATION.

Choctaw town-site commission:	
One town, viz, Sterrett, surveyed, platted, appraised, and sold for aggregate of	$19,188.76
At an estimated expense of	3,659.48
One town, viz, Atoka, surveyed and platted at an approximated expense of	1,841.17
Now engaged in surveying and platting South McAlester, approximated expense up to March 17, 1900	4,636.47
Condition of work at South McAlester:	
Expected plat will be received in this office by May 1, 1900.	
Chickasaw town-site commission:	
One town, viz, Colbert, surveyed, platted, appraised, and sold for an aggregate of	5,072.25
At an estimated cost of	3,472.80
Now engaged in surveying and platting Ardmore, estimated expense to March 10, 1900	7,121.77
Condition of work at Ardmore:	
Expected that plat will be received in this office by May 1, 1900.	
Muscogee town-site commission:	
Estimated expense of work at Muscogee to March 17, 1900	11,667.33
Condition of work:	
Expected that appraisement of lots will be completed by May 1, 1900.	
Wagoner town-site commission:	
Total estimated expense to December 31, 1899	4,340.28
Condition of work at Wagoner:	
From the reports of the chairman of the commission, it is expected that the appraisement of lots in the town of Wagoner will be completed about April 20, 1900.	
Total estimated expense of Choctaw town-site commission to March 17, 1900	11,068.28
Total estimated expense of Chickasaw town-site commission to March 10, 1900	11,671.75
Total estimated expense of Muscogee town-site commission to March 17, 1900	11,752.33
Total estimated expense of Wagoner town-site commission to December 31, 1899	4,340.28
Total amount expended by all town-site commissions	38,762.64

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. JONES of Arkansas. With that statement and with the understanding which the Senator from Connecticut [Mr. PLATT] mentions, that this whole matter will be open in conference, I will withdraw the amendment from present consideration.

Mr. PLATT of Connecticut. It is very possible there ought to be some different arrangement from that proposed in the bill, but I can hardly think it is necessary to have forty or fifty different town-site commissioners. It makes a great many officers. It would make 100 town-site commissioners, more or less. It seems to me the disposition of the matter can be arrived at in some way without the appointment of such a large body of officers.

I have no present conclusive impression on the subject, and therefore I do not want to have the amendment adopted. I am very glad the Senator has withdrawn it. I will give my careful attention to it afterwards.

Mr. JONES of Arkansas. In reply to the suggestion of the Senator from Connecticut, I want to say that I think in all probability there may not be any pressing necessity for a town-site commission for every town. Still it does seem, when you look into the matter very carefully, as if it would be desirable to have such a commission for every town, so as to facilitate the work and have it completed as early as possible.

But the important matter carried by the amendment which I have proposed is the provision that the towns may, if they see fit, have surveys made at their own expense; and when so made to the satisfaction of the Secretary of the Interior, the town-site commission may be then appointed and an appraisement at once take place.

The length of time which these officers would have to exercise their duties under these circumstances would be very brief; and whether there be a larger or a smaller number would cut but little figure if it would only take a short time to complete the work they had in hand.

Mr. COCKRELL. I should like to make some inquiries about the town-site commissioners who are already out there. How are they getting along? Are they moving rapidly or slowly, or are they doing nothing?

Mr. JONES of Arkansas. If the Secretary will hand me the letter which I have just sent to the desk, I can give the Senator the official answer to that question. I have just asked to have this paper printed in the RECORD for the information of the Senate. I will not read the whole letter, because it will take too much time, but the summary can be given in a few words. I will first state that the Chickasaw town-site commission was appointed something like a year ago. I do not recall the exact time, but about then. This is the recapitulation of the Commissioner's letter:

Choctaw town-site commission:	
One town, viz, Sterrett, surveyed, platted, appraised, andsold for aggregate of	$19,188.76
At an estimated expense of	3,659.48
One town, viz, Atoka, surveyed and platted, at an approximated expense of	1,841.17

It seems that nothing has been done except the survey of that town. They are—

Now engaged in surveying and platting South McAlester; approximated expense up to March 17, 1900	$4,636.47

The survey and appraisement of one only has been completed and the sale made. In the others there has been no appraisement made after the survey; but two towns have been surveyed in addition to the one where the survey has been made and the sale taken place.

Condition of work at South McAlester:	
Expected plat will be received in this office by May 1, 1900.	

That is the survey only—

Chickasaw town-site commission:	
One town, viz, Colbert, surveyed, platted, appraised, and sold for an aggregate of	$5,072.25
At an estimated cost of	3,472.80

This town-site commission is the only one for the Chickasaw Nation, and they are—

Now engaged in surveying and platting Ardmore; estimated expense to March 10, 1900	$7,121.77

Mr. PLATT of Connecticut. That is the largest town in the Territory.

Mr. JONES of Arkansas. Yes, it is the very largest, I think. They are now engaged in the survey, but that has not been completed.

Condition of work at Ardmore:	
Expected that plat will be received in this office by May 1, 1900.	
Muscogee town-site commission:	
Estimated expense of work at Muscogee to March 17, 1900	$11,667.33

That is not completed.

Condition of work:	
Expected that appraisement of lots will be completed by May 1, 1900.	
Wagoner town-site commission:	
Total estimated expense to December 31, 1899	4,340.28
Condition of work at Wagoner:	
From the reports of the chairman of the commission it is expected that the appraisement of lots in the town of Wagoner will be completed about April 20, 1900.	

Total estimated expense of Choctaw town-site commission to March 17, 1900	$11,008.28
Total estimated expense of Chickasaw town-site commission to March 10, 1900	11,571.75
Total estimated expense of Muscogee town-site commission to March 17, 1900	11,752.33
Total estimated expense of Wagoner town site commission to December 31, 1899	4,340.28
Total amount expended by all town-site commissions	38,762.64

Mr. COCKRELL. At the same rate of progress, about what year would they get through?

Mr. JONES of Arkansas. It would be impossible to finish this work in less than ten or fifteen years, I should think, speaking conservatively. I believe it will take longer. At the same rate at which they are now progressing it would take very much longer.

Mr. PETTIGREW. I should like to know how the commission is constituted.

Mr. JONES of Arkansas. Under the Atoka agreement there was a provision that there should be one town-site commission for each of these nations—the Chickasaws and the Choctaws. One of the commissioners is to be selected by the chief of the nation, and the other to be selected by the Government of the United States, and in case of any disagreement they are to call in a third party. I understand the usual process is to go to a town, employ a corps of surveyors, and then begin the survey of a town site, the commissioners remaining in the town to determine where streets shall be located, the width of streets, their length and direction, and what changes shall be made. They are to determine the conformation and arrangement of the town, and after the surveys are completed a map is made and sent to the Secretary of the Interior. After he has approved that map, then the commissioners appraise the lots, which are subsequently sold and the matter closed.

The PRESIDENT pro tempore. The question is on the amendment as amended.

Mr. PLATT of Connecticut. The Senator from Arkansas withdraws his amendment.

Mr. JONES of Arkansas. I have withdrawn it.

The PRESIDENT pro tempore. The Chair was not referring to that amendment. The Chair was referring to the committee's amendment as it has been amended.

Mr. PLATT of Connecticut. Excuse me.

The PRESIDENT pro tempore. The question is on that amendment as amended.

The amendment as amended was agreed to.

Mr. THURSTON. Mr. President, I believe there is only one other matter passed over in the bill, the proposed committee amendment to strike out section 7. I think it was passed over at the request of the Senator from Missouri [Mr. COCKRELL], and I call the attention of the Senator to it. The committee reported an amendment to strike out section 7, for the reason that it consists entirely of independent legislation, having no reference in any way to appropriations.

Mr. COCKRELL. Mr. President, the chairman of the committee will remember that I offered an amendment to that provision, and I understood that the committee had agreed to the amendment, to come in at the end of line 9, on page 73. That amendment was to add, at the end of line 9, on page 73, these words:

> And all sales and conveyances of lands of deceased allottees by their heirs, which have been duly made and executed by such heirs and duly approved by the Secretary of the Interior, are hereby ratified and confirmed.

My understanding was that the Commissioner of Indian Affairs had examined this amendment; that before the full committee he had stated that it was right, and that there was a report from him, through the Secretary of the Interior, recommending its adoption.

Mr. THURSTON. The Senator is correct in his statement, but the committee, on further considering the question, decided that section 7, to which the Senator offers his amendment, was pure legislation, the whole section having no reference whatever to the matter of appropriation, and in accordance with the decision we reached to free this bill, if possible, from matters of pure legislation, we decided that it was better to have the question contained therein settled by a separate and independent measure. On that theory the report recommended the striking out of section 7, which, if agreed to, would leave nothing upon which the Senator could hang his proposed amendment.

Mr. COCKRELL. In the estimation of the committee would the amendment I have read be considered legislation on any other part of the bill?

Mr. THURSTON. The committee so believe. We feel that a point of order would lie to it if offered to any other part of the bill.

Mr. COCKRELL. Mr. President, before we take action on the striking out of this amendment, I want to amend the amendment, which is in order, and then if the whole thing is stricken out the committee will have this to act upon in conference.

Mr. PLATT of Connecticut. That is so.

Mr. THURSTON. I have no objection to that procedure, Mr. President.

Mr. COCKRELL. I offer the amendment which I send to the desk, to come in as indicated.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 73, after line 9, it is proposed to insert:

> And all sales and conveyances of lands of deceased allottees by their heirs which have been duly made and executed by such heirs, and duly approved by the Secretary of the Interior, are hereby ratified and confirmed.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

The amendment to the amendment was agreed to.

Mr. COCKRELL. Now that that is incorporated in the provision as an amendment, the Senator from Nebraska may move to strike it all out.

Mr. THURSTON. I now move to strike out section 7 as amended.

The motion was agreed to.

Mr. JONES of Arkansas. On yesterday I gave notice of an amendment, which I asked to have printed, which I propose to offer on page 54. If the chairman of the committee has nothing else to suggest, I will offer that amendment now.

The PRESIDENT pro tempore. The Senator from Arkansas offers an amendment, which will be stated.

The SECRETARY. The proposed amendment is on page 54, line 17, after the word "Alaska," to insert:

> *Provided*, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during the fiscal year ending June 30, 1901, but shall only make such contracts at places where the Government has not provided school facilities for all the children of school age residing thereat, and to an extent not exceeding the number of children in attendance at said contract schools at the close of the fiscal year ending June 30, 1900.

Mr. THURSTON. Mr. President, I would make the point of order against the amendment if I thought it would lie, but I am inclined to believe the amendment is germane. I am opposed, however, to its adoption; and in opposing the amendment I have only a very few words to say.

Six years ago the agitation over the matter of sectarian schools for Indian pupils reached a climax. It resulted in compromise action by the Congress of the United States, under which it was understood, and virtually agreed by both Houses of Congress, that we would, from year to year for a period of five years, reduce the appropriation for the support of our Indian pupils in sectarian schools, so that after five years we would make no further appropriation for that purpose. In line with that, Congress and the Department have been from year to year enlarging the Indian school facilities, until to-day the Commissioner of Indian Affairs advises us in the most positive manner that with the schools now in existence and the appropriations made there is no lack of school facilities for the Indian pupils of the nation.

One year ago, after the expiration of the five years, the Appropriations Committee decided to continue the last annual appropriation for sectarian schools for one more year. In the discussion which arose upon that subject the Senator from New Hampshire [Mr. GALLINGER] took the position that he would oppose the proposed appropriation unless it was understood that that was the end of the appropriation for sectarian school purposes. The Senator from Iowa [Mr. ALLISON] having in charge the bill on that occasion made the following statement:

> Mr. ALLISON. It was understood last year that we would make one further appropriation, and, as I understood it, this is the last appropriation that is expected to be made under the arrangement made some years ago.
>
> Mr. GALLINGER. With that understanding, I shall make no further objection. I simply desire to call the attention of the Senate to the fact that we are reaching the end of what I think has been a very pernicious practice.

Mr. President, that appropriation was continued last year, one year beyond the five years originally agreed upon, with the express understanding of the Congress of the United States that that was to be the end of the appropriations for the schooling of our Indian pupils in sectarian institutions.

For my part, I have no particular objection to educating Indian children or any other children in sectarian schools of any denomination. I believe in religious education. I should like to have the pupils of the United States, our Indian pupils included, educated in a religious faith; and, although I might have my own choice as to what particular faith or denomination I should prefer they should be taught, I would much rather that they should be taught the knowledge of God and the truths of the Christian religion in their school days under any denomination or under any branch of the church than I would that they should go without such teaching.

But, Mr. President, the subject of educating our pupils in any other than Government schools has been a matter of very serious discussion and disturbance throughout the length and breadth of the United States. The country settled down five or six years ago to the understanding, obtained from the action of Congress, that we were putting ourselves in a position to do away with sectarian or outside schools for the education of our Indian pupils, and that we were proceeding to reach a point, specified as five years from

that time, when we would educate all our Indian pupils in our own schools. In accordance with that, from year to year we have been providing new school facilities, new buildings at different points, enlarging our classes, and to-day, after extending the appropriation for one more year than was originally agreed upon, the Secretary of the Interior and the Commissioner of Indian Affairs advise us that they can take care of all the Indian pupils who are prepared to attend school or who would attend school in the schools of the United States

Mr. VEST. May I ask the Senator from Nebraska a question?

Mr. THURSTON. Certainly.

Mr. VEST. When he speaks of Government schools does he mean the day schools or the boarding schools provided by the Government? What system is it that he speaks of?

Mr. THURSTON. The Government schools. I refer to both.

Mr. VEST. Can the Senator state what is the relative number of the day schools provided by the Government and the boarding schools?

Mr. THURSTON. I can not without a little examination. I have not the figures in mind at the present time.

Mr. President, I do not care to discuss this at any greater length. I think it is the true policy of the United States to conduct and carry on its own schools for the Indians without any regard whatever to the religious question. I believe we are prepared to do it. The country understands that we are to do it. So far as I know, there has been a general acquiescence throughout the United States in the settlement that was made of the question six years ago. We have reached the end of the appropriation under the agreement, and I do not believe it is wise from any possible public standpoint to reopen this question and keep it before the country as a matter of agitation any longer.

Mr. KYLE. I raise the point of order against the amendment that it is new legislation upon an appropriation bill. I should like to have that decided.

The PRESIDENT pro tempore. The Chair overrules the point of order.

Mr. JONES of Arkansas. Mr. President, I hope Senators will pay attention to the exact phraseology of the proposed amendment. I am aware that there has been discussion about the propriety or impropriety of continuing permanently the contract schools, but the conditions presented now are conditions that must be determined within themselves. The propositions in this amendment, it seems to me, ought to commend themselves to the good judgment of the Senate:

Provided, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during the fiscal year ending June 30, 1901, but shall only make such contracts at places where the Government has not provided school facilities for all the children of school age residing thereat, and to an extent not exceeding the number of children in attendance at said contract schools at the close of the fiscal year ending June 30, 1900.

There are a certain number of Indian pupils now in contract schools. If the Government has facilities to educate these children in Government schools, then this amendment will not be operative; but if it should turn out that the Government has no Government schools in which to educate those children who are now in the contract schools, then the Secretary of the Interior may, if in his judgment it is necessary to do so, make a contract for continuing the children in the contract schools, not to exceed the number now in contract schools. It does not enlarge it; it does not extend it; but it simply proposes to provide for the children who are now in contract schools and for whose education there are no adequate Government facilities provided. That is all there is of it.

I am aware that there is a very general impression that the Government has absolutely obligated itself, as was stated by the chairman of the committee, not to continue these appropriations beyond certain years. I propose to read the exact language of the statutes that have been adopted from time to time, and to show that this is an erroneous impression; that, according to my own view, it is not borne out by the law. I know that things may have been said on the floor in the course of the debate that probably might bear that construction, but, after all, we must look at the law to determine what has been passed and what is the law. I have had made up a list of some schools, showing the conditions existing.

Cœur d'Alene, Idaho, for instance, has a school population of 95. There is no Government school, either boarding or day, at that place. There are 95 people not provided for in a Government school. At Red Lake, White Earth Agency, there are, according to the report of the Commissioner of Indian Affairs, 1,909 Indians of school age, and the capacity of the boarding schools for that reservation is 275, leaving 1,634 children for whose education there is no adequate arrangement made by the Government. At Blackfeet, Mont., there are 421 children of school age, and 150 is the capacity of the school. At Crow Agency, in Montana, there are 295 children and a capacity of 150 in the schools. At Fort Belknap there are 322 and a capacity of 100 in the schools. At Flathead there are 387 and no Government schools. At Tongue River there are 384 Indians of school age and the day school of 40 pupils, and no boarding school at all.

At Turtle Mountain, in North Dakota, there are 672 Indians of school age, with day-school facilities for 140 children, and no boarding school. At Umatilla, Oreg., there are 200 children, and 75 are provided for in boarding schools. At Pine Ridge, S. Dak., there are 1,603, and 200 provided for in boarding schools and 1,085 in day schools, leaving 318 not provided for. At Rosebud, S. Dak., there are 1,373 Indians of school age, and boarding-school facilities for 200 and day-school facilities for 517. At Colville, in Washington, the children of school age number 470, with day-school provision for 80, and no boarding school. At Tulalip there are 291 Indians, with facilities for 110 day pupils. At Bayfield, La Pointe Agency, in Wisconsin, there are 1,120 children, with 150 pupils in Government boarding schools and 415 in day schools. At Greenbay, Wis., there are 265 children, with 150 provided for in the boarding schools. At Shoshone, Wyo., there are 377 children of school age, and 150 provided for in the boarding school, with no day school.

Now, in the States in which these schools are located there are some Government schools outside of the Indian reservations, built for the purpose of educating these Indians, but those Indians must be taken away from their reservations and carried to schools more or less remote from these different reservations if the capacity for these pupils is filled. But I promised to call attention to the legislation.

Mr. KYLE. Will the Senator permit one question?

Mr. JONES of Arkansas. Certainly.

Mr. KYLE. Do I understand from the Senator's statement that he believes the Government is obligated to furnish school facilities for all Indian pupils of school age?

Mr. JONES of Arkansas. I believe the Government is morally bound to provide for the education of all these people. I do not believe in allowing these people to grow up in dense ignorance. If we have not present school facilities to take care of these children it is our duty to provide them, and where I think an error has been made by gentlemen who have thought this business should be terminated by this time is in the fact that the growth of the accommodations for these pupils has not kept pace with the reduction of the appropriations for contract schools. We have taken 20 per cent off the appropriations for the contract schools year by year, and we have not provided adequate facilities to take care of this number of pupils when they are thrown on the hands of the Government.

I think the Secretary ought now to be authorized to contract for the education of these children, because we have not provided Government schools to take care of them. If the Government schools are at hand where these people can be readily sent, then I think the Secretary should make no contract arrangements, and the Secretary will make no contract arrangements.

Mr. KYLE. The point I make, if the Senator will pardon me, is that these children would not attend if the Government provided the facilities. Not all of the children of school age attend school—not by any means. If there are 450 children of school age at a certain agency, and facilities are provided for 150, that will accommodate all who would attend, probably.

Mr. JONES of Arkansas. We have the official reports of the Commissioner of Indian Affairs, showing the capacity of the Government schools, and that report for this year shows there was an attendance of more than 600 beyond the capacity of the schools.

Mr. KYLE. That is taking in the sectarian schools.

Mr. JONES of Arkansas. No, sir; Government schools. In Government schools the attendance has been 600 more than the reported capacity of the schools.

Mr. THURSTON. I will ask the Senator, is not that the enrollment in the schools?

Mr. JONES of Arkansas. The enrollment.

Mr. THURSTON. And not the average attendance?

Mr. JONES of Arkansas. Of course it is not the continuous attendance, because you could not take care of any more than the schools would hold. But there is an enrollment which shows more people wanting to go to school and intending to go to school than the capacity of the schools admitted. The schools are certainly kept full all the time, because there is an enrollment exceeding the capacity.

Mr. THURSTON. The records of the schools show——

Mr. KYLE. The Commissioner tells us that he has ample room——

Mr. JONES of Arkansas. I think Senators had better come on one at a time.

Mr. THURSTON. The records of all schools show that the enrollment considerably exceeds the attendance, and it happens in all of our schools that the real capacity and the practical capacity of the schools are not to be measured by the enrollment, but rather by the daily attendance.

Mr. JONES of Arkansas. True, Mr. President, but when we

are discussing the capacity of the schools and the enrollment shows there are more pupils ready to go to those schools than they have capacity, we either ought to provide additional schools or allow the Secretary to make contracts with contract schools.

This amendment of mine does not compel the Secretary to send a single pupil to a contract school. It does not say that it shall be his duty, under any conditions, to send a single one of these pupils to contract schools. It merely provides that, if the Government schools are not sufficient at any of these agencies, he may make contracts with contract schools. It is a matter addressed to his discretion, and it is limited in the last paragraph so that no matter what conditions exist he can not make contracts for any more pupils than are now in contract schools.

Mr. KYLE. I should like to ask the Senator if he desires to go back to the old system——

Mr. JONES of Arkansas. I do not.

Mr. KYLE. Of mixing church and state again? We have got rid of that.

Mr. JONES of Arkansas. I do not think there has ever been a system of mixing church and state.

Mr. KYLE. Pretty nearly that.

Mr. JONES of Arkansas. The Senator may have his own opinion about that. I know nothing about it. I do not believe there has been any mixing about it. It is a matter of educating these children. I believe that the contract schools did a grand and a noble work when they were at this work. This system of educating the Indians began as a private enterprise. Certain philanthropists in Philadelphia and the East have built up these institutions of learning in the West. They have been maintained at very great expense to them. The attention of the Government was called to the necessity of this action by their conduct. The Government after a while began to take it up. They have built the schools. I believe we ought to provide ample school facilities for all these children; but until ample school facilities are provided by the Government, I believe we ought to avail ourselves of the facilities that are at hand to educate those children who can not be accommodated in the Government schools.

I have not proposed that it shall be compulsory, I want to repeat to the Senate. I simply propose that the Secretary of the Interior shall have the opportunity to do this if he sees a condition of things that makes it necessary.

I wish to call attention very briefly and for only a very few minutes to the exact facts about the legislation had in this matter. I believe in keeping faith in all these things and in carrying out all the agreements that are made at any time and everywhere. I know the understanding has been—I myself so believed at the time this arrangement was entered into of reducing these appropriations 20 per cent a year—that we would have ample facilities to take care of all these children by the time this thing was concluded.

But if it has not been done—I do not say it has not been—I would have no hesitancy in saying so, but I do not say for the sake of this argument as bearing upon this question that it has not; but all I say is, that if it has not been and the Secretary finds that there are not ample facilities for taking care of these Indian children in Government schools, then that he may, if he believes the best interests of the general public require it, make contracts for taking care of these Indians in contract schools, not exceeding in number those who are now in contract schools.

But I want to call attention to the law. The policy of reducing contract-school appropriations grew out of the following provision in the Indian appropriation act for the fiscal year 1895, approved August 15, 1894:

Provided, That the Secretary of the Interior is hereby directed to inquire into and investigate the propriety of discontinuing contract schools, and whether, in his judgment, the same can be done without detriment to the education of the Indian children; and that he submit to Congress at the next session the result of such investigation, including an estimate of the additional cost, if any, of substituting Government schools for contract schools, together with such recommendations as he may deem proper.

In his annual report for 1894 the Secretary of the Interior, having in view this action of Congress doubtless, says:

The contract schools are now the subject of general discussion. I agree fully with those who oppose the use of public money for the support of sectarian schools. But this question should be considered practically. The schools have grown up. Money has been invested in their construction at a time when they were recognized as wise instrumentalities for the accomplishment of good. I do not think it proper to allow the intense feeling of opposition to sectarian education, which is showing itself all over the land, to induce the Department to disregard existing conditions. We need the schools now, or else we need a large appropriation to build schools to take their place.

It would be scarcely just to abolish them entirely—to abandon instantly a policy so long established. My own suggestion is that they should be decreased at the rate of not less than 20 per cent a year. Thus, in a few years more, they would cease to exist, and during that time the Bureau [of Indian Affairs] would gradually be prepared to do without them, while they might gather strength to continue without Government aid.

On December 13, 1894, he said:

It is possible that the plan of annual reduction can not be carried out to the full extent proposed, namely, 20 per cent each year. But, in any event, within a few years, unless unforeseen obstacles arise, the substitution of Government for contract schools should take place.

And toward that end we have been constantly going. If we have reached it, then my amendment will be absolutely inoperative, because it will not amount to anything. If we have not reached it, then it will provide for the education of these children, for whom no proper provision has been made.

Mr. ALLEN. What is the total number?

Mr. JONES of Arkansas. I do not know the total number. There are about 20,000 children.

Mr. KENNEY. There are about 2,000 of these Indian children who are educated in the contract schools, and by the last report of the Indian Commissioner it is shown that there are about 600 unaccommodated above that number. So there are about 2,600 who would not find accommodations if the amendment of the Senator from Arkansas should not be agreed to.

Mr. GALLINGER. But, if the Senator from Arkansas will permit me, the Senator must bear in mind that the report of the Commissioner was made some little time ago, and, of course, some other schools have been constructed probably during the interval.

Mr. JONES of Arkansas. There has been very little addition. The increase in the capacity of the schools has been about 4 or 5 per cent a year, while the decrease has been about 20 per cent in the amount that was appropriated for contract schools. The increase last year was only about 1½ to 2 per cent, in the capacity of the schools, less than it has been before. I think I can hunt up those figures without much trouble and give them to the Senate if they are desired.

Mr. VEST. I should be very glad if the Senator from Arkansas, or some other Senator who has given his attention to this matter, would give us the figures showing the boarding schools that are provided for by the Government or have been since the time when this reduction of 20 per cent went into effect, and the day schools. My experience is that that is the most material question in this whole case. I should like to know how many boarding schools there are by the Government, and how many day schools.

Mr. JONES of Arkansas. I can not answer the question. There are about 20,000 Indian pupils in schools, as I understand, and I have a list here of schools which accommodate——

Mr. VEST. Day schools or boarding schools?

Mr. JONES of Arkansas. I have a list of boarding schools here—one at White Earth, one at Blackfeet, one at the Crow Agency, Mont.; one at Fort Belknap, one at Umatilla, Oreg.; one at Pine Ridge, one at Rosebud, one at La Pointe, Wis.; one at Green Bay and one at Shoshone, in Wyoming, and these were selected because they were located in reservations where there is not an adequate capacity to take care of all the pupils.

Mr. VEST. That is not all.

Mr. JONES of Arkansas. Not by any means all. In many places the capacity of the boarding schools is entirely sufficient to take care of all the Indians, but I have no list of those. In the list I have the capacity of the boarding schools is 1,600 pupils. They have day schools in those same reservations with a capacity of 2,387. There are many places where the boarding schools exist where there is no provision for day schools, and in some there are provisions for day schools and boarding schools. In some others there are provision for day schools but not for boarding schools.

Mr. ALLEN. I should like to ask the Senator, who has given much attention to this matter, whether in taking into consideration the schools established by act of Congress he includes the schools whose capacity is inadequate to the number of children?

Mr. JONES of Arkansas. I have just read a number of them.

Mr. ALLEN. And what is the number of children who are practically deprived of education in addition to the number mentioned by the Senator from Delaware?

Mr. JONES of Arkansas. There are about 3,500 children in contract schools who are not there by Government order. The Government now has 2,000 children who are cared for in contract schools. The official reports of the Commissioner show that the enrollment in Government schools is 600 in excess of the capacity. So if these children would attend, there would be an overflow of 600, with 2,000 who are now in contract schools, which would make 2,600, and then in addition there are 3,500 in contract schools who are taken care of by private charity—no charge upon the Government and for whom it is not undertaken to provide.

Mr. ALLEN. Does the Senator, in fixing the number who are deprived of school facilities at Government schools, take into consideration those who are deprived of school privileges where a Government school is established in consequence of the lack of capacity of the schools to take care of and educate them?

Mr. JONES of Arkansas. I do not quite understand the Senator.

Mr. ALLEN. For instance, there are some places where no Government school is established at all. Therefore the people who are educated must be educated at contract schools. There are other places where a Government school or Government schools are established, but where the capacity of the school or schools is inadequate to the needs of the children and certain children are deprived of school privileges. Does the Senator, in estimating the

number of children who are deprived of school privileges, take into consideration the latter class?

Mr. JONES of Arkansas. I do.

Mr. ALLEN. In fixing the number. What would be the total number of those who are thus deprived, where there are no Government schools at all, and in those cases where schools are established, but of inadequate capacity?

Mr. JONES of Arkansas. I can not state that number. All I know is that of those who are enrolled——

Mr. KENNEY. I wish to suggest to the Senator that there are many children of school age who are not actually enrolled.

Mr. JONES of Arkansas. That is true.

Mr. KENNEY. That would still increase the number.

Mr. JONES of Arkansas. The point I am making now is that there are actually enrolled 2,600 Indian pupils in excess of the capacity of the Government to take care of them, and there ought to be some arrangement made to take care of these pupils who are actually enrolled as pupils. That takes no account of others who are of school age and who ought to be in school, but who are not.

Mr. ALLEN. The Senator's amendment, as I understand it, contemplates that as soon as the Government furnishes adequate school privileges for the children who are deprived of an education the contract system shall cease?

Mr. JONES of Arkansas. Absolutely. That is the intention.

Now I will call the attention of the Senate again to the exact language of the provision. I hope the Senator from Nebraska will pay attention to the language, and he will see how conservatively it has been drawn:

Provided, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during the fiscal year ending June 30, 1901, but shall only make such contracts at places where the Government has not provided school facilities for all the children of school age residing thereat, and to an extent not exceeding the number of children in attendance at said contract schools at the close of the fiscal year ending June 30, 1900.

So it can not be increased above what it is now, and it is less now than the needs of those who are enrolled.

But I was interrupted in stating the extracts from the law which I have had compiled to show what the facts are in this case. In the appropriation act for the fiscal year 1896 there is the following:

The Secretary of the Interior may make contracts for the education of Indian pupils during the fiscal year ending June 30, 1896, to an extent not exceeding 80 per cent of the amount so used for the fiscal year 1895, and each succeeding year he shall proportionately so reduce the amount thus used that at the end of five years from the date on which this act goes into effect all contracts for such education shall cease.

Had this provision become law, it may be noted a policy of an annual reduction of 20 per cent would have been settled upon. That was put into the appropriation bill by the House. The life of contract schools would end on the 30th day of June, 1900, but it was not enacted into the law, or it was not accepted by the Senate, and was amended in the Senate to read as follows:

Provided, That the Secretary of the Interior shall make contracts, but only with present contract schools, for the education of Indian pupils during the fiscal year ending June 30, 1896, to an extent not exceeding 80 per cent of the amount so used for the fiscal year 1895, and the Government shall, as early as practicable, make provision for the education of Indian children in Government schools.

If the provision as it came to the Senate in the House bill had been adopted, it would have been a law settling this matter; and no matter how gross would have been the injustice to the Indian children, we would have been bound by it. But we struck that out and made the provision which I have just read. This provision as I have read it was incorporated in the bill in 1896 and became a part of the law. The Commissioner of Indian Affairs, in his report dated November 19, 1894, said:

By gradually reducing the contracts year by year and placing the pupils in Government schools, or, better still, in public schools, the contract schools can be entirely done away with in the course of five or six years, and this without doing any great injury to the parties who have their money invested in contract schools, and at the same time provide adequate facilities for the Indian pupils.

Showing that in these reductions it was the intention all along to see that there were adequate provisions for the Indian pupils before there was an absolute withdrawal of the appropriation on the part of the Government.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Arkansas yield to the Senator from Colorado?

Mr. JONES of Arkansas. Certainly.

Mr. TELLER. I should like to ask what prevents us now from making ample provision in this bill? If there has not been ample provision made for the schools, why not make it in this bill? Why revive the contract system?

Mr. JONES of Arkansas. I should think it would be impossible to provide for the buildings necessary to carry the schools on during the succeeding year. The Commissioner has asked for certain money to be used in building schoolhouses, and there are liberal appropriations made in this bill for that purpose. Yet after the 30th day of June next there will be 2,000 Indian pupils in contract schools out there who can not be put in contract schools unless some provision of this kind is made in this bill, and this simply authorizes the Secretary of the Treasury to do that if the circumstances surrounding him at the time shall satisfy him that it ought to be done.

Mr. TELLER. I think, if we are practical about this matter, we will see some difficulties ahead of us in reviving the contract-school system. Without meaning to violate any of the rules of the Senate, I think the Senator from Arkansas will see that the chances are nine to ten that if we put anything of this kind in the bill, it will not be allowed to remain there. It seems to me that we might make a provision in this bill by the way of further appropriation that might avoid this difficulty to some extent possibly, if not entirely.

Mr. JONES of Arkansas. The Senator does not understand that this is a revival of the contract system?

Mr. TELLER. It looks so to me. But then I may be mistaken about it.

Mr. JONES of Arkansas. Will the Senator allow me again to read the proposed amendment?

Mr. TELLER. Yes; I will.

Mr. JONES of Arkansas. It is as follows:

Provided, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during the fiscal year ending June 30, 1901, but shall only make such contracts at places where the Government has not provided school facilities for all the children of school age residing thereat, and to an extent not exceeding the number of children in attendance at said contract schools at the close of the fiscal year ending June 30, 1900.

Mr. ALLEN. That I understand is simply to last until the Government schools are opened.

Mr. JONES of Arkansas. Of course the Secretary will not do it unless there is necessity for it at any particular place, and he can not exceed the number that are now in those schools.

Mr. TELLER. What I am concerned about is that whatever we do shall be something practical and shall secure something. I am very confident that that provision will never be enacted into a law in this bill. I make that statement without going into any of the reasons why. I want the Senate, if possible, to provide some method that will meet what is admitted to be a difficulty and almost a disgrace unless we turn these children out. Let it be done in some other way, if possible. I do not know what it is. Is there a law which prohibits the Secretary from contracting any further?

Mr. JONES of Arkansas. I suppose he would construe the law that way unless there is a certain provision of this kind made here.

Mr. TELLER. Why can he not establish temporary schools, renting these buildings for the Indian children, or something of that kind?

Mr. JONES of Arkansas. The Government, of course, in many places where it has day schools, may rent buildings, and it may organize other schools as it may see fit. This has been done in a good many cases, no doubt. We have in this bill an appropriation for all and more than has been asked for by the Commissioner.

Mr. TELLER. As to the 2,000 children that are now liable to be dropped out, can not the Government rent buildings and employ teachers in that way, if we increase the appropriation?

Mr. JONES of Arkansas. The Secretary has full authority to do so.

Mr. TELLER. But has he a sufficient appropriation for that purpose?

Mr. JONES of Arkansas. I think so.

Mr. TELLER. Then I think he ought to do that. I think he should establish temporary schools without waiting to erect buildings.

Mr. JONES of Arkansas. It may be impracticable to do that in a great many of these places——

Mr. PETTIGREW. I should like to reply to the Senator from Colorado.

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from South Dakota?

Mr. JONES of Arkansas. Certainly. I yield the floor; I am about through.

Mr. PETTIGREW. In South Dakota there are about 22,000 Indians, and the two largest contract schools are on reservations, one at Pine Ridge and the other one adjoining the Rosebud Reservation. These schools are full of children, and if the contracts are abolished there are no Government schools that you can take them to and no buildings fit for that purpose except the contract-school buildings built by the Catholic Church. I think the education of these children ought to be conducted in those schools. There is no other remedy except the passage of the Senator's amendment in order to take care of them, because there are no buildings that can be rented. There are no settlements and no towns——

Mr. TELLER. Why can we not rent the buildings of the people who are to close their schools? Of course if they are not to be

paid any longer and close their schools, I should think we might rent their buildings, or they might sell their buildings to the Government.

Mr. PETTIGREW. I do not know but that they might sell their buildings to the Government. I do not think they would rent to the Government. The Catholic Church has never done that.

Mr. JONES of Arkansas. Oh, there have been some sales.

Mr. TELLER. I think we should provide money for the purchase of those buildings.

Mr. PETTIGREW. I think there is a fund.

Mr. TELLER. These buildings were erected for this purpose, and if we cut them off it is no more than equity that the Government should buy the buildings. I am trying to deal with this question practically. I know you will not enact this provision into a law, and if we rest on this and let the bill go into conference with this provision in it we shall get nothing. I want to get something that will relieve the children, and if it is necessary to buy the buildings I think we should authorize the Secretary to buy them and give him the money for that purpose.

Mr. PETTIGREW. I think a provision directing the purchase of the school buildings where they are not fit for any other purpose would be very appropriate.

Mr. TELLER. So do I.

Mr. PETTIGREW. For instance, we induced those people to build the school at Pine Ridge, in South Dakota, and near the Rosebud Reservation, in South Dakota. Years ago we induced them to erect the buildings; we encouraged their erection; we made a contract with them, and they went on and expended many thousands of dollars, because these are brick school buildings, excellent in every respect; and now we propose to abandon the policy which we inaugurated and which induced them to erect the buildings, and we are to leave the buildings on their hands. Therefore an appropriation requiring the purchase of the buildings would be very appropriate.

As the law now stands the Department will not purchase the buildings, because they have said for the last four years that they had sufficient capacity to take care of all the school children, and yet every year we have added to the number of school buildings and each year the Indian Department has come before the committee and said they had plenty of room. But to-day the report of 1898, which I believe is the latest report on that subject, shows that the capacity of the Government schools is 19,874 pupils. This includes the day schools, the reservation, and the nonreservation boarding schools. The enrollment is 19,899—more than the capacity of the schools.

The capacity of the contract boarding schools is 4,245 and the enrollment 2,509, the average attendance being 2,245, a much greater percentage than the average attendance at Government schools, showing, then, that the Government schools are full to more than their capacity, and that there are 2,509 in the contract boarding schools, 96 in the contract day schools, and in boarding schools specially appropriated for, 394. That is in Hampton and in Lincoln, I think, at this time, Lincoln having been dropped from the present bill. It was the school near Philadelphia. There were in public schools 315 Indian children; in the mission boarding schools 897 Indian children, and in the mission day schools 215 Indian children, making nearly or quite 4,000 Indian children who were accommodated in schools not Government schools. The Government schools were overcrowded.

What can be said, then, of the comment of the Department that they have plenty of capacity to take care of all the children when their own report shows that their own schools are overcrowded and that there are 4,000 children being taken care of in the contract schools? They told us that they had plenty of capacity last year, and the year before, and the year before.

Now, I do not care to discuss this question, but I do wish to say that while we have been reducing the amount which is appropriated for contract schools each year, there has been no agreement to that effect. The people who have desired to stop contracting with these sectarian schools have acknowledged the fact that there was no agreement to that effect by trying, at every session of Congress for the last four years, in this bill to strike out the appropriation. Speech after speech has been made here trying to cut off the appropriation for contract schools, and the advocates of that policy in this body have pronounced decidedly against the proposition that there was any agreement, because they have refused to keep an agreement if there was one. Therefore I argue that there could have been no such understanding.

Mr. JONES of Arkansas. Will the Senator yield to me just a moment?

Mr. PETTIGREW. I yield to the Senator.

Mr. JONES of Arkansas. I was just concluding my statement. I remember now that I did not finish the statement I was making in reply to the Senator from Colorado [Mr. TELLER] and which I wish to make now. He asked the question as to whether the Secretary could not now take care of these schools. By the appropriation of the bill last year there was a provision made saying that that was the last of the appropriations for contract schools. That was done on the basis, of course, all along that the Government would provide adequate accommodations for these Indian children.

Now, I do not think the Secretary has the right to provide for these children at all unless there is a provision made giving him authority, if he sees fit to do so, if circumstances lead him to believe it ought to be done, to take care of these children for the coming year. That was all I desired to say.

Mr. TELLER. Will the Senator from South Dakota permit me to ask him a question?

Mr. PETTIGREW. Certainly.

Mr. TELLER. We were told last year by the Indian Department, as I recollect, that they would be ready to take care of these children this year. Is not that the fact?

Mr. PETTIGREW. Oh, yes; they have told us that every year for the last four years right straight along, and recommended it.

Mr. TELLER. Have we anything from the Department which indicates that they are not ready to take charge of these children now?

Mr. KYLE. The Commissioner of Indian Affairs stated before the committee that he is now ready to receive all; that he can take care of them.

Mr. JONES of Arkansas. Mr. President——

Mr. PETTIGREW. I know that the Senator——

Mr. JONES of Arkansas. Let me explain that. I think we had just as well be candid with each other and have the facts understood. When the question was asked him how he would take care of them, he said the Government had schools in other places, to which children could be taken; for instance, taking them three or four hundred miles away and putting them in schools at some other place, perhaps down here in Norfolk or somewhere up in Pennsylvania where that can be done. I do not think that was in the contemplation of the bill. It was the intention of Congress that these people should be educated on the reservations.

Mr. TELLER. With the consent of the Senator from South Dakota, I want to say just one word.

Mr. PETTIGREW. I yield to the Senator from Colorado.

Mr. TELLER. I am not one of those who have been disturbed about contract schools. I know there was a good deal of feeling got up over them and there was a determination to close them out, and I yielded to that in the Appropriations Committee by providing for a gradual closing out of contract schools, as we thought, on such terms and for such a length of time as would surely secure the ability on the part of the Department to take care of these children so that none of them would be denied the opportunity of going to school, who were already in school, or who wanted to go to school.

Now, I feel that it is useless to attempt to re-create the condition which existed before. I know it will not be done. I know that this provision if put upon the bill will not be enacted into law. That is the way I feel about it; and I feel very much as if the Commissioner of Indian Affairs, or rather the Secretary of the Interior, more properly speaking, is not now prepared to take care of them, and that if we do not make some provision in addition to what we have done they will not be taken care of. That is why I wanted to put in some more money, if necessary, now, so that the Department could rent or buy these buildings or do something. I should be willing that they should buy the buildings that these people have built, as the Senator from South Dakota suggests. They are of no use to them now for this purpose if they closed them, and I think the Government should buy them at a reasonable rate and establish schools there instead of building schools somewhere else.

I do not have any control in this matter; I am not on the Indian Affairs Committee, and my attention has not been called to this subject; but at the same time, as a practical question, we can put into the bill some more money and authorize the Secretary of the Interior to proceed summarily, if he sees fit, to buy the buildings or rent them, or to do anything he sees fit with that money, so that there will be no discharge of the children from the schools.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Senator will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in and to the government of the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the unfinished business be temporarily laid aside. Unless there be objection, it will be so ordered.

Mr. ALLEN. Mr. President, I wish to say just a word on the amendment of the Senator from Arkansas. I do not intend to

refer to any statistical matter in connection with this subject or to deal in anything of the kind. The simple question before the Senate, divested of all its verbiage, is whether these children who will be deprived of educational privileges should enjoy those privileges until such time as the Government furnishes them school privileges of its own.

There has been a good deal of unnecessary discussion in this Chamber heretofore respecting the contract system of schools. It seems to have taken on at times a partisan, if not a sectarian, tint, which, in my judgment, is altogether wrong. General Grant, when President of the United States, congratulated himself that he was the author of a system of contract schools. He encouraged it. He induced the various churches of the United States to go out among the Indians and erect mission schools and conduct them, and to enable them to do so he encouraged Congress in making appropriations from time to time to assist them. It is due, in my judgment, largely to that policy that we see the present march of civilization among the different Indians of the United States and the disintegration of the tribal relation.

Now, Mr. President, I do not myself believe—although this may not be particularly germane to the subject—that it is possible to hire teachers at Government expense in the way the teachers are hired for these schools, who will have the disposition to care for these little wards of the nation as they ought to be cared for. There must something more go with the teacher than the mere salary and mere educational qualifications to impart the highest education to these children. There must be a love of the profession in which the teacher is engaged, and a strong and controlling desire on his or her part to lift these benighted children into a higher state of civilization, and that must be a constantly sustaining influence.

Now, we adopted the policy, I think, in the Fifty-fourth Congress, if I recollect rightly, of reducing the appropriations 20 per cent every year until the aid to the contract schools should be entirely destroyed. No one objected to that at the time, because it was supposed that that would give the sectarian schools an opportunity to dispose of their property and to prepare for the changed policy of the Government, and that it would afford ample time to enable those in charge of the Indian affairs of the nation to establish schools and to provide teachers adequate to the education of the Indian children. But it would seem that that has not been done. Some 2,600, I think that is the minimum, and from that, according to the guesses expressed here in the Chamber, running up to 3,000 or 4,000, Indian children of the United States are entirely without the means of education.

Now, what is there in this proposed amendment?

Mr. KYLE. Will the Senator from Nebraska allow me to say are there not a great many more than that? There is a school at Santee; one, I think, at Oahu. I think there are several in different parts of the State of South Dakota.

Mr. ALLEN. I think the number is much higher. That is my judgment about it.

Mr. KYLE. And the question occurs to me whether these children would attend the Government schools in case we make provision for them.

Mr. ALLEN. You must make some provision, Mr. President, for compulsory education when you come to deal with this Indian question.

Mr. KYLE. There is no such provision, as I understand it.

Mr. ALLEN. They do exercise in my State a compulsory power over Indian children.

Mr. KYLE. They send teachers to them to try to persuade them to come in when they will not come of their own accord.

Mr. GEAR. So they do in Iowa.

Mr. ALLEN. Let an agent send out and have them brought in.

Mr. GALLINGER. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. ALLEN. Certainly.

Mr. GALLINGER. If the Senator will permit me, I will say to him that I think I shall be able to show from the statistics that the statement that 2,600 Indian children are unprovided for is entirely erroneous, and that the attendance of Indian children, both in contract and Government schools, very slightly exceeds the present accommodation.

Mr. PETTIGREW. Mr. President, will the Senator allow me? There are 250,000 Indians in the United States under the Government charge, and one in five of those undoubtedly are children of school age, which would make 50,000; and yet the total capacity of all the Government schools is for only 25,000. I think that that lack of accommodation can not be overcome at present, and that those figures are below the fact; that the number is more than one child of school age to five of population.

Mr. ALLEN. Mr. President, I was proceeding to say that I can see nothing in this amendment that looks like a revival of the contract system of schools. The amendment simply contemplates that the Government shall contract for the education of these children who will be deprived of school privileges to such time as the Government itself may establish schools for their education. That is not a revival and can not be construed into being a revival of a settled policy to subsidize or encourage private schools, and I believe that course is proper.

The Senator from Colorado asks, Why not buy up their schools? If their school property is practically valueless in consequence of the policy the Government has thus pursued and the Government would seek under those circumstances to purchase these school buildings and the school property, would not that be virtually the confiscation of the property?

Mr. TELLER. No, Mr. President, I do not suppose that the Government is to buy the property at confiscating prices. The Government will need school buildings somewhere, and very likely those places are quite as valuable as any other. The Government should pay a reasonable sum for them if they buy them at all. I am sure the holders would not be very likely to sell them unless the Government does pay a fair valuation. I do not desire that the Government shall take advantage of the fact that the holders may not have any use for the property in order to beat down the price. I think the Government could not afford to do that.

Mr. ALLEN. If the Government pursues a policy that closes the doors of the schools and makes the buildings empty, and thereby reduces the value of the property, and then asks to fix a value upon the property in that condition, would not that be virtually a confiscation, I ask the Senator from Colorado?

Mr. TELLER. The Government might do that, but then the Government should take into consideration the condition under which the buildings were constructed, what they cost, and the value that they will be to the Government. They are all of just as much value to the Government as to the people who built them if the Government chooses to make schools there, and the Government will not buy buildings anywhere unless it is going to have schools at that place.

Mr. ALLEN. But the Government has not pursued that policy heretofore.

Mr. TELLER. I understand the Government has bought some buildings. I do not know anything about the price, whether it was reasonable or not.

Mr. ALLEN. As I understand it, the Government proposes that these schools shall remain closed and that the children shall go uneducated until such time as the Government, in its own deliberations may see proper to erect or purchase schools and open them for the benefit of these children. Now, I think that is wrong. I do not care who owns the property. I do not care where the money comes from that constructs the buildings. What we are interested in and what the people of this country are interested in is the education of the Indian children, the lifting up of this class of our people, their civilization, that they may become of value to themselves and in time become valuable citizens; and any change that will be productive of such results ought to be welcomed by the Congress of the United States. We can not afford, in a little matter like this, to accommodate two or three thousand children with school privileges for a year or so, to bicker and split hairs and chop logic upon subjects that are not germane to the matter under discussion.

Mr. GALLINGER. Mr. President——

Mr. THURSTON. I ask the Senator to yield to me for a moment.

Mr. GALLINGER. I yield to the Senator from Nebraska.

Mr. THURSTON. Mr. President, it is perhaps fair, before the discussion proceeds further, that I should make an additional statement with reference to these contract schools.

The contract schools, for the most part, like the mission schools established in some parts of our country, were constructed in pursuance of a great missionary plan by the Catholic Church. In my judgment, they were established by the Catholic Church for a great Christian purpose, for the purpose of carrying on missionary work among the Indians of the United States.

It is true that we welcomed the construction of some of those contract schools on our Indian reservations, and that for many years we provided or contracted for the education of our Indian pupils therein. When we reached the point where it was proposed by a great reduction to eliminate the contract plan for educating the Indian children, it was stated from the floor of the Senate repeatedly, it was authorized by the Secretary of the Interior and the Indian Commissioner repeatedly, that the Government of the United States was ready and willing and had the available appropriations to buy all these schools from the church and make them Government schools.

But, Mr. President, why has that not been done? Not because of any unwillingness on the part of the United States, but because the owners of those school buildings have refused to sell. The Commissioner of Indian Affairs has his appropriation to-day, and stands ready to buy any of those schools at fair and reasonable prices. Why will they not sell? They will not sell because as to those schools they have not sold—for we have bought two

or three of them—they do not propose to give up the schools to the United States or to anybody else, and that is the proposition to-day.

The idea that the 2,000 pupils in these religious contract schools are to be turned back this year upon the United States for education is a myth. The church carrying on these schools, as I say, in pursuance of a great, wise, and beneficent missionary plan, does not propose to give the schools up; it does not propose to surrender the pupils to the United States; and, as a matter of fact, there is not a pupil now who is being educated in one of the contract schools who will be turned over to the United States for education next year if this amendment is not adopted.

The Government of the United States has always, properly and wisely, welcomed the missionary efforts of the Catholic Church, and of all other churches. They have their mission schools in some parts of the country where we have never paid them for the education of their pupils; they are carrying on those schools and will continue to carry them on. God speed them in the work. They are giving their pupils an ordinary education and an education in the faith of their church in the so-called contract schools. They do not propose to abandon those schools or sell them to the United States or to refuse longer to educate Indian pupils there. God speed them in their work. We are willing to open up all the reservations of the United States to the missionary efforts of all the churches that believe in the Christian religion without respect to creed or denomination or the particular branch of the faith.

Mr. President, just one other suggestion. We are ready to buy those schools when their owners are ready to sell at fair prices. That is a part of the plan of the Commissioner of Indian Affairs. If they are ready to turn their pupils over to us, we are ready to buy their schools. There will be no failure of educational facilities whether they wish to sell or not.

Just one other thought. The capacity of the schools on Indian reservations or off, Indian schools or white men's schools, is measured not by the enrollment of pupils, but by the average daily attendance. It so happens that almost every Indian school in the United States, say with a capacity of 500 pupils, can adequately, completely, and fully carry on the education, and all that is required of it, for an enrollment of six or seven hundred pupils. To-day, measured by the true test—that is, the test of daily attendance, which measures the daily demand—our Indian school facilities are as large or larger than the demands can possibly be for the coming year; in addition to which, Mr. President, the Secretary of the Interior and the Commissioner of Indian Affairs, under the general appropriations of this bill, have an adequate fund at their disposal with which to buy or rent or set up and establish all additional necessary schools.

Mr. GALLINGER. Mr. President, it is a matter of regret to me that this question, which some of us had supposed was finally settled, is renewed, even under the amendment, guarded as it is, which has been offered by the Senator from Arkansas [Mr. JONES].

Turning to the CONGRESSIONAL RECORD of February 7, 1899, it will be found that this entire question was gone over. I took the position in that debate that I hoped the question of making these appropriations had been settled the year before, but the Senator from Iowa [Mr. ALLISON] rather insisted that it was a proper matter to continue the appropriation for one year more. In response to the Senator from Iowa I remarked:

> With that understanding, I shall make no further objection. I simply desire to call the attention of the Senate to the fact that we are reaching the end of what I think has been a very pernicious practice.

Subsequently, and in answer to a statement made by the Senator from South Dakota [Mr. PETTIGREW], I ventured to say:

> We had a distinct understanding last year, and the RECORD will show it, that certainly not more than one further appropriation should be made for this purpose. That appropriation is contained in the pending bill.

It is proper for me to say that the Senator from South Dakota gave notice during that debate that for himself he would not agree that the question was settled, but that he should reopen it this year; and I am surprised that it was not reopened by the Senator from South Dakota rather than by the Senator from Arkansas.

Mr. President, we passed the bill last year, and turning to it I read in it this language—and I venture to say that the statutes of the United States can be searched and that very likely no similar provision can be found in any statute—

> This being the final appropriation for sectarian schools.

The statute itself said to the country, said to the Senate, said to everybody, that this was the final appropriation for sectarian schools; and with that agreement, with that understanding, with that statutory provision, those of us who have contended that we ought not to appropriate the public money for sectarian education agreed that that should become the law and it became the law.

Mr. President, I think that some misinformation has been given to the Senate on this question to-day. It is said that there are 2,600 Indian children enrolled in excess of the present school facilities. I can not find that to be so. I have here the annual report of the Department of the Interior for the fiscal year ending June 30, 1899, and under the head of Indian affairs, on page 595, there is a recapitulation regarding the Indian schools. That recapitulation shows that in the Government schools there is a capacity of 19,874; that there is an enrolment of 19,899, with an average attendance of 16,165; in other words, that in the Government schools we have accommodations for 3,709 children more than attend them. Turning to the contract schools, I find that there is an attendance of 2,639, and in the mission schools, 1,111, making 3,750. Deducting from that the provision for 3,709 in excess of those who attend the Government schools, there is only a lack of school facilities for 41 Indian children. I do not know whether that is absolutely correct or not. The Senator from South Dakota says it does not take into account all the Indian children, but this is the statement of the Secretary of the Interior, through the Indian Office, and it ought to be accurate.

Mr. PETTIGREW. I should like to ask the Senator if those figures do not simply show the enrollment and attendance? They do not show the number of children of school age.

Mr. GALLINGER. They do not. They show the enrollment and attendance, precisely as we provide for education in all the States.

Mr. PETTIGREW. I know; but our census shows the number of children of school age, and we provide for all.

Mr. GALLINGER. Well, Mr. President, we do not build schoolhouses to have them remain empty. We have to-day in the Government Indian schools provision for 3,709 more Indian children than are attending them. It is idle to say that we ought to build schoolhouses upon the hypothesis that there are somewhere some children who are not enrolled. I think it is absurd.

Mr. President, one year ago the Commissioner of Indian Affairs said, in answer to an interrogatory before the committee:

> All I have to say is, as I told you last year, that we can take care of all the Indian children.

He stated in 1898 that the Government could take care of all the Indian children; he repeated it in 1899; and he has repeated it again in 1900; and yet Senators insist that we are doing a great wrong in not providing adequate facilities for educating the Indian children of the country.

Mr. President, I turn to Report No. 711, printed on the 23d day of March, 1900. It is the testimony given before a subcommittee of the Committee on the District of Columbia in reference to the public schools of this District. If Senators will take the trouble to examine this testimony, they will find that it is stated over and over again by supervisors of schools and by the superintendent of schools that in this District there are some 2,000 children whose education is not provided for so far as school facilities are concerned. In the District of Columbia there are 2,000 children who can not attend the schools all day simply because there are no seats in the schoolhouses for them. I want to read two or three paragraphs:

> The CHAIRMAN. Have you room for the accommodation of all the scholars?

This question was addressed to the superintendent of the schools.

> Mr. POWELL. Not without half-day schools.
> The CHAIRMAN. You have not room enough?
> Mr. POWELL. No; never have had.
> The CHAIRMAN. How much more room would be required to accommodate them now, and then as they increased how much would be required? What additional expenditures must be made now for all the pupils who want to go to school to be accommodated?
> Mr. POWELL. I can not answer that offhand.

Turning to the testimony of Mr. A. T. Stuart, male supervising principal of the third division, we find the following:

> The CHAIRMAN. Is there a recommendation in the report of the Commissioners that would meet the purpose if it were carried out by legislation?
> Mr. STUART. The superintendent could answer that as applied to the whole city. As applied to the eastern portion of the city, I would say that we have a good many half-day schools, and the half-day school has as much to do with the alleged deficiency of the pupil in the studies as anything else.

Mr. W. B. Patterson, supervising principal of the sixth division, testified as follows:

> I would like, with your permission, to say a little more in regard to the crowded condition of the sixth division—those new school buildings.
> I have mentioned the fact that I have 52 half-day schools. When I say 52, I mean 52 enforced half-day schools in which the children have to attend a half day only.

Mr. President, that is the testimony that was given before our committee, and the report is full of it, showing that even in the capital of the nation we have not adequately provided for the education of every child of school age; and the teachers of the District of Columbia are compelled—and I think it is a shame, and a burning shame, and ought to be remedied—to take some 2,000 children into the public schools of the District of Columbia and give them only a half day's schooling, so that they can be dismissed and other children come in and take their places. We are doing better in regard to the Indian children roaming on our Western prairies than we are doing for the children of the people who live in the city of Washington, the capital of the nation.

But I do not suppose any Senator would stand here and seriously contend that because we can not, or have not, provided accommodations for those 2,000 children in the city of Washington that we ought to put them in sectarian schools at Government expense. I do not believe that any Senator would argue that that ought to be done.

In a hearing before the Committee on Indian Affairs two gentlemen, members of the House of Representatives, appeared and argued that this contract-school system should be continued. They bear the same name, but they represent two different States. They made a very earnest argument in behalf of the continuance of the appropriations for contract schools. One of those gentlemen last year appeared in the city where I live, and in a public address denounced me as a bigot because I opposed the use of public money for sectarian education. Mr. President, that did not disturb me at all then, and it does not disturb me now, no matter what his opinion of me personally may be.

I simply wish to say that I am not a bigot. The last relic of religious intolerance in the constitution of the State of New Hampshire went out on my motion in the constitutional convention. I am certainly as free from bigotry in religious matters as any man who lives, but I have been for a long time of the opinion that we have no right to appropriate the money of the people of the United States for the purpose of educating children in sectarian schools. I have stated that over and over again in the Senate. I state it again to-day, and I congratulate the country that at length we have come to the end of this practice, which is in violation of the spirit if not the letter of the Constitution of the United States, and I do profoundly regret that the Senator from Arkansas has seen fit, even in the guarded manner in which the amendment is drawn, to reopen this question.

I trust, Mr. President, that the Senate will think it wise not to adopt the amendment, for I quite agree with the Senator from Colorado [Mr. TELLER] that even if we should take action of that kind here to-day it will not go into the law; it will not become a statute. It simply keeps up an agitation that can do no possible good.

I wish that the Senator from Arkansas might see his way clear to withdraw the amendment, and that we might all agree with the Committee on Indian Affairs, who, after patiently and carefully considering this question, have presented a bill that ends this vexed question.

Mr. HAWLEY. Mr. President, I should like to hear that amendment read.

The PRESIDENT pro tempore. The amendment will be stated.

The Secretary again read the amendment proposed by Mr. JONES of Arkansas, on page 54, line 14.

Mr. HAWLEY. Mr. President, I remember very well the lively discussion which took place here three or four years ago upon this question.

The Senator from Nebraska [Mr. ALLEN] stated very correctly the position which General Grant took when he invited the religious people of the country, without regard to their church or denomination, to come forward and take hold of the subject of Indian education. He was justly proud of it and of the very large degree of success that the scheme attained. It was considered a credit to the country as proving that the Government of the United States was really a kindly, a fatherly, and a just Government. But the consequence of it by and by was that there were here Baptist schools, there Methodist schools, there Episcopalian schools, and there Catholic schools, and that the Government was apparently identifying itself with ecclesiastical organizations, because it paid them for the education of the Indian children. It did not pay those churches as Catholics, or Baptists, or Methodists; it paid them as Christian organizations that were willing to assist in the education of those forlorn people.

By and by a great cry came up against any connection of the state with the church—with any kind of a church—and the wave surged up against these walls, demanding that there be a complete, total, and instant severance of all relations between the Government and the churches. I do not think there was a relation between the Government and the churches; but no matter, the arrangement was unsatisfactory. The discussion went on. The demand was imperative and instant that the Government should cease paying anything to a school conducted by a denomination. The result of that then—very much more so than now—would have been to turn many thousands of Indian children onto the prairie, with no schoolhouses and no places in which to be educated, except as there might be here and there an attempt by some generous citizen or some particular church to build a schoolhouse and carry it on without the aid of the Government.

I remember just how I felt then, and just what I said, and I think I am about in the same position now. I said that if the Government decided to sever this relation it was in duty bound to instantly begin with the greatest energy the erection of strictly Government schoolhouses. Then I said—and a very large majority of the Senate finally said, I only following the rest—that it would be exceedingly cruel to do this instantly. I remember everybody finally agreed that to instantly cut off that relation would be a great hardship. So the determination was substantially this: That the arrangement should end as soon as the Government could put up schoolhouses; but that when it did not put up schoolhouses it might continue to educate young Indians in these various religious schools, proceeding, if they determined to do this, with as much energy as they could to supply the places of such religious schools. It was simply a humane, just, and generous provision. It was thought that a year or two would answer, when the relation would be entirely severed and the Government would have provided new schoolhouses. It has not turned out to be so.

I shut my eyes to the question of denomination. I would rather a child of mine, and of course you would rather your child, should be educated in any one of these denominational schools than not to be educated at all. If the condition yet remains so that the Government can not put the children in school anywhere, let them hire somebody else to impart education to these children; and if it is religious establishment, so much the better.

Mr. VEST. Mr. President, I shall very gladly support the amendment proposed by the Senator from Arkansas [Mr. JONES]. I think it is just, proper, and humane. The only objection I could possibly make to it is that the amendment does not go far enough. I shall not take the time of the Senate in discussing this oft-debated question as to the contract schools. My opinions have been so emphatically and repeatedly expressed that it is hardly necessary for me now to give information on that subject to anyone who has taken any interest in the matter.

There are people in this country, unfortunately, who believe that an Indian child had better die an utter unbeliever, an idolator even, than to be educated by the Society of Jesus or in the Catholic Church. I am very glad to say that I have not the slightest sympathy with that sort of bigotry and fanaticism. I was raised a Protestant; I expect to die one; I was never in a Catholic Church in my life, and I have not the slightest sympathy with many of its dogmas; but, above all, I have no respect for this insane fear that the Catholic Church is about to overturn this Government. I should be ashamed to call myself an American if I indulged in any such ignorant belief.

I look upon this as a man of the world, practical, I hope, in all things, and especially in legislation, where my sphere of duty now is. Unfortunately, I am not connected with any religious organization. I have no such prejudice as would prevent me from doing what I believed to be my duty. I would give this question of the education of Indian children the same sort of consideration that I would if I were building a house or having any other mechanical or expert business carried on. I had infinitely rather see these Indians Catholics than to see them blanket Indians on the plains, ready to go on the war path against civilization and Christianity.

I said a few minutes ago that I was a Protestant. I was reared in the old Scotch Presbyterian Church; my father was an elder in it, and my earliest impressions were that the Jesuits had horns and hoofs and tails, and that there was a faint tinge of sulphur in the circumambient air whenever one crossed your path. Some years ago I was assigned by the Senate to duty upon the Committee on Indian Affairs, and I was assigned by the committee, of which Mr. Dawes was then the very zealous chairman, to examine the Indian schools in Wyoming and Montana. I did so under great difficulties and with labor which I could not now physically perform. I visited every one of them. I crossed that great buffalo expanse of country, where you can now see only the wallows and trails of those extinct animals, and I went to all these schools. I wish to say now what I have said before in the Senate, and it is not the popular side of this question by any means, that I did not see in all my journey, which lasted for several weeks, a single school that was doing any educational work worthy the name of educational work unless it was under the control of the Jesuits. I did not see a single Government school, especially these day schools, where there was any work done at all.

Something has been said here about the difference between enrollment and attendance. I found day schools with 1,500 Indian children enrolled and not ten in attendance, except on meat days, as they called it, when beeves were killed by the agent and distributed to the tribe. Then there was a full attendance. I found schools where there were old, broken-down preachers and politicians receiving $1,200 a year and a house to live in for the purpose of conducting these Indian day schools, and when I cross-examined them, as I did in every instance, I found that their actual attendance was about three to five in the hundred of the enrollment. I do not care what reports are made, for they generally come from interested parties. You can not educate the children with the day schools.

In 1850 Father De Smet, a self-sacrificing Christian Jesuit, went at the solicitation of the Flatheads to their reservation in Montana. The Flatheads sent two runners, young men, to bring the black robes to educate them and teach them the religion of Christ.

Both of those runners were killed by the Blackfeet and never reached St. Louis. They then sent two more. One of them was killed, and the other made his way down the Missouri River after incredible hardships and reached St. Louis. Father De Smet and two young associates went out to the Flathead Reservation and established the mission of St. Mary in the Bitter Root, and St. Ignatius on the Jocko Reservation. The Blackfeet burned the St. Mary mission, killed two of the Jesuits and thought they had killed the other—Father Ravaille. I saw him, when on this committee, lying in his cell at the St. Mary's mission, paralyzed from the waist down, but performing surgical operations, for he was an accomplished surgeon, and doing all that he possibly could do for humanity and religion. He had been fifty-two years in that tribe of Indians. Think of it! Fifty-two years. Not owning the robe on his back, not even having a name, for he was a number in the semimilitary organization called the Company of Jesus; and if he received orders at midnight to go to Africa or Asia he went without question, because it was his duty to the cause of Christ and for no other consideration or reason.

Father De Smet established these two missions and undertook to teach the Indian children as we teach our children in the common schools by day's attendance. It was a miserable failure. The Jesuits tried it for years, supported by contributions from France, not a dollar from the Government, and they had to abandon the whole system. They found that when the girls and boys went back to the tepee at night all the work of the day by the Jesuits was obliterated. They found that ridicule, the great weapon of the Indian in the tepee, was used to drive these children away from the educational institutions established by the Jesuits. When the girl went back to the tepee with a dress on like an American woman and attempted to speak the English language, and whom the Nuns were attempting to teach how to sew and spin and wash and cook, she was ridiculed as having white blood in her veins, and the result was that she became the worst and most abandoned of the tribe, because it was necessary in order to reinstate herself with her own people that she should prove the most complete apostate from the teachings of the Jesuits.

After nearly twenty years of this work by the Jesuits they abandoned it, and they established a different system, separating the boys and the girls, teaching them how to work, for that is the problem, not how to read or spell, nor the laws of arithmetic, but how to work and to get rid of this insane prejudice taught by the Indians from the beginning that nobody but a squaw should work, and that it degrades a man to do any sort of labor, or in fact to do anything except to hunt and go to war.

The hardest problem that can be proposed to the human race is how to make men self-dependent. There can be no self-respect without self-dependence. There can be no good government until a people are elevated up to the high plane of earning their bread in the sweat of their faces. When you come to educate negroes and Indians there is but one thing that will ever lift them out of the degradation in which long years of servitude and nomadic habits have placed them, and that is to teach them that the highest and greatest and most elevating thing in the human race is to learn how to work and to make themselves independent.

I take off my hat, metaphorically, whenever I think of this negro in Alabama—Booker Washington. He has solved that problem for his race, and he is the only man who has ever done it. Fred Douglass was a great politician, but he never discovered what was necessary for the negro race in this country. I have just returned from the South after a sojourn of five weeks upon the Gulf of Mexico. The negro problem is the most terrible that ever confronted a civilized race upon the face of the earth. You can not exterminate them; you can not extradite them; you must make them citizens as they are and as they will continue to be. You must assimilate them. Exportation is a dream of the philanthrophist, demonstrated to be such by the experiment in Liberia. Mr. Lincoln tried it, and took his contingent fund immediately after the war, shipped negroes to a colony in the West Indies, and those who were left from the fever after two years came back to the United States, and every dollar expended was thrown away. Washington, this negro in Alabama, has struck the keynote. It will take years to carry it out, and he has the prejudices of his own race and the prejudices of the ignorant whites against him; but he deserves the commendation of all the people, not only of the United States, but those of the civilized world.

Mr. President, the Jesuits have elevated the Indian wherever they have been allowed to do so without interference of bigotry and fanaticism and the cowardice of insectivorous politicians, who are afraid of the A. P. A. and the votes that can be cast against them in their district and States. They have made him a Christian, and above even that have made him a workman able to support himself and those dependent upon him. Go to the Flathead Reservation, in Montana, and look from the cars of the Northern Pacific Railroad, and you will see the result of what Father De Smet and his associates began and what was carried on successfully until the A. P. A. and the cowards who are afraid of it struck down the appropriation. There are now 400 Indian children upon that reservation without one dollar to give them an hour's instruction of any kind. That is the teaching of many professors of the religion of Christ in the Protestant churches. I repudiate it. I would be ashamed of myself if I did not do it, and if it were the last accent I ever uttered in public life it would be to denounce that narrow-minded and unworthy policy based upon religious bigotry.

This A. P. A. did me the greatest honor in my life during their last session in this city, two years ago. They passed a resolution unanimously demanding that I should be impeached because I said what I am saying now. Mr. President, the knowledge of the Constitution of this country developed by that organization in demanding the impeachment of a United States Senator for uttering his honest opinion in this Chamber puts them beyond criticism. It would be cowardly and inhuman to say one word about ignorance so dense as that.

Mr. President, as I said, go through this reservation and look at the work of the Jesuits, and what is seen? You find comfortable dwellings, herds of cattle and horses, intelligent, self-respecting Indians. I have been to their houses and found that under the system adopted by the Jesuits, the new system, as I may call it, after the failure of that which was attempted for twenty years, to which I have alluded, after they had educated these boys and girls and they had intermarried, the Jesuits would go out and break up a piece of land and build them a house, and that couple became the nucleus of civilization in the neighborhood. They had been educated under the system which prevented them from going back to the tepee after a day's tuition. The Jesuits found that in order to accomplish their purpose of teaching them how to work and to depend upon themselves it was necessary to keep them in school, a boarding school, by day and night, and to allow even the parents to see them only in the presence of the brothers or the nuns.

I undertake to say now—and every Senator here who has passed through that reservation will corroborate my statement—that there is not in this whole country an object lesson more striking than that to be seen from the cars of the Northern Pacific Railroad, the fact that these Jesuits alone have solved the problem of rescuing the Indians from the degradation in which they were found.

Mr. President, these Jesuits are not there, as one of them told me, for the love of the Indian. Old Father Ravaille told me, lying upon his back in that narrow cell, with the crucifix above him, "I am here not for love of the Indian, but for the love of Christ," without pay except the approval of his own conscience. If you send one of our people, a clergyman, a politician even, to perform this work among the Indians, he looks back to the fleshpots of Egypt. He has a family, perchance, that he can not take with him on the salary he receives. He is divided between the habits and customs and luxuries of civilized life and the self-sacrificing duties that devolve upon him in this work of teaching the Indians.

The Jesuit has no family. He has no ambition. He has no idea except to do his duty as God has given him to see it; and I am not afraid to say this, because I speak from personal observation, and no man ever went among these Indians with more intense prejudice against the Jesuits than I had when I left the city of Washington to perform that duty. I made my report to the Secretary of the Interior, Senator TELLER, now on this floor, and I said in that report what I say here and what I would say anywhere and be glad of the opportunity to say it.

Mr. President, every dollar you give these day schools might as well be thrown into the Potomac River under a ton of lead. You will make no more impression upon the Indian children than if you should take that money and burn it and expect its smoke by some mystic process to bring them from idolatry and degradation to Christianity and civilization. If you can have the same system of boarding schools supported by the Government that the Jesuits have adopted after long years of trial and deprivation, I grant that there might be something done in the way of elevating this race.

The old Indians are gone, hopelessly gone, so far as civilization and Christianity are concerned. They look upon all work as a degradation and that a squaw should bear the burden of life. The young Indian can be saved. There are 3,000 of them to-day in the Dakotas—in South Dakota, I believe—who are voters, exercising intelligently, as far as I know, the right of suffrage. Go to the Indian Territory, where there are the Five Civilized Tribes, and you will see what can be done by intelligent effort, not with day schools, but with schools based upon the idea of taking the children and removing them from the injurious influence of the old Indians and teaching them the arts of civilization and of peace.

If I have ever done anything in my whole career in this Chamber of which I am sincerely proud, it is that upon one occasion I obtained an appropriation of $10,000 for an industrial school at St. Ignatius, in Montana. A few years afterwards, in passing

through to the Pacific coast, I stopped over to see that school. They heard I was coming and met me at the depot with a brass band, the instruments in the hands of Indian boys, and they played without discrimination Hail Columbia and Dixie. They had been taught by a young French nobleman whom I had met two years before at the mission, who had squandered the principal portion of his fortune in reckless dissipation in the salons of Paris and had suddenly left that sort of life and joined the Company of Jesus and dedicated himself to the American missions. He was an accomplished musician, and he taught those boys how to play upon the instruments.

I went up to the mission and found there these Indian boys making hats and caps and boots and shoes and running a blacksmith shop and carrying on a mill and herding horses and cattle. The girls and boys when they graduated, intermarrying, became heads of families as reputable and well-behaved and devoted to Christianity as any we can find in our own States. They were Catholics. That is a crime with some people in this country.

Mr. President, are we to be told that a secret political organization in this country shall dictate to us what we ought to do for this much-injured race whom we have despoiled of their lands and homes and whom God has put upon us as an inheritance to be cared for? I accuse no Senator here of any other motive than a desire to do his public duty. I shall do mine, and I should gladly vote for an amendment to this bill infinitely stronger than that of the Senator from Arkansas. I would put this work, imperative upon us, in the hands of those who could best accomplish it, as I would give the building of my house to the best mechanic, who would put up a structure that suited me and met the ends I desired. If the Catholics can do it better than anybody else, let them do it. If the Presbyterian, the Methodist, the Congregationalist, or any other denomination can do it, give the work to them: but to every man who comes to me and says this is a union of church and state, I answer him, "Your statement is false upon the very face of it." Instead of teaching the Indian children that they must be Catholics in order to be good citizens, they are simply taught that work is ennobling, and with the sense of self-dependence and not of dependence upon others will come civilization and Christianity. These are my feelings, Mr. President, and I would be glad if I could put them upon the statute books.

Mr. LODGE. Mr. President, in listening to the very eloquent and interesting remarks of the Senator from Missouri [Mr. VEST], whom we have the opportunity of listening to all too seldom in this Chamber, I could not but be reminded of the passage in Macaulay's Essay upon Milton, in which he says, referring to Charles I:

> We say that he violated the petition of right; and we are told that he took his little boy upon his knee and kissed him. We say that he arrested the five members in violation of the constitution of England; and we are told that he was a good husband and father.

Mr. President, I do not believe it is right, by any principle of constitutional law or any American doctrine that I have ever known, to tax one man to support another man's religion. I do not believe it is right to tax one man to support the Presbyterian Church or Congregationalist Church, and there is no human being within the sound of my voice who would not agree with that and who would think of calling me a bigot or intolerant. But the moment I say I think the same principle applies to taxing a man and giving the public money to the Roman Catholic Church, then I am called intolerant, bigoted, and we hear that this is dictated by the A. P. A., the work of insectivorous politicians.

Mr. President, I opposed these grants to contract schools before there was any such organization as the A. P. A. in existence, when I first entered Congress. I opposed them on the general principle that I had no right to vote the money out of one man's pocket into another's for the sake of that other's religion; and there is no getting away from the soundness of that principle.

Mr. HAWLEY. I should like to ask the Senator from Massachusetts one question.

Mr. LODGE. Certainly.

Mr. HAWLEY. Did the Senator ever hire a Catholic carpenter.

Mr. LODGE. That has nothing on earth to do with it. My money I can do with as I please. I am administering here the public money, and I have no right to tax the Congregationalists to propagate the religion or the faith of the Baptist or the Presbyterian. I have no right to tax the Presbyterian to support the faith or the belief of the Congregationalist or the Baptist. It is a plain and simple principle. No one would deny it. But anyone who ventures to apply it to these schools is called a bigot, an intolerant, and speaking at the dictates of a secret society. I never belonged to a secret society in my life, and I am not going to be deterred from speaking what I believe to be good American doctrine either by having the name of a society flung at me or by being threatened with the terrors of any faith.

Mr. VEST. I should like to ask the Senator from Massachusetts a question.

Mr. LODGE. Certainly.

Mr. VEST. I pass by what the Senator says about not being intimidated or deterred and all that, which nobody has attempted to do, for I expressly stated that I did not charge any Senator here with doing anything else than what he believed to be his public duty. I should like to know from the Senator if he does not favor and if he has not favored taxing Roman Catholics to support the common schools of the country, when they distinctly——

Mr. BATE. In Massachusetts.

Mr. VEST. In Massachusetts and in all the other States, too. I should like to ask the Senator if he does not favor taxing Roman Catholics to support the common schools, where they distinctly avow that their money should not be appropriated to these schools. I should also like to ask the Senator if he does not at every session of Congress take the tax money of the people of the United States and give it to contractors to do public work; and what is the difference between improving a river and harbor or putting up a public building and educating these Indians in order to make them good citizens, not to make them Roman Catholics, but to give them any religion rather than no religion at all?

Mr. LODGE. Mr. President, I most certainly have voted here and I know I have voted in the legislature of Massachusetts, and I voted in my town meetings to appropriate money for the public schools. The tax falls on everybody, and the schools are open to everybody. They are nonsectarian and they teach no faith in those schools. They are open to every American child in my State, and there is no faith, no sect taught. No creed is preached in the public schools. That is a proper subject of taxation.

I do not think that we have the right to vote the public money for religious teaching or for the propagation of one creed against another. I attack no creed. I recognize quite as fully as the Senator from Missouri the great services that have been done by the missionaries to whom he refers. I think the sacrifices of the Christian missionaries of all sects have been among the most beautiful pages in the history of humanity. But it does not seem to me, Mr. President, that our admiration for that should blind us to the principle to which I have alluded.

It used to be the case in my State under the constitution that the people were taxed for the support of a particular church, the Congregationalist Church. That was abolished in 1820, when we amended the constitution. It was right to abolish it. It was living up to the proper American principles to do it. We had no right through the legislature of Massachusetts to take the money of the Catholic or the Presbyterian and devote it to the upholding of the Congregationalist Church; and that is the only principle which is involved here.

I did not mean, Mr. President, to say even as much as this. I do not agree with the proposition which I understood the Senator from Missouri to lay down, that we can not educate the Indians except in this way. I should be slow to believe that the Government schools were a failure entirely.

The point I desired particularly to make was in regard to the process and course of this legislation. It has been in controversy in Congress ever since I entered the lower House, now more than twelve years ago. It went on, the controversy growing and growing, until finally an agreement was reached, really between the views of the House and the views of the Senate, but also between the different elements in the Senate, and that agreement was, as I understand, that we should gradually reduce these appropriations. The argument was met year after year, and it was always met by the same statement, that if we did this it would be an act of great cruelty; that we should turn children out into the prairies to be left to a cold world and to receive no education whatever.

Mr. President, if we should cut off this appropriation this year or if we had cut it off last year or the year before, I do not believe that one single Indian child less would have received education than before. Certain excellent people have got a Government appropriation. They would rather keep that appropriation than get it from philanthropic people who will contribute or take it out of their own pockets or wherever they may draw it from. It is perfectly natural. I have no fault at all with their attitude. It is a perfectly natural one and is not to be criticised. But the point is that we agreed to certain things, as I understand it. There was a steady reduction to go on, and at the end of that time the appropriation was to cease. It was stated here over and over again by the chairman of the Appropriations Committee. We carried it one year over the established time. There it stands in the law, which I believe to be a very unusual thing, stating in the last year's law that that is the final appropriation.

Now, Mr. President, that having been carefully agreed on and worked out, I do not think it is well to reopen it. I do not think these annual debates are helpful, either to the cause of education among the Indians or to their civilization. We reached a common understanding, and we put it into law. Certainly there must be some point where we can come to an agreement and not have to have this policy fought over and over all the time. It has been the policy of the Government deliberately to give up these contract schools.

The Protestant schools were taken by the Government long ago

The Government stands ready to take the rest. They are not taken because, as has been said here, those who have them do not want to give them up. We have carried out the legislation as agreed on between the Houses, and we have given a year over, and now we are met with the fulfillment of that agreement, with the termination of that policy. It seems to me a very great mistake to reopen this old question and to have it fought out again, as it will be fought out; for, Mr. President, there are some of us who, despite all that is said about bigotry and intolerance, feel that there is something in the principle that taxes should not be levied on one man to support another man's faith, and who propose to stand on that principle and make such poor fight for it as they can.

Mr. GALLINGER. Mr. President, we were all charmed with the speech of the Senator from Missouri [Mr. VEST], and I quite agree with the Senator from Massachusetts [Mr. LODGE] that his voice is heard quite too seldom in this Chamber. But I want to dissent from two propositions which the Senator advanced, if I understood him correctly.

One is that action on the part of Senators who have opposed these appropriations has been because of intimidation from a certain organization known as the A. P. A. Certainly I have not been influenced by any such consideration, nor do I believe that any other Senator has been.

The other observation I wish to make is that I dissent entirely from the view the Senator stated as regards our Government schools. If I understood him correctly, he said that we might as well take this money that we appropriate to Government schools and destroy it, burn it up, or throw it into the Potomac River as to appropriate it in this way.

Mr. VEST. Mr. President, I beg pardon, but the Senator is mistaken. I distinctly stated that I referred to the day schools, and that if the Government would adopt the boarding-school system, as has been done by the Jesuits, they might have some hope of teaching these Indians, but they never could do it with the aid of the day schools. I repeat that statement.

Mr. GALLINGER. Well, the Government has adopted boarding schools. The criticism of the Senator does not have certainly a universal application.

Now, Mr. President, I have visited some Government schools for Indian children, and I have seen exactly the condition there existing that the Senator has pictured in the Jesuit schools. I had an opportunity of visiting the Government school on the old Fort Totten Reservation, on the shores of Devils Lake, in North Dakota, and I wish every Senator could visit that school. There he will find a large number of Indian children learning the trades. They have a harness shop, a blacksmith shop, and a shoemaking shop. The girls are taught cooking and sewing and all the useful arts of civilized life. The Senator says that he was met on a certain occasion by a brass band, the instruments being in the hands of Indian children, when he visited a Jesuit school. I had exactly the same experience at Fort Totten, and they played very well indeed—much better music than we get in New Hampshire at the ordinary political rallies.

Mr. VEST. I ask the Senator whether that was a boarding school or a day school?

Mr. GALLINGER. It was a boarding school.

Mr. VEST. A boarding school is all right.

Mr. GALLINGER. Mr. President, that is precisely what the Government is doing now. It is establishing these schools and teaching the children trades and useful occupations.

Mr. PLATT of Connecticut. Four-fifths of the Government schools are boarding schools.

Mr. GALLINGER. The Senator from Connecticut suggests that four-fifths of the Government schools are to-day boarding schools, and I presume that the remainder will be boarding schools in a very brief time if we carry out the present policy of the Government.

Now, the Senator has paid a very eloquent and I presume a very deserved tribute to the Jesuits who have done the great work that he has pictured. I know something of their history and I join with him in admiration for what they have done for civilization and for Christianity. But there are some men who are not Jesuits who have done as much as they. I presume the Senator has been to New Metlakahtla, in Alaska. He will find a Protestant missionary there who left England more than forty years ago and went into the wilderness of British North America, where the Indians were all savages and some of them cannibals, took his life in his hands and devoted himself to their interest and the principles of Christianity and civilization. Not many years ago he came over to American territory, and on an island in Alaska he has around him 1,000 Indians who have been Christianized and civilized, who have their brass bands, their schools, their churches, and their industries, and who have made internal improvements, the bonds for which are held by the Indians. Mr. Duncan (God bless him!) has never asked Congress to make an appropriation for the work he is doing there. I do not know that he would accept it if it were offered him. He is doing just the kind of work that the Senator has pictured as having been done by a certain other religious denomination in this country.

I have, Mr. President, not one particle of doubt in my mind that if we agree to-day that this question is settled, as it was agreed one year ago that it was settled, the Government will be abundantly able to take care of the education of all the Indian children. The Secretary of the Interior and the Commissioner of Indian Affairs say they can do it to-day, and that they can do it without Government aid, thus obviating the necessity of our making appropriations for sectarian purposes.

It does seem to me, as I expressed it a moment ago, that we ought not to revive this question, which has given rise, perhaps, to some feeling other than might be desirable in this Chamber; that we should agree that the Committee on Indian Affairs has reached a wise conclusion—pass the bill as it came from that committee, and let this question rest.

Mr. President, I appreciate every sentiment that fell from the lips of the Senator from Missouri. We know that he is sincere; we know that he believes precisely what he says; but after all I am satisfied that the policy of the committee is one that we can safely adopt, and that it will be better, all things considered, that it should be adopted and this vexed question settled.

Mr. VEST. Mr. President, I apologize for saying another word about this matter, but I do not care to have the Senator from Massachusetts put me in the attitude of advocating the taking of tax money from any citizen of the United States in order to advance the interests of any religious organization. I have attempted with my feeble use of language to make it plain that I was not prejudiced in favor of the Roman Catholic Church or desired to advance any of its doctrines; that I simply would employ the Jesuits as I would employ a mechanic to do work that I did not think could be done as well by anybody else, and that is my honest opinion.

There is something about the ceremonial of the Catholic Church that attracts the Indian. I found on that trip through Wyoming and Montana everywhere that the Indians wanted the black robes back on their reservations, for they had been driven off by the agents of the Government, by these Protestant teachers who were not teaching, but who were drawing money out of the Government for these day schools. I was at the Blackfoot Reservation, near Fort Shaw, where General Brooke, late military governor of Cuba, was then in command, and I spent two nights with him. I found there an old, broken-down Baptist preacher, from Rhode Island, who had been assaulted by the war chief of the Blackfeet but a few days before, and would have been killed but for the intervention of his daughter, because he had driven the black robes off the reservation. They had been compelled to go just outside of the line of the reservation and establish their school there. When I asked this old gentleman—he was over 74 years old—why he had done this, he said, because they had stolen his children, referring to two or three Indian children who had gone to the Jesuit school rather than to the day school, where, as I said, there were some twelve hundred enrolled and in daily attendance except on ration days, when there are only about a dozen.

One thing else and I am done. The Senator from New Hampshire [Mr. GALLINGER] appeals or rather cites that extraordinary case of Metlakahtla. I went to Metlakahtla in person up in Alaska and saw the Indians whom Duncan, the Scotch lay preacher of the Church of England, had weaned away from cannibalism, and out of whom he had made Christians. I never saw a man before whom I stood in more earnest admiration than this man, who had risked his life repeatedly in order to reclaim these savages from the terrible condition in which they had been put by the sorcerers who had full command of them.

When I went to that island where those Indians had been taught to erect houses and churches and schools by this self-sacrificing young Scotchman, then an old man, the Indians were then taking off the doors from the houses and the sashes out of the windows and their scanty domestic furniture and putting them in their great canoes, made out of the immense trees that grow in that latitude, and they were sailing away to a home within the jurisdiction of the United States, this land of freedom, religious and civil. It was the most pathetic scene that I have ever witnessed in all my life, where they were taking their scanty household goods and leaving their homes in order to seek protection under the Stars and Stripes of my country.

Why was this? Because religious bigotry and fanaticism had invaded even that distant island. This man Duncan had taught those Indians every dogma of our religion except the Lord's Supper. His great work had been to win them from cannibalism, taught them by the sorcerers. It had been the practice of the different tribes to make war upon each other in order to capture human beings, that they might be roasted and devoured like the meat of oxen. Duncan was afraid to teach them this sacrament, because they would turn on him and say, "Why, you tell us it is wrong to eat each other, and yet you want us to eat our God! You want us to eat the meat and drink the blood of the Saviour whom you

bring to us!" Duncan could not answer that proposition, and was afraid that with their untutored minds they would come to the conclusion that he was an impostor, and immediately return to the sorcerers and their infernal dominion.

The governor of the eastern province of British America (Vancouver) and the established church (the English Church), through its bishop, demanded that he should administer the sacrament of the Lord's Supper, and when he told them why he could not do it the bishop said: "Then you can not remain a lay minister of the Church of England, but you must give up this charge." Duncan appealed to the church in England. He went over there and appeared before the highest ecclesiastical authorities in Great Britain, and they affirmed the judgment of the bishop of Vancouver. He came back and told these Indians, amounting to twelve hundred, what had been the result of his mission, and he said, "Now I leave it to you, either to go with me to the domain of the United States or to remain here," and all but about three hundred—for they had voted a few days before I was there—concluded to go with Duncan.

He came here one year ago, perhaps eighteen months, for I saw him here, to ask authority from the Secretary of the Interior and the President to occupy some of the vast domain which we have acquired from Russia in order to plant there the new Metlakahtla as a place of refuge from the bigotry and fanaticism and ignorance of the ecclesiastical authorities that had attempted to degrade him before his people because he would not administer the sacrament of the Lord's Supper in accordance with their views.

Mr. President, there could not be a more conspicuous example of how men, conscientious and good men, under the dominion of religious prejudice and fanaticism, can be induced to commit a great outrage like this.

Mr. SHOUP. Mr. President, I desire to ask the Senator from Missouri a question.

Mr. VEST. Certainly.

Mr. SHOUP. The Senator from Missouri has referred to the Indians of Metlakahtla, under the control of Professor Duncan. Let me ask the Senator if those Indians have ever received one dollar from the Government for the maintenance of their school children?

I, too, have visited Metlakahtla. I admire Professor Duncan for what he has done. He has built up a people taken almost from a state of cannibalism, and that without one dollar of appropriation from this Government. To-day they have a cannery of their own; every Indian lives in a house; he has his heating stove and his cook stove, his furniture; he has comfortable chairs, bedsteads, bedding, and everything much better than many white people. They have their own company store, their fisheries, and their sawmill.

They provide all their own sustenance and educate their own children, and they have not invited or asked the United States Government for one dollar in the way of education. They have built a church edifice there that would be a model building in any one of our inland towns throughout the United States, and every particle of work about that building, from the cutting down of the tree, the sawing of the lumber, and the putting of it into place, has been done by the Indians. They have used their cedar wood, with its variegated colors, and they have ornamented it; as I said before, they have their own sawmill, their own fishery. Mr. Duncan deserves an immense amount of credit; but he has never yet asked the United States for one dollar for the education of those Indian children.

Mr. JONES of Arkansas. Mr. President, I shall detain the Senate but a moment. There were some suggestions made by the Senator from Massachusetts [Mr. LODGE] and the Senator from New Hampshire [Mr. GALLINGER] that I think ought to have a reply to.

The Senator from Massachusetts expressed himself as being opposed to levying taxes for the purpose of supporting sectarian schools, and the Senator from New Hampshire spoke of the appropriations which have been heretofore made as being appropriations in aid of contract schools. The fact is that the Government of the United States pays $167 for each one of the pupils for a year in all the Government boarding schools; that is the rate at which appropriations are made to take care of those pupils; whereas those that are taken care of in the contract schools are taken care of in the very same way for $108.

Now, how it can be said to be a donation to one of these contract schools to give them $108 for doing what we pay the Government school $167 for doing passes my comprehension.

Mr. PETTIGREW. Right in that connection I should like to suggest to the Senator also that in the Government schools the buildings are heated and lighted and cared for by the Government at a cost in addition to the $167 for each pupil, while in the contract school the $108 covers the whole expense.

Mr. JONES of Arkansas. That is true.

Mr. PETTIGREW. So that we pay about half for educating the children in the contract schools that we do in our own schools, all of which must be paid for out of the taxes taken from the people.

Mr. JONES of Arkansas. For the education of the 2,000 pupils who are this year in contract schools we are paying $216,000, and that includes everything. If they were put in Government schools next year, we would pay $334,000, and in addition to that the cost of lighting, heating, and fuel, and all of those other expenses. So there will be a saving of $118,000 on this particular item—that is, the contract schools would perform for $108 the work which in our own schools costs us $167 for each pupil; and yet Senators stand up here and talk as if we were making a donation of $108 per pupil to each of these organizations.

In the appropriation bill of last year these words appear:

This is the final appropriation for sectarian schools.

The amendment I have proposed is not an appropriation. I have not proposed any appropriation. The appropriations are already made. The amendment I have proposed is simply this: It puts the matter in the discretion of the Secretary of the Interior. If he finds that there are not sufficient Government schools to take care of the Indians at a particular reservation, he may, if he chooses to do so, have them taken care of in the contract schools, where, instead of paying $167 for each pupil, it will cost but $108 each to do it. There is no appropriation in it; there is no violation of any agreement ever before made. It is simply a humane proposition to prevent the 2,000 children who are now in the contract schools by the action of the Government from being deprived of school facilities.

As to the increase in the capacity of the Government schools, I have had a compilation made from the reports of the Department, from which it appears that in 1895 the capacity was 16,950; in 1896 it was 17,806; in 1897 it was 18,610; in 1898 it was 19,874; in 1899 it was 20,126. This is the rate at which the capacity of these schools has increased: There was an increase of 4 per cent in the capacity of the schools from 1894 to 1895; an increase from 1895 to 1896 of 6 per cent; from 1896 to 1897 of 4 per cent; from 1897 to 1898 of 6 per cent; but from 1898 to 1899 an increase of only 1¼ per cent. This shows the reason why there is not a sufficient capacity in these schools.

Mr. TELLER. Mr. President, I want to offer a substitute for the amendment of the Senator from Arkansas.

The PRESIDENT pro tempore. The Senator from Colorado proposes an amendment to the amendment, which will be read.

Mr. TELLER. I will read it myself, for fear the clerks may have some trouble with it. I propose the following as a substitute:

The Secretary of the Interior shall take such measures as he may consider necessary to provide educational facilities for all the Indian children now in Government and contract schools, especially those who may be discharged from contract schools.

Mr. JONES of Arkansas. I am perfectly willing to accept that substitute if the Senator will change it so as to authorize the Secretary of the Interior to place the Indian children in contract schools if he deems it advisable or believes it to be best to do so.

Mr. TELLER. I think this gives him pretty general authority.

Mr. JONES of Arkansas. The last Indian appropriation law said that was to be the last appropriation for contract schools. I want it to appear that the Secretary of the Interior has a right, if he believes it to be necessary, to make contracts for the education of Indian children in contract schools,

Mr. TELLER. I think I would leave that matter in the discretion of the Secretary of the Interior. I am not myself one of those who have ever been disturbed about the contract schools. The contract school system grew up because the Government did not furnish sufficient appliances in the way of buildings and teachers for the number of Indian children who were anxious to go to school, and it grew up largely after 1880, which was about the first of it. It increased during the years 1882, 1883, 1884, and 1885 quite rapidly, and increased because the Government appropriations were considerably larger than the facilities furnished by the Government. The Government had not the facilities, had not the schoolhouses, to take up and use the appropriation. It was my duty at that time, having connection with the Interior Department, to provide facilities for those children. I found this system in vogue. I had never heard its usefulness questioned, nor had there been any complaint up to that time that it was an un-American system. I was exceedingly anxious, as were, I think, the public, to have all the Indian children who would go to school furnished an opportunity to do so, and a large number of them were put in schools.

It has been complained on the part of some people that the Roman Catholic Church got more than their share. If they did, Mr. President, it was simply because they were prepared to take charge of and afford facilities for the education of a greater number of children than any other branch of the Christian church; that was all. It was through no favoritism either then or subsequently, but the Catholics were better prepared with their church system than all the others put together. The result was that they got

